

## Legislative Assembly of Alberta

Title: **Thursday, July 2, 1992**

8:00 p.m.

Date: 92/07/02

[Mr. Jonson in the Chair]

head: **Government Bills and Orders**  
head: **Committee of the Whole**

MR. DEPUTY CHAIRMAN: I'd ask that the committee please come to order. Order please.

Hon. Deputy Government House Leader.

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

[Motion carried]

[Mr. Deputy Speaker in the Chair]

MR. JONSON: Mr. Speaker, the Committee of the Whole has had under a rather brief discussion certain matters and requests leave to sit again.

MR. DEPUTY SPEAKER: Having heard the report, does the Assembly agree?

SOME HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: Opposed? Carried.

The hon. Deputy Government House Leader.

MR. GOGO: Mr. Speaker, under Standing Order 73 I would ask support of all members of the House to give unanimous consent to advance Bill 52 to second reading.

MR. DEPUTY SPEAKER: Is there such consent?

HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: Opposed? Carried.

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

### Bill 52

#### Miscellaneous Statutes Amendment Act, 1992

MR. ROSTAD: Mr. Speaker, I move second reading of Bill 52, Miscellaneous Statutes Amendment Act, 1992.

This Act has a number of sections that deal with a number of Acts, generally corrections, typographical, some changes which are of consideration but not substantive.

I would like to acknowledge the support of the Member for Edmonton-Glengarry and the Member for Edmonton-Strathcona in working together with us to facilitate this Act.

MS BARRETT: Mr. Speaker, the Official Opposition New Democrats are pleased to support in second reading and further readings the Miscellaneous Statutes Amendment Act, 1992.

I would like to note, however, that it is unusual for us to receive final copy so late in the sitting. However, I do have faith that the recommendations from the Member for Edmonton-Strathcona in suggesting that the Official Opposition New Democrats support this Bill are appropriate.

In conclusion, Mr. Speaker, I'd like to thank the hon. Attorney General for removing a few sections of this Bill which caused some question for the Member for Edmonton-Strathcona and approve second reading.

HON. MEMBERS: Question.

[Motion carried; Bill 52 read a second time]

MR. GOGO: Mr. Speaker, I move that you do now leave the Chair and the committee resolve itself into Committee of the Whole to consider various Bills.

[Motion carried]

head: **Government Bills and Orders**  
head: **Committee of the Whole**  
*(continued)*

[Mr. Schumacher in the Chair]

### Bill 50

#### Professional Statutes Amendment Act, 1992

MR. CHAIRMAN: Are there any questions, comments, or amendments to be made with respect to this Bill?

MRS. MIROSH: Yes, comments. Mr. Chairman, I'd like to take this opportunity to just express some of the concerns that were expressed to me in second reading. I'd just like to assure the Assembly at this point that major stakeholders who have been affected by this Bill have had a number of consultative meetings and have agreed on basically all of the changes that have been made.

Mr. Chairman, I'd like to begin by addressing some of the concerns expressed by the Member for Edmonton-Gold Bar regarding the Health Disciplines Act. She brought up some issues with regards to the registrar of health disciplines and the director of health disciplines. I'd just like to explain at this time that all it is is a change in title. Under the current Health Disciplines Act each professional association is delegated governing responsibilities, and this is just cleaning up this particular piece of legislation to bring it up to date.

Mr. Chairman, it is really important at this time that I make comment with regards to the changes that are designating midwifery in this legislation. A few evenings ago we had midwives here who wanted to be here when the Committee of the Whole did discuss it. I'd like to again commend the review committee for their report on the midwifery service and express my thanks to them for this report. Concerns raised regarding midwives and whether they will continue to be charged with practising medicine without a licence – I cannot, of course, comment upon actions taken by the Attorney General's department to enforce this legislation; nonetheless, designation under the Health Disciplines Act does not in itself change that situation.

Those are really the only comments, Mr. Chairman, that I would like to speak to at this time. I'll be here to take any questions.

MR. CHAIRMAN: Is the committee ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 50 agreed to]

MRS. MIROSH: Mr. Chairman, I move that we report Bill 50.

[Motion carried]

**Bill 43**  
**Municipal Statutes Amendment Act, 1992**

MR. CHAIRMAN: The hon. Member for Rocky Mountain House.

MR. LUND: Thank you, Mr. Chairman. There is a government amendment to Bill 43. It's an amendment to the Local Authorities Election Act. We'll deal with that amendment first. It's simply a misprint in the Bill. The way the Bill reads currently, we would have had to have six as a minimum signing the nomination papers of a candidate, and that was never the intent. The intent was to allow a municipality to pass a bylaw that would require a minimum of five and a maximum of 25.

[Motion on amendment carried]

MR. CHAIRMAN: The hon. Member for Rocky Mountain House.

MR. LUND: Thank you, Mr. Chairman. Moving along with the Bill, then, the second amendment in the Bill simply clarifies the advertising of the advance polls, how that's to be done and the number of days.

Moving, then, to the Municipal Government Act, the amendments in that one are to do with the problem we ran into with the annexation between the county of Strathcona and the city of Fort Saskatchewan. I just want to make two or three . . .

MR. CHAIRMAN: The Chair hesitates to interrupt the hon. member, but the Chair or the Table doesn't seem to be in possession of these amendments.

MR. LUND: This is the main motion, Mr. Chairman, the Bill, which is amendments to the various Acts.

MR. CHAIRMAN: Oh, I see.

MR. LUND: Sorry; in the rush I didn't explain that.

We're now into the amendments contained in the Bill for the Municipal Government Act. There were some comments in second reading relative to this amendment. Really all we're trying to do is accomplish what was done in the case of the annexation where the government had to use a rare section in the Municipal Government Act, section 21 or 22, to allow a final arbitrator to be appointed. Then subsequent to that, in this session we had to validate it. This does validate that use of sections 21 and 22. It also allows for a cleaner flow in the future. Now, I don't want to spend too much time with this because with the Bill that was introduced today, the new Municipal Government Act, there will be a local governance commission established, and that's a new method of handling annexation and I believe a much more efficient and co-operative approach than the method we've currently been using.

**8:10**

The next section dealing with the Municipal Taxation Act simply permits, when we turn it over to the local regional authorities, the assessment to be done similar to the current situation where the municipalities are given the grants in lieu. So it really should make no difference to the municipality. The

taxation will be handled the same way as the assessment is currently done.

Moving, then, to the Regional Municipal Services Act, there we are simply inserting Metis settlements so that they can participate and also allowing the minister to appoint a person. If the regional authorities desire, the minister will have the ability to appoint someone else to the regional authority.

MR. CHAIRMAN: The hon. Member for Edmonton-Beverly.

MR. EWASIUK: Thank you, Mr. Chairman. I rise to support the amendment, Bill 43. Our caucus believes that the Bill is acceptable. I think the changes they have made are going to be an improvement to the legislation.

However, I do want to make a few comments and ask a question here. There were a number of comments and questions raised during second reading. I believe the Member for Rocky Mountain House has alluded to those and has in fact explained them to the satisfaction of the members that raised them, so I won't pursue those. I believe there is an amendment forthcoming on one of the other clauses, and I'll probably speak to that later.

The question that I have is on 74(1), where there are a number of options that are available in terms of advertising for an advance poll. The options are that they could be of course advertised in newspapers or published in some publication and circulated in the local area

or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before the date set for the advance [poll].

I'm assuming that only one of those options will be utilized. It does say "or." Perhaps the member may want to clarify that for us.

Mr. Chairman, there's a reference of course where they include the regional airports authority now as a definite, an improvement. At the top of page 3, subsection (7), it says, "The Minister may make regulations prescribing additional improvements that are exempt from assessment" under a particular section. I wondered: were we going to identify those particular exemptions? Are they going to be listed in the regulations? How are we going to know what the exemptions are, and who will benefit from those?

By and large, Mr. Chairman, I think the changes are acceptable. I think they're going to help improve the legislation, particularly the Local Authorities Election Act. I think the addition of the requirement, at least permission, to get up to 25 names for a candidate seeking nomination is an improvement.

By and large, I think the Bill is acceptable. The member did have the courtesy to let me know of his intended amendment, so I said in advance that we would be supporting the amendment as well.

MR. CHAIRMAN: The hon. Member for Edmonton-Whitemud.

MR. WICKMAN: Thank you, Mr. Chairman. Just a few comments to follow up on comments I made during second reading. There are the three aspects that concern me. If they can't be addressed in this particular Bill, then hopefully the Minister of Municipal Affairs being here can take them under consideration and address them during the Municipal Government Act, whatever.

The first one deals with an amendment that I had submitted but was ruled inappropriate for this particular Bill, a follow-up to what the Member for Edmonton-Beverly said. That's the question of an absentee ballot. Provincially we do have a provision for an absentee ballot; municipally we don't. With the growing number

of snowbirds, for example, a number of people will leave in the early part of October to head down south to Arizona, whatever, for the winter – and there are growing numbers of snowbirds in the province. It means that they lose their right to vote because of course they're not here for even the advanced ballot. Whereas provincially we have a provision that once the writ is dropped, the returning officer is there, and any time during that period of time, one can vote by absentee ballot. So the question of absentee ballots should be addressed to allow as many people as possible, particularly those seniors that tend to be the snowbirds, so that they don't lose that very, very precious part of our democracy. Possibly the member can advise me as to when the appropriate time would be to deal with this particular amendment.

The second point is a follow-up to a question asked in question period this afternoon, that being the need to allow municipalities to have the power to charge back for environmental spills, again the same provision that the provincial government has when it comes to cleaning up spills in areas that are deemed under their jurisdiction. The municipalities, of course, don't have that. That has been a specific request that has come to us out of the mayor's office in the city of Edmonton. The city of Edmonton, in particular, and the city of Calgary, I gather, have the same concern, that this is a growing problem that should be addressed so that they have the right as a municipality to charge back those cleanup costs to the offending company that's responsible for that toxic spill.

The third point is the one that I raised previously, and that is assurance that during a civic election every polling station is fully accessible to all persons, including those persons that have to use a wheelchair, crutches, whatever. Many of the stations at the present time are inaccessible. They may be down in the school gymnasium for example, and the rationale used is that the advanced polls are always accessible, but the advanced polls are not always convenient. I know there is the proxy voting at the civic level, but again the proxy voting is very cumbersome, and a lot of people just want that same right like anybody else: to go down to the polling station with their neighbours to vote on that day. I used to get very, very upset as one of the candidates in ward 5 that I could not even vote in my home poll on election day.

With those comments, I'll conclude my remarks in Committee of the Whole of Bill 43.

MR. CHAIRMAN: The hon. Member for Rocky Mountain House.

MR. LUND: Well, thank you, Mr. Chairman. In response to the hon. Member for Edmonton-Beverly, unfortunately we dealt with the amendment right up front, so that one has been dealt with. I'm sure it was to your satisfaction.

As far as the notice is concerned, yes, it is "or." They can do either/or, and if they want to be absolutely sure, they can do both, but they probably won't. It lays out very clearly that everyone will have the opportunity to know, and I think that's what's important.

As far as the comments from Edmonton-Whitemud, they're very useful, and I'm sure you'll make sure that they reach the proper people to make sure they're in the new Municipal Government Act. I know that won't satisfy you for this fall's elections, but unfortunately we can't deal with them at this time in this Bill.

