



Reports on Legislative Activities

(August 31 — November 1)



Ontario

The Legislature resumed sitting on October 11, having been adjourned for the summer since June 21. Among the more prominent issues which surfaced early in the new sitting were provision of French language services and the prospects for official bilingualism; the responsibility for a serious reactor shut-down at the Pickering nuclear generating station and the financial implications for Ontario Hydro; and the government's intention to extend or modify its wage restraint legislation passed late in 1982. Dozens of petitions, containing thousands of names, were presented in the House from teachers calling on the legislature to restore their collective bargaining rights, which were suspended by the restraint act.

Newly appointed Treasurer **Larry Grossman** announced to the House major changes in the budget-making process aimed at enabling members, interest groups and citizens to participate more effectively in setting budgetary policy. Late in November an economic and fiscal statement is to be tabled including "projections which set the stage for major policy decisions to be taken in the spring budget".

Following this, a series of prebudget papers is to be tabled on specific aspects of economic policy. These papers are to be less technical and more focused on policy issues than the budget papers which used to accompany the budget. The Treasurer also indicated that he would be engaging in a public consultation exercise more wide ranging than in the past, but no mention was made of possible mechanisms for review by the Assembly of the economic statement and prebudget papers.

Perhaps the most significant matter before the House in October was a debate on Ontario's ratification of the proposed constitutional amendment relating to the rights and freedoms of Canada's aboriginal peoples. The Ontario legislature became the seventh legislature to approve the resolution arising from the March 1983 constitutional accord which, in the words of Intergovernmental Affairs Minister **Tom Wells**, "captures some of the hopes and aspirations of the aboriginal peoples of Canada. It also provides a mechanism through which other goals of the aboriginal peoples may be discussed and, I hope, agreed upon".

Over the course of several day's debate, attention was directed less to the substance of the resolution than to the government's record in dealing with the problems faced by the province's Indians. Liberal Northern Affairs critic **Ron Van Horne** spoke of "hollow gestures" and an "uncooperative attitude" on the government's part. **Jack Stokes**, the NDP member for Lake Nipigon, argued that passing of the resolution would not make "one tittle of difference" unless the government becomes more aware and responsive to conditions in Northern Indian communities.

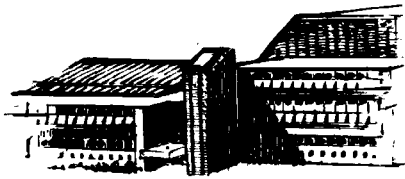
Despite the criticism of provincial and federal governments and the depressing litany of native social and economic problems, the debate was leavened with optimism. Conservative **Jim Gordon** spoke hopefully of abandoning "the old paternal-

ism which too often found expression as malign neglect", and **Robert Nixon** of the Liberals cited the experience of the large Six Nations reserve in his riding as proof that Indian self-government does work.

A resolution put forward by Liberal **Sheila Copps** generated unusual attention for an item of private members business. On October 20, the House considered Ms. Copps' resolution that the principle of equal pay for work of equal value be enshrined in *The Employment Standards Act*. Following a debate in which members from all parties voiced support for the principle, the resolution passed, on a recorded vote, 82-0. Equal pay for work of equal value had been the government's policy for some time said **Robert Welch**, Minister Responsible for Women's Issues, who indicated that the government would continue to follow a strategy of "staged progress" in implementing the principle.

August was almost entirely devoid of committee activities, but September and early October saw the customary flurry of committee meetings and trips. The Social Development Committee debated a contentious bill on university administration and continued its enquiry into child abuse, on which it hopes to report by Christmas. The Public Accounts and Procedural Affairs Committees both reviewed specific agencies, boards and commissions and also considered the larger issue of crown corporation accountability. Both committees travelled to Washington to gain an American perspective on their work. The Select Committee on the Ombudsman performed its annual review of the Ombudsman and his report; the Committee also attended the Canadian Conference of Legislative Ombudsmen in Vancouver. Other committees reviewed the issue of workers' compensation and considered a controversial private bill from the City of Toronto to control demolition of apartment buildings.

Graham White



Yukon

The third session of the 25th Legislature was reconvened on October 17, 1983. To date, the most contentious legislation has been the *Access to Information Act* which was introduced by **Bea Firth**, Minister of Tourism, Heritage and Cultural Resources, on the first day of the Fall Sitting. The Leader of the Official Opposition, **Tony Penikett**, had had a Private Members' Bill entitled *An Act to Provide for Freedom of Information* on the Order Paper for some time but it had not been dealt with. In speaking to second reading on the government's bill, Mr. Penikett noted that three important principles had been enshrined in the proposed legislation: public access, respect for necessary privacy, and judicial review if a request for information were denied.

The debate in Committee of the Whole centered around the opposition's concern regarding the section dealing with matters to be excluded from public access. In Committee, Mrs. Firth brought forward an amendment to clarify the government's intention regarding matters that cross a minister's desk by specifying that only "opinions or recommendations communicated to, between, or from members of the Executive Council on matters relating to the formulation of government policy and the making of government decisions" would be excluded.

A bill greeted positively by both sides of the House was the *Financial Administration Act*, introduced by the Government Leader, **Chris Pearson**, which provides for a more modern system of financial management and organization of the Yukon government. The most significant section provides for a Management Board, similar to Treasury Boards in the provincial jurisdictions. The Bill also limits the powers of the Treasurer (the Deputy Minister of Finance) which up to this point have been considerable.

An Act to Amend the Legislative Assembly Act introduced increases consistent with the Government's 6% and 5% program for the indemnities, expense allowances and salaries of members, presiding officers, ministers and leaders of parties. Only indemnities and expense allowances had been subject to annual indexing and salaries had not been increased since November, 1979.

