

## Legislative Assembly of Alberta

Title: **Monday, March 7, 1994**

1:30 p.m.

Date: 94/03/07

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

Dear God, author of all wisdom, knowledge, and understanding, we ask Thy guidance in order that truth and justice may prevail in all our judgments.

Amen.

head: **Presenting Petitions**

MR. SPEAKER: The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you very much, Mr. Speaker. I would beg your leave to introduce a petition signed by 149 individuals from across Alberta, primarily in northern Alberta and Edmonton. This petition begs the government of Alberta to stop its assault on Catholic education in our province.

MR. SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I would like to table a petition with 2,483 signatures, signed by residents and parents of students at St. Bede elementary school located in the constituency of Calgary-Nose Creek. They're expressing concerns in the petition about the proposed government restructuring to education.

MR. SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I beg your leave to table on behalf of 479 constituents a petition that states:

Whereas the economic realities of Alberta dictate that government spend money wisely, the possible cuts in the special needs program would not be an area considered by the undersigned to be acceptable.

The insecurity created by the unknown is also unacceptable.

DR. NICOL: Mr. Speaker, I'd like to table a petition from 353 people in Lethbridge-East requesting that the government continue their support of community schools.

MR. SPEAKER: The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Speaker. I beg leave to introduce a petition from 74 of my residents from the proud communities of Ogden, Lynnwood, and Riverbend urging the government to continue to support community school concepts.

Thank you.

head: **Reading and Receiving Petitions**

MR. SPEAKER: The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you again, Mr. Speaker. I would ask that the petition I tabled regarding the reduction of ECS funding on February 24 be now read and received.

CLERK:

We, the undersigned residents of Alberta petition the Legislative Assembly to urge the government of Alberta to:

Maintain the current Early Childhood Services program and continue providing the necessary assistance to children with special needs.

Further, the undersigned also request the Legislative Assembly to urge the Government of Alberta to recognize the vital importance of these programs by amending the School Act to guarantee Early Childhood Services for all children and early intervention and inclusion (integration) with the appropriate support services for all children with special needs.

MR. SPEAKER: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. I'd ask that the petition I presented on February 24 in support of keeping the Grey Nuns hospital open as an active care hospital be read and received.

CLERK:

We the undersigned petition the Legislative Assembly of Alberta to urge the Government to maintain the Grey Nuns Hospital in Mill Woods as a Full-Service, Active Hospital and continue to serve the south-east end of Edmonton and surrounding area.

head: **Notices of Motions**

MR. SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Thank you very much, Mr. Speaker. I'd like to give notice that following question period today I will seek unanimous consent from this Assembly to pass on congratulations to Cary Mullen, a constituent of mine who performed a gold medal winning performance in the men's World Cup downhill this past weekend at Aspen, Colorado.

head: **Tabling Returns and Reports**

MR. SPEAKER: The hon. Minister of Environmental Protection.

MR. EVANS: Thank you very much, Mr. Speaker. I'm pleased today to table four copies of the 22nd annual report of the Environment Council of Alberta for the year ended March 31, 1993. In keeping with the mandate of the Environment Council to develop strategies for a sustainable future, I am also tabling four copies of the same report on computer diskette. This is an environmentally sensitive way to prepare these kinds of reports. These will be available in libraries around this province and can be returned to the council for next year's annual report.

MR. SPEAKER: Hon. members, pursuant to Standing Order 109 I am pleased to table with the Assembly the sixth annual report of the Legislative Assembly Office for the calendar year ended December 31, 1993. This report includes the annual report of *Alberta Hansard*. A copy of the report is being distributed to all members.

head: **Introduction of Guests**

MR. SPEAKER: The hon. Minister of Family and Social Services.

MR. CARDINAL: Thank you, Mr. Speaker. It gives me pleasure today to introduce to you and through you to the Assembly two elders from the Whitefish reserve in Saskatchewan. Their names are Juliette and Francis McAdam, and they are accompanied by their friends Joyce Laprise and Les Block from Edmonton. I would like them to rise and receive the traditional warm welcome from this Assembly.

MR. SPEAKER: The hon. Leader of the Opposition.

MR. DECORE: Thank you, sir. I'd like to introduce at this time 29 students from Mee-Yah-Noh school, a school in my constituency. Mr. Speaker, they're in the members' gallery along with four adults that are accompanying them: their teacher Mrs. Hall and adult helpers Mrs. Mikkelson, Mrs. Gallinger, and Mrs. Carlisle. I'd ask the students to stand to receive the warm welcome of this Assembly.

Thank you, sir.

MR. SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. If I may, three introductions to you today. I would like to introduce 56 grade 6 students from the Strathcona Christian Academy in the constituency of Sherwood Park along with teachers Mrs. Geraldine Seutter and Mr. Jim Gerwing, parent Mrs. Shannon Stuparek, and helper Mr. Stu Reimer. They're seated in the public gallery, and I'd ask that they rise and receive the warm welcome of the Assembly.

Also, Mr. Speaker, I have in the public gallery today one of my constituency workers: Susan McManus. Joining her is a constituent of mine: Mrs. Wilda Yuill. Wilda tells me that she has an adult son who will be very soon traveling to Bosnia. I'd ask that they also stand and receive the warm welcome of the Assembly.

MRS. ABDURAHMAN: Mr. Speaker, I'm very pleased to introduce to you and to the Assembly Mr. Cecil Ross, who is serving a student placement in the Clover Bar-Fort Saskatchewan constituency office. I'd ask Mr. Ross to rise and receive the warm welcome of this House.

DR. NICOL: Mr. Speaker, I'd like to introduce to you and through you to the House Jane Schultchen. She's a member of the Lethbridge-East constituency. She serves on numerous boards in Lethbridge and is visiting Edmonton for the day. I'd ask Jane to rise and receive the warm welcome of the House, please.

MR. SPEAKER: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Speaker. I would like to introduce to you and through you to the Members of the Legislative Assembly a longtime friend of this government and a very good friend of mine the former MLA for the Lacombe constituency, Mr. Ron Moore. Mr. Moore is seated in the members' gallery. I would ask him to rise and receive the warm welcome of the Assembly.

head: **Oral Question Period**

1:40 **Senior Citizens' Programs**

MR. DECORE: Mr. Speaker, last week the Klein government told us that seniors earning \$17,000 would get full seniors' benefits. This week we know the truth. Single seniors will start losing benefits at just \$10,400. Mr. Premier, why are you taking money away from seniors earning \$10,400 when the poverty line in Edmonton and Calgary is \$15,500?

MR. KLEIN: Mr. Speaker, that simply is not correct. It is not correct. Basically, what is happening is that we have set some benchmarks. They are proposals. We are now going out to the seniors communities throughout Alberta to consult with the seniors. Basically we are saying, "Lookit; here are some benchmarks." And it's not \$10,500, whatever. They are

reasonable benchmarks or what we think are reasonable. We're saying to the seniors, "If you think as seniors that they are not reasonable, then tell us, participate with us and work with us." We are not inflexible on these benchmarks. We are saying to the seniors, "You work with us, and you tell us what is fair."

MR. DECORE: Well, Mr. Speaker, I would ask the Premier to do a little homework on this one, because it is \$10,400. This is serious business because this is below the poverty line. Will you undertake, Mr. Premier, today to look at that threshold of \$10,400, at which you start to chip away at seniors? Will you look at that and report back to the House on that?

MR. KLEIN: Mr. Speaker, I would be very, very happy to do that and to report back to the House on what the hon. leader of the Liberal Party says is the threshold. I'm saying that is not the threshold. There are some guidelines out there. Those guidelines have been published. And we're saying to the seniors: "Are these right? Are these fair? If they are not fair, then tell us and work with us to develop something that is fair."

MR. DECORE: Mr. Speaker, the Premier has heard a lot from seniors already about thresholds. It isn't fair. Your threshold isn't fair. Will the Premier tell Albertans exactly what a fair threshold is? He's had time to look at this matter.

MR. KLEIN: Mr. Speaker, again the hon. member misses the point. It's not me telling the seniors what is fair. It is not me. We have put out there some figures, some thoughts, some ideas. The minister and my government colleagues are now going throughout the province, and they're saying: "Okay; this is a proposal. Is it fair? You seniors tell us, because our preliminary investigations, as outlined in the Bowker report, say that there are certain things that seniors are willing to do." We developed a scenario. We're taking that scenario out now to the seniors, and we're saying to the seniors: "Now, you tell us. Are we on the right track? Is it fair? If it's not fair, then tell us and work with us as to how those thresholds and those guidelines can be adjusted."

MR. DECORE: It doesn't matter what seniors tell you. You do whatever you want anyway, Mr. Premier.

Mr. Speaker, the Premier made some promises to seniors in his election brochure. He said and he reiterated that there was a sacred contract between him, the Conservative government, and seniors, that he wouldn't allow benefits to be lost to seniors. Mr. Premier, seniors who rent and who earn just \$17,000 will face a \$1,300 hit. That's an age tax, Mr. Premier, an age tax of \$3.65 a day. Why an age tax on seniors, Mr. Premier?

MR. KLEIN: Mr. Speaker, many seniors have indicated to us that they would like to contribute, that they would like to pay a share of the costs of the services that are provided to them. This came through loud and clear in the Bowker report where seniors were totally involved and their representative organizations were totally involved in bringing about these recommendations. Basically, we are now taking some thoughts, some ideas, some scenarios, some proposals out to the seniors, and we are asking the seniors. We're asking the seniors, certainly not the Liberals but the seniors. But we'll ask some Liberal seniors like Nick. Nick can participate with us if he wants. I mean, the hon. member. What we're saying is: "Are these scenarios fair? If they aren't fair, then work with us, and let's develop something that's fair."

MR. DECORE: Mr. Speaker, no senior in Alberta told the Premier to levy a 61 percent tax on the amount of money from \$17,000 to \$18,000. Nobody said that. So be honest with the seniors, Mr. Premier, be honest with them. Mr. Premier, I'd like you to tell Albertans that you're prepared to meet with seniors – they're meeting at Red Deer now – and tell them that you're going to reconsider the age tax against them.

MR. KLEIN: Mr. Speaker, we have been meeting with seniors. The minister has been out meeting with seniors. The chairman of the seniors council has been out meeting with seniors. I understand that the hon. chairman of the seniors council was in touch with, I believe, Mr. Reimer today, and perhaps she would like to supplement my answer.

MR. SPEAKER: The hon. Member for Calgary-Currie.

MRS. BURGNER: Thank you, Mr. Speaker. I would like to clarify for this House that the document that has been sent to seniors, the Alberta Seniors Benefit, which is the new program, clearly identifies a target of \$17,000 for a single senior prior to them paying any portion of health care benefits. I think it's critical in this House that we put the facts on the table. We are in a consultation process, which includes a number of the stakeholders, the interagencies, to bring them up to speed with the facts. The facts are that we have set a framework and targets, and we are taking those to seniors. The fear mongering that's going on identifying inappropriate information is totally inappropriate. Seventeen thousand dollars, sir, is the document, and I'd be happy to table it in this House.

MR. DECORE: Mr. Speaker, seniors like stability. They must have stability. They must have stability. Now, if there's flexibility, Mr. Premier, I'd like to know where this flexibility is. What's the amount, the start and the end of this flexibility? Tell seniors so at least they know what to think and how to respond to you and how to deal with you.

MR. KLEIN: Well, perhaps the hon. leader of the Liberal Party would like to participate in some of the meetings that are taking place throughout the province and for a change be constructive and participate and work with the seniors to determine what is fair. As I said, we have put out there some scenarios, some guidelines, some proposals. Now we're going out, and we're consulting with the seniors, and understanding that many seniors want to pay a fair share of the costs of providing their services, we're saying: "Lookit; is what we have put before you fair? If it's not, then tell us in your mind what is fair for you?"

MR. SPEAKER: The hon. Member for Edmonton-Meadowlark.

### **Women in the Work Force**

MS LEIBOVICI: Thank you, Mr. Speaker. This government's record on improving employment opportunities for women leaves us with very little to celebrate as we approach International Women's Day. The government created job losses in education, health care, and the public service: all areas where the majority of workers are women. On every front this government is attacking Alberta women. My questions are to the Premier. Is it part of your back-to-basics plan, Mr. Premier, to chase women out of the paid work force and into the unpaid voluntary sector?

1:50

MR. KLEIN: First of all, Mr. Speaker, there is no attack on Alberta women. There is no attack on Alberta. There is an

attack on the deficit, and there is a desire to bring about in this province a province that will be free of a deficit, will have an orderly schedule for the paydown of the debt, and will be the most competitive province in this country. As of last month there were 558,000 women in the Alberta work force. That's up over 8,000 from January of 1993. About 70 percent of these people are full-time. Seventy percent of these women are full-time workers. In this province women make up 45.3 percent of the total work force. They were down almost two full percentage points.

MS LEIBOVICI: Have you ever heard of the effect of the atomic bomb? It had fallout too.

MR. SPEAKER: Order please. [interjections] Order please. Order please. The hon. member's question and preamble tend to be slightly argumentative. They certainly aren't going to go into the supplementals that way.

MS LEIBOVICI: What is the Premier's strategy to address the growing rate of unemployment for women as well as the increasing number of women forced to take part-time jobs?

MR. KLEIN: I reiterate, Mr. Premier, 70 percent – or Mr. Speaker. I'm sorry.

AN HON. MEMBER: You're talking to yourself, Ralph.

MR. KLEIN: Well, better to talk to myself, Mr. Speaker, because that way I get all the right answers; believe me. And I ask the right questions.

Mr. Speaker, I have to reiterate: 70 percent of women in the work force are full-time employees.

MS LEIBOVICI: Mr. Speaker, we'd like to know if the Premier has given his ministers any special instructions to deal with the steady increase in the unemployment rate among young women aged 18 to 24. Maybe that's in your stats.

MR. KLEIN: Mr. Speaker, within the economic plan the opportunities are there for both men and women to share equally in the economic growth and prosperity of this province, the economic growth and prosperity that the Liberal opposition certainly does not want to see occur because they know that when it happens in fiscal 1996-1997, they're going to have a big, big problem.

MR. SPEAKER: The hon. Minister of Labour wishes to augment the Premier.

MR. DAY: Just supplementary to that to indicate the focus that the government of Alberta does have in terms of opportunities for women. It will be noted statistically. In 1983 in the government work force about 11 percent of the work force was management positions. It has now moved close to 20 percent, almost doubling in 10 years, Mr. Speaker.

MR. SPEAKER: The hon. Member for Little Bow.

### **Municipal Infrastructure Program**

MR. McFARLAND: Thank you, Mr. Speaker. My question today is to the Deputy Premier, the minister responsible for Economic Development and Tourism. On Thursday of last week the city of Edmonton was reported in the media as doubting the province's commitment to the federal/provincial infrastructure

program. Would the minister clarify for residents of Edmonton what provincial funds are available to meet the terms of this agreement?

MR. KOWALSKI: Mr. Speaker, as has been pointed out publicly in the past, the city of Edmonton is eligible for nearly \$42 million under the Canada/Alberta infrastructure program. I might add that I think the comments the hon. gentlemen is talking about came not from the city council of Edmonton but people in their public service, because the city of Edmonton has certainly conveyed to me their appreciation for the involvement of the province with respect to this. In fact, one of the aldermen in the city of Edmonton is also the president of the Federation of Canadian Municipalities: Alderman Ron Hayter. The last time I had a discussion with him, he was really pleased with the involvement, as have other aldermen from the city of Edmonton said the same thing as well.

I would point out as well that Alberta's the only province in Canada that has on the joint management committee on a provincewide basis not only representatives from the federal government and the provincial government, but we also have a municipal government representative on the steering committee. We're rather unique in that regard.

MR. SPEAKER: Supplemental question.

MR. McFARLAND: Thank you, Mr. Speaker. Under the federal/provincial infrastructure program would the city of Calgary qualify for program funding for a facility enhancement project, i.e. the Saddledome?

MR. KOWALSKI: Well, in the terms of reference that have been put out, Mr. Speaker, the program will be administered on this basis. First of all, each municipality in the province of Alberta will determine their list of eligible projects. Every municipality will be doing that. The city of Calgary is no different than any other. They will be meeting sometime very, very shortly to pass a resolution of their council identifying what projects it is that the city of Calgary wants to address.

Secondly, it should be pointed out that this program is being driven by the local municipality. They have to put up the first one-third of the cost of a particular project, and when they have determined that and passed a motion of their council and then forwarded it to us, then we'll be in a position to respond to their list.

In no cases will there will be dollars expended beyond the per capita allocation for any particular municipality. If the city of Calgary owns the Saddledome, well, then they should feel free to put this on their list, but their council will have to determine what the list is.

MR. SPEAKER: Final supplemental.

MR. McFARLAND: Thank you, Mr. Speaker. Is this program being funded provincially at the expense of existing transportation or other programs?

MR. KOWALSKI: It most certainly is not, Mr. Speaker. We made that very clear when this Assembly debated the dollars allocated for this particular program and approved the expenditure of \$40 million for the 1993-94 fiscal year. We'll be allocating additional dollars in the fiscal year 1994-95. These are not replacement projects. These are projects that in essence would be additional to any that have been programmed by a particular municipality at this point in time.

