

## Legislative Assembly of Alberta

Title: **Thursday, June 11, 1992**

2:30 p.m.

Date: 92/06/11

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

O Lord, we give thanks for the bounty of our province and our country: our land, our resources, and our people.

We pledge ourselves to act as good stewards on behalf of all Albertans.

Amen.

head: **Presenting Petitions**

MR. McINNIS: Mr. Speaker, I have a petition signed by some 3,000 people from the city of Calgary expressing their concern about the presence of dioxins and furans in pulp mill effluent and about forest management agreements done in secret by the government behind closed doors. They're on both sides of the page.

head: **Introduction of Bills**

### Bill 261 Environmental Bill of Rights

MR. McINNIS: Mr. Speaker, I request leave to introduce a Bill being the Environmental Bill of Rights, Bill 261.

The purpose of this Bill is to ensure that never again will Albertans find themselves with polluted rivers, fouled air, and the destruction of ecosystems without legal recourse.

[Leave granted; Bill 261 read a first time]

### Bill 252 Women's Agricultural Parity Act

MR. DECORE: Mr. Speaker, I request leave to introduce Bill 252, a Bill entitled Women's Agricultural Parity Act.

This Bill allows a married couple or common-law partners who run an operation as joint business ventures to be recognized as partners when applying for government loans, permits, or other benefits.

[Leave granted; Bill 252 read a first time]

### Bill 281 Agricultural Resources Conservation Board Act

MR. DECORE: Mr. Speaker, I request leave to introduce Bill 281, a Bill entitled Agricultural Resources Conservation Board Act.

Inasmuch as the supply of agricultural land is finite, this Bill establishes the agricultural resources conservation board that will minimize the transfer of good quality agricultural land for other than agricultural purposes. This board will also stimulate the development of agricultural practices that protect and recover land.

Thank you, sir.

[Leave granted; Bill 281 read a first time]

## Bill 294

### Water Resources Management Services Administration Act

MR. MITCHELL: Mr. Speaker, I request leave to introduce Bill 294, being the Water Resources Management Services Administration Act.

The object of this Bill is to transfer responsibility for irrigation works from the Department of the Environment to the Department of Public Works, Supply and Services. This would end the conflict of interest within the Department of the Environment enabling it to concentrate on its prime task of protecting the environment.

[Leave granted; Bill 294 read a first time]

## Bill 30

### Department of Tourism, Parks and Recreation Act

MR. SPARROW: Mr. Speaker, I request leave to introduce a Bill being the Department of Tourism, Parks and Recreation Act, Bill 30. This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of the Bill, recommends it to this Assembly.

This Bill is the amalgamation of the former Department of Tourism and the former Department of Recreation and Parks. The former Bills will be rescinded.

[Leave granted; Bill 30 read a first time]

head: **Tabling Returns and Reports**

MR. GOGO: Mr. Speaker, I am pleased today to table the 1990-91 annual reports for the following community colleges: Fairview College, Keyano College, Medicine Hat College, and Olds College.

MR. SPEAKER: The Member for Vegreville.

MR. FOX: Thank you, Mr. Speaker. This being seniors' week, I thought it appropriate that I file copies of a memo I am sending to my colleagues in the Alberta Legislature thanking them and their office staff for helping me to identify who may well be the oldest person living in the province of Alberta. An unusual number of responses from the government side identified a Glen Clegg as the oldest Albertan. I have no objective verification for that. I do want to acknowledge that there is a 108-year-old Lilian Radford in Lethbridge, a 107-year-old Edith Christensen in Westlock, and a 106-year-old Wasylena Babchuk in Vegreville.

MR. McINNIS: Mr. Speaker, I wish to file copies of 13 amendments to Bill 23, the Environmental Protection and Enhancement Act, which I intend to move in committee on behalf of the New Democrat caucus.

head: **Introduction of Special Guests**

MR. SPEAKER: The Member for Edmonton-Whitemud, followed by Lloydminster.

MR. WICKMAN: Thank you, Mr. Speaker. Recently there was a fund raiser for the Bissell Centre. One of the items was lunch for four in the Leg. cafeteria and a tour of the Leg. Those four are James Razzell, Duncan MacDonald, Brenda Erikson, and Paul Erikson. Two are in the audience today: Brenda Erikson and

Duncan MacDonald. They're in the public gallery. If they would stand and receive the warm welcome of this House.

MR. SPEAKER: The Member for Lloydminster. Again, welcome back.

MR. CHERRY: Thank you.

Mr. Speaker, it's my pleasure today to introduce to you and through you to members of the Assembly 37 visitors from the Kitscoty elementary school. Accompanying them are two teachers, Mr. Pawlak and Mr. Gerhart, and also a parent, Mrs. June Villett. They are seated in the public gallery, and I would ask that they stand and receive the warm welcome of the Assembly.

MR. SPEAKER: Drayton Valley.

MR. THURBER: Thank you, Mr. Speaker. It's indeed a pleasure for me to introduce to you and through you to members of the Legislature the frontline person in the Drayton Valley constituency office, the secretary and general boss of that office, Mrs. Nina Hansen. She's accompanied today by Mrs. Cathy Polsfut and Mrs. Betty McGee. I would ask that they stand and receive the warm welcome of this House.

2:40

MR. SPEAKER: Bow Valley.

MR. MUSGROVE: Thank you, Mr. Speaker. Today it's my pleasure on behalf of myself and the minister responsible for Seniors to introduce a group of senior citizens from Edmonton and area in recognition of our seventh seniors' week in Alberta. They are accompanied by three of the council members: Marilyn Danes, Nellie Jackshaw, and Mary Norman. Barbara Armstrong, a staff member from the council, is also accompanying these people.

Seniors' week is sponsored by the Senior Citizens Advisory Council for Alberta, and it is done as a token for the contribution that the seniors have done for this province. The person who suggested that there be a seniors' week some eight years ago is also in the group. Her name is Alice Modine from Sherwood Park. I'll be meeting with this group in the cafeteria for tea after question period. They are in both the members' and the public galleries, and I would ask them to now stand and receive the warm welcome of the House.

MR. DAY: Mr. Speaker, on behalf of the hon. Minister of Family and Social Services, my colleague from Red Deer-South, I am happy to introduce over 50 students from G.W. Smith school. They're visiting us today with teachers Mrs. Marilyn Ganger, Mr. Vern Payne, Mrs. Dianne McBeth, and parents accompanying them are Mrs. Gail Wiseman, Mrs. Doris Doerksen, Mrs. Betty O'Conner, and Mr. Gary McAllister. On behalf of the minister I extend warm greetings to them and ask them to rise and receive the warm welcome of the Assembly.

head:

### Oral Question Period

#### NovAtel Communications Ltd.

MR. MARTIN: Mr. Speaker, I think it's becoming increasingly clear why this government lost at least half a billion dollars on NovAtel. Let me quote briefly from a national newsletter for the U.S. cellular industry on what NovAtel was. It says:

It was a lifesaver to scores of neophyte RSA operators who were only able to beat the FCC 18-month deadlines thanks to NovAtel equip-

ment and working capital extensions during the financially dark, cash-strapped days of 1990-91.

Well, they were the sugar daddy of a bunch of dubious companies in the United States, even used to pay off debts from other creditors. I'd like to file an excerpt from this newsletter so the minister of technology can at least have an idea of what was going on in his department. My question to the minister is simply this: what was Alberta doing lending money to neophyte U.S. companies in a very high-risk business?

MR. STEWART: Mr. Speaker, yesterday I took the opportunity to describe the nature of the financing arrangements that were spelled out by the NovAtel board in 1988, when it decided to compete in the U.S. market. It established a basis of financing similar to that of other competitors: AT&T, Motorola, Ericsson. The type of financing that was put up was strictly that. It was for marketing purposes. If you didn't provide financing, then you didn't sell. It was that simple. They made a decision at that time to do it. I'm not going to question the decision itself. However, we are going to put things into the hands of the Auditor General, as we indicated before. We've instructed all information that relates to the systems financing to be fully examined in detail by the Auditor General, and I'm sure the Auditor General will come to some conclusions in that regard.

MR. MARTIN: Mr. Speaker, did you hear what the minister just said? The Alberta taxpayers were competing with AT&T. That's unbelievable. They're not going broke; I can assure you of that.

They were dealing with very small companies, limited experience, limited credit, and then turning around and paying other creditors. They had no business being there. As the minister in charge he must have known what was happening. I want to ask him: why didn't he put a stop to these dubious practices?

MR. STEWART: Mr. Speaker, I wasn't the minister in 1988, at the time the NovAtel board made that particular decision. It was their decision. When the time came to take back NovAtel, which was an important decision, it was the right decision. We stick by it, and now it's time to examine all of those decisions, to examine the testimony of various people that will be called by the Auditor General to give evidence to him on these matters, and we await those decisions. I think that's the responsible thing to do, that's the responsible action to take.

MR. MARTIN: Only this minister could say that nobody over there is to blame. At least half a billion dollars lost and growing. It's nobody's fault, Mr. Speaker. Certainly not that minister's. He wasn't there in '88. He's been there since '89, and he's allowed this to go on. So you have to accept responsibility.

Now, Mr. Speaker, in this case ignorance is not bliss. The minister seems to be indicating that he didn't know what was going on, and meanwhile Alberta taxpayers were losing millions and millions and millions of dollars going down the tube. My question to the minister: is he really trying to say to us here in the Assembly that he didn't know that this was happening and that's why it happened?

MR. STEWART: Mr. Speaker, all those matters as to what I did and did not know will be in the hands of the Auditor General. That's the place for the independent investigation to take place. That's the decision that's made. I think it's the right decision, and we look forward to that process.

MR. SPEAKER: Second main question, Leader of the Opposition. [interjection] Second main question. [interjection] The question, please.

MR. MARTIN: Mr. Speaker, it's become obvious that the NovAtel mess is much larger than the over half a billion dollars that this government is letting on. The minister of technology has admitted that at least \$84 million of the financing portfolio has already been lost by the taxpayers. Documents from the United States released by the opposition show that the losses are likely to be greater than a hundred million dollars. It's quite ironic that we have to get the information from the United States. We can't get it from the Legislative Assembly in Alberta. My question to the minister is simply this: will the minister finally come clean and tell us the total money at risk? We already know that it's much more than the \$84 million acknowledged by the government.

MR. STEWART: Mr. Speaker, at the time of the announcement of the sale of NovAtel we came forward publicly and indicated the nature of the write-downs that were appropriate in that regard to be very conservative in the estimate and in the assessment of the overall systems financing arrangements and agreements. That assessment was taken. We have given that information. The hon. leader may just refer back to *Hansard*; that information is there. The full matter will be explored by the Auditor General, as I indicated before, and we'll be pleased to provide any further information the Auditor General requires.

MR. MARTIN: The minister stands there with a straight face. I guess it's too painful to laugh.

Mr. Speaker, we already know that there's \$58.8 million dollars Canadian lost in CIS, \$54 million Canadian in General Cellular Corporation, a Texas lawsuit that the minister has acknowledged, \$19.2 million: that's \$132 million right there and just beginning. My question simply to the minister: how can the minister stand in his place with a straight face and say that \$84 million is still a realistic figure?

MR. STEWART: The answer to that, Mr. Speaker, is very easy because the member's information is absolutely incorrect.

MR. MARTIN: Mr. Speaker, you haven't been correct about anything since this whole thing started, you and the Treasurer and the Premier.

All right; let's take the minister at his word. If he's so sure about his estimation of the losses, tell us that we don't have to keep going to the United States to get the information, and will the minister then table with the Assembly a list of all the U.S. companies with NovAtel financing? Table it here in the House.

2:50

MR. STEWART: As I've indicated, all of those matters will be in the hands of the Auditor General. The Auditor General, in turn, responds to this Assembly. It's an independent office. He's an officer of this Assembly, and he will table his report in due course. I think that's a responsible action to take, and I would suggest, Mr. Speaker, that it's a far more appropriate type of process than the NDP trying to carry out their investigation or the Liberals trying to carry out theirs or indeed even the government trying to carry out an investigation. The Auditor General is the appropriate official to do this. That's where it's at. That's the decision taken, and that's what we will live by.

MR. SPEAKER: Edmonton-Glengarry, on behalf of the Liberal Party.

MR. DECORE: Mr. Speaker, my questions are to the minister responsible for NovAtel. In financial statements filed by General Cellular Corporation of California the officers of that corporation state that in the nine months from November 1990 to July 1991 NovAtel provided this California corporation money to: one, pay its payroll; two, pay trade creditors; three, buy cellular equipment – I guess that's called systems financing – and four, pay interest charges on moneys owing to NovAtel. In other words, NovAtel lent this California corporation money, then lent more money so that this California corporation could turn around and use NovAtel money and pay back interest charges to NovAtel. The minister has collected moneys from Alberta taxpayers and given those moneys to NovAtel. I'd like the minister to explain to Albertans how his monitoring system failed so miserably as to allow this kind of outrageous financing to take place. How could you allow it to happen, Mr. Minister?

MR. STEWART: Well, Mr. Speaker, I'd refer the hon. leader to yesterday's *Hansard*, when I did explain the circumstances with respect to General Cellular Corporation. There were moneys outstanding. When we retook the company, we found through the management committee that that was the situation. We instructed the management committee to take action on it. They engaged a U.S. financial advisor. They gave advice with respect to the basis upon which the best settlement for the Alberta taxpayer could be undertaken. That was done in order to preserve those taxpayer dollars, because otherwise there would have been a bankruptcy and all would have been lost. The hon. Member for Calgary-North West in fact gave the final details of that. There was a settlement made on that particular account.

MR. DECORE: Mr. Speaker, the hon. minister continues to tell Albertans that financing provided by NovAtel was financing for marketing purposes. Clearly not correct. This California company lost \$7.4 million in 1989, \$64 million in 1990, \$44 million in 1991. My question to the minister is this: why were you taking moneys from Alberta taxpayers, giving it to NovAtel, and allowing NovAtel to put it into the pockets of American entrepreneurs who were already sinking in their own ship?