The index formula used for that purpose was repealed in a further provision of this bill; the argument being made that it has not really ever properly worked its nine year history.

Mr. Pearson, also introduced the Capital Budget on October 27th in the total of 29.95 million dollars with about one-third of that committed to Municipal and Community Affairs. In his address, Mr. Pearson emphasized the government's commitment to stimulative measures to assuage the difficulties facing the Yukon economy.

A lively debate was held on the B.C. restraint program. Mr. Penikett raised his concern that the program may be seen as a model for other jurisdictions and went on to say that "there has never been a more reactionary program of legislation in any jurisdiction anywhere in the history of this country". **Dan Lang**, Minister of Municipal and Community Affairs, berated the opposition for raising concerns related to B.C. rather than concerns of Yukoners. After much debate, the motion to deny approval of the B.C. program was defeated.

On a less partisan note and of particular interest to parliamentarians was the motion of Mr. Penikett to urge the government to renovate the old Territorial Council Chambers located in Dawson City so that people could better appreciate just how far back in time the Yukon Legislature goes as a wholly-elected body. In reply, Mrs. Firth gave an in-depth history of the old Territorial Administration Building which houses the Chamber. The motion was carried. This was not a totally new idea as a one-day sitting had been held in the old Council Chamber in June, 1977, in recognition of Dawson City's Diamond Jubilee.

The Minister of Renewable Resources, **Howard Tracey**, brought forward a motion urging the House to support the Yukon Government's position on development of Yukon's north coast. In particular, the government is promoting a hydrocarbon exploration support base at Stokes Point and a sandstone quarry, haul road, and port facilities at King Point. **Roger Kimberly**, of the opposition, summed up his party's position by stating that it "is in favour

of development in an orderly, stable way, taking into account the legitimate land claims of the people and the long term renewable resource interests".

Missy Follwell



Manitoba

The longest and most acrimonious session of the legislature recessed on August 18 to allow the Standing Committee on Privileges and Elections to hear public representations on proposed changes to the French language guarantees of the province's constitution. The opposition agreed to cease delaying passage of several contentious government bills when the government agreed to ensure ample opportunity for province-wide public hearings. (See Speaker's Ruling elsewhere in this issue).

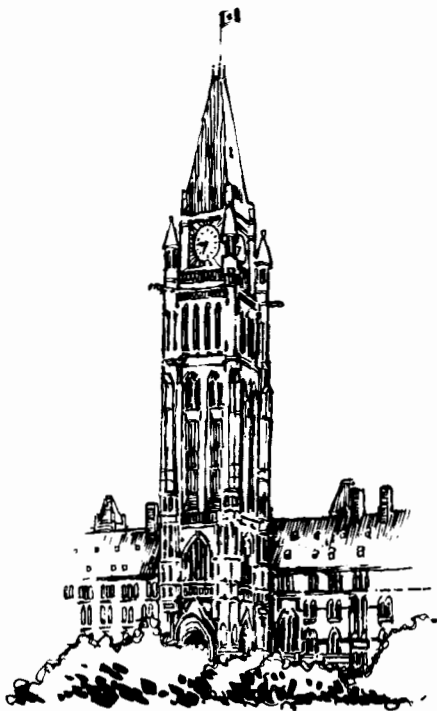
The government's action on French language rights stemmed from a case pending before the Supreme Court of Canada. The "Bilodeau case" seeks to invalidate all provincial laws passed since 1890 because the laws were enacted in English only, contrary to the province's constitution. Hoping to avoid a court decision on the matter, the government reached an agreement with the *Société Franco-Manitobaine* and the federal government regarding proposed changes to the constitution which were satisfactory to Mr. Bilodeau. The agreement proposed in effect that instead of having to translate all Manitoba statutes, only major public statutes would be translated and, in exchange,

limited French language services at government offices would be guaranteed.

The government has argued that the agreement is reasonable because, should the Bilodeau case proceed, all post-1890 laws would likely be declared null and void, resulting in legal chaos. The Opposition, led by **Sterling Lyon**, and supported by NDP member, **Russell Doern**, have argued that this is highly unlikely and oppose the constitutional entrenchment of French language services.

Between September 6 and October 4, the Standing Committee on Privileges and Elections received 305 oral presentations and 99 written briefs. The issue was eminently contentious. The House had not reconvened by November 1 but the sponsor of the language resolution, Attorney General **Roland Penner**, has stated that the government wants the matter dealt with by the year's end.

Gordon Mackintosh



Senate

Important rule changes were agreed to during the period under review. On September 27 and October 18, Senator **Hartland de M. Molson** presented the Fourth

and Fifth Reports of the Standing Rules and Orders Committee which proposed certain reforms to take effect at the commencement of the new parliamentary session.

The changes dealt primarily with the committee system. Membership changes, which previously had to be made upon motion in the Senate Chamber, would now be made by a notice filed with the Clerk of the Senate who would cause the change to be recorded in the *Senate Minutes*. Select committees would be reduced in membership from twenty Senators to twelve, and their quorums reduced from five to four. Exceptions were made, however, for the Standing Rules and Orders Committee and the Committee on Internal Economy, Budgets and Administration, whose membership was fixed at fifteen. The Agriculture Committee was re-named the Senate Committee on Agriculture, Fisheries and Forestry. The Health, Welfare and Science Committee, which had been re-named the Social Affairs, Science and Technology Committee earlier in the session, was given the added responsibility of studying matters relating to fitness and amateur sports, employment and immigration, consumer affairs and youth affairs. The newly established Standing Committee on Energy was re-named the Senate Committee on Energy and Natural Resources. The Leader of the Government, or in his absence, the Deputy Government Leader, as well as the Leader of the Opposition, or in his absence, the Deputy Opposition Leader, were made *ex officio* members of the Selection Committee and all select committees, including special committees. Finally, all subcommittees would henceforth be composed of not more than half of the members of a select committee, three of whom would constitute a quorum. The Senate approved the rule changes on October 25.

