Legislative Assembly of Alberta

Title: **Monday, May 9, 1994 8:00 p.m.**
Date: 94/05/09

[Mr. Deputy Speaker in the Chair]

MR. DEPUTY SPEAKER: Please be seated.

[On motion, the Assembly resolved itself into Committee of the Whole]

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

[Mr. Tannas in the Chair]

MR. CHAIRMAN: Order. We are just reminded again of some of the rules and protocol with regard to Committee of the Whole. It's generally agreed that you may move quietly about the Chamber, indeed remove your jacket. We will not have, though, two people standing and talking at the same time. Only one person may stand and talk at the same time.

Bill 29
Nova Corporation of Alberta Act Repeal Act

MR. CHAIRMAN: Perhaps at this stage we could invite the hon. Member for Calgary-Mountain View to make a few comments.

MR. HLADY: Thank you, Mr. Chairman. I am glad to rise today and speak during committee on this Bill. [interjections] Thank you. I'll pay you later.

We didn't talk very much on this Bill in second reading as we seemed to be in the process of really moving through some legislation in an orderly manner, so I'm glad to have a chance to speak on it a little bit today. This Bill provides for the repeal of the Nova Act, the temporary retention of some provisions of that Act for transitional purposes, and the amendment of the Gas Utilities Act.

Nova's Alberta pipeline operations are to be operated by a separate corporation. When the transitional period ends on January 1, 1995, it will be fully regulated by the Alberta Public Utilities Board, the Alberta energy board and utilities board under the Gas Utilities Act.

This legislation, Mr. Chairman, is intended to complement the process of corporate reorganization now being undertaken by Nova. At present Nova Corporation of Alberta is the parent company. It operates the Alberta gas pipeline system through its Alberta gas transmission division. It also has several wholly and partly owned subsidiaries, including Novacor Chemicals Ltd., Novacorp international, Foothills pipelines limited, and Pan-Alberta Gas.

Nova Corporation of Alberta operates under a special statute, the Nova Corporation of Alberta Act. Nova is planning to restructure its operations so each of its separate activities, including the Alberta gas transmission division, will become separate companies under a holding company, Nova Corporation.

The Alberta pipeline system will be operated by Nova gas transmission limited. Nova gas transmission will become under this Act fully regulated by the Alberta Public Utilities Board on January 1, 1995. Until that time, the regulatory provisions in the present Nova Act will be retained as transitional measures. Mr. Chairman, this transition period is needed to allow Nova, the board, and interested parties the time to prepare for the change to full regulation.

With the repeal of the Nova Act, Nova Corporation and its other nonregulated subsidiaries will operate on the same basis as other private corporations in Alberta. They will no longer be subject to special legislative requirements. Mr. Chairman, this parallels our approach to the Alberta Energy Company and is consistent with our philosophy of leaving business to business.

As I mentioned, Nova gas transmission limited will be established as a separate corporation and after the transitional period be fully regulated by an Alberta regulator. This, Mr. Chairman, will benefit the provincial interest, Nova's customers, and Nova itself. The separation of the pipeline system from Nova's other interests will simplify the regulatory process by making consideration of the pipeline's equity structure and business risks less complex.

Nova is now regulated under a less formal complaint approach. This was appropriate in an earlier time, but with the evolution and deregulation of natural gas markets and the tremendous growth in both the number of shippers and the volume of gas transported on Nova, stakeholders have expressed the opinion that it is time for Nova to move to full regulation like other major Canadian pipelines. This was the majority view of participants in the ERCB hearings on Nova operations. It is the view of the Canadian Association of Petroleum Producers and is the view of Nova itself.

With Nova's tariffs and conditions of service subject to approval by an Alberta regulatory board, the need for many of the provisions in the present Nova Act is essentially eliminated, Mr. Chairman. These provisions were motivated by concerns expressed in 1954 when the Alberta Gas Trunk Line Company, Nova's predecessor, was incorporated that interests outside Alberta might gain control of the company to the disadvantage of Alberta's producing community. Thus the present Act, among other things, allows the government to appoint four directors to the Nova board, requires that four directors have experience as gas producers, and limits to 15 percent the proportion of shares which can be voted by associated persons.

With the implementation of full regulation by an Alberta board, we no longer believe these special requirements are needed. Nova believes that these statutory requirements and the existence of special legislation dealing with the company have given it a public-sector image in the eyes of some investors and reduced the appeal of its financial instruments. They believe the repeal will help them access the large amounts of capital required to support the continuing growth of the Alberta pipeline system.

Mr. Chairman, the repeal of the Nova Act will not eliminate the Alberta character of the corporation. The bylaws and articles of Nova Corporation and its subsidiaries will provide that their head offices be in Calgary and the majority of their directors Alberta residents.

Under the Gas Utilities Act the regulator will have to approve any transfer of shares which would give more than 50 percent control to any individual.

This government has made it clear that we believe the Nova pipeline system should remain under the provincial jurisdiction. This legislation supports that policy by amending the Gas Utilities Act to state specifically that it applies to Nova and including in the Gas Utilities Act those sections of the Nova Act relevant to the retention of Alberta jurisdiction.

In conclusion, Mr. Chairman, this legislation offers benefits to Nova, its customers, and the province without compromising our jurisdictional assertion or the value of our investments. It is another example of Alberta getting out of business.

Thank you.

MR. CHAIRMAN: The hon. Member for Redwater.

8:10

MR. N. TAYLOR: Thank you, Mr. Chairman. In general, I think we will give tentative support to the Bill, but I have a couple of questions that possibly the hon. member might be able to help a bit on.

One of the concerns I have is that the new PUB is rather a toothless tiger and I doubt will have the power to regulate as much as the producers would have it. If we had the old PUB and Bill 29, I think the things you expected to accomplish would come about, but with Bill 29 and the new PUB I'm afraid that the regulation and the accounting to the gas producers may not be there.

I'm just wondering if the government had thought at any time of asking the Nova Corporation to actually set up their pipeline under a separate company and issue new shares; in other words, bring in new shareholders and operate it admittedly maybe under control of the parent company but still operating with its own set of shareholders. I think in the absence of the PUB, that would probably lead to a little clearer, let's put it this way, reporting on the part of the pipeline division. I'm afraid it is going to be possible with a PUB that's not staffed as well as it should be and is really just a merged part of the conservation board and that the parent company, especially with common shareholders and without the control or the discipline – I guess that's the right word – of a new set of shareholders, even admittedly only a small part of them, that Nova may be inclined to pull a few fancy tricks making it difficult for the gas producers of this province to follow what went on when charges are laid.

What often happens in Europe and other areas when something is privatized, particularly in England – and the members over there seem to use Margaret Thatcher as sort of a patron saint now and again.

MS CALAHASEN: She is. She's a woman, after all.

MR. N. TAYLOR: Yeah, a woman, true. They used to call her – what is it? – St. Maggie of the shareholders or whatever it is. I know if there's any shrine that this government worships or if there are any novenas made, it's usually to St. Maggie. One of the things that she always kept – she may have been a right winger, but she wasn't stupid. She kept the right to have a golden share, which I think the hon. member would know gives the government the right at any time to suddenly expand their share of ownership back to control if it looks like the devil is going to hit the fan.

MR. BRUSEKER: Like they did with AGT.

MR. N. TAYLOR: Yeah. As a matter of fact they did that with AGT.

So I was wondering why the government didn't consider that here too. Everything might be as fine as they thought it would be, but the thought of a golden share would be something sort of warm and cuddly that everybody in the province could cuddle up to on those long, cold winter nights when gas becomes a very important commodity indeed and the thought that maybe the Rockefeller foundation or the little gnomes from Zurich wouldn't be able to take control of gas delivery in this province if they really had to.

