Legislative Assembly of Alberta

Title: **Thursday, June 18, 1992 8:00 p.m.**
Date: 92/06/18

[Mr. Speaker in the Chair]

MR. SPEAKER: Be seated, please.

head: **Government Bills and Orders**
head: **Second Reading**

Bill 21
Election Statutes Amendment Act, 1992

MR. SPEAKER: Pincher Creek-Crowsnest.

MR. BRADLEY: Thank you. Mr. Speaker, nothing brings members' attention to the business of the House more than an Act which deals with the Election Act and the Election Finances and Contributions Disclosure Act, because it's under this legislation that all of us were elected to this Assembly. The amendments which are before us today update a number of provisions in both pieces of legislation.

In terms of dealing with the Election Act, we look to expanding the franchise to some individuals who previously did not have the opportunity under the existing Act to exercise a franchise, particularly to students at educational institutions, which previously had to be designated under the Act, and that provision is being deleted, and also to people who are serving the interests of the people of Alberta outside of this province and particularly government officials or Members of Parliament who have had to leave the province because of their responsibilities but are maintaining residences or have their interests here in terms of serving the people of Alberta outside of the province of Alberta. Also, for the first time it extends the franchise to members of the judiciary, who brought to our attention that the current legislation, which denies judges the right to vote, is contrary to the Charter of Rights and Freedoms.

The Act also combines under a special ballot procedure the current incapacitated and absentee ballots and the special voting certificates, thus simplifying the number of procedures under the Act in terms of these types of provisions for that type of voting. So there's a provision for a special ballot procedure replacing the previous incapacitated and absentee ballots and this special voting certificate.

The Act also reduces the number of forms which are required to be filled out by election officials. This will of course have some effect in terms of reducing the cost of an election because of the reduction in the number of forms and simplifies the procedure for election officials.

The amendments provide for the designation of remote areas. There are some parts of the province which are very difficult in terms of servicing during an election. This would provide the ability under special circumstances to declare these areas remote areas and provide for voting under the special ballot procedure in those areas.

The amendments which are before us today also update the nomination provisions, requiring 25 persons to sign a nomination form versus the current four persons required to sign a nomination form and also updates a provision which hasn't been updated, I believe, since the first Election Act of this province back in the early 1900s: the deposit for a nomination goes from $100 to $200. It doesn't quite keep up with inflation but is a significant increase.

The Act also provides for mobile polls for seniors in senior citizens' lodges. Previously we've had representations made that in terms of our seniors' lodges, they should have this special type of provision for them, that a mobile poll could visit them on election day, and this Act provides for that.

Other provisions in the Election Act provide for a tightening up of the swearing-in procedures in terms of requiring two pieces of identification to be provided by a person requiring to be sworn in, whereas the current Act only requires a person to supply one piece of identification.

In general, the provisions that come forward will streamline the Act and will provide for the better conducting of elections in the province.

The second part of the Bill deals with the Election Finances and Contributions Disclosure Act. It deletes some outmoded trust procedures. There are trusts prior to 1978. We don't believe there are any trusts still in existence that date prior to that period, prior to this Act coming in, so it removes that provision from the Act. It specifies in the Act what is in fact a trust investment, and it amends the options for disposing of a candidate's trust if a current member either doesn't receive a party nomination or decides not to run.

The amendments to the Election Finances and Contributions Disclosure Act also updates a number of the figures in terms of the dollar amounts provided in the original Act to reflect current dollar values and consolidates some of the reporting procedures, which simplifies this for the numbers of volunteers who work for our organizations. It makes some sense to consolidate some of these provisions.

The Act also makes some contraventions under the current Act corrupt practices under the Election Act, so this is a tightening up of some of the penalty provisions. One section also gives further discretion to the court in dealing with some of the contraventions under the legislation.

So, Mr. Speaker, those are in general the principles outlined in the number of amendments to both the Election Act and the Election Finances and Contributions Disclosure Act, and I look forward to members' comments on this Bill.

MR. GOGO: What about contributions?

MR. SIGURDSON: I'm sure that the Minister of Advanced Education wants to get in on that a little later on, about contributions.

Mr. Speaker, my reason for rising tonight is to indicate to the Member for Pincher Creek-Crowsnest that on the whole we in the New Democrat caucus have agreed to support the Act. It seems to be an Act that does indeed tidy up quite a bit of the various pieces of legislation that govern elections and the contributions to political candidates.

There are some concerns that we must express right away. Yesterday the member stood in the Legislature and introduced the Bill. We got copies of the Bill late yesterday. Today we're in second reading, and it's proposed, I believe, that we'll hopefully, if time permits, be going into committee tonight. We've not had an awful lot of time to take the Bill apart. There are some concerns that we have, and we will address those at committee stage, but I would hope that the Member for Pincher Creek-Crowsnest would like to stand up once again when he closes debate on second reading and explain the reason why the government wants to get Bill 21 through so quickly. This is a piece of legislation that quite frankly isn't affecting anybody in this Legislative Assembly. At least we don't think it's going to affect anybody in this Legislative Assembly in the next week or month or so. So we have some concern about the rush that this Bill seems to be getting.

Again, Mr. Speaker, what we'll do is address in committee stage the specifics with a couple of amendments that we've got to date, and we'll see if we can get the government to agree and concur with the amendments that we bring forward.

MR. SPEAKER: Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Speaker. I'd like to echo the words of the NDP for a bit. To go through this in detail is a bit of a . . .

AN HON. MEMBER: Can't you think for yourself?

MR. TAYLOR: Somebody says: can't I think for myself. [interjections] It's really comical, Mr. Speaker, to hear the black-bottomed kettle over there making all those little bubbling noises. However, we'll go on.

The Act has just been introduced, and seeing that it is something that involves the public much more than many others and in this day and age of electoral reform, I think the haste with which the government seems to be trying to put it through is a bit unseemly, maybe obscene, when one realizes for instance that there are two by-elections in the offing, in Three Hills and Calgary-Buffalo. One of the changes they're suggesting, one of the clauses – I believe it's 122, where it's in conflict with the Legislature. What it does is allow the government to delay the by-election in Calgary-Buffalo, as far as I can see, another 10 days or maybe two weeks. As far as I can see, too, it's rather inevitable that they're going to get their comeuppance, but I guess they would want to delay it. That may be one of the reasons they're trying to rush things through.

8:10

The other area that bothers me somewhat – I think the Member for Little Bow might be qualified to speak some on this too – is that there should be limits to our campaigns. [interjection] Well, we spent a lot of money down there, and so did your party. The money could be a lot better used in some other area than winning elections. As you know, if one party puts in $30,000, $40,000, $50,000, the other party has to put in $40,000 or $50,000. [interjections] I don't think our society today and our public likes the idea of an Election Act that has no upper limits at all.

MR. SPEAKER: Order please.

MR. TAYLOR: Thank you, Mr. Speaker. They did turn their heads sideways, and I could read what was being held up behind them, so it's all right.

One of the things that I think the public gets concerned about today is the inordinate amount of spending that goes into advertising and electioneering. Now, I don't think it's necessary. I think a great deal of the public doesn't. Here we have an opportunity, Mr. Speaker, when we're overhauling the Election Act, to put a limit, and the limit could be on so much per voter on the last census. I would think that this would be a wonderful opportunity to put a limit in election Acts on what they could collect. I think the idea of having donations deductible from your provincial income tax is all right, but seeing that the public is paying, those moneys – in the $40,000 range in Little Bow; all three parties together came close to a hundred thousand dollars – are deductions from the provincial parties' coffers. In other words, the taxpayers are paying indirectly because of the deductions.

I see that the Member for Rocky Mountain House is quite surprised. He might be surprised how much he has to dig up, too, to try to stay alive in the next election. Things have changed out there. No more getting your mother-in-law and the mayor to sign up and get a blue and orange card, and you're automatically elected. You're going to have to fight like Hades just to save your deposit. So remember this next time: that $40,000, $50,000, $60,000 per election is coming out of the taxpayers' pocket, not your pocket, not the Tory pocket or the Liberal pocket, because the donators are taking off the deduction. Now, I think that the hon. Member for Pincher Creek-Crowsnest – I don't know if he'll have a riding the next time around – should have the courage to at least come out and try to put some limits on it, because what we're doing is gouging the taxpayer to spend high amounts of money to get ourselves elected to then, of course, vote ourselves some more money.

I think, Mr. Speaker, that this unseemly rush – we're going to try two readings today, probably a third reading in the next couple of days – ill befits a government that's in its last throes of staying in power, trying to juggle the Act so that they can delay by-elections and at the same time continue to hose the general taxpayer to keep paying money for campaign funds.

MR. LUND: You can't even give away many memberships.

MR. SPEAKER: Order please. Do you wish into the debate, Rocky Mountain House? [interjection] Good. Then thank you. Vegreville.

MR. FOX: Thank you, Mr. Speaker. He's adding to it.

It's interesting, just in opening comments on the Election Statutes Amendment Act, that the hon. Member for Westlock-Sturgeon alludes to candidates' deposits. The issue of candidates' deposits reminds me of a little story about the Edmonton-Strathcona by-election, where the high-profile, touted, much vaunted Liberal candidate did not get her deposit back in that by-election, even though the hon. leader of the Liberal party is a resident in that constituency. Their candidate finished third in the poll that he lives in. That's all history. We're looking to the future here, and that's why the Member for Pincher Creek-Crowsnest introduced Bill 21.

As my hon. colleague the Member for Edmonton-Belmont indicated, it's our intention to support the Bill. I, too, share his concern about the practice generally of dropping a Bill that has literally dozens of sections and several of them quite technical on members' desks one day and expecting us to be able to debate it properly the next. Now, fortunately we're a very versatile, capable, experienced opposition, and we tend to do a more than adequate job with these sorts of things. As a practice I think it would behoove the government to allow a little bit more time between introduction of the Bill and second reading so that a proper consultation can be done. Maybe there would be an opportunity to exchange some ideas about possible amendments in advance so that the government would be able to give serious consideration to amendments that might come forward from the opposition.

