
Legislative Reports

New Brunswick

The Legislative Assembly resumed October 24, 1989, following a four and one-half month recess.

During the summer adjournment, legislative committees maintained full schedules. The Select Committee on the 1987 Constitutional Accord and the Special Committee on Social Policy Development mandated to review beverage container legislation for New Brunswick continued to meet in the interim to prepare final reports.

During the month of October, the Special Committee on Economic Policy Development held public hearings on the government's Discussion Paper - Geographic Information Corporation.

A subcommittee of the Social Policy Committee mandated to consider the issues raised by school integration, held five weeks of public hearings throughout the province.

Committee Reports

Much of the Legislature's attention during the first week of the fall sitting focused on the long-awaited report of the Select Committee on the 1987 Constitutional Accord presented to the House by co-chairmen **Robert Simpson** and **Bernard Thériault**.

In calling for improvements to the Accord, the Committee in its concluding remarks stated that it could not "share the drafters' belief in the fragility of the Accord — a seamless garment that must not be altered. Rather, we see it as a Constitutional cloak of great durability, once a few loose strands are sewn into place."

The Committee recommended:

- that the Legislative Assembly of New Brunswick establish a Standing Committee on Constitutional Matters to consult and advise both before and after First Ministers' Constitutional Conferences, and that the Province of New Brunswick urge the Parliament of Canada and the other Legislatures to establish similar Committees;
- the recognition, as a fundamental characteristic of Canada, of the existence of French-speaking Canadians and English-speaking Canadians throughout the land without reference to territoriality;
- that the Parliament and Government of Canada preserve and promote this fundamental characteristic of Canada while the role of the provincial legislatures would be to preserve;
- the acceptance of Quebec's recognition as a distinct society;
- that the *Canadian Charter of Rights and Freedoms* be affirmed as a fundamental characteristic of Canada;
- that the Accord be amended to protect women's equality rights;
- that the governments of the Yukon and the Northwest Territories be given a definite role in Senate nominations;
- the acceptance of the Accord's immigration sections;
- the entrenchment of the Supreme Court of Canada; that at least three judges of the Court be from Quebec; that the territories be given a role in the selecting process; that a formal appointment process be established in each province and territory to ensure a broad spectrum of consultation on Supreme Court nominees; and that the nominating Committee be composed of representatives from the offices of

the federal and provincial ministers of justice, the judiciary, the provincial and territorial bars and the public at large;

- that the provisions of Section 36 of the *Constitution Act, 1982*, relative to the federal government's obligation to ensure that the provincial governments have sufficient revenues to provide "reasonably comparable levels of public services at reasonably comparable levels of taxation" be strictly applied; and that Section 106A relating to national shared-cost programs be accepted;
- that the unanimity rule not be required for the creation of new provinces and that the territories be consulted in the creation of new provinces;
- the deletion of all references to specific agenda from planned inclusion in the Constitution and that fisheries, aboriginal rights and Senate reform become priorities in constitutional discussions;
- that the governments of New Brunswick and Canada immediately initiate the process for the entrenchment of the principles contained in *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*.

In its final recommendation, the Committee called on the government of New Brunswick to use the report and its recommendations as a basis of discussion for improving the 1987 Constitutional Accord.

The final Report of the Social Policy Committee chaired by **Paul Duffie**, relating to the government's Discussion Paper - Beverage Container Legislation for New Brunswick, rejected the several deposit-return systems suggested as possible options. Instead, the report recommended an advanced litter control program as a means of eliminating the aesthetic problems of

litter as well as a way to provide a multi-material recycling program to eliminate the actual cause behind littering.

Two other Committee reports were presented during the second and final week of the fall sitting.

The Economic Policy Committee chaired by **Robert Simpson** reported to the House on the government's Discussion Paper - Geographic Information Corporation. The report supports the concept of one agency, the Geographic Information Corporation, having the responsibility and executive authority for all basic geographic information activities.

The Committee's report recommended eliminating duplication of information management activities within government so as to ensure that existing resources are used to capacity. Subsequently, on November 1, 1989, the Minister of Commerce and Technology, **Al Lacey**, introduced Bill 70, *New Brunswick Geographic Information Corporation Act*, which proposes to establish a Crown corporation to consolidate in one agency the responsibility and executive authority for all basic geographic information activities including county registry offices, property assessment, base mapping, coastal zone mapping, remote sensing, coordinate survey control, property mapping, legal parcel identification and indexing, geographic information standards, geographic information services industry development, toponymy and inter-agency liaison, such as interdepartmental, interprovincial and federal provincial. The Minister outlined two major objectives of geographic services: improved management of natural resources and economic growth through the development of marketable information products and services.

The Social Policy Committee which had been reviewing school integration, presented an interim report to the House on October 31, 1989. Because of the overwhelming response, the variety of complex issues raised, as well as the

short and long-term implications for New Brunswick's educational system and society, the Committee accepted as its mandate to review in more detail and study in greater depth its findings before submitting a final report. However, the Committee presented several recommendations in its interim report since it felt that a number of issues identified during the hearings demanded immediate attention. The Committee called for increased funding, better preparation for teachers, and reaffirmation of the government's commitment of the integration of special needs students.