MR. STEWART: The answer to that, Mr. Speaker, is: we weren't.

MR. DECORE: Mr. Speaker, yesterday the minister admitted that he didn't know about the outrageous lending practices of NovAtel. The minister has now had time to do his homework, time to determine what else happened. It's not funny, Mr. Minister. It's not a laughing matter. I'd like the minister to tell us: of the 75 companies that are now left that NovAtel dealt with in the United States, how many additional sweetheart deals, how many additional outrageous lending practices were given to other American corporations? Please don't tell us that the Auditor General is going to tell us this.

MR. STEWART: Mr. Speaker, I guess I'm smiling a bit because of some of the allegations that come forward from the hon. leader and his party on these matters. Yesterday we had a perfect example of that when they brought forth a release that alleged that certain moneys had been lent to a television appliance company. They should have known from the documentation that that wasn't true at all, that the company had been supplying a product to them.

They were an unsecured creditor. They make these allegations; they do it for political purposes. That's why it's very important for the Auditor General to look at this whole matter.

#### **Teachers' Retirement Fund**

MR. JONSON: Mr. Speaker, earlier this session the matter of teachers' pensions was the subject of numerous petitions presented to the Legislature. More recently it's been reported to the Legislature that a memorandum of understanding has been reached between government representatives and representatives of the ATA. I'd like to ask the Minister of Education: what plan or action is in place to make sure that there's a prompt resolution or decision on this particular matter?

MR. DINNING: Mr. Speaker, the Member for Ponoka-Rimby has been somewhat persistent in this matter on behalf of his constituents and a number of others, so I know that he and others are interested in our progress. I can advise the Assembly that representatives of both the ATA and the provincial government came to an agreement on May 29 on a memorandum of understanding regarding pension reform for teachers, and I can advise the Assembly that the provincial government advised the Alberta Teachers' Association today that we have endorsed and ratified that memorandum of understanding.

Mr. Speaker, I think it's fair to say that in a very difficult economic and fiscal time this provincial government worked with the Alberta Teachers' Association in a co-operative relationship, identified the problem, and worked hard to come to a solution. These are difficult issues, and I know my colleague the Provincial Treasurer has been faced with an equally, if not greater, difficult task in the local authorities and public service and other pension plans. This government is taking on problems like this. I can advise that we look forward to the teachers ratifying this agreement at a meeting on June 21.

MR. JONSON: Mr. Speaker, by way of supplementary, one of the inherent difficulties that was revealed in this whole process was that there did not seem to be an ongoing procedure for monitoring the extent of the unfunded liability, agreeing on actuarial projections, and so forth. As a consequence of dealing with this memorandum of understanding, I'd like to ask the Minister of Education whether that particular problem will be addressed.

MR. DINNING: Absolutely, Mr. Speaker, because it should be perfectly clear as this agreement is discussed with teachers across the province that neither the teachers nor the taxpayers in this province should be faced with any growth in the unfunded liability of the Teachers' Retirement Fund. The agreement makes it very clear that an actuarial review must be regularly undertaken – at least every three years – such that the rates for the cost of current service must be adjusted so that the fund remains actuarially sound and no longer requires any further unfunded liability.

Secondly, Mr. Speaker, the agreement also spells out a plan that over a period of time the current unfunded liability will be paid down through shared contributions by the provincial government through provincial taxpayers' funds as well as through teachers' contributions.

MR. SPEAKER: Edmonton-Strathcona, followed by Edmonton-Meadowlark.

#### **Furnace Safety**

MR. CHIVERS: Thank you, Mr. Speaker. All 58 of the Flame-master furnaces installed on the Sucker Creek Indian reserve just

five years ago have to be replaced because of leaking heat exchangers. In contrast, of the 67 other furnaces installed at the same time only one is leaking. The evidence keeps mounting that indeed these heat exchangers are defective and are dangerous. To the Acting Minister of Labour: given that the company that originally manufactured these furnaces is no longer in business, that the government provided the firm with \$7.5 million worth of taxpayers' money, and that the Department of Labour has regulatory jurisdiction in this matter, has the minister sought any legal advice as to the potential government liability for damages suffered in this matter?

MR. ROSTAD: Mr. Speaker, as acting minister I will ensure that the Minister of Labour receives this question. It's obvious that the member feels very, very concerned about these furnaces.

MR. SPEAKER: Supplementary.

MR. CHIVERS: Thank you, Mr. Speaker. It's interesting that Engineered Air, a subsidiary of Bovar, the company that bought Climate Master and effectively benefited from the \$7.5 million of taxpayers' money that the government provided to the firm, is still using the same type of heat exchanger in furnaces for walk-up apartments. To the Acting Minister of Labour: given that Bovar, its affiliates and principals generously contribute to the Conservative Party each year, will the acting minister explain the reluctance to admit the magnitude of the problem with these heat exchangers?

**3:00**

MR. ROSTAD: Mr. Speaker, I'll certainly refer the question to the Minister of Labour. I'm sure she'll answer the part that's relevant, which relates to the furnace, and the spurious allegations would be ignored, as they should.

MR. SPEAKER: Edmonton-Meadowlark.

#### **NovAtel Communications Ltd.**

*(continued)*

MR. MITCHELL: Thank you, Mr. Speaker. The Treasurer has been working hard to deny any responsibility on his part for the NovAtel fiasco. However, the order in council of January 11, 1991, authorizing the \$525 million in loan guarantees to NovAtel states that the guarantees, and I quote, "shall contain the terms and conditions required or approved by the Provincial Treasurer." How did the Treasurer satisfy himself that this \$525 million in loan guarantees could possibly be appropriate?

MR. JOHNSTON: Mr. Speaker, this matter will be dealt with by the Auditor General in time.

MR. MITCHELL: Anything he can do to distance himself, Mr. Speaker.

The Treasurer had to know that NovAtel lost \$204 million in 1990, had done nothing but lose money up to that point, and had no prospects of making money in 1991, at about the time he authorized that \$525 million loan guarantee. Will the Treasurer explain whether his decision to offer the guarantee, despite this dismal financial record, had anything to do with the fact that one of NovAtel's major plants was in his constituency?

MR. JOHNSTON: Let me go on record as saying, Mr. Speaker, that I am always concerned about jobs in my constituency but, of

course, as the minister, as a member of the government, handle it objectively. I'm sure that the Auditor General will review not just this question but all questions which have been directed to the government and, as we have indicated before, shape his responses to ensure that the widest possible coverage in this issue is provided to Albertans, and in his full and complete review of this process he'll report back to us. At that point, the question from the Member for Edmonton-Meadowlark will be put in the right context. The elaborations and the misstatements that he has made will be dealt with objectively, and the people of Alberta will have an opportunity to see what has happened in this NovAtel situation.

### Trucking Industry

MR. DAY: Mr. Speaker, to the Minister of Transportation and Utilities. I understand that the Alberta government has recently signed an agreement with the U.S. Department of Transportation that involves us giving certain information to the U.S. about our commercial carriers when they operate in the United States. Can the minister give us some kind of assurance or does he have any guarantee that we have access to information about U.S. truckers in Alberta so that there isn't a competitive edge there?

MR. ADAIR: Mr. Speaker, yes, I can. The agreement that was signed is another first for Alberta in the sense that it's an agreement of co-operation and reciprocity that deals with information that's available to us through the U.S. federal Department of Transportation on convictions or collisions or inspections. Then in the U.S. they use a rating system to rate each of the carriers. Previously we did not have the opportunity to be able to determine if unsatisfactory carriers were coming into Alberta, but as a result of this agreement, we'll be able to get the information and to exchange the information that will allow both in the U.S. and in Alberta the ability to look at information that would lead us to prohibit unsatisfactory carriers from coming in until they meet our minimum standards.

MR. DAY: Mr. Speaker, the record shows that the vast majority of Alberta truckers are very safety conscious, but they're also very cost conscious. Can the minister give any assurances to us today that this increased information sharing isn't going to result in any increased bureaucracy or red tape for Alberta truckers?

MR. ADAIR: Mr. Speaker, I guess I can assure the hon. Member for Red Deer-North that the benefits from the Alberta truckers' point of view are better and smoother access to the U.S. markets plus the fact that up until now we've had to go through two audits – we being the carriers of Alberta or the United States – because they had to have a U.S. plus an Alberta audit and then vice versa, an Alberta audit and a U.S. audit. Now the reciprocity part of this agreement allows for the U.S. to accept our inspections and our classification of our drivers as well as the U.S. ones. So there's a cost saving, a time saving, and a money saving totally.

### Pulp Mill Emissions

MR. McINNIS: Mr. Speaker, for the past 20 years the Department of the Environment has licensed and regulated pulp mills in Alberta according to the policy of best achievable standards, a policy which was reiterated on Monday by the Environment minister and which is ultimately subjective, flexible, and political. Thousands of Albertans have recently expressed their concern about this and in particular about a report that was published by Alberta Environment in May 1992 stating that the Wapiti and Smoky rivers are polluted in respect of odour, colour, sulphide,

aluminum, chromium, manganese, nitrogen, phosphorus, phenolics, dichlorophenol, coliforms, dioxin, furan, just to name a few. I would like to ask the minister, in view of the fact that these noxious substances are still being dumped into Alberta rivers and this minister has licensed two new chlorinated bleached kraft mills, if he will state whether he's decided to set a date on the calendar when this madness will stop.

MR. KLEIN: Well, first of all, Mr. Speaker, the hon. Member for Edmonton-Jasper Place misses, really, the point of that particular document. That document was released to the public and to the business community and to the environmental community in Grande Prairie as the first stage in a public process leading up to the renewal or the possible renewal and the conditions under which the new licence for Proctor & Gamble will be issued. It's an information document clearly pointing out that there are these problems related to the mill albeit the mill has spent about \$70 million to upgrade and indeed is trying its best to deal with these problems.

Nonetheless, with respect to all pulp mills, we have decided that there would be a public hearing, a public consultation process before the renewal of a licence. All this information will be taken into account. It's probably a worst case scenario, but certainly it will be addressed in making a determination as to whether a licence will be granted and, if a licence is granted, under what conditions and for how long.

MR. McINNIS: The report says that these river ecosystems are deeply stressed, that the rivers are polluted, and he's telling me with that bafflegab that I missed the point.

What the document says is that these rivers will take a long time to repair, if they can be repaired at all. I'd simply like to ask if he has renewed the discussions with new prospective pulp mill developers, such as Grande Alberta Paper and Yuen Foong Yu, about the idea that in Alberta you're going to have a zero effluent system if you're going to build a new pulp mill.

MR. KLEIN: Mr. Speaker, indeed that discussion has taken place relative to Grande Alberta Paper; that is, the possibility of zero effluent as it pertains to that kind of mill, which is a chemithermomechanical pulping process.

We're talking about a kraft mill here, Mr. Speaker, that has made remarkable progress in the last two or three years, particularly as it affects adsorbable organic halides, AOX, to bring their levels down to something near three kilograms per air dried tonne to – I think they're at 1.8. What they're trying to achieve now and hope to achieve by the end of this year is 1.5 kilograms. So that is quite a remarkable achievement. By the way, 1.5 is deemed to be a very reasonable level in terms of AOX. This is the standard that we have set in Alberta, and we set that standard long before any other jurisdiction in this country. I understand that the New Democrats in British Columbia are looking at 1.5 achievable by the year 1994. This is the standard that we have in place right now in the province of Alberta, the highest . . .

3:10

MR. SPEAKER: Thank you.

Calgary-North West, followed by Calgary-Glenmore.

### Electoral Boundaries

MR. BRUSEKER: Thank you, Mr. Speaker. My question today is to the hon. Premier. The electoral boundaries issue is in a real mess. It's a \$2 million mess, in fact, largely because of a

government-dominated committee. Mr. Speaker, the people of Alberta . . . [interjections]

### **Speaker's Ruling Criticizing a Committee**

MR. SPEAKER: Hon. member, there's a difficulty with criticizing a decision of an all-party committee of the House, but continue. [interjections] Order please. [interjections] Order. Continue with the question.

Thank you.

### **Electoral Boundaries**

*(continued)*

MR. BRUSEKER: Mr. Speaker, the people of Alberta want to see fairness. They want to see fairness in the boundaries, and that means that MLAs should not be drawing their own constituency boundaries. My question to the Premier is: to ensure fairness on this committee that the Premier has talked about creating now, will he commit that the committee that is going to be created or is supposed to be created is going to have equal representation from all parties so that we can establish the principles that will result in fair boundaries for all Albertans?

MR. GETTY: Mr. Speaker, I really can't agree with the hon. member's allegation in asking his question that the electoral boundaries matter is a complete mess. That reflects the hon. member's low regard for the citizens of this province, because what we have had is an all-party select committee of this Legislature which talked to the people of Alberta. They made a report. We then had an independent Electoral Boundaries Commission headed by a judge of the Alberta court. They in turn talked to the people of Alberta. They filed reports. I have then talked to the members of the Assembly, and I have said that we should now, having received this input, put together an all-party committee of our Legislature and have them bring us recommended boundaries. I don't think that's a terrible situation.

In the end, the member has to know that he is elected, as all of us are, to make those decisions. He can't give up that responsibility. As a matter of fact, he must fulfill that responsibility. That is what we are going to do.

MR. BRUSEKER: Well, Mr. Speaker, I can assure the Premier and this House that I certainly don't have a low regard for the citizens of this province, perhaps a low regard for this government, but that's a different issue.

Mr. Speaker, politicians drawing their own boundaries has got a term. It's called gerrymandering. So my question to the Premier is this: will the Premier commit that no committee made solely – "solely" is the key word here – of elected politicians is going to draw their own boundaries?

MR. GETTY: I will come back again, Mr. Speaker, to the point I made earlier to the hon. member. No boundaries are able to go into law until members of this Legislature, all elected, pass those boundaries into legislation. Now, surely that is what we are elected to do, and for the hon. member to say that he doesn't want to take the responsibility that he's been elected to take, that's a failure on his part. Surely the members of this Legislature have the ultimate responsibility, and they're going to fulfill it. I think that's the way it should happen.