The beauty about a golden share is that I don't think it's ever been used, although I might be wrong. It was invented by the British, and I think D'Arcy Exploration, which later became BP, and Churchill had something to do with that. I'm not positive. My history gets a little foggy there. What I wanted to get at was there's a big advantage of a golden share. It causes corporate raiders or outsiders that may think of coming in and taking control to cease and desist and leave it operating as it wants, because they don't want to tangle with the government. They'd just as soon leave it on its own. So I just wondered if the hon. member would care to comment on that.

Seeing that I can get up innumerable times, I think I'll – I had something else scribbled away in the corner here, Mr. Chairman, but I'm afraid I can't read my own writing. So while I'm trying to decipher it, maybe the hon. member will just say something or someone else will.

MR. CHAIRMAN: Are you ready for the question?

The hon. Member for Calgary-West.

MR. DALLA-LONGA: Thank you, Mr. Chairman. That was not going to be nice.

This side of the House, Mr. Chairman, at least in my case anyway, is in support of this Bill. I think I'd just like to say a few words about Nova and some of the things that this Bill does. I don't know if it was initiated, but certainly bringing the Bill under the scrutiny of the PUB is supported by the oil industry. There have been some debates back and forth as to Nova's ability to charge certain amounts for their transmission. As a result, in my discussions with the oil industry, gas producers they support separation of the pipeline division and the scrutiny that it'll fall under with the Public Utilities Board.

The other thing that I think this Bill is going to do is streamline and simplify the regulation of Nova's pipeline business. Previously it was cumbersome and did not allow for this adequate regulatory oversight. I think the Bill will go a long way towards going in with a lot of the other things that are happening in the oil patch, that being simplification and greater consolidation of concentrated entities within the oil patch.

Now, a thing that's probably a little more subtle out of this Bill – I don't know if it's been discussed by the Member for Calgary-Mountain View opposite. By the way, I'd like to thank the member for bringing this Bill forward, for all the hard work he's done, and the research that I'm sure he had to do to draft this Bill. The thing that's more subtle, Mr. Chairman, is I think it's going to give Nova a greater flexibility to attract investment and create jobs in Alberta. Just within the last couple of months in anticipation of this Bill coming forward and of the segregation into the four sections of Nova, Moody's has made an announcement that it was reviewing Nova's debt rating and possibly going to be looking at an upgrade. That was in February of '94. Also, Standard and Poor's announced that it had placed Nova's debt on a credit watch, with positive implications. That happened in March. Then in March as well Dominion Bond Rating Service said that it intends to upgrade Nova's ratings. So these things are all boding well for Nova. I just don't think there's anything really seriously wrong with this Bill.

I do have a couple of concerns, and I'd just like to be on record, but they're minor concerns. I think we could still live with them. The one thing that is a concern is the removal of the 15 percent restriction on ownership of the voting shares. Repeal of this Act, the Nova Corporation Act, will eliminate – what would you say? – the requirement or the rule that no one could own more than 15 percent. However, Nova, being the sort of company that it is, responded. They acknowledge this concern. Under the Gas Utilities Act the PUB is going to have to approve any ownership of greater than 50 percent of the outstanding

capital stock of the owner of a gas utility. I'm not sure whether this goes far enough, but certainly it addresses the concern somewhat.

The other thing that as Albertans we would like to see is them maintain their office in Alberta. After all, it has its roots here in Alberta, and we'd hate to see it move down to Toronto or someplace like that. Once again, the repeal of the Nova Act eliminates the provisions that Nova had to maintain its office in Calgary. The company, acknowledging this concern, has included in its articles of incorporation and its bylaws that Nova shall retain its head office in Calgary and also, in addition to that, that the majority of the directors, I might add, shall be Albertans. The only way this can be changed is by a vote of two-thirds of the majority shareholders.

So certainly Nova's been a very good corporate citizen for Albertans in responding to Albertans' concerns, and I would recommend that our side of the House vote in favour of this Bill.

8:20

MR. CHAIRMAN: Are you ready for the question?

SOME HON. MEMBERS: Question.

MR. N. TAYLOR: I still would like to hear some answers to the questions raised. I can't force him to answer, but I thought they were fairly logical questions.

MR. CHAIRMAN: Perhaps he was waiting for . . .

MR. HLADY: I was waiting for some other members to ask some questions. I'll answer them all at one time.

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

DR. PERCY: Thank you, Mr. Chairman. Just two or three points. I'd like to actually reiterate something my hon. colleague from Redwater had made in second reading, which was that NovAtel did start off with a substantial grubstake and that in light of that grubstake there are certain obligations. It's nice to see that under the bills of incorporation the head office will remain here and that there will be a majority of directors from the province of Alberta and some with the requisite experience. I think it's also useful to point out that there is an irony again, as my colleague had pointed out, that finally there comes a point at which Nova has been split into two divisions. One division now is clean and is in the regulated sector of the economy and will report to the PUB, which will now of course be defanged and no longer be there actively promoting consumer interests.

So it has been the case that Nova has led a charmed existence; in fact, such a charmed existence that of course the name NovAtel, the first part of that, is a derivative of Nova. At one time it owned NovAtel, but they saw a dog, and they then fobbed it off. So I have no doubt about the entrepreneurial ability of this firm. I certainly have my reservations about the entrepreneurial ability of government in light of the fact that they kept the dog.

Certainly I will support this Bill. I would only wish that there was a PUB there with teeth to ensure, then, that the interests of consumers were satisfied.

Thank you.

MR. CHAIRMAN: The hon. Member for Calgary-Mountain View.

MR. HLADY: Thank you, Mr. Chairman. Just to answer a couple of the concerns from the other side. One member was concerned whether we have new shares going into this new corporation. I'm not sure exactly where you wanted to see the new shares: were they in the other companies or in the regulated area? I believe under this new Act you have the holding company on top, and you have all four new areas underneath that will be secured from this top company. They're subsidiaries of the holding company. The regulated area fits under the Gas Utilities Act, so you don't have to worry about that area. That part will be regulated and completely protected. The three other areas will have the opportunity to go out and create wealth and find investors that want to work in those particular areas, be it chemicals or pipelines outside of Alberta and other expansions that Nova may want to do anywhere in the world. This allows them to do that, and I'm sure they will have a lot more equity investing coming into the company and therefore helping and benefiting a company that's headquartered here in Alberta, in Calgary.

The concept of golden shares, and some people call them – there's also poison pills and so forth, concern about that. That is a concept to have, but if you really want to get government away from being state controlled or government controlled, then you have to be able to take that decision and say, "You're on your own, and we're no longer involved with those companies."

The concern from a couple of the members on the other side in regards to the PUB being a toothless tiger. I guess that's an individual perception that some people on the other side of the floor feel strongly about. However, the people on this side feel that we've put together something that is strong, and it will work well as we go through any disagreements in the future.

In regards to another member's question on the 15 percent, when you're going back into a free corporation, you don't want to restrict them on their investment ability and where they have things. What we've done is controlled it by having the office stay in Alberta, in Calgary, but not in regards to the 15 percent on percentage of investment. We want to attract investment into Alberta from outside. If you're restricting the amount of money that can be invested, then you have some problems making that happen.

I think I've answered most of the questions of the members on the other side. I'll call the question.

MR. CHAIRMAN: Are you ready for the question?

MR. N. TAYLOR: Actually, you did answer the question on the golden share. I disagree with you, but that's all right; that's what the Legislature's about.

