



Reports on Legislative Activities

(May 1 — July 31, 1983)



Nova Scotia

The Second Session of the 53rd General Assembly in Nova Scotia adjourned June 1, 1983, and was one of the shortest in recent years. The legislature passed one hundred bills which, for the most part, were of limited consequence. An exception was the new *Planning Act*, a replacement for the province's first venture into planning in 1969. The new Act has been several years in the drafting stage, the government having bent over backwards to allow for public scrutiny of proposed changes. This entailed numerous seminars involving planners and municipal officials and a "traveling road show" which elicited public input in every part of the province and culminated in the introduction of Bill 71 this session.

While Nova Scotia procedures for dealing with bills are quite standard, our Assembly is unique in that all public bills are referred to the Law Amendments Committee after second reading. The public at large (through organizations or individually), by customary right, present briefs and make known to the Committee their reactions to all new public legislation. After many submissions to the Committee, the *Planning Act* came back to the House with more than one hundred amendments! This dramatic effect shows the value of the Law Amendments Committee process.

Another matter of some interest involving the same Law Amendments Committee occurred during the session. The Committee considered Bill 83, which was a single clause amendment to the *Theatres and Amusements Act* changing some of the penalties for violations of the Act. When the bill was reported back to the House by the Committee, it looked quite different. It retained the original clause concerning changes in penalties under the Act, but five additional clauses were added to the Bill which now imposed a tax on cable television services.

On April 18 the Minister of Finance, **Joel Matheson**, had delivered his budget, in which he announced a tax on cable television services. But when this item was added to Bill 83 by the Law Amendments Committee, the opposition objected. On May 24 the member from Antigonish, **J. William Gillis**, argued that only a Minister of the Crown, not a parliamentary committee, can introduce a tax measure. Furthermore, he argued substantive changes by the committee violate the principle that committees can change only *details* of legislation approved in principle by the House.

On May 25 Speaker **Arthur Donahoe** made a decision which in effect ruled out of order the clauses relating to the imposition of a tax added by the Committee. The Speaker indicated that the Committee, while possessed of the same power on bills as a Committee of the Whole House, had exceeded its jurisdiction in that the amendments recommended went beyond the principle of the Bill. In the absence of unanimous consent to the changes, the Speaker ordered the Bill sent back to the Law Amendments Committee. The original Bill, with minor changes, was later reported and subsequently passed by the House. A totally new Bill was introduced with respect to the taxing of cable television services. It received quick passage through all stages and was given Assent before the end of the session. Nevertheless the Speaker's ruling

served to remind members that an important parliamentary convention had been broken.

Rod MacArthur
Assistant Clerk
House of Assembly
Nova Scotia



Yukon

The Third Session of the 25th Legislature was adjourned May 2, 1983. The only legislative activities which have taken place since then are the sittings of the Standing Committee on Rules, Elections and Privileges. That committee is attempting to come to some agreement on a pension plan for members of the Yukon Legislative Assembly. It is also examining a proposal for implementing a system of severance pay.

Although the legislative program for the fall sitting is not yet clear, it has been announced that new human rights legislation will be introduced. The Minister of Justice, Hon. **Clarke Ashley**, has requested written submissions on the legislation from interest groups and concerned individuals and says that it will include new areas of protection "to ensure that Yukoners are afforded the same rights as other Canadians." The Assembly is not expected to resume until sometime after mid-October.

Patrick L. Michael
Clerk
Yukon Legislative Assembly
Whitehorse



Ontario

Following the pyrotechnics of the winter sitting over the government's public sector restraint programme, the "trust companies affair" and the controversial bill dealing with Toronto school boards, the spring sitting proved relatively quiet. No single issues dominated the House as had been the case in the previous session.

In question period, the Liberals continued to pursue the government's regulation of trust companies. The Leader of the opposition, **David Peterson**, also devoted substantial time to the issue of pornography, calling for government action against what he termed "an explosion of new forms of violent pornography that are socially offensive in every way". The New Democrats' questions were mainly directed to government scrutiny of nursing homes and of illegal strike breaking activities by private security firms. Both opposition parties asked an unusually large number of questions of Environment Minister **Keith Norton**, ranging in topic from acid rain to sanitary landfill sites to water quality in the Great Lakes. On two separate occasions, the Speaker, **John Turner**, found it necessary to adjourn the House for grave disorder during question period. Once the cause was a demonstration in the public gallery and once the Speaker used his prerogative to cut short a shouting match between Health Minister **Larry Grossman** and NDP Leader **Bob Rae**.