I think the principle of this Bill is that we make some improvements to some election statutes: the Election Act, the Election Finances and Contributions Disclosure Act. The reason for that is because I think we realize as hon. members that we have to be diligent and vigilant in our attempts to preserve our democratic system, Mr. Speaker, that democracy, though many of us take it for granted, many people in this country tend to . . .

MR. SPEAKER: Order please, hon. members. It's not quite committee stage yet.

MR. FOX: People tend to take the freedoms that we enjoy historically in this country for granted. We need to be reminded from time to time that democracy is a fragile and precious freedom and that if we don't use it, we run the risk of losing it. A lot of the things in this Bill have to do with the extension of franchise, what we need to do to encourage people's participation in the electoral process, make sure they have a chance to participate, have their say and feel like they've been a part of the decisions that are made with respect to their lives and their communities.

I think it's instructive for us to look to other jurisdictions from time to time when considering what we want to do here. I would like to recall, if only briefly, a conference that I went to with our Chief Electoral Officer, the COGEL Conference, Council on Governmental Ethics Laws. It was a very instructive experience, Mr. Speaker, having a chance to meet with legislators not only from other provinces in Canada but from states in the United States and some international delegates as well. Interestingly enough, members of the Lortie commission, the federal commission studying electoral reform, including the Chair, were at that conference as well. So there was a lot of important discussion going on about the process of election, the conduct of elections, the registration of voters, the role of advertising and lobby groups in the process of the election, and a lot of discussion about the actual process of election finance: how are contributions monitored, what's onside and offside, how are campaigns financed, and how do we keep track of the activities of candidates individually and of political parties? It was very instructive.

I want to recount a few anecdotes because I think it's important in considering the principle of this Bill. Talking to legislators in the United States – now, theirs is a system that many people tend to idolize, that they've got a lot to teach us. Certainly they do with respect to regularly scheduled elections so that everybody knows when the election's going to be called. There's no weighted advantage given to the governing party, who can decide when or when not to call an election by surprise. Everyone knows when it is, everyone targets that date, and the government's agenda is not so vulnerable to being politicized as a result. So there are some good things there.

A conversation I had with a legislator from the state of Florida was particularly instructive, because in that jurisdiction, as in many in the United States, in order to be eligible to vote, electors have to be registered. They have to actively register themselves in order to be eligible to vote, whereas in Alberta we enumerate the voters. We go around and try and register them, and if we miss them, if they fall through the cracks as it were and they're not enumerated on election day, we have a process . . . [interjection] If the Member for Vermilion-Viking wants to participate in the debate, he's welcome to.

The issue here is about registration of voters, and in our situation we enumerate voters. We encourage their participation, and if for some reason they're not enumerated and registered on the voters' list, they can go and be sworn in at the polls. Certainly this Act enhances that process, makes it easier for people to be enumerated, get their name on the list, and take part. In the States, as I said, you have to actively seek out registration. In the state of Florida he said that approximately 50 percent of the people who are eligible to vote bother to register. So you immediately eliminate half of the eligible voters in the state of Florida because they don't bother to register to vote, and the state shows no particular interest in registering them through an enumeration process like we have here.

8:20

Well, then you look at the voter turnout in that jurisdiction, and you find a voter turnout of about 20 percent. Twenty percent of the 50 percent who register bother to vote in a gubernatorial election, for a state governor, for example. Doing the math quickly, people can see that of all of the eligible voters in the state of Florida, that means 10 percent of the people in a most recent election actually participated by going out and exercising their franchise. To me, I find that a frightening kind of approach to democracy. Obviously people aren't encouraged to participate. They don't see much reason to exercise their franchise. They don't get involved, and as a result, what are supposed to be democratic decisions are in fact decisions made by a very small group of people.

Taking it one step further, if you want to think of a race between two people for the governor's chair, if one candidate gets 60 percent of the vote and the other gets 40 percent, doing our math again, if only 10 percent of the people who are technically eligible to vote in the state of Florida voted, well, then you've got 6 percent of the people in that state having chosen who's going to be the governor and literally run that state for the next several years. It's not a very healthy situation at all.

I told this gentleman that in Alberta we had a voter turnout of over 50 percent in the last election. That's 50 percent overall; that's not just 50 percent of people who may be eligible to vote had they registered. We're ahead of them 50 percent to 10 percent in terms of participation. When I told him that in the Vegreville constituency, for example, we had a voter turnout of 75 percent in the last election, highest in the province by far, it sounded like a revolution to him. He could not believe that that many people would take an interest in exercising their franchise at election time.

So I think we've got a good system here, basically a sound system, and we've got to work hard to preserve the integrity of that system to make sure that Albertans are encouraged to participate in the process and in fact do. However, I think we've got a long way to go before we can feel comfortable that we're accomplishing that objective.

The other thing that I want to point out to hon. members is that in this particular jurisdiction of Florida – and he said that it applied to many other states and indeed the federal jurisdiction in the United States – odds are greater that you'll die in office than you'll be replaced. The advantage to the incumbent is overwhelming. In some elections the turnover might only be between 3 and 5 percent in a given election. If you're the incumbent, you win time after time after time after time. When I told him in our jurisdiction, even when we've got a majority government that's been in place for a few years, that regularly 30, 40 percent of the people change at election because they're either defeated at a nomination or defeated at election time or retire on their own, again that sounded to him almost revolutionary. He could not believe or envision that there would be that much turnover, yet we take that for granted. So there is a substantial amount of renewal in our political system that we'd do well to recognize because it speaks well for the integrity, for the history, for the record of the British parliamentary system, the system that we work with in this province and try to improve.

I'll be very interested in speaking in some detail in reference to specific sections in part 2 of this Bill with respect to the Election Finances and Contributions Disclosure Act, Mr. Speaker. I think those are very important areas for us to deal with: as well, the rules that govern the contributions of individuals to campaigns, the way that we keep track of people's contributions, and the way we control to the greatest degree possible the expenditure of money, a.k.a. the influence of results during elections. I've had some experience with the Election Finances and Contributions Disclosure Act having acted as the finance officer for the Vegreville constituency from 1976 to 1979 and working closely with the

finance officer ever since to make sure that the year-end reports are filed and properly prepared and that we run a tight ship in terms of adhering to the dictates of the Election Finances and Contributions Disclosure Act.

In terms of the principle of our Act, we have a system where we set limits on individual contributions. People can contribute to political parties. If it's greater than – it was $40 in a given fiscal year – then it has to be noted as a contribution, whether that's in cash or in kind, and if it's over $375 in a calendar year, it has to be recorded by name, identified on the record. There are likewise limits to the amount that people can contribute to parties in a given year. The amounts are governed with respect to contributions to candidates and parties during election time. So that's how we control it here in Alberta. Other jurisdictions have other models for that as well. Some would put strict limits on the amount of money that can be spent. That's the case with the federal elections in Canada.

There are some jurisdictions that have moved to a system, Mr. Speaker, where they ban any contributions to a candidate or campaign from any other than individual contributors. It's done in a lot of jurisdictions in the United States right now. That means that political action committees, lobby groups, corporations, trade unions, and co-operatives cannot make donations to political campaigns, only individual voters can.

It's difficult to administer in some ways, but there's a lot of merit to it, because you can be sure that every penny that goes into and is spent in a campaign comes directly from someone who is expressing their support for, you know, that candidate or that campaign. It would be difficult to envision that in Alberta in our current situation given the amount of funding that comes from corporate sources for, well, three parties in Alberta: the Liberals, the Conservatives, and of course, the Reform Party running federally. Anyway it is a model that people might want to think about in terms of exercising real scrutiny over what money comes into and is spent in a campaign and making sure that in the long-term future we preserve the integrity of our system to make sure that it is in every way possible above the influence of particular groups of people or organizations or corporations with axes to grind.

One of the things that you have to do if you're going to have that kind of system, and members might want to think about it, is do a much more careful job, a scrupulous job of identifying those individual contributors to make sure that you don't have a corporation merely giving out $500 to each of a hundred employees and telling them to give that money to a particular campaign. So jurisdictions develop ways of identifying not only the name of the contributor, his or her address, place of employment, but they go through and try and cross-reference and find out if there's any hanky-panky going on.

My last comment, Mr. Speaker, would be with respect to commencement of the Act. It does note that the Act comes into force on proclamation. Now, that's a common inclusion in Bills. Sometimes they come into force on Royal Assent; sometimes they come into place upon proclamation. I'd like the sponsoring member, the hon. Member for Pincher Creek-Crowsnest, to indicate to us in his comments, if he would, if it's the government's intention – assuming this Act goes through second reading, committee, third reading, and Royal Assent in the next few weeks – to proclaim the Act immediately, posthaste, so that the provisions of the Act would be in place for the upcoming by-elections that they seem to be reluctant to call but that have to be called because of the laws that we have in this province. I'm interested in knowing. It may be that there are some technical sections in the Act that couldn't be proclaimed until we've got, you know, the bureaucracy up to speed in terms of implementing the Act, but then it may be possible, for example, to proclaim sections of the Act like the government did with the Conflicts of Interest Act, which created and empowered the office of the Ethics Commissioner, where you proclaim as much of the Act as you need to to facilitate the task at hand. So I hope the member would have some comments in that regard and look forward to further debate on the Bill.

8:30

MR. SPEAKER: The Minister of Advanced Education.

MR. GOGO: Thank you, Mr. Speaker. I wanted to make just two or three brief comments on Bill 21 following comments hon. members have made, and I, too, will listen closely to the sponsor of the Bill.

Clearly, Mr. Speaker, what we're doing with this Bill is traditional. After each election there are generally amendments to the Election Act to make it easier for the voting public to vote, make people aware of the fact there are elections.

The Member for Vegreville very clearly pointed out the great discrepancy between the American system and the Canadian system. One major point he left out. Obviously he's seen the American ballot, if he's been to California. There are at least 400 or 450 tick marks required. In fairness, we are so far ahead of anybody else in terms of the ballot used in Canada.

