



Reports on Legislative Activities



Nova Scotia

The First Session of the 54th General Assembly was by far the shortest in recent years. The Progressive Conservatives led by **John Buchanan** had won a resounding victory in the general election of November 6, 1984, obtaining 42 of the 52 legislative seats, leaving the Liberals with the smallest Official Opposition in well over a decade. The election provided the Conservatives with their third consecutive term in office.

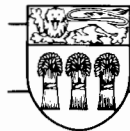
As might be expected so soon after an election, not a large amount of substantive legislation was considered by the House. Of note, however, was an omnibus bill amending several statutes in response to the equality provisions of the Canadian Charter of Rights and Freedoms. Also of great significance was the passage of long awaited occupational health and safety legislation which in essence provides protection in the work place, and by most accounts is model legislation. The House also passed a bill for protection of adults from abuse and neglect which complements existing legislation protecting children. Protection for the aged and infirm is the primary focus of the new act.

The final piece of legislation of potentially great importance is an act establishing a trade development authority for the Province. With all the concern that abounds in Canada with respect to our trading arrangements, not only the United States but also the rest of the world, the Legislature has taken an important first step in seeing to it that Nova Scotia can deal with the question of trade in a more cohesive and orderly fashion maximizing the benefits of increased trade and its promotion for the Province. It is not widely known that Nova Scotia is a "trading" province with fully two-thirds of goods manufactured or processed being exported out of the Province.

Arthur Donahoe was once again elected Speaker of the House, making

him the second most senior Speaker in Canada. **Brian Young**, member for Cape Breton North, was elected Deputy Speaker of the House, a position that he held in the last Session of the 53rd Assembly. Since adjournment, however, Mr. Young has been elevated to the Cabinet and taken on the portfolio of Minister of Labour. Along with other Cabinet changes the first ever female Cabinet Minister in Nova Scotia was appointed, **Maxine Cochran**, member for Lunenburg Centre, as Minister of Transportation.

Rod MacArthur



Saskatchewan

The fall sitting was a continuation of the Fourth Session, a departure from the usual practice of starting a new session each fall. Prior to the Christmas adjournment, twenty-six bills were considered and passed. The most controversial piece of legislation was the bill which converted the Saskatchewan Oil and Gas Corporation from a Crown corporation to a public company established under *The Business Corporations Act* with 49 per cent of its shares available for sale to the public. Following extensive debate and substantial amendments the bill was assented to on December 13. This was the most significant move toward privatization of Crown enterprises since the Progressive Conservative Government took office in 1982.

Other legislative initiatives included the provision of aid to drought stricken farmers and assistance to the New Grade Energy Inc. in establishing a heavy oil upgrader in Saskatchewan. Members also passed amendments to the *Legislative Assembly Act* to roll back to zero the indexed increases to Member's indemnities and allowances for additional duties for 1986.

An important change affecting the Legislative Assembly occurred with the transfer of the function of drafting government legislation from the Office

of Legislative Counsel and Law Clerk to the Department of Justice. This means that the Office of Legislative Counsel and Law Clerk is now solely involved in duties for which it is responsible to the Legislative Assembly and its members. For administrative purposes, the Legislative Counsel and Law Clerk is now under the jurisdiction of the Board of Internal Economy.

The Session was marked by the resignation of the Minister of Highways, **James Garner**, following allegations of irregularities in the use of government aircraft. However, the biggest pre-Christmas news story occurred after the Session adjourned when Premier **Grant Devine** announced a major cabinet shuffle on December 16. Only five members of the twenty-three member cabinet remained untouched by the massive re-organization which included the shuffling of responsibilities of eleven ministers, dropping seven former ministers and the addition of three new ones. The size of the cabinet was reduced to nineteen in what the Premier described as a "renewed commitment to efficiency, youth and strength in agriculture, industry and the people in our cities." The size of the shuffle was described by Opposition Leader **Allan Blakeney** as reflecting "an air of desperation." "They are trying to convince people that new faces mean new policies" he said.

On December 23rd the Government caucus was rocked by another change as the MLA for Canora, **Lloyd Hampton**, announced he was crossing the floor. In the following weeks speculation abounded that Hampton and independent MLA **Bill Sveinsson** would join the Western Canada Concept Party giving the WCC two seats in the House and making it eligible to be recognized as a Third Party. The party, however, was divided on the question of whether the two members should be accepted with the party leader saying yes and the party president saying no. As of January 31 the matter had not been resolved and the two members remain independent members.

The Legislative Assembly was recalled on January 30 in order to legislate a settlement to a contract dispute between 12,000 members of the Saskatchewan Government Employees Union and the Saskatchewan Government. The Union had been without a contract for 16 months and had been disrupting services with rotating walkouts for several months.

This year is widely assumed to be an election year in Saskatchewan being that April 1986 marks four years since the last election. Whether the election will be called for the spring or the fall or conceivably not until early 1987 is a favorite subject of speculation in many circles as the party election machines gear up.

Gwenn Ronyk



House of Commons

The scheduling of parliamentary business can be a weird and wonderful thing. For years successive governments and committee chairmen have tended to aim for the last days before the Christmas and summer recess to get legislation adopted or to make reports. This tends to overload the parliamentary agenda, lead to frayed nerves and tempers and produce a glut of information few members or journalists are able to digest, particularly at a holiday time of year. The adoption of a fixed parliamentary calendar rationalized the system to some extent but the final days before the Christmas 1985 adjournment were marked by the usual battle of wills between a government determined to get its bills through and an opposition determined to stop them. In the end a deal was struck whereby some bills were adopted and others held over until after the adjournment.