The Budget

The most significant event of the spring sitting was Treasurer **Frank Miller's** fifth budget, on May 10; however, controversy focused more on a leak of budget material than on the contents. Several days before the budget, a *Toronto Globe and Mail* reporter found discarded budget proofs in a garbage bag outside the printing plant where the budget was being produced. Among other things, the documents pointed to specific spending decisions and

a five per cent increase in health insurance premiums.

The morning the *Globe* published the budget material was almost entirely taken up with points of order and privilege. Both Mr. Peterson and Mr. Rae called on the Speaker to rule that the 'leak' constituted a breach of parliamentary privilege. Other speakers widened the debate by raising the issue of ministerial responsibility and the traditions surrounding budget secrecy. They called upon the Treasurer to resign. The Speaker ruled that budget secrecy is a matter of political convention rather than parliamentary privilege. He did, however, permit an emergency debate on the matter.

For his part, the Treasurer indicated that he would present his budget as scheduled and then take a decision as to possible resignation. Several days after bringing down his budget, Mr. Miller announced to the House that after careful thought he had decided to remain as Treasurer. His advisors, he said, had concluded that the three requirements for the Minister's resignation were all absent: "First, the Minister himself was not in any way responsible; second, all reasonable precautions had been taken; and third, no tax measures were involved, prior knowledge of which could have prevented unfair gain".

As for the budget, its prime objective, said the Treasurer, was "to encourage and sustain the economic momentum as it gains strength". He likened the Ontario economy to a patient who has been taken off the critical list but remains in only fair condition. Mr. Miller stipulated that the government's role was to assist the private sector, which, necessarily, is leading the economic recovery.

Based on predictions of 1.9 per cent real growth for gross provincial product and an increase in the consumer price index of 6.6 per cent (the lowest in a decade), the Treasurer forecast provincial spending at \$24.7 billion and revenue at \$22 billion, creating a record deficit of \$2.7 billion. Unemployment was expected to be in excess of 11 per cent.

The principal new measures announced in the budget related to job creation and manpower training. An accelerated capital works programme, expansion of the joint Canada-Ontario job creation scheme and a special \$25 million fund for youth employment were central features of the government's policy to stimulate employment. In addition, the retail sales tax was lifted for 90 days on household furniture and appliances so as to encourage

consumer demand for Canadian products. Other initiatives included a beginning farmers programme to subsidize loans to new farmers, incentives to encourage more industrial research and development and a \$40 million package to improve rental accommodation.

On the taxation side, the perennial favourites, liquor and tobacco were subjected to higher taxes; health insurance premiums were raised five per cent; corporation taxes were increased by one percentage point; and provincial personal income tax was subjected to a temporary five per cent surcharge, styled a "social services maintenance tax".

Mr. Miller announced the end of Ontario's long-standing veto to the "child-rearing drop-out" provision to the Canada Pension Plan, which would permit women to leave the labour force to raise families without suffering reduced CPP benefits upon retirement. On a less happy note, the Treasurer took the opportunity of the budget speech to warn recipients of provincial funds — municipalities, school boards, hospitals and other public agencies — that they should not anticipate future funding increases "at levels above, or even at, the rate of inflation".

Liberal Finance spokesman, **Patrick Reid**, criticized the budget as one riddled with sins of omission. He did not object to much that was in the budget, but castigated its failure to deal effectively with unemployment or the long term structural problems of the Ontario economy, particularly those relating to productivity. The budget, said Mr. Reid, "has refused to face the future squarely". After detailing what he saw as the budget's shortcomings in the agricultural, tourism and auto manufacturing sectors, in provision of social services and environmental protection, and in efficient management of the public purse, Mr. Reid concluded that the Treasurer should resign "not because of the leak but because this is an abysmally bad budget".