MR. SPEAKER: Calgary-Glenmore.

### **Kerby Centre**

MRS. MIROSH: Mr. Speaker, several months ago the Calgary caucus met with the board of directors of the Kerby Centre, and at that time they were informed about the quality of that building: the maintenance and upgrading that was necessary around that building. Following that, the Minister of Public Works, Supply and Services met with the Kerby Centre board as well and gave some directive to come back with some instructions regarding the maintenance of that building. Could the Minister of Public Works, Supply and Services outline to the Assembly the results of that wish list that the Kerby Centre came up with?

MR. KOWALSKI: Mr. Speaker, the Kerby Centre building in Calgary is a building owned by the taxpayers of the province of Alberta. It's under lease to a group known as the Kerby Assembly, and the current lease expires on December 31 of 1992. In recent years a committee of representatives, MLAs from Calgary, have been meeting with the Kerby Assembly to talk about upgrades to that particular building. In the last two years nearly 400,000 taxpayers' dollars have gone to such things as carpet replacements, ventilation upgrades, interior alterations, telephone improvements. As well, the Kerby Centre has also applied to the Wild Rose Foundation for dollar assistance from the Alberta Lottery Fund, and in 1991 a grant of \$50,000 for what the Kerby Centre has identified as their priority issue, an information referral and computer networking system, was approved for funding for the Kerby Centre.

So in the last couple of years, just from those two departments of government, there was perhaps over \$400,000 in special funding allocated. That's part of and with funding that would have come from other departments of the government, including dollars that would be provided by the departments of Advanced Education, Family and Social Services, Health, and Alberta Municipal Affairs as well.

MRS. MIROSH: Mr. Speaker, the members for Calgary-Bow and Calgary-Foothills have subsequently been meeting with the Kerby Centre board of directors on a monthly basis and have been given the concern regarding their health program. I'd like to direct my supplementary question to the Minister of Health. As we have just been told, we know that the Kerby Centre depends solely on government for funding. Could the Minister of Health outline how much money her department is supporting the Kerby Centre with and if the Calgary board of health could also be part of this preventative treatment in helping them with this shortfall of dollars?

MS BETKOWSKI: Mr. Speaker, the Department of Health in the current fiscal year will be providing \$159,000 to the Kerby Centre for their adult day support program. In this fiscal year the Kerby Centre had a fund-raising campaign through lottery or casino support, which didn't net them the amount of dollars which they had hoped to receive, and as a result they would like to have more dollars flowing to their program from the Department of Health.

As we discussed yesterday in the second day of estimates for the Department of Health, it's very important in this fiscal environment that we are in that instead of constantly looking at new sources of funding, we look at spending better the funding that we currently have. I therefore have a couple of suggestions. The first one is to look at the resources we are providing from the Department of Health, which if the Kerby Centre would like to reallocate, certainly as the Minister of Health I'd be more than prepared to look at that.

Secondly, with respect not just to the Calgary board of health but with respect to all the health services being delivered in the Calgary area, I would encourage the Kerby Centre to join in the role statement discussions and workshops which will be taking place in the city on June 25 to look at spending dollars that we dedicate to health entirely in perhaps a different way, which might include reallocating some of the existing dollars in health over to the Kerby Centre if the network of services believe that that's an appropriate use.

I think that with those two suggestions, there may well be some room for looking at the reallocation of existing dollars as opposed to new dollars, which are not available.

MR. SPEAKER: Vegreville.

#### 4-H Program

MR. FOX: Thank you very much, Mr. Speaker. Whether Albertans live in urban or rural areas, they share a concern about the future for their families. They want their children to be healthy, happy, involved in actively learning new skills, and 4-H programs help many young people in rural Alberta accomplish these objectives. Now, apparently without input or consultation from 4-H leaders or councils, this government cut three of seven regional 4-H specialist positions in their most recent budget. Now, I raised this issue several weeks ago with the minister in an effort to convince the government to restore funding for these important positions, and in the meantime I've received literally dozens of letters and phone calls from leaders, parents, and children telling me just how important 4-H programs are to them and their communities and the harm that will be done these programs by these job cuts. Other members have got those letters as well. The minister has too. I'd like to ask the minister, if I might, why she hasn't acted on the many concerns expressed here in these letters and restored funding for these three positions.

MRS. McCLELLAN: Well, Mr. Speaker, I do welcome the opportunity to address this because the member has made some statements through the press and in discussions that are quite . . .

AN HON. MEMBER: Mind-boggling.

MRS. McCLELLAN: Well, mind-boggling is one term, but really I think it demonstrates the lack of understanding of what in fact has occurred in the delivery of the 4-H program. I welcome the opportunity to assure the member and others, as I have in response, that in fact the delivery of the 4-H program has been enhanced, not reduced.

I'd like to explain, Mr. Speaker, with your indulgence, that we had seven 4-H specialists in the province; we now have four. We have 58 district home economists in the province. Their time has always been allocated in part to servicing 4-H clubs. What we have done in the new delivery of this is give the district home economists more time to deal directly at club level. That is an enhancement of the 4-H clubs. The specialists will be devoting their time to assistance to the district home economists and to the regional councils in the area.

I have responded to the concerns and to some of the options, and I would say that one of the options that seems to be most popular is increased fees to 4-H members. I reject that outright. No child in this province should be denied access to a program as important as 4-H because of lack of fiscal ability.

3:20

MR. FOX: Cut the jobs, improve the service: that makes a lot of sense to people out there.

It's a matter of priorities, Mr. Speaker. I've suggested several ways that the minister could save money in her department to restore funding for these important jobs. I'm going to ask the minister why she hasn't listened to my suggestions and several other good ones from the people who write to her and cut, for example, the many high paying patronage appointments in the Department of Agriculture instead of these important, frontline, people-serving jobs.

MRS. McCLELLAN: Mr. Speaker, it's always easy to cut many, but never have I received from you, sir, in writing to my office anything that was specific to these programs.

Now, I have taken some time in this House to explain the delivery of this program. I do believe that if a more complete explanation of the delivery of program to 457 clubs last year – I would say there's an increase in number of clubs this year – is required, I'd be happy if they would like to put it on the Order Paper. I have responded to the provincial council and to the regional councils with a four-page letter. I'd be happy to read that, but I don't think you would want me to do that, Mr. Speaker.

Let me just complete this by saying that this province has one of the finest 4-H club organizations in Canada. It is held up as an example in Canada. It will celebrate its 75th anniversary this year. This government offers 36 person-years to 4-H in this province, just under \$2 million in support, plus other support from other departments. If that can be matched or paralleled, I would like to hear it from him. This government is committed to 4-H and to rural families, and it will continue to be.

MR. SPEAKER: Calgary-Forest Lawn.

#### Kerby Centre (continued)

MR. PASHAK: Thank you very much, Mr. Speaker. My questions follow in a sense on those that were asked by the Member for Calgary-Glenmore. We, too, as the Official Opposition have met regularly with officials from the Kerby Centre. In fact, the leader was there yesterday. We have a very different sense of the issue at the moment from what the minister has. It's not the capital funding . . . [interjections]

AN HON. MEMBER: Which leader?

MR. SPEAKER: Order.

MR. PASHAK: The Leader of the Official Opposition, did I say?

The problem, Mr. Speaker, is not the capital funding and it's not the block grant that goes to the Kerby Centre. It's the \$40,000 that's required to keep the Kerby health centre functioning. I find the minister's logic in refusing to provide this funding most curious. She says that providing the \$40,000 will simply add to the cost of the health care system, yet she doesn't account for the fact that if the centre closes and services are provided by physicians in the fee-for-service system, even more costs would be added to the health care system. For example, if the centre closes, the Alberta . . .

MR. SPEAKER: Hon. member, the question, please.

MR. PASHAK: The question's very easy, Mr. Speaker. Why is the minister refusing to provide the \$40,000 that the Kerby Centre requires when failing to do so will result in additional costs to the system of over \$200,000?

MS BETKOWSKI: Mr. Speaker, I fail to understand how, with a sizable operating budget, \$159,000 of which is provided by the Department of Health, a \$40,000 program can cause the centre to shut down. Perhaps the member could elucidate a little further.

MR. PASHAK: Mr. Speaker, that part of the program is completely separate from the other \$159,000 that's provided. The Minister of Health speaks about health care reform, yet here we have a model that provides service to the community in a cost-effective manner without reliance on the expensive fee-for-service system we currently have. My question's to the minister. Can she explain why she's willing to let this model of health care reform die and move us back to an increased reliance on fee for service?

MS BETKOWSKI: Mr. Speaker, every time we get a creative suggestion from the opposition with respect to how to better spend health dollars, it involves spending more. What this government is trying to do and what we are determined to do is respond to The Rainbow Report recommendation which said that the dollars going into health care are adequate, that the manner in which we spend them is not.

With respect to the suggestion of the New Democrats, now from this second member, that we add another \$40,000 to the system, that simply is not an option any more. With respect to controlling the fee for service, unless it is given from the fee-for-service system, as I've explained ad nauseam in this House I suspect, and move into the program which they wish to fund, then there is no cost saving. Rather, what we've done is say that we've put a limit on the total amount of fee for service that is allowed to be billed in our province. We believe that within the dollars that are available to the Kerby Centre now, if they wish to reallocate them themselves, I'd be more than happy to do that. I have met with the Kerby Centre. I've appeared at the board, and I believe the two suggestions I've provided the Member for Calgary-Glenmore today are actually quite workable.

MR. SPEAKER: Westlock-Sturgeon.

### Young Sex Offenders

MR. TAYLOR: Thank you, Mr. Speaker. The Solicitor General yesterday claimed that he's doing everything he can to find help for a young, 12-year-old Calgary sex offender. Perhaps the minister doesn't understand. The youth is getting help, very thorough treatment in fact. The problem is that his department is trying to stop the treatment all in the interest of saving a few measly dollars. To the minister: if he is really serious about helping this young person, why is his department refusing to pay for treatment at the Wood's Home, as has been ordered by the court?

DR. WEST: Mr. Speaker, we will not be refusing to pay the fee at the Wood's Home. It's \$15,000; it's \$210 a day. It is an expensive program.

Let me go back in history to answer this question. We are very concerned about finding the right treatment for the young individual. The decision to withdraw funding from the Wood's Home was based upon low utilization rates back in 1990 which resulted from the inability of the Wood's program to provide a secure environment for those young offenders who had been sentenced to secure custody by the youth court and were at serious risk to reoffend. Accordingly, especially during a time of ongoing fiscal restraint, there was a need to design a treatment program to maximize the use of professional resources in a secure setting.

Therefore, as a replacement for the Wood's program, the correctional services division contracted a psychologist trained in adolescent sex offender treatment to provide treatment within the more secure and structured environment of the Calgary Young Offender Centre.

MR. TAYLOR: Mr. Speaker, that's very fine. In fact, he's condemning the Phoenix treatment, which has had an 80 to 90 percent success ratio across the country, for something that the minister has thought up himself with his own cowboy psychologists. Could the minister, then, put forward to us and let this House know exactly what type of treatment he's going to foot for young offenders? Right now it's all talk, no action.

DR. WEST: Mr. Speaker, it isn't talk, and I'm sure I'll relate the inference you made to the psychologists that we have under private contract with the General hospital in Calgary. I'm sure I'll relay the message that you just gave. We have two psychologists that work for us.

3:30

There is a bit of sub judice here, Mr. Speaker; it goes to court tomorrow. With all due respect, we are going to ask for an opinion, and I will take it to the Attorney General's department, of whether the court in its disposition can order a specific direction to a private-sector treatment centre or a general direction for counseling. I think in respect to the public and the taxpayers' dollars that we must be able to have the flexibility to direct treatment in secure facilities, to facilities we already have constructed at taxpayers' expense. We have programs within our young offender centres, within the Alberta Hospital, and transfer from the Strathmore open custody centres that are adequate to fund and look after these types of dispositions. If the courts direct to a specific program that we are not incorporated in, we will have to have a consideration as we move forward with our legal people.

### Point of Order Factual Accuracy

MR. SPEAKER: On a purported point of order yesterday, the Chair has some misgivings, but West Yellowhead may speak briefly.

MR. DOYLE: Thank you, Mr. Speaker. Yesterday during question period the Member for Smoky River indicated to the Assembly on a question to the Minister of Transportation and Utilities that "the Member for West Yellowhead referred to an Alberta graveled road as nothing more than a cow [path]." I made no such statement in this Legislature yesterday or any other day.

I want to refer to the statement made by the Member for Smoky River. It was in regards to a letter that I read from the tourism and business development officer for the town of Grande Cache, Mr. Julian Kinisky. In fact, on three occasions in Mr. Kinisky's letter he had indicated that Highway 40 appeared to be nothing more than a "cow trail." I did not say that; I quoted the letter by the tourism representative from Grande Cache.

MR. SPEAKER: Thank you, hon. member. That's good enough. I think we'll interpret it as a matter of clarification. [interjection] Order please. If you want your matter dealt with, at least have the courtesy to listen.

Might we revert to Introduction of Special Guests? [interjections] Order please.

HON. MEMBERS: Agreed.



MR. SPEAKER: Opposed? Carried. Thank you.

head: **Introduction of Special Guests**  
(*reversion*)

MR. SPEAKER: Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Speaker. In the public gallery are four people, executives of the Alberta Women in Support of Agriculture. I'm sure they've been interested in hearing about cowboy psychologists and cow paths and all the rest, because these are the people that really make Alberta work. I'd introduce them to you and through you to the Legislature and ask that we give them our traditional warm greeting. I'd ask them to stand: Elaine Deeg, Anne West, Martha Andrews, and Marg Linklater. Thank you.

MR. GOGO: Mr. Speaker, I welcome the opportunity of introducing to members of the House a very special visitor from southern Alberta. It's not often that you see a member of a city council take such a deep interest in agriculture that he chairs a subcommittee dealing strictly with agriculture, put together the tripartite agreement on sugar beets last year, and this year is the chairman of the water management committee of southern Alberta. I'm very pleased and honoured to ask the deputy mayor of the city of Lethbridge, Don LeBaron, to stand and be welcomed by members of the House.

head: **Orders of the Day**

head: **Written Questions**

MR. GOGO: Mr. Speaker, I move that the written questions on today's Order Paper stand and retain their places except for the following: 146, 181, 183, and 218.