Budget

On October 26, the Minister of Finance **Allan Maher** presented his government's \$296.5 million 1990-91 Capital Budget, continuing the practice begun in 1988, of tabling the capital budget in the fall, several months before the start of a new fiscal year. The 1990-91 Capital Budget which adhered to the \$300 million limit the government imposed in the interests of fiscal responsibility, outlined the government's 1990-91 program for improving hospital and school facilities, upgrading the transportation network and other projects important to the future of the province. A total of \$70.1 million of the capital budget was allocated for the completion of hospital construction; \$48 million for school construction and \$71.7 million for highways. Increased funding was allocated for environmental projects including funds for pollution control grants and regional landfills.

Legislation

During the first week of the fall sitting, the government introduced 10 bills:

The *Vocational Rehabilitation of Disabled Persons Act* would establish a framework to provide services to enable a disabled person to become capable of engaging in a substantially gainful occupation and would remove barriers

to employment for interested disabled persons and enhance opportunities to integrate disabled persons into society.

Amendments to the *Transportation of Dangerous Goods Act* add to the existing list of dangerous goods (radio active materials and prescribed substances within the meaning of the federal *Atomic Energy Control Act*) so that transportation of such will be governed by the Act already in place.

Amendments proposed to the *Clean Environment Act* are complementary to and consistent with the *Clean Water Act* passed in the spring 1989. They add pesticides to the definition of contaminant and waste when not controlled by the *Pest Control Act*. They also augment and clarify powers of inspectors, increase penalties to match those of the *Clean Water Act*, replace control and stop orders by ministerial orders, and establish broad ministerial powers under ministerial orders.

The *Clean Water Act* amendments clarify powers of inspectors. The Minister would be required to undertake remedial action, thereby recovering costs from the polluters, and the insurer would be required to pay proceeds from insurance policies to the Minister.

Ten more Bills were introduced during the second week of the sitting.

An *Act to Amend the Workers' Compensation Act* involves a number of changes in the delivery of programs at the Workers' Compensation Board level. In summary, those changes: 1) will enshrine in law the right of injured workers to return to work and 2) will improve death benefits, upgrade the pre-1982 Workers' Compensation benefits, and establish employer advocates.

Amendments to the *Public Utilities Act* will provide for the regulation of the rates which NB Power charges to its customers. All changes in NB Power charges, rates and tolls would require the approval by the Board of Commissioners of Public Utilities following a public hearing. This process would be initiated by an application

from NB Power for a rate review or by a request from the Lieutenant-Governor in Council for such a review. The amendments to the *Public Utilities Act* would provide an opportunity for the customers of NB Power to submit their input regarding rates charged to NB residents. Furthermore, the legislation enables the Attorney-General, should he deem it appropriate, to appoint a public intervener for any public hearing held by the Board and dealing with NB Power rates.

The public intervener would provide the possibility of input from consumers not able to participate directly in the Board's proceedings. Overall, the Bill results in NB Power's activities being subjected to an increased public scrutiny and will provide for public input into power rate decisions in New Brunswick.

Amendments to the *Highway Act* are designed to make highways safer by establishing a four-tiered system of controlling access to highways.

The amendments to the *Members Superannuation Act* provide for indexation of pension to members who retired prior to January 1, 1981. The indexation is equal to the rise in the consumer price index to a maximum of 6% per annum and is granted every January 1. Between January 1, 1981 and January 1, 1989, 28 members retired. The indexation formula does not apply to their pensions. The proposed amendment will permit the indexation formula to apply. Under the amendment, their pensions will be recalculated by applying the indexation formula from January 1 of the year following their retirement. The newly calculated pension would be paid starting in January 1990.

The *Stock Savings Plan Act* establishes a stock savings plan that allows New Brunswick to purchase shares in publicly traded companies. The plan will provide an incentive to investors to take ownership in New Brunswick publicly traded companies by offering a tax credit against New

Brunswick income taxes payable. This plan will increase the equity base of New Brunswick companies, thus reducing debt burdens, spreading the risk as well as the benefits, and allowing New Brunswick companies to become more effective in an ever-changing market place.

Among the Private Bills passed was *An Act Respecting the Corporation of Translators, Terminologists and Interpreters of New Brunswick*. The object of the bill is to amend the Corporation's name and to protect the public interest by regulating the membership of the corporation and promoting the professional development of certified translators, certified interpreters, certified conference interpreters and certified terminologists. The bill protects the title "certified" for Corporation members who meet certain standards. Clients dealing with a certified translator, interpreter or terminologist, can expect professional service. "Certified" thus ensures minimum quality for the protection of the public. The bill also provides for dealing with complaints laid against the Corporation members. The overall aim of the bill is to allow the Corporation to maintain the quality and professionalism of services provided by its members to all New Brunswickers.