In his response to the budget, the NDP Treasury critic, **David Cooke**, attacked the Treasurer for accepting and failing to deal with a very high level of unemployment. He contrasted the budget's "miserly approach to youth unemployment" with its "\$200 million tax giveaway" to profitable small businesses, which he dismissed as political gimmickry. The way out of the province's economic difficulties, Mr. Cooke argued, is through a government actively involved in creating jobs in the food processing industry, in housing, in the social services and in manufacturing. The private

sector was not leading Ontario towards economic recovery, he said, so that it was up to the government, through public investment, to lead the way.

Legislation

Most of the government legislation dealt with during May and June was relatively routine and non-controversial. Among the more significant bills were Education Minister **Bette Stephenson's** measure to limit university deficits and to impose government sanctions and controls on universities whose operating deficits exceed two per cent of their budgets, and a bill brought forward by Health Minister **Larry Grossman** authorizing the government to take control of nursing homes under special circumstances. Introduction of this measure followed weeks of attack by Mr. Rae and his health critic, **Ross McClellan**, on Ministry regulation of the nursing home industry.

On June 21, the last day before the summer adjournment, Government House Leader **Tom Wells** sought and received three readings for an amendment to the *Legislative Assembly Act* raising members' indemnities and expense allowances by just under five per cent to \$33,345 (indemnity) and \$11,130 (non-taxable allowance). The extra indemnities paid to presiding officers, ministers, parliamentary assistants, whips, house leaders and committee chairmen were increased in similar proportion. The bill also established a new grievance procedure for employees of the Legislature.

Liberal Whip **Dick Ruston** put forward a rather different amendment to *The Legislative Assembly Act*. His private member's bill, which received second reading on May 19, would deduct \$100 for each day (in excess of 10 days a session) an MPP missed a House sitting except for reasons of illness, official business or pregnancy. Although the bill was supported by a majority of government members, including the Chief Government Whip, it had not been called by the government for committee stage by the time of summer adjournment.

Committees

The bulk of committee activity through May, June and July was given over to estimates review. The Resources Development Committee continued its review of workers' compensation, and in holding public hearings found itself in an unusual venue. The Committee sent notices of a public meeting to tens of thousands of injured workers and, despite arranging for an extremely large

meeting room, found itself hopelessly overcrowded with spectators. Eventually the meeting was reconvened with the committee and the witnesses on the front steps of the Legislature speaking to a noisy crowd of hundreds of compensation recipients. The casual observer might well have mistaken the committee meeting for a protest rally!

In May the Select Committee on the Ombudsman presented a special report calling on the Legislative Assembly to take a more active role in speaking out against violations of human and political rights throughout the world. The committee argued that, provided representations are channelled through the Department of External Affairs, there is a positive duty for provincial legislatures to combat the evils of political repression and torture wherever they occur.

Graham White
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Ontario Legislative Assembly
Toronto



Saskatchewan

After 59 sitting days, the Second Session of the 20th Legislature adjourned for the summer on June 17, 1983.

Statistics demonstrate that the House has been busy: in the last year, the Assembly sat for a total of 111 days and passed 160 pieces of legislation. Major bills passed in the spring portion of the current session included legislation to reorganize the provincial government creating new departments and shuffling responsibilities in an attempt to make government more efficient, a new *Vehicles Act* permitting the taking of blood samples from people involved in accidents and suspected of being impaired and a bill to establish a system of autonomous local government in northern Saskatchewan. The most controversial

legislation of the session has been Bill 104, amendments to the provincial *Trade Union Act*, which increases the rights of employers, makes it more difficult to form unions and prohibit strikes or lockouts during the life of a collective agreement. This Bill was passed just prior to the summer adjournment.

One unusual event during the session was an apology to the Assembly by Premier **Grant Devine** after he provided incorrect information to the Committee of Finance during review of spending estimates for the Executive Council. He had told the committee that no decision had been made to raise the salaries of some out-of-scope staff, but cabinet documents later revealed by the Opposition showed he was mistaken.

David Mitchell
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Regina



Alberta

The 20th Legislature resumed its spring sittings April 28 after a four-day adjournment for public hearings into Bill 44, the *Labour Statutes Amendment Act*. The sittings continued until June 6, making it the longest session in many years (89 days). A total of 114 pieces of legislation were introduced; 81 were passed; and a number of important legislative initiatives were undertaken.

Legislation

After the public hearings, Bill 44 was passed by the Assembly with several amendments and received Royal Assent June 6, despite opposition by the New Democratic Party members.