So with that, I would move that we report this Bill.

8:20

MR. CHAIRMAN: Oh, just a little later, hon. member.

The hon. Member for Clover Bar.

MR. GESELL: Thank you, Mr. Chairman. I just wanted to make some brief comments to correct the record. In discussion on second reading the Member for Edmonton-Whitemud made some statements that I think need some clarification. Perhaps I might refer the member to page 1599 of *Hansard*. He indicates there:

There has to be a better way of dealing with the annexation process than what we have at the present time.

I would agree with the member there, but when he carries on and says:

In Fort Saskatchewan and the county of Strathcona it has left some people with very, very bitter feelings. It was a dispute. The way it was resolved was not in the best fashion.

I need to clarify those statements for the member. Being intimately involved in that situation, I want to provide the member with some factual information that he should consider. The first fact, Mr. Chairman, is that the municipalities in '85 and '86 entered a joint general municipal plan. In that plan there was a mechanism that described how annexation situations were to be handled, even with respect to compensation that should be paid. What happened in this particular instance was that the parties could not agree, and provincially we were involved in facilitating the process: initially through negotiations; secondly through mediation; and finally through binding arbitration, a final offer arbitration, I should really call it. That was really something that both parties, both municipalities have agreed to.

So I need to indicate very clearly here in this House that our role as a provincial government was as a facilitator in this process to assist the municipalities to come to a reasonable solution, which they have done. The dispute has been resolved, and they're on a better footing now.

[Title and preamble agreed to]

[The sections of Bill 43 agreed to]

MR. LUND: I move that Bill 43 be reported.

[Motion carried]

## Bill 21

### Election Statutes Amendment Act, 1992

MR. BRADLEY: Mr. Chairman, there are two government amendments to this Bill, and I would like them considered together, if possible, in order to expedite tonight's proceedings.

MR. CHAIRMAN: Agreed?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.

MR. BRADLEY: Mr. Chairman, the first amendment deals with the recording of contributions. Rather than have all contributions over \$40 in any year recorded, we would intend to have all contributions made in any year be recorded. That's the one amendment.

The second amendment deals with the calling of a by-election and clarifies that when an order issuing a writ is issued, the date for the writ is the same as the date of the order. So there can be no confusion with regards to when a by-election would be called. When a seat is vacant for six months, an order in council must be passed fixing the date of the writ. The date of the writ must be the date in which the order is passed, so the election would fall within 28 days of that. So that's a clarification. There seems to

have been some confusion regarding this, Mr. Chairman. It certainly wasn't the government's intention for the interpretation that had been placed on this by some individuals commenting on it. So we've clarified this to in fact tighten this provision of the Legislative Assembly Act in terms of calling the by-election.

MS BARRETT: Mr. Chairman, the amendments that the sponsoring member wishes adopted will certainly enjoy the support of the Official Opposition.

However, the second amendment that the Member for Pincher Creek-Crowsnest is suggesting will be adequate to cover the problem is not in our opinion sufficient to cover the problem of when actually by-elections need to be called. It would be if it were being sponsored in conjunction with a change to the Legislative Assembly Act which would tidy up the time limit during which the delivery of the warrant by the Clerk had to be delivered to the riding vacated by a member. So while it is an improvement, Mr. Chairman, it is an insufficient improvement. It'll enjoy our support, but we'll be sponsoring a counteramendment.

MR. WICKMAN: Mr. Chairman, correct me if I'm wrong, but my interpretation from the remarks made on the amendment is such that rather than shorten the provision for the calling of a by-election to ensure that people have the representation they're entitled to, which I would like to see, this in fact would prolong it by a month. My interpretation of his remarks – and sometimes my sound isn't always that good on this end here, particularly when somebody's speaking on this side, like the Member for Barrhead for example. I have that problem. If the member would in his response answer the question very specifically. Take the case of Three Hills. Does that mean that within six months from the day that the former member resigned, a by-election has to have been held and a new member in place? That's what I want to see. I would actually like to see it shortened to three months, but I would accept the six months.

MR. BRADLEY: Mr. Chairman, if you look at the actual Bill that's before us, section 34 of the Bill deletes a current section in the Election Act which requires that a by-election be held within 180 days. Section 38 of the Legislative Assembly Act is in contradiction to that. It says that within six months of the warrant from the Chief Electoral Officer declaring that a seat is vacant, an order must be passed calling for a writ for an election. The government amendment, which is being circulated today, clarifies the time frame in which that by-election must take place in saying that the writ for the election must be the same date as the order fixing the date for that writ.

MR. WICKMAN: But it could be seven months.

MR. BRADLEY: Well, in effect, Mr. Chairman. Because of the contradiction between the two pieces of legislation, that conflict is there today. The Legislative Assembly Act states one provision; the Election Act states another provision. This was brought to the government's attention approximately a year and a half ago by the Chief Electoral Officer, that there was this conflict in legislation. I'm advised by legal counsel that since the Legislative Assembly Act was passed subsequent to the Election Act, in fact provision of the Legislative Assembly Act would have precedence in law. This is tidying up this legislation and further tightening the time frame under the current Legislative Assembly Act provisions to in fact ensure that a by-election would be held 28 days after the order

is issued of writ for an election, which must be six months after the vacancy takes place.

MR. CHAIRMAN: Any further questions or comments on the amendments?

The question is on the amendments proposed by the hon. Member for Pincher Creek-Crowsnest. All those in favour, please say aye.

HON. MEMBERS: Aye.

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

The hon. Member for Edmonton-Avonmore.

MS M. LAING: Mr. Chairman, I would like to move an amendment to section 12(2)(c). The amendment has been circulated by the Member for Edmonton-Belmont. As amended, (c) would read "a list of the locations of polling stations all of which shall have level access." This is to ensure that all people have equal access to polling stations and can in fact exercise their right to vote. It's a simple amendment. It just ensures that people in wheelchairs or those people having difficulty with stairs would in fact be able to vote. So I would ask for agreement.

MR. BRADLEY: Mr. Chairman, the government is very sympathetic to the amendment which is being put forward. However, not all parts of the province, particularly rural areas of the province, have facilities which in fact would accommodate that. There is the provision for voting by special ballot. I know that the Chief Electoral Officer, in terms of his instructions to all returning officers, asks them wherever possible to have polling places which in fact do have level access, and at his instruction ramps have been constructed in some cases in order to enable that provision. Unfortunately, in some parts of the province those types of polling places are not available, and as such the special ballot provision is available. I know, as I say, that the Chief Electoral Officer does his best in his instruction to his returning officers to ensure that wherever possible level access is available.

8:30

MR. WICKMAN: Mr. Chairman, I'm going to support the amendment. It's a very, very good amendment. I don't expect the amendment to pass here tonight. I do understand that the member has made notes on these particular comments and that in some fashion they can be addressed. It is a problem that has to be addressed. If it can't be addressed here tonight, there's no reason it can't be addressed in the next session.

There are ways around what the member has stated. I recognize that in some of the rural areas – it's the same as when we convinced the government years back to make it a requirement that all new buildings be accessible, including LRT. There was some argument that it wasn't always practical, so there was a provision of ministerial exemption that wasn't meant to be abused. The city of Calgary, for example, applied for it and it was wrongfully granted on their light rail transit, which has created some immense problems now. The same concept could be used here, that it has to be accessible unless the minister gives approval that one is exempt because it's impossible for whatever reason.

I'm talking about Richard Secord school, for example, where I vote. There's a gymnasium that's inaccessible. Virtually everything else in that school is accessible. Why is the polling station always in the gymnasium? Why is it not in a classroom or in the main hallway entrance? What I'm saying is that unless there's legislation, every effort that should be made isn't going to be made.

So I think the member's amendment is good because it sets on record the feelings of many members of this House.

MR. CHAIRMAN: The hon. Member for Edmonton-Calder.

MS MJOLSNESS: Thank you, Mr. Chairman. Just a quick response to the member sponsoring this particular Bill. He used the argument that in some rural areas they just can't accommodate what this amendment is asking them to do. I really feel that that's a very weak argument. I personally come from rural Alberta, and I cannot think of a single small town that I'm aware of, anyway, that doesn't have an accessible building of some kind. I think that if this amendment is passed and included in the legislation, then people will make an effort to in fact make every polling station accessible. I think it's a very important amendment.

Thank you.

MR. EWASIUK: Mr. Chairman, I just want to make a couple of comments on this as well. I think the argument of the Member for Pincher Creek-Crowsnest, the sponsor of this Bill, that because there are no adequate facilities to accommodate individuals in rural Alberta, is really a weak argument. It seems to me that if in fact that is the case – and I accept the fact that there might well be some cases where that would happen – then I think we have to make every effort to accommodate that particular individual in any event.

In another part of this Bill we are advancing the portable mobile poll, a poll that will accommodate seniors and people that are in treatment centres. That being the case, surely we should also include in that section reference to individuals who might be in a wheelchair or have some other incapacity so that they may not be able to come to the poll directly.

I think that no one should lose their franchise, their right to vote. What is being suggested in fact eliminates that individual having an opportunity to vote.

MR. BRADLEY: Mr. Chairman, in the legislation every Albertan does in fact have a right to vote. This does not limit anyone's ability to vote, because we do have the special ballot provision under the incapacitated and absentee ballot process which is now being made available under a special ballot process.

As I said, the government is very sympathetic to the concerns raised. The Chief Electoral Officer instructs his returning officers to use their best efforts to ensure that wherever possible polling places in fact have this level access. The fact of the matter is that there are parts of Alberta, particularly large rural ridings, where there are no facilities in the polling places. They may be conducted in a rural community hall that has a number of flights of steps to it or in an individual's home which has flights of steps to it. So although we're very sympathetic to the desire, the Election Act does provide for circumstances where people can vote by special ballot.

As I say, I'm sure the Chief Electoral Officer will read with interest the debate here today and further instruct his returning officers to ensure that wherever possible level access is available.

MS M. LAING: Mr. Chairman, I'm unconvinced by the arguments of the member across. It seems to me that if we put it into legislation, then we say: you will get with it and do this. If we do not, people carry on in the way that they have in the past, and that may be people being denied adequate access to the polling station and their right to vote. I think that change only comes about when we insist on it, and this is a time to insist on a change

to this legislation so that polling stations will be accessible to all people on polling day.

MR. CHAIRMAN: Is the committee ready for the question on the amendment proposed?

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. CHAIRMAN: The hon. Member for Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Chairman. Some time ago I circulated two amendments. One was deleting section 34, but that has now been precluded by the government's amendment and passed. One still stands out, and that's the amendment to section 11.

Section 11 is that part of the Act where campaign funds, the money held by a candidate at the end of the election or by a candidate who's not nominated can be donated. The old Act allowed it to go to a registered party or a constituency association or a registered candidate or a registered Canadian charitable organization or the Crown. The new Act has removed the charitable organization as a legitimate receiver of excess funds or funds that are not used. I thought at first that there was a mistake, and I brought it up to the proposer of the Bill, the Member for Pincher Creek-Crowsnest, but he said it wasn't.

I can't understand why it would be legal to give surplus funds to a party or constituency association or even to the province of Alberta – and God knows, we need it, Mr. Chairman – but it would be illegal to give it to the Red Cross or any other charitable organization. I think that's a bit of a faux pas. I think that often when there are funds left, one of the few things that the directors of a constituency association might agree on is the charitable organization that could receive the surplus funds. So to cut out a charitable organization doesn't seem reasonable.