Other Matters

Before prorogation, the Minister of Justice **James E. Lockyer** tabled a Proposal for Reform of the Machinery of Public Prosecutions. The Minister stated that separating departments associated with the administration of justice; i.e. the Department of Justice and the Department of the Solicitor-General in October 1987 was not enough. Although it promotes public trust in the impartial use of governmental decision-making powers, it does not, in itself, provide a sufficient guarantee of neutrality in the exercise of prosecutorial discretion. The proposal is a second measure to enhance public

confidence in the justice system through the establishment of an autonomous system of prosecution through the creation of a statutorily empowered Director of Public Prosecutions. Subsequently the proposal was referred to the Standing Committee on Law Amendments.

The Confederation of Regions, which recently became a registered political party, joined the other two registered political parties in presenting written questions to the government. As a result of recent provisional rule changes, written questions from the registered political parties are read by the Clerks-at-the-Table and then answered by the Minister to whom they have been directed.

On the last sitting day, the New Democratic Party, in one of its written questions, asked the Premier if he was prepared to "discuss with the leaders of the other political parties, ways of improving Question Period, so that questions from Registered Political Parties can be more effectively dealt with in the Legislature."

This suggestion raises the possibility of a system which would permit the unelected opposition parties to pose questions directly to Cabinet Ministers during the daily Question Period, and not through the Clerks-at-the-Table.

After sitting for eight days, the second session was prorogued on November 3, 1989.

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Senate

The more notable events concerning the Senate, since its resumption of work September 26, have had less to do with its legislative work than with

events which have made the news headlines. Senator **Michel Cogger** rose on a question of privilege on October 31, following allegations made in different newspapers about improper financial relationships with Crown agencies. Specifically, Senator Cogger was accused of accepting payment for work allegedly done for the Federal Business Development Bank (FBDB).

He denied any impropriety and in a letter to Senator **Lowell Murray**, Leader of the Government in the Senate, asked that a committee of Senators be ordered to investigate his case. On November 9, a special committee was appointed and ordered to "... inquire into and report on allegations that have been made about the propriety of the conduct of the Honourable Senator Cogger in the context of appropriate standards of conduct for Members of the Senate."

Alberta's Premier, **Donald Getty**, has taken Senate reform on a potentially precedent-setting path. Rather than waiting for the First-Ministers' Conference on Senate Reform, as described in the Meech Lake Constitutional Accord, Alberta has forced many to focus on the concept of electing Senators. On October 16, a slate of candidates were presented to Alberta voters, during province-wide municipal elections, for consideration as their newest representative in the Senate. **Stan Waters** heads the list sent to Prime Minister Mulroney by Premier Getty, on the strength of Mr. Waters' first place finish. The remaining names on the list reflect the other candidates in the election and their respective order of finish. Mr. Mulroney now has the option, under the terms defined in the Meech Lake Constitutional Accord, to select any name on the list or to ask Premier Getty to submit a new list.

The Auditor General of Canada, **Kenneth Dye**, has the permission of the Senate to conduct a comprehensive audit of the Senate. When the Auditor General reported the findings of his audit of the House of Commons in 1980,

it led to a complete re-working of its administrative and procedural sectors.

Legislation

The Senate is currently seized with the consideration of several pieces of Government legislation: C-20, *An Act to amend the Excise Tax Act and the Excise Act*, was referred to the Standing Senate Committee on Banking, Trade and Commerce on November 9; Bill C-21, *An Act to amend the Unemployment Insurance Act and the Employment and Immigration Department and Commission Act*, was referred to a nine-member special committee appointed by the Senate for the express purpose of considering the bill; Bill C-29, *An act to establish the Department of Forestry*, to amend the *Forestry Development and Research Act* and to make related amendments to other Acts, was referred to the Standing Committee on Agriculture and Forestry; Bill C-10, *An Act for the forgiveness of Sub-Saharan development assistance loans*, was referred to the Standing Senate Committee on Foreign Affairs; and C-3, *An Act to establish the Department of Industry, Science and Technology*, was referred to the Standing Senate Committee on Social Affairs, Science and Technology.

Committees

Senator **Henry Hicks**, Chairman of the Special Senate Committee on National Defence, tabled the Committee's report on "Canada's Land Forces" on October 31. The report provides a thorough analysis of the current status of Canada's land forces and the steps needed to be taken in order to elevate them to modern capabilities, should this become a Government priority. This concludes Senator Hicks' efforts to finish the series of evaluations started by the late Senator **Paul C. Lafond**, former Chairman of the Committee. Anyone interested in obtaining a copy of this report should write to the Director, Public Information Services,

The Senate, 140 Wellington Street, Ottawa, Ontario, K1A 0A4.

On October 17, the Standing Senate Committee on National Finance tabled an Interim Report on the Estimates, 1989-1990. Following on the heels of this spring's controversy over the Government's Special Warrants, this report continues the Committee's concerns with the financial procedures and privileges followed by the Parliament of Canada. Of particular note, in the Committee's opinion, are: the increasing percentage statutory expenditures represent in the total expenditures of the Government; and the lack of clarity over the need for the Royal Recommendation on certain pieces of legislation and the lack of clear guidelines governing its use.

Since this report, the Committee has been conducting hearings for the purpose of shedding light on the latter problem. Appearing before the Committee have been officials and academics with particular knowledge of the practical and theoretical applications of the Royal Recommendation. A report on the subject is expected in the near future.