Following study by a standing committee of a government White Paper proposing changes to the *Legislative Assembly Act*, Bill 67 was introduced into the House. The major changes included a clarification of the areas of potential conflict of interest to MLAs, allowance for air travel for MLAs for northern Alberta constituencies, and a waiver of the power to extend the life of a legislature beyond five years during an emergency. (Such power had been granted to the Assembly by section 4(2) of the new Constitution.) Bill 67 received Royal Assent on June 6.

Two other Bills of considerable interest passed during the spring sittings were Bill 60, the *Surface Rights Act*, and Bill 38, the *Health Care Statutes Amendment Act*. Bill 60 brought changes to the process of determining surface rights settlements in response to a 1981 select committee report and recommendations. Many of the recommendations of this committee were incorporated in the new legislation, including provisions for a payment to land owners to cover the force-take aspects of the procedure. Bill 38 introduced the practice of suspending Alberta Health Care Insurance coverage if a person is more than three months in arrears in health care payments. Both bills were debated at length and received Royal Assent on June 6.

Racism

In mid-April the NDP opposition members questioned the government about the actions it planned to take against an Alberta teacher who had been fired for promoting anti-Semitism in his classroom. On May 12 Premier **Peter Lougheed** responded to the situation in a ministerial statement with a three-part plan of action: first, a public education program might be aimed at combatting racism; second, the Department of Education was requested to begin a review of the curriculum guidelines to ascertain how tolerance could be promoted in the schools; and finally, the Minister of Education was asked to recommend new procedures that could be established to promote more effective parent-school communication to eliminate similar occurrences. The opposition welcomed these initiatives and called for quick action on the plan. In June, the Minister of Education announced the appointment of a committee to review possible changes to the education system to promote tolerance and understanding of other religions and races.

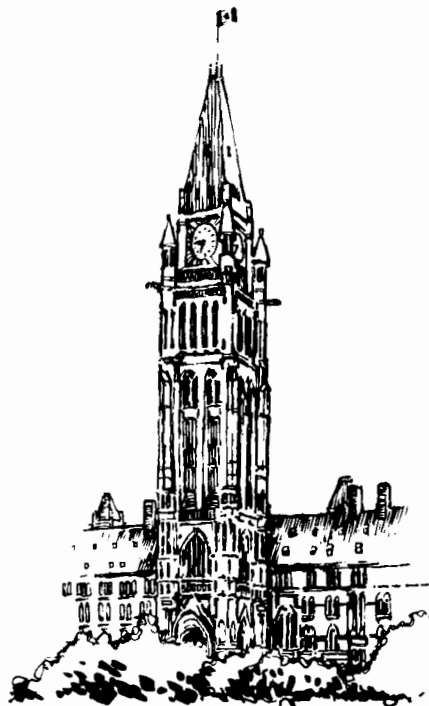
Question Period

On May 19 NDP member **Ray Martin** rose to ask a question dealing with purchasing

practices of the Alberta government in 1979. The question was ruled out of order by Speaker **Gerard Amerongen** because the matter it dealt with was not current. Subsequent questions were also disallowed, and Mr. Martin rose and left the Chamber. **Ray Speaker**, Leader of the Independent Opposition, raised the issue as a point of privilege the next day, arguing that members were clearly entitled to ask questions about the past. Speaker Amerongen denied that a question of privilege was involved and proposed to outline more fully the rules governing questions that may be asked during Question Period.

On May 30 the Speaker read a statement clarifying the rules and procedures to be followed in Question Period. This statement was publicly criticized by opposition members. The four opposition MLAs subsequently declined to participate in Question Period for the duration of the spring sittings.

Keith Krause and Deborah Steinstra
Legislative Interns
Alberta Legislative Assembly
Edmonton, Alberta



Senate

There was much committee activity during the period under review. On June 15, Senator **Paul Lafond** tabled the Report of the Foreign Affairs Sub-committee on National Defence entitled "Canada's Maritime Defence". The Report climaxed an 18

month study of the Maritime Command (MARCOM). As Senator Lafond told the Chamber "The story we have to tell is not a pleasant one; it is a sad one. We have been and are being terribly imprudent in ignoring elementary safeguards for the protection of our sovereignty, in peace as well as in conflict, and we are unacceptably deficient in honouring commitments to our allies in the defence of our continent or of the alliance of democracies".