Mr. Speaker, in making people aware, obviously Bill 21 was named 21 for a specific reason. That's the age at which you have to be in this province to vote. The Member for Pincher Creek-Crowsnest deliberately – now I've got members' attention. I wondered if anybody would be aware of that.

The Member for Westlock-Sturgeon, Mr. Speaker, seemed to make a major issue out of what in effect is part 2 of Bill 21, and that's with regard to contributions. I noticed no compunction whatsoever when the federal Liberal leadership was on where people were donating money and writing it off their income tax not for representatives to be elected to represent them, simply to run for the leadership. For some reason it was fine with the member at that time based on the candidate he was supporting, but now it's not fair when you make contributions to elect people to represent you. I don't understand the difference.

I had two or three brief questions to ask the sponsor, Mr. Speaker, although I'm a member of government and I suppose I should know. On page 12 with regard to section (2), I assume that a telecopier by definition is a facsimile. I don't know that. Maybe the sponsor could mention that.

We've all learned, Mr. Speaker, that not everybody has a driver's licence and not everybody's a senior citizen and not everybody belongs to Alberta health care. So it's encouraging to see that the sponsor is saying: if none of those pieces of identification exist, then any two that are acceptable to someone would be accepted. In the last election there were constituents of mine who couldn't vote because they didn't have a health care card, they didn't have a driver's licence, and they certainly weren't senior citizens. I think that's very progressive.

The hon. Member for Vegreville referred to mandatory voting based on the inference of mandatory voting, and I would encourage him to recognize that what we want to do is encourage people not to mandate that they vote. We don't want to get into the Australian system of having to have a bureaucracy to fine people $25 for not doing so.

Finally, Mr. Speaker, just two points. One, I think there's a case to be made by the Member for Edmonton-Belmont. This Bill was introduced yesterday, and it's only been 24 hours since that

introduction. The only excuse, if any, that the government could make is that the Bill is not significant in terms of principle changes. Ways to make it easier for people to vote: that's the main thrust of it. As the Member for Vegreville adequately and eloquently pointed out, this Bill will not be effective on assent by the Lieutenant Governor but on proclamation. I think that's very significant, because I know that the hon. Member for Pincher Creek-Crowsnest as sponsor of the Bill will probably make recommendations to government based on debate both in committee, suggested amendments, and second reading as to what, if any, sections should be addressed before they're proclaimed.

MR. SPEAKER: Edmonton-Mill Woods.

MR. GIBEAULT: Thank you, Mr. Speaker. A couple of comments about the Election Statutes Amendment Act, 1992, this evening. If we look at section 26 of the Election Act, the amendment here is proposing to include postal codes on the enumerators' list, the voters list. That's already happening, so I guess that's just tidying up the current practice, which is a good thing.

I'd like to suggest that we ought to go little further on that and that we ought to include the voters' phone numbers as well on the voters lists. The voters lists are provided to candidates and parties during an election, and as we all know, one of the main things that we try to do during an election campaign as candidates and as political parties is to communicate with the voters and explain our positions on the issues and our platforms and so on and solicit their support. As I'm sure all members in this House and all candidates in elections in Alberta know, it's an awful lot of work to try to look up thousands of phone numbers during an election campaign. So I think a great service could be done if our enumerators, at the same time as they're already going around and getting the voters' names, addresses, postal codes, and determining if they're eligible voters, simply got their phone numbers. That would save everybody a great deal of time, make the electoral process that much more efficient, and we'd spend less time looking up phone numbers and more time talking to the voters about the issues of the day.

Secondly, along that same point, we are in the 20th century here, and I noticed that there was one concession to that in terms of special ballots "an application for a Special Ballot may be made . . . by telecopier," or fax. What I'd like to suggest in terms of the voters lists, Mr. Speaker, is that we ought to have the Chief Electoral Officer be in a position to make those voters lists available to the parties and to the candidates in a computer readable format; in other words, on a computer disk. Just about everybody these days uses computers, and that would be of additional assistance: make it available in terms of a choice to the candidates or to the parties, whether they want the traditional printed list or a computer version. We're already looking at computer voting in civic elections. We're not into that provincially; personally that's fine by me. But I think that in terms of the voters list, that really does lend itself to being available in a computer format. It's much more easily updated and kept current. So I think that that would be of additional assistance to many of the candidates and the parties that contest our provincial elections.

I'd refer members to page 6 of the Bill here, which is proposing to amend section 64, regarding notices, publications by the returning officer of polling subdivisions, and so on. The proposed amendment is that there should be

> a statement of the availability of level access to the office of the returning officer and to the . . . polling places.

I would suggest to the government that that's really not adequate at all and what the Bill should say is that polling places should and must provide level access to voters to ensure that voters who use wheelchairs have access to the returning officer's office and to polling places. I suggest, Mr. Speaker, that it's simply not adequate to put in an advertisement in a newspaper that some polling places are available for level access to people with wheelchairs and others aren't. That's the current situation, and it's really quite unacceptable. I think that we simply have to say that as a province, when we're going to have an election, we're going to make sure that everyone has a chance to visit the polling place and cast their ballot. So it's not a question of simply advising which polling places have level access and which don't; we must ensure that all the polling places do.

To carry on, then, Mr. Speaker, I want to come to the Election Finances and Contributions Disclosure Act in a moment, but in terms of the Election Act I would like to just put on the record – and I would preface it by simply saying that this is not a view that's shared by all of my colleagues and maybe not all members – that frankly I think we'd be missing an opportunity if we pass Bill 21 without making some kind of attempt, in my humble opinion, to redress the gender inequity in our electoral system. It's simply not good enough for me and for many Albertans, I would suggest, to continue to have a system where women are so badly underrepresented in our Legislative Assembly.

8:40

I guess there are different ways that could be rectified, and I'm sure maybe other people would have different approaches to this, but you know, Mr. Speaker, at the current constitutional discussions that we're having at the federal level, there's already been a proposal in terms of the reconstituted or restructured or reformed Senate. There have been serious proposals that the electoral mechanism for the Senate of Canada ought to have a provision to make sure that it's gender balanced. If we're going to have 100 Senators, it would be 50 women and 50 men. That proposal has a lot of merit, I think.

I'm very sympathetic to that in the constitutional reform process there, and I would like to suggest that in this Act the province of Alberta, if we had some substantive amendments from the government side, could really break some new ground here, in North America at least, and I would be proud if this Legislative Assembly were to pass a Bill that was to provide a mechanism that had as its result after the next election a Legislative Assembly that had 50 percent men and 50 percent women.

As I said, there are different mechanisms that could be used for that, but one, just as an example: instead of having 83 constituencies, why not have 42 and have the male candidate and female candidate in each of those 42 electoral divisions who receive the most number of votes be elected to this Assembly? That would ensure that after the next election we'd have a much more representative Chamber here. I mean, 50 percent of the population of our province, in fact probably a little more, are women, but they're not represented, and their voices are not being heard in this Assembly in the manner and in the proportion that they should. So I put that forward on the table for members to consider.

My last comment on Bill 21, Mr. Speaker, refers to the election finances and contributions section. There is on page 21 of this Bill basically just a tidying up section in terms of the contributions disclosure provision of the Election Finances and Contributions Disclosure Act. The current disclosure limit is $375, and I think we should maybe consider that. The federal contribution disclosure limit is $100. So we could be in a situation in Alberta where if somebody donates to my election campaign in Mill Woods and

makes a $200 donation, that's not publicly disclosed, but if they make that same $200 donation to the federal NDP riding in Edmonton Southeast, that is disclosed publicly. I don't happen to know offhand what the disclosure provisions or thresholds are in the other provinces, but it would be interesting to compare. We know for a fact that it's significantly higher than the federal disclosure limit. Maybe we should have a look at that disclosure limit. Maybe it's too high, and maybe it ought to be lower so that there is a maximum disclosure and we have a maximum degree of public confidence in who's financing the political campaigns in our province.

The last thing to consider in Bill 21, I would suggest, is that we should, as some of my colleagues have mentioned, consider two other very important principles. One is whether or not there should be spending limits on campaigns. Personally, I think that's a good idea, because without them, Mr. Speaker, you can have situations where people can effectively buy an election, although it doesn't always work that way. I would be the first to admit, for example, that in my own case in 1986, when I was first elected, my Conservative candidate outspent me by a factor of 4 to 1, $40,000 to my paltry $4,000. In fact, my campaign was so run on a shoestring that I had to run the campaign out of my house, and my wife made me promise never to do that again. I still won the election, and that just goes to show that money doesn't always buy the election.

Mr. Speaker, I think that in the interests of fairness if you looked at the general situation over a period of time, you would probably find that those who are in a position to spend the most money on advertising – on fliers, on signs, on propaganda, and what have you – generally do better in elections than those who don't have those resources. So I think spending limits would be something we ought to give some serious consideration to. They're already in place at the federal level and in some other jurisdictions.

Associated with that is the concept of public financing of elections, which we don't have in Alberta but they do at the federal level and in several other provinces in Canada. I would suggest that would be another way of ensuring a greater degree of fairness and equity in the electoral process in the province of Alberta.

MR. SPEAKER: Additional?

Pincher Creek-Crowsnest, summation.

MR. BRADLEY: Thank you, Mr. Speaker. I appreciate the comments of the Member for Edmonton-Belmont, and I believe the Deputy Government House Leader addressed that in that there aren't any significant new principles with regards to this legislation. There are some changes, but they're improvements in terms of people's abilities to vote or some tidying up of some sections. That is one of the reasons why the Act is before us. The other reason, I guess, is in terms of the time the House is sitting, that we're moving on in terms of legislation and the pace at which we are moving.

The Member for Westlock-Sturgeon referred to the section regarding removing what is currently in the Act, the 180 days, in terms of proclaiming a by-election. Well, the reason for the change is that it's in conflict with the Legislative Assembly Act, which says six months after a vacancy a by-election must be called, and the Election Act says 180 days. So you're looking at one or two days, depending on it, but the two Acts were in conflict. So there's no intention of delaying in any way the calling of a by-election.