Blair Armitage
Committee Clerk
The Senate

House of Commons

From September 25th, when the second session of the 34th Parliament resumed following the summer adjournment to the end of October the work of the House was overshadowed somewhat by the very public activities of some of its committees. On September 28, for example, the Standing Committee on Finance received permission from the House to televise its public hearings on

the Government's proposed Goods and Services Tax.

On October 26, the Standing Committee on Communications and Culture received a similar order of reference, although only for the specific purpose of its examination of certain high-profile Order in Council appointments.

This trend toward televising committee proceedings may soon become a permanent reality. The Standing Committee on Elections, Privileges, Procedure and Private Members' Business has since June been examining this question with particular reference to the CBC-Cable industry proposal for a subscriber fee-based 24-hour Canadian Parliamentary Channel. Should all participants in the proposed venture agree on a *modus operandi*, the current parliamentary channel would seek to expand its coverage to committees as well as to other public affairs programming. It is generally agreed, though, that not all committees could be broadcast all the time, mainly because of prohibitively high equipment costs. Herein lies the thorniest question of all – who decides which committees are to be televised? The Committee heard interesting testimony on this issue from **Brian Lamb**, President of the independent, non-profit Cable-Satellite Public Affairs Network (C-SPAN), headquartered in Washington, D.C. in the United States. In response to a question from Committee Chairman **Chuck Cook**, he explained that C-SPAN owns just 17 cameras, 3 of which are permanently in the network's Washington studio, thus leaving 14 available to be sent out to other locations. He went on to describe how programming decisions are made:

Every day, a number of people meet twice a day to decide where they are going to send the cameras. They look at a smorgasbord of sometimes as many as 75 different opportunities where they can send their cameras and in the end, five people of the

group that comes together have a vote. They make a decision on where they are going to send the cameras everyday at 10:30 a.m. and 3:30 p.m.

Mr. Lamb's testimony was interesting not only for its content but also because it was the first time a Committee had heard a witness via satellite. C-SPAN's studio and satellite system were used so the Committee could see and hear the witness and, with the help of a telephone link, Mr. Lamb heard the questions being put to him by Members.

So far this session, there has been a recurring disposition on the part of Members to voluntarily speak for shorter periods of time than would normally be allowed under the Standing Orders. The root of the trend, it appears, is a desire shared by all parties to permit as many Members as possible to speak in the various debates. Frequently, party Whips propose to the Chair that speaking times during particular debates be shortened. On October 12, for instance, New Democratic House Leader **Nelson Riis** obtained agreement on his proposal that "rather than having 20 minute speeches and the 10 minute question and comment periods, we will have 10 minute speeches and five minutes of questions and comments and continue with the usual rotation." On other occasions, speaking time has been divided by the parties individually, but always with the Chair's blessing. In fact the Chair has cooperated fully with these developments, as it has continued to do with the unofficial "lists of speakers" the parties have supplied to presiding officers for years.

Marc Bosc
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House of Commons

Northwest Territories

The Fifth Session prorogued on November 2 after a 12-day sitting in

Norman Wells, the first session held outside of Yellowknife since 1984 when the Assembly travelled to Rankin Inlet.

Newly appointed Commissioner **Daniel L. Norris**, the first native northerner to hold the position, opened the Session on October 18, promising to follow the direction established by his predecessor, **John Parker**, which brought full ministerial government to the NWT and changed the role of the Commissioner to more closely resemble that of a provincial lieutenant governor. His address outlined the pressure placed on government to meet increased demands for programs and services in a time of fiscal restraint, and stated that political and constitutional development, the environment, and the increased military presence in the North were issues of major concern.

Following the resignation of Speaker **Red Pedersen** at the close of the first day's proceedings, the Honourable **Richard Nerysoo** was elected to take his place as Speaker, becoming the first native person to serve the NWT in this capacity. Within days, he faced his first challenge when members requested equal recognition with English and French for aboriginal languages in the House. The Speaker acknowledged members' right to be heard and understood in the native language of their choice, stating that "Members' privilege is at question in this matter. Freedom of speech is an unquestionable right of members in any parliamentary and democratic system." He then adjourned the House until the following day when additional interpreters could be provided.

Following a motion put forward by eastern Arctic members to affirm the Assembly's support for the creation of a Nunavut Territory, representatives of the Constitutional Alliance were invited to appear as witnesses in Committee of the Whole during discussion of "Seize the Day", the Report to the Legislative Assembly on Political and

Constitutional Development in the NWT.

The assembly approved the creation of a Special Committee on Aboriginal Languages with a mandate to conduct a major review of the Aboriginal Languages Agreement with the federal government; to review existing legislation, policies and practices of the GNWT with regard to Aboriginal languages; to prepare plans for implementing the use of aboriginal languages; to consult with native organizations; and to consult with the Speaker on rights and use of aboriginal languages in the assembly.