Legislation

The government did manage to succeed in passing a bill to provide \$875 million to compensate uninsured depositors of the failed Canadian Commercial Bank and the Northland Bank. The Liberals and New Democrats had wanted the names of the uninsured depositors revealed but the government was unwilling. Among the other bills to receive Royal Assent before the House adjourned

were C-83 which limits the amount charged by discounters who offer high interest loans against income tax rebates, amendments to the *Criminal Code* making it easier for police to control prostitution and providing harsher penalties for impaired driving. *The Canada Development Corporation Act* was passed as were amendments to acts increasing remuneration for judges and the Governor General.

The two major bills the opposition succeeded in stopping were C-70 to limit cost of living increases for family allowances and C-84 the *Income Tax Act* de-indexing some personal exemptions and granting a 500,000 lifetime exemption from capital gains tax. The *Representation Act* was also stalled temporarily. However, all these bills were given third reading and sent to the Senate shortly after the House resumed on January 13, 1986. A package of bills making divorces quicker and cheaper and making it more difficult to default on court ordered maintenance payments also received third reading in January.

Several new bills were given first reading before Christmas. These include C-91, the *Competition Act*. It would update the rules governing corporate mergers and takeovers and increases the maximum penalty for violations. A *Canada Petroleum Resource Act* was also introduced. It is intended to provide new petroleum exploration incentives in the frontier regions.

A number of proposed changes to the *Income Tax Act* were announced by Finance Minister **Michael Wilson**. Some of these, tabled on November 21, were draft regulations pursuant to the budget of May 23, 1985. The Finance Minister later proposed a minimum income tax plan which would go into effect in 1986.

Proceedings of the House are usually fairly predictable but a couple of incidents took nearly everyone by surprise. One occurred on December 19 when the Minister of Regional Industrial Expansion, **Sinclair Stevens**, returned to the House after several weeks illness. As is customary in such circumstances opposition members welcomed him back. During his absence the opposition had been trying unsuccessfully to get the government to refer to committee the sale of de Havilland Aircraft Limited to Boeing Aviation of the United States. **Robert Kaplan**, adding his voice to others who had welcomed back Mr. Stevens, asked the Minister if he would see to it that the sale was referred to committee. To the great surprise of the opposition Mr. Stevens said he had "no objection to this matter being considered at an

appropriate time by a committee of this House." After a short silence as the unexpected announcement sunk in Mr. Kaplan said, "In the light of that, I am really glad to see the Minister back. However by the end of January Mr. Stevens had signed the sale before the Committee had made its report and the opposition went back to criticizing the government for its failure to allow Parliament time to study the question.

Another somewhat unexpected incident occurred on January 31 when the opposition parties staged a walkout because Prime Minister Mulroney was not in the House to answer questions about electronic eavesdropping of meetings of the Liberal caucus in 1964 by **Erik Nielsen**. For two days House of Commons business was ground to a halt but Mr. Nielsen finally read an apology noting that the information came to him by accident and not through any overt attempt on his part.

Private Members' Bills and Motions

Several interesting Private Member's Bills and motions have been discussed recently including one by **James McGrath** which would require lobbyists to register and another by **Jack Ellis** to amend the *House of Commons Act* by adding the Administrator to those officers of the House responsible for preparing the estimates of the House.

Unlike bills by private members which have little chance of passing, Private Members' motions usually receive a much warmer reception since they are only declaratory in nature. On November 19 **Jean-Guy Guilbault** introduced a motion calling on the government to consider reviewing the role of the Farm Credit Corporation to make clear its position vis-à-vis other lending institutions to the farming community. It was adopted unanimously as was a Private Members Motion by **Bruce Halliday** asking that the Standing Committee on Agriculture be empowered to study the current state of the tobacco growing industry, taking into account various financial and non-financial government assisted options available for a rationalization of the tobacco sector.

Perhaps the most interesting private members' motion adopted was one by **Charles Caccia**. He urged all Members of Parliament and drivers of other vehicles on Parliament Hill to abandon the practice of leaving engines running within the precincts of Parliament as such practice adds to environmental damage. The Parliamentary Secretary to the Minister

of the Environment, **Gary Gurbin**, pointed out actions already taken by the government to protect the environment but said this was a worthwhile proposal which deserved to pass and it did.

Committees

Among the committee reports presented before the House adjourned on December 20 was one on the budgetary process presented by the Chairman of the Standing Committee on Procedure and Organization, **Albert Cooper**. The theme of the report was that the budgetary process ought to result in a greater degree of certainty for the taxpayers. It called for a fixed annual budget date, more integrated consideration of both the revenue and expenditure side of the financial picture and wider pre-budget consultation.

The Standing Committee on Management and Members' Services, chaired by **Marcel Prud'homme**, has been occupied with two orders of reference. One relates to the establishment of a Register of Member's Interests; the other with an examination of members pensions and particularly for retired members who become re-employed in the federal public sector. While not wanting to discourage former members from pursuing public careers after retirement, the Committee felt a limiting formula was justified. It therefore recommended, "In determining the level of pension benefits, the aggregate of pension and salary payments earned as a federal public servant, employee of a federal crown corporation, employee of a federal regulatory board or agency, a member of the judicature appointed by the federal government, or employee of Parliament should not exceed the base salary of a then sitting Member of the House. Any reductions that may be made should be from the pension payments and not from salary."