The Sub-committee made thirty-two recommendations for improving MARCOM. It proposed that work on a white paper on national defence begin immediately and that it be followed by a government commitment to insure that the required manpower and material will be provided according to a definite timetable. It recommended that the defence budget be increased by seven per cent. It made a number of proposals for a balanced fleet and recommended the purchase of 18 more Aurora aircraft. It stressed that the primary aim of Canadian maritime defence policy should be the creation of a renewed, balanced fleet within twelve years. The Sub-committee plans to continue its study of the Armed Forces, including the review of other commands, such as the Mobile Command and the Air Command.

On June 16, Justice Minister **Mark MacGuigan** appeared before the Special Committee on the Reform of the Senate and submitted the government's long-awaited discussion paper on Senate reform. Designed to provide the Joint Committee with the preliminary views of the government and to encourage public discussion, the paper dealt with a number of subjects. It reviewed the principal functions that could be performed by a reformed Senate. It considered the various methods of selecting Senators, the powers the Senate might exercise, the various ways seats might be distributed and the ways in which the aboriginal peoples of Canada might be represented. At the moment, the government feels that of all the potential functions for a reformed Senate, regional representation is the most important. With regard to powers, they "should be just strong enough for it to make its weight felt, where appropriate, but not so strong as to prevent Parliament from taking decisive action where national leadership is required". With regard to the three options by which Senators could be chosen — direct election by the people, appointment by governments or indirect election involving the provincial legislatures and the House of Commons, the government did not express a preference but instead stated that it looked forward to the

Joint Committee's conclusions before it made up its mind. The Joint Committee continued its work over the summer and after cross country hearings in the fall expects to submit its final report by December 1, 1983.

On June 29, on motion by government Leader **Bud Olson**, the Senate approved the establishment of a special committee to examine the subject matter of Bill C-157, the *Canadian Security Intelligence Service Act*. The committee was given the power to act jointly with any similar committee appointed by the Commons. It is chaired by Senator **Michael Pitfield** and is to submit its report not later than October 27, 1983.

Legislative Activity

Bill S-32, *An Act to amend the Penitentiary Act and the Parole Act*, which had been referred to the Legal and Constitutional Affairs Committee on November 23, was subjected to a lively debate. The Bill, as passed on second reading, dealt primarily with the case of an offender on mandatory supervision and what would happen if mandatory supervision were revoked. In committee, Solicitor General **Robert Kaplan** suggested certain amendments relating to the practice of "gating" federal inmates, i.e. re-arresting potentially dangerous offenders until their entire sentence has been completed. Senator **Earl Hastings** objected to the admissibility of the amendments on the grounds that they were beyond the scope of the Bill. Committee Chairman **Joan Neiman** ruled that the amendments would, if adopted, extend the provisions of the Bill to objects that, although they were cognate to its general purposes and within its principle, were not covered by the subject-matter of the Bill as disclosed on second reading. She felt that the committee should seek an instruction from the Senate before it proceeded with the amendments. The instruction was given by the Senate May 31. The amendments were subsequently passed by the committee, reported and concurred in by the Chamber, and the Bill was given third reading and sent to the Commons on June 9.

Bill S-33, designed to give effect to the *Uniform Law Evidence Act* adopted by the Uniform Law Conference of Canada, was referred to the Legal and Constitutional Affairs Committee last December, and has undergone intensive study. Many organizations and individuals have appeared as witnesses, including the Canadian Bar Association and *le Barreau du Québec*.

The most frequent criticism made to the committee is that, during the genesis of Bill S-33, there was insufficient consultation with academic experts as well as with the practising Bar, with the result that the Bill tended to be "Crown oriented". There was also doubt expressed as to whether S-33 was a code of evidence. On June 28, Senator Neiman was given leave by the Senate to make an interim report on the Bill. The Committee recommended that the Justice Department, when revising the Bill, should work closely with the appropriate professional groups; and that the revision contain a preamble indicating clearly that the *Uniform Law Evidence Act* is not intended to be a code. The committee plans to continue its hearings on the Bill.