Now, there'll always be the subjective analysis that if you haven't started something, does that mean you were planning it or not planning it? We have to define on the basis that if it hasn't started, then in essence it's a new project. We'll never know at the provincial level whether or not they anticipate building it in August or in July or in October of next year.

MR. SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

#### Advisory Council on Women's Issues

MRS. SOETAERT: Thank you, Mr. Speaker. The attack on women continues with the news . . . [interjections] It does. They may laugh, but it's not funny to women. This attack continues with the news that the government has pulled the plug on one of the most respected councils in the province, the women's advisory council. This council has produced studies on the analysis of social assistance programs, maintenance enforcement, and employment equity. This council has played a vital role in keeping this government informed on the issues affecting women. My questions are to the Premier. Why didn't you tell the truth last session when your minister responsible for women's issues . . .

MR. SPEAKER: Order. Order.

MRS. SOETAERT: All right; I'll rephrase that.

MR. SPEAKER: Please do, or you won't have a chance.

MRS. SOETAERT: Weren't you aware that the council was going to be killed by 1996? Why didn't you tell us that that was going to happen? You implied that it wasn't.

MR. KLEIN: Mr. Speaker, these councils and many, many agencies are set up with sunset clauses. You know, the attitude of the Liberal opposition is to keep committees going and going and growing and growing and going and growing. Women's interests, as the interests of all Albertans, will be addressed. The minister has simply said that it was intended that this agency would see the end of its days by the end of 1996-1997. What he is saying is precisely what was set out when this council was first established, that like many, many things there is an end.

2:00

MRS. SOETAERT: How will you keep informed on the issues affecting Alberta women? Who will be advocating on behalf of the women and conducting the studies on the advisory council's work?

MR. KLEIN: If I were a woman, I'd be highly offended. What this hon. member is saying is that women are not capable of speaking for themselves. That's what she is saying. I think that that is totally and absolutely offensive.

MRS. SOETAERT: Come on out from under the dome.

Will you preserve this council? [interjections] Will you preserve this council past 1996?

MR. KLEIN: I'm sorry. What was the question?

MR. SPEAKER: Order please. The Chair had difficulty hearing the question, as well.

MRS. SOETAERT: I wasn't heckling.

Will you preserve this council past 1996?

MR. KLEIN: The minister has sent out a letter saying that the council will come to an end. I think it's entirely up to him. If there is an overwhelming, compelling reason to keep it, then perhaps there can be some reconsideration. Nothing is carved in stone, but it is the intent of the minister at this particular time to bring the council to an end. I'm sure that there will be all kinds of forums for women as well as men, as well as all Albertans to express their views on matters of public policy, Mr. Speaker.

MR. SPEAKER: The hon. Member for Olds-Didsbury.

#### Water Use Fees

MR. BRASSARD: Thank you, Mr. Speaker. I'd like to return to the issue of selling water. Constituents over the weekend expressed a great deal of concern with the commercialization of something that is so critical to our well-being. They told me that of all the natural resources we have here, they could get along without oil and gas and trees but they certainly couldn't get along without water. To the Minister of Environmental Protection: could the minister please identify why he feels that such charges are in the best interests of Albertans?

MR. SPEAKER: The hon. Minister of Environmental Protection.

MR. EVANS: Thank you, Mr. Speaker. It's a very good question by the hon. member. The whole purpose of reviewing this issue of a consumption charge for the use of water in this province is to try to promote conservation, number one; secondly, to provide a funding source for the environmental protection and enhancement fund that we are setting up under our provincial legislation. The reason for that fund is to provide for emergencies as they relate to our natural resources in this province.

What we hope to do through a three-year business plan – and never before have we had this kind of an opportunity, Mr. Speaker – is to identify new and potentially new initiatives, to give our staff and myself and my colleagues an opportunity to talk to Albertans about this concept and to get their input. We have not identified this for this coming year, certainly not. That would not be appropriate. We have identified it as a potential for the taxation year 1995-1996.

MR. SPEAKER: Supplemental question.

MR. BRASSARD: Yes, Mr. Speaker. Can the minister assure this Assembly that water charges to such organizations as Alberta Power and Trans-Alta Utilities and so on will not in turn result in higher charges for their services to Albertans?

MR. EVANS: I can't make that guarantee at all, Mr. Speaker. Of course, as the hon. member is aware, we have the Public Utilities Board, which determines the rates of return of our private utilities.

Now, on the one hand, the hon. member was talking about water licence fees. On the other, he's now brought into the picture the issues of hydro water fees. This is something that we are looking at as well, but just as with the licence fees, this is a consultative process. We are going to involve in the debate those who are involved in the industry. Decisions will be made as a result of those discussions.

MR. SPEAKER: Final supplemental.

MR. BRASSARD: Yes. Finally, Mr. Speaker, once we establish this very basic commodity as a salable resource, what assurances will be in place to prevent sales from occurring outside of Alberta?

MR. EVANS: Mr. Speaker, we are in a process now of reviewing the Water Resources Act, and I quite expect that we will have a legislative package available for this House for debate sometime in the near future, perhaps as early as the fall sitting of this Legislature, after a comprehensive review by Albertans. Clearly the Premier of this province has said and I have confirmed and others have confirmed as well that it is not the intention of this government to sell our natural resource, our water, outside of the boundaries of this country.

#### Women's Issues

MRS. ABDURAHMAN: Mr. Speaker, this government has declared war on women. The cuts to health care, education, and the public service affect women far more than men. As a result of this government's bullying, women are forced to choose between family responsibilities and low-paying jobs, when they can find them. My question is to the Premier. Why are you trying to balance your budget at the expense of women because of your fiscal mismanagement?

MR. KLEIN: Mr. Speaker, I just find this absolutely incredible: attack, war on women. I see a mighty fine woman sitting right here. She doesn't look like she's been attacked or brutalized in any way at all. I see one over there too. She looks perfectly healthy to me. There's one over there, and here's one here. Stand up. Stand up. I see fine looking, healthy women, strong women, hardworking women, intelligent women. I don't see women under attack.

MRS. ABDURAHMAN: Mr. Speaker, I find the Premier's treatment of women totally disrespectful.

To the Premier: what are you going to do for the women who lose their professional certification through no fault of their own, because they can't find jobs? Nurses, teachers, and I could go on and on. What are you going to do?

MR. KLEIN: Mr. Speaker, that is such a subjective question. What do you do in the case of males who are in the same situation? You provide in this province the opportunity for economic growth and prosperity. You provide the environment for the private sector to create the jobs and to get this province on the move. That's what you do. That question is totally subjective and leaves itself wide open for all kinds of arguments, none of which I'm about to get into today.

MRS. ABDURAHMAN: Mr. Speaker, pious words.

Again to the Premier: what are you going to do to ensure that there's adequate home care, community support services to meet the very real needs of women, their parents, and their children?

MR. KLEIN: Mr. Speaker, the restructuring that we are starting to go through now is basically to look at, first of all, the fundamental administration of all these services and how we direct more dollars more effectively to the people who need them the most.

MR. SPEAKER: The hon. Minister of Family and Social Services wishes to augment.

MR. CARDINAL: I'd like to supplement the hon. Premier's answer. Mr. Speaker, we're spending over \$500 million around the Edmonton area. What I'm curious about is that I hear today in the House that we're not providing support for women.

MR. SPEAKER: Order please. That sounds like a continuation of a debate rather than information being provided.

The hon. Minister of Health.

2:10

MRS. McCLELLAN: Mr. Speaker, I would just like to supplement very briefly as areas of health were involved in this line of questioning. I would want to ensure that the hon. member is aware that we have a work force adjustment strategy which is in my budget this year of some \$20 million to address the very real concerns of job training, of skills upgrading, and the opportunity for women and others in that field to move into the new areas, the new job opportunities, and to ensure that the training is there. As the hon. members know, we have shifted from acute care to community care, and there are many opportunities in that area for those very valuable workers if they have the opportunity to upgrade their skills.

MR. SPEAKER: The hon. Member for Calgary-Buffalo.

#### Corrections Facilities

MR. DICKSON: Thank you, Mr. Speaker. My question to the Premier: has this government decided to privatize a jail or jails within the next fiscal year?

MR. KLEIN: No, I don't think that decision has been made, but I'll ask the hon. Justice minister to supplement, Mr. Speaker.

MR. ROSTAD: Mr. Speaker, the short answer to the question is no, we do not have that proposal this fiscal year. But I will be very open: we are looking at a pilot project for – privatizing is one word. I'd rather use outsourcing because we have no intention . . . [interjections]

MR. SPEAKER: Order. [interjections] Order.

MR. ROSTAD: Mr. Speaker, there is a difference, unknown to the Liberal opposition. Privatizing connotes the selling of an institution. We have absolutely no intentions of selling a jail or giving up the parameters of how it's operated, but we would obviously look at new ways of administering it and delivering that particular service. While we develop the framework for this, they'll just have to wait.

MR. SPEAKER: Supplemental question.

MR. DICKSON: Thank you, Mr. Speaker. This time to the Minister of Justice: since the privatization means that an operator is looking to reduce costs, maximize profits, how would this make our communities safer?

MR. ROSTAD: Mr. Speaker, I guess there's a philosophical difference. I see nothing wrong with profit and operating anything to enhance your bottom line. I think the hon. member didn't hear the first part of the . . . [interjections]

MR. SPEAKER: Order. [interjections] Order.

MR. ROSTAD: I think the member heard the first answer. As I said, we will set out the parameters of how we want the

operation to operate, certain plateaus and measurements we want in the sense of prison care, education, recreation, et cetera, and from that framework will develop the program.

MR. SPEAKER: Final supplemental.

MR. DICKSON: Thank you, Mr. Speaker. My final supplementary, then, to the Minister of Justice: has this government solicited bids or proposals from private operators either in the United States or anywhere else to run jails in this province?

MR. ROSTAD: Mr. Speaker, I don't want to go back to my first answer again, but I guess I must. I said there that we are working towards building a framework, a measure of how this service will be delivered, and through that we will then go out and ask for proposals. If the hon. member through his experience with the John Howard Society or anyone else has some ideas on these parameters or what we should look forward to, I'd be more than welcome to take any of that information.

#### Film and Television Production

MR. SOHAL: Mr. Speaker, I understand that *North of 60*, the television series filmed near Bragg Creek, was nominated in six Gemini categories and won an award last night for best writing in a drama. My question to the Minister of Economic Development and Tourism is: what is the economic impact of this and other film productions in Alberta?

MR. KOWALSKI: Mr. Speaker, *North of 60* is being filmed in the province of Alberta. In fact, it was nominated for nine Geminis yesterday and did win one. The total amount of economic activity in the province of Alberta – I alluded to this the other day when the estimates of the Department of Economic Development and Tourism were brought before the House – is perhaps a bit more significant than most people in the province of Alberta would recognize. On an annual basis nearly \$50 million is invested in our province in the development of either television series programs, movies, and/or commercials for television and for radio. Our estimate is that the economic benefit to Alberta is about twice the amount of the \$50 million a year annually invested. The economic benefit to our province, throughout the whole province, Mr. Speaker, in many small communities, not only in the Rocky Mountain House area and the Rockies, perhaps totaled would be \$100 million.

MR. SOHAL: Mr. Speaker, could the minister explain the effects of this industry on employment in Alberta?

MR. KOWALSKI: Several of my colleagues just wanted me to point out that in fact when you make movies or television commercials, of course, both of the genders are involved, both men and women. There is rather significant employment opportunity in the province of Alberta. In fact, a number of the episodes that were filmed – we just carry this around because it's so important, with the Gemini awards last night, Mr. Speaker, and the fact that on Friday we put out a news release to this effect. I sincerely hope that all members of the Assembly would have had an opportunity to look at it.

*North of 60*, as an example, Mr. Speaker, had a crew and cast of some 310 people. *Destiny Ridge*, which is a production with a German company in Canada that does produce a television series that's shown in Europe, not shown in Canada, in fact had a cast

and crew of 145. We've had films like *Strange and Rich*, which had . . . [interjections]

MR. SPEAKER: Order. Maybe more appropriate for a Motion for a Return.

#### **Premier's Trip to Eastern Canada**

MR. GERMAIN: Today the Premier tells us that his war is not a war on women, it's a war on the deficit. Well, last week, Mr. Speaker, the Premier took the war plan to the eastern front. My question to the Premier today is: when you were traveling off to battle, did you fly economy or business class?

MR. KLEIN: Business class, Mr. Speaker.

MR. SPEAKER: Supplemental question.

MR. GERMAIN: Thank you, Mr. Speaker. Will the Premier share with the Legislative Assembly the cost of that three-day trip?

#### **Speaker's Ruling Questions of Detail**

MR. SPEAKER: Well, this type of information is really not subject to question period. [interjections] Order please, hon. members. The hon. Premier shouldn't be expected to bring that type of information into the House.

#### **Premier's Trip to Eastern Canada (continued)**

MR. GERMAIN: Thank you for that ruling, Mr. Speaker. Then will the Premier tell us who accompanied the Premier?

MR. KLEIN: From my staff, Mr. Love and Mr. Olsen.

MR. SAPERS: Was Peter there?

MR. KLEIN: Yes, but that should make no difference. [interjections] They paid their own way.

MR. DECORE: Who else, Ralph?

MR. KLEIN: The Chairman of the Economic Development Authority, but we didn't pay his way. Certain business leaders in the city of Edmonton and Calgary, and we didn't pay their way, so what difference does it make?

MR. DECORE: Who are they?

MR. KLEIN: Mr. Speaker, the hon. Leader of the Opposition, if he's conducting . . . [interjections] I just told you. [interjections]

MR. SPEAKER: Order please. [interjections] Order please. Questions should have some importance and urgency. [interjections] Order please.

The hon. Member for Cypress-Medicine Hat.

#### **Physicians' Services**

DR. L. TAYLOR: Thank you, Mr. Speaker. My questions are to the Minister of Health. It has been indicated publicly through an ADM that the government is considering capping the number of doctors in Alberta. Could you please explain, when there's a

global cap on physician fees, how limiting the number of doctors will save money?

MRS. McCLELLAN: Mr. Speaker, the discussion of numbers of physicians and physician resources is one that has been discussed nationally in fact by all ministers of health over the past two years. I believe the context of the discussion that the hon. member is referring to is that other provinces in Canada have indeed initiated limits on billing numbers or indeed capping the number of physicians that receive billing numbers, and other provinces are considering this. The Alberta Medical Association is very concerned about this. They're concerned about it in the view that Alberta graduates and Alberta students who are receiving their training in Alberta are not negatively affected by this decision from other provinces. However, it is clear that under the hard cap we have in Alberta, the numbers of physicians do not directly affect the global dollars that we pay for physician services, but this in no way minimizes the concern that we have in this province for the number of physicians who may come to this province.

2:20

MR. SPEAKER: Supplemental question.

DR. L. TAYLOR: Yes. Thank you. Is there any evidence that Alberta has too many doctors in the two major urban areas?

MRS. McCLELLAN: Well, Mr. Speaker, in the discussion of physician resources it has been indicated that the geographic placement of physicians in many cases is of concern and also specialty areas. We do have a larger number of physicians in our urban areas than we do in rural. There was a recent study concluded that indicated that a number of areas do have a short supply. I think it's a bit subjective to say whether we have too many in our major centres, but certainly that is where the larger numbers of physicians are, in the major centres. We would be very concerned that we have a good placement of physicians throughout our province to serve all of Albertans' health needs.

MR. SPEAKER: Final supplemental.

DR. L. TAYLOR: Thank you. In light of that and a recent study that indicates 25 percent of the rural communities still have difficulty recruiting doctors, does the minister have any plans to address this issue in rural communities in Alberta?

MRS. McCLELLAN: Mr. Speaker, on the other side of it, 75 percent of rural communities have been able to source physicians, and I think there is a positive side to it. I'm not minimizing the negative side, where 25 percent of communities are still having problems. However, the report that the hon. member referred to is a very important part of that work. You would know that we embarked on the rural physician action plan some time ago, and the report is really a report card bringing us up to date on what kind of progress we're making in alleviating this problem. There are some good suggestions in that report we can move forward with to ensure that our rural communities are served by physicians in a very adequate way, and we will be reviewing those suggestions and acting on them to ensure that those services are available across our province.

MR. SPEAKER: The hon. Member for Edmonton-Centre.

### School Board Amalgamation

MR. HENRY: Thank you, Mr. Speaker. We all know that we need to reduce the number of school boards in this province, but unfortunately the Minister of Education has provided us with some confusion. School boards have received lists of three options for amalgamation. My question to the minister is: if school boards independently come up with a different option than is listed in one of his three plans, is that going to be approved, or are boards simply going through the motions?

MR. JONSON: Mr. Speaker, over the past while I've had the opportunity to meet with approximately 70 school boards across this province. One of the very frequent questions and proposals at those meetings was the question: do we have a map? How is all this going to fit together when the eventual goal of about 60 school boards is achieved in the province? Because of that request, we produced three alternatives to show school boards across this province and all the other people that are interested in this move how this initiative can fit together and can work across the province. They are out there only as proposals. I fully expect that there will be variations on all three of them absent, and other combinations we come up with will be produced.