Somebody could use the argument: well, there was a tax write-off given for the donation when it went in. Yes, that's fine. The charitable organization is also a tax write-off organization, but so is the Crown of Alberta. The Crown gets 100 percent write-off. So that argument doesn't hold. If you had left the Crown out as well as a charitable organization, then there would be a consistent argument that you didn't want to give money to anything except for a political reason, but when you leave the Crown in there, there's no reason why the charitable organization should be left out.

MR. BRADLEY: Well, Mr. Chairman, in looking at this legislation and looking at the scrutiny which we as elected people are often under in terms of using tax credits to raise funds for political purposes, it's the government's view that in fact the funds should be used for political purposes, and this a tightening up of that provision. In terms of tightening up our own activities, we feel that it is appropriate that this one section be deleted and that these funds, which are in fact raised for political purposes and for which tax credits were given for political purposes, would remain in the political area.

The member makes the argument about reverting to the Crown. Since the Crown in fact generously gives these tax credits, it's only appropriate in our judgment that if the funds aren't used for political purposes, they come back to the Crown since the Crown is the granter of the tax credits in the first place, which are substantial.

8:40

MR. TAYLOR: Mr. Chairman, I guess I could leave it with the decision of the House. I don't know if it makes much difference, but it really doesn't make much sense to cut charitable organizations out of being recipients of surplus funds if the political organization wants to. The argument that the Crown gave a tax credit so therefore should get it back applies as far as a charity goes too. The Crown gave a tax concession to the charity, and of course the charity spends the money out in the public sector – as a matter of fact, maybe even multiplies the funds because it uses volunteer labour.

So I think the government looks just a little bit picayune and mean on this particular thing. I guess that's all I can say on the vote.

MR. CHAIRMAN: Is the committee ready for the question on the amendment?

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. CHAIRMAN: The hon. Member for Edmonton-Beverly.

MR. EWASIUK: Thank you, Mr. Chairman. I want to rise to make a few comments on this Bill. I want to particularly address number 33, sections 118 and 119.

First of all, let me say that we're pleased to see that accommodations are being made to have mobile polls in treatment centres and seniors' lodges. I just want a clarification. I can see where it talks about in-patients. Certainly they should be provided with a mobile poll. But it says "or residents of that facility on polling day." Does that mean all residents in a senior citizens' lodge or a treatment centre will be eligible to vote in the mobile poll or just those that are considered to be patients that perhaps can't attend a poll? I'm not sure what that particular one means, so perhaps a clarification there.

I think section 119(1) is also acceptable. It certainly has something of an entourage of people being in the poll watching the process and ensuring that it's all done well. However, the difficulty I have is with 119(2). In this subsection "the returning officer or election clerk" and "each candidate or his official agent or scrutineer" have been excluded "if in the opinion of a member of the staff of a treatment centre." That is, they would make that decision whether those two people would be included at the poll.

Mr. Chairman, to that extent I want to move an amendment to section 119(2), that that particular section be deleted in its entirety and leave 119(1) as is to be applicable at all times during the polling period.

MR. BRADLEY: Mr. Chairman, regarding the first question that the member raised, if one looks at section 117(2)(a), the ability to have a mobile poll at a senior citizens' lodge is made in consultation with an official of the seniors' lodge. So once that decision is made, it would mean that all residents of the lodge would be eligible to vote on election day at a mobile poll to be conducted at that lodge. It would cover all residents at that lodge.

With regards to his amendment, if one looks at the current Election Act, one will see that a similar provision is in the Election Act regarding mobile polls in treatment centres, where the exclusion is made in terms of the number of people who would move with the mobile poll. I think this is in consideration of moving from room to room to conduct a mobile poll. It may

be, in fact, that in terms of a seniors' lodge that would be the way in which the election would be conducted, so the decision would be made that rather than having eight or 10 people moving from room to room, it would be limited to those election officials and a member of the treatment staff. It also expands that to include an interpreter if that is necessary. So, in fact, this provision is similar to a provision which is in the current Election Act relating to the treatment centre polls.

MR. CHAIRMAN: Order please. The Chair would like to inquire of the hon. Member for Edmonton-Beverly: did he move an amendment?

MS BARRETT: Yes.

MR. CHAIRMAN: Has it been circulated?

MS BARRETT: It was on Monday.

MR. CHAIRMAN: The Table doesn't seem to be in possession of a copy.

MS BARRETT: I'll give you a copy.

MR. EWASIUK: It was moved on behalf of the Member for Edmonton-Belmont.

MR. CHAIRMAN: Thank you very much.

The hon. Member for Edmonton-Beverly.

MR. EWASIUK: Mr. Chairman, I think the Member for Pincher Creek-Crowsnest addressed my concerns somewhat relative to my amendment. I appreciate that it may be somewhat cumbersome to have an entourage of individuals going from room to room to conduct a vote. However, I would argue that in senior citizen lodges, particularly in the lodges, most of the seniors are still mobile, perhaps somewhat frail, but I think that most of them are able to come to the central area. They have to come down for their meals in the lodge. That would suggest to me that they are in fact mobile to the extent that they can leave their rooms and come downstairs to a central location for a vote. So I really don't accept that argument that the people in the lodges would be deterred and that you'd have to have a group of people walking around from room to room. I appreciate that that might be the case in a treatment centre or in a nursing home, but even there I think that only in extreme cases are individuals basically confined to a room or to their beds. I think the amount of walking between rooms would be somewhat limited.

Therefore, I think my amendment is a good amendment, and I as a candidate and I'm sure all individuals as candidates are quite jealous of the fact that they should at least have the option of having a scrutineer available when these polls are being taken. On that basis, I feel that my amendment is a good amendment and that in fact it should be carried.

MR. BRADLEY: I have to apologize to the House perhaps for a misstatement I made earlier in my comments. Upon rereading section 119(2) as proposed, in fact this is only limited to a treatment centre. It refers to "if in the opinion of a member of the staff of a treatment centre." It doesn't say also: or a member of the staff of a seniors' lodge. So this amendment is consistent with the current Election Act procedure regarding treatment centres only. It would not apply in terms of seniors' lodges. I apologize to the Assembly if in my earlier remarks I interpreted it that this

would apply to seniors' lodges. It doesn't. This in fact repeats the current provision for treatment centres only and adds the provision of having an interpreter attend, and this would be where in fact they go from hospital room to hospital room or nursing home room to nursing home room to conduct this. It's consistent with the practice that we've had in the past with previous elections.

MR. CHAIRMAN: Is the committee ready for the question on the amendment proposed by the hon. Member for Edmonton-Beverly?

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. CHAIRMAN: The hon. Member for Edmonton-Highlands.

MS BARRETT: Mr. Chairman, thank you very much. I understand that my colleague the Member for Edmonton-Belmont did on June 18 distribute to the members of the Assembly the following amendment, which we consider to be the most critical issue of this Bill, and that is to entirely delete section 34 of the Bill. You will find this on page 16 of the Bill. Mr. Chairman, I'll have a page bring this to you now in case you don't have a copy.

Section 34 suggests deleting section 122 of the Act, and the Act states categorically as follows:

If a vacancy occurs in the representation of an electoral division, a by-election to fill the vacancy shall be held within 180 days after the occurrence of the vacancy.

Mr. Chairman, that rule is going to be overturned by this Bill unless members support this amendment.

The government amendment which enjoyed support just a few minutes ago does not – I repeat, does not – fully clarify the issue, because the matter is muddled by the vagueness of the delivery of the warrant by the Clerk under the current Election Act. In other words, unless people support this amendment, there will be no assurance that a by-election following the vacancy of a member from his or her seat has to be held within 180 days.

#### 8:50

I remind you, Mr. Chairman, that the Saskatchewan government, the Devine government, went limping into an election four or five seats having been unfilled by by-elections for periods of up to two years. That is shameful. It should not happen. The Official Opposition New Democrats are solidly and unanimously in support of this amendment. I encourage all members to agree to this amendment, and we will ensure the speedy passage of the Bill thereafter.

MR. BRADLEY: Well, Mr. Chairman, the amendment is there, brought forward to the House because the Chief Electoral Officer some year and a half ago identified the conflict between the Legislative Assembly Act and the Election Act. To delete the amendment which the government proposes still leaves the inconsistency, the contradiction between the two Acts there in legislation.

I'm advised by legal counsel that in fact the Legislative Assembly Act takes precedence over the Election Act, because the Legislative Assembly Act provisions were enacted after the Election Act provisions. So this is merely tidying up this inconsistency, and the amendments that we put forward this evening clarify in fact that the time frame under which a seat would be vacant before an by-election was called would be no more than six months plus the matter of the couple of days or so it takes the

warrant to be transmitted from the Clerk to the Chief Electoral Officer.

Mr. Chairman, there's no intention of the government to delay a by-election. There are other jurisdictions which allow seats to be vacant for up to a year. This merely removes this contradiction, and as I'm advised, in law the Legislative Assembly Act has precedence over the Election Act because of the later introduction of the legislation. The tightening up that we've put in with our section 9 amendment, which was passed earlier, clarifies that. There's no doubt that there's no intention to delay in any way whatsoever the calling of a by-election.

[Motion on amendment lost]

MR. CHAIRMAN: Are there any further questions, comments, or amendments?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 21 agreed to]

MR. BRADLEY: Mr. Chairman, I move the Bill be reported as amended.

[Motion carried]

#### Bill 31

#### Employment Pension Plans Amendment Act, 1992

MR. CHAIRMAN: The hon. Member for Calgary-Foothills.

MRS. BLACK: Thank you, Mr. Chairman. I'd just like to make a few comments on concerns that were expressed during second reading. First of all, there was a concern with regard to reciprocal agreements between other jurisdictions. The Bill will allow for reciprocal agreements to occur, and as I said in second reading, those arrangements will be discussed and worked on with the other jurisdictions throughout the summer months.

The second concern came from Edmonton-Strathcona, and it was with regard to the superintendent having the ability to exempt plans when filing actuarial valuation reports. Members refer to section 7. In the current legislation it requires a defined benefit plan to file a cost certificate and an actuarial report. Section 7(5) of the current Act provides that the actuarial report need not be filed if the cost certificate is sufficient. The amendments proposed to section 7 will continue this practice. However, they make it clear that it is only the superintendent of pensions who may decide that a cost certificate contains sufficient information with respect to a particular plan and not the plan sponsor or any other person. There is in some cases a duplication of information in the cost certificate and the actuarial report. In those circumstances where the superintendent may consider the cost certificate sufficient, the actuarial report will not be required.

Another concern, Mr. Chairman, was with the transfer of surplus assets to an employer. Section 58 of the existing legislation provides that a surplus can be transferred to an employer only if the plan documents clearly provide that the employer is entitled to such a transfer and that the superintendent has provided written notice that after the transfer the plan will continue to contain sufficient assets to provide for all benefits of plan members. The new section 58(1) further provides that both member and employer contributions can be returned but only if and to the extent

required by tax legislation. This is a requirement of the recent changes to the federal Income Tax Act.

The new section 8(4.1) enhances the member's access to plan documents, and this is an enhancement overall to the Bill.