The question on the new share issue. You misunderstood me or I didn't make myself clear. What I was saying is that, as you know, the hon. member being in the investment business, you can have – like we have four units now, all operating under one set of shareholders. You can also have one set of shareholders controlling the other four units, but all four units would have their own shares, their own stock; they'd be named something. Noranda is typical of a company that has control of a number of different companies, and it's quite often run that way. This is more the Esso system: one big parent with a whole bunch of others.

So what I asked was whether the government had thought, in view of the fact that the PUB, if not a paper tiger it certainly doesn't have the – I'm trying to think of a polite word – ferocity or the wherewithal. [interjection] There are anatomical things that I could use, yeah. They don't have it any more. So one of the ways of balancing this tamer PUB would be if the Nova division, particularly the pipeline division, had issued its own shares to the public. Admittedly Nova might own 80, 90 percent of it, but the very fact that 5 or 10 percent of it was out to the

public would give consumer and corporate affairs, all the securities commissions across Canada – because it would be traded in other provinces – the right to ask in detail what was going on and was going back and forth so that there would be less likelihood that the pipeline company could get away with anything, whereas right now I'm afraid they can. That was just to explain my position.

[Mr. Herard in the Chair]

MR. HLADY: Just to answer quickly on that point. I think the hon. member answered his own question in saying that what you're going to see is that across Canada, whether it be companies that come up on the Alberta or the Toronto Stock Exchange or wherever, the securities commissions will be one of the major regulators in whether they're maintaining and doing a good job for their shareholders in the future. I think those other three subsidiary companies will in essence look at that in the future. I don't know for sure, but I think the company will be looking at raising their equity capital through those individual companies in the future. That answers the question.

I call the question at this time, Mr. Chairman.

MR. ACTING CHAIRMAN: Are we ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 29 agreed to]

MR. ACTING CHAIRMAN: The hon. Deputy Government House Leader.

MR. EVANS: Thank you very much, Mr. Chairman. I move that the vote be reported when the committee rises and reports.

[Motion carried]

Bill 17
Treasury Department Statutes Amendment Act, 1994

MR. DINNING: Mr. Chairman, it's a pleasure to appear before the Committee of the Whole Assembly this evening to ask for committee approval of Bill 17.

There has been, I suppose, a relatively spartan debate on this Bill at this point, but I appreciate the observations and comments of my colleagues across the way. There is one page of House amendments before the committee with respect to amendment A. It is simply, on the advice of Legislative Counsel, to find a more appropriate wording with respect to "compromise." Then in section 2(5) along with section 2(20)(c), after consulting and speaking with the Member for Edmonton-Whitemud, we have come to the conclusion that those amendments are no longer necessary, and we would request that the committee adopt those amendments and that we proceed full steam ahead with the Bill that's on the paper.

8:30

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

DR. PERCY: So, Mr. Chairman, I understand the amendments have been moved, and I'm speaking to the amendments.

Certainly I'm strongly in support of the amendments. I think the discussions that we had with the hon. Provincial Treasurer on this in terms of being able to work through the Bill in advance and agree on areas where the Bill could be improved both expedited the process and I think will turn out a better piece of legislation. From our perspective, amendment B is perhaps the most important, because it removes the term "in the form the Provincial Treasurer considers appropriate" and takes us back to the status quo, which allows for greater detail.

So with regards to the amendments under consideration, I'm wholeheartedly in support of them.

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

HON. MEMBERS: Question.

[Motion on amendment carried]

MR. ACTING CHAIRMAN: Are we ready for the question on the Bill itself?

HON. MEMBERS: Question.

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

DR. PERCY: Oh, yes. I want to at this stage speak to a number of items in the Bill. Just as I had suggested in second reading, the general thrust of the Bill, to simplify and expedite by collapsing a number of these regulated and revolving funds in the GRF, makes sense. We're certainly now clear that there's no loss of financial clarity. We may see some shift in the operating deficit or the GRF deficit, but it will have no effect on the consolidated deficit as these were already part of the exercise.

We are also assured by the Provincial Treasurer that in fact the level of accounting detail that heretofore had existed will continue to exist. So again our ability to ensure accountability and perform our role of opposition – and I think when the next election is, when they're on the other side of the House, they too will be able to perform exactly that oversight role, and this Bill, through the changes that have been incorporated, allows for that.

I think again it is worth mentioning before we pass this Bill out of committee that the necessity to raise the debt limit of course tells us something of what happens when you have a government that's willing to ride the roller coaster up when times are good. The point that we made in discussing this Bill before: now that we're in the roller coaster of cutting, we would of course like to have seen a little more precision in the surgery as opposed to across-the-board cuts. Certainly in terms of the tracks that have been set out with the business plans, we clearly wanted to see more detail and more focus on performance measurement as opposed to defining a business plan in terms of what's cut.

With regards to other elements of this Bill – and, again, since it's an omnibus Bill, Mr. Chairman, I'm forced to sort of jump about. The elimination of the capital fund we certainly agree with. The effort set out in this Bill, as well, to in a sense clarify the relationships of various administrative staff in terms of a reporting authority with regards to expenditures, the roles and relationships of expenditure officers and accounting officers, makes sense and I think will in part allow for a greater responsibility and greater accountability at the department level. We on this side of the House think that is a good move as well.

So in light of the amendments and in light of the fact that much of the Bill in fact is of a housekeeping nature and streamlines

government without a cost to clarity or accountability, I will conclude my comments and stand in support of the Bill.

HON. MEMBERS: Question.

[The sections of Bill 17 as amended agreed to]

[Title and preamble agreed to]

MR. DINNING: Mr. Chairman, I move that the Bill be reported when the committee rises and reports.

[Motion carried]

Bill 21
Alcohol and Drug Abuse Amendment Act, 1994

MRS. LAING: I just wanted to respond a bit to some of the questions that were raised. Many of the questions that were raised in the debate at second reading really didn't pertain to the Bill itself, but I will answer a few of them.

One was the number of pathological gamblers. The number is really 1.4 percent, and there are 4 percent who are problem gamblers. So that makes a total of 5.4 percent. The financial support that is given by the province is very similar and in keeping with other provinces' level of funding. In the Wynne study, which is the report we're using as a baseline, 6/49 lotteries were the major leading instrument of gamblers at this point.

The surtax on alcohol was examined and discussed at great length, and the general consensus was that this was another tax. The total funding was $150,000 as of January 31 and then a projected $820,000 for '94-95. The first part of this of course was for instruction and training of the staff.

The contracting out of services was mentioned. AADAC already has a contracting-out service through its funded agencies such as the George Spady Centre in Edmonton and the Alpha House in Calgary. You'll also be happy to know that the 1-800 line was recently awarded to the Distress Centre after an open competition. This agency has an excellent record of running a distress line. It has many dedicated volunteers with a wide range of experience, and it's backed up by trained professionals.

Keeping the amendment general allows other addictive behaviours to be added without having to tie up the Legislature for several hours, as we saw on April 26. With the Lieutenant Governor in Council making the determination of other addictive behaviours, there is sufficient control on the AADAC mandate. Someone suggested anorexia and bulimia might be other addictive behaviours, but these are conditions that would require a much more dedicated medical model of treatment than AADAC currently undertakes.

So I would like to move the question.

MR. ACTING CHAIRMAN: Are we ready for the question?

The hon. Member for Edmonton-Mayfield.