Legislation

Among the 24 bills which received assent during the Session were: an amendment to the *Business Loans and Guarantees Act* to increase the cumulative maximum amount that loans and guarantees can be outstanding under the Act from \$16 million to \$20 million; amendments to the number of municipal government Acts, including the *Charter Communities Act*, the *Cities, Towns and Villages Act*, the *Hamlets Act* and the *Settlements Act*; amendments to the *Criminal Injuries Compensation Act* streamline the procedure for awarding compensation by appointing Criminal Injuries Compensation Officers to make awards under the Act or refer claims to the Supreme Court, and to increase the maximum amount of awards; amendments to the *Dental Profession Act* to improve regulation of the practice of dentistry in the NWT, including establishment of a Registration Committee, establishment of a Review Officer and Board of Inquiry, and setting out offenses and penalties under the Act; amendments to the *Education Act* to allow community education committees, societies, Boards of Education, Divisional Boards of Education and Boards of Secondary Education to hold closed meetings, and to provide for and establish rules

regarding the issuing of certificates of eligibility for principals; amendments to the *Insurance Act* to allow for the designation of compensation associations for accident, life and sickness insurance, and to allow for the operation of reciprocal or inter-insurance exchanges in the NWT.

Motions

In light of department of National Defense plans for low level flights, the North Warning System, Forward Operating Locations, cruise missile testing, an Arctic Training Centre at Nanisivik, and other military projects in the NWT, the assembly passed a motion to support the creation of a comprehensive policy on militarization of the NWT, in consultation with members and the public.

The assembly also reaffirmed its opposition to low-level military flights in the NWT and requested the Executive Council to demand that the Minister of National Defense withdraw his approval for low level flights on military flight route IR-9820 near the community of Snowdrift.

On learning that as a sign of her opposition to the fur trade, the newly-elected Mayor of Edmonton refused to wear the city's Chain of Office made with beaver pelts, the assembly passed a motion of protest requesting the Executive Council to consider alternative locations for the Edmonton office of the GNWT and to examine alternative supply routes for the western NWT outside Edmonton.

Other motions dealt with during the session included: a motion requesting a plebiscite on the question of wearing seatbelts within municipal boundaries was defeated following lengthy debate on the issue. Some members viewed new seatbelt legislation as an undue hardship to residents in small communities with limited road systems; and a motion to extend the terms of reference of the Special Committee on the Northern Economy until such time

as discussions of its final report, scheduled to take place during the Sixth Session, can be concluded.

Members agreed unanimously to support a motion of appreciation to senior hansard editor **Ruth MacKendrick** upon her retirement, for 16 years of service to the Legislative Assembly.

Standing and Special Committees

The Special Committee on the Northern Economy, which was formed to develop a long-term strategy to guide economic development in the Northwest Territories, visited 23 communities to complete public hearings in each of the 24 constituencies of the NWT.

In June, the Committee met with senior federal officials in Ottawa to discuss future federal activities and plans and their potential impact upon the NWT economy.

Over the summer, it released seven special studies on banking services, the GNWT's native employment policy, natural resource development and environmental protection, a review of economic development and tourism programs, a financial review of four northern land claims settlements, a strategy for supporting the domestic economy of the NWT, and a review of adult training in the NWT.

During the fall session in Norman Wells, the Committee tabled a summary of public hearings and its final report entitled "The SCONE Report, Building Our Economic Future", which included 30 recommendations. The final report is scheduled for discussion during the Sixth Session, which opens in February 1990, to allow time for public input before it is dealt with in the House.

The Standing Committee on Agencies, Boards and Commissions released its first report to the House in April. The Committee has the authority to review and comment on the activities of agencies, boards and commissions where some or all of the appointments

are made by the Executive Council, a Minister, or the Commissioner. In February, it conducted its first review, of the NWT Advisory Council on the Status of Women.

It also recommended that the government establish uniform directives for financial statements, conflict of interest guidelines, terms of appointments and other related matters.

The Standing Committee on Legislation continued its work, reviewing all draft legislation proposed by the Executive Council, except financial bills, before it is brought to the assembly. It makes recommendations on changes, additions, or deletions to each bill. Often changes suggested by the committee are incorporated by the Executive Council before a bill is considered by the assembly.

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Ontario

The 2nd Session of the 34th Parliament resumed on 10 October 1989, two months after a cabinet shuffle and a rearrangement in the membership and chairships of the various committees. The Fall meeting has been marked by a number of sharp disagreements on public policy issues. However, in the wake of the extensive modifications that were made to the Standing Orders in July — the changes came into effect on the day that the Legislature resumed — the legislative process has been operating more smoothly than it was in the Spring.

One of the more salient features of these new Standing Orders concerns the procedure for divisions. Standing Order 27(g) permits divisions to be deferred until the end of the next Sessional day at the request of any Party Whip. This

new provision was invoked for the first time on 7 November 1989 in the course of the ringing of division bells on a motion for second reading of Bill 36, *An Act to revise the Public Service Superannuation Act*. **Joan Smith**, the Chief Government Whip, submitted a notice requesting that the vote be deferred until after Routine Proceedings on the following day. **Michael Breagh**, the Acting Speaker, complied with the request, and the vote was held without incident on the following day.