There was another concern raised by the Member for Edmonton-Strathcona with regard to retroactive plan amendments. Recent changes to the federal Income Tax Act require each plan to contain a plan provision that allows for retroactive reduction of benefits if such a reduction is required in order to avoid revocation of tax registration. The new section 56(3) allows plans to reduce benefits retroactively but only if and only to the extent required to avoid revocation of such tax registration. It is anticipated that such a plan amendment will be a rare occurrence and would likely only occur in generous plans for controlling shareholders or executives.

Another concern raised was whether interest should be paid. The intent in the new sections 40.1 to 40.3 is to provide pension contributions the same status as wages have under the Employment Standards Code. There is no interest provision in the Employment Standards Code or in the deemed trust legislation of other jurisdictions that have similar provisions, so it would not be appropriate here.

There was a question from Edmonton-Meadowlark with regard to better methods for the division of pensions on marriage breakdowns. These rules for divisions of pensions on marriage breakdowns are being examined by the Attorney General. Changes would be more appropriate to the Matrimonial Property Act, which would therefore address all plans on the same basis without the need of providing for the same rules in several pieces of legislation.

With those few comments, Mr. Chairman, I will look forward to any further discussions.

MR. TAYLOR: Possibly the hon. member could enlighten me a bit on just the last section that she talked about, section 60, where you didn't want the breakup of a marriage covered here; you wanted it covered in the matrimonial Act. My reading of section 60 as amended means that it's still only where there's been an order from the court under the Matrimonial Property Act that a transfer can be done. In other words, there's not a voluntary method of being able to split the pension benefits before a marriage breakdown. The Canada Income Tax Act allows, as I'm sure the hon. member probably knows, being fairly sharp in the accounting business, the transfer of pension rights. I'm not a lawyer, thank God – you have to be thankful for some things, Mr. Chairman – but I get the impression that under this Act pension benefits cannot be split unless you go to court. I think you should be able to do it voluntarily. Maybe you could enlighten me on that.

MRS. BLACK: Mr. Chairman, most often when there is a marital breakup and there's an agreement reached between two partners on future benefits as far as pensions go, it's a trade-off of one asset for another. That's why I would suggest that it would be better suited if this were covered in the Matrimonial Property Act, because then it would deal with all types of pension benefits, both public sector and private sector, all in one, and it is not dealt with presently. It is usually a negotiated position that is laid out, and it's a trade-off between assets.

9:00

MR. TAYLOR: We're not quite hitting the nail on the head. The matrimonial split-up is covered, as you say, in matrimonial law, but I'm saying if you want to do it voluntarily, and that means just

for minimizing tax or maybe you just love each other. I don't know. It doesn't matter. In other words, you want to split the pension. I get the impression from this that that's not possible. You've got to get into a fight, got to go to the courts, and the court is the only one that can split the pension. In other words, it sort of guarantees that you've got to hire a lawyer, and I was just wondering if you could do it yourself.

MRS. BLACK: For clarification from the member on his question, is he talking when the spouses are together or when the spouses are apart?

MR. TAYLOR: Well, I don't think it really matters, as long as they're not fighting. I'm just saying that if the one spouse decides they want, for whatever reason – I don't know why – to split the pension benefits, I think they should be permitted to do so. My impression is that they can't unless they get a court order, which of course usually follows when you're fighting, but sometimes maybe they want to split the pension without fighting, and this Act seems to preclude that. It seems to only allow splitting if there's been a fight in a matrimonial issue.

MRS. BLACK: Mr. Chairman, for clarification. When a couple is together, there's only one person that is the plan member. The pension plan derives from that member's income and would go into the plan, so there would be an agreement between the plan member and the plan itself. So there wouldn't be allowed a splitting between a husband and wife, say.

Now, in the case where the marriage breaks down, then that's when I would suggest the Matrimonial Property Act, because then an agreement could be reached by the courts in a court settlement, in an arrangement between the two partners. But you could not while you were still married divert from that or the plan wouldn't have protection. It has a member or integrity within the plan. You would have to maintain that relationship of the member with the plan, not the member's spouse but the member with the plan. It's their income that the pension is based on.

MR. TAYLOR: Sorry; I'm probably a little dense here. I'm talking about when they are married. In other words, there's a pension. I believe that under the federal Income Tax Act they can transfer a portion of the pension benefit to a spouse, whereas under this it doesn't look as if they can. It's just what you said: when they're together, they can't do it. They only have the one person in the pension plan. It may be that I'm taking too much time in the House here, but it does seem to me that this covers a marriage breakup but it doesn't cover a solid marriage that wants to transfer to a spouse or split pension benefits when and if the pension benefits are paid down the road.

MR. WICKMAN: Mr. Chairman, I guess the idea of real democracy in a caucus, particularly a caucus like the Liberal caucus that believes in total parliamentary reform including free votes and such, is that on occasion we disagree. This is one of these occasions I have to disagree with my learned colleague from Westlock-Sturgeon. He's talking about a hypothetical situation that could occur. It's sort of, I think, about as remote as winning the 6/49. Normally, in my experience in watching people who have gone through a separation, leading to it and afterwards, that lovey-dovey aspect is no longer there that they're going to be so agreeable as to split those types of things on a voluntary basis. I tend to agree with the member presenting the Bill that it's best to leave that determined by legal channels or matrimonial laws.



Forgetting that point for a second but just speaking in general on Bill 31 while it is in Committee of the Whole, this is one of those Bills, Mr. Chairman, that surprisingly maybe other Members of the Legislative Assembly haven't had the same communication as I have. There are a tremendous number of people in Edmonton-Whitemud that are waiting for the passage of this Bill, which brings us in line with what some other provinces have already done on progressive changes – pardon the term “progressive” – modern day changes relating to private pension schemes. I would hope that all members of the House will support this Bill. I do respect my colleague's opinions, although I don't always agree with him and he doesn't always agree with me.

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 31 agreed to]

MRS. BLACK: Mr. Chairman, I move Bill 31 be reported.

[Motion carried]

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

**Bill 40**  
**Cancer Programs Amendment Act, 1992**

MRS. B. LAING: Thank you, Mr. Chairman. I have a few comments to make with regards to second reading.

The hon. Member for Edmonton-Gold Bar had a question as to whether the Alberta Cancer Board is responsible for cancer drugs. The answer is that the Alberta Cancer Board provides the drugs for outpatient clients under the board's budget. There has been an outpatient drug benefit program in place for several years. The hospital facility would assume responsibility for in-hospital patients' drugs.

The second question was the place of the community volunteer agencies. The Cancer Board does not want to duplicate the services performed by the community agencies. The board and the community agencies complement each other. There are close to 50 different agencies, I've been told, working in the cancer field. The Alberta Cancer Board's educational component is largely directed towards education of the patient and family regarding care and treatment of the patient, professional development of professional staff, and some joint ventures with community agencies, as was seen in a recent television series on preventative health. Community agencies such as the Canadian Cancer Society do many different activities to raise public awareness. They serve as resource persons for the health curriculum in some of the school systems. Their focus is more on outreach patient services and general public education with regards to cancer prevention. It's the intention of the Alberta Cancer Board to continue this cooperative and complementary role in the field of cancer education.

[Mr. Jonson in the Chair]

There was a question raised about the determination of research projects. These would flow through the cancer foundation and are found in section 25 under the objects of the foundation.

Now, I have a government amendment, or a House amendment, to propose. That is that section 18 is amended in the proposed section 17. It would read:

The Minister may make regulations

(a) respecting the objects of the board under section 4(2).

This would allow for flexibility and would allow the different agencies, along with the Cancer Board, to work out slight changes in the objects that they might wish. This would be preferable to having to bring back the Bill all the time and having it redone.

We have been in consultation with the major stakeholders, and they have all agreed to this amendment, so I would recommend to the committee that this amendment be accepted.

I'd like to move the amendment, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Speakers on the amendment? Call for the question on the amendment proposed to section 18?

HON. MEMBERS: Question.

[Motion on amendment carried]

**9:10**

MR. WICKMAN: Mr. Chairman, I circulated previously an amendment pertaining to sections 4(2)(b) and 4(2)(c) entitled A and B. They're broken down, but it's my intention to have the amendment moved as one. That has been duly circulated.

Just speaking to it very, very briefly, I want to point out that section 4 presently states that the objects of the Alberta Cancer Board include co-ordinating “the planning, development and delivery of services for cancer patients” and the education of persons about cancer. Now, these are functions which the Canadian Cancer Society has been performing for 50 years on a voluntary basis and at no cost to the taxpayer. If the Alberta Cancer Board began to co-ordinate these duties as well, there would be duplication of services at the taxpayers' expense. I think we've got to bear in mind, Mr. Chairman, that the Canadian Cancer Society is already very involved in the delivery of patient services, including practical service, travel, provision of certain drugs, dressings, spiritual and emotional support, self-help, clergy, wig banks. It has over 47,000 volunteers who have donated time and money to these activities.

On that basis I'll conclude my comments and ask members to support the amendment as originally proposed by the Member for Edmonton-Gold Bar.

MR. DEPUTY CHAIRMAN: Speakers on the amendment proposed by the Member for Edmonton-Whitemud on behalf of the Member for Edmonton-Gold Bar?

HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: The question's been called on the amendment, A and B together.

[Motion on amendment lost]

MR. DEPUTY CHAIRMAN: I would ask hon. members to perhaps be a little more decisive in their votes, but it was lost.

HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: The question has been called on the Bill as amended.

[Title and preamble agreed to]

[The sections of Bill 40 as amended agreed to]

MRS. B. LAING: Mr. Chairman, I would like to move that Bill 40 be reported as amended.

[Motion carried]

### Bill 37

#### Financial Administration Amendment Act, 1992

MR. DEPUTY CHAIRMAN: Are there are comments and so forth with respect to the Bill?

The Member for Edmonton-Calder.

MS MJOLSNES: Thank you, Mr. Chairman. I just have a few comments to make on Bill 37 as it goes into committee reading. I know that there have already been extensive comments made at second reading on Bill 37.

Mr. Chairman, it's so ironic that tonight we are asked to endorse a Bill that allows the Provincial Treasurer to borrow another \$4 billion. I recall that just the other night and tonight again we're going to be asked to endorse the Spending Control Bill, that we all know is a PR Bill and nothing more, yet at the same time we're asked to endorse this Bill, Bill 37. I recall one day in the Legislature when some member in the House said that the deficit was at \$20 billion, and the Provincial Treasurer got quite irate over that and said: "Oh, no, it's not; it's not that high; it's only \$15 billion," or something like that anyway. The point is that we do have a serious financial crisis in this province, and the Treasurer is borrowing another \$4 billion for what he calls flexibility. He needs some flexibility. We're not sure exactly how flexible he is.

Mr. Chairman, my constituents for one are very concerned about the Provincial Treasurer and the way that this government has such a huge debt through their mismanagement. We know that in the last while they have had all kinds of losses equaling up to \$2 billion, and we're not even sure if that's the maximum amount that we've lost as taxpayers of the province of Alberta. I would remind the Provincial Treasurer and this government that it's not their money they're losing; it's our money. It's taxpayers' money. I wonder: when we start dealing with the deficit, who is going to have to pay for it? I think the answer is fairly clear to most people. The government members may not be around at the time when we have to start paying for the mismanagement of this government, but a lot of people are concerned.