On December 19, 1985 the Standing Committee on Labour and employment, chaired by **Jim Hawkes**, presented a report on "The Refugee Claimant Backlog". The Committee suggested three ways to reduce the backlog fairly and quickly—identification of Convention refugees through an informal interview by the Refugee Status Advisory Committee, identification through an abbreviated application form of deserving cases on humanitarian grounds, and a new policy of permitting applications for landing for those residents in the country longer than three years. For

claimants who chose to remain in the existing refugee determination system or who are not recommended for permits the committee proposed a number of administrative measures to improve current claims processing. "As is recognized by nearly everyone, the existing system is seriously flawed, but until such time as legislation is passed instituting a new procedure, it should be made to work as efficiently as possible. Reform tomorrow should not preclude efficiency today."

The Transport Committee, chaired by **Pat Nowlan**, completed its examination of the government's discussion paper *Freedom to Move*. A majority of the Committee found itself in agreement with the broad goals outlined in the discussion paper and after hearing some 95 organizations and receiving 52 submissions from interested parties it made a number of recommendations on Air Transportation, Rail Transportation, Extraprovincial Trucking and other issues.

In a somewhat unusual move a member of the NDP, **Les Benjamin**, moved concurrence of the report although his party had issued a "minority report" disagreeing with the extent of deregulation proposed by the committee. As he noted the motion of concurrence was to allow him to register disagreement with specific parts of the report. Another NDP member later moved that the report not be concurred in but that it be sent back to the standing committee. When the House adjourned the motions to concur and not to concur had not been decided and the debate effectively ended.

Other matters

In December another debate on reform of the House of Commons was held. Once again members from all parties called for meaningful changes to the rules and procedures of the House. Proposed amendments to the Standing Orders resulting from the McGrath Report and the Government response were tabled on December 18 but were not adopted as the opposition wanted more time to consider the rules.

On December 20 the government tabled a document entitled "Lobbying and the Registration of Paid Lobbyists". It listed a number of options for identifying or controlling lobbying, including the possibility of self regulation as an alternative to legislation. The paper was referred to the Standing Committee on Procedure and Organization.

In November, for the first time, debates of the House of Commons were carried on an American Cable Television Network. With Congress in recess C-SPAN which covers proceedings of the American House of Representatives decided to carry, on an experimental basis, House of Commons debates for one week. The "show" evoked considerable interest and curiosity as demonstrated by the number of calls to the phone-in program conducted by the network immediately following each broadcast.

Gary Levy



The Yukon Legislative Assembly has not been in session since October 28, 1985 but committees of the Legislative Assembly have been very active in the period under review.

The Select Committee on Human Rights was created on October 24 in conjunction with the motion for second reading of Bill 58, *Human Rights Act*. The proposed legislation contains a "Bill of Rights" guaranteeing the right to freedom of conscience, the right to free expression, the right to free association, the right to freedom from arbitrary arrest or detention, the right to vote in territorial elections and the right to equal treatment. The bill prohibits discrimination on any of the following grounds: (a) ancestry, including colour and alleged race; (b) nationality or national origin; (c) ethnic or linguistic background or origin; (d) religion or creed, religious belief, religious association or religious activity; (e) age; (f) gender or sex; (g) pregnancy or related circumstances; (h) sexual orientation or sexual preference; (i) marital or family status; (j) criminal record or criminal charges; (k) political belief, political association or political activity; (l) physical or mental disability, or related circumstances, including reliance on a dog guide or other animal assistant, wheelchair, or any other remedial appliance or device.

The bill also stipulates that, in both the public and private sectors, the concept of equal pay for work of equal value is to be applied. Finally, the bill establishes a Yukon Human Rights Commission which is to be responsible to the Legislative Assembly for the administration of the *Human Rights Act*.

The Minister responsible for the Bill, **Roger Kimmerly**, said at second reading, "the test of free and democratic societies is around the way that it treats and protects its minorities. This Bill is designed to be progressive to promote a maximum freedom for individuals, to protect the rights of individual Yukoners to express themselves as freely as can be allowed in a democratic society."

Willard Phelps, the Leader of the Official Opposition, in response said that he supported the concept of human rights legislation but that he was disappointed with Bill 58 "because ... this is a radical bill. This is a Bill that is going to raise a lot of fears in a lot of minds of individual Yukoners — when one comes forward with radical legislation, rather than increase individual freedom, you run the danger of restricting freedom, of imposing a thought police or a kind of tyranny on a lot of innocent people."

The Select Committee on Human Rights decided to begin a preliminary clause-by-clause review of the Bill and to hold some public hearings before Christmas. It planned to complete Yukon-wide public hearings early in 1986 and then to conduct a final clause-by-clause review prior to the opening of the spring sitting of the Legislature. Between December 5 and 12 a total of six public hearings were held in the communities of Whitehorse, Mayo, Elsa, Pelly Crossing and Carmacks.

It soon became clear that the bill faced a significant degree of opposition, particularly in reference to the sections on equal pay for work of equal value, on "gay rights" and on the powers of the commission established to administer the Act. On December 18 Mr. Kimmerly (who is also a member of the Committee) announced in a press release that, as a result of the hearings held to that date, he would be preparing amendments and that he was requesting that further hearings be postponed until the amendments could be drafted and placed before the Committee. He indicated that the amendments would not be ready until sometime after February 15.

The Committee met on January 2, 1986, and decided that, given the timing proposed by Mr. Kimmerly, it would not be possible to complete a full round of public hearings and then undertake a clause-by-clause review, including consideration of amendments, prior to the reconvening of the Legislature. It was also the opinion of the Committee that it would be unfair to the public to expect that citizens could be prepared in a

short time frame to comment on both the Bill and a set of proposed amendments. The Committee agreed, on a motion of Mr. Phelps supported by Mr. Kimmerly, that it should only report progress and recommend to the Assembly that the Bill be allowed to die on the Order Paper.