MR. WHITE: Thank you, Mr. Chairman. We have come to the conclusion on this side of the House that we generally agree with the intention of the Bill. I think we've gone through that before in this House. We do have a number of difficulties with it in that the numbers somehow create some difficulty, even though, yes, they probably are in the same realm as other provinces have provided their problem gamblers. There are two things to be said: one is that it's about four years late, after other provinces and, two, coming up to the same level of the existing problem.

We have a province here that through no public debate has become a major player in the gambling industry and clearly is in the business of being in that business. The minister responsible has said numerous times that all the machines are owned by the province, or at least he contends they are, directly or indirectly. The difficulty is of course that some 5.6 percent of Albertans, or 125,000 people, are affected by gambling, by the report that was published by the province authored by Dr. Garry Smith. That leaves 90,000 problem gamblers along with about 35,000 that are real pathological gamblers. Now, if you assume that all of those people do have a problem and do wish to access some of the assistance that is provided by meshing these two, the agency that in another Bill was done away with and with the amendments of this Act so as to include gambling, you end up with about $40 per problem gambler if they all access over the three-year period. No. They'd have to access each and every year of those periods to be $40, which really doesn't amount to a lot. Now, that's not to say that that's not a little, because certainly there are some people who will not in fact access any help through AADAC. It may be through some private agencies.

8:40

There are a number of other things that concern this side of the House, and this is the solution end of the problem, dealing with the problem after the fact. There doesn't seem to be any program in the works, and AADAC certainly isn't in a position to deal with that. It would have to come from the ministry, of course, to deal with the problem at the front end. The machines, particularly the machines that I am familiar with, are designed to addict. There is no warning. There isn't anything that says, as on a pack of cigarettes, that this may damage your health. In fact, the machines damage the health of each and every person that plays the machines to a varying greater or lesser extent, but they are in fact damaging. There is no case to be made to say that these are purely for entertainment, and I think we all agree on that. Certainly the research, which this Act was at least in part based upon, clearly spells that out.

There is some rationale to say that this side of the House should in fact not support this Act, but on balance we find that we like the provisions. We don't like the numbers particularly, particularly when you review the last four or five years' history of AADAC, when they were cut back I believe two or three years ago from about a $32 million budget to about $28 million now – so from $32 million to $28 million or so – and then, with the added responsibilities of these problem gamblers, has added $3 million. So if you take a position from three years ago to now, the net position is a $1 million loss and the additional responsibility for this. So on that basis one could say that it is the wrong direction to go. However, the Bill into and unto itself is absolutely the right direction, and this side of the House in fact applauds the direction that the member opposite has taken with this.

Thank you, and call the question, if you will.

MR. ACTING CHAIRMAN: Are we ready for the question?

[The sections of Bill 21 agreed to]

[Title and preamble agreed to]

MRS. LAING: Mr. Chairman, I move that the Bill be reported when the committee rises.

[Motion carried]

Bill 23
Provincial Offences Procedure Amendment Act, 1994

MR. ACTING CHAIRMAN: The hon. Member for Calgary-Cross.

MRS. FRITZ: Thank you, Mr. Chairman. I'm pleased to move the committee stage of Bill 23. It's fairly straightforward. I know that in previous debate there was some mention of amendments to be made, and with that said, I'm moving that it be before committee.

Thank you, Mr. Chairman.

MR. ACTING CHAIRMAN: Are we ready for the question?

HON. MEMBERS: Question.

MR. DICKSON: Mr. Chairman.

MR. ACTING CHAIRMAN: Yes.

MR. DICKSON: I wanted to engage in debate before we put the question on Bill 23. [interjections] You'd been looking down and studying your notes so carefully, you may not have noticed that I was on my feet hoping to catch your attention.

MR. ACTING CHAIRMAN: The hon. Member for Calgary-Buffalo probably will have some interesting things on topic to say on this Bill. Perhaps I wasn't looking up. I'll give you the benefit of the doubt.

MR. DICKSON: Thank you very much, Mr. Chairman. When I spoke to this Bill at second reading, what I indicated at that time was that in general I support the principle of the Bill, although I have concern with some of the detail. My hope had been that the government would have been prepared to make some modification, and the modification was basically in three different areas. The first one was incorporating a time period for notice by ordinary mail with some positive obligation to readdress the correspondence if further information comes to the attention of the department of a change of address. That was the first area that I thought required some modification.

The second one was my concern that if a conviction is entered in the absence of the accused without hearing evidence – and I'm thinking here of something analogous to a judgment that's entered where the respondent doesn't show in a civil matter – there should be a procedure for that person who didn't show to be able to set aside the conviction. Now, that's the problem we have with the possibility as the Bill is now worded. An accused may have for some good reason failed to show for the trial, and under the old process at least the Crown had to adduce evidence to show that the conviction was made out, and failing that, there was no conviction whether the accused was there and tendered evidence or not.

We're now in a position, though, as this thing currently stands that if an accused fails to show – it doesn't matter what the reason is – a conviction is entered automatically and without further address of the merits of it. Now, that's a problem, and my view is that there has to be a procedure. I go this far with the government. We're trying to tighten up the process. We're trying to simplify. We're trying to reduce the amount of time that arresting officers, police officers, and speeding offences have to spend in court, but there is still this issue, Mr. Chairman, with respect to what happens when the accused fails to appear for good reasons, for legitimate reasons, and that isn't addressed in Bill 23 as I look at it.

The third one I'd raised before was a minimum period of notice. There's provision in the Act for notice, and I'm looking particularly at proposed section 38.1(3). Clearly what we don't have there is a minimum period of notice, and I think, Mr. Chairman, that there should be.

Now, I haven't had opportunity to speak with the minister or the member moving the Bill, but it seems to me that those are reasonable kinds of modifications to ensure that at the same time as we try and simplify the process in these summary conviction matters, we don't undermine the right that every Alberta citizen has to be able show good cause why a conviction shouldn't be entered. Those are three particular concerns.

8:50

The fourth concern, I say again, Mr. Chairman, is with section 6, and my thought would be here that I understand – and I indicated this the other day – that there is a great deal of advocacy on behalf of the chiefs of police throughout the province for section 6. But as I said the other day, I'm not convinced that in fact we've done everything we can to get a handle on witness costs and witness problems. I mentioned the experiments that are ongoing in Lethbridge and Calgary in terms of attempting to do a better job of scheduling trials. This could include speeding offences as well. We could do a better job in terms of getting on top of those matters before we get to this point of removing altogether the presence of the police officer who would have to give evidence.

Those are my three concerns, and I'm wondering if the mover of the motion is prepared to look at amending in those three areas. Even if the matter goes with section 6 as it currently is, that can be addressed, I suppose, when we have some experience with it. I think the other points are valid ones. They were valid when I raised them at second reading, and I think they continue to be valid concerns. So I'd be interested in a response either from the Member for Calgary-Cross or the Minister of Justice in terms of those three modifications.

Thank you, Mr. Chairman.

MR. ROSTAD: Mr. Chairman, although the amendments are thought out and separately might hold something, the thrust of the Bill is to put a lot more responsibility on the offender and not unduly load the justice system and the police system with more work and more money. A person who takes responsibility for having their licence or their registration updated so they have a current address on it and is aware of the fact that they did get a ticket doesn't need to worry about having a lack of time or a lack of notice. On that view, I would suggest that we vote against the amendments.

MR. ACTING CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Yes. Thank you very much, Mr. Chairman. I would like to speak to Bill 23. I should also advise the members of the Assembly that the hon. Member for Calgary-Buffalo is proposing and has always intended to propose some amendments to this particular Bill. So if the Assembly would graciously agree, then I would be prepared to adjourn my debate at this point to allow the Member for Calgary-Buffalo to go back and get his amendments, and then he can come back and speak to the matter again. Alternatively, we'll be put in a position where we'll be obliged out of courtesy to our Member for Calgary-Buffalo to

continue to keep the debate going until he returns. So I leave the proposition with the Assembly, and I move that debate on this Bill be adjourned at this time.