On October 13, Senator **Joan Neiman** tabled the Report of the Legal and Constitutional Affairs Committee on the subject-matter of the Constitution Amendment Proclamation, 1983, dealing with aboriginal rights. Since it was given its Order of Reference on June 29, the committee conducted numerous hearings and heard testimony from Ministers and many native groups. The committee felt that it provided a badly needed forum for all parties to express views and to expose areas of misunderstanding and possible conflict in the interpretation of the proposed amendment. While recommending that the resolution be passed, the committee made certain proposals to the parties involved in the constitutional negotiations. It suggested that, as a first priority, an agreement

be reached on the definition of such terms as "existing treaty rights", "aboriginal rights" and "land claims agreements", since these terms are the foundation stones upon which any future agreements must be built. It recommended that an understanding be reached as to what portions of treaties, land claims agreements and aboriginal rights would be entrenched in the Constitution and which parts would be ancillary. It also proposed that since the "equality clause" with respect to the sexes was unclear, as another early priority, the issues of membership and equality be resolved. The committee's report was taken into consideration by the Senate on October 18 and following the conclusion of the debate, the Senate passed the resolution proposing the Constitution Amendment Proclamation.

Finally, the report of the Special Committee on the Canadian Security Intelligence Service was tabled by Senator **Michael Pitfield**. The report, entitled: "Delicate Balance: A Security Intelligence Service in a Democratic Society", provided an in-depth analysis of the subject-matter of Bill C-157 which proposed the establishment of a security intelligence agency. While the committee found that the main structural elements surrounding the creation of such an agency were basically sound, it recommended that several adjustments be made to the Bill. It felt that the legislation should contain a defined mandate and statement of the functions of the agency and that there should be judicial control and a system of external monitoring and review of security operations. While the committee rejected the idea of establishing a special parliamentary committee to scrutinize the activities of the agency, it did recommend that a parliamentary committee be empowered to review the operation of the legislation after perhaps a five year period. The committee concluded that if such revisions were incorporated, Bill C-157 could adequately deal with Canada's security requirements without unjustifiably infringing on individual rights.

Gary W. O'Brien

House of Commons

During the period under review, from August 1 through the first week of November, the highly contentious Crow Bill occupied much of the time of the House. Despite implacable opposition from the New Democrats and, to a lesser degree,

the Progressive Conservatives, the Government persisted in its determination to secure the passage of Bill C-155. On October 26 they obtained a time-allocation order limiting consideration of the report stage and the third-reading stage to three more days. The successful conclusion of proceedings on this legislative measure cleared the way for prorogation and the beginning of a new parliamentary session.

The attention of the House returned to the Crow Bill on September 26 when the Standing Committee on Transport presented its seventeenth report. After holding forty-one public hearings during the summer to sound out the reactions of western prairie grain producers and other groups, and after an additional 25 meetings on the clause-by-clause study of the bill, the committee reported the bill back to the House with numerous amendments. By the time proceedings on the report stage began the following Thursday, 174 motions in amendment had been filed. Of these, the Speaker ruled 78 out of order for procedural reasons. During much of October, the House debated the amendments. As the Government became increasingly impatient, the opposition became more obstreperous. This, in turn, created an atmosphere of considerable tension and occasional friction. As had happened last Spring during second reading on the Bill, both sides became involved in a procedural tug-of-war. On several occasions, the voting bells were used by one side to frustrate the tactics of the other. The Speaker was sometimes obliged to intervene to limit the use of the bells on motions which lapsed at the adjournment or which had to be disposed of by a certain time.

On October 19, the Minister of Transport, **Lloyd Axworthy**, gave notice of his intention to move a time allocation order. The Conservative House Leader, **Erik Nielsen**, objected that the notice had been given on a point of order. The Speaker, however, ruled the notice to be acceptable. Commenting on the Chair's decision, **Svend Robinson** suggested that "the Speaker was taking her marching orders from the Government in this matter". After asking him several times to withdraw his words, Speaker **Jeanne Sauvé** was obliged to name Mr. Robinson. The motion to expel the NDP member from the House for the remainder of the sitting was subsequently moved by the Government House Leader, **Yvon Pinard**.

Proceedings on the time-allocation order did not take place until October 26. After the Minister of Transport had spoken to his motion, **Don Mazankowski** rose to

speak. He concluded by moving "That the Orders of the Day be now read". The bells were once more set to ringing, only to be stopped two hours later when the Speaker came into the House to explain that it was necessary, according to the Standing Orders, to dispose of proceedings on the time allocation order two hours after they had commenced. To do this, the motion of Mr. Mazankowski had to be decided first; thereafter the motion of Mr. Axworthy was adopted.

Still, the opposition found other ways to make its point. On October 27 and 28 they presented more than 225 petitions and thus prevented any consideration of government orders including, of course, the Crow Bill. On the following Monday, the Opposition managed to extend the sitting beyond the normal hour of adjournment. During the course of this sitting, which lasted through the night, NDP House Leader, **Ian Deans**, was named by the Chair and subsequently expelled from the House for the rest of the day. The sitting finally ended Tuesday morning with a vote on the motion to adjourn the House proposed by the Minister of Transport.