I attended a telethon not too long ago. An agency was trying to raise money for a distress line in the Edmonton region. It was quite interesting, Mr. Chairman, because at that time at that telethon there were a number of agencies there trying to help another agency to raise money so that they could provide a very important service. The Food Bank was there; the Youth Emergency Shelter was there and the Sexual Assault Centre. There were a number of agencies. We all sat around and talked about how disappointing it was that people had to come together to try and raise money and compete with each other for dollars to try and provide very necessary services to Albertans, and at the same time the government continues to spend money, continues to lose money.

Again I come back, Mr. Chairman, to the question: who is going to have to pay? Eventually, we know that Albertans will have to pay. I know that in my own constituency there are families in crisis that are in need of services. They're going to have to pay. Those services in the future just will not be there. We know that. The Treasurer hasn't been very specific in terms of how he is going to spend the \$4 billion. You know, I can talk about the many families in my riding that are struggling to

survive. Is the Provincial Treasurer borrowing this money so that they can get a break on their taxes? Is he going to provide more services for them in the community? We'd like to know.

I recently was talking to my neighbour who says that her child, going into grade 6 next year, will be in a class of 35 students. Is the Provincial Treasurer borrowing this money so that he can spend it on education? Or is it simply to pay for some of the losses that the government's experienced lately?

Mr. Chairman, I think we need to know these kinds of things. I think the government needs to be honest with the people of Alberta and tell Albertans exactly what the financial situation of the province is, not bring in a Spending Control Act on the one hand and on the other hand try to pass a Bill like this. Again I come back to: why do we need \$4 billion? Surely there's a better reason than simply that we need to be flexible, as the Provincial Treasurer has said.

Mr. Chairman, I cannot support Bill 37. My constituents are very concerned about what the Provincial Treasurer is trying to do with Bill 37. I would urge all members of the Assembly to vote against this Bill in committee. I would also encourage, if the government members are going to support this Bill - I'm assuming that the Provincial Treasurer has a little bit of pull with his members - that they would stand up and tell us why they are supporting such a Bill. I would be interested in knowing some of their arguments.

Thank you.

MR. DEPUTY CHAIRMAN: Edmonton-Whitemud.

MR. WICKMAN: Yes. Mr. Chairman, I'd like to take the opportunity to make a few remarks. The previous speaker made reference to persons in her constituency being very, very concerned about the financial mess of this province. I'll tell you very, very clearly that the constituency that the Provincial Treasurer currently resides in is probably more concerned than any other constituency throughout Alberta, that being the riding of Edmonton-Whitemud. There are a lot of professional people in there who manage corporate dollars, who manage business dollars, who manage provincial dollars, and they have a difficult time understanding how any body, whether it be government or a corporation, can allow that runaway control of expenditures. I say this on a very, very serious note.

9:20

It's one thing for us to sit here in the House and talk about \$566 million that we lose on NovAtel, but when you translate that \$566 million, when you break it down and stop to think - how many George Spadys could it keep open at 18,000 bucks a crack? How many Kerby Centres crying for \$35,000 could it keep open? How many Marilyn Kreiser, who was denied \$565, a last gift from her mother, could this be handed out to? How many food banks throughout this province could it keep open and for how many years? How many students could it put through university at no cost to them, at no additional cost to the government, at no cost to the parents?

It's one thing, as I said, Mr. Chairman, for us to sit back and talk about \$566 million, to have the government brush that off, but you couple it with this and you couple it with that and you start looking at the total financial runaway mess that this government has allowed itself to become - I don't profess to be an expert in financing. I'm not a chartered accountant like the Provincial Treasurer is. There are other chartered accountants in this House. The Member for Calgary-Foothills - is it? - is a chartered accountant. There are a number of chartered accountants in this

House who have that professionalism that I believe would have real, real difficulty in supporting this type of financial control. I know the difficulties that government members have. They can't go against their own cabinet. They may do it behind closed doors, and we understand they do it behind closed doors, but they can't do it in public.

I would venture to say that if we could have a totally free vote in this House by secret ballot, this Bill would be shot down, that there would probably be maybe two people supporting it: the Provincial Treasurer and possibly he would manage to convince his good friend the Premier to also support it. Other than that, I don't know anybody that would have the lack of sense to support this type of direction given in financial administration.

MR. DEPUTY CHAIRMAN: The Member for Edmonton-Avonmore.

MS M. LAING: Thank you, Mr. Chairman. Well, one can only express astonishment at this Bill. I'm reminded of the debate last year when we were told repeatedly that this is how business is done, that we have to have flexibility, that the money would really be there at the end of the year and it was just short term. We know that at the end of the year it was not there and it wasn't short term and it was added to the debt that Albertans now face. Again this year we have a budget that projected a \$2.3 billion deficit, and now we're just broadening that to \$4 billion so that the total debt will be \$17.5 billion. For a lot of people I think that \$17.5 billion is hardly an amount that can be conceptualized. We have to be concerned about these numbers.

I would suggest that maybe we don't need an accountant as the Treasurer; we need a person who is a single mother. Maybe that's the kind of person we need, because budgeting is really about taking in money and spending money and balancing what you take in with what's going out. We have gone through a budget process that becomes just an exercise. We go through a budget process. We look through the estimates department by department, and then at the end of the process we give the Treasurer a blank cheque to spend as he sees fit, as he chooses. There's no accountability until the public accounts come to this House. We have no sense of where the money is going to be spent, what the priorities are, how he sees the need arising. We get this Bill at the same time as we're confronted with a half a billion dollars plus - who knows how many? - lost in NovAtel. We get it in the wake of a Bill that says we're going to control spending. No wonder it was laughed out of the House when it was introduced, because on one hand we say we're going to control spending over here, which is on social services, on the human services, on the social safety net, but over here we're going to have a blank cheque for business. There are very few people in this province that are willing to accept that.

We seem to have a government that believes that somehow it's social spending that is wearing us away and creating a debt that will be passed on to the coming generation. With all due respect, I would say that it's mismanagement in the business sector that is causing this problem, and it's the people who will pay, not only through having to pay back this deficit in tax dollars but the people who will not get services. We heard earlier how many student loans, how many shelters, how many food banks, how many services could be paid for if we had as much accountability from big business as we have from the single mother on social assistance. We have a real double standard here, and now the Treasurer says: give me a blank cheque so I can proceed in the manner in which I have for the last number of years, which is to tie us down to a huge debt with nothing in return. At least when

we have social spending, we see people getting education and health care and living with dignity, but when we waste money in the business sector, we have nothing.

I suggest that the Treasurer does not have a right to ask for this money. Well, he has a right to ask for it, but for us to say, "Yes, here's a blank cheque," when we get nothing in return but debt, then I cannot in any way, shape, or form support this Bill.

MR. DEPUTY CHAIRMAN: Before we proceed further on this Bill, I wonder if I could have the unanimous consent of the committee to pause in the proceedings for a few minutes to say adieu to our pages. They are leaving at 9:30, I understand, or perhaps a little bit later than that this evening. If there's unanimous consent for that, we shall do so.

HON. MEMBERS: Agreed.

MR. DEPUTY CHAIRMAN: Thank you.

These are our pages, as you know, and for a few minutes this evening they're front and centre with us. They've become very familiar faces to the Assembly as they've gone about their work over the last large number of weeks, and this being near the possible conclusion of our session, it is certainly a time when we should thank them for the work that they have done over the past months.

I imagine that they found this to be quite an experience. We who are in the Assembly hope that you found it a learning experience and an informative one, and I'm sure that you've picked up other pieces of information and insight into the Assembly that is unique to that of being a page here in the Legislative Assembly. I know that you've worked hard. You've shown a great deal of patience. I'm sure you've developed a certain amount of diplomacy that perhaps you didn't think you had when you came in here. I know that every member here has appreciated your promptness and your pleasant demeanours. We thank you very, very much for the hard work and the assistance that you've been to us during this session of the Legislature. Thank you. [applause]

I hope you all have a very good summer. You deserve it. All the best in your studies and your future endeavours.

9:30

Bill 37

**Financial Administration Amendment Act, 1992**

(continued)

MR. DEPUTY CHAIRMAN: Thank you. If we could come to order again, I would ask if there are any further speakers on Bill 37.

The hon. Provincial Treasurer.

MR. JOHNSTON: I want to make one or two quick comments, Mr. Chairman, on the Financial Administration Amendment Act, 1992. First of all, let me say that on Friday the state of California was unable to pay its bills. It is paying its income tax returns by scrip precisely because it does not have the flexibility to pay its bills. Forty-four states across the United States right now are in a crisis. The state of Florida in particular is facing tremendous cutbacks on its financial positions, and where the major cuts will take place will be in exactly the areas that were addressed by the two speakers from the socialist party across the way; that is, on health and education. That's not part of our agenda. Let's make it perfectly clear at this point the reason we are asking for the increase in borrowing limits as well as requiring the 13 and a half

billion dollars that's now in place: the additional \$4 billion will in fact allow us to fund the current year's deficit.

Now, they ask for some sort of a reconciliation. Quickly here we can say that at the end of March last year their borrowings were about 12 and a half billion dollars, the current deficit is forecast to be about \$2.3 billion, and we will have interyear refinancings of about \$2 billion. That leaves about \$500 million in flexibility, and unless you have that flexibility, Mr. Chairman, we'd be right back in the same position as the state of California: not able to pay your bills. Nobody wants that to happen and certainly not this government, because we believe in fiscal integrity and the right to make sure that the commitments that we undertake are paid for. Consequently, you have to have that kind of flexibility.

I thought it was amusing to hear the two speakers across the way speak about the fact that if you have increased borrowings as we've requested, there are going to be cutbacks in social programs. Now, talk about the worst kind of warped logic I've ever seen. That must be in that category, because in fact what we are doing is ensuring that the kinds of social programs that we're supporting in this government, in health and education certainly, which we have all along since 1986 continued to focus our attention upon, Mr. Chairman, have in fact been our priority spending areas. It's for that reason that we're asking for this flexibility to carry out both the \$2.3 billion appropriation which this House has now voted on top of the \$12.5 billion which is already in place. That is quite logical. That's exactly our objective, but if you limit the expenditures to, say, even the amount of the deficit, then you would bump up against curtailment of some of those social programs, which is not our priority.

As well, we do have interyear swings. I've said before that on a year-to-year basis, certainly in November and December, you have an increased commitment to pay certain transfers far above the budgeted limit, and it's for that reason that these dollars are asked for. So I thought it was somewhat unusual to make the kind of distorted argument about not being able to pay the social programs and at the same time asking for the increase in debt. I wanted to make it very clear that this government all along has maintained its focus and objective in that area, and this 17 and a half billion dollars is consistent with the fiscal plan and the flexibility necessary to refinance outstanding debt and to deal with interyear requirements for dollars. Other than that, Mr. Chairman, there's no hidden agenda. It's all up front, and that will obviously turn out to be the case when we report back next spring and show that in fact we have stayed well within our budgeted targets.

Mr. Chairman, this is an important Bill. It's part of the borrowing requirements of the government. We come back every year and ask for the dollars, and as a consequence it is reporting to the people of Alberta what the debt limits are: still the best deposition of any government, the best financial shape of any government, and over the course of the next five years as the balanced budget is attained, you'll see that in fact that limit may well be all the borrowing that the government may need.

MR. DEPUTY CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 37 agreed to]

MR. JOHNSTON: I move that the Bill be reported.