MR. ACTING CHAIRMAN: The hon. Member for Fort McMurray has moved that debate on this Bill be adjourned. Are we agreed?

HON. MEMBERS: Agreed.

MR. ACTING CHAIRMAN: Opposed? Carried.

Bill 1
Labour Boards Amalgamation Act

MR. ACTING CHAIRMAN: The hon. Member for Edmonton-Norwood.

MR. BENIUK: Thank you, Mr. Chairman. Just to refresh everybody's mind, we are dealing with amendment C, which is: amend section 1(8) by striking out section 11(2)(g) and substituting section 11(2)(g)(i) and (ii). The exact section, once again to refresh everybody's memory, states that section 11(2)(g) is repealed and the following is substituted:

(g) makes rules
  (i) of procedure for the conduct of its business, including inquiries and hearings,
  (ii) for the giving of notice and the service of documents,
  (iii) for the charging of fees for services or materials provided by or at the direction of the Board in a proceeding before it or in an application under section 18(2), and
  (iv) for any other matters it considers necessary.

What this amendment does is it would delete everything and will only leave the following:

(g) makes rules
  (i) of procedure for the conduct of its business, including inquiries and hearings.

What it amounts to, Mr. Chairman, is that this amendment will wipe out the sections dealing with "the charging of fees for services or materials provided" and "for the giving of notice and the service of documents."

As with Bill 4, there is the problem with this Bill that there is a provision for "the charging of fees for services or materials," and we do not know to what extent these fees and services will be charged to the people appearing before it. The people that will appear before the board will be doing so out of necessity. They will be turning to . . .

MR. ACTING CHAIRMAN: Hon. member, I hesitate to interrupt you, but would you clarify to the Chair as to which amendment section you're speaking to, please.

MR. BENIUK: Okay. On Bill 1 we have provided a number of amendments.

MR. ACTING CHAIRMAN: Yes. I'm asking you to identify which one you're speaking to.

MR. BENIUK: My understanding is that right now we are on amendment C, which is on this page and which, as I mentioned, will amend section 1(8).

MR. ACTING CHAIRMAN: Thank you very much.

MR. BENIUK: Okay. I started off, Mr. Chairman, by reading this and also the portion in the Bill so that everybody would be aware where we were, because I realize that it has been a few days since we dealt with this Bill, and even though I know everybody's extremely excited about coming back to Bill 1 and all the very controversial aspects of it, time has passed since we were at this Bill.

The section that this amendment would delete would deal with the charging of fees for services. I was mentioning, Mr. Chairman, that when people appear before the Labour Relations Board, they do so out of necessity. They have a dispute with the employer, and they do not have much money, and this provision will provide a most unfortunate situation whereby people out of necessity will appear before a board and then get a bill. The amount of that bill we don't know. There is no provision here of a ceiling on what the fees will be. It is wide open. It simply says, "the charging of fees for services or materials."

When people go to this board, they are attempting to find a mediator that will help them resolve their problems with their employer, and therefore it is a service that will benefit all of society for it will prevent labour disputes from escalating into violent situations. It will provide a mechanism for resolving labour disputes and preventing an escalation of emotions and also costs that will be inflicted if there are strikes or lockouts, et cetera. This provision of putting in a fee for appearing before this board works against – against – employers and employees being able to peacefully and quickly and efficiently and economically resolve their differences.

Boards were established in this province for this purpose, Mr. Chairman: to alleviate situations that had in the past developed where there was no mechanism to help resolve these problems. You had long strikes, you had long lockouts, and you had people resorting to the very expensive process of going to the law courts. Having boards like the labour boards would in fact help both the employer and the employee and our society to quickly overcome labour disputes. Labour disputes in this province at times have escalated to most unfortunate situations. Gainers is one example. The Zeidler strike is another example. Not that long ago there was a dispute that became very sensitive, and that was dealing with Engine Rebuilders. By having a mechanism where both sides can go before a board, this in fact alleviates and helps overcome any possible long-term damage in relations between employers and employees and also helps overcome, like I mentioned, very expensive strikes and lockouts.

9:00

The difficulty of having fees has to also be raised from another side. The employers and employees pay taxes. One of the responsibilities of a government is to provide some basic services, an infrastructure, a mechanism. We have the law courts, for example, and we also have labour boards to help do this. Now to impose a situation where potentially very high fees will be charged for the service of people appearing before this board works against everybody. People who pay taxes would expect this service to be provided at a very nominal charge or preferably at no charge. For the greater benefit to society it is better to provide this service than to end up charging for this service with the result that people may not use this service and will resort to strikes, to lockouts, and trigger off high tensions in labour employee/employer relationships and possible violence.

The history of the labour boards is very admirable. They have managed to resolve massive numbers of disputes between employers and employees which in fact have benefited everybody. The company continued to operate. Employees continued to work as mediation took place. This has been a very positive situation. I'm sure that the Minister of Labour will be only too happy to

confirm that his boards have been effective in many cases. Now what we're finding is a provision coming in that will make it negative for people to appear before this board. They will be getting bills where they do not know the amount that will be charged until after the service is provided.

Mr. Chairman, this amendment is a very mild amendment, yet it is a very powerful amendment for it will encourage people who have disputes, the employers and the employees, to resort to a government service to remedy the problems that they are facing. If these boards were not providing a very good service, they wouldn't be there. Now to place a fee, that will be very detrimental to both the employers and the employees, will be countering the benefits that have been derived from these boards, resulting in possibly a situation arising whereby strikes, lockouts, and possible violence may escalate because of the fact that instead of going and paying a fee to help with the government stepping in as a mediator to resolve these problems, people not being able to afford the fees that will be charged will instead resort to a strike and to a lockout and possibly a long-term, negative employer/employee relationship.

This amendment tries to remove a financial barrier that will be placed that now does not exist. The financial barrier could be quite substantial, as has been indicated a couple of times, as the Bill does not put a ceiling on what those fees for service and for materials will be. In Bill 4 the minister indicated that he would provide the regulations before proclamation. There was also a fee that was brought forth in that Bill which we strongly opposed. It would be nice if the minister would bring forth the regulations that would define exactly what the fees are going to be for this service.

A few days back there was a Bill before this House, Bill 210, which, if it had passed, would have escalated the potential conflicts with employers and employees for it would have amended dramatically the WCB provisions of when a person gets coverage. As you will recall under that Bill, if it had passed, the first seven days the employee would not have been covered. In a situation like that, the number of people suddenly appearing before the labour boards would have escalated, and the very people that would have been going before that board would have been the very people that could least afford it, the injured workers, who are suddenly without an income for the first seven days, the most crucial days, when there would have been no medical coverage by WCB and no wages by the employer or WCB and bills coming in. It is guaranteed that that would have precipitated a great deal of conflict between the employer and the injured worker. This provision of having fees for such services would be very, very detrimental in a case like that.

It goes beyond that. There are other Bills, other provisions, other situations in employer and employee relationships in this province that would be hampered by having very high fees placed that people would have to pay when they appear before a board, a board whose task it is to mediate and remedy a problem between the employer and the employee. I cannot possibly imagine what benefit there would be to this government, to the workers, to the employers, to our society as a whole by placing a fee that will be charged, an open fee, a wide-open fee, without any cap being provided, allowing a board to charge this fee to the people that are most vulnerable.