[Motion carried]

#### **Pembina Valley Floodplain Management Study**

146. Mr. Taylor asked the government the following question: When will the first phase of the Pembina Valley floodplain management study, which was announced in 1989, be available to the public, and what is the expected date of completion of the second phase?

MR. GOGO: Mr. Speaker, the government will accept Written Question 146.

#### **Pension Plans**

181. Mr. Decore asked the government the following question: What is the government's estimate of the unfunded accrued liability under the following government administered pension funds:

- (1) local authorities pension plan,
- (2) public service pension plan,
- (3) public service management pension plan,
- (4) universities academic pension plan,
- (5) special forces pension plan,
- (6) Members of the Legislative Assembly pension plan, and
- (7) Teachers' Retirement Fund

as of December 31, 1991?

MR. GOGO: The government rejects that question, Mr. Speaker.

#### **Self-insurance**

183. Mr. Decore asked the government the following question: Has the government conducted a study of the merits of self-insurance, and if so, what were the results of that study?

MR. GOGO: The government rejects 183, Mr. Speaker.

#### **Gainers Properties Inc.**

218. Mr. Mitchell asked the government the following question: With respect to the government's guarantee of the \$55 million Gainers Properties Inc. bank loan,

- (1) to what extent is the government guaranteeing interest on the loan,
- (2) what rate of interest is payable on the loan,
- (3) at what time or times is interest due and payable on the loan,
- (4) has all interest been paid on a timely basis in respect of the loan since the date of the province's guarantee, how much, and when,
- (5) has the government itself paid any interest on the loan, and
- (6) what is the amount of interest which has accrued and is unpaid on the loan to March 1, 1991?

MR. GOGO: Mr. Speaker, the government must reject Written Question 218.

head: **Motions for Returns**

MR. SPEAKER: The Deputy Government House Leader.

MR. GOGO: Thank you, Mr. Speaker. I move that the motions for returns on today's Order Paper stand and retain their places.

MR. SPEAKER: Speaking to that procedural motion.

MS BARRETT: Mr. Speaker, I oppose the Deputy Government House Leader's motion. Chances are good that this House will adjourn sitting sometime during the next three to four weeks. When you look at all of the motions for returns that are on the Order Paper and the rate at which the government proposes to deal with some of them – and when I say “deal,” I don't mean accept; I mean deal with – which is a couple every week, chances are good that we're going to get 10 or 12 dealt with during the next month and that's all. Most of them, if the government's record is an indication of what's to come, will be rejected.

Mr. Speaker, this government keeps saying that it's listening, it's consulting, it's got answers. That is not so. By sponsoring a motion on a private members' day that suggests to deal with absolutely no motion for a return at this point in the sitting is outrageous. The government's got to give us something to have a little faith in. Right now we should be dealing with at least a dozen per week at the very least, and that's assuming that they're scrambling to get information when we come back in the fall sitting. I don't assume that, quick frankly. I've come to know the Conservative government too well. This is getting a bit much. The opposition is polite for the first few weeks of a sitting. Then we start opposing the general motion that they all stand and retain their places. Now is the time to start making that opposition vocal. This is not funny. This is a secretive government. It's time we started getting some of the answers to the questions that we put on the Order Paper and have had there for three months.

MR. SPEAKER: Edmonton-Kingsway.

MR. McEACHERN: Yes. Mr. Speaker, I want to add a few thoughts to what the Member for Edmonton-Highlands just said. The motion for a return is a way of getting some things on the Order Paper that come up during the session or that we feel the government isn't going to deal with adequately in public accounts, for example, or in other motions that are before the Assembly, there being a limited number of motions that get debated in the House. So we've been using this method for some time and reasonably effectively, although the government has been, of course, reluctant to answer questions. Every year we have to put on a question asking for the Softco report and every year: well, we'll get it at the end of the session, in July after the session's over, or the last day of the session – this kind of nonsense. We're only 27 or 28 months out of date on the Softco report, not untypical for this government.

I would suggest to the House leader of the government that he consider a couple of things that would help to expedite things a little bit. Now, he might have to talk to his Treasurer on one of the points, but on the first point I think that he could find some help in this suggestion. I myself have a number of resolutions here to do with Telus and the sale of AGT. If the House leader on the other side wanted to talk to the House leader on this side and myself, he might find that we could maybe group some of those and not take a whole period on each one but rather deal with them in groups of three or six or whatever would be convenient according to the subject matter of those resolutions. That's something he could certainly do with this caucus, and we would come to some kind of compromise position which would get the issue before the House and get it debated. They could or could not agree to give the information as they so choose since they have the majority in the Assembly. At least it would get it dealt with before the end of the session rather than leaving, as they did last year, some 80 or 180 resolutions – I don't know how many but a heck of a pile – on the Order Paper at the end of the session. Then we never had another session in the fall last year, so they just got dumped on the Order Paper again at the start of this year, most of them.

3:40

The other one that's a bit of a problem I want to point out to the House leader and suggest that he and his caucus do a little thinking about it. The government brags so much about how they give so much information. The Liberal Party decided that well, some of the information they don't give in the public accounts is any kind of detail about – in the supplementary book of the public accounts there are the titles of the various companies that get money from the government. They do tell which department it came from, but there's no information about what it was to do with, why the grants or the money was given to these companies. There's no explanation at all about that. They don't even indicate which program the money was given out under. There's hundreds of these companies, Mr. Speaker. It's only natural that somebody would want to put on the Order Paper, then, a series of questions about those specific companies and say, "Give us this information," and that's what almost all of the Liberal motions are about. We in our party didn't do that. We tried to ask questions only for those companies where there was something particular happening, where we had reason to believe that there were some important questions to be asked. So the Order Paper did not get flooded until the last year or two when the Liberals decided to ask questions about any company when they didn't know or understand what that money was given for.

What I suggest to the government is that they start putting more complete and better information into the public accounts. That would take care of this kind of problem of having 200 or 300

motions for returns on the Order Paper, and we could get back to asking about the specific ones where there was some kind of particular reason to have a question. Now, there are two very good ideas that we've given to the government about how they can cope with this, enough for another year anyway and even to some extent for this year, and I recommend it to the House leader on the government side.

MR. GOGO: Mr. Speaker, if I may close debate on the motion, I would like to remind hon. members that the Standing Orders of this Assembly under Standing Order 8 make it abundantly clear that this Assembly does not consist of nor exist for the Executive Council or the government of this province; it exists for members. Likewise, it does not exist for the opposition, be they official or otherwise. Tuesdays and Thursdays are devoted to the private members of this House, and for an hon. member to stand in his place when he belongs to a party that has a hundred percent greater opportunity in the daily question period than even the other opposition party and to believe they can arbitrarily penalize an elected member of this Assembly for belonging to the government party by demanding . . .

MR. McEACHERN: What are you talking about?

MR. SPEAKER: Excuse me, hon. minister. Edmonton-Kingsway, please. I kept track of it today; you only interrupted 12 times. So please be quiet. You've made your comment.

MS BARRETT: What are you talking about?

MR. SPEAKER: Order. You will not interrupt the Chair either. Now be quiet and listen, please.

Minister, your remarks.

MR. GOGO: The Member for Calgary-Bow in representing her constituents has today on the Order Paper – the only time it can be done is on a Tuesday and Thursday – a matter that's of great concern to that member, and I'm hearing, in arguments against motions for returns . . . [interjection] The hon. member will not have time to speak. I don't think that's fair.

MS BARRETT: Look at the time you're taking up.

MR. SPEAKER: Order.

MR. GOGO: If one observes, Mr. Speaker, the record of written questions, four of them were responded to today. If one observes the motions for returns that have been responded to, they have been greater this year than any year in history. I take exception to the members for Edmonton-Highlands and Edmonton-Kingsway in demanding, in effect, that this House stop all business of private members simply to respond to their motions for returns. [interjections]

MR. SPEAKER: Order please. [interjections] Order.

[Motion carried]

head: **Motions Other than Government Motions**

#### **Career and Technology Programs**

218. Moved by Mrs. B. Laing:

Be it resolved that the Legislative Assembly urge the government to step up its efforts to implement career and technology studies programs designed to prepare students for

further training and career opportunities in highly skilled technical fields, business, the trades, and other related fields.

MR. SPEAKER: Calgary-Bow.

MRS. B. LAING: Thank you, Mr. Speaker. I would like to begin this debate by stating that the education system in Alberta is definitely the best in Canada and certainly in North America. I'm sure that anyone here will agree with that statement. Increasingly in Alberta and across Canada people are realizing that a quality education system is a key ingredient not only for future competitiveness and economic prosperity but also for the health and the welfare of our entire society. It's part of the province's investment portfolio, an investment in which the return will pay off for years and years to come. But the system is not as good as it could be or it must be. Being the best in 1992 is no longer good enough. We have to improve because the future of Alberta will depend on it.

Mr. Speaker, Alberta as part of the global community is participating in a powerful transformation called the information revolution. This revolution will outstrip the industrial revolution in terms of its effect on the way that we live. It's almost mind boggling to realize that the amount of knowledge and information available in the world today is doubling every 18 months. This information age has led to a new occupation that emerges while another one disappears and becomes obsolete. Different knowledge skills and abilities will be required for future employment. As a society we need to anticipate what these skills will be and how we can teach the students the skills. If we want to compete in the world of the 21st century, we need to lay the groundwork now, and that groundwork comes from the education system, which has to be second to none.

Recently the Alberta Department of Education and the Alberta Chamber of Resources completed a study on Alberta's math and science curriculum. In the foreword the Chamber of Resources education chairman stated:

In Canada, we must recognize the forces of global competition and the role of science and technology in reducing cost, improving reliability and quality. Our economic prosperity and standard of living depend on our ability to compete in the world and to that extent we must be open to lessons from the international community.

The study made several important points, and one of them particularly interested me. This point was that the biggest difference between Alberta and other western countries is the attention paid to the school-to-work transitions and the encouragement of vocations and skilled trades in those countries. This is why we have to step up our efforts to implement career and technology studies programs.

[Mr. Deputy Speaker in the Chair]

Mr. Speaker, career and technology studies programs, or CTS programs, are designed to prepare students for further training and career opportunities in highly skilled technical fields, business, trades, and other related fields. Fortunately, the provincial departments of Education, Advanced Education, and Career Development and Employment have already begun to adapt Alberta's learning institutions to this new global reality.

Recently the Department of Education released the document called a Vision for the Nineties: A Plan of Action. This action plan describes improvements that will help to ensure that all of the province's young people get the education and training that they need. One of the priorities identified in the action plan was career and technology studies. It's hoped that by developing these study

programs, we'll be able to provide students with a combination of academic and practical skills as preparation for future study and careers in highly skilled and technical fields. More fundamentally, these programs will be relevant to the future needs of Alberta, the needs of students and communities, help students to investigate one or more career areas, be as accessible to as many students as possible, and be credible with the community, workplace, and postsecondary institutions.

The Department of Education is devoting a substantial part of their curriculum budget to the development of a new series of CTS courses over the next few years. The department began this process in the 1990-91 academic year in high schools by developing courses in tourism studies and enterprise and innovation. Last year 15 additional programs were added to the program, and some of the courses offered to high school students included management, forestry, information processing, and financial management. These courses are very practical as they help to build the competence that students will need to succeed in the job force. These courses will also help students to investigate different career options that they might want to pursue.

Personally I believe these will also help to keep some of the students in school. I have a young cousin, for instance, at Bowness high school who was beginning to drop out a bit, missing a class here, missing a class there, being sick one day when he really wasn't. He has started to take a beauty culture course and really enjoys it. As part of his training he also works in a local beautician shop on Saturdays and, I believe, one evening a week. He's beginning to really see the value in what he's learning. He's beginning to take an interest, and he feels very confident that this is a career that he would like to pursue. I'm sure other boys and girls are also taking automotive classes and finding a technique that they enjoy and a skill that they want to develop and will go on to further courses as they get older.

### 3:50

This year the department put forward seven new programs that will further help to increase the knowledge, skill, and positive attitudes that children will have for success in the workplace and further education. These programs will include fashion and design, electronics, and transportation of goods and people. The Department of Education realizes that the support given to CTS students has to expand beyond simply offering additional classes; therefore, the department has set up focus groups which will help to guide the development of the curriculum in each of these courses. These groups help to determine what the students should learn. These focus groups will include teachers, representatives from related postsecondary programs, business and industry, professional associations, and community groups. By involving these key interest groups, we can come up with a relevant, credible curriculum and better address the very needs, priorities, and perspectives of these groups. These focus groups also have a structure which will help at the local level to build on partnerships established at the provincial level.

We now have over 950 people registered on the CTS communication network. Some of these people are interested in the overall project, some in one or more specific programs. The majority of the members are teachers, with 275 schools from 95 school systems represented. Other members come from government departments, 25 postsecondary institutions, business and industry, and professional associations.

The department is now in the process of asking people in our communications network to review the draft program of study under development. When we did the economic policy *Toward 2000 Together* in Calgary, several of the presidents of the

postsecondary institutions spoke to the future of Alberta. One of the things they really did support was having other things for children to take, such as other technological courses, development of other skills and not just the academic. There was a very strong push towards the development of the technological fields. I really do support that because there are many people who have a skill in that area which certainly should be developed and keep up their interest in school and in education.

Mr. Speaker, the cold, hard facts dictate that people without basic skills or with few skills face a very grim future. There are very few jobs for high school dropouts today, and there will be even fewer in the future. I must repeat that the education system is not as good as it could be or it must be, but I must recommend to and commend the Minister of Education for putting forward progressive ideas such as career and technology study programs. These are our future. These are the building blocks that we will need.