In addition to considering the Crow Bill, the House adopted several other pieces of legislation. Of these, the first was Bill C-110, the *Export Development Act* which received third reading September 27. Its purpose was to bolster the activity and funding of the Export Development Corporation, a crown agency charged with assisting the private sector in competing in the international marketplace. The four other bills to be given third reading were considered under the terms of a motion arranged by the House Leaders and adopted by the House October 24. Under the terms of the agreement, Bill C-163, the *Canadian Aviation Safety Board Act* was passed that same day. The board established by the Act will have the power to investigate air accidents and hazards to aviation safety.

The remaining three bills were passed by the House the following day. One was Bill C-169, the *Canada Elections Act* (No.3) which dealt mainly with campaign election expenses. The bill adjusted the level of maximum expenses to the cost-of-living index, and also provided a new formula for reimbursements to candidates and to the political parties. The second bill, C-168, amended the *Bretton Woods Agreement Act* by increasing Canada's subscription to the International Monetary Fund and its system of Special Drawing Rights from two million SDR to 2.9 million SDR or approximately \$3.8 billion. Thirdly, the House passed Bill C-152, the *Govern-*

ment Organization Act which related mainly to changes in the government's departmental structure in the area of regional economic development, regional industries expansion and external affairs, including international trade.

Resolutions

The House adopted two resolutions, one of which concerned Manitoba language rights. After some negotiations among the Prime Minister, the Leader of the Official Opposition and the Leader of the New Democratic Party, an agreement was reached on the issue which allowed Mr. Pinard to give notice of the resolution October 5. According to the terms of the resolution, the House endorsed the agreement struck by the federal government and the province of Manitoba, and invited the province to take action as expeditiously as possible to protect the rights of its French-speaking minority. In speaking on the resolution the next day, Prime Minister **Pierre Elliot Trudeau** explained that the resolution was of fundamental importance because it provided "an encouragement to all those in this country, no matter how weak or small or poor they be, to know that the men and women sitting in this place are dedicated to that principle of setting wrongs right". The new leader of the Progressive Conservatives, **Brian Mulroney** said that "bilingualism is a valued principle and an indispensable dimension of our national life". He spoke of the need for "sensitivity to people and the presumption of good faith" in the implementation of such policies. Such traits, he added "will ensure for bilingualism a more durable character and more provincial acceptance". Speaking on behalf of the New Democratic Party, **Ed Broadbent** observed that the House in supporting this resolution is "acting in the spirit of those who created Canada in 1867 . . . a spirit of tolerance and a respect for diversity which should always be the hallmark of Canada and of Canadians".

The second resolution adopted by the House was proposed September 12 during the course of an emergency debate requested by Mr. Broadbent on the destruction of the South Korean civilian aircraft by a Soviet fighter. The terms of the resolution, in addition to expressing sympathy for the families of the victims and to condemning the unwarranted attack by the Soviet authorities, demanded an explanation from the Soviet Government and generous compensation to the families of all the victims. Moreover, the resolution directed the Speaker to convey the text of the motion to

the leadership of the Soviet Union. On September 28, the Speaker reported to the House that the *Chargé d'affaires* of the Soviet Embassy had refused to accept the text of the resolution. Nonetheless, the Speaker believed that the sense of the House had been appreciated by the Embassy and that this had been conveyed to the Soviet government in Moscow.

Committee Reports

Two special committees of the House presented reports during this period including one by the Special Committee on Indian Self Government. The report proposed sweeping changes in the relationship between the federal government and the Indian First Nations. Foremost was the need to recognize the right of Indians to self-government which should be explicitly stated and entrenched in the Constitution of Canada. This objective should be supported by specific legislative action as soon as possible. In addition, the report urges that the present Department of Indian Affairs and Northern Development be phased out over a period of five years. The work of managing and co-ordinating the federal government's relations with Indian First Nation governments should rather be performed through a Ministry of State for Indian First Nations Relations, linked to the Privy Council Office. In this way, the committee believed that the many issues involved in achieving Indian self-government can be better negotiated and developed.

The second special committee to report was that on Standing Orders and Procedure. Its tenth and final report presented September 30 proposed that the Standing Committee on Procedure and Organization take up the task of reviewing the provisional Standing Orders as well as examining a number of outstanding issues raised by the Special Committee. Among the recommendations was one urging a revival of Ministerial Statements followed by a comment from each of the opposition parties rather than the time consuming mini-question period currently permitted. The report also suggested that the motions of non-confidence should be based only on the explicit sense of the motion itself. Another recommendation dealt with Ways and Means motions which, according to the committee, could be more adequately considered outside the Committee of the Whole by a legislative committee as defined in an earlier report (the Sixth).

Charles Robert



Alberta

The fall sittings of the first session of Alberta's 20th Legislature commenced on October 19, 1983. The first major item of business was Premier **Peter Lougheed's** motion that the "Assembly approve in general the operations of the government since the adjournment of the spring sitting". In his "State of the Province" address, in support of the motion, the Premier focused upon economic and fiscal matters. He observed that after a period of overbuilding due to the natural resource boom and the effect of the world economy on Alberta, the province's economy is presently experiencing a period of adjustment. Changes in the economic environment require the government to reassess its economic strategy, he said, which will result in the announcement of a new economic plan next spring. In outlining the government's current priorities, Mr. Lougheed emphasized the need to practice sound fiscal management, to market Alberta's products and services abroad, to cooperate with producers and to build upon the province's existing strengths.