In Bill 4 there was a provision that if a person disputed what the fee would be, an umpire could be brought in to try to resolve what the proper fee should be. Under this Bill there is absolutely no provision for any appeal mechanism. The only appeal mechanism that one could possibly resort to would be through the law courts, and once again that totally defeats the whole purpose of this board. If fees are going to be charged that are very exorbitant, people will not use this board, and the law courts, which already are saturated with many claims in other areas, would become oversaturated with labour claims which this board should be acting to resolve.

If there was a mechanism brought into this Bill that was a fair mechanism whereby the workers or their employers would be able to appeal if they had a bill that they regarded as being exorbitant and could be resolved at very little cost to them, it would be a great improvement on this Bill. But there is, I repeat, no mechanism in this Bill for people who get a bill at the end of appearing before the board for the services provided by the board and for the materials, which includes everything from paper to you name it, that will be used. Under this provision there was even going to be a charge for notice and receipt of documents, and this is wide open also.

9:10

So, Mr. Chairman, this section should be deleted. It is not very progressive. It will in fact inflict a great wedge between workers and employers. It will create a wedge between the government and the business community. It will divide our society by in fact creating an incentive for conflict between employers and employees, rather than trying to resolve that conflict, trying to overcome disputes that could become long-term, violent lockouts, strikes, et cetera. To place a fee for a service that is provided by a board that has been doing such a good job of reducing the number of strikes, reducing the number of lockouts, reducing the amount of violent employer/employee situations in this province is, I suggest, a very sad day for this province.

I'm sure that the majority of people could count on one or two hands the number of very serious, violent strikes in this province over the past, say, 10 or 20 or 25 years. The question has to be asked: for the amount of money that's going to be charged, which would be a very great amount to the individuals and companies appearing before this board, what is going to be the price society has to pay in the spin-off of having the Bill that we are now debating pass, which places a very high fee for services and materials to the very people that should be provided with a very efficient, low-cost service to overcome any possible strikes, lockouts, violence that we can encounter in the business area?

It's interesting, Mr. Chairman, that under this Bill the Labour Relations Code and the Public Service Employee Relations Act are impacted, so what we have are government employees being impacted by this Bill. We have a situation where a government body will now have the power to charge fees against its own employees who are in dispute with the government. So you have a situation where the government, through the board, can make it extremely unpleasant for people to complain and to seek remedies through mediation by the board, and this is most unfortunate. This does not apply only to the public sector, but I believe – and I'm sure the minister would confirm – that it would apply to other bodies like universities, hospitals, et cetera. To have a board in place by the government that has the massive powers to charge fees when the very people that are working for the government, for the hospitals, for the universities, for schools, et cetera, appear before this board is not exactly the most enlightened move this government can make. The charging of fees for a service that is so . . . [Mr. Beniuk's speaking time expired]

Thank you.

MR. ACTING CHAIRMAN: The hon. Minister of Labour. [interjection]

MR. DAY: Thank you. I'm glad the member opposite is pleased. He's wanted to hear some debate from the other side.

Just very briefly on the issue of fees. You can look through Bill 1. There is nothing here that talks about fees. I don't know if you're mixed up with another Bill. There's nothing here that talks about fees. There is clearly discussion on, for instance in section 46, "if a dispute arises," as the Bill says, between "the employer or the bargaining agent," that type of thing. There's also a section that deals with expenses and ways of addressing those. The member I think has been misguided here in terms of thinking that an individual, an employee, is somehow going to be smacked with a fee. That's not going to be happening. If a mediator is required between the bargaining agent or the employer, there will be a division of the cost there. But an individual person, an employee who has a concern, for coming to the LRB is not going to be hit with a fee on that.

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

DR. PERCY: Thank you, Mr. Chairman. I rise to speak in support of amendment C. What amendment C does is effectively amend the Regulations Act and provides for notice if in fact charges are to be made with regards to the expenses incurred by boards. These expenses then would end up being fees borne by those using the mediation service. Let me start on a more general tack as I speak to this.

MR. ACTING CHAIRMAN: Hon. member, I hesitate to interrupt you, but we need clarification again as to which amendment you're speaking to.

DR. PERCY: I am speaking to amendment C, Mr. Chairman.

MR. ACTING CHAIRMAN: Okay. It's my understanding, hon. members, that amendment B has not yet been voted on.

DR. PERCY: Pardon me?

MR. ACTING CHAIRMAN: Amendment B, as in Baker, has not yet been voted on. So the question that I'm asking is: are you prepared to vote on these, B and C, together after . . .

MR. BENIUK: No, we'll vote on them one at a time. If B has not been voted on yet, then we'll carry on with B, and we'll switch to C. Okay? It was my error. I assumed that it was C already, but I thank you for the information.

MR. ACTING CHAIRMAN: I can't hear you, hon. Member for Edmonton-Norwood.

The hon. Member for Edmonton-Whitemud.

DR. PERCY: Thank you, Mr. Chairman. I'm presently speaking to amendment C. The reality is that I'm glad you've brought it to my attention that amendment B hadn't been voted on, because that is also the heart of the matter. What amendment C attempts to do is really amend the Regulations Act.

MR. ACTING CHAIRMAN: Hon. member, I hesitate to interrupt you again, but apparently we can't jump from B to C unless you're prepared to vote for both B and C together. Are we agreed, then, that we will vote on B and C together?

HON. MEMBERS: Agreed.

MR. ACTING CHAIRMAN: Okay. Carry on, hon. member.

DR. PERCY: It's with even more pleasure, Mr. Chairman, that I rise to speak to amendment B, which amends section 1(5) by deleting section 11(2)(g)(iii). Effectively what this attempts to do, then, is ensure that there will not be provisions for the Labour Relations Board to charge fees. The object here is that people expect government to do some things. Some things that they expect provide sort of a greater public good, one of which is allowing for harmony in relationships between business and government.

This province has a number of unique features, one of which is that it's a relatively lowly unionized province. That's in part a reflection of its industrial structure, but we do have an array of unions, in fact, in this economic environment with a high degree of economic volatility. This volatility arises from large fluctuations in capital expenditures by government, capital expenditures by business. It arises because of the volatility of a wide range of prices in those commodities that we specialize in for export markets. This volatility often then leads to a lot of strife in labour/business relations. This strife arises because in many cases firms will sign contracts with unions on the presumption that things – you know, their projection is for a relatively bleak economic environment, yet suddenly the economic environment is rosy. There's a sense, then, that some of the potential benefits of this rosy environment have been lost because of contractual relationships.

[Mr. Clegg in the Chair]

Conversely, projections might exist for a very positive, a very rosy coloured future. Lo and behold, in the Gulf states they overproduce. Oil prices fall, the economic environment becomes bleak, and firms find themselves locked into contracts that they'd otherwise like to shake loose. In this province, unlike many others, there tends to be a large number of natural elements out there, Mr. Chairman, that lead to friction. One of the things, then, we expect the Labour Relations Board to do is provide a venue, an accessible venue that allows these types of disputes to be mediated: to be mediated quickly, to be mediated expeditiously, and to be mediated without charge.

9:20

Again there's a real payoff to all groups in our society if we can have relatively straightforward labour/business relationships. We cannot escape the fact that the interest of each group is diametrically opposed, and in most instances it is an adversarial relationship. One wants more, and one wants to give less. However, when you combine natural adversarial relationships and you put them in the context of a very, very volatile economic environment, you do have the potential, then, for significant labour strife. The Labour Relations Code then is the framework under which we can work out the rules of the game to avoid this type of strife. The mediation process functions provided by the Department of Labour and as set out under the Labour Relations Code are an ideal vehicle for trying to minimize this type of strife.