Constitutional Amendment

On June 28, Deputy Government Leader **Royce Frith** moved a resolution authorizing the Governor General to issue a proclamation to amend the Constitution with respect to aboriginal rights. It was the first Government-sponsored amendment to the Constitution since the April 17, 1982 proclamation of the *Constitution Act, 1982*. The Senate dealt with the resolution concurrently with the House of Commons. The amendments proposed to broaden the scope of aboriginal rights to include rights that now exist by way of land claims agreements. They also proposed that aboriginal rights be guaranteed equally to male and female persons and that more constitutional conferences regarding aboriginal peoples be held. Senator **David Steuart** expressed misgivings at the speed at which the government was proceeding in having the resolution passed and suggested that more consideration be given to the serious implications the amendments, if adopted, would have. He moved an amendment that the resolution be not now adopted but that the subject-matter be referred to the Legal and Constitutional Affairs Committee for study during the summer recess. The Senate concurred in Senator Steuart's amendment. Although a constitutional amendment of this type needs the agreement of the Senate, the Senate's veto may be overridden within 180 days after the Commons had passed the amendment, by the Commons' re-adopting the resolution.

Gary W. O'Brien

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House of Commons

In the early evening of Thursday June 29th, the House adopted a motion to adjourn for the summer proposed by **Yvon Pinard**, the Government House Leader and supported by the House Leaders for the two opposition parties. This was the first time in some years that the House began its break before the July 1st holiday — a consequence of the provisional changes to the Standing Orders put into force last December. The adjournment came at the end of two months of considerable activity during which the government faced determined opposition to its bill to alter the Crow rate but secured the passage of Canagrex legislation and several other bills including some related to the budget.

The difficulties encountered with the Crow Bill demonstrate once again the influence of a determined opposition on the proceedings of the House. This particularly contentious bill was stalled for over a month while other legislation passed through the House more easily and quickly. Though the government has a majority and controls the sequence of debate for its own business, the opposition has the ability to delay or accelerate the process of legislative consideration. The significance of delay comes from the fact that there is a fixed daily adjournment and thus a limited time during a sitting day for debate. As days are lost, the government must either rearrange its calendar of legislation, seek an understanding with the opposition, or ultimately seek to limit debate through time allocation or closure.

In the case of the Crow Bill, which proposes to change dramatically the historic fee structure for moving western grain by rail, the events of May and June demonstrated the wide range of procedural tactics available to the opposition to frustrate the government's legislative plans. It began the very day **Jean-Luc Pepin**, the Minister of Transport, sought leave to introduce Bill C-155. Normally, this is a very routine matter. However, on this occasion the opposition insisted on a recorded division and the government was caught unprepared. The bells were kept ringing for several hours while the government mustered their backbenchers. Once they were confident that they had enough supporters to carry the vote, it was the turn of the Progressive Conservatives to decide that they were not ready to come into the House. Finally, after 10:30 p.m., Speaker **Jeanne Sauvé** announced that the vote would not take place until the next morning, and that accordingly the sitting would be suspended until then.

The next day, after the vote had been taken, the government moved the first reading of the bill, and again there was a recorded division. Two days later, May 12, the debate on second reading began. On May 16, **Eugene Whelan**, the Minister of Agriculture gave notice of the government's intention to allocate only one more day to the debate at that stage. The reaction of the opposition came the following day when **Blaine Thacker** denounced the government's decision and moved "That this House do now adjourn". The bells continued to ring for the rest of the day until the Speaker intervened to declare that the motion had lapsed because the hour of adjournment had been reached.

On May 19, the NDP blocked consideration of any government business, including the two hour debate required prior to adopting a time allocation order, by taking up the entire day in reading ninety-six petitions protesting the proposed changes to the Crow rate. When it appeared that they might again introduce a lengthy series of petitions on May 24 the government sought to short-circuit the tactic. Mr. Pinard moved that the House proceed to orders of the day. Such a motion, however, requires a vote and again the opposition took the opportunity to keep the bells ringing in protest. At six p.m. the Speaker informed the House that the motion had lapsed and the sitting was adjourned in accordance with the Standing Orders.

In the last days before the scheduled adjournment, the government made another attempt to secure second reading by resorting to the previous question. Second reading was finally obtained June 22 in return for a promise that the Standing Committee on Transport would hold cross country hearings on the Bill during the summer.