In his reply to Premier Lougheed's opening address, **Grant Notley**, Leader of the Official Opposition and of the Alberta New Democratic Party, concentrated on government inconsistency. Mr. Notley contended that the government, which has increased income taxes and stressed the need for restraint in areas such as health care has wasted money on projects such as Kananaskis Park and extravagant ex-

penditures for travel. Mr. Notley moved that Mr. Lougheed's motion be amended to read: the "Assembly approve in general the operations of the government since the adjournment of the spring sitting, but deplores the fact that the government's failure to effectively resolve our economic crisis has led to a decision to increase income tax substantially".

Early on in the fall sittings, opposition members repeatedly challenged Speaker **Gerard Amerongen**. During the Premier's State of the Province Address, the Speaker rose 13 times to call heckling opposition members to order. Rising on points of order, the four opposition members — **Ray Speaker, Walter Buck, Ray Martin** and Mr. Notley — questioned the Speaker's interventions. Mr. Notley conceded that there is a point in any set of interjections when the Speaker has the power to ask that those interjections cease. He argued, however, that the Speaker stopped the interjections because it was the Premier who was speaking and that the same rules are not applied when opposition members are interrupted. Mr. Notley contended that all members must be subject to the same rules, including the Premier. It was the first time in twelve years as Premier that Mr. Lougheed had been interrupted during his annual State of the Province Address.

While the four opposition members would like the presiding officer to allow them more latitude in asking questions, Mr. Amerongen is standing by the statement of rules he made in the House last spring, rather than following the practice of the House of Commons, as opposition members would prefer. (Opposition discontent over Speaker Amerongen's rulings is a carryover from the spring sittings when they boycotted Question Period the last five days before the summer recess).

This fall, the Standing Committee on the Alberta Heritage Savings Trust Fund Act debated, defended and amended a total of forty-seven recommendations, fifteen of which would have required new funding. However, after Premier Lougheed made his annual appearance before the committee on October 5, 1983, only three recommendations were passed: that the Farming-for-the-Future program continue; that high-technology research funding continue; and that the province do more to promote its historic sites. Mr. Lougheed indicated that the cabinet would not consider any new capital projects until current projects are completed. He emphasized that

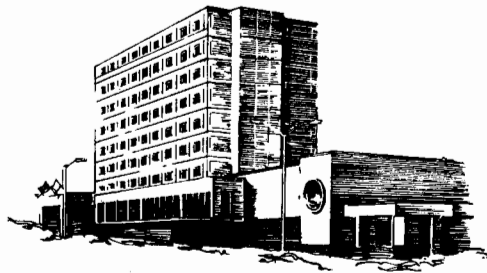
the fund cannot "resolve the problems of economic diversification" and reiterated that it is an "investment fund with a rainy day aspect to it." He said that Albertans' current serious misconceptions regarding the fund must be overcome through better communication. He also emphasized that economic recovery in the province will soon be visible and that Alberta "will be a very strong leading province in the economy of Canada in the near term."

On October 28, 1983, Treasurer **Lou Hyndman** won legislative approval in principle to transfer 15 percent of provincial energy income, approximately \$750 million, to the Alberta Heritage Savings Trust Fund next year from general revenues. Mr. Hyndman said the transfer is needed to meet fund commitments.

Several noteworthy pieces of legislation have been introduced this fall. Bill 81, the *Electoral Boundaries Commission Amendment Act*, was introduced on October 26, 1983. This Bill would increase the number of urban divisions from 37 to 42, while rural divisions would be reduced from 42 to 41. Bill 93, the *Police Officers Collective Bargaining Act*, complements Bill 44, the *Labour Statutes Amendment Act*, passed in the spring of 1983, which established new rules for the arbitration of contract disputes in hospitals, fire departments and the public service. Bill 92, the *Pacific Western Airlines Act*, was introduced to facilitate the continued broad ownership of P.W.A. when the government sells some of its interest in P.W.A. The Bill sets the ceiling for a single shareholder or associate group of shareholders at four percent. Transportation Minister **Marvin Moore** stated on October 28, 1983, that Alberta will likely begin to sell shares in P.W.A. within three months.

Hospital Minister **Dave Russell** has said that the hospital user-fee program will come into effect January 1, 1984, instead of the October 1, 1983 date originally announced. Mr. Russell announced several changes to the program that was announced last spring. Senior citizens will be exempt, admission fees and fees for private rooms have been excluded from the program, and hospital boards will be given blanket authority to implement user fees whenever they want. In the original program, cabinet was to authorize user fees for individual hospitals.

**Cynthia J. Bojchko,
Joanne Pawluk**



Northwest Territories

The term of office of the Ninth Legislative Assembly ended in the fall of 1983, and a territorial general election was held on Monday, November 21, 1983. This was the second election conducted under the *NWT Elections Ordinance* passed by the Assembly in October, 1978.

The number of electoral districts was increased to twenty-four in preparation for the election, and changes were made in boundaries of a number of constituencies. Some of the constituency names were also changed. The Western Arctic constituency was re-named Nunakput; Mackenzie Great Bear was re-named Sahtu; the former constituency of Mackenzie Liard was split into Deh Cho and Deh Cho Gah; Great Slave East was re-named Tu Nede; the former riding of Central Arctic was split into Kitikmeot East and Kitikmeot West; the boundaries of Keewatin North and Keewatin South were re-aligned and the constituencies were re-named Kivallivik and Aivilik; and Frobisher Bay was re-named Iqaluit.

Eleventh Session

The last session of the Ninth Legislative Assembly began August 30th and ended September 10th. It was a time for reflection and for some farewells but some major projects and bills also were dealt with by the legislators.

Major legislation introduced included the *Regional and Tribal Councils Ordinance*, providing legislative recognition to various regional bodies proposed for or operating in the Northwest Territories. Changes to the *Education Ordinance* to allow for the creation of divisional boards of education were passed, and an ordinance allowing the government to make agreements with other governments for the management of water resources was approved.