MR. SPEAKER: Supplemental question.

MR. HENRY: Thank you, Mr. Speaker. I have also met with about 70 boards across this province, and the question that they have, the ones that are in negotiation now, is: what is the minister's deadline? When is he going to perform these shotgun weddings around the province?

MR. JONSON: I believe it's a couple of weeks ago now, Mr. Speaker, that the stakeholders involved in education in the province met here in Edmonton, and I outlined to them the criteria under which amalgamation and regionalization should occur and which would be the proper way for it to occur in our view, and also the maps were put out and a time line. We have indicated to school boards across the province that we would hope that the amalgamation or regionalization process would be worked out by school boards across this province by August 31 of this year.

MR. HENRY: My final question to the minister: is the August 31 deadline a deadline to have the deal signed, sealed, and delivered, or do boards have to be in negotiation at that point?

MR. JONSON: Mr. Speaker, certainly boards across the province should be at the position where they have made the decision to amalgamate. They may not have completed the details of the process, but they certainly should be able to indicate that they've come to an agreement to amalgamate or regionalize at that point in time.

MR. SPEAKER: The hon. Member for Calgary-Varsity.

### Energy Resources Conservation Board

MR. SMITH: Thank you, Mr. Speaker. Just a few seconds on business. Every day of delay and inaction by the ERCB in making a decision regarding drilling in the Kananaskis area of Alberta costs taxpayers millions of dollars. In light of our recent budget to reduce spending by \$937 million, I wonder why we're not maximizing revenue opportunities for Albertans. To the Minister of Energy: in light of Husky Oil's excellent environmental management record and its success in drilling the first well on

Moose Mountain, why was a drilling licence to drill a second test well on the same surface location not granted?

MRS. BLACK: Mr. Speaker, just for clarification before I get into the specifics on this question, the government along with its boards and agencies is doing everything in its power to maximize the economic development of this province, and I want to say clearly that as it pertains to the ERCB, in 1993 the ERCB processed 8,233 well licences as compared to 4,202 in 1992. That says that the activity levels that have been desired by the industry have also been served by the ERCB. As a result of that increased activity, there were seven applications out of the 8,000 that had to go before a hearing.

In this particular case, Mr. Speaker, there is a hearing that is in process, and as is the case in all other hearings, the Minister of Energy will not comment while an application is before the ERCB.

MR. SMITH: As a second test well drilled upon the same pad would more fully delineate the field, why does the ERCB retard accepted, orderly, and economical exploration development?

MRS. BLACK: Mr. Speaker, there is a process in place in this province to see that development is done in an orderly and environmentally friendly fashion. When hearings proceed to the ERCB, there is a process in place for that review. I might remind hon. members that in the province of Alberta there is an integrated resource plan that is filed, and before application is made to have land posted and well licences, the particulars of that integrated resource plan are made available to all participants.

MR. SPEAKER: Final supplemental.

MR. SMITH: Thank you, Mr. Speaker. As oil companies purchase oil and gas rights on Crown land for exploration and development purposes, when will the ERCB finally make the decision to allow the private sector to proceed with the orderly development of Alberta resources?

MRS. BLACK: Mr. Speaker, as I said earlier, the ERCB is there to service on an administrative side the applications for well licences and also to be there to ensure that they are expedited in an environmentally friendly way when we have our development take place within this province. We have asked the ERCB to act as a quasi-judicial board, and as such they are doing exactly that and following the appropriate process.

MR. SPEAKER: The hon. Member for Lac La Biche-St. Paul.

2:30

### Forest Management

MR. LANGEVIN: Thank you, Mr. Speaker. My question today is to the minister responsible for Environmental Protection. Professional foresters in Alberta are worried about the overallocation of timber, especially in the Grande Prairie, the High Prairie, and the Birch Mountain areas. The minister himself has admitted that in the past some inventories were not accurate. Recently one company, Tolka, has been granted aspen, and now more companies are bidding for wood in the same area. To the minister responsible: with a 30 to 40 percent shortfall in some inventories, where will the minister find the wood?

MR. SPEAKER: The hon. Minister of Environmental Protection.

MR. EVANS: Thank you, Mr. Speaker. The hon. member opposite raises an important question. Making sure that we have



up-to-date inventories of our wood fibre resource in this province is extremely important to ensure that the industry that we've developed over time is well served and has access to a dependable and committed resource in sufficient volumes to allow the expansion of that industry, of their businesses to continue.

Now, all the way along in the expansion of forestry in this province our department and industry as well have been using the best available technology to determine what the resource is in a given area. We are continually working to upgrade the kind of inventories that we are able to obtain. We are, in fact, through an account that will be set up to deal with environmental emergencies going to be able to put more moneys into research into such things as inventory, into the most sustainable forest practices both in terms of reforestation and harvesting. I think by doing that we will ensure that we do in fact have a sustainable industry and that we are serving the forest industry and Albertans well.

MR. SPEAKER: Supplemental question?

MR. LANGEVIN: Yes, Mr. Speaker. Would the minister agree to stop allocating timber throughout Alberta until we have the accurate inventories?

MR. EVANS: Well, Mr. Speaker, I think we have very accurate inventories today. In fact, as the hon. member is aware, in 1991 we changed the way that we do business in this province in forestry. We initiated a new Free to Grow standard in this province as a result of a very substantial amount of research and review of inventories and forest practices generally. My colleague the Deputy Premier, the Minister of Economic Development and Tourism, and I have been looking at other economic opportunities in the north, and in fact we just completed an inventory of wood supply in an area called the Grande Prairie timber development area. Now, we had some information at hand at the time we asked for an independent inventory, and that inventory that we had proved to be conservative in terms of the new inventory information we have. In point of fact, with this new inventory we look to have probably as much as 20 percent higher wood inventory in that area than we had expected. So we are certainly using up-to-date, current, and reliable inventory information.

MR. SPEAKER: Final supplemental.

MR. LANGEVIN: Thank you, Mr. Speaker. As the volume of timber required by these companies is similar to that that was required by Grande Alberta Paper, will the minister require an NRCB review, as he did for GAP?

MR. EVANS: Well, Mr. Speaker, as the hon. member is aware, the reason for the NRCB review of the GAP proposal, which will happen in good time, is because it is a mandatory project under the Natural Resources Conservation Board. We have a number of processes to identify environmental impact. Those processes kick in when you determine what kind of a project is going to be reviewed. So, you know, I am not going to say that we are going to go through an NRCB process for reviewing how much inventory we have or in fact what kind of a process we'll have on individual applications. It will depend on what the industry out there that responds to our request for proposals identifies as the kind of project that they think makes sense in a given area of this province.

MR. SPEAKER: The time for question period has expired.

head: **Motions under Standing Order 40**

### **World Cup Ski Victory**

MR. SPEAKER: Notice was given in Routine this afternoon that the hon. Minister of Environmental Protection wished to present a motion under Standing Order 40. The hon. Minister of Environmental Protection.

MR. EVANS: Thank you very much, Mr. Speaker. Certainly we have many important duties to perform in this House, and time is of the essence. I want to begin by dealing with the issue of urgent and pressing necessity under Standing Order 40. The motion that I am proposing to the Assembly today is to congratulate Cary Mullen from Banff on his world cup victory in men's downhill this past weekend.

The reason that I am bringing this forward at the earliest opportunity is that I think it's important for Albertans to congratulate other Albertans who are excelling, who are putting our name forward on the national and the international stages as a province of winners, a province of achievers. I know as the Canadian downhill team moves from Aspen, Colorado, to Whistler, British Columbia, that this must be done in a timely manner as they prepare for the upcoming races this weekend. I think it's extremely important that we as an Assembly take a proactive stance and offer our congratulations.

MR. SPEAKER: Order please. Does the Assembly give permission to the hon. minister to present the motion?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?

The hon. Minister of Environmental Protection.

Moved by Mr. Evans:

Be it resolved that the Legislative Assembly congratulate Cary Mullen of Banff for his victory in a men's downhill at Aspen, Colorado, on Saturday, March 5, 1994.

MR. EVANS: Thank you very much, Mr. Speaker. This was quite a weekend for Cary Mullen, one of my constituents who lives in the townsite of Banff. Last Friday, the 4th of April, Cary was second. He won a silver medal in the men's downhill and then followed that up with a gold on Saturday. Now, that in and of itself would be enough reason for me to stand here and pump out my chest and ask hon. members to extend their congratulations to Cary Mullen, but I think even more importantly and the reason that I am standing up today is because this young man is the kind of young person that we should be encouraging in this province. He is the kind of young man who provides a wonderful example to the youth of this province as to how with hard work, with commitment, with dedication, and with perseverance they can succeed.

Cary Mullen and his family moved to Banff about 15 years ago. His parents, both very, very hardworking and dedicated teachers in the Bow Valley, moved to our constituency because they saw that their children Cary and his sister had a dream. That dream was to excel in downhill skiing. They had the innate talent to do so, but more importantly they had the desire. They had the conviction that they were going to excel. I look back fondly to a couple of years ago when I was at Nakiska for the advanced training runs that our Canadian national downhill team had. At that time Cary Mullen was just beginning his career on the A team. He was a complete unknown. There were a number of

Canadian athletes who were certainly in the focus, but Cary Mullen was not one of them. Through dedication, through hard work, and through commitment he has risen to the very top of a sport that all of us were able to participate in vicariously through the recent Winter Olympics in Lillehammer, Norway.

Again, this young man and his parents are to be congratulated for the time and the effort that they have put in. I would just be delighted if hon. members would join me and this Assembly in congratulating Cary for his performance last weekend and remembering as well that Edi Podivinsky, formerly from this city of Edmonton, is also a very important member of the men's downhill team. I hope all members will join with me in offering these congratulations.

MR. SPEAKER: The hon. Member for Edmonton-Avonmore.

2:40

MR. ZWOZDESKY: Thank you, Mr. Speaker. I want to just add a few brief remarks on behalf of Her Majesty's Official Opposition and the Liberal caucus to what our hon. member and minister for the environment has said here with regard to one outstanding individual in his constituency.

I've had the pleasure of being in that constituency a number of times. Because I have an active and a very avid interest in sports throughout the province and particularly in skiing and insofar as they relate to Banff, I travel there frequently to take in some of these competitions. Just a couple of weeks ago I was at Fortress to watch some of our great Canadian competitors participate in some of the junior Olympic events that took place there. I call them Olympic even though they're not because I think one day they will rise to that fame, as we will see Cary do similarly. I know that I watched young people from across Canada gather there, and I spoke with some of them. I spoke with the Manitoba champion of free-style skiing, a young fellow named Andrew Kulyk, and his brother Ben Kulyk, who were here. I talked to them about what kind of infrastructure programs they have in Manitoba. I compared them with what we have here in Alberta. I think it's that kind of infrastructure program that Cary Mullen has come up with. He stands as a great testament to us and to many other young people as a role model of what can be accomplished when you put your nose to the grindstone, as it were. A couple of weeks prior to that I was at Nakiska and Fortress to watch some of the teams from the disabled sector on their practice runs, preparing before heading off to Lillehammer. Again I was reminded about the tremendous infrastructures that we have in the province.

I would like to just add my comments of thanks to Cary Mullen from Banff. I know he's a native of Calgary actually, but he moved out to the Banff area. He comes by that talent of skiing quite naturally, Mr. Speaker. I think that among the many things that our hon. friend from the Banff area has already said, there are a number of other things that Cary has singled himself out in as a champion. He's finished in the top 10 places in both Canadian competitions and also in international competitions, be they U.S.A., Italy, Austria, or wherever. So he's truly an athlete well deserving of our thanks.

I would just conclude by saying that the general area from which he comes, Mr. Speaker, I know has about 20,000 permanent residents, and there are many stars in that area coming up. I would hope that our infrastructure allows them the same opportunities that a young fellow like Cary Mullen has had. We congratulate him on his silver and on his gold that he attained on Saturday in Aspen, Colorado, and would hope that he would receive warm wishes from the Liberal caucus in addition to those

already extended. I would urge members, therefore, to vote unanimously in support of this Standing Order 40.

Thank you.

MR. SPEAKER: Is the Assembly ready for the question?

HON. MEMBERS: Question.

MR. SPEAKER: All those in favour of the motion proposed by the hon. Minister of Environmental Protection, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Let the record show that the motion passed unanimously.

head: **Orders of the Day**

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

[Mr. Tannas in the Chair]

MR. CHAIRMAN: I call the committee to order.

**Bill 3**  
**Natural Gas Marketing Amendment Act, 1994**

MR. CHAIRMAN: We call on the Member for Pincher Creek-Macleod to lead off this afternoon.

MR. COUTTS: Thank you, Mr. Chairman. When Bill 3 was in second reading, there were some questions put forward by members opposite which I'd like to respond to at this time. One of the main concerns was the increase in the time limit for prosecution from the present six months to 36 months. The hon. Member for Calgary-West was wondering why the government needs more time to track down these offences or these errors. I'd just like to advise the House that the 36 months is for the protection of not only the Crown but also of the industry. The purpose of extending the time is to mirror the change in the nature of the reporting required. This is going from a statistical use to a financial use. The 36 months protects the Crown by allowing prosecutions to be commenced after a reasonable period for misreporting to be found in the regular audit cycle. Audits generally take place after some time, and that has been allowed in these revisions to be made and transactions to be finalized.

The 36 months also protects industry by providing that time for the revisions to require auditors to go in and to start verification with one or two months so that the investigations can take place. Potential prosecutions starting within that six-month period would not place – would not place – a burden on the companies to finalize transactions, make revisions, and to have their books ready for auditing. This would be a cost saving to the business, and it would also tend to focus attention on errors due to the lack of time with the present six months to allow businesses to correct them rather than on just misrepresentation.

The 36 months also allows the Crown and the industry to move this reporting into the financial realms without disrupting the current timings. The plans of the Department of Energy include the downsizing as this new, simplified system is implemented and will not affect the timing of the audit. In fact, that timing may be improved as fewer transactions – because they're tied to the royalties and not to the downstream market, less time will be

required to finalize and revise these reports and thus in the long run improve administration.

The hon. Member for Redwater brought up the points from a legal point of view, wondering if the 36 months was going to slow down the sale and hold up contracts, particularly the sale of assets. These provisions, Mr. Chairman, deal with the wrongful act of the company or the persons doing the reporting and would impose absolutely no liability on the purchaser. The risk a purchaser would have would be of having the royalties recalculated on an audit, which is already covered under the Mines and Minerals Act. That existing limitation period is for four years.

2:50

The hon. Member for Redwater also suggested that there might be, as to whether or not there is poor reporting under the gas Act. There weren't any prosecutions, and the Auditor General had been asking for better reporting. The reason for there being no prosecutions and there being a need for more accurate reporting on these numbers is that they were only used for general statistical purposes previously. Now they'll be used for the calculation of the Crown's royalty value.

The hon. Member for Fort McMurray was concerned with the dates on which the subject matter arose and was wondering if that was vague in the Act. This wording refers basically to the date upon which the events that constituted the offence occurred. It is specifically drafted to ensure it refers to the date when the wrongful act occurred, not the date it was discovered. It's not a double jeopardy, as he considered in his question, in this provision as no party is subject to prosecution more than once after the same wrongful act. Under the current legislation both the company and its officers can be liable, and this provision merely allows the prosecution of the officers of a bankrupt or a struck-off company to be prosecuted without having to revive that company first.

I believe that pretty well covered all of the questions on Bill 3, Mr. Chairman.

MR. CHAIRMAN: Are there any other comments, questions, or amendments to be offered with respect to the Natural Gas Marketing Amendment Act, 1994? Okay. Calgary-Buffalo.

MR. DICKSON: Mr. Chairman, thank you very much. I wanted to move an amendment to Bill 3. The amendment I think is being distributed now. The amendment is specifically to section 4(b), to strike out "36 months" and substitute "24 months."

Mr. Chairman, I've heard the explanation now from the hon. Member for Pincher Creek-Macleod, but it seems to me that conceptually we've got a real problem here. What we're talking about is a limitation period to commence a prosecution. This isn't a time period for some reporting; it's not a time period for some normal accounting function to happen. This is a limitation for somebody to prosecute a corporation or an officer in this province with a quasi-criminal offence. I am absolutely astonished when I hear the mover say that well, this is something supported by the industry. Nobody in the industry I know has come forward and said, "Oh, please, government of Alberta, we want a longer period to be liable to a criminal prosecution." If there are businesspeople that the Minister of Energy or the mover of this motion can refer me to, I'd be delighted to meet them. Every businessman and every person I know in the oil and gas industry, their concern is that they don't want to be vulnerable to a criminal or a quasi-criminal prosecution longer than is reasonably necessary for the state to identify a problem and undertake a prosecution.