[Motion carried]

## Bill 46

### Pension Statutes Amendment and Miscellaneous Provisions Act, 1992

MR. DEPUTY CHAIRMAN: Are there any comments or amendments with respect to this Bill?

MS BARRETT: Mr. Chairman, I just have one question for the Treasurer, and that is a desire to hear him confirming that the provisions related to the members' pensions in this Bill are really meant to be interim, subject to the review by the independent commission which Members' Services is very likely to strike.

MR. JOHNSTON: With respect to the MLA and ministerial pension contributions, as I said in second reading, in fact the only amendment that impacts on the MLA pensions or ministerial pensions is in fact a rate increase which will take place I guess August 1. That rate increase will increase the contribution limits from 7.5 percent to 10 percent. That's well over a 33 percent increase in our contributions. It will not be phased in. It will impact immediately, and that's the only change which is now in place.

The other change which the Members' Services Committee has looked at – and I'm reporting I guess to some extent what is already publicly known – is that the so-called double-dip provision will be removed, Mr. Chairman, but that does not have to be dealt with at this point because of course it would not trigger until after the next election, in which case we will deal with that by another set of amendments which will likely be required sometime this fall. Whether or not we integrate those with the pieces of pension legislation which I have on the Order Paper is still uncertain, but I would expect we'll do a separate Bill. Accordingly, any other changes which may be suggested to us by any other source through the Members' Services Committee would end up in that MLA pension amendment. The only change, though, that is reflected here deals only with the rates, and as I've said, I've described that.

While I am speaking, Mr. Chairman, I'll just take a second to say, as I said in second reading, that I certainly appreciate the assistance of all the various groups who helped in the cobbling together I guess of this piece of legislation. It was a long process. It was July 9 when we first announced and embarked upon the process, and we have met with many interested people across Alberta. The stakeholders themselves had an opportunity to be part of the solution, and in doing so, they came to an agreement. It isn't perfect by any extent of anyone's imagination, but it does fix the pension plans now. They're on a good, sound financial basis, and if you couple this with the legislation which will proceed this fall in terms of governance and in terms of the fiduciary responsibility, I think we have a very good package which will present well for the decade ahead in terms of the problems of pensions. I think coupled with Bill 48, the Teachers' Retirement Fund Amendment Act, 1992, we now have completed a comprehensive review of pensions in this province, and I think the outcomes must be to the benefit of the stakeholders, and certainly it's always been our objective.

So, Mr. Chairman, I would urge we support Bill 46 and certainly Bill 48, although it's not called, as we move through this evening's committee study.

MR. DEPUTY CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 46 agreed to]

MR. JOHNSTON: I move that the Bill be reported.

[Motion carried]

**9:40 Bill 48**  
**Teachers' Retirement Fund Amendment Act, 1992**

MR. DEPUTY CHAIRMAN: The Member for Stony Plain.

MR. WOLOSHTYN: Thank you, Mr. Chairman. Just a few brief comments. I'm very pleased to see that at long last the Teachers' Retirement Fund Amendment Act, 1992, has come forward. It's unfortunate it took many years and thousands of Christmas cards to wake the government up to act on it. It appears, fortunately, through the memorandum of understanding and other avenues, that the teachers and government have come to a co-operative conclusion on what the content of the Act would be. I would just like to state that I hope that as time progresses and if needs arise to review the legislation again, that it happens much quicker.

The unfunded liability is a direct responsibility of this government. They had plenty of warning on it, plenty of requests to approach it and chose instead to hide their head in the sand and pretend that they were living up to their obligations with the contribution of the current costs. Even in the calculation of the resolution of the unfunded liability, it was conveniently forgotten that in years past a good portion of the current costs were carried by the teachers' fund being pirated, if you will, by the previous government.

So all I'd like to say in conclusion is that I'm very pleased to see that that particular segment of the pensions problem is now being put to rest for a short period of time. The legislation appears to have had the blessings of the main participants, and I wish that in the future we have much smoother sailing in terms of reviewing legislation as it's required.

MR. DINNING: Mr. Chairman, I won't respond to all of the member's rhetoric, which I'm sure he'll distribute far and wide to unsuspecting members of the Teachers' Retirement Fund, but I do want to say two things. One, by comparison the Member for Edmonton-Meadowlark asked some very good questions about this Bill in second reading, and I just wanted to highlight one answer. He talked about the unfunded liability, that somehow this was not going to discharge the unfunded liability. To make it clear: what this does is fund the liability that is there, that is known, and that the auditors will look at the funding plan to fund this liability over the next 65-odd years. I think it's a tremendous achievement on the part of teachers and the government taking this responsible initiative to solve the funded state of this plan.

The midwives were here earlier, Mr. Chairman. There is one midwife for this Bill, for this solution. He's in the members' gallery this evening; Mr. Bruce Aubert from the Department of Education has joined us. He was very instrumental in making sure that we had an agreement. I just want to say on behalf of all members a very special thank you to Mr. Aubert.

I would ask all members to support this Bill at committee study.

MR. DEPUTY CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 48 agreed to]

MR. DINNING: I move that Bill 48 be reported, Mr. Chairman.

[Motion carried]

**Bill 52**  
**Miscellaneous Statutes Amendment Act, 1992**

MR. DEPUTY CHAIRMAN: Are there any questions, comments, or amendments?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 52 agreed to]

MR. ROSTAD: I move that the Bill be reported.

[Motion carried]

MR. ANDERSON: 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 and reports the following: Bill 50, Bill 31, Bill 37, Bill 46, Bill 48, and Bill 52. The committee reports the following Bills with some amendments: Bill 43, Bill 21, and Bill 40. 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: All those who are prepared to agree to concurrence in the report, please say aye.

HON. MEMBERS: Aye.

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

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

[It was moved by the members indicated that the following Bills be read a third time, and the motions were carried]

No.	Title	Moved by
21	Election Statutes Amendment Act, 1992	Bradley
30	Department of Tourism, Parks and Recreation Act	Sparrow
31	Employment Pension Plans Amendment Act, 1992	Black

**Bill 35**  
**Lottery Fund Transfer Act, 1992**

MR. JOHNSTON: Mr. Speaker, I move third reading of Bill 35.

MS BARRETT: Mr. Speaker, by the time you get to third reading, having attempted to make arguments to defeat this Bill in second reading and committee, there isn't a lot to say except that the Official Opposition New Democrats are still voting no to this Bill. It's a sneaky way to gain money for the General Revenue Fund. The Official Opposition maintains that if you want the money from lottery funds, you account for it in the budgetary process. Without that accompanying provision, the Official Opposition opposes this Bill.

MR. SPEAKER: Additional? Response? Question?

HON. MEMBERS: Question.

[Motion carried; Bill 35 read a third time]

**9:50** **Bill 36**  
**Spending Control Act**

MR. JOHNSTON: Mr. Speaker, I move third reading of Bill 36.

MS BARRETT: Mr. Speaker, again the Official Opposition New Democrats have done everything possible to fight this Bill. It has more loopholes than the proverbial Mack truck requires for getting through. This is nothing but a PR Bill. It has nothing to do with spending controls. This government can spend to its heart's content, which is proven by the very existence of Bill 37. The Official Opposition says no, no, no to this Bill.

HON. MEMBERS: Question.

MR. SPEAKER: A call for the question.

[Motion carried; Bill 36 read a third time]

**Bill 37**  
**Financial Administration Amendment Act, 1992**

MR. JOHNSTON: Mr. Speaker, I move third reading of Bill 37.

MS BARRETT: Mr. Speaker, the Official Opposition New Democrats have been fighting this Bill since the day it was introduced as well, for the single reason that while the Treasurer had the gall to announce in his budget speech this year that we're going to have a deficit of \$2.3 billion, he's asking for deficit spending ability of \$4 billion. A year ago he said he had a balanced budget and introduced a Bill calling for additional debt spending of \$2 billion. As the Leader of the Official Opposition said, Bill 37 is the equivalent of "giving matches to an arsonist." This Provincial Treasurer will spend all \$4 billion. For this reason, the Official Opposition New Democrats oppose this Bill in its third and final reading.

MR. SPEAKER: Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Speaker. I'd like to join the chorus. This Bill, like 36 and 35 and 31, is sleight of hand by probably the smoothest operator in the House. You might say he's sort of the Nijinsky of provincial treasurers. With his experience and his twinkle toes, you'd almost expect Tchaikovsky to be playing whenever he gets up to talk about his financial feats. I believe that at the next election we'll be able to see through all the skillful ruses and guises he has tried to pull - I guess you'd say pulling wool over their eyes, being an agricultural supporter. We will sing out a loud no when our chance comes.

MR. SPEAKER: Additional? Response, minister? Call for the question then?

HON. MEMBERS: Question.

[Motion carried; Bill 37 read a third time]

[It was moved by the members indicated that the following Bills be read a third time, and the motions were carried]

No.	Title	Moved by
40	Cancer Programs Amendment Act, 1992	Black (for B. Laing)
42	Motor Transport Act	Anderson (for Adair)
43	Municipal Statutes Amendment Act, 1992	Lund
46	Pension Statutes Amendment and Miscellaneous Provisions Act, 1992	Johnston
48	Teachers' Retirement Fund Amendment Act, 1992	Dinning

**Bill 50**  
**Professional Statutes Amendment Act, 1992**

MRS. BLACK: Mr. Speaker, on behalf of my colleague from Calgary-Glenmore, I'm pleased to move third reading of Bill 50, Professional Statutes Amendment Act, 1992.

MR. WICKMAN: I just have two comments, Mr. Speaker, that I didn't get the opportunity to make previously. First of all, I think the two groups, the opticians and the optometrists, have to be commended for their co-operative spirit in coming to a solution to resolve that particular area of this Bill.

Secondly - and I'm not sure who can address this - as Bill 50 is being closed, if somebody can just respond to this: in the two-year interim, what happens with persons who choose to exercise midwifery?

MS BARRETT: Mr. Speaker, I only have two comments as well. Here's to choices in eye care and service delivery in eye care, and here's to choices in childbirth and midwifery.

[Motion carried; Bill 50 read a third time]

**10:00**

MR. ANDERSON: Mr. Speaker, I request the unanimous consent of the Assembly to debate third reading of Bill 52, the Miscellaneous Statutes Amendment Act.

MR. SPEAKER: The request to the House requires unanimous consent with respect to third reading of Bill 52. All those in favour of proceeding, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

Let the record show unanimous consent. Carried.

**Bill 52**  
**Miscellaneous Statutes Amendment Act, 1992**

MR. ROSTAD: I move third reading of Bill 52.

MR. SPEAKER: Edmonton-Highlands.

MS BARRETT: Thank you, Mr. Speaker. In rising to support the motion for third reading of Bill 52, I have a procedural question, perhaps for the sponsoring minister or perhaps for the Deputy Government House Leader, and that is: can someone indicate at what point the Bills we've passed this evening will receive Royal Assent? I understand His Honour the Honourable Lieutenant Governor is not in attendance with us this evening.

MR. ANDERSON: Mr. Speaker, if I might answer that procedural question, it's my understanding His Honour will deal with the Bills in his offices when the Assembly adjourns and when he is available for that sometime next week.

MR. SPEAKER: Thank you. With respect to Bill 52, the hon. Attorney General has moved third reading.