The new Standing Orders have also replaced Emergency Debates with Opposition Days. Standing Order 41 entitles Opposition Parties 5 days in the Spring meeting period of the House—and another 5 in the Fall meeting period—to debate a matter of their own choosing. The first Opposition Day occurred on 17 October 1989 when the House debated a motion condemning the government for “its failure to make automobile insurance more accessible and fairer and its failure to institute a system of driver owned insurance....” As specified by Standing Order 41, a notice of this motion had been published in the *Orders and Notices* paper, all Parties were given equal time to debate the motion, and the debate was limited to one Sessional day.

This particular debate occurred in the context of the continuing criticism of the government’s initiatives in the automobile insurance sector. **Murray Elston**, the Minister of Financial Institutions, introduced Bill 68, *An Act to amend certain Acts respecting Insurance* on 23 October 1989. The bill would eliminate the right to sue for the less serious and less permanent kinds of injuries, and it would create a modified no-fault system of automobile insurance. It would also quicken and increase payouts to accident victims, and moderate premium increases.

Opposition Leader **Bob Rae** and NDP automobile insurance critic **Peter Kormos** have criticized the bill for the generous pecuniary concessions it gives insurance companies and for abolishing

accident victims’ current right to sue for compensation. Mr Rae has also advocated the need for public hearings. Interim Progressive Conservative Leader **Andrew Brandt** and PC financial institutions critic **Bob Runciman** were of the view that the government’s proposal contradicted two reports which the government itself had commissioned. Mr Brandt noted that the reports had concluded that Mr Elston’s proposal would be inefficient, arbitrary and result in no or minimal savings.

On other public policy fronts, the Temagami logging dispute was a prominent feature of the Fall meeting of the House. This longstanding dispute pits several lumber companies and their workers, which seek to extend the Red Squirrel logging road in northern Ontario, against the Teme-Augama Anishnabai Indian band and environmentalists. Earlier in the year, the Ontario Court of Appeal, in a unanimous decision, upheld a 1984 judgment that the band did not have aboriginal title to the lands. Pending the outcome of an appeal to the Supreme Court of Canada, the band applied to the Supreme Court of Ontario for an injunction to halt completion of the logging road. On 19 October 1989 Attorney General **Ian Scott** announced that the government was temporarily halting the construction of the logging road until the court had ruled on that request. When the band’s bid for the injunction was rejected by the court on 27 October 1989, the government indicated that construction could resume. But Opposition Leader Bob Rae continues to press the government for a moratorium on the construction until the Supreme Court of Canada makes its ruling.

On the labour scene, the Legislature had to deal with a dispute involving transit workers engaged in a work slowdown in Toronto for much of September and early October. When the Legislature resumed, **Gerry Phillips**, the Minister of Labour, laid Bill 58, *An*

Act respecting the Toronto Transit Commission Labour Disputes, before the House. The legislation, which was given Third Reading and Royal Assent on 16 October 1989, refers the contentious issue of the use of part-time workers to a fact-finder; all other matters are referred to binding arbitration.

Bill 208, *An Act amend the Occupational Health and Safety Act and the Workers' Compensation Act*, constitutes the government's initiative with respect to workplace health and safety. The bill would create a Workplace Health and Safety Agency to be controlled jointly by labour leaders and corporate executives. It would also increase the number of workplace health and safety committees by having the *Occupational Health and Safety Act* cover more industries and smaller companies. And finally, it would give trained, certified and designated workers sweeping powers to unilaterally close workplaces they considered unsafe. This last provision has been criticized by business groups, and some labour groups and the Official Opposition are critical of the government's intention to proceed with an amendment to have it apply only to workplaces with poor safety records. **Bob Mackenzie**, labour critic for the New Democratic Party, told the House that this amounted to "a total betrayal of the labour movement."

With respect to health issues, the government continues to announce new initiatives touching on accessibility to health care and the delivery of health care services. The Opposition has been critical of medical staff shortages as well as referral procedures in cancer treatment centres. Bill 147, *An Act respecting Independent Health Facilities*, which would regulate community clinics that perform procedures such as in vitro fertilization, laser surgery and abortions, awaits third reading. The bill had been introduced on 2 June 1988.

On 19 October 1989, the House gave first reading to Bill 64, *An Act to amend the Education Act and certain other Acts relating to Education Assessment*, and Bill 65, *An Act to amend the Ottawa-Carleton French Language School Board Act, 1988*. These "pooling" bills, if passed, would establish a fairer basis for sharing local tax revenues between coterminous public and separate school boards by giving separate school boards a larger share of those revenues.

On 2 November 1989, one week before the First Ministers' Conference in Ottawa, representatives of all three Parties delivered statements in the House in support of the 1987 Meech Lake Accord. Attorney General **Ian Scott** provided a constitutional analysis of how New Brunswick and Manitoba would have the Accord modified. He reiterated the government's position that the two provinces should now "join in a process of addressing their concerns within the framework of reconciliation embodied in the accord." **Bob Rae**, the Leader of the Official Opposition, examined the political and historical context of the Accord, as well as the nature of Quebec's participation in constitutional discussions in the 1980s. His speech was widely regarded as the most effective and passionate defence of the Accord. **Andrew Brandt**, the Leader of the Progressive Conservative Party, also supported the Accord, but criticized the government for not fostering a climate for future constitutional changes.