The Member for Westlock-Sturgeon and the Member for Edmonton-Mill Woods discussed the concept of putting limits on campaign expenditures. I think the practice in this Assembly, as alluded to by the Member for Vegreville, has been that we put a limit on campaign contributions, the maximum amount which a person or a corporation could donate to a political party. We've also had the principle of public disclosure of campaign contributions above a certain amount. That's been the practice in this Legislature.

With regards to the provision as to when the legislation comes into force, the Member for Vegreville raised a question about the timing of the proclamation of the Act. It's certainly not the intention to see this legislation proclaimed before the upcoming by-election which must be called in Calgary-Buffalo. I've had some discussions with the Chief Electoral Officer, and he requires some time, of course, with these proposed amendments, if they come into law, to make the necessary changes and to train election officials, et cetera. So that will be done in consultation with the Chief Electoral Officer in terms of his ability to implement these changes.

The Member for Lethbridge-West asked whether telecopier meant fax, and that is in fact the case.

The Member for Edmonton-Mill Woods made the interesting observation and suggestion that we should not only have postal codes added to the enumeration list but phone numbers. Certainly that was given great consideration, because we all realize the work that our volunteers must go through to affix phone numbers to enumeration lists if we are in fact conducting phone blitzes, but the principle of privacy overrode our own personal interests to have this done for us. A number of people do not wish to have their telephone number disclosed. It could also be abused by citizens in terms of using these numbers to phone people up. As worthy as the suggestion may be from our own political interests, we felt that the principle of privacy overrode our own interests in that matter.

With regards to electronic data bases being available for the enumeration list, that's something which I believe the Chief Electoral Officer has provided in some instances in recent by-elections and something which he is giving consideration to. It's something that he can do whether the Act requires that or not. He certainly is giving consideration to that, but there's a factor of cost which he must look at also in terms of providing that. I know that we as individuals who are involved in election campaigns or are running election campaigns certainly would find it very desirable to have it in that electronic format, but there's also a cost related to that.

There are some other suggestions that were put forward by members in terms of issues relating to level access to polling places. I know that the Chief Electoral Officer in terms of conducting elections has asked his returning officers to ensure that there is level access to polling places and has instructed officials to construct ramps where necessary to provide that to polling places. It's not something that is contained in the current legislation, but a notice letting people know that level access is available to certain places was felt to be desirable. There also is in the current Act the ability to vote via the incapacitated or absentee ballot form, which in this legislation is extended in the form of a special ballot, so no one is disfranchised in terms of being able to vote.

Some other interesting questions the member raised: I'm not sure that our Legislature is quite that progressive at this point in time to consider the suggestion regarding gender equality.

Mr. Speaker, I'd ask hon. members to support this Bill in second reading. I'm looking to forward to discussion at committee stage.

[Motion carried; Bill 21 read a second time]

head: Government Bills and Orders
head: Committee of the Whole
8:50
[Mr. Jonson in the Chair]

MR. DEPUTY CHAIRMAN: I'll call the committee to order, please.

Bill 19
Mobile Home Sites Tenancies Amendment Act, 1992

MR. DEPUTY CHAIRMAN: We have a government amendment.

The hon. Member for Calgary-Bow.

MRS. B. LAING: Thank you, Mr. Chairman. First, I would like to make just a few brief comments on Bill 19, Mobile Home Sites Tenancies Amendment Act, 1992. Mobile homes are affordable housing and provide the opportunity for people who otherwise wouldn't be able to have a home of their own. These people are entitled to live in their homes and enjoy peace of mind without undue harassment or fear of undeserved eviction. This Act will provide a good balance between the needs of the landlord for a fair and equitable return on his or her investment and a process to deal with unruly or fraudulent tenants. It also meets the tenant's need for secure tenancy.

I would like to thank the hon. members for Edmonton-Strathcona and Edmonton-Jasper Place for providing their amendments ahead of time. There will be some government amendments as well, and I would like to ask you to use the one for June 18. These are making some of the corrections to the earlier one which was filed. So it's the one that's entitled June 18.

I would like to address some of the concerns and questions from hon. members of the Assembly during second reading. Firstly, I would like to thank all members for their support for the provision of better security of tenure and the trust account for security deposits. These two features of Bill 19 will provide much comfort and a great deal more security to all tenants.

The hon. Member for Edmonton-Jasper Place had some concern with the fact that the reasons for termination of tenancy are in the regulations rather than the Act. The reason that these are in the regulations and not in the Act is to allow for more flexibility: reasons can be eliminated and new ones added without having to amend the Act. As we've seen recently, it sometimes takes up to 10 years for the Act to come back to the Legislature, and that's a very long time to live with something that doesn't reflect the marketplace or causes a disadvantage to someone.

There was concern that tenants be able to sell their mobile home on-site using a reasonable for sale sign. They are able to sell their mobile home under the current legislation, and the new provisions will prevent landlords from restricting or interfering with this right. Under the new amendment Act they will be allowed to have for sale signs to indicate that their home is for sale.

There was concern about low damage deposit and interest on deposits. We are setting a maximum only for security deposits. This is something that the landlord and the tenant can negotiate and come to an agreement on. They could even agree to something less than what the maximum is.

The rental increase moved to 180 days: under the amendment Act the landlord can only raise the rent after a minimum of six months has elapsed from the last increase. There was also mention that perhaps the rent increases should be linked to maintaining the property, and there are requirements in the Act for landlords to maintain their premises.

The hon. Member for Edmonton-Whitemud had a concern with the compensation for persons who were forced to relocate due to redevelopment of the site. We feel that with the adequacy of notice period, there is now no need for compensation. They are given adequate notice and have a chance to adjust to the move.

There was mention of public participation. Copies of the Bill were sent out to representatives of over 200 different groups. It included landlords, tenants, mobile-home manufacturers, management companies. So there was a wide representation of the stakeholders. I myself gave out over 25 copies to my constituents, and their views were received and were considered.

The hon. Member for Edmonton-Strathcona had a concern with the landlord and tenant advisory boards. The Mobile Home Sites Tenancies Amendment Act has some provisions for setting up landlord and tenant advisory boards, as the residential tenancy Act, and these existing boards could deal with the mobile home site problems.

There was also a concern with the remedy if a tenancy is terminated and the tenant moves, incurs expense, and then the landlord doesn't carry through on the reasons that were given for the notice of termination. If the landlord does not carry out the reason for termination, it would be in contravention of the Act, and therefore the tenant can sue for damages, which makes it an easier and fairer way of getting recompense for his problems.

There was also mention of an appropriate procedure for specialized inspection reports. The amendment Act does have specific requirements regarding inspection reports, and those will be made a little more clear in the other amendments.

There was concern about the short limitation on proceeding with suit and prosecutions, and the limit for prosecutions or suit has now been extended from six months to one year.

The hon. Member for Edmonton-Beverly had a concern that the sale and follow-up service provided by mobile-home operators should be in this Act. As this Act deals only with the tenancy relationships on the land, it was felt that this was not the place for these requirements and that perhaps those things could be addressed in another Act or under Consumer and Corporate Affairs.

There was a request that justification for rent increases should be provided by the landlord. Again this is very close to rent control. Most honourable, respectable landlords will not give a rent increase unless there is a definite need, maybe an increase in taxes or in expenses or perhaps upgrading of the park itself.

The last concern was about restrictions placed on tenants by landlords regarding the sale of their mobile home. Bill 19 should eliminate this problem. The tenants are allowed to deal with whatever real estate company they wish. They're allowed to put up for sale signs. In the past in some cases the landlord has said, "You must deal with this real estate company." That's not true anymore under the amendment Act.

I'd be very pleased to hear further comments this evening on Bill 19 from the members. Mr. Chairman, there are some House amendments, and I would ask that the hon. Member for Highwood present these now on behalf of the government.

MR. DEPUTY CHAIRMAN: Before recognizing the Member for Highwood, I would just note that government amendments A to E have been circulated. I would propose that we deal with them as a package.

I would also like to note that we should be looking at the June 18 government amendment to Bill 19, amendments A to E, and I would also like to draw committee members' attention to . . .

MR. McINNIS: Mr. Chairman.

MR. DEPUTY CHAIRMAN: Yes?

MR. McINNIS: Could I ask just one question of the member who introduced committee study of the Bill before we get into the amendments? I didn't quite follow the changes that are in the Act respecting for sale signs. Could the member direct my attention to which section that's in and also the dealings with realtors or whatever you call the people who deal in buying and selling mobile homes?

MR. DEPUTY CHAIRMAN: Is the hon. member wanting a bit of time?

MRS. B. LAING: Yes.

MR. McINNIS: That's fine. We can come back to it.

MR. DEPUTY CHAIRMAN: Thank you.

MR. WICKMAN: Mr. Chairman.

MR. DEPUTY CHAIRMAN: Yes, Edmonton-Whitemud.

9:00

MR. WICKMAN: If you're allowing for questions, I have one, too, that I was going to ask at a later point, but maybe now is the appropriate time to ask it because it did relate to the comments made by the Member for Calgary-Bow. I may have heard it incorrectly, but it appeared to me that she made reference that there was no need to consider compensation of any form for people being forced to relocate from a mobile-home park because of, let's say, redevelopment or whatever reason, because the notice of eviction had been extended to – and that's where I'm not clear. Extended to what period of time?

MR. DEPUTY CHAIRMAN: The Chair, I'm afraid, must intervene here. I've recognized you, Member for Edmonton-Whitemud, and if that's the only question, or if you have another one, perhaps you could pose it. The Member for Calgary-Bow will, I'm sure, respond in due course in the debate.

MR. WICKMAN: Basically, Mr. Chairman, my question, simply put, I guess is: if I had a mobile home in a mobile-home park and somebody came along and bought that site, what's the minimum time they would have to give me before I'd be forced to relocate without any compensation?