The CTS program is exciting because it has the potential to offer something to every student in the province. It's a program that will give students flexibility, transferable skills for careers in Alberta's skilled and technical work forces, and that's exactly what Albertans will need in the 21st century in order to compete in our global economy.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-Forest Lawn.

MR. PASHAK: Thank you very much, Mr. Speaker. I must say that I agree with the general intent of the motion as proposed by the Member for Calgary-Bow. I think it's a very timely and worthwhile motion. I was named Advanced Education critic for our party last July, and since that time I've been trying to get a handle on the kinds of issues that she's raised here in her motion. Her comments were basically, it seems to me though, with basic education. In my comments I think I'll talk more about some of the problems that I've experienced at the postsecondary level.

One of the things that's really obvious as you go around and visit the postsecondary institutions in this province is that there is an accessibility problem. More and more young people – and not just young people but more and more adults – feel that they have to go back into the universities and colleges to obtain degrees. They often come back not because they just want to become educated or they're there for the sake of learning more about the world in which we live, but many of these people are there because they're faced with a pretty cold, harsh economic reality: that they need the degree to even begin to get a toehold in the world of work, at least get a toehold in those occupations that would provide them with any kind of rewards that they would consider to be significant; that is, financial rewards. So with these larger and larger numbers of people coming back into our institutions, it means that we have to provide a lot more in the way of resources in order to meet their needs if we're going to provide the traditional forms of instruction; that is, if we think of teaching as a classroom with a lecturer there in front of a group of students. As the numbers swell, it really puts a strain on our ability to deliver education in those traditional modes. So it's clear that we have to begin to rethink in some significant way just what it is that we're trying to accomplish with our systems of postsecondary education.

I'm pleased to hear the Member for Calgary-Bow mention that at the Toward 2000 Together conference many of the presidents of our postsecondary institutions recognized that maybe we have to look for alternative forms of instruction, that not everybody

should pursue an academic program, that it may make sense to develop more career training, more technological training, and we have to broaden out our opportunities in that area. That has become for me the single most difficult challenge that I see at the postsecondary level. Just what are we talking about? What kinds of jobs are going to be out there for people? So what kind of training do we have to provide?

I've read a lot of the federal reports – if I have time, I may refer to these later in my comments – and provincial reports that stress the fact that we're moving into a global economy, that we're going to need more technical training, more scientists and this sort of thing, and that we're into a much more competitive world. That's fine. The answer, though, to the problems that are generated by these questions usually is, at least in terms of education, that we're going to have to train our people better. But nowhere are we specific about the kinds of jobs that we require, and without knowing what the world of work is going to look like, it's very difficult to provide the kind of training and education programs that would be efficient and meet the needs of people down the road. I mean, there are two ways you can look at this, obviously. One is to say: "Well, we'll educate our people better. We'll provide them with more training, more technological knowledge and skills. Out of that alone, the new jobs will be created and these people will become more competitive and we'll create a healthier economic climate for ourselves." I'm not sure that it works that way. I think we have to have a little better sense of the direction we're headed in.

Just by way of an aside, Mr. Speaker, I'd like to say that I'm somewhat alarmed about the direction that we're going in constitutionally at the moment, because it looks like we're working in such a way that we're taking away powers from the central government of Canada, that we'll be giving more powers to the provinces. In the process of doing that, I think that will reduce our opportunities to create national economic and industrial strategies, and I think that's what we really need. If we try to operate on a provincial level in terms of job creation – if we think in terms of tourism, finding jobs in those areas, if that's what we're going to do, then we train people in our institutions to work more effectively in tourist industries. But I don't think that those jobs generate real wealth for us. What generates real wealth for us as a nation is our ability to sell raw materials like oil, natural gas, wheat, things like this. Also what creates wealth for most industrial nations is the fact that you have value-added productivity. Instead of exporting ethane out of this province, for example, we should keep it in the province. We should turn it into polyethylene. We could make plastic goods and finished products out of it here right within the province of Alberta, and we should do that wherever it's possible to do it.

4:00

In order to co-ordinate all of this, I think we do need a national industrial model or strategy. That's what the European countries do. They don't ad hoc it. The West German government works in a very consistent and effective way with big business, big corporations, the industrial leaders in Germany, and with those people who work in their trade union movements. Out of discussion and dialogue among these powerful groups you begin to get industrial strategies, and governments know when to bring in support to help maintain an effective industrial order that's highly efficient. As we all know, there's a good solid economy in West Germany, and there are lots of jobs. So I think we need that. It's absolutely essential if we're going to talk about job training and increasing the ability of our work force. I think we

have to know what kinds of jobs we're going to be training people for.

I'd just like to mention some things that I dug out in terms of trying to do a little research just quickly for this topic today. I got hold of some papers in the library: Prosperity Through Competitiveness; Learning Well . . . Living Well. They're released by the federal government, and they provide some background. I just want to indicate some of the problems that confront us at the moment at this time in Canada.

There's a Geneva-based world economic forum that ranks Canada 17th out of 23 nations in terms of science and technology. That's a bad record. The Member for Calgary-Bow said that we had this outstanding record in education. Well, I think we could seriously question that today. If we rank only 17th as a nation, there's something amiss in the whole country, and Alberta has to take some share of the blame for that. We can't be just smug and think that we're doing the best we can. We can always improve whatever it is that we're doing in the field of education.

A federal government analysis of Canada's competitive position says that Canadian companies are slow to adopt to the latest in technology and they spend less on research and development than companies in other leading industrial nations. Canadian employers are ranked worst in the industrialized world when it comes to investment and training. A survey conducted by a company called Priority Management Systems Inc. of Vancouver concluded that 30 percent of computer users in Canada were functionally illiterate.

This has a couple of implications. What it means is that just by going to new technology and to computers you may not get the efficiency gains you want if people are illiterate, but the lesson is obvious that before companies introduce technology, they should first upgrade the skills of their workers. So that's another area where I think there has to be a considerable degree of improvement not just here in Alberta but throughout Canada; that is, we have to have better working partnerships between industry and the government. We have to have more co-operative relationships. We have to have more ways of training people on the job, bringing them back into institutions so that they can become accredited.

Documents released by the federal government highlight the failure of Canadian industry to develop new technology and skills training. Well, those are the documents that I have here, and these documents of course stem from the federal government's initiative that it took a few years ago. It resulted in a document that was distributed, and I'm sure all members of the Assembly have had an opportunity to look at it. Whether they've read it or not I don't know, but it's a document called Shaping Canada's Future Together. These two documents that I've just referred to ensue from that.

I might point out that the federal government has also set up a Special Joint Committee for a Renewed Canada. What's the federal government's intention here? Well, I think it's fairly clear. It intends to stimulate a national discussion on factors that determine our future and current prosperity. I might like to say that I think that was the intention, too, behind the province's recent initiative in the Toward 2000 Together. I must say that I attended some of those sessions. I would have liked to have attended them all, but constituency pressure pulled me out of some of those sessions. I'd like to say that it was, I suspect, a good start towards addressing these issues. I was somewhat disappointed in the lack of general public participation in those sessions. I saw very few people from minority groups. In the session that I was in, the smaller group discussion, there was only one woman participant out of 20 in the whole group, very few low-income, single-parent people in attendance. I saw one

handicapped person. These people also have to be part of our economy. Their needs have to be taken into account when we design educational strategies, because they can become technologically useful, they can develop the skills that would allow them to function in a complex society.

I might say that Ontario has taken some specific steps. This might be of interest to the Minister of Advanced Education. Among other initiatives, they're reforming their colleges of applied arts and technology to ensure the compatibility of their training programs with the needs of workers and management. I'm sure that the minister has the resources to know about those initiatives, and maybe he might care to comment later.

I'd like to relate an initiative that I've taken in my own constituency in this regard. As the Minister of Advanced Education again knows, I think that one of the areas of greatest need for a postsecondary institution or facility in the province of Alberta is the east and northeast side of the city of Calgary. There are no real postsecondary opportunities in that part of the system. It's a high-needs area in many cases, although as the Minister of Education knows, many of the elementary schools in that area receive high-needs funding. Young people from that area tend not to go to the universities to the same extent that people from all other parts of the cities do. We have a large ethnic population. There really is a need in that particular part of the city to provide an educational focus that would allow young people to upgrade their skills. That means more partnerships, with industry again working closely there, but there's no mechanism for doing all of these kinds of things.

So I approached some postsecondary educators I know in the city of Calgary, and I asked them to take a look at this issue. They did set up an initiative group that is looking at ways of trying to expand postsecondary offerings of all kinds into that quadrant of the city of Calgary. They've been meeting somewhat regularly and looking at these issues. One of the first problems they addressed was the fact that they felt it was very important that they had a needs assessment done for that area. How can you know what kind of courses and programs of a technological nature you should put into a community unless you know what the real employment needs are in that area? The next problem they of course encountered was: where do you get funding to do a needs assessment of this nature? It just so happened that I was up at Athabasca University trying to get a sense of what goes on at Athabasca, and one of their administrators told me that the federal government, under Manpower, has lots of money for doing these kinds of things. So I said, well, there's a Manpower office in Calgary-Forest Lawn. I went down, approached the director of that Manpower office, put him together with people from this east-side initiative in the city of Calgary, and he told us he had up to \$200,000 that he could sign away on his own authority to fund these kinds of studies.

So the group that I'm talking about in Calgary has approached Canada Manpower with a proposal. They're going to do a survey of that part of the city to determine what the employment needs are likely to be, what the barriers to employment will be, and then what kinds of skills should be brought forward so that people in that part of the city then could get the kind of training that would allow them to become employable. I think we need more initiatives like that. I think we need more co-operation between the provincial level of government and the federal level of government.

I know that education in all of its forms is really a provincial responsibility, but at the federal level it seems to have an easier time raising dollars. At one time, as the minister knows, through EPF, established programs financing, considerable sums of money

were transferred to the provinces by the federal government to provide education at the postsecondary level. A lot of the provinces didn't use the money the way it was intended. The federal government has indicated through Bill C-69 that it's backing out of these arrangements, but they're putting more and more money into manpower training. I think the trick for a provincial government is to get ahold of those dollars to help educate the citizens of the province in a way that's compatible with the province's own aims and objectives. I'm sure the minister is aware of that and working in that direction.

I'm sure other people will want to get into this debate, Mr. Speaker. I think I've outlined some of my major concerns with respect to these issues. Again, just in conclusion I'd like to commend the Member for Calgary-Bow for bringing this issue forward today.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-McKnight.

#### 4:10

MRS. GAGNON: Thank you, Mr. Speaker. I also want to commend the Member for Calgary-Bow. This type of holistic program is one which I have sought and supported for a long time. We all know that young Albertans will be competing with their brains in the future, and we have many very intelligent, ambitious, and well-motivated people in this province, who, with the right type of education, will help to develop not only our own province and country but I think all parts of the world.

I really look forward to this restructuring of education in a certain way, because it will make education real and relevant to a number of students. As a former school trustee I really felt that the emphasis on academics had gone a bit too far. When we decided to have the two diplomas and one certificate, we placed a lot of stress on students to take the academic programs only, not leaving enough time to take some of the other programs. We saw automotive departments closing down; we saw beauty culture departments closing down. I was quite dismayed at this, because I really felt that these programs were most important for certain students who had very practical types of skills and gifts and were not all that interested in the broader academic field. So I really do look forward to seeing more of this type of holistic education and as soon as possible.

In 1991, I believe it was, Career Development and Employment put out a report showing that in the future, I think by 1995, we will only need about 17 percent of our students to go on to university education whereas we'll need something like 44 percent to have more of a technical kind of education. I think this kind of program which the Member for Calgary-Bow is applauding and asking that it be brought on more quickly is precisely the kind of program that will meet those needs which have been identified by Career Development and Employment.

A CTS type of education combined with CALM I think will really give our students many, many components of the kind of formation that they need before they leave our schools, and unlike the Member for Calgary-Forest Lawn, I will restrict my remarks to the K to 12 area of education. I think CTS will help build student competency and will certainly provide the flexibility that is needed in our school system. I think it would also help build the confidence of many students who really didn't have a program that interested them and would help them to develop some skills, help them to develop their self-esteem and the confidence they need if they are to be productive citizens in our society.

What I like about the program as well is that it is for both academic and nonacademic students. They will be working

together and helping each other, yet the academic students will be able to advance at their own rate in the academic subjects and the nonacademic students will have very viable alternatives. This will certainly stem the dropout rate. Many, many students after the age of 16 leave as soon as they can, because either they're bored or they don't think the education they've received is relevant and they just can't see any future in it. So I think this kind of program will address that type of situation.

The programs will give students a lot of choice and will help bridge the gap between experience in the working place and the subjects learned in the schools. I also think it will help in that transition between high school and postsecondary institutions. As I said before, I do like that idea that we will not be separating academic students from nonacademic students.

Another great benefit of the program – and of course we've had some of this all along: the fact that the community, the school, and the business place were coming together. This program I think will re-emphasize that. That is one of the major components that I think is extremely important. We all know that unless business gets involved, a lot of our students will not get the type of work experience and the type of education that they should get. I don't mean to say that business should begin to make decisions about what happens at schools. Not at all. I think academic freedom must be guarded very carefully. However, business must co-operate with the schools and with the homes if we are to address the needs which exist in our society.

I have many, many notes, but I know a lot of other people want to jump in and have their say about this. So I'll just go now to some of the possible areas of concern or some of the problems which I'm sure the minister and his department have addressed, but I'd just like to raise them again.

I think before we go beyond a pilot stage – and I must say that students and teachers I've talked to really did enjoy the pilot programs and say that these courses are going to be quite terrific. Some of the problems I can envision are possible duplication. I think the department will have to look very carefully at that to make sure that students who for instance are taking information management studies will not also be taking accounting, computer, and typewriting courses, because those will all be combined within the one course. So I think they'll have to look very carefully at the possibility of duplication and also at the time crunch. We're still going to have a lot of students taking the academic courses and also wanting to take a number of the practical arts, a number of the fine arts. We're going to have a time crunch, and I think we're going to have to look again at that possibility of a four-year high school program. I know this program is going to be optional, but I think we may find that it is so successful and meets so many needs that in due time we may want to make it compulsory for at least nine credits for all of our students. I'm not saying we should look at that now, but after two or three years of experience with the program it may be something to be considered.