[Motion carried; Bill 52 read a third time]

head: **Government Motions**  
**Electoral Boundaries Committee**

24. Moved by Mr. Anderson:  
Be it resolved that

- (1) a Select Special Committee on Electoral Boundaries be established consisting of seven members of the Assembly, four members appointed by the government caucus, one of which shall be the chairman and another shall be vice-chairman, two members appointed by the caucus of the Official Opposition, and one member appointed by the caucus of the Liberal opposition.
- (2) If either opposition caucus does not appoint its members to the select special committee before its first meeting, such members may be appointed by the other opposition caucus.
- (3) The select special committee is charged with making recommendations to the Assembly for the establishment of new electoral boundaries in the province, taking into consideration
  - (a) the May 1992 final report, including the individual reports of each member of the Electoral Boundaries Commission,
  - (b) any legislation, legal decisions, and historic and current practices of Alberta or other Canadian jurisdictions relating to the distribution of constituencies and their boundaries, including the Charter of Rights and Freedoms,
  - (c) any geographic, demographic, community interests, and other factors that should be considered in the distribution of constituencies and the determination of their boundaries using 1991 census data,
  - (d) the impact of the determination of constituency boundaries on the ability of Members of the Legislative Assembly to fully discharge their duties to their constituents, and
  - (e) any information or evidence obtained within the province relevant to any other factors that the select special committee reasonably considers essential to the discharge of its duties.
- (4) The select special committee may make long-term recommendations with respect to the process of

determining electoral boundaries, including the establishment of commissions, committees, or other bodies and the mandates of those commissions, committees, or other bodies.

- (5) Reasonable disbursements by the select special committee for staff assistance, equipment and supplies, public information needs, rent, travel, and other expenditures necessary for the effective conduct of its responsibilities shall be paid, subject to the approval of the chairman.
- (6) In carrying out its responsibilities, the select special committee may, with the approval of the Speaker of the Assembly, utilize staff employed by the Legislative Assembly.
- (7) The chairman and members of the select special committee shall be paid in accordance with the schedule of category A committees provided in Members' Services Committee Order 10/89.
- (8) The select special committee shall report by November 15, 1992, to the Assembly if it is then sitting, or if the Assembly is not then sitting, shall deposit a copy of its report with the Clerk of the Assembly and forward a copy of its report to each member.

[Adjourned debate June 29: Mr. Bruseker]

MR. WICKMAN: Mr. Speaker, just a couple of comments on Motion 24. There's been very, very clear opposition from this caucus to Motion 24. I just want it on record that as an individual member of this Legislative Assembly, I think what is happening here is so wrong, that elected representatives are being asked to be involved in a process where they're basically defining the lines that are going to determine their boundaries. I know it will be going to a judge and all that. Nevertheless, that does not make it right.

There was a process in place. The process failed because of the initial legislation that was in place. Obviously, if an independent body could not deal on the basis of the restrictions that were placed before them and be fair about it, I don't know how a committee of what I guess is going to be four members expects to do it without breaking their own principles that they originally proposed.

I felt it was so out of character for the member moving the motion, so different from his normal nature, to have a motion like this with part (2) in there, for example. I saw it as a squeeze play: if we chose to give up our person by the first meeting, the other caucus got our person and vice versa. That to me was a bit of a squeeze play, and I thought it was very, very unfair. There have to be more appropriate ways to deal with that rather than try and box people in. I think it's wrong, and I think time will tell that government has moved in the wrong direction in proceeding with so-called electoral reform or the defining of boundaries being done by, I guess, now four members of the government, unless they're going to increase it now to seven members.

MR. SPEAKER: The Member for Edmonton-Avonmore.

MS M. LAING: Thank you, Mr. Speaker. I rise, too, to raise my objections to this motion. We don't need this motion. What we need is legislation: different legislation, new legislation. That's what made it impossible for the commission to draw the boundaries; it was the legislation. That was the problem. This motion simply perpetuates the problem that was inherent in the legislation.

Now, we have heard from the hon. Premier that it is the responsibility of elected members to make decisions like this; that is, drawing electoral boundaries. Mr. Speaker, it is these very

kinds of decisions, those decisions that serve directly the interests of the people elected here, that the public of this province, of this whole land object so strenuously to. We have people crying out across this land for politicians to step away from self-interest, from positions of conflict of interest. This very motion ensures that people – politicians, elected members of this Legislature – will be placed in positions that constitute conflict of interest if they are to draw these boundaries.

I would take note of section (2), as the Member for Edmonton-Whitemud has. What a strategy to try to pit the opposition members against each other. It has failed because as opposition members we know that this motion is wrong; it is inherently wrong.

So I would suggest that this motion must be defeated and that the government bring forward legislation that will instill electoral fairness in this province.

Thank you. [interjections]

MR. SPEAKER: Order please.  
Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Speaker. I don't think there's much chance probably to change their minds over there, although a lot of the back bench looks like they've had their woollies on and their Ovaltine, and they might be lulled into a sense of false security, but I'm not sure. I need to try it anyhow.

A couple of things are, I think, worth their considering because they're going to have to go out and defend this over the next year or two; there's no question. Solomon himself wouldn't be able to defend all the boundary changes that occur, and they want to take it all on their backs, so well it will be. If they research their records, it's been years since government MLAs dominated a committee to set up boundaries. There have been more government MLAs on committees than there have been opposition, but that was tempered by the fact that there were also many members at large on the committee. So those who argue that in the past the government has been left the task of deciding boundaries are not speaking with the full truth behind them, because the government were always a minority to a combination of opposition MLAs and those outside the Legislature who were on the committee. So this is really a retrograde step. I think we have to go back to the '20s when MLAs and MPs were deciding their own boundaries.

Of course, this is what's intriguing, Mr. Speaker, and I'm sure it will become quite an issue in the year to come during an election: this government feels that the MLAs should not only set their own salaries, set their own expense accounts, set their own per diems, but now they want to set their own boundaries with the same proportion as there are MLAs in the House, which means that the MLAs, of course, on the government side would dominate all the decision-making.

Now, I don't really think that they're going to be able to save themselves from whatever the result of the election is by the drawing of the boundaries, and if they want to take it on themselves, I must admit that I greet it with a mixed reaction. One is that I think they have an unholy amount of gall and a great deal of what you would call overconfidence in what they think the public will let them get away with to go ahead and want to do it. If I were them, I wouldn't want to do it.

The next thing they argue is that the judge will be looking at the final result. Well, there's a bit of a red herring here. I'm sorry; it should really be a blue and orange herring. They're much more rotten than a red herring. The blue and orange herring that they're willing to pull across the path here is that the judge will look at it. Well, the judge will only be looking at something that's grossly

out in numbers; he will not be looking at the boundary. The judge is not going to care whether it's long and thin or, as the Member for Barrhead would like to do, will curl around and just pick off some of the Tory polls on the edge of Westlock-Sturgeon. That's not what the judge will look at. As a matter of fact, who knows? The Member for Barrhead and myself might well agree on the boundaries. I think we do.

**10:10**

The fact of the matter is that the judge will not be looking at the boundary lines. He or she will only be looking at the totals. Consequently, it's a bit of a blue and orange herring to say that the judge will be checking things, because all he'll be checking are the total numbers involved. The Member for Lethbridge-East might well want to extend it, snaking all the way up to High River along the edge of the Little Bow constituency, in order to preserve it. The judge wouldn't stop that. The judge would only stop it if there are too few or too many in the constituency. He's not going to draw the line.

Consequently, Mr. Speaker, in speaking against this motion, I would ask them to reconsider. I'm a bit torn because really I'm not so sure I want to be a member of the committee anyhow now that they're willing to take on the whole works and say to heck with the opposition. What use would the opposition be in a committee like this that's dominated by government members anyhow? I think the public themselves will pass judgment on what they think of a government that not only sets their own salaries, sets the loans, keeps the public in the dark as far as loans and grants that are put out, and as a final insult keeps the public in the dark as to what kinds of boundaries they draw for their constituencies.

MR. SPEAKER: Thank you.  
Edmonton-Calder.

MS MJOLSNESS: Thank you, Mr. Speaker. I'm just going to repeat what others have said in this debate on Motion 24, that this motion is a sham. We were listening to the Premier talk this afternoon about all the steps we've been through in the province, all the work that's been done, the public hearings, all the money that's been spent, and still we have no consensus. Now, in the government's wisdom they're going to appoint a bunch of government MLAs to fix the whole problem.

AN HON. MEMBER: You're invited.

MS MJOLSNESS: Well, they could use our help, Mr. Speaker, but we realize that this whole process is flawed.

AN HON. MEMBER: Tainted.

MS MJOLSNESS: Tainted, flawed: it's a sham, Mr. Speaker.

We had the Premier stand up today and say that the government MLAs will be able to fix the problem. I couldn't help thinking at the time the Premier made the statements that if he thought the MLAs could fix the problem . . .

MR. SPEAKER: Order please. Could we have the consultation outside the House, please, hon. member?

MS MJOLSNESS: . . . then why did we go to all the expense and trouble of setting up a commission in the first place?

Mr. Speaker, we know that the process is flawed, that it's not going to work. The Premier denies that this is a conflict of



interest. It's very clear to me that it's a conflict of interest when you have MLAs drawing their own boundaries. I don't think anyone in this Assembly disputes the fact that we need to redraw the boundaries. I mean, that's a given. But it's got to be a nonpartisan process that we go through.

The whole process is fraught with problems. We've had problems since the beginning. There was no updated data to be used by the commission. That was a problem. The legislation is too restrictive. Unless we change the legislation, we're not going to get any better results this time around, especially if the committee tries to do its job as outlined in Motion 24. Mr. Speaker, the goals we're trying to achieve are equality and fairness, and they cannot be achieved by this process that the government is setting out to do. We have to oppose Motion 24. It's not going to work. How much more money are we going to spend on this? How much more time? I don't know of any other people that are convinced it's going to work other than the government members. I believe, Mr. Speaker, that deep down they know it's not going to work, because the legislation needs to be changed. Till that happens, this is just a waste.

MR. SPEAKER: Thank you.

Additional? Edmonton-Highlands.

MS BARRETT: Mr. Speaker, I think that in opposing this motion, it's probably worth while filling in some historical details for the record.

Mr. Speaker, the Official Opposition had asked in a meeting with the Deputy Government House Leader that a motion like this not proceed but rather that the matter be given over to either a committee comprised of equal numbers of MLAs plus the Chief Electoral Officer plus a judge plus some other people that we suggested. We thought that if we have to have MLAs on, we want to make sure that they're of equal numbers of opposition and government; in other words, if there were going to be two government, there'd be two opposition. Those MLAs would be outnumbered by other people on the committee.

We said that what we need to do is tell this committee to redraft the legislation first, operate on the assumption that the legislation changes that they'd be recommending would be adopted, and then commence redrawing boundaries on that basis. We asked that a few principles be adhered to, they being primarily voter equality where possible and, where not possible, a maximum of 25 percent plus or minus off the mean average as an extreme. We asked that the committee be told to keep the issue of equality and fairness in mind and Charter decisions, which call for approximate voter equality where possible. Finally, we asked that there be 83 seats in the new map, just as there are right now, and that the 1991 census data be made available to this committee. All we got, Mr. Speaker, is 1991 census data being made available in this motion.