I think the only two explanations I've heard when I raised this – and this isn't the first time; I spoke to this matter at page 230

on February 23. I suggested at that point that really extending this limitation period it seems to me is the kind of thing a government does if they don't have confidence in our ability to be able to do the administrative job. This is an opportunity for a government which can't manage to regulate adequately to be able to come in through the back door up to three years after an offence has been committed and commence a prosecution. It seems to me that that's not what the industry wants. I don't think it's what taxpayers want to see government do. Government shouldn't be left off the hook. Government has got a job. They have a responsibility to put in place the systems to be able to monitor compliance with a statute. If they can't do that within 24 months with the kind of accounting capability that currently exists both in the government and certainly in resource companies, then I think we've just missed the boat.

I say, Mr. Chairman, that it's not good enough to say, as the mover has said at page 231 of *Hansard*, and I quote – this is when the mover came back, had heard my comments and comments of other members, and then summed up. This is what he said at page 231.

If the hon. members would take a look at present limitation periods that are in place for the Mines and Minerals Act, which is 60 months, and the Petroleum Incentives Program Act, which is an equal five years, I really think that extending this to 36 months would help the government in detecting offences and reporting those offences, would give us a chance to audit and track. So the extra 36 months certainly would be to the benefit of the government in order to make those wrongs right.

Well, I'm not here to make the job of government easier. I'm here to represent taxpayers and businesspeople in downtown Calgary. Most of the large resource companies, most of the players in this industry have offices in my constituency in Calgary-Buffalo, and what those people want to see is a system that is efficient. They expect government to be not more intrusive than it has to be to serve the interests of the citizens of this province. I just have to say, Mr. Chairman, that I think we've got it absolutely all wrong when the strongest argument that the mover can come forward with is that it makes the job of government easier. It also makes the job of government easier to stifle opposition, to deny freedom of information and a host of other things. That's not good enough, and that's the reason I'm moving my amendment. I would think that every free enterpriser in this Assembly, every member of this Assembly that thinks that business has a legitimate role to be able to do their job without unreasonable harassment on the part of government, on the part of regulators would be anxious to support my amendment, which I think is helpful to the industry and also requires a higher standard from provincial government regulators.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Further comments on the amendment? The hon. Member for Fort McMurray.

MR. GERMAIN: It's difficult to add anything to the fine comments from the previous speaker, but I only want to point out to the members of this House that this is provincial legislation. Provincial legislation in its prosecution is by definition described as summary prosecution legislation. In most provincial summary prosecution legislation the time period is only six months – six months, ladies and gentlemen. The amendment, even as proposed by my friend from Calgary-Buffalo, will still provide the government four times the norm to advance a prosecution. I would ask that the House speak and vote favourably on this amendment.

MR. N. TAYLOR: Just a short addition. My colleagues from Calgary-Buffalo and Fort McMurray did a very good job of pointing out that this is a method of making government easier. There's a question whether we should be doing that. As a former resident of Calgary-Buffalo for some years, I realize what his constituents want.

3:00

Then arguing for and supporting this amendment, back to 24 months, or two years, I had two points. I wanted to get the hon. Minister of Energy's ear for a second. The Minister of Labour is breaking the rules, talking while he's standing. You're supposed to be back in your seat, House leader. The point I wanted to make was, firstly, if we have made the laws better and we've sharpened up on our royalty thing – and I have to assume that you have done so – why are you trying to lengthen the period that you're going to be able to compensate or go back to reopen the case? If indeed we have done a better job of reporting royalties, the time should be getting shorter, not longer. Yet that's in there.

The second point I'd like to make – and I think this is worthy for all MLAs over there to think about for a minute – is that I think this is a case of your bureaucracy sliding one by you. I think that your job is to try to make the bureaucracy measure up. What they've done here really – and you can't blame them; I would probably do the same if I were one of the little gnomes in the department back there – is say: well, let's make it three years or four years, make it nice and safe. But I think as members of the Legislature we're responsible to businesspeople. You shouldn't be opening the window any place wider and wider for the bureaucrat to come back and sue you, and this is what you're doing here.

MR. CHAIRMAN: The hon. Member for Pincher Creek-Macleod.

MR. COUTTS: Thank you, Mr. Chairman. I'd like to rise and respond to this amendment, and I urge all members to vote against this amendment. The reason I do is because the Canadian Association of Petroleum Producers and SEPAC have already agreed to this 36 months. It was done . . . [interjection] To the amendment?

MR. CHAIRMAN: We're on the amendment, yes.

MR. COUTTS: They've already agreed to this in the negotiations in the fall of 1993 when industry and government got together and had the seminars and everybody had their input. Once that agreement for the 36 months was made, it would seem redundant now to go back and go through that whole process again with industry and try to change it, especially when we've got an agreement by the industry and they're happy with that and they're ready to go ahead and verify that.

Having responded, now I ask for the House to reject this amendment.

HON. MEMBERS: Question.

MR. CHAIRMAN: The question has been called. Are there any other members who would like to speak to the amendment?

HON. MEMBERS: Question.

MR. CHAIRMAN: Okay. All right. First of all, we're voting on the amendment to Bill 3 as proposed by Calgary-Buffalo: in

section 4(b) striking out "36 months" and substituting "24 months". All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: It's defeated.

[Several members rose calling for a division. The division bell was rung at 3:05 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Dunford	Sapers
Beniuk	Germain	Sekulic
Bracko	Henry	Soetaert
Carlson	Kirkland	Taylor, N.
Collingwood	Langevin	Vasseur
Dalla-Longa	Leibovici	White
Decore	Massey	Zwozdesky
Dickson	Nicol	

Against the motion:

Ady	Gordon	Oberg
Amery	Haley	Pham
Black	Havelock	Renner
Brassard	Herard	Rostad
Burgener	Hierath	Severtson
Clegg	Hlady	Sohal
Coutts	Jonson	Stelmach
Day	Kowalski	Taylor, L.
Evans	Lund	Thurber
Fischer	Magnus	Trynchy
Forsyth	McClellan	West
Friedel	McFarland	Woloshyn
Fritz	Mirosh	

Totals: For – 23 Against – 38

[Motion on amendment lost]

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: The question has been called.

AN HON. MEMBER: No.

MR. CHAIRMAN: Oh, sorry.  
Redwater.

MR. N. TAYLOR: I just wanted to suggest to the proposer and also to the Minister of Energy that they might consider for an amendment for next year – we don't want to take up too much time – that they do like the income tax department. Sometimes if you're getting ready to buy an asset or some company, you can go to the income tax people and get what they call a prior ruling. All it means is that they look it over, do the audit, and say that there's no money owed to the tax people; the taxes are this or the taxes are that. It should be the same way here. If in any way, shape, or form someone is afraid that three years down the road

there might be an effort by the government to upset the amounts owing – they're buying it from somebody that hasn't got a heck of a lot of money anyhow, and they know darn well that if they buy it and three years from now the government wants the money, they won't be able to get it from the original owner because he won't have any – it would be nice if you could give them a prior ruling. In other words, say 90 days or 60 days, you'd call out and say, "This particular asset, if you're worried and if you'll pay us a little bit of money, we'll put our needle-nose bean counters to work and they'll check whether the royalties are up to date and paid for."

I think this is something that you should look at. It's just a suggestion that I pass on. The bureaucracy – it took years, something like 25 years, before the income tax people would give a prior ruling. I'm hoping it won't take that many years before they'll give a ruling on whether the royalties are paid and up to date.

MR. DICKSON: Mr. Chairman, I just want to thank the Member for Redwater for raising that suggestion. Since members on the government side had been adverse to abridging the limitation period, I think this suggestion has enormous merit. I think that three years is such a long time. If the government isn't prepared to abridge that – and they're not – then I think that at least they could mitigate a lot of the uncertainty that they're going to leave in the oil and gas sector in this province by providing a system or a facility for clearance certificates. It's a very meritorious suggestion. I just urge the Minister of Energy to look at that and find some way of being able to integrate that to offer that service to oil and gas operators in this province.

Thanks, Mr. Chairman.

MR. CHAIRMAN: Fort McMurray.

3:20

MR. GERMAIN: Thank you, Mr. Chairman. While we are on the committee of this particular legislation, without coming forward with an amendment on the point today I would urge the minister to look very hard at the double jeopardy that is proposed by the new amendment, section 24, where directors and officers as well as the corporation can be prosecuted whether the corporation is or not. Prior, in the old wording, they could be a party to the offence, and the prosecution could go forward that way. If the new draftsmanship is to set up a system of double jeopardy and you might have directors prosecuted where the corporation is not even prosecuted, I would urge the minister to watch the possible mischief of that section very carefully.

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 3 agreed to]

MR. CHAIRMAN: I call on the Member for Pincher Creek-Macleod.

MR. COUTTS: Thank you, Mr. Chairman. I'm pleased to move third reading of Bill 3, the Natural Gas Marketing Amendment Act, 1994.

MR. CHAIRMAN: If I may interpret your message here, hon. member, I think I would say that the hon. Member for Pincher Creek-Macleod has moved that Bill 3 be reported.

[Motion carried]

#### Bill 4

#### Employment Standards Code Amendment Act, 1994

MR. CHAIRMAN: The hon. Minister of Labour.

MR. DAY: Thank you, Mr. Chairman, and thanks to the Member for Pincher Creek-Macleod for handling very well the passage of that Bill through committee and for listening intently to members opposite for suggestions. I know the minister also is listening to those and looking forward to giving them a good scrutiny.

I'll refer as succinctly as I can to the questions that were raised at the second reading stage of Bill 4. I hope it will address the many concerns – I wouldn't say they're all concerns – the suggestions which I heard opposite.

There was a question about an officer refusing to accept a claim under the authority of section 92 and that the legislation doesn't require that reasons be given. I can say that section 97 has been changed to specifically allow an employee to appeal a decision of the officer to refuse. That means that an officer would be obligated to provide the employee with notice of his decision to refuse acceptance or the investigation of the complaint. The notice then becomes subject to appeal to the directors. So actually the process requires that the employee be given the specific reasons for such a decision.

Then there was a question about the self-financing and what the role of government is these days and in what areas the government should in fact be providing services. Well, I think I've been very clear all along that my department's business plan really addresses these questions. We see the primary role of government to be the development of policy in relation to the workplace and then to do the audit to make sure that policy is carried out. We're still assessing how this can be applied to employment standards. Actually that will also include a review of the areas where services can be contracted out or privatized; that's true. But government is firmly in control on the policy, the audit, and the regulation end of things. So subject to that commitment I think that we see that these concerns will be addressed.

There was a question about: appointment of director not public process. I think that was just a misunderstanding by the member opposite, because in our department we operate on a team-based process of delivery of services. The traditional role of director has been significantly altered, but I can say, and I'll make the commitment clearly, that the person, whoever that is, designated as director will continue to retain responsibility with respect to policy. That person is subject to the same conditions of hiring and employment as all public service employees. That will definitely apply to whoever the director is.

The question about seeing the results of the employment standards symposia. That report and the conclusions have been made public, and I'm happy to get a copy for any member wanting a copy of it and the conclusions of those employment standards symposia.

Then there was a question on the exact percentages of individuals who abuse the system. It's difficult to put an exact percentage, but in terms of the employers, it's possibly slightly under 1 percent. Some estimates are maybe as high as 2 percent of employers that we would see as abusing the system. Whatever percentage you take, 1 or 2, that particular percentage drives about 30 percent of all of the work of employment standards. It's really necessary that we bring in these types of amendments so that we can deal with those employers who are continuing to drive the system. It's a very small percentage, about 1 percent, that actually generate about 30 percent of the work. That has to be addressed so that the remainder of the concerns that are brought

forward to employment standards by employees and employers – officers will be freed up to deal with those legitimate concerns and deal with that high generation of work by a very small percentage of employers.

Then there was a question: would this Bill end up costing fees for services? Again we state very clearly that there is no intent – no intent – to charge employees who have legitimate complaints, but where employees see employment standards procedures just as a convenient mechanism to claim something which they're possibly not entitled to or to be frivolous, then there are concerns. Only under those circumstances would there be any kind of cost-recovery measure put into place. Those, again, would be rare, but that provision has to be there, as we've already looked at the percentage of employers alone that generate so much of the activity. Having a cost-recovery measure as a possibility is not an onerous thing.

Then there was a question about any other amendments to the Employment Standards Code this session. I certainly don't foresee any at this time.

A question on who's going to pay: is it the employer or the employee? Again, cost-recovery fees are going to be levied on those who incur the cost to government. Where employers trigger the enforcement mechanisms through any deliberate breach of employment standards, they can expect to pay, but we are not talking about asking employees to pay for filing a complaint. We are not talking about that at all.

There was a question about guidelines for being frivolous and who makes that judgment. It is a matter of judgment; there's no question about that. There will be guidelines before regulations are introduced. So those will be clearly in place. In terms of who makes the judgment, the Bill contains the provision that will amend section 97 of the Employment Standards Code so that an employee will be able to appeal an officer's decision. Anytime an officer is in the front line, encounters an employee filing a complaint, and makes a determination, an employee who disagrees with the officer, it's very clear, can appeal for an impartial review.

There was a question about a mention of an independent body, and I don't see a reference in that Bill to an independent body. If there's some clarification on that, we might be able to look at it.

Then there was a question about the need for education and whether people should pay for that. Well, again, that came up at the symposia, and participants did stress the importance of education. That was very clear. The question of cost was not specifically dealt with, but Albertans have indicated, and we are following through in many areas, that reasonable fees for information that's going to make their understanding better or help them in the workplace is a reasonable approach.

Then there was a question in terms of what happens if an employee has consulted a lawyer, whether the case then will be handled through the umpire or employment standards. I think the intent of the Bill is abundantly clear, and the amendment of section 92 is: where an employer is actively engaged in a legal action or has obtained recourse in another form, employment standards will not accept a complaint on the same matter. But in cases where an employee has sought and obtained advice from a lawyer and then approaches employment standards, that would not be a reason for an officer to refuse or accept a claim. There's no discrimination against lawyers or people seeking legal advice. It would not be a reason for the officer to refuse or accept a claim.

In terms of fees: the whole fee-setting structure, and will the range of fees be in the regulations? This will be contained in the regulations that will be required to supplement the code. We need to bear in mind that most fees will actually be avoidable simply by abiding by employment standards in the first place.

3:30

There was a question about people looking to government. What is the responsibility of government? What is the supervisory responsibility? Well, I think again it's obvious that we have been looking at alternate ways of developing and delivering employment standards services for several years, but there is absolutely no intent to shed the supervisory role – the supervisory, the policy, the regulating roles – and that will not be happening.

There was a question that employees are being told that it's going to be another four to six weeks before they're able to address their concerns, and there's nothing in the Bill that addresses that. Actually, on the contrary. The whole process of compressing the time from filing a claim to the conclusion of the claim has been the focus of the department for quite a period of time, both administratively and through legislation. Because we've got deterrents to abuse in this legislation, because there will be deterrents to abuse, you're going to see officers freed up to actually get to the cases faster, and you're going to see a continued compression of time because we're dealing with so many of these issues.

I'm just trying to finish up on concerns that came forward here. There was a question about the minister considering allowing an adjudicator to review customs or practices in smaller businesses and determine whether legitimate overtime agreements are in effect. The Employment Standards Code actually already provides an officer with the ability to review a wide array of situations, and that would include overtime practices that are contemplated under section 28. So employment standards by its very practice – it's clear that it's becoming increasingly sensitive to workplace practices and respects agreements which comply with the intent of legislation.

I think that deals with the questions that were brought forward and the suggestions in second reading, and I'd look forward to any further discussion at this point.

MR. CHAIRMAN: I'm now going to call on hon. members if there are any comments, questions, or amendments to be offered with respect to this Bill. Edmonton-Norwood.

#### Point of Order Accepting a Member's Word

MR. BENIUK: Thank you, Mr. Chairman. I rise on a point of order. First, there are a number of citations, and I will . . . Can you hear me?

MR. CHAIRMAN: I don't hear the citation.

MR. BENIUK: I'll start with the citations, Mr. Chairman. Okay. The first citation is 323 in *Beauchesne*. It says, "Questions of order are decided only when they arise and not in anticipation." This is the first opportunity to rise on this particular point, so it is very essential. I could not have risen prior to this minute after the minister spoke. I now can speak on this point of order. The second . . .

MR. CHAIRMAN: Sorry, hon. member. You're saying when the minister spoke. He just spoke now.

MR. BENIUK: Yeah.

MR. CHAIRMAN: So it's on what he just said?

MR. BENIUK: No. It is what he promised, what he pledged at a previous time. I would like to read to you, Mr. Chairman, the

exact quote in *Hansard*. I sent you a copy. It's on Thursday, February 17.

MR. CHAIRMAN: Hon. member, I think we have a little bit of a difficulty with procedure, and that is, committee is not allowed to rule on a point of order that arises out of the Assembly. It must be done in the Assembly.

MR. BENIUK: Mr. Chairman, it is not what he said at that time that became the point of order. It is the fact that he said it then and failed at this moment to fulfill what he said then. The point of order arose at this point based on a previous statement, and to clarify it . . .

MR. CHAIRMAN: So it is on what he has said now or what he has not said.

MR. BENIUK: What he has failed to say.

There are a number of citations, but to clarify the issue, Mr. Chairman, I shall – for the benefit of this House I have extra copies here if people wish to read it.

MR. CHAIRMAN: Hon. member, if you look back a little ways to 317.