There is also the whole aspect of funding. Putting this program into place in all of our schools is going to be quite expensive. I think those large boards with a number of students and teachers – for instance, a high school with a hundred teachers and 1,500 students – can easily implement this program. They've got the flexibility and the numbers there, but a very small high school maybe with a hundred students and six or five or eight teachers is going to have a lot of trouble meeting the basic goals of this program. Also, they just won't have the money, I don't think, or the time, because they're not going to have as many teachers with all of the experience necessary to offer the program. So the minister is going to have to look very carefully at the matter of funding. If we want it to succeed, we have to make sure all of the

components are in place. A good curriculum isn't enough, good in-service isn't enough, good program development isn't enough. We also will have to make sure that the funding is in place.

When I think of some of the new technologies necessary to make sure the program is successful, I think of all the outdated computers that are in the schools right now. Many of the computers in our schools are at least 10 years old, and we know they're almost completely obsolete except for maybe a K to 3 group of students to learn keyboarding. If we're looking at retooling shops and equipping beauty culture departments, updating business functions, courses, and so on, we're looking at a lot of money, so I hope we will be able to repriorize some of the spending so that we can fund the course so that schools may offer the latest in technology and hardware and software and so on.

I think I will leave it at that except to say that I also think one of the weaknesses that the pilot program people indicated existed was that student resources were lacking. Now, that was only in the pilot phase. There may be more resources available by the time this program goes into full implementation. Also, teachers felt that they were on their own somewhat in developing some of the resources, and that will have to be looked at as well.

Because I'm so interested in this, as I said, I could speak for at least half an hour, but I do want to give other people the opportunity to speak. I commend the Member for Calgary-Bow for raising the issue. Everyone is looking forward to a successful CTS in our schools.

4:20

MR. DINNING: Mr. Speaker, I too want to say a few words in support of my colleague for Calgary-Bow. The motion she has brought forward is probably the most important educational motion other than perhaps the subject of equity that the member could bring forward in this session of the Legislature. I think all speakers have commented on this.

In the early 1980s we in this province did a thorough review of our junior and senior high school curriculum, programs offered in our schools, Mr. Speaker, and I think at that time we took a turn. We took a right turn – some will say a wrong turn – such that our community, the people of Alberta said that we must focus more on the academic side. In fact, I think we took a turn such that we focused more on what was “the elite side” of the system to prepare kids for going to university. Somehow going to university was thought at that time to be the only or the superior or the best or the first-rate choice for all kids.

Well, nothing could be further from the truth, because in its wake I fear what happened is that society began to turn its back more and more on those important technical and trade and practical skills that really are in many ways the wealth creators of this provincial economy, indeed of the Canadian economy. What happened was that the demand for industrial arts, vocational education, business education, home economics type programs dropped in the early 1980s. In the late '70s, the early '80s, the demand dropped for those programs in this province, in this country, indeed, Mr. Speaker, to correct the hon. member across the way, across this entire continent. We made that turn more to the elite side, and I fear that we forgot the important side of education, and that is the practical side and the vocational education side.

I've said to universities, I said to the University of Alberta the other day that I'm encouraging them to help us to undersell the notion that the university is the superior or the only best ticket for the good life, that indeed university education is not the best choice for all kids. Indeed, maybe going out into the world of work immediately after high school is the best choice for some

children in our schools today. Going to SAIT, going to Mount Royal College is the best choice for some of those kids. So, Mr. Speaker, what we did in about 1988-89 was begin a thorough review of the practical arts program.

The result of that review, going out and talking to the business community, talking to employers and employees, to labour unions, to industry, to management, to manufacturers, to parents and teachers and kids: we came up with this whole notion of a career and technology studies program that I think in fact is leading the way in this country. We have spelled out aid initiatives in eight areas, and I'll name them. We're developing programs in the following fields: communications, management and marketing skills, design and innovation studies, construction and fabrication studies, transportation studies, natural resource studies, personal and community studies, and information management. What we're doing, Mr. Speaker, is giving kids the opportunity to take those programs so that along with the basic foundation skills they need, whether it's in English or mathematics or science, they acquire further practical skills, hands-on skills.

I was fascinated by my colleague from Calgary-Forest Lawn. He said: you know, we've got to wait until we know where we're going before we decide what to do, before we take our next step. Well, Mr. Speaker, if that isn't typical NDP rhetoric: they're going to stand still. That's a recipe for standing still. They don't know where they're going, so they're going to sit and contemplate it forever and ever while the world passes us by. Well, that's the NDP alternative. But no, we are taking this kind of initiative, one that really is important for kids, because as the Member for Calgary-McKnight says, it's going to be open not just to those students who may not choose to go to university but it's also going to be open to those students as well. We've shared with our high school principals the notion that there are going to be elements of a one-credit course so that a 25-hour course could be delivered to these kids, say, in enterprise and innovation studies. That gives greater flexibility to a high school program so that you keep kids in school – all kids.

Mr. Speaker, I could speak at length about this important initiative, but I know that my hon. colleague the Member for Calgary-Bow wants to complete debate so that this Assembly can stand today and show its support and a greater impetus for this government to carry on its career and technology studies initiative. I'd encourage all members of the Assembly to allow the Member for Calgary-Bow to complete debate so that we may pass this motion and give a strong message to the government today.

MR. McEACHERN: I will be brief enough to allow that, just as a courtesy. In fact, I wasn't going to speak at all until the minister got carried away in response to some of the Member for Calgary-Forest Lawn's comments. The minister decided he would have to jump all over the New Democrats for not being prepared to go ahead. Look, this government has had 20 years, and if education isn't doing what it should be doing and is in a mess, he can take a look at himself and his friends and the time they've spent over the last 20 years getting education into the trouble it's in.

The problem is that we've not got the co-operation of the unions and the trade union people and the businesspeople and the rest of the members of the community to be able to have a really first-rate education system, and that's the direction we've got to go.

I will now let the Member for Calgary-Bow finish off the debate.

MRS. B. LAING: I would like to thank all members of the Assembly for their comments and their support of Motion 218. I

would therefore, in view of the time, like to move Motion 218 and ask for everyone's support in the vote.

Thank you.

MR. DEPUTY SPEAKER: Order please. The hon. Member for Calgary-Bow has moved Motion 218. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Those opposed, please say no. Carried, let the record show unanimously.

The hon. Deputy Government House Leader.

MR. ANDERSON: Mr. Speaker, just so we don't get into trouble here, I want to move that we call it 4:30.

[Motion carried]

MR. DEPUTY SPEAKER: According to Standing Order 8(3) the Assembly will now move to the next order of business.

head: **Public Bills and Orders Other than**  
head: **Government Bills and Orders**  
head: **Second Reading**

**Bill 210**  
**An Act to Create a Commission to Examine**  
**Legal Reform in Alberta's Justice System**

MR. DEPUTY SPEAKER: The hon. Member for Calgary-McCall.

MR. NELSON: Thank you, Mr. Speaker. It gives me some pleasure today to move second reading of Bill 210, An Act to Create a Commission to Examine Legal Reform in Alberta's Justice System, referred to last year as our "injustice" system.

Mr. Speaker, Bill 210 is in essence the same Bill as I sponsored last year, Bill 203. Last year I indicated that I was seeking to establish a commission which would review the discrepancies, inefficiencies, inequities in what I called our injustice system. The commission would make recommendations to the Assembly which would result, I hope, in making our system of justice accessible, understandable, relevant, and efficient for all Albertans.

As I've indicated, Mr. Speaker, Bill 210 calls for a review of our legal or justice system, because at present many Albertans simply do not have proper access to justice. I say this because many Albertans, indeed most Albertans, can't afford legal services properly. They can't devote the time needed to see their day in court, they can't understand our system of justice, and they can't access legal information appropriately. It is this lack of justice which must be addressed, because as I see it, Albertans have lost faith in a system which they see is failing them day after day, time after time.

4:30

Mr. Speaker, last year after I discussed our injustice system in Alberta, I waited with bated breath for the comments from my learned colleague the Member for Edmonton-Strathcona. After all, I thought it should be interesting to see if he would let his loyalty to the legal profession take priority over his responsibilities to his constituents and, indeed, the people of Alberta. Unfortunately, as I read it, the member opposite chose to rise in defence of the old boys' club called the legal profession rather than respond to the cries of his constituents to help them fight this injustice system. I was dismayed to hear this member, as is so typical of the

Official Opposition, take cheap, partisan shots at the Bill. Indeed, the Member for Edmonton-Strathcona saw fit to point out that the Bill was, and I quote from *Hansard*, page 456, "ill-crafted, ill-considered, and ill-conceived." I must confess to being somewhat embarrassed for the member when I heard him point out that the commission was

not chosen from amongst the groups that are engaged in the legal process. It's not chosen from the public except for a nominal member of the public.

I want to clarify, Mr. Speaker, the exact point for the Legislature and members. What we've got here is a commission comprised of five members: a judge, a lawyer in good standing, an educator, an administrator, and a private citizen. Now, unless my math is wrong, that's three out of five members on the committee that are from the public, laypeople; they're not lawyers. That's 60 percent of the commission. The other two members are from the legal community. After all, it's wise to have a lawyer and a judge on a commission because of some of the complexity of the issues, and of course they do understand legalese. It seems to me that lawyers and judges are indeed engaged in the legal process, but I'm not sure whether the Member for Edmonton-Strathcona seems to think the same way.

For the Member for Edmonton-Strathcona, I'm now relieved that he's no longer focusing on a law career, although maybe after the next election he may want to try it again. The lack of God-given common sense and ill-conceived logic he displayed during last year's debate would have him thrown out of court for wasting its time. With rank and file like this in the legal professions, no wonder the public sees lawyers as being like a bunch of lickspittle lackeys to their self-serving profession while filling their pockets and not serving the real needs of their clients.

Mr. Speaker, there is a crisis in the justice system . . .

**Point of Order**  
**Reflections on Nonmembers**

MR. DINNING: Mr. Speaker, on a point of order.

MR. DEPUTY SPEAKER: The hon. Minister of Education is rising on a point of order.

MR. DINNING: I would ask the hon. member to refer to paragraph 493(4) of *Beauchesne*, which cautions members "to exercise great care [about] statements about persons" and a class of persons who may or may not be present in the Assembly at this time.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-McCall.

**Debate Continued**

MR. NELSON: As I said, Mr. Speaker, we have a crisis in our justice system. I pointed out last year, again, that there was a crisis.

AN HON. MEMBER: Say it again, Stan.

MR. NELSON: If you want to hear it again, there is a crisis. I suppose that part of this crisis can be summed up by saying that people have lost their faith in the way justice is meted out. Albertans fear that they should ever have cause to deal with the law. They will not be treated equitably, efficiently, or cost effectively.

Mr. Speaker, a big part of this lost faith stems from a lack of respect, admiration, and basic confidence in lawyers. Rightly or wrongly, people tend to see lawyers in a bad light. It seems that



whenever we have to seek out the services of a lawyer, it is for the most part a traumatic, expensive, consequential event. We might even be getting sued, we might have to testify, maybe we're suing somebody, we might even be charged with a criminal offence, or we might be getting a divorce, or some other civil litigation. These times are not happy times, and no doubt the fact that lawyers appear to profit from our misfortunes or our stupidity causes in part their bad reputation, but a great deal of their bad press stems from the fact that many people see lawyers, and more specifically the conduct of lawyers, as being part of today's problem in our justice system.

Now, I should say, Mr. Speaker, in taking on the justice system, I don't want to infer that I want to take on every lawyer or individual lawyer, because some of my best friends are lawyers. Interestingly enough, many of them agree with my position, and unfortunately, because of the system they work under, they are unable to or maybe don't have the courage to reach a little deeper and take it on in a similar fashion.

I'm certainly not the first one to make this assertion though. Dislike of the legal profession has a long and glorious history. I should tell you that back in the 16th century, William Shakespeare made reference to lawyers in the play *Henry VI, Part II*. In that play Falstaff says to Prince Hal that when he becomes king, "The first thing we do, let's kill all the lawyers." On a less bloody note, I mentioned last year that Peter McCormick and Ian Greene pointed out in their book *Judges and Judging* that some lawyers in Alberta and Ontario are deliberately using delay tactics to win their cases. Mr. Greene, a political scientist at York University in Toronto, said:

Half the lawyers in Alberta and Ontario are not opposed to using delay [tactics] to help win a case, and there are some lawyers who specialize in delay.

More recently, Chief Justice Antonio Lamer chastised lawyers by saying that slowpoke lawyers and courtroom shortages are the main causes of crippling delays in the justice system. He said, and I quote from the *Edmonton Journal* – and I must say that I do so with some trepidation – on May 23 of this year:

Rules of practice and rules of court and actual professional practice and, to some extent, bad habits are going to have to be looked at and reconsidered with a view of reducing the time it takes to get a case ready to be heard.

After all, Mr. Speaker, when you're paying a lawyer \$150 to \$350 an hour and the poor guy's making \$5 an hour at 7-Eleven or something, I think I can safely say that the vast majority of Albertans wouldn't be too pleased if they suspected the lawyer was intentionally dilly-dallying on a case, which gives me rise to talk about a case.

A couple of constituents of mine have been in the hands of lawyers for some five years due to traffic accidents and injuries. In some cases there has been more than one lawyer assigned through the same law firm to deal with the particular case. Mr. Speaker, I get the feeling that these delays are caused by lawyers working on contingency fees, trying to maximize the amount of money that they get so they can take their cut, whatever it may be, whatever they've agreed to. Plus there are other, reasoned delays, and certainly I don't want to make it appear that they're all delays because of lawyers trying to fill pockets and what have you. There are other reasoned delays that obviously cannot be handled, due to insurance legislation, possibly, or other things such as finding the person that may have been driving a car that they just can't lay their hands on and so on. There are other circumstances involved, but at the same time I believe that the system does not bring forward these cases to a conclusion in the quickest possible time either through the lawyers, the courts, or otherwise.