Committees

There are many new faces in the chairs of the various committees. The new Chairs are as follows: **Robert Callahan** - Standing Committee on Regulations and Private Bills; **Sterling Campbell** - Select Committee on Education; **Bob Chiarelli** - Standing Committee on Administration of Justice; **Steven Mahoney** - Standing Committee on Finance and Economic Affairs; **George**

McCague - Standing Committee on Estimates; **Yvonne O'Neill** - Standing Committee on Social Development; **Harry Pelissero** - Standing Committee on General Government; **Murad Velshi** - Standing Committee on the Ombudsman.

The Standing Committee on Government Agencies considered the audit and control mechanisms of the Ontario Securities Commission, the leasing perpetuity provision of unit holders at the Ontario Food Terminal Board, and the sunset provision for the French Language Services Commission. The Committee also considered the operation of the Royal Ontario Museum Board of Trustees, the Stadium Corporation of Ontario Limited, the Psychiatric Review Board, the Rent Review Hearings Board, and the Environmental Assessment Advisory Committee. A report on these agencies and boards will likely be tabled in the current session.

On 25 July 1989, the House referred certain allegations regarding staffing and financial decisions made by the Ontario Human Rights Commission to the Committee. The Committee has heard from numerous community groups and individuals, and will continue its deliberations before writing a report.

The new Standing Orders have replaced the Committee of Supply with a Standing Committee on Estimates. All Estimates are referred to this Committee, which determines which ministries' Estimates will be considered. (The following ministries and offices have been selected for consideration: the Ministry of Municipal Affairs, the Ministry of Transportation, the Ministry of the Environment, the Office for Disabled Persons, and the Office Responsible for Senior Citizens' Affairs.) The Estimates of those ministries not selected for consideration are deemed to be passed and are subsequently reported as passed. Although it is required to make its final report by the third Thursday of

November, the Committee will continue to consider the Estimates process in the coming months.

The Standing Committee on the Ombudsman reviewed the 1989 Ombudsman Annual Report on Denied Cases. Its report on the expansion of the Ombudsman's jurisdiction will be released in November 1989.

The Standing Committee on General Government held public hearings in Toronto and Ottawa, and conducted clause by clause consideration of Bill 119, *An Act to amend the Ontario Lottery Corporation Act*, in September and October. The Committee finalized its report on Countdown Acid Rain; it will be released in November.

The Standing Committee on Public Accounts continued its consideration of the 1988 Annual Report of the Provincial Auditor in August and September. It also travelled to North Bay, Thunder Bay and Dryden to review psychiatric facilities and firefighting centres. And finally, the Committee held hearings in Toronto on the SkyDome. The Committee's report on these and other activities is expected in the new year.

The Select Committee on Education reviewed elementary and secondary school financing in September and October. It travelled around the province and received presentations from 85 groups and individuals. The Committee's report will be tabled in the new year.

The Standing Committee on Resources Development considered Bill 30, *An Act respecting Funeral Directors and Establishments* and Bill 31, *An Act to revise the Cemeteries Act*. Bill 30 provides for the licensing of funeral establishments, funeral directors and transfer services under the authority of the Board of Funeral Services. Bill 31 regulates the establishment and management of cemeteries and crematoria. Both bills provide a larger measure of protection to consumers than is currently provided.

During the Summer Adjournment, the Standing Committee on Administration of Justice completed consideration of Bill 2, *An Act to amend the Courts of Justice Act, 1984*, and Bill 3, *An Act to amend certain Statutes of Ontario Consequent upon Amendments to the Courts of Justice Act, 1984*. It also completed public hearings on Bill 4, *An Act to amend the Metropolitan Toronto Police Force Complaints Act, 1984*.

The Committee tabled its report on the 1988 Report of the Ontario Provincial Courts Committee (the Henderson Report), which dealt with issues of salaries, pensions and benefits for Provincial Court judges. A majority of the Committee endorsed most but not all recommendations in the report. Two Opposition members of the Committee filed a joint dissenting report.

With the resumption of the Session, the Committee commenced public hearings on legislation providing for freedom of information and protection of individual privacy in municipalities and before local boards. The Committee also held hearings on a private member's public bill, Bill 145, *An Act to Prohibit the Sale of Gun Replicas*.

And finally, the Committee commenced a long term review of alternative dispute resolution mechanisms pursuant to a new provision in the Standing Orders which enables a committee "to study and report on all matters relating to the mandate, management, organization or operation of the ministries and offices which are assigned to them from time to time, as well as the agencies, boards and commissions reporting to such ministries and offices". (Only the "policy field" standing committees—the Standing Committee on Administration of Justice, the Standing Committee on General Government, the Standing Committee on Resources Development, and the Standing Committee of Social Development—are entitled to rely on this provision.)

The Standing Committee on Finance and Economic Affairs held public

hearings on Bill 20, *An Act to provide for the Payment of Development Charges*, over the Summer. The bill would empower municipalities and school boards to levy fees on developments that will increase the need for municipal services or school facilities. During clause by clause consideration of this bill, the Committee passed 45 government amendments. The Committee also considered Bill 18, *An Act to amend the Ontario Municipal Improvement Corporation Act*. This bill had originally been reported to the House in July, but had been referred back to the Committee. Both bills await third reading.