MR. BENIUK: Yes. I was going to refer to 317, 321, and I was also going to refer to 319. Let's start off, Mr. Chairman, as you have raised it, with 321.

A point of order against procedure must be raised promptly and before the question has passed to a stage at which the objection would be out of place.

This is the earliest this point of order can be raised. I also refer you to 319.

Any Member is entitled, even bound, to bring to the Speaker's immediate notice any instance of a breach of order . . . This should be done as soon as an irregularity is perceived in the proceedings which are engaging the attention of the House. The Speaker's attention must be directed to a breach of order at the proper moment, namely the moment it has occurred.

It has occurred now.

I also would like to refer, Mr. Chairman, to 317. In 317 both (1) and (2) refer to points of order being raised with the view of calling attention to any departure from Standing Orders or the customary modes of proceeding in debate or in the conduct of legislative business and may be raised at virtually any time by any Member.

And also, part (2): "A question of order concerns the interpretation to be put upon the rules of procedure," et cetera.

I also would like to bring to your attention 494, acceptance of the word of a member. Mr. Chairman, I accepted the minister at his word, and that is part of the problem now.

It has been formally ruled by Speakers that statements by Members respecting themselves and particularly within their . . . knowledge must be accepted.

I accepted the minister when he made the following statement in the House and which he now has failed to fulfill.

DR. L. TAYLOR: Speech, speech. It's not a point of order. It's a speech.

MR. CHAIRMAN: Order please. All hon. members, the hon. Member for Edmonton-Norwood is trying to make his point of order brief, and it's unhelpful having people make interjections.

MR. BENIUK: Thank you, Mr. Chairman. I would now refer specifically to the words that were used by the minister. The minister speaking at the conclusion of the debate on second reading said the following:

I'd like to say, Mr. Speaker, that the Member for Edmonton-Norwood did raise a valid concern about filing of fees and how that's done and appealing that and what discretion is there to the umpire. That's actually a good question, a good concern.

He continued.

That can be addressed by regulation, and that's why I'm looking forward to the committee stage suggestions on the regulations, so we can protect against that very point. It was a good point that he raised.

He continued, Mr. Chairman.

The same with collection agencies. I would suggest that "reasonable" could be defined possibly in the regulations so that we can also deal with that concern. So I would look to the Member for Edmonton-Norwood and other members for suggestions when we're talking about regulations.

Normally when a government Bill is placed before this House, we deal with the Bill. The minister rose in the House and he said during this stage, the stage of committee, that we will have an opportunity to look at the regulations. We cannot look at them in anticipation of what they might be. We cannot look at them in the abstract. We must, as we do with Bills, look at them in written form. The minister made a promise. He made a pledge.

Now, we are not dealing here with an ordinary minister, Mr. Chairman. We are dealing here with the Government House Leader. If his word to this House becomes hollow, then we have a problem in the proceedings in this House, for we on this side will have a very difficult time accepting his word.

Mr. Chairman, the issue arises now because of a promise, a statement made by the minister which he failed to fulfill at this exact moment. This is the earliest that I and other members could rise in the House to address it, and I am sure there are other members that would like to address it. The issue here is: he promised to bring forth regulations that will blend in, that will deal with this Bill.

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

MR. BENIUK: Mr. Chairman, I would like to point out that a point of order cannot be raised on a point of order.

MR. CHAIRMAN: That's my job, hon. member. The Minister of Labour knows that you can't make a point of order on a point of order.

I think Edmonton-Norwood has made his point; have you not, sir?

MR. BENIUK: Mr. Chairman, the issue here is not only that a promise was made that regulations would be brought forth. It was made by a member of this House who gave his word, who is also the House leader for the government, and his word must not become hollow.

**3:40**

MR. CHAIRMAN: Thank you, hon. member. The point of order is a departure from the rules of the Standing Orders and *Beauchesne*. There is no rule to force a given answer or indeed a response. So therefore no rule has been breached. Thank you.

Are there any other comments, questions on this? Calgary-Buffalo, are you on the point of order?

MR. DICKSON: Mr. Chairman, on the point of order.

MR. DAY: The Chairman's ruled.

MR. DICKSON: I didn't understand you had ruled, Mr. Chairman. There was no opportunity for others to stand. Would you clarify that, please? Would you confirm you've made a ruling?

MR. CHAIRMAN: Okay. First of all, the point of order was made to try and force a response. There are no such rules in here to force a response. Contained within the quotation that the hon. Member for Edmonton-Norwood gave was the invitation by the minister to bring these forward I presume during a committee stage. So presumably he will be answering them. Why the hon. minister did not answer that particular question in his preamble is not for me to say but for the minister to say. If you're talking about the reasons for the ruling, those are the reasons, Calgary-Buffalo.

MR. DICKSON: Well, Mr. Chairman, with all due respect that completely misapprehends the point being made by the Member for Edmonton-Norwood. I take it, sir, you are confirming you've made a ruling? Have you ruled on the point of order? That's what I'm trying to elicit, sir.

MR. CHAIRMAN: Yes.

MR. DICKSON: Thank you.

MR. CHAIRMAN: Do we have further questions, comments, or amendments on this Bill? The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Chairman, and I appreciate your ruling on that point of order. The point however, and not the point of order, that the hon. Member for Edmonton-Norwood was making is that it is very difficult to . . .

DR. L. TAYLOR: There is no point.

MS LEIBOVICI: Well, maybe if you listen, there might be a point.

It's very difficult to talk to a Bill that has a lot of the content within regulations. In fact, the Minister of Labour did say that he would be open to suggestions in terms of reasonable amendments, that he would be open to the concerns of the opposition and of his own members, because I'm sure his own members have recognized that there are deficiencies within this particular Bill, and that he would be bringing forward the regulations so that we could in fact have debate that would elicit the kinds of thoughtful consideration that is required by all members within this Assembly. So the point that the Member for Edmonton-Norwood made is that it is difficult . . .

MR. CHAIRMAN: Hon. member, this gets to be kind of a tricky matter. Basically, as I understand what you're doing is raising a point of order on the ruling that the Chair has made on the point of order. If that's the case then, what we do is we rise and the Chairman makes a ruling on the issue. Are you wishing for that to occur?

MS LEIBOVICI: No, I'm not at all attempting to challenge the Chair. What I'm attempting to do is to indicate that in speaking to the Bill we will need to be able to have the regulations, that that is in fact something that will help us. Because one of the things that we are looking at doing is providing amendments that

we may not have to go through the process of if the regulations have in fact taken care of the concerns on this side of the Legislative Assembly. So that's where I'm coming from.

MR. CHAIRMAN: Okay. I think that what we have is an issue of debate and not a point of order.

The hon. Minister of Labour is rising on a point of order?

MR. DAY: No. It's just that the member opposite sat down to hear my response, so I'm rising to address the response. This is not on the point of order. You have ruled on the point of order, and I accept that ruling.

I will say, too, that maybe I've learned my lesson. Maybe I should stand here and say: never again will I say that we look forward to committee so we can hear suggestions on the regulations. I guess I'll never be that open, because what happens is the Member for Edmonton-Norwood stands up and says: oh, you shouldn't have said that, and look, I've got the minister saying it right here; I've got the minister saying it right here. Of course I said it. I try to be open about suggestions. I've never said that every regulation will first be established. The establishment of regulations is an ongoing process with input from industry, with input from employees, with input from members opposite. All along the way regulations can be adapted and changed, and I look forward to that.

What we're talking about here is the Employment Standards Code Amendment Act, and if in the process of addressing that there are suggestions on regulations, absolutely I want to hear those and we'll see if we can accommodate them. But we're talking here about cutting the lineups that employees are standing in to have their concerns addressed. We're talking about freeing up officers to do their work, to meet employee needs.

If members opposite are content with delaying that process, if they want to see employees continue to be stymied in large lineups, then keep on with this silly talk about regulations. I'm open to hearing suggestions. I've taken great pains to try and address every concern raised in second reading, which often isn't done. Sometimes it is; sometimes it isn't. I've taken great pains. If it's going to be a discussion on points of order, that's somewhat discouraging, and far be it from me to continue to remain such an open minister on discussions like this.

MR. CHAIRMAN: Calgary-Buffalo.

MR. DICKSON: Thank you, Mr. Chairman. I just have to respond to the words of the Government House Leader. For him to say - I think he used the words: silly, regulations. The problem here is there's a principle, and the principle is this: in this Legislature we come here representing all Albertans, and we come here to look at draft pieces of legislation, to reflect on them, to improve on them, if we can, and by the time we're finished, hopefully a legislative initiative is a better piece of legislation having gone through three readings and the committee stage than when it was first introduced.

The issue here is something that comes up time and time again. What we see is statute after statute that's brought forward by this government that to a large extent is an empty vessel. Why is it an empty vessel? It's because the core part of these statutes is too often simply addressed in four lines in the last section, the penultimate section of the statute that says: and the Lieutenant Governor in Council has power to pass regulations. Then what follows is usually anywhere from a dozen to 20 items that can be the subject of regulatory authority.



Now, we have the hon. Member for Calgary-Shaw who's chairman of a committee on law and regulations that hasn't met since the commencement of this session. So it's perfectly legitimate – it is perfectly legitimate – for certainly members in this caucus and any member to stand up and say: "We're tired of taking a government on faith in terms of sketching out in a few short sections some general thrust in a piece of a legislation." The unspoken invitation – and it's a hugely important one, Mr. Chairman – to all members is then to simply repose trust in the cabinet that in the crafting of regulations, because we don't have an active committee dealing with law and regulations, we're going to see the aims of the statute furthered.

Well, this isn't the way laws used to be crafted. It's not the way laws were crafted in the '60s and the '70s and the first part of the '80s. At that time the statute set out all of the key principles and the key elements of a new law, and I think the government should not be surprised and hon. ministers should not be surprised when members on this side stand up and say, "We see a bit of a direction, we see some change maybe, but you know, this is a pretty murky picture because we have this enormous amount of discretionary power: discretionary power that is capable of being abused, discretionary power that's capable of being used for purposes other than we intend when we approve a particular Bill." So it seems to me there's a real short way, a real easy way for the Government House Leader and all members of the Executive Council to ensure we don't go through this kind of a process again, and it's this simple, Mr. Chairman. It's simply a question of looking at these statutes and saying: "Are we really dealing with this as a Legislature? Are we dealing with the legislative reform here, or is it being tasked out to executive authority?" If we find that it's being tasked to executive authority, bring it back in. Let's start flushing out the statutes. We're fast readers in this House. We're happy to read another five, six pages in statute if that gives us and through us those Albertans that aren't prepared to simply take this government at face. . . .

I'm disappointed the Government House Leader would disparage the point raised by my colleagues. The point here is an essential one, and we're going to run into this wall with every statute that comes into this House if it's simply a question of trusting the Executive Council, because I don't have that kind of trust. My job is to ask questions, and if it's not in the statute, I've got to ask questions about the regulations. If the committee on regulations isn't meeting and actively engaged, I can't ask questions in that process. The only opportunity we have to raise those concerns – and I say that they're legitimate, Mr. Chairman – is in committee stage. So I'm going to continue to do it. I expect my colleagues are going to continue to do it, and I urge the minister and other members of Executive Council to respect the right to be able to raise those concerns. They are legitimate.

**3:50**

MR. DAY: Mr. Chairman, I have to say with patience and with respect that I am absolutely astounded – astounded – by the lack of understanding of process. How do you develop regulation without legislation? I can understand some members not understanding that, but for the member for, wherever he's from, Calgary-*Buffalo* to suggest – we need the legislation before we can regulate it. The regulations derive their authority from the legislation. If ever there was a case of a mindless use of time of the people of Alberta, when employees are waiting to be freed up and have their questions addressed, I've never heard the like of it in this Assembly. Yet in spite of that, I've said: you've got suggestions on regulation? Let's hear them so we can carry those

forward when it comes time to regulate and develop the legislation. I'm astounded. You need the legislation. Regulations derive their authority from the legislation, and it's inexcusable for this Member for Calgary-*Buffalo* to try and thwart the process. [interjections]

MR. CHAIRMAN: Let's go through the Chair. Thank you.

Hon. members, we need to be clear on something. The hon. Member for Edmonton-Norwood rose and made this issue, if I understand you right, Calgary-*Buffalo*, as a point of order, and the ruling of the Chair was that it was not a point of order. Having listened to Calgary-*Buffalo*'s comments, it properly is a matter of debate, and this is the Chamber for debate, but it is not a matter of procedure. Points of order deal with procedure. If members don't think they have enough information or they can't deal with a Bill in a given form, then they are free in this stage to move amendments, vote against it, but I don't think the correct form for getting at what Calgary-*Buffalo*, Edmonton-Meadowlark, and Edmonton-Norwood were trying to get at is a point of order. It's procedurally out of order, but the debate that they're on is not out of order. Is that clear, Calgary-*Buffalo*, Edmonton-Meadowlark, and Edmonton-Norwood? Okay.

Do you wish to make further comment, Edmonton-Norwood, on the Bill before us?

#### Debate Continued

MR. BENIUK: Yes, in debate. Can I take the minister right now as having said that the regulations are not in place? It follows, then, that if his regulations are not in place – and he has acknowledged last day during second reading that the regulations are so crucial to how the Bill will be implemented and it's a key element in making sure the Bill is fair and equitable to all our citizens – if the regulations are not written, do we have here a skeleton piece of legislation coming forth, a Bill without substance? Are we being asked in this House as legislators to approve something that is so murky that nobody will know what the end product is going to be?

DR. L. TAYLOR: Only you, Andrew.

MR. BENIUK: Mr. Chairman, I appreciate the fact that the Member for Cypress-Medicine Hat leads the Tory choir. I realize he's very ambitious, and one day, as the saying goes: today's choirmaster, tomorrow's Government House Leader. I do appreciate his ambitions.

But the issue before us, Mr. Chairman, is the fact that the regulations are a key component of this Bill, as stated by the minister, and I read his quote to you earlier during the point of order. I therefore would appeal to the minister to rise and say that he will present the regulations, if they're in place. If not, then let him stand up and say, "A Bill has been created that's a wide-open Bill, and we don't know how it's going to be implemented." It's going to be a mess, and he is the father of the mess.

MR. CHAIRMAN: Okay. The hon. Minister of Labour.

MR. DAY: In response to that question. If I dare to presume to bring legislation into this House for discussion with the regulations already made my colleagues would quite properly ask me to resign and so I should. Get real. [interjections]

MR. CHAIRMAN: Order. Thank you.  
Edmonton-Meadowlark.

MS LEIBOVICI: I can understand the astonishment, the frustration, the unwillingness of the minister to entertain any thoughts from this side of the House. Perhaps they've been too used to rubber-stamping, and that is going to stop.

One thing I have a hard time understanding is when the minister stands there and says that there are no regulations. Well, in the budget there are actual fees that are talked about in this Bill. It says in here: "any fee that is payable pursuant to regulations under section 76(h)." Well, are you saying that you don't know what those fees are? Are you saying that you don't know what those regulations are? Mr. Minister, they are in the budget.

MRS. SOETAERT: Get real.

MS LEIBOVICI: Thank you.

Is there a response to that? If not, we can continue, but I will not stand by idly.

MR. CHAIRMAN: Could we have your comments made through the Chair? It kind of brings it to a debatable level.

MS LEIBOVICI: Well, the outrage is put forward. This is not theatre. We are dealing with people's lives. We are dealing with trying to make an Act. We are sincere on this side of the Legislative Assembly in trying to make an Act work. We realize that there are lineups when it comes to employment standards. We also realize that there are many individuals who are not getting the kinds of services that they require through employment standards, yet what we are seeing is a Bill that doesn't really deal with that. What the Bill says is: we will charge you for those services, and trust us. Trust us. We want to put it in here. We want to put in the Bill that we can charge you for it, but trust us. We're not going to do it. We're not going to do it; right? Then why do you have it in here is what I'd like to know? That's what the people of Alberta are going to be saying.

Now, we've got a number of issues with this Bill, and the first one we've talked at length about. There seems to be some confusion in the minister's mind as to whether he does have regulations or he doesn't have regulations. [interjection] I beg your pardon?

MR. CHAIRMAN: I'm sorry. I wasn't meaning to interrupt you. You were waving a piece of paper, and I thought you had some amendments. No?

MS LEIBOVICI: Oh, yes, I do have amendments. Yes. I'm just getting warmed up to them. What I thought I'd do is provide a little bit of an overview in terms of what some of our concerns are.

I do appreciate that the minister did take the time to reply to the concerns that were brought up at second reading, and I would like to say that the minister has always been able to provide us with information when we do ask a question. However, I would have hoped that the minister or his department would have also provided the amendments. It is sometimes not good enough to just provide the information. What is also good to have are amendments and changes to the Act that deal with some of the concerns that are brought up by the opposition and by members within the government as well.

Some of the things that we've been saying are very simple. The Bill calls for some major changes in terms of privatization of some services. We'll use that word. I don't think it's outsourcing in this case. I think it is direct privatization when it comes to certain services that the employment standards group formerly provided.