On the other hand, Mr. Speaker, to be fair to lawyers – and I want to be fair – strategies like the intentional delay of cases are learned in the classroom. Lawyers are taught to win at all costs. If we are going to reform the system, we have to start at the law schools and what lawyers are taught with respect to ethics and fair play.

4:40

Mr. Speaker, in 1950 J. Frank wrote a tremendous article called *Courts on Trial*, which dealt with this very subject. I must add that my learned colleague from Edmonton-Strathcona last year indicated that there was a deficiency in the Bill relevant to consideration of a member from the Faculty of Law being put on the proposed commission. Now, after all, let's be honest. Who fills the legal beagles' minds with some of the mumbo jumbo in the classrooms? That's one of the reasons we went to an educator from a different type of faculty.

In the article Mr. Frank asserted that the adversarial process on which our legal system is based has become very dangerously excessive, similar to the adversarial contests we have in the House, Mr. Speaker. Instead of bringing the truth to light as is intended, it pits one lawyer against the other to bring to the court's attention the evidence favourable to their side. However, in addition to simply enlightening the court to all relevant facts, this adversarial process encourages lawyers to block the uncovering of vital evidence and leads to the presentation of vital testimony in a way that distorts the truth.

Mr. Frank develops this argument by citing the way in which lawyers often will handle witnesses. During cross-examination a witness or suspect is uncomfortable with the rigid formalities of court procedures and suspects that traps are being laid for him. Indeed, Mr. Frank continues by saying that such a lawyer considers it his duty to create the image that the testimony of a hostile witness is false. The purpose of this is to prevent the trial judge or jury from correctly assessing the trustworthiness of the witness. Well, so much for seeking out the truth. The lawyer aims at victory, at winning the fight, not at aiding the court to discover the facts or the truth.

Another indication that there's a crisis in our system is the fact that in this day and age very few people can actually afford to see their day in court. Only the very rich or the very poor can afford to see a case through from beginning to end. Mr. Speaker, we should look at the case of Mr. Ng from the U.S., from California. He was here for two or three years. He committed a crime. He was wanted in the U.S. for some other things. Look at the cost to the Canadian taxpayer. Would the average Canadian citizen be given the same consideration or the kind of legal assistance that Mr. Ng got? No, of course not. Particularly in civil cases, the vast majority of Albertans are terrified at the thought of going to a court. As I've already pointed out, what with delays and inefficiencies it is easy to see both the plaintiff and the defendant get nothing and the lawyers become the winners in their own pocketbook.

The truth is, Mr. Speaker, it's not true justice; it's not democratic justice. I see the Chair shaking his head a little bit up there, but I'll respect that.

AN HON. MEMBER: He's shaking the cobwebs out of his head.

MR. NELSON: Yeah.

This defect in our system makes a mockery of equality before the law, which must be one of the first principles of democracy. This equality is contingent upon a person's ability to pay.

Here are some more indications for you to consider, Mr. Speaker. Most full-time prosecutors find that they do not have time enough to prepare their own cases, in addition to the fact that they are also required to prepare cases for ad hoc prosecutors who have been hired to fill the gap. Where's the justice in that? The province does require more judges, particularly in the young offenders court, where waits are still too long. Mind you, we still need a new Young Offenders Act.

The number of criminal cases has increased dramatically in both trial courts, but staffing has failed to keep up. A shortage of clerks has left the courts waiting to proceed with trials until support staff is available. Overcrowded jails are yet another example of the crisis in our justice system. Prisoners are released after serving a fraction of their sentences in an attempt to free up space in jail. Now, this is where I agree, as we discussed in this House sometime recently, that we need some work camps, maybe some educational-type work camps, in the province. They have them in British Columbia. There's no reason why we can't have them here, not only for young offenders but for adults alike.

The result of this is a public perception that criminals are really treated better than the victims. We've all heard about how victims are treated in the courts by lawyers and what have you. They leave that courtroom feeling they're the criminal. Then while the criminal is out walking the streets, a little earlier than what he should have been, the victim is putting together the shattered pieces of their life, or the criminal is lounging in jail watching colour television, and so on. Where is the justice? Mr. Speaker, Albertans are asking. Whilst I appreciate that no one enjoys being incarcerated, that is the price we pay for crimes against society. Maybe we should also lobby a little better to bring back capital punishment too.

Mr. Speaker, I've spent a few moments here discussing some of the general problems in our system, and I'd like to deal with another specific case that I've known about for some time. It's a civil matter, and I've known the people for many years. It's a case of a civil nature that was started a year ago or so. There have been eight court applications in this particular case, and each time they go to court, it's about \$1,000. It's in a rural community – actually, it's in British Columbia – and each time a lawyer has to travel a number of miles to go to that court, as does the petitioner and the other person. It's interesting to note that in this particular case I also had the opportunity – knowing the case and knowing I was going to have this Bill before this House, I went to the courthouse and watched this trial in Vernon one day. It was in a court that Judge Wilkinson in Vernon was in charge of. The petitioner had a lawyer that got up and spoke fairly well for about 15 minutes, presenting his case. He hadn't quite finished it, but the judge then offered the floor to the respondent, who didn't have a lawyer. As he commenced to present his case, the judge interrupted considerably, totally frustrating this individual. It's interesting that this particular individual has some knowledge of the legal system in this country, having been a part of it himself at one time – not as a lawyer though – and really got away from the total context of the case at hand.

Mr. Speaker, the judge himself indicated to the respondent, when it was asked if he had read the files and if he had examined this case in its totality, that it wasn't his job to read the files that would ultimately go to another court for trial. Yet the same judge was standing there able to make a decision based on the petitioner's lawyer's discussion, without hearing the full context of the discussion by the individual. At that particular court the respondent listened intently and heard a lawyer which, he stated, gave bald-faced lies to the court. Because he wasn't able to present his case in the appropriate fashion, nothing could be done, and I got

the impression at that time that the court was annoyed that the respondent did not have a lawyer. In fact, by the end of the hour and a half or two hours that the case went on, when the respondent left the court because he was upset and became incoherent and his daughter took over, the thing that came out of there was that the judge said to her, "Well, you should tell your father he should get a lawyer." That was the main context at the end of the discussion, of the day: get a lawyer.

4:50

Now, why is it that a man can't have his day in court, or a woman for that matter, without having a lawyer tagging along with them? Why cannot that person present his case to court and be heard properly? This was a prime example, Mr. Speaker, of this justice system not working for that particular individual. I'm sure – I know – there are many others that the whole thing happens to in a similar fashion. Here's a judge that made decisions . . .

#### **Speaker's Ruling Reflections on the Judiciary**

MR. DEPUTY SPEAKER: Order please. It is not in order for the hon. member to be casting reflections upon the conduct of a judge. I refer the hon. member to *Beauchesne* 481(h).

MR. NELSON: Well, Mr. Speaker, I can refer to the court, then, I guess, rather than the judge, if I may.

MR. DEPUTY SPEAKER: Courts are also subject to the same prohibition.

#### **Debate Continued**

MR. NELSON: Mr. Speaker, the judgments that were granted were such that the respondent was totally decimated. He's taken his pension; his personal company has been destroyed, been kicked out of the house.

Of course, the bottom line of what's happened here, Mr. Speaker, is that he has taken a couple of lawyers to the Law Society. Now, I should mention here that because he's taken two lawyers to the Law Society, at each time that he was taking one of them to the society, the lawyer he had hired walked away from the case, took his 5,000 bucks, and said, "Well, I don't like what you're doing to my colleague, my friend, the other lawyer, so I don't want to deal with you anymore, but I'm not going to refund you your money." So now he's got to try again. Now, that is what I call just an aberration of the whole justice system. Then he's asked to get a lawyer, and that's the kind of thing that happens. So the livelihood and the life of this individual is destroyed because of delays, lying, and bungling of this whole injustice system.

Mr. Speaker, much of the legislation I'm proposing has been influenced by studies done by the Justice Reform Committee in B.C. The committee, which was struck in 1988, radically re-examined the justice system in British Columbia, made recommendations, and has overseen the implementation of many of them. However, they've got a long way to go. I'm not going to elaborate to a great extent on this access to justice committee in B.C., but I would say that by all accounts their plain language initiative – which, I might add, the Minister of Consumer and Corporate Affairs here in Alberta has taken a lead role on, and I commend him for that.

The justice reform Act of 1989 and several other reformatory statutes have proven highly successful in British Columbia. However, as I've already said, there is a long way to go. A

couple of solutions I suggest could help alleviate the crisis in our system would be a greater emphasis on alternative dispute mechanisms, the use of night or weekend courts, and the better use and effective use of paralegals in some of our courts. Night courts have worked in many other places, Mr. Speaker, in particular Manitoba, becoming very popular for people who are unable to miss work. Because the less complex cases are heard at night, the night court actually is quicker, therefore less expensive to the government, and many cases can be handled in 15 or 20 minutes. Maybe we should use more justices of the peace, maybe lay judges using common sense and community values, considering the victim.

The Member for Edmonton-Strathcona, Mr. Speaker, stated that enough committees, commissions, and studies have examined the problems in Canada's justice system. He said that we don't need another commission, and I disagree. I believe that as legislators we have a duty to bring back the principle of equality before the law. A court's decision is not a mere private affair. It culminates in a court order, which is one of the most solemn of governmental acts. Not only is a court an agency of government, but remember that its order, if not voluntarily obeyed, will bring into action the police. What a court orders, then, is not a light matter. The court represents the government and organized society in action, and after all, the court only reflects legislation passed by elected legislators.

I believe that recent initiatives by other Legislatures, including our federal Parliament, to examine legal reform are an indication that the time has come for governments to get involved in this process. We, too, must get involved rather than risk being left behind. Even a good old socialist, Stephen Lewis, is apparently recommending justice reform to Ontario's socialist government. The reality is that the legal profession is an old boys' network, and an individual cannot take on the system. Therefore, our own government in Alberta must take on the system for the individual Albertan. Our own government must be more responsive to the many inconsistencies, inefficiencies, and inequities that I've pointed out. The Attorney General needs to be more responsive to the people in this action. Being well aware that he is a lawyer, has a direct interest . . .

MR. DEPUTY SPEAKER: Order please. I regret to advise the hon. member his time has expired.

The hon. Member for Edmonton-Strathcona.

MR. CHIVERS: Thank you, Mr. Speaker. I was hoping that the hon. Member for Calgary-McCall would get past his tired old clichés and cowardly attacks, because that's what they are, of course, and they'll be seen for what they are. The object of this exercise is not to propose constructive ideas. The object of this Bill is not to propose constructive solutions. The object of this exercise is simply to give the member another opportunity to trot out his tired old clichés. I think it's rather interesting that the Legislature has been visited by this Bill on two occasions, last year and this year, and I thank the hon. member for reminding me of my comments last year that it was "ill-crafted, ill-considered, and ill-conceived." I think those adjectives adequately describe the Bill that we have before us, but perhaps I could add a few more. It's ill-informed, it's ill-intentioned, it's convoluted, it's contradictory, it's ambiguous, it's incomplete, it's poorly worded, and it's not well thought out.

Let me just go through the Bill. Since the member never addressed the Bill, let me go through the Bill. Let's start with the title of the Bill, and perhaps this is a useful exercise since the member in speaking to his Bill never once addressed it. The Bill's

entitled – and I think this is instructive – An Act to Create a Commission to Examine Legal Reform in Alberta's Justice System. The member is obviously concerned about legal reform in the justice system. The title suggests that that's the object, that's the purpose of the Bill. The Bill, therefore, is to examine the justice system with a view to bringing about legal reforms. That's a laudable and a praiseworthy objective, but let's examine the Bill to see whether or not the objective has been achieved. I think that's the acid test.

5:00

When one examines the Bill, looks at the Bill and strips away the rhetoric and the diatribe, you see that the purpose of the commission as described in the Bill is to make recommendations to make the justice system "accessible, understandable, relevant and efficient" for all users. Well, perhaps the hon. member should have followed his own counsel and made his Bill relevant, efficient, understandable, and accessible. These are worthy purposes indeed. The justice system should be accessible. I hope that view, that sentiment, is shared by other members in this Assembly on the government side. I know it is. I know, for example, that there are members in this Assembly on the government side as well as in the opposition ranks that strive their utmost to make sure that the justice system is as accessible as possible for all users of the justice system, but that's not the purpose of this Bill. It's imperative, of course, that the justice system be accessible to all Albertans. It's imperative that we examine ways in which the justice system can be made more accessible, but it's interesting to note that the member sponsoring the Bill does not once address the dilemma of Albertans who are denied access to law in Alberta.

I see that he's not interested in my comments. In any event, I think other Albertans are interested to know in exactly what ways the legal system is deficient in terms of the five purposes that are identified in this Bill in terms of accessibility. I accept that there are shortcomings, that there are deficiencies with respect to accessibility. I don't see this government addressing them, and certainly not this Bill addressing those deficiencies. It's about time that we did address it. Instead of simply having a diatribe and rhetoric, let's get down to some meaningful study. Let's study the deficiencies with respect to persons who lack resources and aren't able to access the judicial system, the legal system. It's time that we did. It's an important and worthy objective.

Legal aid is one program which does help Albertans with scarce resources to access the system, but there are clearly deficiencies in the ability to access the judicial system in Alberta. There are inadequacies in the programs. There are flaws. There are gaps, and these need to be examined. We need to know what they are. We need to find ways to address them. We need to find ways to correct them. We need, perhaps, to look at things such as a public defender system, which is one way of correcting some of the lack of accessibility to the law in Alberta. A public defender system operates in many, many jurisdictions, and it beyond doubt does create greater accessibility to the legal system. But do I hear this member advocating on behalf of that? Will I hear him in the future advocating on behalf of that? Clearly the answer is no, because although the member pays lip service to the principle of accessibility to the legal system, that is not his motive; that is not his objective.