A motion opposing the testing of the Cruise missile over Northern Canada nar-

rowly passed after extensive and often eloquent debate. Another expressing the Assembly's support for the proposed aboriginal rights amendments to the Canadian Constitution was passed unanimously. Two motions dealing with pornography were passed, one supporting federal moves to strengthen the obscenity provisions of the *Criminal Code*, and one supporting initiatives by the Minister of Communications to safeguard the contents of television in Canada.

Committee Reports

The Standing Committee on Finance and Public Accounts provided its third report to the Assembly, comprising the report of the Public Accounts Committee on the government's Financial Information System and the government's response to the committee's report. The report was drawn up by the committee after several days of public hearings on the FIS Project held last March.

The Special Committee on Division tabled a report on division of the NWT administrative structures for Nunavut which had been submitted to the committee for its consideration. Later in the session, the committee was dissolved by motion of the legislature.

The Special Committee on Constitutional Development presented five research reports prepared for it, covering Residency Requirements; Protection of Aboriginal Rights; Guaranteed Representation; Regional Government; and Liberal-Democratic Government: Principles and Practice.

A major revision of the rules of the Assembly was prepared by the Standing Committee on Rules and Procedures and accepted by the legislature after some debate and discussion. The Assembly directed that the rules should be translated into Inuktitut, for the first time, in preparation for the Tenth Assembly.

Following discussion of the revised Rules, the Assembly approved two motions requesting the Executive Council to approach all three federal parties to secure support for amendments to the *Northwest Territories Act* to allow the legislature to set its own quorum and to allow the Assembly to set its own procedures for convening sessions and determining their location.

Legislation

Two supplementary appropriations ordinances were passed during the Eleventh Session. One provided for additional expenditures of \$2.2 million for the public service in the 1982-83 financial year; the other

provided for additional expenditures of \$5.5 million for 1983-84.

Two new ordinances were passed. A major bill providing for the establishment and operation of regional and tribal councils and dealing specifically with the Baffin Regional Council, the Kitikmeot Regional Council, the Keewatin Regional Council, the Deh Cho Regional Council and the Dogrib Tribal Council was passed. Previously, only the Baffin Regional Council had been recognized in law. As part of the new ordinance, the Baffin Regional Council Ordinance was repealed. A second new bill allows the government to enter into agreements with the federal or provincial or Yukon governments for the planning and management of water resources in the Territories.

Among the eight bills amending existing ordinances was a major revision of the *Education Ordinance* which reflected changes recommended earlier by the Assembly's Special Committee on Education and accepted earlier by the legislature. The ordinance amending the *Education Ordinance* allows for the establishment of education divisions, divisional boards of education and community education councils, paving the way for major changes to the territorial education system.

Other ordinances amended by bills during the Eleventh Session were: the *Companies Ordinance* – to repeal provisions which will become redundant with the introduction of a flat incorporation fee and to provide that annual information be filed for each company on its incorporation date; the *Council Ordinance* – to allow for in-town living allowances to be set by regulation on the recommendation of the Management and Services Board, and to set constituency allowances for twenty-four ridings; the *Interpretation Ordinance* – to provide a definition of the Executive Council for use in legislation generally; the *Judicature Ordinance* – to provide that the Court of Appeal for the Northwest Territories sit only in the Northwest Territories and that it sit at least twice a year; the *Medical Care Ordinance* – to authorize the inspection and auditing of accounts submitted to the Medical Care Plan and to provide a statutory base for recovery of over-payment of claims; and the *Regulations Ordinance* – to provide a means whereby any regulation, statutory instrument or non-statutory instrument can be proved in court by filing a certified copy.

Rosemary Cairns



Quebec

The Quebec National Assembly convened on October 18 but adjourned, after two days of debate on a ministerial statement by **René Lévesque**.

Mr. Lévesque noted that where economic matters were concerned, legislative action was not appropriate and there was no great harm in postponing legislative activities until November 15. Added Mr. Lévesque: "The people of Quebec are asking us to focus our attention and efforts on creating thousands of jobs for our unemployed and for our young people in particular."

The Liberal MNAs clearly did not share Mr. Lévesque's opinion about the advisability of postponing the session. On the contrary, the Liberals felt it was important for the National Assembly to convene and propose new economic recovery measures. The Leader of the Opposition, **Gérard D. Lévesque**, even stated that the government was afraid to face the National Assembly and wanted to take refuge in the committees: Tuesday, in a committee studying independence and Thursday, in a committee studying the economy. He concluded that the government was no longer

providing any answers. The Independent MNA for Sainte-Marie, **Guy Bisailion**, commented on the number of days for which the P.Q. government had convened the National Assembly since the 1980 referendum, stating that the Assembly had sat for barely 219 days in four years, or an average of 55 days per year. Mr. Bisailion asked the Premier to "get back to the real business of Parliament and let the legislative assembly make suggestions to the Executive, rather than muzzling it at every opportunity.

In answer to these observations, the Premier corrected some of the figures quoted by the opposition. He stated that between 1970 and 1976, under the Bourassa government, the National Assembly sat for 31 days for every 100 days in office, whereas from 1976 to June 22, 1983, the average was 30 days of sittings for every 100 days in office, or only one day less. Parliamentary committees, on the other hand, met on average 58 times for every 100 days of the Bourassa government's term of office, as compared to 74 times for the same period under the current administration. After a final appeal by the Premier to postpone the work of the Assembly, the Assembly approved the tabling of various documents, namely letters exchanged between the Premier and the Leader of the Opposition, a bound document containing thirty-three decisions reached by the new Executive Council of the Assembly since June, a notice from the Public Service Commission concerning certain administrative regulations and the reports of parliamentary committees which sat during the summer. Four bills were also tabled for first reading and referred immediately to the Municipal Affairs Committee. The question period provided the Opposition with an opportunity to question the government about certain problems facing Quebec's economy and about the role of the new committees of the Executive Council as regards the formulation of economic programs and the review of Quebec's constitutional aims.