A second select committee was established during the 1985 fall sitting was the Select Committee on Renewable Resources. A Green Paper on Yukon's Renewable Resources was referred to the Committee with instructions that it hold public hearings in every electoral district and that it report its findings and recommendations to the Legislature during the Third Session which is expected to run through most of 1986. The Green Paper seeks directions on the goals and objectives to be pursued by the Department of Renewable Resources during both the short and long term future.

The Standing Committee on Public Accounts held its annual hearing during the second and third weeks of January. In his opening remarks on January 8 the Chairman of the Committee, Mr. Phelps, said "this had been, and continues to be, traditionally a non-partisan committee that functions as a team to ensure that public funds are spent with economy, efficiency and effectiveness. We carry on a dialogue between the Legislature and the administration to complete the cycle of financial responsibility which starts with the Estimates."

The Committee conducted a review of the progress which had been made on recommendations it had made in previous reports. It also examined the concerns raised by the Auditor General of Canada in his annual report to the Assembly and then spent a number of days on a major review of the Departments of Economic Development and Tourism. The Committee's focus in much of its work was on the need for developing valid and adequate methods of performance measurement, an area in which it finds the Government of Yukon to be remiss.

Residency Requirement Struck Down By Court

During the course of the last Yukon general election held on May 13, 1985 an action was brought in the Supreme Court of the Yukon Territory which challenged the constitutionality of paragraph 18(1)(c) of the *Elections Act*. Mr. Arnold Hedstrom had been resident in the Yukon for nine months at the time of the election and,

therefore, did not meet the residency requirement of twelve months. He contended that the residency requirement was unconstitutional because it violated his rights under section 3 (right to vote), section 6 (mobility rights), and section 15 (right to equality under the law) of the *Canadian Charter of Rights and Freedoms*.

In a ruling, given on May 10, 1985, Judge Maddison held that the reliance on sections 6 and 15 of the Charter was neither appropriate nor necessary. He did agree that subsection 18(1) contains restrictions on the right to vote guaranteed by section 3 of the Charter and that its provisions must be deemed to be unconstitutional unless it is established that those provisions fall within the description of "reasonable limits" as found in section 1 of the Charter which guarantees rights and freedoms "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

Judge Maddison was not persuaded that that paragraph 18(1)(c) contained a reasonable limit for this reason; "Canada does not require a period of residency to vote in an election of members of the House of Commons. All that is required by the Canada Elections Act, to vote in that senior election, is ordinary residence on enumeration day." He continued: "What the Charter requires is demonstrable justification for the limitation on the right to vote. In this case, convincing evidence has not been forthcoming. The respondent has failed to meet the test of s. 1, justifying a period so long as one year."

In direct reference to Mr. Hedstrom he ruled: "The petitioner, being resident on the day the writ was issued, was entitled to be enumerated and, accordingly, to vote ... The appropriate and just remedy, in the circumstances of this petitioner's timely application is to order the Chief Electoral Officer to include the petitioner's name on the list of electors for his polling division."

Judge Maddison also cited subsection 52(1) of the Constitution Act, 1982 which states that any law which is inconsistent with the Constitution is, to the extent of the inconsistency, of no force or effect. He was therefore compelled to declare that s.18(1)(c) of the *Elections Act* was inconsistent with the Charter and of no force or effect.

As ordered by the Court, the name of Mr. Hedstrom was added to the list of electors for the polling division in which he resided. However, the

striking down of paragraph 18(1)(c) had no significant effect on the election because the provisions in the *Elections Act* requiring a person's name to be on the list of electors if that person is to be given a ballot paper on polling day still stood. Since revision hearings had ended prior to the decision on May 10, it was not possible, in the absence of similar court orders, to add the names of persons other than that of Mr. Hedstrom to the list of electors. The end result on polling day was that, with the sole exception of Mr. Hedstrom, only those electors who met the one year residency requirement as enacted by the Legislature were allowed to vote.

Following the election the Chief Electoral Officer's report drew attention to the fact that, in the absence of a reversal of the Court's decision or of amending legislation, the only residency restriction for electors in future elections would be that they be present in an electoral district twelve days prior to polling day (this being the last day of revision hearings and there being not further opportunity to have a name added to the list of electors; also, there is no swearing-in at the poll in Yukon elections).

On the same day as the report was tabled the Minister of Justice, Mr. Kimmerly, announced in a ministerial statement that the Government would be pursuing an appeal "in an effort to persuade the Court of Appeal that a residency requirement is constitutional." Since that date the Government, pursuant to the *Constitutional Questions Act* (Yukon) has also placed a constitutional reference before the Court of Appeal. In this reference the Government has asked the Court of Appeal to consider the following questions:

1. In the event of a land claims settlement is made between the Council for Yukon Indians and the Government of the Yukon Territory and the Government of Canada pursuant to Section 25 of the Canadian Charter of Rights and Freedoms, providing for a two year residency requirement before a person can vote in a territorial election, is it within the legislative competence of the Yukon Territory to enact legislation providing for a two year residency requirement before persons can vote in a Territorial election?
2. Is it within the legislative competence of the Yukon Legislative Assembly to enact a residency requirement of one year before persons can vote in a Yukon territorial election?
3. If the answer to question 2 is no, is it within the legislative competence of the Yukon Legislative Assembly to enact a

residency requirement of six months before persons can vote in a Yukon Territorial Election?