Second reading of Bill C-155 followed by one week the third reading of another much disputed piece of legislation, Bill C-85, creating Canagrex, a crown corporation charged with the responsibility of promoting food exports and of finding new markets for the country's agricultural products. The Progressive Conservative opposition had spoken against the bill since it had been introduced. Last December, they protested vigorously when the government attempted, and succeeded, in imposing time allocation limiting debate at report and third reading stages to two days. It was not until June, six months later, that the government brought the bill before the House for the final debate.

Several other bills considered in the House before the summer adjournment were much less contentious. Three of these were related to the budget presented last April by **Marc Lalonde**, the Minister of Finance. Two bills, C-147 and C-148, concern loans to support the farm sector and the fisheries. The third bill, C-161 increases loans available to university students and extends the repayment deadline for those graduates who are unemployed. Cooperation among the parties permitted the legislation to pass through the House without delay. All three passed through second reading, committee, and third reading stages the same day.

Two other bills were also passed by the House in June. The first was Bill C-156, adopted June 2, which amends the *Unemployment Insurance Act* by improving unemployment insurance benefits for maternity leave and providing payments to parents adopting children. The second legislative measure which received third reading was Bill C-95. This bill allows the government to conduct a betting pool on sporting events like hockey or baseball. One of its objectives, according to the government, is to raise revenue in support of the Calgary Olympics. Opposition critics charge that the scheme would involve the government in a gambling operation and could be used to support patronage.

Committee Reports

Several committees submitted reports to the House on legislation and routine matters. One special committee was set up, a Parliamentary Task Force, to study the problems faced by visible minorities. The seven member task force under the chairmanship of **Bob Daudlin** will report its findings within six months.

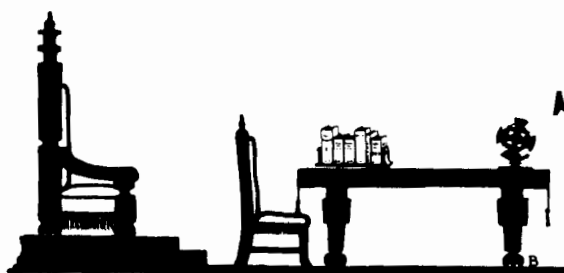
The Special Committee on Standing Orders and Procedure presented its seventh report which recommended changes to enhance the role of parliament with respect to financial accountability. According to the special committee, there is a need to create several more committees if the House is to "exercise greater influence in the examination of public expenditures and finance". These committees would supplement the work already being done by the Public Accounts Committee. The first of these would be concerned with the fiscal framework of the government. Taking a macro-economic perspective, it would seek "to relate more closely the revenue and expenditure sides of government finances

and examine more closely the government's overall handling of the national economy and the direction which this should take". A second committee would concentrate on reviewing the government's expenditure plans. A third would be charged with the task of scrutinizing the activities of agencies which are Crown-owned or Crown-controlled or in which the government has an interest. To better coordinate the efforts of these committees in their investigation and surveillance of the government, the report recommended the establishment of a liaison committee which would have the responsibility of facilitating the flow of work and information among committees in order to eliminate any potential conflicts, overlaps and duplication.

Administration of the House

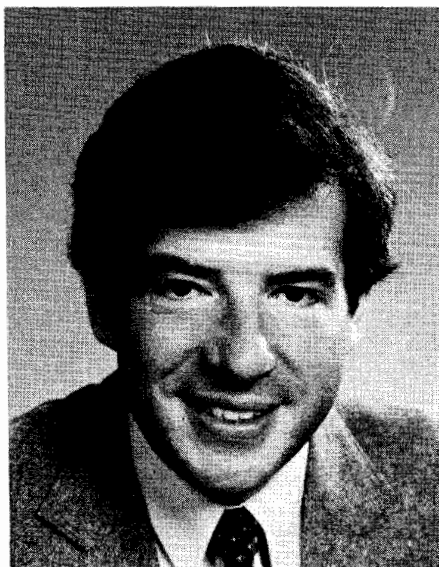
On May 26, the Speaker tabled a follow-up report by the Auditor General to his 1980 study of the administration of the House of Commons. The report reviewed the changes implemented during the past three years and surveyed the opinions of "31 Members, certain of their support staffs and approximately 90 House officials". The report found that "management has made significant progress in addressing the major deficiencies. The House is now in a much better position to provide and maintain the levels and quality of service required by Members and to do so efficiently and economically". The report noted with approval the changes implemented since 1980. The structure of operations in the House has been substantially revamped and rationalized. The administrative responsibilities formerly borne by the Clerk of the House have been assumed by a full-time Administrator. This "basic separation of responsibilities between procedure and administrative functions has provided better career path structure for career progression within the House." The report also noted that the "administrative, financial and operational systems procedures and controls have been significantly improved." To insure that the changes implemented to date become permanent the report recommends that "the House should consider formalizing the position of Administrator and the administrative organizational structure in governing legislation and/or Standing Orders".