What we're saying is that we need to be very careful. The Department of Labour provides a number of functions. One is a regulatory function. One is the provision of services to individuals who are not protected by unions and have only the employment standards branch to go to if they require help. We're saying that we need to be careful, because what we're looking at doing is not only privatizing but we're looking, of course, at charging individuals to now get help.

4:00

The minister did mention in terms of the employment standards symposium. I've asked on a number of occasions for that report. I've yet to receive that report. The minister is now saying that it's available to the public. Well, I as a member of the public would like to have that report within the very near future, because it seems that some of these changes that are brought forward in Bill 4 are based on the symposium. So I would like to know which changes were followed through and which changes have not been followed through with regards to the symposium.

I think there's a real issue at hand in terms of the cost-recovery aspects within the Department of Labour. I know that I've touched on it briefly in terms of the regulatory aspects and the whole question of whether the Department of Labour should in fact be working on a cost-recovery basis to the extent that they're proposing. It comes back to the notion that all of the people within Alberta have suddenly become clients; they've suddenly become something other than citizens who are served by a public body. I think in discussing and debating this particular Bill, we have to look at that notion as well.

There are a number of very specific items that I have outlined here that my honourable colleagues will speak to as well. I would hope that it is not only members on this side of the Legislative Assembly who have taken the time to look through this Bill but that there are other members as well who have also taken the time to do that.

I will address in general some of those areas and then in specifics, if that's okay with the Chair, with regards to the particular amendments. Is that okay as a process? I'd just like to double check.

MR. CHAIRMAN: Would the hon. member send the amendments to the Table now?

MS LEIBOVICI: Sure, I can do that. Do you want them all now or just one at a time?

MR. CHAIRMAN: Just as long as we're apprised as to which one you're going to move now.

MS LEIBOVICI: Well, I'm not moving any right now. What I wanted to do was just do a bit of a brief overview, respond to some, and then provide the amendments. [interjections]

MR. CHAIRMAN: Thank you, hon. members. I'm trying to hear the Member for Edmonton-Meadowlark.

Go ahead, Edmonton-Meadowlark. Have your overview.

MS LEIBOVICI: Okay. Thank you. I have provided the first amendment, but as I indicated, I'd like to speak in general to give the minister some advance in terms of the kinds of issues that we're looking at. Some he has already addressed, and others he has not addressed.

One of the first ones that we are looking at is with regards to the appointment of the director. I understand there is a team concept

that the department is moving towards, but regardless of whether there's a team concept or not, there is still someone who is generally considered the boss of an organization. This particular boss in terms of the directors has various responsibilities and in fact is designated by the minister as the director for the purposes of this Act.

So the question still remains on the table as far as we are concerned in terms of whether this designation should more appropriately perhaps come before the Legislative Assembly for approval. The minister indicated that the individual who is appointed is appointed through the public service process, but again I have not seen the public postings for this particular position. I think that if the minister is directly appointing or designating, then that in fact should come to the Legislative Assembly for approval.

We note that there are a number of housekeeping changes within the Act, various things such as new headings or deletion of redundant headings under the change in section 3, and of course those aren't a problem.

We note that there are other areas that are a problem in terms of the privatization of the employment standards branch. How will the hiring be done of these individuals? How will the privatization occur?

We looked at various other areas that are of concern. I've mentioned a number of times already that the largest concern is that if the minister is indeed, as he indicates, not going to be charging fees to employees who want to file complaints or for investigations – and that's a direct quote from the minister – then there should not be those provisions in the Act. Again it begs the question: why have it there if you're not planning to use it? If you are planning to use it, then bring it back to the Legislative Assembly and be up front in terms of the ability and the wish and the desire to have that.

Of course, the concern with that is in terms of the filing of genuine complaints. We do not want to have individuals who have a genuine complaint being unable to go and file a complaint because they're afraid they're going to be charged. When I saw that various areas in employment standards were going to be privatized, such as the publications area – I know that one of the minister's claims to fame is in terms of the self-help kits. Will there now be a charge for that? Again, if there's not going to be, why can't it be clear in the legislation? The legislation should be such that any individual can pick it up and say: this is what I am being charged for, and this is under what circumstances I will be charged, and these are the circumstances under which I will not be charged.

This government has made a pledge to move to plain English in terms of Acts and regulations. In looking through this, I don't know that that has been achieved. Again, I don't see in here where it indicates exactly what will and what won't. It just gives broad parameters to be able to charge on a number of items. There's this whole section that deals with that question, and we will debate that. We have some amendments for that.

As I indicated, I had hoped that the minister would come back, given our forceful debate on second reading, and say: "Yes, I have recognized that there are concerns. Yes, the calls to my office have also stated that there are concerns with this particular issue. Yes, we will be making the changes, whether they be deletions or what have you." So this is a key, key point, and I can't stress it enough.

In terms of the frivolous and vexatious complaints, of course, you're not going to get any opposition from this side of the House. If someone is putting a complaint forward that is vexatious or is frivolous, there perhaps should be a fee charged to

that individual. When I was an equal opportunity officer with the city of Edmonton, one of the things we did when we put forward a sexual harassment policy was to ensure that if someone had a complaint that was vexatious, they were subject to discipline. I don't think this is an unreasonable thing to have within the Act.

Where I think there are problems within the Act is in terms of what is the definition and, again, the appeal process. I don't think that the minister has replied to that satisfactorily. Again, I am looking at this both as an individual who has responsibility to say, "Yes, this is a good law, and it has the stamp of approval," or "No, it is not a good law," and that in fact is based on the calls and indications that I get from the public and my constituents as well with regards to these things.

We look at other areas within the Act that I think need to be addressed, and those are with regards to the various notices of appeal, whether the director can waive or reduce the requirements. What exactly does that mean? What kind of security does an individual have who is going for an appeal? There are problems right now with employees who can't get first access to wages because of bankruptcies. These are not areas that are addressed within the Act in terms of trying to strengthen those provisions, yet we're looking at how to get the fees from people for this. So there seems to be some basic inconsistencies within the Act itself.

#### 4:10

I think one of the suggestions that I would have made – it is not an amendment that we have put forward – to the minister, had I been in his department, is to say: Mr. Minister, I think what we need to do is look at the Employment Standards Code as a whole as opposed to as a piece. I think when we look at an Act as a piece, with the only objective to derive funds and collect fees and to privatize little bits and pieces, what we've got is something that does not serve the needs of Albertans. That is again what we are here for: to ensure that these laws provide a framework so that Albertans' needs are served. With the kind of economy that we're seeing these days, with the high rise in part-time work, with a large number of people within the work force who are illiterate – and that is a problem that has not been addressed within this Assembly but I think we need to look at – what we are doing is providing obstacles for them to receive fair treatment.

I think what we need to do is to step away from perhaps the urgency that I know this minister is feeling, because of the deficit reduction that this government has put upon his shoulders, and say, "What really would serve the needs of Albertans, and does this do it?" Unfortunately, I am not in the minister's department, but I can provide help along the way, and that's what I'm planning to do. Hopefully, the minister will see this as constructive help and will take it in that light.

Education programs. Again, there are provisions in here for the director to actually delegate people to attend education seminars and also to pay for those seminars. I don't have a problem with the attendance of education seminars. I think there may be hardships with regards to paying for education seminars, and I think there should be some leeway within the Act for employees or for small employers who cannot afford but could well benefit from education programs.

With regards to – and I think the minister for clearing that up for me on second reading, because I wasn't quite sure what the implication of province to jurisdiction would be. That, of course, begs other questions. How do we actually enforce labour laws from here that are occurring in Mexico? How do we ensure that our labour laws then transpose to Mexico or vice versa? How do we then claim against an employer who is not enforcing their own

laws, never mind our laws? So I think that's a problem that occurs there.

That's sort of a brief overview of some of our concerns. I know that there are other members who are with me today who have other concerns as well and will be speaking to them.

With regards to the actual amendment that was put forward, the amendment is specific to section 2. What we've added is: "approved by the Legislative Assembly" after "Minister." In other words, we're indicating that the director, even though it is a team approach, is a very important individual within the organization. The director has certain powers or certain authority with regards to appeals, with regards to making decisions on payment of education courses. But I'm not sure how that team works. Do a group of five people sit around the table and say, "Okay; we will charge Mr. X a certain fee," or is it actually one person? My guess is that one person will be given the responsibility for making those decisions. That in fact is the director that is designated by the minister and, given that it is an important position, should be public and should be approved by the Legislative Assembly. Again, if I am misreading this – and I think the minister had indicated that perhaps I was – then what I would like to at least see is that if the appointment of the director is through the public service process, then that be enshrined in the Act, not designated by the minister as the director, because that to me has a totally different connotation. I think that's something that needs to be addressed.

I think I will sit down for now and allow my other colleagues to address this particular point as well, unless the minister has something to respond at this point.

Thank you.

MR. CHAIRMAN: Now, the Member for Edmonton-Meadowlark has moved the amendment that has been circulated to Bill 4, which she's just spoken about.

Edmonton-Norwood, on the amendment.

MR. BENIUK: Okay, speaking to the amendment. Under Section 6 of the Act the director is given awesome powers to tax, to charge fees, which is taxation. There has to be legislative control over the type of fees charged, the type of fees that the people of this province will be paying. We don't want another mess like we have at WCB, where there is a big distance between the legislative control and what's happening over there. The Legislature has no control over the WCB, and if this amendment is not accepted, we will have the same major problem. There has to be control over how audits of employers' records are conducted. I mean, it affects every single employer in this province. The fees that will be charged will be at the discretion of one individual, possibly with some input from the minister, the way it now stands. There has to be legislative control over taxation.

You have massive investigation powers of the director. You have massive control over the appeals process, over the issuing of documents. There is massive control placed in the hands of one individual. Do we really want this individual to have so much power yet have no control over that individual? I refer once again to the problems at WCB. This is a very good analogy. The WCB is an autonomous organization without any control by this Legislature. It's massively in debt. It can charge whatever fees it wants to the employers. If the employers don't like it, their businesses can be closed. We have the same situation here. The director will have the power to appoint an umpire. When somebody disagrees with what the director has done, there's an appeal process, but he names the person that's going to handle the appeal, who is going to sit in judgment. There has to be this

Legislative Assembly control over the apparatus that is being put in place by this Bill.

This Bill's number one function, I suggest to you, Mr. Chairman, is to get money to the government. It's taxation through a term called fees. It'll be interesting to know, Mr. Chairman – as the minister said, the regulations are not yet in place – does this mean that he and whomever the director will be will sit down and figure out how much money they want to raise and then do their number and change it year by year? There has to be legislative control to make sure that whatever happens is a fair process. Giving power to one individual appointed by the minister does not solve that problem; it creates the problem.

DR. WEST: What's the point?

MR. BENIUK: The point is, hon. member for – let's see. Where is he from?

MR. CHAIRMAN: Through the Chair, please, hon. members.

MR. BENIUK: The Member for Vermilion-Lloydminster by way of Municipal Affairs asked what the point is. The point is, Mr. Chairman, that this Bill gives power to one individual appointed by the minister, and that is not the way democracy works. There has to be legislative control over the taxation process, over the fees that are going to be charged, over the appeals process, and over the collection process. The director not only appoints the umpire that will sit in judgment, like a judge, but will also determine who's going to go and how they're going to go and collect whatever is owed through a private agency or a private individual. By adding this very, very crucial clause "and approved by the Legislative Assembly" after the word "Minister", we are bringing control, justice that would otherwise not flow from this Bill as it is now worded and placed before this House by the minister.

Last day I mentioned that the powers of the director are so massive you can drive gravel trucks through it, and the minister responded by saying that he would look, that he would allow us to debate, to discuss the regulations, which now don't exist and which may only exist down the road when the minister decides how much money he wants to get from the various individuals affected by this Bill. We believe taxation powers flow from this Legislature, not from the minister, not from Executive Council, not from a director appointed by the minister. I would urge all members to fully support this amendment.

Thank you.

4:20

MR. DAY: Well, speaking to the amendment, I appreciate the concerns raised by the Member for Edmonton-Meadowlark. I thought I heard in her comments – I really do think we have those addressed. Obviously, for the Legislative Assembly to get into the process of approving all director appointments would be precedent setting. Even the Auditor General, even the Ethics Commissioner, the whole process by which the Auditor General has suggested certain appointments certainly should go through a review process, that is nowhere near, that doesn't even approach this particular level of individual, not that it isn't an important individual. All of our employees are important, but it doesn't even come close to that. It would be a staggering precedent, just the workload alone to get into the Legislative Assembly approving the hiring of directors in all the various departments, which this would start.

I think the Member for Edmonton-Meadowlark is concerned about process and that in fact the appropriate people are in place

and in fact those people would be subject to scrutiny. Therefore, when the Member for Edmonton-Meadowlark mentioned provisions within the Public Service Act, that is clearly here in the Act: director means an employee within the meaning of the Public Service Act. So those provisions are clearly in place. I believe – and I suppose I'll just agree to disagree – that takes care of that concern, and we just disagree. To move in the area of having the Legislative Assembly approve hiring at the director level would be unprecedented and a workload that would have us in here 365 days a year.

So it's for that reason, on the workload side, that I suggest we vote against the amendment. Though I appreciate the concern, I really believe we've got the concern addressed within the Public Service Act.

MR. DICKSON: I just make this observation, Mr. Chairman. I had an instructor who taught me about the legislative process, a man even more learned in this process than the minister who has just spoken, and one of the things that was made clear to me was that although regulations typically follow legislation, the Legislature was sovereign in time past, and I think that's what this amendment speaks to.

The problem, I think, is that with this government there's a credibility issue, and the credibility issue is that we have seen so many appointments of people not on the basis of merit, not through an arm's-length public service commission process. That's the concern. That's the issue that's spoken to. My concern is at least partially allayed if in fact the minister is undertaking that this key position is going to be filled by the Public Service Commissioner in an arm's-length hiring process. That at least allays some of my concern, and it addresses part of this bigger picture. But I'd just come back and say that the reason members on this side are concerned about this position is because we are continually fighting what we see as an erosion of the sovereignty and the importance of this legislative Chamber.

HON. MEMBERS: Question.

MR. CHAIRMAN: The question has been called on the amendment to Bill 4 as proposed by Edmonton-Meadowlark.

[Motion on amendment lost]

MR. CHAIRMAN: Edmonton-Mayfield wishes to continue debate? No. Okay.

Edmonton-Meadowlark.

MS LEIBOVICI: You'll know me by the end of this afternoon.

We are not totally in agreement with what the minister has indicated, because within the Act it still talks about "designated by the Minister," and even though we have taken a vote on the amendment, I would still urge the minister to look very carefully at that clause and what the implications are.

The next set of amendments that we look at deals with section 4, which is communication and education. We've amended section 5 by adding the following:

- (4)(a) The Minister or the Director may order an employer, an employee or any other employees of the employer to attend an educational program in employment standards, and
- (b) The Minister or the Director may make an order determining responsibility for the payment . . . of attending an educational program referred to in clause (a).

I'll just wait till everybody gets that.

MR. CHAIRMAN: I think most hon. members have now received it, so continue, Edmonton-Meadowlark.

MS LEIBOVICI: I just wanted to make sure everyone had it. I think everyone does.

The reason for the amendment is to ensure that it is not only the umpire that makes the decision in terms of the educational programs, but that the minister or the director could delegate that responsibility as well. I think what we need to be able to do is allow the minister or the director to intervene at an earlier point in time. Once it gets to the umpire, it's already gone through the process. Some decisions have been made, perhaps some appeals have happened, and then the umpire says, "Okay; let's do the education program." Perhaps if the minister or the director had intervened at an earlier point in time or had been made aware of the situation, in fact the process could have been stopped, and it might not have had to go that far to the umpire, entailing costs for employer, employee, or the government as a whole. So the reason for this particular amendment is very simple. It's to expand the jurisdiction so it's not only the umpire that is able to require the attendance and in effect to try and save costs for all the individuals involved.

MR. CHAIRMAN: The hon. Minister of Municipal Affairs has risen to speak?

DR. WEST: No, Mr. Chairman.

MS LEIBOVICI: If I might just continue then.

MR. CHAIRMAN: I'm sorry. If we're going to be dealing with the amendment and you've now sat down, were you not inviting others to speak to the amendment?

MS LEIBOVICI: Well, I thought . . . Yes. Okay. That was a miscommunication.

MR. CHAIRMAN: Are there any comments on the amendment?

HON. MEMBERS: Question.

MR. CHAIRMAN: The question has been called. Are we ready for the question? Okay. The hon. Member for Edmonton-Meadowlark has moved an amendment to Bill 4 by adding two parts after section 4.

[Motion on amendment lost]

4:30

MS LEIBOVICI: I guess I'm a little bit surprised at the government's reticence to recognize some good amendments and some ones that would have been very easy for the government to adopt, particularly with regards to an important area such as education. There is obviously an acknowledgement that education is important and that the effects of education are to try and ensure that there are less costs accruing to all the individuals involved. Perhaps the wisdom of this next amendment will be seen by the government, and hopefully we'll have a different vote on this.

The next amendment deals with the fees section. It amends section 5. Section 5 currently is amended by indicating that the Director may engage persons to perform services for and otherwise assist the Director and officers in administering this Part, and those persons are entitled to the fees established in or pursuant to regulations under section 76(k).