Chairman's Ruling
Sequence of Amendments

MR. DEPUTY CHAIRMAN: I think the Member for Calgary-Bow has undertaken to respond later in the debate.

I would now recognize the Member for Highwood to introduce the government amendments. I would also note that we have amendments by the Member for Edmonton-Strathcona and by the Member for Westlock-Sturgeon, which should by now have been circulated, and we will deal with those in due course as a package in each case.

The Member for Highwood.

Debate Continued

MR. TANNAS: Thank you, Mr. Chairman. I'd like to introduce amendments to Bill 19, the Mobile Home Sites Tenancies Amendment Act, 1992. As my colleague from Calgary-Bow has said, after the first reading the amendment Bill was given broad circulation to affected parties throughout Alberta in order to obtain their comment and reaction.

Mr. Chairman, I'd like to recognize just one of those groups, which is located in my constituency. The Okotoks Heritage Estates Mobile Home Park Tenants Association has been just one of a number of interested groups which provided helpful suggestions for improvements to Bill 19. So it's in response to those that I rise tonight.

In response, then, to comments received and to improve the overall effectiveness of this Bill, we are introducing the following amendments to Bill 19 which have been circulated to the hon. members, dated, please note, June 18, not the 16th. So please refer to that circulation and ignore the previous one.

In A the definition of both landlord and tenant has been changed to make them more precise and to ensure that both the rights and responsibilities of the heirs and successors are clearly covered.

Section 13 will be repealed and replaced with a more precise statement regarding periodic tenancy which continues after the completion of a fixed term tenancy.

Section 14(a) of the amendment Act is amended to provide 180 days' notice of rent increase for both mobile-home sites in a mobile-home park and those mobile homes not in a mobile-home park. Subsection (2.1) is being reworded to more clearly state the intent regarding intervals between rent increases. This rewording of the section was done at the request of affected parties who felt the amendment Act statement was confusing.

Section 17.2(1) of the amendment Act deals with inspection reports. As a result of input received, we have struck out section 17.2(1), (2), and (3) and substituted a new section which is more appropriate to tenancies of mobile-home parks.

In section 18 of the amendment Bill, the proposed section 22.1(2)(c) is changed by adding the word "damage" before "property". This also has been done as a result of input received.

Mr. Chairman, the changes have been made as a result of your government listening to the needs of Albertans. I also feel they will make the legislation more relevant and effective. I therefore move the adoption of these amendments.

MR. DEPUTY CHAIRMAN: Are there any comments on the proposed amendments?

The Member for Edmonton-Beverly.

MR. EWASIUK: Thank you, Mr. Chairman. We thank the Member for providing these amendments to us. In the brief time we've had to scrutinize them in comparison to those proposed initially, we don't see too many difficulties with them.

The issue of the time frames relative to rent increases. Though it's been doubled here from three months to six months, which of course I believe is welcome, I believe that even the six-month period is a rather short time frame. I think at least a 12-month period would be much more acceptable in terms of allowing these increases to occur. The six-month increase is quite frequent.

I'd say with respect to people that live in mobile homes, at least certainly those that I'm familiar with, they're basically ordinary working people who really don't have the ways and means to continue to pay high rents, and that's why they're living in mobile homes. Some of them live there, of course, by preference; that's what they enjoy, and that's where they like to be. But many live there because they need to live in something affordable, and they find that the mobile home is an affordable accommodation for them. As a result, they tend to live there. To give the landlord the opportunity to increase rents on a six-month basis in my

opinion is a bit severe, and I would certainly ask the member to perhaps reconsider that. I am sure that in consultation with the tenants in mobile-home parks, she must have received comments and suggestions from that sector of the mobile-home population that would certainly not agree with the 118-day provision that is in this legislation. In fact, one year I think is the minimum situation that should be considered, particularly, I'd say, in light of the fact that many of the people are living there because it is an affordable form of housing for them. They are attempting to perhaps upgrade themselves. To be subjected to increases in rent on a six-month basis I think is just too severe.

MR. DEPUTY CHAIRMAN: Further on the proposed amendments?

The Member for Edmonton-Jasper Place.

MR. McINNIS: Thank you, Mr. Chairman. I want to particularly thank the government for amendment C, which in effect provides six months' notice for a rental increase as opposed to three months. That was something I spoke to in committee because it was brought up with me from some of the mobile-home owners in my constituency. I want to say that we appreciate it and will very much support that particular change. You can't just react in a 90-day period.

I also want to thank the Member for Calgary-Bow for clarifying the question of for sale signs on mobile homes which are in fact for sale. Some of the parks ban that at the present time. As I understand the argument, the change that's proposed to section 22 of the Act, stating that "no landlord shall restrict or interfere with the exercise of a right" of a tenant to assign or sublet the mobile-home site and to sell, lease, or otherwise dispose of their property – that is, a mobile home – except as provided in the section in fact puts the tenants in a stronger position.

MR. DEPUTY CHAIRMAN: Further? The Member for Edmonton-Whitemud.

MR. WICKMAN: Mr. Chairman, the remarks by the members for Edmonton-Jasper Place and Calgary-Bow address the question of when rent increases can be given, from 90 days to 180 days, but I still don't see in this documentation – maybe I'm reading it wrong – where there's a distinction between a rent increase and an actual eviction in the sense that one has to actually relocate, take their mobile home out of that park and move elsewhere. I would still hope that the Member for Calgary-Bow will have the opportunity to respond to that prior to our concluding on these amendments that have been brought forward by the Member for Highwood.

9:10

MR. DEPUTY CHAIRMAN: Responses, members for Highwood or Calgary-Bow?

Calgary-Bow.

MRS. B. LAING: Thank you, Mr. Chairman. In section 10(1),

> A landlord may terminate a periodic tenancy of a mobile home site . . . by serving a notice of termination on the tenant at least 365 days . . .

So it's one year's notice if you have to move out.

Thank you.

MR. DEPUTY CHAIRMAN: Further? Ready for the question on the government amendment of June 18, sections A to E?

[Motion on amendment carried]

MR. DEPUTY CHAIRMAN: Now, considering the amendments proposed as of June 11 by the Member for Edmonton-Strathcona, looking at it as a package.

Speaking on his behalf, the Member for Edmonton-Beverly.

MR. EWASIUK: Thank you, Mr. Chairman. On behalf of the Member for Edmonton-Strathcona I'd like to move the amendments that are before us. There are three amendments that I wish to speak to, and the other amendments will be dealt with by the Member for Edmonton-Jasper Place.

Mr. Chairman, in our amendments, section 4.1(2) should actually be renumbered section 4.1(2)(a), adding 4.1(2)(b) as follows:

> A landlord who has contravened this Act as set out in subsection (a) shall be liable for any and all damages suffered by the tenant as a result of the contravention and resultant wrongful eviction.

Now, Mr. Chairman, I think the Act does provide some safeguards for the tenants in terms of eviction. However, in the event that the landlord imposes his will upon a particular tenant and in fact evicts him from a site, there really is no penalty provisions for that landlord for violation of the Act. We believe that adding the section I've just suggested would indeed impose penalties at least to cover damages that would be suffered by a tenant who was subjected to a forceful eviction that was wrongful.

The suggestion I'm making is that perhaps if a tenant cannot relocate immediately and has to rent facilities elsewhere, damages should be paid for that. The relocation of a mobile home from one site to another site should be paid for by the landlord in the event of wrongful eviction. I think we simply want to ensure that we protect the tenants so that if for one reason or another we have a landlord who feels that he wants to evict certain people and there's no cause for that eviction, there must be some provisions in the Act that would impose some type of penalty on this particular landlord. I believe that this amendment, Mr. Chairman, would meet that requirement.

In section 4.1(3)(b) you will note there that the rationale for evicting a tenant is spelled out. If a tenant

> made a complaint, assisted in an investigation or inquiry or gave evidence at a hearing under this Act or the Public Health Act,

then of course that is not reason to evict the tenant. We're simply suggesting in the amendment here that we remove the word "or" and add:

> the Fire Prevention Act, the Uniform Building Standards Act, the Gas Protection Act, or any municipal bylaws in relation to property standards.

I think that we should include those provisions as reasons why a landlord could not evict a tenant if he participates in a complaint or investigation in those other Acts that I have just outlined. I think it's important to add them, because the Public Health Act is really the only Act that it seems the Act mentions at the present time. I think it's necessary to expand that to include those other provisions.

In section 27 we're also proposing a new section. Following 33 is section 34. Section 33 reads,

> If an order for possession for the recovery of a mobile home site is not complied with by the specified date or within the specified time, the landlord is entitled, without a further order, to a writ of possession on filing an affidavit showing that the order has been served and has not been complied with.

We are suggesting in this amendment, Mr. Chairman, that following section 34, a new section, 34.1, be added:

> Where more than one person has a common interest in respect of an application under this Act, one or more of those persons may be

authorized by a court to make or defend an application of behalf of or for the benefit of all.

So I believe, Mr. Chairman, that those additions would make this Act more complete. It would provide provisions so that tenants would feel a great deal more security, when they're living on a site in a mobile home, that their home in fact is protected from, first of all, landlords who may evict for no particular reason. Of course, it provides for those who need to participate in an investigation or an inquiry; I think it gives some leeway to tenants if they can indeed participate in that area. Then, of course, the matter of someone in a family being able to participate and respond to a court order relative to servicing of an affidavit on a writ of possession.

Mr. Chairman, I would urge the members to consider these amendments. I think they're good amendments and should in fact be adopted in this particular legislation as presented.

Chairman's Ruling
Sequence of Amendments

MR. DEPUTY CHAIRMAN: Thank you.

I would just like to draw to the attention of the committee that it is the Chair's understanding that the Member for Edmonton-Beverly has moved those amendments of June 11 as proposed by the Member for Edmonton-Strathcona. Attached in the package, which we'll get to in a few minutes, are those from Edmonton-Jasper Place, and we'll entertain them at that time.