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Speaker's Ruling

Question of privilege related to alleged misleading of the Quebec National Assembly, June 7, 1983.



Richard Guay

The background: On March 17, 1983, it was alleged in *La Presse* that Quebec Premier René Levesque had misled the National Assembly in answering opposition questions about the out-of-court settlement of a damage suit stemming from the wreckage of the James Bay hydro site LG-2 in 1974. On the opening day of the new session, March 23, 1983, the opposition called for a parliamentary committee to look into the matter. The inquiry was turned over to the Standing Committee on Energy and Resources which held 24 meetings on the matter between March 30 and June 3, 1983.

On June 6, the Speaker informed the National Assembly that the opposition House Leader and seven other members had informed him that they intended to raise a question of privilege on this matter. They claimed that upon examination and verification of the facts, certain answers have proved in part to be incomplete and inaccurate, having thus clearly misled the Assembly.

The ruling: (Speaker Richard Guay): As defined by Luther Cushing at paragraphs 529 and following of the 9th Edition of his treatise *Elements of the Law and Practice of Legislative Assemblies in the United States*, and resumed in former Standing Order relates to the security, the dignity and the freedom of deliberation and expression both of the House in its collective capacity, and of the Members, individually. Privileges are basic principles deeply rooted in British parliamentary law. The privileges of the National Assembly and of its Members are set out in the *Act respecting the National Assembly* (Chapter III, Division I). Standing Order 99.9 states that it is not permitted to refuse to accept the word of a Member. This does not constitute a privilege but rather an obligation on a Member to accept the word of a fellow Member and, consequently, the right of the accused to raise a point of order. Standing Order 99.9 is therefore relative to the question before us. While Standing Order 99.7 allows, by way of a motion, to raise a matter which may not be mentioned in a statement, paragraph 9 of the same Standing Order admits of no exception. In no circumstances may a Member's word be doubted as this would be contrary to the rules of the House.

It is permitted, under Standing Order 80, to call in question the conduct of a Member. If the accused denies the charge, the Committee examining the matter is not bound to determine whether a lie has been told but rather if the alleged act has been truly committed.

The rule which stipulates that a Member shall be taken at his word does not necessarily mean that all which he states is complete and accurate. If it is believed that a Member has erred, it is for the public to pass judgement.

The House may treat the making of a deliberately misleading statement as a contempt. One such example occurred in Britain some twenty years ago and is mentioned on page 142 of the 19th Edition of Erskine May's parliamentary treatise.

The facts should prove without a doubt that the House has been misled, and the Member charged, in full recognition thereof, loses the assumption which exists in his favour under Standing Order 99.9.

Opinions and precedents require the Chair to ensure that the matter is one which, *prima facie*, concerns the privileges and independence of the Assembly.

The form of the notice received yesterday is in conformity with the Standing Orders. The content of the question, however, has no direct bearing on a particular privilege of the Assembly or any one of its Members. No relation can be established between a specific privilege and the possibility of having been misled. Standing Order 80 does not, accordingly, apply in the present context.

The overall provisions of the Standing Orders are sufficient to deter the Member who would exploit the assumption provision of Standing Order 99.

To no longer benefit from the assumption permitted by Standing Order 99, the Member would have to admit to having deliberately misled the Assembly and, in so doing, would be in contempt of the Assembly.

For all the above reasons, the notice of a question of privilege was ruled out of order.

Editor's note: This is the official summary of the ruling as printed in the *Votes and Proceedings* of the Quebec National Assembly, June 7, 1983. For the verbatim ruling in French see the *Journal des débats* for the same day.