After the Legislature resumed in October, the Committee began public hearings on two controversial bills. Bill 46, *An Act to establish a Commercial Concentration Tax*, would impose a tax on large commercial structures, commercial parking lots and parking garages within the Greater Toronto Area. Bill 47, *An Act to impose a Tax on Employers for the purpose of providing for Health Care and to revise the requirements respecting the payment of Premiums under the Health Insurance Act*, would establish a new employer health tax to replace Ontario Health Insurance Plan premiums. It would require employers with permanent establishments in Ontario to pay a tax at a graduated rate depending on the total amount of remuneration paid in the year to employees. The Committee is currently conducting public hearings on these bills.

The Standing Committee on the Legislative Assembly tabled its *Report on Confidentiality Provisions* in October. The report recommended the amendment or repeal of certain provisions in existing legislation insofar as they were inconsistent with the *Freedom of Information and Protection of Privacy Act, 1987*. The Committee's comprehensive review of the Act will likely commence in January 1990.

The Committee also attended the annual meeting of the National

Conference of State Legislatures in Tulsa, Oklahoma, and continued its ongoing review of members' services and security issues.

The Standing Committee on Social Development held public hearings on the above-mentioned Bill 147, *An Act respecting Independent Health Facilities*. The bill proposes to decentralize certain medical activities and procedures, thereby freeing up hospital space and lessening the financial burden on the health care system.

A diverse array of views was expressed at these hearings. Entrepreneurs of small outpatient surgical facilities supported the bill because it would extend a concept that was already proving to be a success. The College of Physicians and Surgeons gave cautious support, and expressed concern about the mechanics of ensuring a high standard of care in private facilities. The medical profession was concerned that the legislation would spawn "health care boutiques".

During the latter part of clause by clause consideration of the bill, the Committee accepted an amendment put forward by **David Reville**, the health critic for the Official Opposition. The amendment would bring existing private radiology clinics under the terms of the bill, an eventuality not originally foreseen or planned for. After the bill was reported back to the House and a reprinted copy of the bill became available, the existence of this change concerning diagnostic radiology became widely known. The radiology profession was successful in securing a second set of hearings by the Committee on that specific provision of the amended bill. Four additional days of hearings were held so that the concerns of radiologists could be heard. Despite their representations, this provision of the bill was not removed. When the bill was later considered in

the Committee of the Whole House, **Ernie Eves**, the health critic for the Progressive Conservative Party, made an unsuccessful attempt to remove the provision from the bill. The bill was subsequently read a third time and passed.

The new Standing Orders permit a member of the sub-committee on committee business of one of the four above-mentioned "policy field" committees to designate a matter to be considered by the full committee. **Richard Allen**, a member of the Social Development Committee, gave notice of his desire to designate 12 hours of debate in the Committee to consider the matter of the growing need for food banks and the consequent need for the government to take a more active role in feeding the poor and disadvantaged. While government business takes precedence on the Committee's agenda, the Committee has indicated that it will pursue this matter as soon as possible.

Anniversary

On 19 October 1989, **Robert Nixon**, the Deputy Premier and Treasurer, received accolades from all party leaders for the 70 years that he, and his father—former Premier **Harry Nixon**—before him, have represented what is now the electoral district of Brant-Haldimand. Mr. Nixon, the dean of the House, has served for 28 of those years. He was congratulated for ministering to the interests of his rural constituents and his province.

Peter Slbenik
Procedural Clerk (Research)
Legislative Assembly of Ontario

Alberta

During the Spring sitting which concluded on August 18, 26

government bills and 9 private bills were accorded Royal Assent.

Among those government bills were the *Family Day Act*, which recognizes the importance of the family by designating the third Monday of each February a public holiday, and the *Senatorial Selection Act*, which facilitates senatorial elections in Alberta. The first such election, held on October 16 in conjunction with the municipal elections, saw the victory of the Reform Party of Canada's **Stan Waters**. Having forwarded Mr. Waters' name to Prime Minister Mulroney, Premier Getty is currently awaiting a response.

The only government bill not passed during the sitting was the *Ambulance Services Act*. Introduced on August 16, the bill provides for a provincially regulated and locally managed ground ambulance service in accordance with provincial minimum standards. By allowing the bill to die on the Order Paper, the government hopes to solicit input before re-introducing the Act during the 1990 Spring sitting.

Also accorded Royal Assent was the *Emblems of Alberta Amendment Act*, initially introduced as a private member's bill by **Ron Moore**, MLA for Lacombe. The Act designates the Rocky Mountain Big Horn Sheep Alberta's official mammal.

During August, September, and October, the provincial government continued its debate with Ottawa over the proposed Goods and Services Tax. Alberta opposes the tax on the basis of the *BNA Act* which grants the provinces jurisdiction over consumption taxes. The government feels that the GST will hurt Alberta's taxation base and lead to reductions in federal transfer payments.

There was no Fall sitting of the Assembly.

Shelley Russell
Parliamentary Intern
Alberta Legislative Assembly