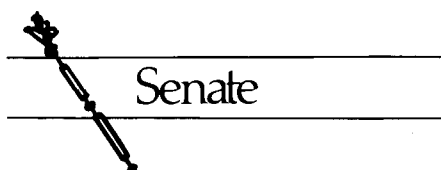
4. If the answer to questions 2 and 3 is no, is it within the legislative competence of the Yukon Legislative Assembly to enact a residency requirement of residency in Yukon on the 31st day of December in the year preceding any Yukon election before persons can vote in such an election?
5. Is it within the legislative competence of the Yukon Legislative Assembly to enact a residency requirement for Yukon elections for any period beyond what is required by the Chief Electoral Officer for administrative purposes?

The Government had hoped a decision could be obtained from the Court of Appeal prior to the by-election held on February 10. It was unable to gain such an assurance from the court. It was therefore decided, with all party agreement to insert a provision in the *Elections Act* establishing a six month residency requirement which would have effect only between October 28, 1985 (date of Assent), and April 1, 1986. Mr. Kimmerly, in his speech on second reading of the amending bill, stated that this action would prevent "abuse" during the by-election and that the "sunset clause" would prevent the court appeal from being "prejudiced."

The Leader of the Official Opposition, Mr. Phelps, in his speech, reflected the position taken by all three parties in the House: "I want to go on record as saying that our party and our caucus stands united behind the one-year residency requirement. We are very unhappy with the concept of having to shorten that requirement and we are only going along with this Bill because of the present legal mess that Yukoners find themselves in today."

The Court of Appeal was scheduled to begin hearing the appeal on March 18 in Vancouver.

Patrick L. Michael



Three emergency debates to discuss matters of urgent public importance were held during the period under review. On November 6,

Hazen Argue moved the adjournment of the Senate to discuss the failure of the Government to announce its drought assistance program and the necessity to immediately announce a program of aid to farmers in the drought areas of Manitoba, Saskatchewan, Alberta and British Columbia. On December 4, **Jerry Grafstein** moved that the Senate adjourn to discuss the crisis in Canada's cultural industries accelerated by the Government's refusal to exclude cultural industries from the trade talks with the United States, a debate in which many senators participated and which lasted until almost three o'clock the next morning. On January 28 **Joyce Fairbairn** moved for the adjournment of the Senate to discuss the crisis of the sugar-beet industry in Canada.

Tuesday, December 10, was somewhat unusual in that the Senate had two distinct sittings. During its first 'normal' sitting, a message was received from the House of Commons asking the Senate to join in a resolution declaring that Raoul Wallenberg, who had courageously saved the lives of one thousand innocent Jewish men, women and children during World War II, be made an honorary citizen of Canada. When unanimous consent was asked to waive the notice requirement needed to concur in the joint resolution, it was denied. In less than two hours after its adjournment, the Senate was recalled pursuant to Rule 14A which states that the Speaker may recall the Senate for an emergency sitting if he is satisfied that the public interest requires it. As this second distinct sitting, the joint resolution was called as an Order of the Day and adopted with little debate. The Leader of the Government in the Senate, **Duff Roblin**, explained that the Senate had been called back to deal with the resolution since observations and celebrations had been arranged that evening outside of Parliament to mark the declaration of Mr. Wallenberg's honorary citizenship.

The following day, the Leader of the Opposition, **Allan MacEachen**, rose on a point of order to protest the recalling of the Senate. It appeared that the only event to mark the passing of the resolution was a press conference which had been cancelled. Senator MacEachen felt that the action to recall the Senate for this purpose trivialized the Chamber. He presented a notice of motion declaring that the "events of December 10, 1985, relating to the Second Distinct Sitting were irregular and unacceptable, and are not to be considered as a valid precedent". The motion, however, was not proceeded with.

Committee Activity

On November 6, the Standing Rules and Orders Committee, chaired by **Gil Molgat**, presented three reports dealing with changes to the Royal Assent Ceremony, amendments to the Senate Rules so that they better reflect the use of male and female genders and granting committees the power to request comprehensive government responses to their reports. On December 3, the report dealing with the use of male and female genders was adopted. On December 19, the report dealing with comprehensive government responses to committee reports was referred back to the Rules Committee for further consideration. Senator Roblin felt that the Senate cannot bind the government to do anything by a standing rule and believed that if a committee wanted a comprehensive response to its report, it should make its request through the Leader of the government in the Senate. The report dealing with changes to the Royal Assent Ceremony was still under debate.

The Legal and Constitutional Affairs Committee, chaired by **Joan Neiman**, was quite active. It presented a number of substantive reports with observations and recommendations to the following Government Bills: on November 28, to Bills C-47 and C-48, dealing with divorce; on December 18, to Bill C-49, dealing with prostitution and on December 20, to Bill C-81 dealing with lotteries. One of the more controversial bills the Committee dealt with was Bill C-74, which amended the *Constitution Act, 1867* and the *Electoral Boundaries Readjustment Act*, which had been passed by the Commons under time allocation before the Christmas Recess. On January 23 the Bill was reported by the Committee without amendment. At the third reading stage, it was disclosed that some witnesses from the Atlantic provinces who felt that the bill was unfair to their region, had wanted to appear before the Committee but had not done so. Deputy Opposition Leader **Royce Frith** felt there was a real responsibility on the part of the Senate to hear those witnesses since "the Senate was brought into existence to try to represent regional interests that were not based purely upon population". On January 29, Senator Frith moved that the Bill be not read the third time but that it be referred back to the Legal Affairs Committee for further consideration which was agreed to.