Again, Mr. Chairman, this strife can have significant negative repercussions, because to the extent that a region gets the tag as being, you know, unstable, a lot of strikes, like British Columbia – like the ports, for example, in British Columbia. People just don't want to ship their containers through the port of Vancouver because they know there's a significant potential for strikes, with a significant loss to shippers. So part of the cost of that is that people avoid that port entirely and will ship their containers and ship their goods and services via Seattle or via other ports. So what a smoothly functioning Labour Relations Code and a

smoothly functioning mediation process does is prevent that type of negative attribution to labour relations emerging in a region, and reputation is very important.

The hon. Minister of Labour has commented a number of times that this province has relatively few days lost due to strikes, lockouts, and other types of work stoppages. In part that is due to the low level of unionization in the province and perhaps less to the framework that has been put in place. We would think, then, that anything that potentially hinders access to the services offered by the Labour Relations Board will in fact have a detrimental effect to the provincial economy as a whole.

I would also argue, since we're voting on B and C as a package, that B deals with the issue of potential charges for mediation services and what C does is amend the Regulations Act to provide that if there are charges to made, because this amendment amends the Regulations Act, they must be publicized and made known to those people using the services. So it's a package. We would want to ensure both that there are no such charges, but were such charges to be put in place, we would hope that as wide an advertising of such charges exists as is possible. In fact, since the Act as presently written excludes these particular provisions from the Regulations Act, that necessity for advertising isn't there.

So I would want to echo the comments of my hon. colleague from Edmonton-Norwood with regards to the issue of fees. Now, the hon. provincial Minister of Labour has said there is not a mention of fees in this Bill. However, there is the potential for such fees to be imposed. That is how it appears to be set up there, though the hon. Minister of Labour is shaking his head strongly negative. They're certainly not in the legislation. However, when I read section 11(2)(g) and go to (iii),

> for the charging of fees for services or materials provided by or at the direction of the Board in a proceeding before it or in an application under section 18(2),

that does sound very much to members on this side of the House that dollars are going to change hands.

MRS. SOETAERT: Read that again. I missed it.

DR. PERCY: Just to illuminate the debate:

> for the charging of fees for services or materials provided by or at the direction of the Board in a proceeding before it or in an application under section 18(2).

So the concern we have is that there are these provisions for fees. Again, on one hand one has to say cost recovery makes sense, but on the other hand this is a process which, if successful, means we have fewer stoppages, fewer lockouts, and fewer labour disputes. Collectively, the province gains from its reputation, then, as having very harmonious business/labour relations.

There are some things that our general tax revenues go to, and part of our general tax revenues go to provide a nice, peaceful set of business/labour relations. They're never going to be completely tranquil because that's not the nature of that type of adversarial process. By this type of approach here, the government in a sense exacerbates that natural tendency for adversarial relationships. You superimpose, then, the inherent volatility of this economy, and we could find ourselves incrementally forcing ourselves into a pretty poisoned set of business/labour relationships. So when I look at amendment B, which really eliminates the provision for fees for the services provided by this board, and when I look at amendment C, which amends the Regulations Act, it strikes me that these are very reasonable amendments. They go a long way to ensuring that the provincial government is seen as a fair arbitrator in dealing with disputes between business and labour and that there are no roadblocks thrown up to access to the services provided by government.

This province, I might add, Mr. Chairman, has a large number of highly reputable mediators. The province has de facto already amalgamated the public service employees board with the Labour Relations Board, so de facto what we're doing is after the fact closing the barn door after the horses have escaped. Not to be redundant, but what we would like to do, even though the barn door has been closed, is we want to make sure they don't charge us day after day after day. Again, we pay taxes in this province to ensure that at least there is a consistent set of rules out there for certain groups. I don't think we should then be imposing user fees over and above that for a service such as this which has a large set of positive economic spillovers for everybody in the province.

So, Mr. Chairman, with those comments I will conclude and turn the floor over to . . .

MR. DEPUTY CHAIRMAN: There are so many people standing there, but please have a chair. [interjections] I'll get to you, hon. member.

MR. GERMAIN: I was a legitimate standee.

MR. DEPUTY CHAIRMAN: Yes, I know that.

The hon. Member for Fort McMurray.

9:30

MR. GERMAIN: Thank you very much, Mr. Chairman. I hadn't intended to speak to this Bill 1, but I am curious and concerned about some of the comments made recently by the Minister of Labour in this debate. Members of the Legislative Assembly I know will be reviewing Bill 1 at this time, because we're about to vote on an important piece of legislation. Why is this important legislation? It's an important piece of legislation because it deals with labour issues in the province of Alberta.

Alberta has not been characterized as the most peaceful province when it comes to labour dispute and labour relations in this province, and one would appreciate that this Bill and Bills like it will be closely scrutinized. As a result, I want to take the opportunity to speak to these two amendments today, and I appreciate the Chair's prerogative in sort of lumping and blending the two of them together, because by blending the two amendments proposed together, it focuses on the mischief of the government's amendments. The mischief is that the government proposes taxation in the guise of fees and on top of that proposes hidden taxation in the guise of fees by taking out the provisions of the Regulations Act that apply to notice. So to understand this, hon. members, you have to go back to the first principle, and you have to say to yourself: is this Bill going now through committee the very best it can be? Before you can make that determination, you have to determine what it is that is proposed to be amended. To find that information out, you have to put the whole labour code into context.

First of all, in section 11 of the labour code the Labour Relations Board is given the opportunity to make certain rules and regulations. Okay? They have an enumerated list of rules and regulations that they can make. Now, the government proposes in their amendment to add to that right the ability to charge fees for various of their board services that were previously without fee. So that is the taxation issue that the government proposes.

Now, when you go over to the other amendment that is being spoken of concurrently in this particular amendment, you find that not only can they make fees, but they don't have to publish those fees because the provisions of the Regulations Act do not apply. Now, members will remember and the hon. Minister of Municipal

Affairs, who's very familiar with the Regulations Act, will well remember that the purpose of that legislation for the most part is to . . . I'm sorry. Mr. Chairman, is the Minister of Municipal Affairs rising on a point of order?

MR. DEPUTY CHAIRMAN: No, I don't think so. Go ahead.

MR. GERMAIN: I was incorporating him in a gentle way into the debate by pointing out that he would well know that the Regulations Act . . .

Chairman's Ruling
Decorum

MR. DEPUTY CHAIRMAN: Order. The hon. Member for Redwater is complaining about the members on our side standing; there are two. There are also two on his side. Would both sides please take a chair. If you want to talk, fine. Hon. members, have a chair if you want to talk to somebody. The Chair has difficulty even knowing who wants to talk, because there are seven people standing.

The hon. Member for Fort McMurray. Sorry for the interruption.

MR. GERMAIN: I wasn't troubled by it, Mr. Chairman. I'm only usually worried when people have sticks and stones in their hands. When they're simply standing during one of my speeches, it ceases to be of concern any longer.

MR. MITCHELL: It's usually for an ovation.

MR. GERMAIN: Or that too. My colleague on the front bench says that it's usually for an ovation anyway.

Debate Continued

MR. GERMAIN: I want to continue with my commentary, Mr. Chairman, on this. So what we have, then, is the government's proposal to allow the labour board to charge fees, a new tax, and the secondary proposal that the fees do not have to be published in the Regulations Act. The Regulations Act, members of this Assembly, remember, is where people get their legal information. That's where they get the information on the doings and the comings and goings of this provincial government. If it's not in the statutes, it can be found in the regulations. If it is not found in the statute and it is not found in the regulations, then you have to direct inquiry and you run the risk of not knowing. So we have the double whammy.