Debate Continued

MR. DEPUTY CHAIRMAN: Ready for the question on the amendments moved by the Member for Edmonton-Beverly, or are there other speakers?

[Motion on amendments lost]

MR. DEPUTY CHAIRMAN: The Member for Edmonton-Jasper Place.

MR. McINNIS: Thank you, Mr. Chairman. There are a number of amendments in my name, but I'm not going to move all of them, because some of them have just been moved by the government. I'm quite grateful for that.

I would like, I think, to deal with an amendment to section 5, or to add a 5.1 to the Bill. This is an important amendment because what it would do is put the reasons for eviction in the Act. I'd prefer to deal with this one separately, if we may, because it's a major step forward in this legislation to say that a landlord or a manager of a mobile-home park has to give a reason for an eviction. I've had some very bitter experience with one particular park within my riding where these so-called no-fault evictions have been used for all kinds of ulterior purposes, sometimes used to force tenants into buying new mobile homes from a favoured supplier on the site, other times used to in effect terrorize tenants into agreeing to do certain things that the landlord wants them to do.

9:20

In one particular case I became involved in, a woman was evicted for the crime of babysitting other people's children in her own home. When I called a meeting of the tenants in that area – normally those are not very well attended – some 250 people came out to the meeting. It turned out there were a lot of things that they were unhappy with, and almost all of them had to do with the fact that the landlord on any given day could evict any mobile-home owner on six months' notice. That's a terrorizing prospect for most of those tenants, because there's a difference in value between a mobile home on a site, within the city of Edmonton anyway, and a mobile home off-site of about $10,000 in terms of the selling price. So in effect that piece of paper takes away $10,000 of equity in the property just by virtue of the fact that it has been issued by the landlord. That's a very frightening prospect, because for many people in a mobile-home situation that may very well be their entire equity in the property.

Now, I think it's quite reasonable for this Legislative Assembly to decide that the reasons for an eviction should be spelled out within the legislation. What do we need flexibility for? The amendment I'm proposing takes what I understand to be the government's proposal on how this is to be dealt with in the regulations and simply puts it into the legislation. It suggests that valid reasons for eviction include the fact that the landlord or a member of his family may require the premises, that there is an agreement for sale of the premises which requires as a condition of sale that the property be vacated, or that there is redevelopment authority to turn that over to another site. That's in respect of eviction under this section. Of course, there are other types of eviction which relate to the tenants not meeting their obligations under a lease agreement, which could include the nonpayment of rent, disturbing other tenants, or what have you. That's a separate section.

So I think we have a step forward here. I'm simply trying to move the process along to try to get these reasons established so that these amendments can be proceeded with and have their intended effect as quickly as possible.

MR. DEPUTY CHAIRMAN: Any further debate on the one amendment being moved to section 5(1)?

[Motion on amendment lost]

MR. McINNIS: I just don't know why we can't get an explanation for why the government turns these things down. There must be somebody around there who understands why the Bill is written the way it is.

Well, let's proceed then. I wish to withdraw the following amendment to section 14 because that has been implemented by the government. My tenants are grateful, I know.

The next one, to section 18, deals with the question of commissions and fees which a landlord may charge to a tenant moving a mobile home on to or off of the pad. The way the government proposal reads, it appears to be intended to restrict the ability of landlords to impose such fees. Then it goes on to say that if there is an agreement in place to provide for a separate written agreement, then you can do it anyway. So what in effect has happened is that the purpose of saying that the fees are restricted to cost recovery is defeated by subsection (2) and subsection (3); this is of the proposed 22.2, on page 13 of the Bill. Subsections (2) and (3) in effect negate the whole purpose of that section. Because there is an imbalance of power between the landlord and the tenant in most of these instances, I think it would be awfully easy for a landlord to obtain written permission of a tenant to waive his entire right under 22.2. So I really think (2) and (3) don't have any place in that section. Either it's allowed or it's not allowed. You can't say, "Well, it's not allowed, but if there's agreement, it is allowed," because in effect that means that it is allowed. Unreasonable fees of that sort I don't think have any place within this legislation.

The next amendment adds a new section following section 15, which is an amendment to section 18 of the Mobile Home Sites Tenancies Act. What that does is two things. One is to ensure

that the for sale and for rent signs are covered by the Act, because when you say that no landlord shall restrict or interfere with the exercise of the right of a tenant to assign or sell their property, I think it should be clear in statute that what we mean by that includes a small window sign, not that you can put up a billboard and sort of destroy everybody else's quiet enjoyment of the park.

I think the other area, which I mentioned in second reading debate, where there's a lot of misunderstanding and hard feeling, is over satellite dishes or radio antennae. Most people who have private residences enjoy the right to be able to pick up TV stations from a satellite or radio stations off an antenna without having necessarily to participate in a cable, television, or radio program which has been subscribed to by their landlord. In fact, a lot of landlords deal on behalf of their tenants for cable packages which their tenants have no choice but to accept simply because the landlord bans any satellite dishes or antennae. We feel that it's reasonable to afford that degree of protection to tenants within a mobile-home park.

The next amendment, which adds 4.02, I would like to withdraw because I'm convinced that that's covered in the proposed 4.1 of the amendments, which would have been strengthened by my colleague's amendment had the government taken a few moments to think about it. Anyway, that's withdrawn.

So we go to section 14. That's a very simple amendment. It says that if the landlord wants to increase the rent, he or she has to bring the property up to "the maintenance standards" that they're required to meet. As so often happens in landlord/tenant legislation, there are things that the landlord is required to do and things that the tenant is required to do. Well, if the tenant doesn't do what they're required to do, they're kicked out; if the landlord doesn't do what they're required to do, nothing happens. At the very least what we're saying here is that the landlord can't jack up the rent unless he or she meets the minimum maintenance standards that they're required to do under the legislation. It doesn't introduce any new obligation. It simply says that they can't increase the rent unless they're meeting their obligation under the law to maintain the premises in the manner that's required under section 16(d) of the Act. So those standards are there. It simply provides a form of remedy in that the landlord could be denied a rental increase until such a time as the maintenance standards are met. If we're going to say that that's required by law, we might as well say that there's something that happens if they don't do it.

I move those amendments for consideration of the committee.

Chairman's Ruling
Sequence of Amendments

MR. DEPUTY CHAIRMAN: Order please. Before recognizing Calgary-Bow, I would like to just go through, so that hopefully both I and the committee are clear. These are amendments proposed by Edmonton-Jasper Place. Amendment 5.1 was voted on and is lost. The first amendment dealing with section 14 was withdrawn. The amendments proposed for sections 18 and 15 are still before the committee. The amendment with respect to 5.2 was withdrawn, and the second amendment with respect to 14 is still before the committee.

On the three amendments as a package that are still before the committee – 18, 15, and the second one dealing with section 14 – Calgary-Bow.

9:30 Debate Continued

MRS. B. LAING: Section 18? Thank you, Mr. Chairman. I'd like to recommend this amendment not be accepted because it's one of the things that the landlord and the tenant should have the ability to enter into an agreement on. It could also be one of the things that are worked out by the tenants of the park with the landlord. We feel that subsections (2) and (3) establish the reasons and could be chained.

For section 15.1 – this is with regards to the radio/television antennae – again, we don't feel that this should be prescribed in the lease. These again are things that could be negotiated. A small window sign would not be necessary as the landlord is not entitled to interfere with the sale of your property, and that includes a window sign or a lawn sign. I think you would have to look at the individual parks. Some parks are not big enough to have satellite dishes, so you don't want to put something in the lease agreement and mandate it by legislation, because it may hamper more than help.

Last, on section 14. This is an attempt to tie the maintenance standards to the rent increase. The landlord has to maintain the maintenance in his park, and noncompliance with 16(b) would be a breach of the covenant that's made between landlord and tenant. The tenant has rights and remedies that they could do, so I recommend that that not be accepted.

Just a clarification on wrongful eviction. If you put a penalty on the landlord, that wouldn't help the tenant because then the fine would go to the Crown. By making it a contravention of the law, then this allows the tenant to actually seek appropriate damages through the courts.

Thank you.

MR. McINNIS: Well, I think the only one that I really want to put up much of a fight on is the amendment on section 14, tying the maintenance standards to rental increases. I've been around this track dozens of times, and in fact the tenant has no remedies – no remedies – under existing legislation. About the only thing that they can do short of departure is to complain under the Public Health Act, and if the situation is serious enough to warrant that the premises be condemned, then what they do is succeed in getting themselves out on the street. So there is no practical remedy when it comes to maintenance standards.

Now, the Minister of Consumer and Corporate Affairs has oftentimes said he recognizes that's a problem but he doesn't know what the remedy should be. Well, this is a very, very simple remedy. It doesn't necessarily provide swift justice in all cases, but sooner or later landlords are going to want to get around to increasing the rent again. If they won't fix up maintenance problems, if they won't comply with the law, why should they be able to increase the rent? You tell me that. Why should a landlord who's in violation of the law in respect of maintenance standards be allowed to increase the rent despite his noncompliance? Give me one good reason, and I'll vote against my own amendment.

MR. DEPUTY CHAIRMAN: Is there any further debate? The Member for Calgary-Bow.

MRS. B. LAING: Mr. Chairman, I think one of the things in this amendment is: who determines what's acceptable maintenance? You know, the landlord has an investment. Any landlord worth his salt would ensure that his investment is well maintained. That's his livelihood. It's very difficult to draw a line and say this is good maintenance: "We need a swimming pool in the backyard or else we're not being adequately served." So there are a lot of variations there, and it would be very, very difficult to mandate. There are avenues for process that the tenants can use, and I think this would be very difficult to enforce.

Thank you.

MR. McINNIS: I think the hon. member is suffering a fairly basic confusion here. She began a moment ago saying the tenant has all kinds of remedies for poor maintenance, and then she turns around and says, well, who's going to define what's proper maintenance and what isn't? If she tries to merge those two statements, I think she will realize that in fact what's there in the Act has no meaning whatsoever, that there is no practical remedy whatsoever.