On December 18, **Arthur Tremblay**, tabled a lengthy report of the Social Affairs, Science and Technology Committee upon the Government

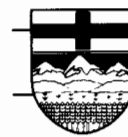
Consultation Paper on Child And Elderly Benefits. The report entitled "Analysis of Child and Family Benefits in Canada: A Working Document" was actually the work of one of the Sub-Committees of the Social Affairs Committee which was chaired by **Lorna Marsden**. The report dealt with the methodology for analysing the relationship between federal and provincial child benefits and an analysis of federal and provincial benefits to families with children. It concluded that provincial benefits are geared to families with very low outside incomes while federal benefits are of more value to middle or lower middle incomes because the child tax exemption and the child care deduction can only be used by those with a taxable income. It also noted that the amount of money families receive in social benefits varies by provinces.

The Banking, Trade and Commerce Committee, chaired by **Lowell Murray** tabled two important reports: on December 11, dealing with the deposit insurance, and on December 19, dealing with the subject-matter of Bill C-79, *Financial Institutions Depositors Compensation Act*. With regard to its Deposit Insurance report, the Committee made a number of recommendations dealing with the role of Canada Deposit Insurance Corporation (CDIC) in the regulatory process, the structure and powers of the CDIC, its operations and relationship to Government and financing the current CDIC deficit. The Committee recommended a new set of arrangements for deposit insurance. It felt the CDIC should be constituted as a separate institution with its own board of directors drawn from governments, member institutions and the private sector. It believed that its role should be one of administering the deposit insurance funds and that membership in the CDIC should be a privilege in the sense that the CDIC shall have the right to set standards for admission to and maintenance of insurance. The Committee also commented on the proposals made by the Government in its Green Paper on the regulation of Canadian Financial Institutions and hoped its observations would influence forthcoming legislation in this area.

With regard to its report on Bill C-79, the Banking Committee examined why and how the Canadian Commercial Bank and the Northland Bank came to fail, considerations behind the CCB support program in March 1985 and the decision to close banks in September, the reasons for and the issues raised by Bill C-79 and

what might be done to enhance the safety and soundness of Canada's banking system in the future. It made recommendations with respect to encouraging prudential business practices through reforms in deposit insurance, increasing the powers and resources of the office of the Inspector General of Banks and reforming bank auditing standards. The Committee concluded that the high-risk corporate strategies and poor management practices pursued by the Canadian Commercial and Northland banks were principally responsible for their failures.

Gary O'Brien



Alberta

The Legislative Assembly did not sit during the months of November, December and January, however, a new Premier was sworn in when former Minister **Don Getty** replaced **Peter Lougheed** who had retired.

Mr. Getty did not win a seat in the Legislature until December 11 (see people section) but he participated in the First Ministers' Conference which took place in Halifax in late November.

The Premier has also made a number of policy announcements including termination of 25 Cabinet Committees and the formulation of a new committee on agriculture to be chaired by the Premier himself. Alberta joined the federal red meat stabilization program and announced provincial emergency relief programs for red meat producers and beekeepers. Mr. Getty made a commitment to build a children's hospital in Edmonton and a \$100.00 subsidy will be given to students in Grades 7 to 12 to travel to Expo 86 in Vancouver.

The Legislature is expected to sit in spring 1986. But in the meantime, the Progressive Conservatives and the New Democrats are busy holding nomination meetings across the province as the mandate of the present government gradually draws to a close in November 1987.

The electoral boundaries have been changed so that the next Alberta Legislature will have 83 seats instead of the present 79. Several cabinet members have announced that they will not seek a seat in the next general election. **Lou Hyndman**, **Hugh**

Planche and **John Zaozirny** have indicated they wish to pursue careers in the private sector.

Thorsten Duebel



On November 18, 1985, the House paid tribute to **Frank Miller** on his pending retirement as Leader of the Opposition and Leader of the Progressive Conservative Party. Responding to the comments of the Premier and the Leader of the New Democratic Party, Mr. Miller said: "How lucky we are to live in a country where governments change peacefully and where leaders are interchanged peacefully. There are many parts of the world that would envy our ability to do that. Whether we like change or do not like change, thankfully it is done peacefully in this country." One week later, on November 25, the member for St. Andrew-St. Patrick, **Larry Grossman**, was recognized by the Speaker as the Leader of the Opposition.

A rare event took place on January 16, 1986, when Speaker **Hugh Edighoffer** was required to cast his vote as a result of a tie vote on a private members' resolution. With 29 members voting on each side of this issue, the Speaker cast his vote in support of the resolution "so that (it could) be considered at a further time." The last recorded instance of a Speaker casting his vote was on April 22, 1904, when Speaker Charlton voted against an amendment on the third reading of a bill.

End of First Session

On February 12, the 1st session of the 33rd Parliament was prorogued by Lieutenant Governor **Lincoln Alexander**. Of the sixty-eight government bills introduced in the 1st session, thirty-nine were passed and given Royal Assent, one was withdrawn and thirty-one were referred to either the Committee of the Whole House or standing committees. There were forty-two private members' public bills introduced, of which two were withdrawn, 1 was referred to a select committee, two were referred to standing committees and two were referred to the Committee of the Whole House.

Thirty-five private bills were introduced during the session. Thirty-one of these bills were passed and given Royal Assent. Finally, fifteen

items were considered during the time set aside on Thursday afternoons for private members' business. Five private members' public bills were referred to committee after second reading and, of the ten private members' resolutions which were debated, eight were agreed to and two were lost.