I remind members of this Assembly that a judge quit this monkey business because he came to a committee of this Assembly and asked for money so he could get more modern data than the 1986 census data, which was included in the motion and included in the legislation, and he was told, for very political reasons, no. He said: I am a man of integrity; I cannot do a job where my integrity is being compromised. And he quit. Not only that, I remind you, Mr. Speaker, but it was some six weeks later that the Premier of this province finally had the guts to tell the public that the chairman of the commission had quit. What audacity. Six weeks of secrecy. You would think the Premier, the chairman of Executive Council, would know better than to try to fool members of the Assembly but worse yet show such utter

contempt for the people of Alberta – the most despicable act I've ever seen from a Premier in the history of this province.

AN HON. MEMBER: But, Pam, you knew the same day.

MS BARRETT: Pardon me? I knew the same day that he quit? I did not. I did not know. The Minister of Public Works, Supply and Services is suggesting I knew on the day that Charlie Virtue left that job that he had quit. I had no knowledge until the Premier made it clear . . . [interjections] I'm filling in a little history about why the Official Opposition opposes this motion so adamantly. I want members of the government who may not have been . . .

#### Speaker's Ruling Parliamentary Language

MR. SPEAKER: Order please, hon. member, for just a moment. Part of the cry of concern is that the judge really should have been referred to as the hon. Mr. Virtue.

MS BARRETT: Sorry.

MR. SPEAKER: Thank you. Carry on.

MS BARRETT: It may be a *Beauchesne* reference that I should have referred to him as the honourable, but in fact when I met him, he said, "No; call me Charlie," so I called him Charlie.

#### Debate Continued

MS BARRETT: Anyway, the point is that a judge said his integrity was being compromised and he left that job. Another judge was appointed several weeks later, and what do you think the result was, Mr. Speaker? Five separate reports, and the reason is because the legislation is too directive and not only that but in its directions offers contradictory advice. How on earth can this Assembly, or at least the majority of the members in this Assembly, believe that the problem will now be rectified by this committee? It cannot be.

Let me refer you to section (4) of the motion, which says:

The select special committee may make long-term recommendations with respect to the process of determining electoral boundaries, including the establishment of commissions,

et cetera, et cetera. It doesn't even say, "may look at the legislation and make recommendations for changes thereon."

10:20

MR. SPEAKER: Order please, in the far reaches of the room. Thank you.

Carry on, Edmonton-Highlands.

MS BARRETT: That's okay.

That's what's the matter with this motion, Mr. Speaker. It solves nothing. Not only that, it puts MLAs in an inherent conflict of interest. Do you know that if the government had agreed to some of the requests sponsored by the Official Opposition, we would do our usual thing. We would sponsor a couple of amendments, they would probably get defeated, and we'd say, "Okay; we tried," and we'd go along. The problem with this motion is that it indicates absolutely no flexibility. It indicates no sense of compromise. It indicates nothing but power by the majority for the purposes of power for the majority.

The Official Opposition New Democrats are unanimous in opposing this motion and at this late hour urge the government to please reconsider and drop the motion. The offer I made through

the assistant to the Government House Leader this morning on behalf of the Official Opposition New Democrat caucus is still open: if you'll drop the motion, we'd like to go back into negotiations to find a better way to deal with this problem. One and a half million dollars has already been spent on a process that resulted in a hung jury. Surely the government can invest a few months, the summer months, to negotiate some sort of process that could lead to a satisfactory, maybe not satisfactory in every detail, conclusion to a mess. I offer this in the most nonpartisan spirit possible, Mr. Speaker, and ask the government House leaders to actually adjourn debate on this motion. That would be the very best thing of all. Adjourn debate, we'll adjourn the House, we'll have the summer to fix the problem, and I'm sure we can get all-party agreement.

Thank you.

MR. SPEAKER: The Chair interprets that there was not a move to adjourn debate.

West Yellowhead.

MR. DOYLE: Mr. Speaker, I have the right to speak: is that correct?

MR. SPEAKER: Have you already spoken?

MR. DOYLE: No, I haven't.

MR. SPEAKER: No, not that I'm aware, so West Yellowhead.

MR. DOYLE: Mr. Speaker, I stand in support of the Acting Leader of the Official Opposition that this motion should be withdrawn from the Order Paper and withdrawn from the Legislature. I think most members of the Legislature know the history of this particular motion and how we got to this point with the traveling MLAs throughout the province. I had the opportunity in Hinton to sit and listen to the people while they were there at the invitation of a government member, and I appreciate that. The people speaking to the committee of MLAs that went around were very adamant that they had some very tough decisions to make, and they didn't have a real idea as to how to do it. They probably weren't as insistent as the Member for Dunvegan just said to us a few minutes ago, that it would take him 10 years to figure it out. Well, I hope the rest of the MLAs who are now supposedly sitting on this committee would not take 10 years, because the people of Alberta want to see this settled before 10 years, hon. Member for Dunvegan. So it'll be long after your time here, I'm sure.

MR. SPEAKER: Through the Chair, hon. member.

MR. DOYLE: Mr. Speaker, I'm sure the Member for Dunvegan will not be here in the Legislature in 10 years.

Mr. Speaker, I would also say that there's been a lot of money spent already with virtually no results. Had we spent that \$1.5 million perhaps on an accurate census, we could have a better idea of where the boundaries should be drawn, how many people are in each community, each municipality, each improvement district, each county, and other special areas. I'm sure that the people I've heard as I've traveled throughout the province of Alberta are almost laughing with sadness at the amount of money spent by the last commission that went around the province and came back with five different reports. It was really a silly situation when you spent well over \$800,000 and would not allow the committee

to have enough money to do a census so that we could accurately address the situation of representation by population so we really know whether we have 25 percent one way or the other.

Mr. Speaker, I can't see how you could possibly draw the boundaries in this province until you have a census done. You have to have an up-to-date census. I know that in my constituency some of the populations have gone up in some communities. The town of Hinton is approaching 10,000. When the census was done in '86, it was somewhere around 8,000. The town of Edson has come down somewhat with layoffs in the mines. Grande Cache, in fact, at one time had over 1,200 miners, and now they're down to 505, and they were less than that. The population has shifted in the whole province. Fort McMurray I know has shifted a lot. In fact, Athabasca probably has more people around the lakes than they have in the town now. Things have changed throughout the province, so we have to have an accurate census done before we can actually decide where the boundaries should be. I understand that the rural politicians have a great mass of land to cover. I well know that my riding, being the fourth largest and most westerly in the province, is in fact a large area to cover with perhaps a smaller population than some of the city ridings. Some of those things have to be taken into consideration.

I would hope, Mr. Speaker, that before this committee goes anywhere or this motion goes through, it would be withdrawn from the Order Paper, a proper census be done, and some other plan be put forward so other people can decide how it should go.

Mr. Speaker, with that, I would like to move adjournment of debate on this motion.

MR. SPEAKER: A request to adjourn debate. Those in favour of the motion, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: The matter fails.

Additional speakers? Thank you.

Deputy Government House Leader, Minister of Consumer and Corporate Affairs.

MR. ANDERSON: Mr. Speaker, I'd just like to make a few comments in closing debate on . . .

MR. SPEAKER: Excuse me, hon. member. I need to declare that this would indeed be closing of debate on Motion 24.

HON. MEMBERS: Agreed.

MR. SPEAKER: Thank you.

Minister.

MR. ANDERSON: Thank you, Mr. Speaker. A number of members have addressed points which have been argued in the past. The primary point raised by members opposite this evening has been that members of the Legislature should not be involved in drawing their own boundaries and therefore a conflict of interest exists in that regard. We could use that argument with almost everything we do. The people of the province have elected people of this Assembly to represent them, represent them not just in the easy decisions but also in the very difficult decisions. In the final analysis, every Assembly determines its boundaries, and

every Assembly determines its salary, and every Assembly determines its benefits. Many of us often wish that could be otherwise, but it is a duty that we've been elected to carry out and one that we must.

This motion is not the first choice of the government. It is, in fact, the last. This government would have much preferred that the commission that was appointed, five people in this province at arm's length from the government, indeed drew those boundaries and presented us with a unanimous report which could now be reflected in legislation and debated in this Assembly. That did not happen. Nonetheless, the results of that commission's work – the public hearings, the base information, the suggestions that were made in terms of changes – can be taken into account by the Assembly of this Legislature, which has the responsibility to draw boundaries for the next election.

I am sorely tempted to take the recommendation of the Member for Edmonton-Highlands and have the motion sit over the summer, negotiate further on a kind of committee or commission or person that might be acceptable after we have appointed a select committee, after we have had a commission, and now that we sit in this spot. But that would not be doing service to the people of the province. Clearly, there must be time to draw those boundaries and to develop what comes of that: a Bill for the Legislature, a new system for the election that will be held when it's next called. Mr. Speaker, that does take time.

#### 10:30

The hon. member for someplace in Edmonton earlier said: let's draw those boundaries on the basis of the new statistics, not the old ones that were established by the committee previously. Well, we agree with that. That's in the report. In fact, the committee itself, including opposition members, supported that '86 census when it was originally established; appropriately, because there was no other available. Still we have a difficulty with that census. I'm advised that it will take some time before the urban census figures are completed in Calgary and Edmonton, so we are facing a time crunch in terms of determining what boundaries we run the next election on.

In terms of the motion itself, the hon. Member for Edmonton-Whitemud and other hon. members pointed to section (2) of the motion, indicating that there was some sort of shenanigans or attempt to squeeze opposition parties. The government in that motion was only attempting to provide for appropriate representation should one of the parties choose not to be involved. I might say, Mr. Speaker, that in terms of the motion overall, it is designed with flexibility. That was alluded to by hon. members

opposite, and it in fact does include every item that was in the letter, at least in intent, from the leaders of the opposition parties in their request to the Premier, except for the composition of the committee itself. It does include that flexibility. The legislation established for the Electoral Boundaries Commission is not going to be something that this committee has to stick by word for word. It can in fact take the advice of the commission in some of the changes it suggested. It can take the advice of members opposite or people in the public and the various responses that they made both to the select committee and to the commission.

Mr. Speaker, I say once again that this was not the first choice. We would have much preferred that the independent commission had been successful. We now must do our duty. We must carry out our responsibility. We must draw those boundaries. I would underline, though, in closing debate on this particular motion, that the door is left wide open for both the opposition parties to be involved with this committee. The motion states that until its first official meeting, those parties may appoint members to this committee, and it is my hope that they will reconsider and realize that in the best interests of the democracy they speak so well of and in the best interests of the province of Alberta, their involvement would assist in drawing those boundaries for the coming election.

One final point. Once those boundaries come about as a result of deliberations from this committee, with or without opposition membership, it will come to this Assembly to be fully debated in terms of a Bill that every member of this Assembly will have an opportunity to debate. In addition, we have indicated our willingness and our commitment to put the Bill before the judicial system of the province, a judge of the province, to make sure that there has not been any vested self-interest in the drawing of the boundaries but that the committee has lived up to its requirements, its responsibilities, its duties.

Mr. Speaker, with those final words I underline once again a welcome to members opposite to become involved. I hope sincerely that they will, and I look forward to the results of this committee in the fall.

[Motion carried]

MR. GOGO: Mr. Speaker, I move that the Assembly do now adjourn pursuant to Government Motion 25 passed by this Assembly on June 29.

[The Assembly adjourned at 10:35 p.m.]