I would just like the member to be aware of what section 16 presently says, so she knows what we're talking about. We're not talking about creating a new right on anybody's part. What we're talking about is giving some meaning to what's already there in the Act. It says, "The following covenants of the landlord form part of every tenancy agreement," and that includes certain maintenance items which are covered under subsection (d):

> that throughout the tenancy the landlord shall take all reasonable steps
>
> (i) to maintain the mobile home site sound and fit,
>
> (ii) to maintain the common areas habitable and in good repair,
>
> (iii) to maintain all electrical, plumbing, sanitary, heating, fuel and other facilities supplied by him sound and fit for the purposes for which they are intended,
>
> (iv) to provide for, or ensure the provision of means for, the removal or disposal of garbage . . .

You don't want to have garbage everywhere.

> (v) to maintain proper access to the mobile home site.

These are things that are deemed by the law to be a part of every tenancy agreement. All we're saying is that if the landlord won't do those things, he can't jack up the rent. What's wrong with that? It's nothing to do with a swimming pool; it's nothing to do with any luxury. We're talking about plumbing, electrical, sanitary. You know, if the sewer's backing up, why should the landlord get a rent increase that the sewer's backing up? Answer me that one, please.

HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: Order please. Are there further speakers? Seeing no further speakers and having heard the call for the question, those in favour of the amendments proposed to section 18, section 15, and section 14, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY CHAIRMAN: The amendments are lost.

[Several members rose calling for a division. The division bell was rung]

9:40

MR. DEPUTY CHAIRMAN: Order please. All those in favour of the amendments to sections 14, 15, and 18 as proposed by the Member for Edmonton-Jasper Place to Bill 19, please stand.

MR. WICKMAN: I thought it was only the one, that there was a call for only one.

Chairman's Ruling
Voting on Amendments

MR. DEPUTY CHAIRMAN: One moment, please. The Chair in the course of dealing with these amendments has clearly indicated that it was dealing with them as a package. I think that's been clear all the way through. Therefore I announced the vote on that basis, and we'll take it on that basis.

[Several members rose calling for a division. The division bell was rung]

[Eight minutes having elapsed, the House divided]

For the motion:

Doyle	Gibeault	Sigurdson
Ewasiuk	McInnis	Woloshyn
Fox	Mjolsness	

Against the motion:

Ady	Hyland	Paszkowski
Black	Klein	Payne
Brassard	Kowalski	Severtson
Calahasen	Laing, B.	Shrake
Clegg	Lund	Sparrow
Dinning	McFarland	Tannas
Elliott	Moore	Taylor
Evans	Musgrove	Thurber
Fischer	Nelson	West
Gesell	Oldring	Wickman
Gogo		

Totals:	For – 8	Against – 31

MR. McINNIS: A point of order, Mr. Chairman.

MR. DEPUTY CHAIRMAN: One moment, please. We must complete the vote.

[Motion on amendments lost]

MR. DEPUTY CHAIRMAN: I'd now recognize the Member for Edmonton-Jasper Place.

Point of Order
Voting on Amendments

MR. McINNIS: I'd like the Chair to clarify how it's possible, then, to get a vote on a single proposition. We often put amendments forward in groups to try to facilitate the committee, and we don't find out until a discussion whether there are going to be problems or not. How is it possible, then, to get a vote on a simple proposition? I mean, my friends in the Liberal Party got confused. They thought they were voting on the same thing I thought we were voting on.

MR. DINNING: You're always confused, John.

MR. DEPUTY CHAIRMAN: Order please.

MR. McINNIS: That's a disorderly comment. You call yourself a Minister of Education?

It seems to me that there ought to be some way we can get a vote on a simple proposition if we want to in committee. If not, then we're going to be stuck with going through every item line by line by line. I mean, there has to be some way you can facilitate things that flow and then stop and have a vote on a particular item which needs to be voted on. Is there not some procedure to do that in this committee?

MR. DEPUTY CHAIRMAN: The point made by the Member for Edmonton-Jasper Place is well taken. Yes, there is: simply request it.

MR. McINNIS: I thought it was.

9:50

MR. DEPUTY CHAIRMAN: The Chair heard no request to the Chair to divide that particular item, item 14, out of the package that the Chair had been announcing as he dealt with the amendments through the debate. That is something that has been done on previous occasions, but the Chair heard no such request.

The Member for Edmonton-Whitemud.

MR. WICKMAN: Mr. Chairman, in all due respect, sitting here, I could very, very clearly hear the Member for Edmonton-Jasper Place ask specifically for the standing count to only apply to the one amendment, and that's the reason why the Member for Westlock-Sturgeon came over and discussed it. We talked about that one and said yes, we were prepared to support that, but I do have difficulties with one of the others. So in fairness to the Member for Edmonton-Jasper Place, he did make that request very, very clearly.

MR. DEPUTY CHAIRMAN: The Chair only heard the request after the vote had commenced, and at that point it is . . . [interjection] Well, the initial vote was taken, yes, but prior to the standing vote.

The Chair regrets any confusion, but I would suggest we should move on to the next debate.

MR. TAYLOR: Mr. Chairman, could I then move that we have a standing vote on the one item?

MR. DEPUTY CHAIRMAN: The matter has been decided, hon. member.

AN HON. MEMBER: Out of order.

MR. TAYLOR: I think I'm quite in order to move that we vote on item – I forget the number of that item. Then if it's challenged, we can rise and have a standing vote on whether we vote on the item.

MR. DEPUTY CHAIRMAN: The Chair must rule, hon. Member for Westlock-Sturgeon, that your motion is not in order. The vote has been taken; the matter has been decided.

MR. McINNIS: On the point of order, it seems to me that I spoke to that particular amendment. We went back and forth on it. I requested a vote on that particular amendment. Now, the procedure for requiring a standing vote is that three members stand. How can three members stand and speak at the same time? How can I communicate to the Chair that I want to vote on one particular item? What's the mechanism, just so we know?

AN HON. MEMBER: Read *Beauchesne*.

MR. McINNIS: *Beauchesne*? What am I supposed to do, pick it up and throw it at him?

MR. DEPUTY CHAIRMAN: The procedure, hon. member, in the Chair's view is quite straightforward, and that is: prior to the vote being taken, the request is made. But in this case the request, as far as the Chair is aware, was made after the initial vote was taken. What we were voting on, I believe, was made quite clear by the Chair.

Debate Continued

MR. DEPUTY CHAIRMAN: Are there any further speakers with respect to Bill 19 as amended? The Member for Edmonton-Whitemud.

MR. WICKMAN: Thank you, Mr. Chairman. I just want to make a couple of comments prior to us voting on Bill 19, prior to it going into third reading. I think we have to really, really view occupants of mobile homes as being much more comparable to homeowners than to tenants. Even though tenants deserve tenure and certain rights and that have been established, or some of them have been established and such, for a mobile-home owner – and I pointed this out before – it's a lot more difficult than packing up some boxes and facing those other distressing factors that come into play when one has to relocate. You've also got to move that home. You're actually moving your home, and that can be a very, very costly venture.

I become very, very concerned when we have these situations. This Bill without question does toughen up considerably what is out there at the present time, but there's a couple of areas that I feel are still overlooked, and I would hope somewhere along the line they can be addressed, or somewhere along the line there may not be a need to ever deal with them. But even taking into consideration the comments from the Member for Calgary-Bow that if there's going be, let's say, redevelopment of a site, it would require 12 months' notice for that person to be evicted or forced to relocate. However, what is in there in the interim is the possibility – at least the way I interpret it, and correct me if I'm wrong – that that notice can be given, and then once that six-month period since the last rental increase has gone, they could give a rent increase of any amount to simply drive those people out. What I'm saying may sound ridiculous, but a comparable situation happened in Edmonton-Avonmore. I'm sure the member, if she had the opportunity, would speak to it. I was at that same meeting. What these mobile-home owners were facing was difficult to comprehend, that anybody could be that harsh and that hungry for the dollar, that it didn't matter what they had to do to drive these people off that land, they were prepared to do it.

The point I'm trying to make to the Member for Calgary-Bow is that the 12 months in itself is fine enough, but how do you prevent the situation of a developer that is determined to drive everybody off that land within six months by saying, "I'm serving notice that your rent goes up $500 a month six months down the road," or whenever the first opportunity is allowed. I don't see anything in here that would prevent that situation. Again, I say that it may sound ridiculous, but there are people out there, very few, that will exploit other people and take advantage of that type of situation. I've become really, really concerned, and I would like to see it go a bit further. I agree that a person's land is a person's land. Still, there has to be some respect. There have to be some rights for those people that one has earned their livelihood from. I don't think that philosophy that we hear always holds; some entrepreneurs will state that you accumulate your wealth off other people's money, and you use other people's sweat for labour and such. I think, Mr. Chairman, that we get into a situation here that that full protection isn't there. It's not addressed as Bill 19 presently stands, unless there is something in there I'm not aware of.

The other point that I would make is the question of allowing people in the mobile homes to erect, for example, a satellite dish.

One of the difficulties I have with that is that even homeowners do not have that God-given right to do so. There are land use bylaws. There are setbacks and so on and so forth. My concern with that type of restriction would be that it would in fact go in the other direction, and had that particular amendment read, "Satellite dishes, provided it does not conflict with local land use bylaws," it may have been a bit different. That was, generally speaking, a legitimate concern, because there are mobile parks out there that the owners have simply said, "Thou shalt not have this; thou shalt not have that," depriving those, and I call them homeowners, of certain rights that other homeowners are allowed to enjoy.

It's an improvement, no question about it. It's an improvement, but it hasn't gone quite as far as it should have.

MR. DEPUTY CHAIRMAN: Does the Member for Edmonton-Beverly wish to speak?