What we are proposing is that the section which starts "and those persons are entitled to the fees established in or pursuant to regulations under section 76(k)" be deleted. The reason for that is quite simple. It has to do with some of our opening remarks, wherein we indicated that if the government in effect did not wish to have fees for individuals with regards to the pursuance of complaints, the Act be amended to reflect that. So that in effect is what we've done.

Section 76(k) talks about

the circumstances under which a person who is engaged by the Director . . . is entitled to fees, who is liable to pay the fees, the amount of such fees or the manner in which the amount is to be determined

and therefore again leaves it wide open to interpretation.

There are numerous questions that come with this whole section, and we are looking at other amendments within this section as well. Perhaps what I'll do at this point is actually distribute the amendments that work in conjunction with this, and that is the amendment for section 6 which talks about striking out sections 76(h) and 76(k). That would make the discussion a lot more coherent as a whole.

Section 76(h) talks about

authorizing the Director to charge fees for the purpose of recovering all or part of the costs of the Government in administering this Part, including, without limitation . . .

- (i) [auditing] of employers' records,
- (ii) the filing of complaints, applications and appeals,
- (iii) the investigation and mediation of complaints,
- (iv) the processing of appeals,
- (v) the issuing of documents,
- (vi) the filing . . . and enforcing of orders, and
- (vii) the provision of other materials or services by the Government.

MR. CHAIRMAN: Hon. member, just for clarification, are you moving two amendments at once, in which case then we'll vote on them at the same time? Or are you moving them separately?

MS LEBOVICI: No, we're not. What I'm doing is just providing the two amendments so that the debate is more of a coherent whole. Thank you very much. No, they are two separate issues and I think as such should remain as two separate votes.

Now, we have talked a bit and touched a bit about the fear of people these days, the insecurity that people have with regards to their employment situations, and the requirement, the importance that individuals be able to ensure that if their employment situation is less than perfect, they have an avenue to amend that situation. It was interesting that after the proposal of Bill 4 by the minister people started to come out of the woodwork in terms of their situations with regards to employment standards. I have an article from February 18 in the *Edmonton Journal*, "Proposed job standards bill offers no shield – lobbyist," by an individual who has had a host of complaints with employment standards – David Ferrier actually is the individual's name – and in effect feels that the government shirked its responsibilities, specifically I believe it was the social services department with regards to the payment of severance pay. He has been attempting to get information from the government with regards to that and has been unsuccessful. So that's one individual who has been lobbying for changes for a long time within this government.

There was another editorial the same day, again by the *Edmonton Journal*, that talked about the province shirking its essential role with regards to employment standards and, I think, placed it quite succinctly in terms of the problems with regards to not only Bill 4, which we're discussing at this point in time, but some of the problems with regards to Bill 1 as well. It talked

about the fact that the changes within the Employment Standards Code really are nothing more than tax grabs, are really nothing more than user fees. When we looked at the number of fees that could be applied under this legislation as well as under some other legislative Acts within the Department of Labour, after agriculture the Department of Labour was the second highest with regard to fees charged.

Again, I think we need to debate in this Assembly what the role of the Department of Labour is and whether that role is not to regulate and is not to provide services to the citizens of Alberta; that the role of the Department of Labour is to be a bit of an arbiter, as the *Edmonton Journal* indicated, among social interests. That is what its traditional role has been. I think no one can dispute the fact that the Department of Labour, much like some of the other departments within the province, needs to look at ways of effecting cost recovery and that the Department of Labour needs to look at ways of shrinking its size.

Again, are the areas that the department is looking at really the areas that are going to provide the most effective service to Albertans in the long run and ensure that our economy is thriving and that individuals feel secure in their positions within Alberta and within the work force? I remember a statement being made a little while ago by one of my hon. colleagues that a secure work force is a lot more productive than an insecure work force. Of course, I don't think one needs to do any in-depth thinking on that to know that in fact is the case, that one needs to be secure and needs to have the avenues, if an employer is not treating the employee appropriately, to be able to make the changes or to be able to go to someone who does not have a vested interest, is not paid by any of the individuals to make a decision that is a good decision, hopefully, and to ensure that there is justice done.

So I think the primary flaw within this legislation is that it does not do that. It does not ensure that individuals who require investigations, individuals who require the mediation of complaints, individuals who require that appeals are processed fairly, individuals who require documentation, individuals who require auditing of employers' reports are going to have access to those particular areas. For those reasons we have put forward the amendments that say that if the government does not have an intention to charge for these areas, if the government does not have the intention that employees will be charged to have their complaints processed, why isn't it in here? It's very simple.

So we've deleted it. Hopefully, the government can come back with all of their staff and provide the appropriate amendments that would in fact say that these are very specific instances we are looking at, that these are very specific situations which may warrant the charging of fees, such as in terms of vexatious complaints, and that employers who willfully disregard employment standards legislation over and over and over again would be charged for their auditing, would be charged for the filing of complaints. If that is what the true intent is, then that is what should be outlined here.

4:40

The other part that's sort of vague in terms of this particular legislation is again the whole idea of privatization. How do we then ensure that individuals, companies, or whatever they are which are hired to do these services are in fact audited appropriately, do have standards that they have to adhere to, that we don't get any fly-by-night organizations which say, "Sure, I can mediate your complaint"? How in fact are those individuals looked at in terms of appointments? I may have missed it in here, but I do not see, right on the top, where those indications are. I think that's something that the minister needs to be aware of and needs to be

able to say, "Well, these are our standards, these are the things that we're working towards, and this is how we're going to implement the privatization that's going to occur over the next two to three years."

I think that at this point I will sit down to allow the Member for Calgary-*Buffalo* to add to my comments.

MR. CHAIRMAN: Okay. I take it, then, that Edmonton-*Meadowlark* has moved her amendment to amend section 5 by striking out "and those persons are entitled to the fees established in or pursuant to regulations under section 76(k)" as circulated. Calgary-*Buffalo*.

MR. DICKSON: Thanks very much, Mr. Chairman. Much of what I want to say was said on February 17. I incorporate by reference now my comments on page 146. I want to make this observation. I regret very much that this amendment is necessary. I regret that the amendment is required, and I say it for this reason. One would think when we're dealing with a public safety Bill – and that's in pith, in substance what the Employment Standards Code is. It's a matter of public protection. Yet we see a tension here between public protection, on the one hand, and revenue generation. I have to tell you that when we look at Bill 4, essentially what we're looking at is that this is an instrument of generating revenue. I'm prepared to go this far. I'm prepared to acknowledge that in 1994 it's not unreasonable to look for sources of revenue even in public protection, public safety regimes and processes. But what we've got here is – we've sort of lost the balance. We've lost the focus. When you read through Bill 4 in a general sense and when you read the section with respect to fees, one really is hard pressed to find any other overriding, overarching concern than generating revenue.

I appreciated the minister when, in his introduction to this stage on this Bill, he did go back and he did touch on a number of the concerns that I and other members of this House raised. With respect to fees, though, he said this. One phrase I marked down in quotations, and I hope I have him accurately on this. He said that the Act will allow us to charge reasonable fees for information, close quote. I look down here and see my friend from Rocky Mountain House, and I'm mindful of the experience that we went through when we had well over 60 submissions from groups across this province who were concerned about freedom of information. I'm sure the Member for Rocky Mountain House will correct me if I misdescribed this, but numerous submissions focused on the question of fees: how the fees are going to be charged, how they're going to be assessed.

One of the things I raised last time that the minister did not address and that is still a concern of mine is the power to waive fees. There are, Mr. Chairman, all kinds of appropriate cases where there are people who simply don't have the money. We all know what happens if you have a counter clerk who's got a tariff that's taped to their desk and somebody shows up and they want some kind of a service. The clerk looks at the item on the list and says, "No fee, no service," and that's the end of it. Well, in fact the Employment Standards Code and the employment standards branch are about providing protection, about providing a service, I don't think we can allow that to happen. I think there has to be the explicit power in the statute to be able to waive fees in the appropriate case. That's what we were told when we went around and heard all of those submissions with respect to freedom of information. I see the chairman of that panel, from Rocky Mountain House, nodding. I hope he's in agreement. If not, I'm confident he's going to get on his feet in a moment.

The other thing I'd say, Mr. Chairman, is that there is this question that it's not enough to say that the people will be reasonable. If you're going to charge fees in a matter that's as important as this or a matter as important as freedom of information, you have to deal with it in the statute. You have to actually make that provision here, because that's the protection people have that they're not going to be denied access by a bureaucrat. I think we should do nothing less for those Albertans that depend on the Employment Standards Code, that look to this as their fallback. This is their protection, and I'm concerned that that protection, maybe in a modest way but nonetheless in a very real way, is going to be undercut, circumscribed, or in some way frustrated.

Thank you.

MR. CHAIRMAN: Edmonton-*Mayfield*, on the amendment.

MR. WHITE: Yes, on the amendment, sir. Speaking to fees in general, my learned colleague from Calgary-*Buffalo* covered the topic rather well, although it left for me to debate a couple of items that I think are rather cogent. This seems to be a very, very clumsy way to deal with balancing a budget in a very small way and a very small part of a department, to say, "Look, we deserve the right to be funded." We can see by the government's papers earlier on the budget that it was much, much easier for any area that is at least partially self-sustaining to maintain itself in the style to which it has been accustomed, which is lots of bodies in the bureaucracy. This seems to be an extremely clumsy way to do that. And to do that at the expense of something as fundamental and as tiny as democracy – we seem to downplay this particular aspect of it. This plays into the hands of . . . [interjections]

MR. CHAIRMAN: Order. Thank you.

Sorry for the interruption, Edmonton-*Mayfield*. We just wanted to restore a little order. Go ahead.

MR. WHITE: . . . all of those that have more money in order to fight these things. Well, here we're talking about employment. We're talking about, by and large, not those people like many that negotiate their contracts a long way in advance and do not deal with employment standards and would never deal with employment standards: "We're dealing in a contract, and we know the remedies in law. We're fully aware of how litigation works and the law of tort works." These are people that do not have that advantage. These are the people who do not have the advantage of having (a) that knowledge and (b) perhaps the funding in their pocket in order to activate a system that may, in fact, be beneficial to them. Now, if you're putting anything in place to protect workers, I suggest to you that it behooves the state to pay for those items unless and save and except in some kind of vexatious action or something, which surely the minister and the regulations could allow.

That brings me to the third point: regulations. Surely the minister cannot say to all of those assembled here and therefore to Albertans in general that there is anything reasonable in a regulation that asks one to pay but doesn't say how much. All these things we're talking about, particularly in employment standards, deal with the how much of everything, whether it's how much time off, how much time is taken for coffee, or what the price of employment is: all of those things. Without those regulations or at least a draft set of regulations, which the minister is implying they are not even considering at this point, which we know to be barely, barely the truth, if at all the truth, there doesn't seem to be anything in this little corner of legislation other than a mere grab, and a large grab, for dollars from this department.

Thank you, sir.

4:50

MR. BENIUK: It's happening. It's already happening. I rose before and I mentioned that if the minister did not come forth with his regulations, his words will become hollow. We look at this Act, and the minister said in this House a few minutes ago that his main concern about pushing through this Bill are the workers of this province. And what's the concern? In this section he's going after their money through user fees. Is that a concern for workers, or is that an opportunity to get their money? Hollow words already are coming forth in writing as well as verbally from the minister, and this is very, very disturbing. I certainly hope that the minister will take another look at his comments of last day, will take a good look at the wording in this Bill and come forth with the required support for this amendment which will remove the very unpleasant words referring to user fees.

Now, Mr. Chairman, I realize that the minister might represent a very rich riding, but the average Albertan, the workers of this province, cannot afford the massive tax grab disguised as user fees that is taking place through this legislation. We go back to the fact that it's not the Legislature that is going to be authorizing this massive tax grab. It is the minister and whoever he appoints to be a director of this body that will be regulating this Act, an Act created to get their hands in the pockets of the workers of this province. The minister's words are becoming very, very hollow when he rises in this House and he says that we have to push this Bill through for the benefit of the workers. What benefit is there for the workers of this province who cannot afford to pay user fees, who are fast becoming unemployed, who are fast becoming part-time and underemployed? The minister wants to take even more of their money.

This is a very, very unpleasant situation, Mr. Chairman, and I would urge the minister to take a good hard look at the consequences that flow from this Bill, this section. I would urge him to support my colleague from Edmonton-Meadowlark and support this amendment.

MR. DAY: Mr. Chairman, I won't be supporting either of the amendments, but I do want to say and show proof to my words in terms of - I don't want to get into this whole argument on regulation again either, because I think we've dealt with that one. In fact, the Member for Calgary-Buffalo raises the question of the waiving of fees in exceptional circumstances, and the legislation is worded so that regulation could be drawn up that would waive these in certain exceptional cases. That's the way this is drawn up. Section 76(h), as you see, using the direct words there, "respecting the circumstances," does allow for that flexibility, and circumstances actually could be defined under which fees would be waived. This gets back to the whole thing of: have I come here with all the regulations developed and in place? Absolutely not, because we need this type of discussion so that we can get a sense of what could be put in regulation. The Member for Edmonton-Mayfield suggested there's nothing even been thought of in terms of regulation. No, that's not true at all. We have to anticipate regulation, and we're doing that.

I'll speak in a moment to not being able to accept the amendments made by the Member for Edmonton-Meadowlark. The point from Calgary-Buffalo is valid, and I will give the commitment that I'm definitely prepared to consider inclusion in the regulation of a provision that would allow the waiving of fees in exceptional circumstances. We can do that without an amendment, and I give my commitment to that.

On the amendment itself, striking out those words "and those persons are entitled" and the whole question around "and those

persons." If I can use an example here, there might be a need to have a chartered accountant, for instance, to do an audit of an employer who's not being co-operative. Here we've got a situation of an employer not being co-operative, refusing to provide information, so a chartered accountant's services are retained. The accountant then, under this provision, could charge a fee to the employer for doing this, according to the rules under 76(k). If we want to be able to do this, we need to leave that wording in place. That's what we mean by "those persons." In this case that would be an accountant whose services are required so that we can determine a concern that we have with a particular employer. That's why we need those words there. That's an example of "those persons." I can see, you know, that in the advancing of these concerns, there's a natural suspicion of government. I appreciate that. Opposition members are trying to deflect from that, and that's why I want to be careful to try and define why those words are here.

I must compliment the Member for Edmonton-Meadowlark. To publicly state that she's getting direction, in terms of responding to legislation, from the editorial columns of the *Edmonton Journal* is a courageous thing. Copious quotations coming from that document, the *Edmonton Journal*. I compliment her on her courage and on her faith in those editorials. But I understand, too, that the *Journal* is taking extensive steps, as they've indicated, to be the opposition, even going so far recently, just a few days ago, as to lay out in editorial form point by point "here's how to attack the government" initiatives. So maybe the member's following that.

Getting back to her points, her concern is valid. I hope this particular example shows how we need to accommodate "those persons," and I believe that deals with the issues. I, too, as Calgary-Buffalo said, regret that it is necessary. I actually regret that any legislation is necessary, but in fact it is, so I guess we'll have to live with that regret. If the members bring forth both of these amendments, I will be recommending that we do not support these amendments and call for the question.

MR. CHAIRMAN: There's actually only one amendment, hon. minister.

Edmonton-Meadowlark.

MS LEIBOVICI: Yes. Thank you. I think there are some things that need to be clarified. The first, of course, is that I do not get my directions from the *Edmonton Journal*. What I did say - and *Hansard* will show that - is that I get my directions from my constituents, and what I pointed out were some articles within the *Edmonton Journal* that seemed to have the same point of view as I did. I thought that they, being journalists, had a better way of putting things than I perhaps do.

MR. DAY: Never. Never.

MS LEIBOVICI: Never? Thank you.

There's I guess some concern that still remains on my part. With regards to 76(k), I can understand what the minister is alluding to in terms of "circumstances under which a person who is engaged by the Director", et cetera, for the payment of fees. There are some problems that still are not addressed within here. Again, we get back to regulations in terms of how fees are determined and on what basis those fees are made, and that question I will just leave hanging there for now.

The major concern still rests with 76(h), where there are a number of items, seven to be exact, that authorize "the Director to charge fees for the purpose of recovering . . . costs." Amongst



those items are listed things such as "the filing of complaints, applications and appeals." I think if the minister's intention is only for vexatious items, then the wording here does not indicate that. The wording here is very broad in terms of intent, is very broad in terms of possible application, and leaves it open to interpretation by the director. I would rather see that hole closed as opposed to leaving the hole open. I think again, in terms of "the investigation and mediation of complaints," that is another hole which is open. I don't know that there need to be fees levied in all situations as well as for "the processing of appeals." Again, if the idea is for vexatious and frivolous complaints, which was what the minister had indicated and I believe is even what's indicated in the minister's press release, then there is no reason for this clause to remain as written.

I think it is very easy for the minister to indicate that there are reasons for this to be here, that the intentions are that there are not charges for an individual who wishes to process a complaint and to direct the department to make the required amendments. Again, the minister has resources available much more than what the opposition has. We have taken the route which says that if the provisions are broad, if they are not addressing what the concerns are, then the best avenue is to delete those provisions.