A motion without notice congratulating **Robert Bourassa** on his recent election to the leadership of the Quebec Liberal Party was introduced by the Leader of the Opposition and seconded by Premier Lévesque before receiving the unanimous consent of the 107 MNAs present.

During the final hour of the morning of October 18 the Assembly dealt with some 27 motions without notice introduced by the Opposition calling for the government to take concrete action to set the economy on the road to recovery. These motions died on the floor of the Assembly,

failing to receive the unanimous endorsement of the Assembly. After the dinner recess, the Assembly resumed its activities at 8 p.m.

The pace of the debate changed when the Chief Government Whip, **Jacques Brassard** (Lac Saint-Jean), moved that "the National Assembly sit immediately and regularly in order to seek ways of convincing the new Leader of the Quebec Liberal Party to give back to the Public Treasury the \$750,000 which his party virtually extorted from the Quebec taxpayers during construction work for the Olympics".

The opposition House Leader, **Michel Pagé** (Portneuf), rapidly agreed to debate this motion, on condition that the motion on the floor be amended by adding, after the word "convincing", the words "on the one hand", and by adding at the end the following: "and of convincing, on the other hand, the Leader of the Party Québécois to shed some light on France's \$300,000 contribution to the PQ election coffers, on the two \$50,000 bribes made in the housing corporation affair, on the lax attitude toward the friends of the former member for Saint-Jacques, **Claude Charron**, in the matter of the "National Holiday".

The Government House Leader, **Jean-François Bertrand**, reacted by questioning whether Mr. Brassard's motion had received the unanimous consent of the Assembly. The Speaker **Richard Guay**, suspended the sitting to verify the audio-visual recording of the incident before authorizing the continuation of the debate on the motion and on the amendment. The sitting resumed with statements by both Mr. Brassard and Mr. Pagé. Several minutes before the conclusion of the sitting, **Jacques Parizeau** called to mind the PQ government's position on the financing of political parties. With respect to the alleged contribution by the French government to the PQ coffers, Mr. Parizeau stated that the National Assembly had already settled this matter.

At 10 p.m., the Speaker rose, commented on the late hour and adjourned the Assembly until the following morning, namely Wednesday, at 10 a.m. On Wednesday the Government House Leader argued that the interruption by the Speaker had nullified the motion being debated. Consequently, he moved under Standing Order 76 that the Assembly adjourn until November 15. Following a brief procedural debate, the motion passed by a vote of 61 to 35. The two-day mini session lasted a total of seven and a half hours.

Yvon Thériault



British Columbia

One of the most tumultuous legislative sessions in British Columbia if not all Canadian history came to an end on October 21, 1983. The last five weeks featured extended sittings, eleven of which went beyond midnight with eight lasting all night. Closure, previously used only once in British Columbia was invoked twenty times. There were more than fifty appeals to rulings of the Speaker or the Chairman of Committee of the Whole. Perhaps the most dramatic moment came in the early hours of October 6 when the Leader of the Opposition was carried physically from the Chamber and, as a result, suspended for the balance of the session.

The Public Sector Restraint Act and Other Legislation

The month of August was devoted largely to discussion of the July 7 budget and some of the 26 bills introduced at that time. The budget was adopted on September 1 following Premier **William Bennett's** first address of the session. He called it a lean but not a mean budget and combined a defence of his government's restraint program with a stinging attack on the opposition New Democratic Party. "It is the socialists who invented and advocate government by Chargex. It is they who really would spend the future income to be earned in this province by industry, business and working people to satisfy their need to be loved". The final speaker for the NDP, **Robin Blencoe**, condemned the government for not making its restraint policies clear before the May 5 election. "It should have told the people of British Columbia it was going to declare war on children and families".

The most controversial legislation was Bill 3, the *Public Sector Restraint Act*.

The purpose of the bill was to reduce jobs in the public sector by about 25% by June 1984. As originally introduced by Provincial Secretary **James Chabot** the Bill would have allowed the government to fire public sector employees without cause. Even after amendments introduced by Mr. Chabot the Opposition argued that the bill allowed the government to fire too indiscriminately and without regard to seniority. The NDP vowed to fight the bill every step of the way.

On September 19 the government moved to extend the hours of sitting to speed up passage of Bill 3. Speaker **Walter Davidson** also informed the Leader of the Opposition, **David Barrett** that since the debate was now on the amendment rather than on the main motion, the Opposition Leader did not have unlimited time to speak. This caused the New Democratic Party member from Skeena, **Frank Howard**, to place on the Order Paper a motion of censure against the Speaker "for affecting an interpretation of the Standing Orders which suited the desires of the Government, and therefore, further declares that Mr. Speaker Davidson has lost confidence of the Honourable House". The motion was never debated but when Mr. Howard raised the matter as a question of privilege the Speaker replied on October 5. "The use of a matter of privilege to criticize the conduct or motives of the chair is not acceptable, and should it arise again, the House may wish to consider an appropriate action."

From Monday September 19 at 2:00 pm until noon on Friday September 23 the House was in session almost continuously, sitting for 80 of a possible 94 hours. Finally at 5:00 am in the morning on September 22 the *Public Sector Restraint Act* received second reading (approval in principle) and was referred to the Committee of the Whole House.