MR. EWASIUK: Thank you, Mr. Chairman. Just a few comments I want to make regarding a letter I received from a tenant from a mobile-home facility in the city of Calgary. He had a major problem in that there seemed to be a regulation in that particular mobile-home park that a 20-year-old mobile home must be removed if the tenant had to leave that particular area. He had been unemployed for a certain period of time. It was necessary for him to seek employment elsewhere, and therefore he had to leave town. When he put his mobile home up for sale, because it was of a 20-year vintage, he was told that he had to move it. He couldn't sell it and leave it there; he had to move it. Of course, because there was no sale for that type of mobile home and because he couldn't relocate it to another site because of the shortage of sites in the province of Alberta, he was eventually forced to abandon this particular mobile home so he could get other employment in another part of the province. He had a total financial loss as a result of the regulation of this mobile-home park. So I would ask the member who introduced the Bill to consider this situation in this legislation; in fact, if it's relevant to this legislation. I wasn't sure if it was or not.

10:00

I think it's important, again, to emphasize that landlords and owners of mobile parks really do have almost an ironclad situation on tenants, primarily because there is a lack of facilities for an option, for a tenant to be able to relocate, to move about. It's not easy to pick up a mobile home and move, as if you were in an apartment, where you can back up a half-ton truck and move your belongings. A mobile home is an expensive venture, compounded by the fact that there's a lack of spaces for these mobile homes. I would just ask the member for her consideration in looking at a situation like this, where a tenant who is forced to leave a location should not be forced to take his unit with him. He should be able to sell the property irrespective of the vintage in order that he has the freedom to move. Indeed, if he has a buyer for the property, he should be able to sell it. I don't think the management of a park should put that kind of a restriction on a tenant.

Also, there is a suggestion that there are some mobile-home operators who have a tendency to have agreements with a company that sells mobile homes. In fact, the tenants are encouraged, if they're trading up, that their mobile-home park will accept homes for that particular company that sells them, and there are suggestions that in fact there may be some kickbacks from the sellers of mobile homes to that particular mobile-home park's operators or managers.

So I think there's a great deal to be looked at in terms of protection in this respect. There are no provisions in the Act – that is, at the present time – to protect a tenant who wishes to sell his mobile home and is prevented from doing so by the manager or landlord.

MR. DEPUTY CHAIRMAN: The Member for Calgary-Bow.

MRS. B. LAING: Thank you, Mr. Chairman. In this amendment, under section 22, tenant's right to transfer, the tenant has the right to

(a) assign or sublet the mobile home site, and
(b) to sell, lease or otherwise part with the possession of his mobile home in conjunction with an assignment or subletting of the mobile home site.

The landlord cannot interfere. Now, your constituent could have rented that mobile home while he was away, and that would have protected his investment. That's one of the real advantages of the amendment Act, that the landlord can no longer insist that you use a certain rental agent, cannot force you to abandon that home when you have to move. That is covered in this Act.

One of the real problems with mobile homes is the lack of sites. Calgary is extremely tight. We're lucky if we have one site, someone told me. But by putting a lot of very retrograde conditions on the landlords, you're not going to encourage them to open up more parks. You have to get that balance. What we're trying to do in this amendment Act is get the balance so that you don't say to the private sector that it's so rigid that you're not going to make any money, you're not going to have control of your own land, yet we want to make it fair to the tenant. We're trying to hit the balance between the landlord's interests and the tenant's interests, and I think this amendment has done that. I would encourage all of you to support it.

Thank you.

HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: Further speakers?

[Title and preamble agreed to]

[The sections of Bill 19 as amended agreed to]

MRS. B. LAING: Mr. Chairman, I would move that the Bill be reported as amended.

[Motion carried]

Bill 30
Department of Tourism, Parks and Recreation Act

MR. DEPUTY CHAIRMAN: There is an amendment having been submitted, and we will have it circulated.

Are there any questions, comments from members with respect to this Bill?

MR. SPARROW: Mr. Chairman, we had a good discussion in second reading of Bill 30, and looking back at *Hansard*, there was one concern from the Member for Calgary-North West which I did not address in my remarks. It was to do with the advisory boards, committees, and councils and the right of the minister to establish such and to set fees. We have standard fees for all the different boards and agencies, and this section would be dealt with in the same manner as others in all other Acts.

Mr. Chairman, I'm sure we covered most of it in the last, and looking at the hour, I will not make any more comments, and look forward to the questions.

MR. DEPUTY CHAIRMAN: Further speakers? The Member for West Yellowhead.

MR. DOYLE: Thank you, Mr. Chairman. Bill 30, of course, is the Bill to amalgamate the two departments of Recreation and Parks and Tourism under one ministership. I want to say that we in the Official Opposition are pleased with this move. It was a request that we'd made of government in many exercises, looking at the excess of cabinet ministers on the government side of the House, and without naming any others tonight, I want to express appreciation that the ministries of Recreation and Parks and Tourism went together. I've no further comments, Mr. Chairman, in regards to the past Minister of Recreation and Parks because he's found himself another cabinet post, and I wish the new minister of Tourism, Parks and Recreation well in his new position. I also saw today in a news release that the minister has now found himself a new deputy minister, and I wish the deputy minister well in his new position.

Mr. Chairman, the Bill itself was discussed at great lengths by my colleagues the other night and other colleagues in the House. I had a question, of course, that was addressed with my caucus when I was reading the grants under 8(2)(d), classes of persons, but I understand "classes of persons" is a terminology that does not separate one class of people from another; it's a terminology used for different groups. I had some concern with that type of terminology because I don't feel there are any different classes of people in our society here in Alberta.

10:10

The advisory boards and committees: 7(2)(b), "prescribe the term of office of any member," and 7(2)(d), "authorize, fix and provide for the payment of remuneration and expenses to its members." Did I understand the minister clearly that these figures are public as to what the members get paid, or is it something that is not public? I would like to see those figures made public or know where those figures can be found. It gives the minister quite a power when he gets to establish any rate whatsoever.

Under the guarantees of loans is that same term, "classes of persons," so I understand that now. But under (f), "prescribe the terms and conditions on which guarantees or indemnities are to be given," and under (g) "prescribe the security to be given to the Government by applicants in consideration of guarantees or indemnities," I'd like to say here, Mr. Chairman, that under the Canada/Alberta tourism agreement there was very little security on some places. In fact, we had a grant given to a hotel in Jasper that was owned by the family of the leader of the Liberal Party. There was a major fire in that hotel while it was being reconstructed under the Canada/Alberta tourism agreement, and I've never heard whether there was insurance on that money or how the taxpayers made out with the contribution of somewhere under a million dollars to that particular facility and the other facilities owned by the Liberal leader and his family.

Mr. Chairman, other problems with the Canada/Alberta tourism agreement. I would hope that further programs such as that – I can recall that one hotel inside Jasper park gates did not keep their schedule. Nobody seemed to remind them that they had to be kept on schedule or books had to be sent in. In fact, the Auditor General pointed out that there was very little record kept on how projects were coming. I believe that is now in the courts. The Department of Tourism canceled the grant, and the motel will probably be in receivership in a short time unless things are straightened out. They were given a grant, and apparently the department had some qualms as to whether or not files were kept properly and whether or not the construction was done properly. But why wait two years before you just shut the project down and not let that hotel operate in a very busy tourist season right inside Jasper park gate? It was a very important motel . . .

Chairman's Ruling
Relevance

MR. DEPUTY CHAIRMAN: Order, hon. member. The Chair recognizes that sometimes information has to be provided to debate the clauses of a Bill, but the Chair fails to see the relationship in the last remarks.

MR. DOYLE: Thank you, Mr. Chairman. That was a point I wanted to raise.

Debate Continued

MR. DOYLE: Mr. Chairman, acquisition of property, in 12(2):

> Land acquired under this section shall be under the administration of the Minister of Forestry, Lands and Wildlife unless . . . the Lieutenant Governor in Council specifies that it is under the administration of some other minister.

Could the minister perhaps tell me why some lands are allowed to be under Tourism and other lands are under Forestry, Lands and Wildlife? Is that something to do with forestry having to control . . .

MR. DEPUTY CHAIRMAN: Order in the committee, please. Continue.

MR. DOYLE: Thank you, Mr. Chairman, for maintaining order. I understand the Minister of Education and the minister of public works are having a great time over there. It's getting late in the evening, and they're getting the giggles. Perhaps the Chairman could direct them to another location if they don't come to order.

Mr. Chairman, I was talking about why Forestry, Lands and Wildlife have to own certain lands that are under Tourism, Parks and Recreation. They could be remote areas – I'm not too sure – but it looks like two people are looking after the same piece of land.

Under (h),

> prohibiting, or requiring that the consent of the Minister be obtained for, assignments of any class of dispositions and, with respect to any class of dispositions . . .

Is that for selling the land? I'm not exactly clear on that.

Perhaps the minister could address the revolving fund established under section 12 of the department of tourism and recreation Act.

The Tourism Education Council Act is amended by adding "Parks and Recreation." Does that mean that the Tourism Education Council Act will now become the tourism, parks and recreation education council Act? How is that going to help with the education of those who look after the parks throughout the provinces? Do the rangers come under that, or is it some other group of people that you'll be training under parks and recreation? I understand that most of the people in parks and recreation are direct employees of the government, whereas in the tourism industry the private sector is more involved, with some direction from Alberta tourism.

The minister, in establishing this Act perhaps should have looked at the Wilderness Areas, Ecological Reserves and Natural Areas Act, because they both could have been done at the same

time and this very Act could have been established within the Department of Tourism, Parks and Recreation Act, Bill 30. It would have guaranteed some further developments in ecological reserves and parks closer to the national parks, perhaps a buffer zone of some 10 kilometres around all our parks to protect the wildlife. They're now drifting out.

Mr. Chairman, on that, I will wait for the minister's response. Thank you.

MR. GOGO: Mr. Chairman, I move that the committee rise and report.

[Motion carried]

[Mr. Speaker in the Chair]

MR. JONSON: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports the following Bill with some amendments: Bill 19. The committee reports progress on Bill 30. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

MR. SPEAKER: Having heard the report, those in favour of concurrence, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Carried.

[At 10:19 p.m. the Assembly adjourned to Friday at 10 a.m.]