The member has crafted legislation which is supposedly legislation which is designed to make sure that laws are understandable. Well, I think perhaps the member would do well to review his Bill. Let's measure it against the standard of understandability. We need to know why and in what way the

legal system, the justice system, is not understandable to Albertans, to members of the public. I agree that that's a very important and commendable purpose. But has he measured up to that standard in this Bill? Is this Bill written in plain and simple language? Is it clearly understandable? Is it unambiguous? I suggest to you, Mr. Speaker, for example, that the purpose, which is set out in section 1 of the Bill, which is designed to study reforms for the justice system, should take this into account. We should look at the legislation and we should, as members of this Assembly, measure the legislation against that standard.

Why is it, I ask you – and not once has the member proposed an answer to this question, nor has he even addressed it in his comments. Mind you, he never addressed anything in his Bill in his comments. Why should this Act take precedence over all laws, regulations, rules, and provisions? Why is it? What's the purpose of that provision? Is that clear? Is that understandable? Is that unambiguous? Well, I guess it's unambiguous: he wants his law to take precedence over all other law in the province of Alberta. I guess that's clear. But in what way is this law going to be applied or interpreted or operate so as to come into conflict with other laws in Alberta? If you look at it, the purpose provision, where is it that there's going to be a conflict?

The member seems to have some difficulty with legislation that guarantees and protects human rights, and perhaps this is why he decided to throw that provision in. Perhaps he's concerned about the Individual's Rights Protection Act, and he's concerned that his commission might in some way offend the rights of individuals that are guaranteed by some very, very constructive law in this area, the Individual's Rights Protection Act. Perhaps he's concerned about the Charter, that his commission in some way is going to impact upon the Charter of Rights and Freedoms. In any event, it's clear that he wants his law, his view of what the law should be, to take precedence over all other laws.

Section 4 provides for a committee of not five but “at least 5 members.” The sponsor of the Bill seems not to have realized that that's what his Bill says, but that is what it says. If you look at it, it provides for the creation of a commission of at least five members. In other words, the commission cannot be less than five members, but there's no limit on how many members it could include. Nor is there any limit, for example, on how many judges, and indeed, if you look at some of the contradictory parts of it, you'll see that it's contemplated in the legislation the way it's crafted that there might be more than the one judge that he seems to grudgingly acknowledge would have a role on his commission.

Why is it that he's left the legislation open to this kind of manipulation? Why is it? Is it because he wishes to be able to establish a committee that's not going to consist simply of the five members that are enumerated in the legislation but any number of additional members from other categories of membership? Because there's no limitation on the size of the commission, and of course if there's no limitation on the size of the commission, there's no limitation on the cost of the commission. We've many times heard this member extolling the virtues of efficiency and economy, and his concern with the budget and deficit. Well, let's see it reflected in the Bill that he proposes to the House.

Section 4(3) says that the Chair of the commission must be a judge. Now, I find that particularly bemusing in view of the comments that the member made with respect to his view of the judiciary. Now, why, in view of his view of the judiciary, would he make a member of that judiciary the Chair of the commission, a person who clearly has, according to the member, a very vested interest in the system as it exists? Confusing indeed; it's certainly not plain and unambiguous. Indeed, the criticisms that the member has leveled at not only the legal profession and lawyers

but also at the people that operate within these systems – and I think you have to take these criticisms at face value because what he's saying is that none of the stakeholders in the system have any rights to participate in the committee. If he's so concerned about the rights of victims, perhaps we should have some victims' representation on the commission of study. If he's so concerned about accessibility to the legal resources and accessibility to the judicial system, then perhaps we should have some of the people that are users of the services of legal aid or who need access on the commission, but he hasn't made any provision for those sorts of people to be on the commission.

#### 5:10

What about the court reporters, the clerks, the police? Why shouldn't they be represented on this commission? Why is it that he's chosen these very few specific individuals to enumerate, who he thinks, in his view, under his law should be the people that make the decisions that count with respect to the reform of the judicial system, the justice system in Alberta?

It's interesting to examine section 6, where he defines the functions of the committee. You have to remember when we examine section 6 that the purpose of the commission is to recommend reforms to the justice system. Well, section 6(1)(a) – I suppose this is the provision that gives the commission jurisdiction to make recommendations for reform of the system which allow for the advance of equality before the law and access to the justice system, rights which he has overruled in the previous section of the Bill, rights that he says are going to be subsumed by the provisions that he's granted in this law. He wants to take away the rights of equality to the law. He gives this commission the ability to take precedence in its conduct over the laws which guarantee the Charter, which guarantees equality before the law, and the Individual's Rights Protection Act, which guarantees other aspects of equality and freedom from discrimination. Why is it?

Section 6(1)(b). How is a commission of study, the commission that he is developing here, supposed to fulfill its duty to propose reform of the justice system when at the same time it is specifically charged to promote understanding, acceptance, and compliance with the existing laws? How is it? In the one breath he charges the commission “to promote” – and these are his words; these are the words of the Bill – “understanding of, acceptance of and compliance with” the very laws which he's been denouncing in this Assembly. Now, how is it that you can reconcile these contradictory, mutually exclusive functions of the commission? Is this plain and understandable?

Section 6(1)(c). He wants to review the court systems and expedite “court process and processing” – whatever that means – “alternate forms of settlement, negotiation and mediation.” I think there's probably a spelling error in there. I'm not sure what the member was driving at, but perhaps it would behoove him to read his Bill and make sure that what he said is clear and understandable and is in plain language. In section 6(1)(d), the commission is to “develop a strategy for implementation of plain language in the justice system.” Well, as I've said, the Bill and its sponsor should practise what they preach. Perhaps he should lead by example.

MR. PAYNE: Don't be patronizing.

MR. CHIVERS: It would be very nice to perhaps get a standing vote on this, so perhaps I shouldn't carry on too long. Let's hear how many other members on the government side agree with this member and his contemptuous and cowardly comments.

### Speaker's Ruling Parliamentary Language

MR. DEPUTY SPEAKER: Order please. The Chair really believes the hon. member should reconsider the use of the two adjectives he just used with respect to the hon. member.

MR. CHIVERS: If I have stepped over the bounds, it was with some provocation, and I am happy to comply with the Chair's request, because it was not my intention to step over the bounds of propriety. But I think this afternoon we've had an example of a situation where there has been an attempt to provoke.

### Debate Continued

[Mr. Speaker in the Chair]

MR. CHIVERS: In any event, the commission is to develop this strategy. It's to provide information to the Department of Education to educate children. Well, I have no doubt what it is that the member who sponsors this Bill wants to promote within the education system. It's interesting to note that recently, because of cutbacks in the education system, I'm advised that it's now practically in terms – if I can just find the reference here with respect to cutbacks that have necessitated changes: the Department of Education recently amended changes to the core curriculum for junior high school and high school students. The curriculum changes make it next to impossible for teachers to include instruction on the administration of justice in their classrooms. It's an interesting commentary, yet this commission is going to be charged with the role of educating the students of Alberta with respect to the judicial system.

In sum, this legislation, this proposed Bill is a mishmash of contradictory statements of objectives and functions which are impossible to reconcile. The commission is stated to operate for a period of 12 months, but many of the functions that it supposedly is to carry out seem to be permanent and ongoing in nature, including the education role that the member sees for the commission.

Section 7: it's curious language here. There's a discretion to hold public hearings – a discretion. Why not mandatory? If this member is so interested in examining the judicial system, why not make it mandatory? Let's have public hearings. If there's going to be such a commission, then it's absolutely essential that there be public hearings, open hearings. The discretion to establish, in section 7, public inquiries: for what purpose? The member never once mentioned any of these things in his comments. For what purpose? To what end? What happens with the results of an inquiry? What is the role of the Attorney General, who is already charged with the responsibility for calling public inquiries? What about the reference to the courts, the very courts that the member spoke so despicingly of with respect to questions of law? Why is it that he seeks to refer to these very same courts questions of law? It's hard to envisage the purpose of this power in view of his view of the role of the courts in the judicial system. Why is it that he wants hypothetical questions to be answered? Why is it? I assume that he seeks to force the courts to give him the answers that he's looking for.

Production of documents, records, and relevant information to the investigation, broad powers to compel production of documents. Well, I suppose there might be a purpose in that, but I'd like to hear the member explain what the purpose is. Why these broad, coercive powers, powers which I submit should be commensurate with the purposes and duties of the commission? Clearly they're not. There's no rational relationship between them.

Why is it in section 8 that “all testimony, materials and information,” et cetera, that the commission gathers is to be confidential? Why is it? The only way in which it's not confidential is if the Chair, the judge, according to his Bill, and the minister, the Attorney General, agree otherwise. Why the secrecy? This is modeled like a Star Chamber. These very principles of law that he was espousing to hold so dearly he ignores in the application in the Bill that he presents to this Assembly.

Why the power to delegate all the functions to subcommittees? This committee is given the power to delegate all of these functions that he cherishes so greatly to subcommittees. This destroys responsibility; it destroys accountability; it circumvents the very purposes that he's described for the legislation.

Why is it that the committee is to report after 12 months, when it seems that it's not going to be a 12 months commission? As I pointed out earlier, some of the purposes and objectives seem to be permanent in nature, and it seems to be contemplating annual reports.

In any event, Mr. Speaker, the Bill, as I said last year and I reiterate this year, is ill-considered, ill-crafted, ill-conceived, ill-informed, and ill-intentioned. It's convoluted, it's contradictory, it's ambiguous, it's incomplete, it's poorly worded, and it's not well thought out. Now, having said all of that, it is important to bear in mind that there is a need to establish a commission to review the legal system in Alberta. There have been commissions in Alberta which have made numerous recommendations. Never once did I hear this member urging that the government adopt and put into place the several hundred recommendations made by the Cawsey commission, the recommendations made by the Rolf commission. These were commissions of study that did propose reforms to the legal system, reforms that have been characterized by the government as very constructive reforms, reforms that the government has spoken in support of. Why is it that the member doesn't refer to any of this? Why is it that he simply chooses to present this convoluted piece of legislation?

### 5:20

There are lots of studies that are sitting on the shelves of the government. There's the consumer study on the auto industry, which interestingly enough was a commission that essentially represented the auto industry itself. There are insurance studies. There's the Reid commission study, a study which incidentally, prior to departing on its world tour, had briefing notes which essentially reflected the results of their investigation when they returned to publish their report.

Why is it that he doesn't speak of reform of the legal aid system? These are questions, and perhaps the member at some point in the future – they were asked last year. He chose not to address them this year. I assume he'll be presenting the Bill again next year. Perhaps at some point in time he'll sit down and reflect upon the Bill and will bring before the Assembly a Bill which is worthy of support, a Bill which will indeed examine the justice system with a view to legal reform, because I certainly support that objective. That's a laudable and praiseworthy objective, and I think that we all need to engage in a process of examining our judicial system and our laws to make sure that the legal system is responsive, is understandable, is accessible, is relevant and efficient for all users of the judicial system. But this measure will not achieve that objective.

Thank you, Mr. Speaker.

MR. PAYNE: Just as you were resuming your place in your Chair, Mr. Speaker, the previous member who was addressing this quite worthwhile Bill indicated that he was responding to some

provocative comments that had been made from the government side. I willingly, gladly, and openly will admit that perhaps I was one of the sources of that provocation. I would like to emphasize for the member and for *Hansard* and for all who are here that whatever provocative comments I was making were not partisan in nature but were certainly reflective of the literally dozens if not hundreds of calls and letters I've had in recent years with respect to abused clients in my constituency.

I thought it was interesting that rather than speak to the motivation for the Bill, rather than speak to the human anguish that gave rise to the Bill, he addresses the language, the legalisms of the Bill, the legal proprieties of the Bill. It's that patronizing, arrogant, put-down response that characterizes the responses of so many lawyers with abused clients when they are pressed by these kinds of clients. Now, I hasten to add that the vast majority of the legal profession in this province are well educated, intelligent, honest, dedicated, and conscientious. Nevertheless, there is a sizable and I suspect a growing minority who are very questionably competent, who have, it appears, from time to time other interests, commercial and professional, that run counter to the services that they are to be providing their clients.

In my office there are a lot of large files. I suspect that's the case with all the members on both sides. Far and away the largest, heaviest file I have is the hundreds of letters I've received from aggrieved and abused clients of lawyers when I sponsored a motion recommending that we strike an all-party task force to take a look at the way the legal profession operates in our province. Unfortunately, that motion did not carry; nevertheless, it did turn me, I guess, into a bit of a lightning rod for that kind of correspondence. To take a day or two or three to read those letters of anguish, of heartache, and of pain that has been caused by incompetent, even dishonest, lazy, and sometimes inebriate lawyers is just tragic reading.

In a more temperate vein, Mr. Speaker, while we speak to the merits of the Bill before the House today, I would like to make a comment or two about the benchers. These, of course, are the lawyers who judge the lawyers. It is my very strong view that we

need far greater representation from the common man. I think average Albertans, who are purportedly represented by the party opposite, can bring to bear the years of their commonsense experience and assist in the process of the lawyers judging the lawyers.

Now, it's taken many months – no, it's take many years, I believe, to get that representation from our average citizenry up to three on the benchers. I would like to suggest that that very modest increase needs to be re-examined periodically. There's no question that the nonlawyers who are on the benchers currently are making a significant contribution that is recognized by the benchers. It's recognized by all those who follow the work of the benchers. I think it is safe to say that by adding to the complement of lay representation on the benchers, we can more than enough strengthen the work of the Law Society.

I'm trying to interpret a hand signal here from the House leader. Is that it? Okay.

Well, it's obvious, Mr. Speaker, that we are out of time this afternoon. With regret – in anticipation of another, more fulsome opportunity to examine the issues of this Bill and the issues raised by the remarks of the Member for Edmonton-Strathcona, I look forward to discussion of this Bill again, and on that note I would beg leave to adjourn the debate.

MR. SPEAKER: Having heard the motion, those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. The motion carries.

MR. ANDERSON: Mr. Speaker, this evening it's intended that the House will debate various Bills on the Order Paper and possibly motions.

[The Assembly adjourned at 5:28 p.m.]