All of the government bills, private members' public bills, private bills, written questions and private members' resolutions remaining on the *Orders and Notices* paper at prorogation were ordered to be carried over to the 2nd session and to be placed on the next session's *Orders and Notices* at the same stage as at prorogation. A majority of the Estimates and Supplementary Estimates of the various ministries and offices could not be considered before the House prorogued. As a result, those Estimates and Supplementary Estimates not yet passed by the committees and reported to the House were deemed to be passed and all of the Estimates and Supplementary Estimates were deemed to be concurred in.

Committee Activity

Ten standing and select committees were authorized to meet during the recess between sessions to consider appointments in the public sector, freedom of information and protection of privacy legislation, bilateral trade, the supply and demand of electricity, equality rights statute law amendments, legislation to provide for governance of French-language instruction, the Annual Reports of the Ontario Institute for Studies in Education, of the Ombudsman, and of the Provincial Auditor, the provision of simultaneous translation services to the House and its committees, prescription drug cost legislation, legislation to provide for the settlement of first collective agreements, extra-billing legislation, and separate school funding legislation.

The standing committees were very active during the last months of the session. The Standing Committee on Procedural Affairs and Agencies, Boards and Commissions dealt with three separate matters of privilege. The first was the premature release of confidential draft material of the Select Committee on Energy. After a careful and thorough review of the matter, the Committee concluded that there was no breach of privilege and recommended that the House take no further action on the matter. However, the Committee urged all members

and staff of Committees to be more prudent when discussing confidential committee business with the media and other persons.

A second matter dealt with the premature disclosure of the Interim Report of the Select Committee on Economic Affairs. After hearing evidence from several witnesses including the Chairman and the Clerk of the Committee, the Committee concluded that there had been a breach of privilege. However, as the source of the leak could not be identified, the Committee felt it would be unjust to recommend that the persons who published the information be punished. Therefore, the Committee recommended that no further action be taken on the matter.

The Committee did feel that this matter should not be regarded lightly and recommended the adoption of a procedure proposed by a Committee of Privileges of the British House of Commons to provide that all members of standing and select committees should be made aware of, and be given a short statement on, the rules of privilege as they apply to committees; that members' staff, staff of the Office of the Assembly and persons involved with the printing of committee documents be given a short statement on the rules of privilege; that all confidential committee documents should be stamped with the words "Confidential - For Committee Use Only"; and that the chairmen of standing and select committees should regularly draw to the attention of the members of committees those parts of committee proceedings which are particularly sensitive. The Committee also recommended that the possibility of instituting "lock-ups" for the media immediately prior to the release of a committee's report be investigated.

A third matter was referred to the Committee after **David Reville**, the member for Riverdale, rose in the House on November 26, 1985, advising that he had gone to his local post office and had retrieved two registered letters from the Vice-President of the Ontario Region of the Canadian Imperial Bank of Commerce. These letters informed Mr. Reville that it was the Bank's intention to terminate its association with him. In addition, the Bank informed Mr. Reville that a personal demand loan in his name was considered by the Bank to be due and payable, and requested that the debt be paid in full by November 27, 1985.

Mr. Reville felt his privileges as a member had been breached by the Bank's "attempt to use its economic

power to discourage a member of this House from participating in important public events." On two separate occasions he had joined striking workers demonstrating for legislation relating to first contracts. He felt that the Bank acted as a direct result of his activity supporting these workers.

The Committee called Mr. Reville and the President and the Vice-President of the Bank to appear before it to give evidence. After a careful review of the evidence and the subject-matter of privilege, the Committee concluded that the actions of D. David Barrett, Vice-President, Ontario Region, of the Canadian Imperial Bank of Commerce, on behalf of the Bank, did not constitute a breach of the privileges of the House. It was not established that the member has been intimidated, threatened, obstructed or interfered with in his work relating to a proceeding in Parliament, not simply while he was performing his representative duties in his constituency or in other areas.

The Committee stated that the actions of Mr. Barrett on behalf of the Bank were punitive, intended to inflict a form of punishment on Mr. Reville because of his actions, actions which did not violate any statute. It also stated that the actions of the Bank were ill-advised, unbusiness-like and unacceptable in the circumstances.

The Committee did however, indicate that parliamentary privilege should be re-examined to determine if its scope is consistent with the functions, duties and responsibilities of members in contemporary society.

Four members of the Committee offered a dissenting opinion. They stated that the actions of the Bank were calculated to intimidate Mr. Reville and bring pressure on him to alter his conduct as a member of Parliament and to inhibit the free expression of his views. Aside from the intent of the Bank, the four members were of the opinion that the actions of the Bank caused Mr. Reville to give immediate attention to his financial affairs, thereby diverting his attention from his parliamentary duties and depriving the House of the unimpeded service of one of its members.

From November through February, the Standing Committee on Resource Development was occupied primarily with the consideration of the Estimates of the Ministries of Agriculture and Food, Labour, Energy, Municipal Affairs, Housing, Francophone Affairs and Industry, Trade and Technology. In January, Committee Chairman **Floyd Laughren** led off a debate in the House on the Committee's Report on

the Annual Report of the Workers' Compensation Board. The Report, adopted unanimously by the Committee, focussed on solutions to long-standing grievances of injured workers and MPPs regarding the operations of the present compensation system. At the conclusion of the debate, the Legislature adopted the Report.

On November 21, 1985, the Standing Committee on Public Accounts instructed the Provincial Auditor under the rarely used section 17 of the *Audit Act* to conduct a special investigation of the financing arrangements for the construction of the domed stadium. Because of the urgency in communicating certain recommendations to the House, the Committee presented an Interim Report recommending that the Provincial contribution not exceed the original \$30 million announced on January 17, 1985, by then Premier Davis. A further recommendation asked that the Stadium Corporation of Ontario provide the Committee with the merit details leading to the outcome of the design/construction competition and the market value of advertising benefits that would be received by members of the private sector consortium. A third recommendation of the Committee called for sponsorship for the stadium to be expanded to include Carling O'Keefe and Molson Ontario Breweries.