Other legislation considered that week included the *Education Finance Amendment Act* which gave the government greater control over school board budgeting, a *Property Reform Act*, an amendment to the *Employment Standards Act* applying to minimum vacation, maternity leave, and layoff and termination which will not apply to union members whose collective agreement already covers these areas. The government also introduced the *Municipal Amendment Act* which removed regional district planning powers. During debate on this bill the government moved closure for the first time.

Other bills passed only after closure had been used on one or more occasions

included the *Social Service Tax Amendment* which raised the sales tax to 7% and applied it to restaurant meals over \$7.00, the *Compensation Stabilization Amendment Act* which extended public sector wage controls and the *Income Tax Amendment Act* which eliminated two tax credits for renters and the elderly.

In addition to the aforementioned measures, other legislation to receive Royal assent during the session included bills to increase the tax on tobacco, to turn motor vehicle safety testing over to the private sector and to abolish certain government agencies such as the Ocean Fall Corporation, the B.C. Cellulose Company, the Alcohol and Drug Commission and the B.C. Harbours Board.

On August 11 the legislature debated and approved a motion by the Minister of Transportation and Highways that: "This House is of the opinion that changes in the historic Crows Nest Pass grain freight rate will substantially benefit the economic development and employment opportunities of Canada and British Columbia and, this House, accordingly, expresses its support for action by the Parliament of Canada to deal expeditiously with the issue of the statutory freight rate for export grain by passing the required legislation."

Expulsion of Leader of the Opposition

On Wednesday October 5 the House met at 8:05 pm to debate Bill 2, the *Public Service Labour Relations Amendment Act* which would limit collective bargaining for government employees. It being impossible for the Speaker and Deputy Speaker to occupy the chair on a round-the-clock basis, other Social Credit members including **John Parks**, **Terry Segarty**, **John Reynolds** and **Donald Campbell** along with Deputy Speaker **Bruce Strachan** took turns occupying the Speaker's chair at the sitting.

At 3:00 a.m. **Gordon Hanson** (NDP Victoria) ended his speech with an amendment that the bill be not now read but on this day six months hence – the so-called "hoist". The first person to speak on this was **Chris D'Arcy** (NDP Rossland-Trail). After forty minutes he moved that the House adjourn. The presiding officer at this point, Mr. Parks, said that "the resolution to adjourn, coming on the heels of a hoist motion, is deleterious and is not in order". His "ruling" was challenged by the Leader of the Opposition but Mr. Parks said it was not a "ruling" and therefore not subject to challenge. He said that Standing Order 44 provides that the Speaker may decline to propose a question if he is of the opinion that it is an abuse of the rules. Mr. Parks said he was making an "application" of Standing Order 44.

Mr. Barrett then challenged the "application". After much heated debate between Mr. Parks and Mr. Barrett as to whether it was a "ruling" or an "application" and whether it was challengeable, Mr. Parks ordered Mr. Barrett to withdraw from the Chamber. When Mr. Barrett refused the Sergeant-at-Arms was instructed to assist him from the chamber. Thereupon Mr. Barrett fell to the floor and was carried out thus becoming the first member in 112 years to be physically ejected. Under Standing Order 20 any member physically ejected is suspended for the remainder of the session.

The next day Mr. Howard argued that the Leader of the Opposition had been impeded and obstructed in his duties. He asked for his reinstatement. The request was turned down by Speaker Davidson on October 11. In view of the gravity of the events the Speaker added a few other comments. He said the Leader of the Opposition was aware that failure to leave voluntarily would result in a sessional suspension. "He cannot now be heard to complain, and it cannot be appropriately claimed on his behalf, that he is unable to perform his

duties in this House when he, the Honourable Leader of the Opposition, with full knowledge of the consequences, brought upon himself the manner of his removal from the Chamber. In these circumstances, the transgressor cannot, by any interpretation of the law of Parliament, be magically transformed into the aggrieved party. The injured body is Parliament itself".

The Speaker did allow as to how an apology could result in his return but no apology was forthcoming and Mr. Barrett remained barred for the rest of the session.

Adjournment

At the time of adjournment only eight bills had not been passed but they included a few which promise to be controversial.

The final day was devoted mainly to discussion and approval of the proposed constitutional amendment on aboriginal rights. An *Interim Supply Bill* was also introduced. It gave the opposition a final chance to object to the government's policies. Such bills usually receive unanimous consent and go through all stages in a single day, however, at first the NDP refused to co-operate. Finally after the Lieutenant-Governor had given Royal Assent to the rest of the legislation the Opposition House Leader acceded to the request and the bill was passed. Following Royal Assent to the Supply Bill the Minister of Intergovernmental Affairs, **Gar Gardom**, moved that the House adjourn until "it appears to the satisfaction of Mr. Speaker, after consultation with the government, that the public interest requires that the House shall meet. . . ." In reference to opposition taunts about a long holiday Mr. Gardom added, "this is probably the hardest working administration that the province has ever had".

The Editor

Contributors

Cynthia J. Bojchko and Joanne Pawluk are Legislative Interns at the Alberta Legislative Assembly.

Rosemary Cairns is a Public Affairs Officer with the Legislative Assembly of the Northwest Territories.

Missy Follwell is Clerk Assistant of the Yukon Legislative Assembly.

Gary W. O'Brien is Chief, English Minutes and Journals Branch, House of Commons.

Gordon Mackintosh is Deputy Clerk of the Manitoba Legislative Assembly.

Charles Robert is a Procedural Clerk in the Table Research Branch, House of Commons.

Yvon Thériault is with the Indexing and Bibliographic Service of the Legislative Library, Quebec National Assembly.

Graham White is Clerk Assistant of the Ontario Legislative Assembly.