5:00

If the minister is indicating that there is merit – and I think I heard the minister say that the concerns were valid – then I and the members on this side of the Legislative Assembly would like to see those concerns addressed. Given the minister's openness on various other items, given the minister's willingness to respond to issues that have been brought up on this side of the Assembly, I find it hard to understand, then, the intransigence of the minister with regards to this particular article and invite the minister, Mr. Chairman, to perhaps respond to this in a favourable manner if the minister is advising that the amendment as indicated is not appropriate. Perhaps the minister can let us know that he will look at this and that he will be providing for more, I guess, content within the regulations that ensure that individuals who are filing a complaint, who are trying to access the services of employment standards are not going to be charged for those services.

MR. CHAIRMAN: Okay. The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Chairman. Just in listening to the debate, I think my hon. colleague for Edmonton-Meadowlark certainly articulated the point with great clarity when she suggested that in fact if there was no intention to really attempt to draw fees other than through vexatious actions, then that could clearly be stated in this situation. When we look at the filing of complaints – and we are guessing at what a fee might be – or we look particularly at something such as investigation and mediation, we know that that can run into a tremendous amount of costs, particularly if we have the legal field involved in it somewhere along the line. There is going to be a deterrent there for anybody that has a bona fide claim. When we're looking at alternatives or we're looking at some sort of innovation to apply to this process, I didn't see in the Bill anywhere where it was written that perhaps the party that initiated the action, if they were successful in satisfying it to their benefit, shouldn't be subjected to the costs, but the individual that they challenge probably should pick up the cost. Maybe there's some thought of application in that particular sense.

[Mr. Clegg in the Chair]

The hon. Member for Red Deer-North is very, very correct when he states that generally speaking the public distrusts government. Then I listened to the hon. Member for Red Deer-North suggest that in fact the *Edmonton Journal* is one of those areas that would cause distrust, yet out of the other side of his mouth – as I read it, it's not a paper that seems to be particularly kind to the side opposite these days – I can see he has some suspicions of them, as Albertans have suspicions of the government action.

So I think the hon. Member for Edmonton-Meadowlark certainly has stated her point very well as far as attempting to clean up this particular clause and eliminate those stipulations or those areas of this that are going to cause people to not follow through with their actions to file a complaint. Most of the people that are into this situation certainly are without a job, and we can extrapolate from there that they are without a lot of funds. So if there's a dollar factor associated with it – in fact, we should make it as clean as we possibly can so they can achieve a fair hearing. Tying a dollar factor to it and a fee to it, I suggest, would cause enough of a deterrent that the employer abuse may in fact grow, and I think we have to watch that in this climate of ours today, Mr. Deputy Chairman.

MR. DEPUTY CHAIRMAN: The hon. Minister of Labour.

MR. DAY: Thank you, Mr. Chairman. I think I've stated clearly my concern with the amendment itself, and I don't want to go over that ground. I don't have a problem giving a commitment that in those regulations we'll look at clarifying that intent, which is that the only people that will be charged are along the lines of the vexatious, abusive use of the code or the subsequent regulations. That was identified. The Member for Edmonton-Mayfield agreed with the vexatious aspect, as I think members opposite have. So I have no problem – although I do with this particular amendment; I think I stated that – with doing all we can to clarify that within the regulations so the intent will be very clear there.

[Motion on amendment lost]

MR. DEPUTY CHAIRMAN: It's my understanding that we have another amendment to Bill 4. The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Well, the other amendment is the deletion in 76(h) and also 76(k), which we've talked to at length. I seem to be having trouble convincing the hon. minister that this is a very important area for us. I respect that the minister has indicated that he will look at putting it within regulations.

I guess I still wonder what the difficulty is in deleting certain sections of that particular clause, which does leave the door open. Let's just shut that door. The regulations can then deal with the fees, can then deal with the other areas that are addressed within this particular provision. Why don't we just shut the door? If we're looking at some later point at providing for the payment of fees, then let's talk about it at some later point. It doesn't seem as if we are in conflict with regards to the vexatious and frivolous complaints. Where the debate is ensuing is with regards to the potential applicability of these particular phrases or these particular clauses, and for us this is extremely important. It does open up the door to the utilization of user fees.

As I indicated earlier, the Department of Labour seems to be one of the departments within government who has been the most creative with respect to finding fees that can be charged against users. Again, it moves away from the original mandate of the

Department of Labour, which was to be a regulatory, policing type of organization. We don't as yet pay for our police officers. We don't as yet pay for our fire fighting services, and I think that there are services such as protection of individuals who are not protected by unions, who are not protected by associations that government has a role in and there should not be a payment for that.

So again I don't know how much more forceful or forthright I can be to the minister. This is a real contentious article, not only for myself but for the members on this side of the Legislative Assembly as well as the people that we represent.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

The hon. Member for Edmonton-Norwood.

MR. BENIUK: Right on. Thank you, Mr. Chairman. Once again I must draw to the attention of the minister – and I do hope he's listening – that in 76(h) it says that he and he alone, possibly with the Premier's assistance, will appoint a director that will have taxation powers through user fees, and it says "without limitation". It's right there in black and white: "without limitation". The powers of the Legislature are being transferred, he hopes, to him and through him to the director. The legislative powers are being eroded. This Bill, this section 76(h) is extremely, extremely bad for this Legislature. Now, I realize that the minister is hoping that the ship that the government has financed through guarantees may not be launched because we might have our own Boston tea party. Taxation without representation: the minister appoints someone, and he will tax through the back door through user fees.

The powers that are given to this individual are massive. They include auditing at will. They can walk into any employer's office any place, do an audit, and send them a bill, a bill that can put that person out of business. There are political implications on this which I will not raise because I don't want to make any implications, although I will think about those implications.

#### 5:10

The filing of complaints. If a person has a problem, they have to have a very thick wallet, because otherwise the government will not hear them. If a person has a problem and they want it investigated, a very thick wallet will not be very thick after the government gets through with it through its director through the minister.

Natural justice will be denied. We have a law court system for appeals. Here an umpire is appointed, and the process of appeals is under the control of the director and through him the umpire. Natural justice is denied.

Everything from filing, registering, et cetera, is under the control of one man. Mr. Chairman, this reminds me of the problems at WCB. The very same problems arise. Lack of legislative control. They can tax any employer to whatever extent they want. Employers have no say. They can be put out of business if they don't pay their bills. This will give a director that the minister appoints, not the Legislature, powers to tax, to put people out of business, deny justice to workers who have grievances.

#### Point of Order Repetition

DR. L. TAYLOR: A point of order.

MR. BENIUK: I gather the future House leader wants to speak.

MR. DEPUTY CHAIRMAN: A point of order, hon. member.

DR. L. TAYLOR: Standing Order 23: constant repetition. We've heard this argument over and over and over, that it gives the minister power, that the minister and the WCB can then tax as much as they want and raise the taxes as high as they want. If the member has nothing new to suggest, I suggest myself that he sits down and shuts up rather than just repeating this stuff over and over.

MR. DEPUTY CHAIRMAN: Order. Hon. member, I think you should withdraw that one remark asking the member to . . .

DR. L. TAYLOR: What remark was that, Mr. Chairman?

MR. DEPUTY CHAIRMAN: You asked that the hon. member shut up.

DR. L. TAYLOR: All right. I certainly would change that to be quiet.

MR. DEPUTY CHAIRMAN: Well, thank you, hon. member.

DR. L. TAYLOR: Or say something that makes sense.

MR. DEPUTY CHAIRMAN: Hon. member, it's obviously not a point of order. What it is is a disagreement on what one member says against what somebody likes to believe. So we've seen repetition many times in this House, and we've never . . .

AN HON. MEMBER: On both sides.

MR. DEPUTY CHAIRMAN: Yes, on both sides, I might add. So we can't make a judgment. Although it could be repetitious, we'll let the hon. Member for Edmonton-Norwood continue.

#### Debate Continued

MR. BENIUK: Mr. Chairman, I do thank you. I would like to point out that it takes at times a number of statements on the same issue to get a message across.

There's also another issue here, which the Member for Cypress-Medicine Hat has raised. I realize that he really wants the job of Government House Leader, so he is really, really trying hard.

#### Point of Order Imputing Motives

DR. L. TAYLOR: A point of order. Imputing motives. Standing Order 23(i), 'Bowchesnee' 3, 'Bowchesnee' 69. He's imputing motives to me that I want the Government House Leader's job, and I would ask you, Mr. Chairman, to ask him to withdraw those comments in no uncertain terms.

MR. DEPUTY CHAIRMAN: Hon. Member for Cypress-Medicine Hat, with your statements the record is very clear that you do not want that job. Hon. Member for Edmonton-Norwood, maybe you could withdraw the statement that he wants the job. Obviously he doesn't want it.

MR. BENIUK: Mr. Chairman, *Beauchesne* 494 says: "Acceptance of the Word of a Member." I accept that he doesn't want to be the Government House Leader, but definitely I assume he wants to be in the front bench, and he is trying very hard. Would that be satisfactory?

DR. L. TAYLOR: I'd like to go through Standing Order 23(i) and *Beauchesne* 484(3), *Beauchesne* 69, imputing motives, false motives. I'd ask him to withdraw those comments.

MR. DEPUTY CHAIRMAN: The hon. Member for Cypress-Medicine Hat has obviously confirmed again that that's not a motive. So, hon. Member for Edmonton-Norwood, maybe you could keep to your remarks and not try to suggest what other members are thinking, because you can think only for yourself. Don't try and think for somebody else.

MR. BENIUK: Mr. Chairman, I once again refer to 494, "Acceptance of the Word of a Member." He has indicated that he is not interested in being a cabinet minister or a Government House Leader. I hope all members opposite will pass on the message to the Premier that he wants to be the choirmaster for the Tory caucus. I have no problems clarifying that I'm overjoyed that he will not be in the front line.

DR. L. TAYLOR: Imputing motives, Standing Order 23 and so on. I can't even sing, let alone want to be a choirmaster.

MR. DEPUTY CHAIRMAN: Obviously, hon. member, I haven't heard you sing. Please, Edmonton-Norwood, just don't try and suggest that some other member wants to do something. Let's hear your concerns with the amendment to Bill 4.

MR. BENIUK: Mr. Chairman, 494. I accept his word that he doesn't want to be a choirmaster, he cannot sing, and whatever else. I fully accept the member's word. So there's no misunderstanding: he does not want to be the Government House Leader; he doesn't want to be a minister; he doesn't want to continue as the choirmaster; he does not want to sing. I have no problems with that. Is that satisfactory to the Member for Cypress-Medicine Hat?

DR. L. TAYLOR: I accept your humble apology.

MR. BENIUK: It wasn't a humble apology; it was clarification. I accept his word.

Now, Mr. Chairman . . .

MR. DEPUTY CHAIRMAN: Hon. member, let's not go on with this conversation anymore. Let's get to Bill 4 and the amendment, because I personally don't care what the hon. Member for Cypress-Medicine Hat wants to be and neither should you worry. Your concern should be on the amendment to this Bill. Please get on with the amendment to the Bill.

MR. BENIUK: I would like to point out to the Chairman that the points of order which took up the time originated from across there, not from here.

#### Debate Continued

MR. BENIUK: Mr. Chairman, the issue, the fundamental issue with this Bill is the fact that it gives taxation powers called fees to a director appointed by the minister. Legislative control does not exist, and the powers as noted in (h) are massive. They cover every aspect. The way this Bill is carried out, it gives the director powers that even the police don't have without judicial approval: powers to look at books, powers to demand very high fees that one person will determine, that will be charged while the underemployed, the unemployed, those who are working part-time, and the seasonally employed will have to pay if they have any problems with this legislation. If we had an understanding of how the regulations would come in to clarify the problems that are opened by this Bill, it would make it much easier to look at this Bill and do what you have suggested, help the process of passage.

We're doing it through amendments that we feel are very legitimate. The Member for Edmonton-Meadowlark has already done a number of amendments. The minister and those opposite have not agreed to these amendments, so they are holding up the process. We are not.

We want a fair Bill that every worker, every employer in this province will look at and say, "They did a good job in the Legislature." The way it now stands, we are not doing a good job. This Bill will create more problems among employers, among the workers than presently exist. Every person in this province, employer and worker, will be directly affected by how this Bill is implemented. Section (h) gives too much power to one individual, gives too much power to the minister, gives too much power for taxation, which should lie with this Legislature.

#### 5:20

I would once again urge the minister, who I'm sure is starting to think about the process and implications, to come forth and show us what the regulations are. Even if it's a skeleton framework for the regulations, it would at least show that some of the concerns that we are raising on this side of the House over these sections will be addressed. Otherwise, we have hollow words coming forth and in writing. It's legislation that will tax and tax and tax the vulnerable. It will put every employer in a vulnerable position. They will not know what the Bill is going to be after they're audited. They will not know what the Bill is going to be when anything happens, nor will the people that have complaints know what they're going to be charged with, because that will vary undoubtedly. It will increase.

That brings us to another question. The minister must know how much money his department wants to get from this clause (h). How much money, how many millions of dollars does he want to raise through these fees, and what is he going to do with that money? Why should the most vulnerable in our society pay fees when they cannot afford those fees? Why should the employers of this province who are feeling economic pressures right now through a very severe recession be forced to pay? If they pay very high fees, they're going to lay off more people. If they pay very high fees, profits are going to drop, their bank loans are going to be called because they won't be able to make payments, and very, very serious economic consequences will flow.

Mr. Chairman, I share your concern that the Bill, a good Bill that serves all the people, should come forth and become law, but a Bill that has very serious consequences, negative consequences that would do more harm than good should not become law. Amendments must be brought forth, as we are doing, to bring about the necessary change. I do hope the Minister of Labour will give some very serious consideration to the amendment presented by my colleague from Edmonton-Meadowlark and do the honourable thing that a Minister of Labour, who is supposed to represent the workers of this province, should do. That is, stand up and say: "I support the amendment. The fees should be gone."

As the hour is almost at 5:30, I would request that we adjourn for today and meet at, I gather, 8 o'clock this evening to have the pleasure of meeting the minister again as we do Labour estimates.

I thank you.

MR. DEPUTY CHAIRMAN: Do I gather that you've made a motion to adjourn debate? The hon. Member for Edmonton-Norwood has moved that we adjourn debate. All in favour?

SOME HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

MR. DEPUTY CHAIRMAN: It's lost.

The hon. Minister of Labour.

MR. DAY: Thank you, Mr. Chairman. I just want to reiterate. Obviously it's come down on this particular amendment to a philosophical argument around the charging of fees and concerns by members opposite that this could be a runaway. All we can say is that our record is low taxation. We don't want to move to a sales tax; we don't want to increase taxes. Our whole direction is away from that.

I have though, I believe, shown good faith in addressing two fairly major concerns, one by the Member for Calgary-Buffalo, one by the Member for Edmonton-Meadowlark, concerns also voiced by the Member for Edmonton-Norwood. I really believe we can look at that in the regulations, and that is what I intend to do. On the basis of this particular amendment I think it comes down to a philosophical argument. We'll take all care to address it, but I cannot support the amendment and would call for the question on it.

MS LEIBOVICI: You know, I respect the minister's concerns, but if indeed he is saying that we are looking at the regulations and the regulations will address our concerns, then I think in a measure of good faith the minister can provide those regulations to us. On one hand we hear that the regulations are not there or that they're in the process of being made, that we have an Act that sets up sort of an outline of where we're headed. Then on the other hand the minister gets up and says: well, we'll put it in the regulations. Well, if the regulations can be done that easily, then let's have them. There's no reason not to have those regulations in front of us so that we in fact can see that there is no problem with regard to these particular clauses in the proposed Act.

Our amendments are very simple. They are saying: delete those provisions. The minister can then bring back the Act as amended. He can put it with the regulations; he can put it without the regulations, whichever way he wishes. This is not so much an issue of us posturing on this side, whereas you're posturing on that side. It is an issue of fundamental rights, an ability for people to access the services of the employment standards branch while they are still there. We are looking at privatizing the employment standards area. Those services will not be available,

so we are looking at costs within those services. I think . . .  
[interjections]

MR. DEPUTY CHAIRMAN: Hon. member, I'm sorry to interrupt you, but would you be so kind as to make a motion that the committee rise and report?

MS LEIBOVICI: I could do that, make a motion that the committee rise and report.

[Motion carried]

[Mr. Deputy Speaker in the Chair]

MR. DEPUTY SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain Bills. The committee reports Bill 3. The committee reports progress on Bill 4. 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. DEPUTY SPEAKER: You've heard the report of the hon. Member for Dunvegan. All those members who concur in this report, please say aye.

HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Those opposed, please say no. Carried.

MR. DAY: Mr. Speaker, I move that we adjourn to reconvene at 8 o'clock in Committee of Supply.

MR. DEPUTY SPEAKER: All right. It has been moved by the hon. Government House Leader that the Assembly do now adjourn and that when we meet again at 8 o'clock, we do so in Committee of Supply. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Opposed, please say no.

[The Assembly adjourned at 5:31 p.m.]