In April, 1983, the Select Committee on the Ombudsman tabled its report on Human Rights. The Committee recommended that the Committee's terms of reference be broadened to provide direct contact with and support to various groups interested in human rights. The Report was neither debated nor adopted.

In this Parliament, the Standing Committee on the Ombudsman has again cited the need for the Legislature to make its voice heard on the matter of international human rights. As a result, the Committee adopted the 1983 Report as its own, tabled it in the House and recommended that the Report be debated and adopted at the earliest possible date.

The Standing Committee on Social Development, chaired by **Richard Johnston**, concluded its exhaustive public hearings on Bill 30, *An Act to amend the Education Act* (separate school funding) in November. The Committee concluded that it was not advisable at that time to proceed with the clause-by-clause examination of the Bill until the Ontario Court of Appeal had ruled on the constitutionality of the Legislation. When the ruling of

the Court has been delivered, the Committee has agreed to set aside any business to give priority to clause-by-clause consideration of the Bill.

Lynn Mellor



The Members elected in the December 2, 1985 provincial election assembled for the first time on December 16 for the opening of the first session of the thirty-third legislature. The first order of business was to elect a Speaker and two Deputy Speakers. The Dean of the Assembly, **Georges Vaillancourt**, presided over the election of **Pierre Lorrain** to the Speakership. **Jean-Pierre Saintonge** and **Louise Bégin** were elected Deputy Speakers of the National Assembly.

The Speech from the Throne was delivered by the Lieutenant Governor, **Gilles Lamontagne**, who stressed the theme of change in the direction of Quebec politics.

In the absence of Premier **Robert Bourassa** who lost his seat in the election **Lise Bacon**, Deputy Premier and Minister of Cultural Affairs, unveiled the government's working agenda in the Inaugural Address. Mrs. Bacon reaffirmed the new government's desire to be a less visible presence in the day-to-day lives of Quebecers. The focus will be more on individual initiative and entrepreneurship. The government intends to create jobs, stabilize public finances, improve services, lighten the tax burden and modernize the economy. The state will no longer be the driving force behind Quebec society, but rather will act as a catalyst. The government will concentrate its efforts on setting major goals for society, arbitrating differences, providing effective services to the community and helping the disadvantaged. The Assembly will strive to be more stringent and more innovative in its approach. Fewer bills will be tabled, but more time will be devoted to monitoring public administration and to hearing proposals for change and reform. The government restated its commitment to creating 400,000 jobs over the next five years by putting the economy back on a strong and stable footing.

The government said it intends to bargain with its employees in a spirit of justice and equity. Certain language regulations and laws will be revised to ensure that all Quebecers enjoy equal

status. Cultural communities will become more closely associated with life in society. The government also announced the creation of a Senior Citizen's Bureau and of a Permanent Youth Council. In addition, a parliamentary committee will study how housewives can participate financially in the Quebec Pension Plan. The cultural development policy announced during the election campaign will also be reviewed by a parliamentary committee to be headed by **Claude Trudel**, the member for Bourget. Environmental protection will also be the subject of a "Quality of Life Charter."

The following day, **Pierre-Marc Johnson**, Leader of the Opposition, responded on behalf of the Parti Québécois to the Bourassa government proposals. He denounced the premature nature of the current session, a sentiment he felt was confirmed by the Inaugural Address which announced programs that already existed and borrowed from the vocabulary of change and progress. Moreover, he criticized the address for being silent on issues of major importance to the province, notably the government's strategy for tackling current budget problems.

On Wednesday December 18, the Minister of Finance, **Gérard D. Lévesque**, presented a budget policy statement in the Assembly. Six days after taking office, the Bourassa government introduced some of the measures promised during the election campaign: elimination of the tax on certain insurance benefits, cancellation of the fuel surtax in outlying regions and amendments to the tax table. However, to reduce the deficit for the current fiscal year, the government will put off implementing the tax reduction proposals outlined in the Duhaime budget for a period of three months. Furthermore, the government plans to cut government expenditures by \$950 million by March 31 next. It also plans to reconsider certain decisions made by the previous government between April 1 and December 12.

The Finance Minister said Quebec will introduce a minimum income tax similar to the federal scheme. The combined rate of the two will be 27.78%. He went on to add that the Bourassa government planned to publish in the near future a paper on the economy, public finances and the budget process. The document, which is to be distributed before March 31 in anticipation of the 1986-87 budget, will bring Quebecers up to date on the

government's financial situation. He called upon his federal counterpart to re-evaluate equalization payments and indicated that Quebec would be the only province not to benefit from tax transfers greater than 95%, as guaranteed by Ottawa. This year, Quebec would receive only 92.5% of the transfer payments received in 1984-85, as compared to 112.4% for New Brunswick.

In the opinion of Opposition Leader, the Liberal budget was nothing more than a large-scale public relations campaign, since the majority of Quebecers will benefit only from an additional \$10 tax break in 1986. Mr. Johnson expressed concern about the undefined nature of the cuts announced, saying he feared major slowdowns in the administrative machinery because of the "cross freeze" technique imposed by the Treasury Board. In his opinion, the budget contained nothing for young people and business and represented a net loss for families.

Following assent on Thursday evening to eight of the nine bills tabled during the week, the National Assembly adjourned until Tuesday March 11, 1986.

Yvon Thériault

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