Along come the amendments of the Official Opposition. Now, what do those amendments say? Those amendments say, first of all, do not charge the fees; do not further inflame labour relations in this province by charging penny-ante fees when people are coming in good faith to the Labour Relations Board to resolve disputes. The best way to deter people from using the peaceful method of solving their disputes is to put artificial economic roadblocks in front of them so that they cannot go readily and gain access to the board. So do not inflame labour relationships with fees. And if you must charge fees, have the courage to come out and say: "We're raising revenue this way. This is how we're taxing this year." When the Premier said that there'd be no new taxes, he forgot the 180 or 190 different user fees – charges, levies, and other fees – that would apply across the width and breadth of this province. Have the courage to say that. Have the courage to stand up and say, "We are charging taxes, and this is what we've decided to do as a government." Then at least have the secondary courage to say, "But we will publish it in the *Gazette* so you know what we're doing. We'll publish it in the *Gazette* so you fairly have recourse to the knowledge that you need to plan your affairs."

These were two very short amendments, and as a result, Mr. Chairman, that concludes my submission on both of these amendments. I urge the Members of the Legislative Assembly to vote for the amendments, which would then improve this Bill, and the accolades for the improvement of this Bill will flow to the Minister of Labour. Despite his resistance, despite his reticence, despite his fidgeting and twisting, the improvements to this Bill will pay the dividend to the Minister of Labour. That is the person. The Minister of Labour and all Albertans have an opportunity to win tonight if the hon. government members vote with the opposition and vote for these amendments.

Thank you.

MR. DEPUTY CHAIRMAN: Excuse me, hon. Member for West Yellowhead. Could we have unanimous consent to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

head: **Introduction of Guests**

MR. DAY: Mr. Chairman, I'm happy to announce tonight that the Chamber is graced with the presence of the Hon. Catherine Fraser, chief justice of Alberta, and I wonder if she would like to rise and receive the warm welcome of this Assembly.

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

Bill 1
Labour Boards Amalgamation Act
(continued)

MR. DEPUTY CHAIRMAN: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Chairman. I didn't really intend to speak on this issue because I haven't enormously been moved by it thus until very recently when the Minister of Labour subjected us to a rant on Rousseau and kind of inspired me to think a little bit more along those lines. I think Rousseau would have felt compelled to speak on behalf of the working man in this particular instance.

Mr. Chairman, I'm speaking to amendment C. What I would like to do is to just speak specifically against the charging of the fees for services and materials, and that's why I'm speaking in favour of this amendment. This is probably hidden tax number I thought 85, but my learned friend from Fort McMurray said 185 or so. It's about there, and as you remember, we in the opposition had identified a whole bunch of them. Of course, they're not called taxes. They're called fees. Like, an increase in health care fees is not really a tax. It's a fee. It costs people, nevertheless, just the same. This government seems to think they can establish any charge, increase any charge with impunity as long as it is not called a tax.

Now, when people feel that they have a complaint and they turn to the Labour Relations Board in order to have the problem solved, they'll be charged a fee that might just be an obstacle for them to turn to the board. Presumably, many complaints would lead to the board levying higher fees in order to stifle the complaints. It's like taking a complaint to court, Mr. Chairman. I think it would be a little strange if we were faced with having to

pay a fee right off the bat. Our democratic system, I think, is not based on our ability to have money so that we can pay for all these things. In fact, it seems to be based on free access to courts and free access to institutions that might settle our disputes. That's the way it should be, and that's the way it should remain.

This government is also bringing in more and more user fees in other fields, I fear, Mr. Chairman, in health care, apparently even in education. Even education isn't safe any longer from that kind of an influx. Yet our elders, who did all the work in this province and prepared society the way in which it is now, I think perceived the need for a level playing field, and that field did not include all kinds of fees. Now, it seems to me that Alberta is going to be more and more the domain for the well-to-do, and people will have to pay for all these things. That probably is what is meant by the Alberta advantage. If you have the money, you can do everything, whereas if you are poor, you can't do anything. [interjection]

9:40

Mr. Chairman, as a new Canadian who came to this land because it was not just a land of opportunity but a land of equal opportunity, I feel that I must strongly oppose this in spite of the objections from the Minister of Municipal Affairs, who of course has the chance to speak himself, if he has anything to say.

Mr. Chairman, that's all I have to say. Thank you very much.

MR. DAY: Well, Mr. Chairman, I've risen on a number of occasions to address the misguided manner in which they're concerned about the area of fees. I can tell the members opposite that the history of the Labour Relations Board is such that it is seen by both labour and business as being eminently fair, as understanding the particular situations that people find themselves in when they come before that board, and you can know and rest safely assured that in this assessment here of remuneration at times, or as it says, "Fees for services or materials . . . at the direction of the Board," the board never has nor will it ever unduly assess some poor employee standing in front there. Clearly, when you look at section 46, it's talking about employers and employer's bargaining agents and things like that.

But here's my point. The members have made their point very clear. A number of them have said that they don't like it because of fees. They know that we're not going to accept this amendment. We have accepted things in the past.

MR. HENRY: You don't accept any amendments.

MR. DAY: The Member for Edmonton-Centre is wrong again. As a matter of fact, I'm clearly on record, for instance on Bill 4, as accepting advice and taking amendments from the Member for Edmonton-Meadowlark, because they really did make for a better Bill.

I guess the question the members opposite have to ask themselves is: how long do they want to continue mindlessly just dragging on and on? Do they not have a sense of their own competence that five or six of them who've spoken have adequately presented the view? Do they think they have to have 20 people speaking 20 times on every issue to try and make their point? They have very adequate speakers. They've spoken adequately. We understand that they don't agree with this. They know that we're voting against amendments B and C, and I guess the question I have to ask is: why do they want to continue to spend taxpayers' time and money going on and on and on in areas where they know there's not going to be agreement?

On that, I'd call the question on amendments B and C.

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Chairman. I wasn't going to speak on the amendment. I spoke on second reading of the Bill, but the minister inspired me, motivated me to make a few comments. The hon. member expressed some philosophy, I guess, on the democratic process, the legislative process. Listening very intently, I kind of questioned: what is the role of opposition if we're being told blatantly that we don't have any power, our amendments don't mean anything, and that we're just wasting our time even speaking to them? The hon. member has to realize that there are many, many Albertans out there that look for a voice to represent their point of view. When I talk in terms of the democratic process, I'm talking on a broad basis, because this is one Bill . . .

Point of Order
Questioning a Member

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

MR. DEPUTY CHAIRMAN: Excuse me, hon. member. The hon. Minister of Labour on a point of order.

MR. DAY: In the spirit of open mindedness that the member's talking about, would he entertain a question?

MR. WICKMAN: Mr. Chairman, this is the member that talked about wasting time, and now he proposes to waste additional time.

Debate Continued

MR. WICKMAN: Mr. Chairman, I'm making a point. The point is that the hon. minister has stood up and has said, "This will not occur; don't be worried about it." Well, if that will not occur, why will the minister simply not go along with the amendment? Or why will the minister not indicate to the Member for Edmonton-Meadowlark that what the member has proposed is very good and indicate that they're prepared to bring it forward as a government amendment? As to whether it's an amendment from our caucus or whether it's a government amendment, if it's a good amendment, it deserves to be supported, and one shouldn't . . .

Chairman's Ruling
Relevance

MR. DEPUTY CHAIRMAN: I hate to interrupt, but I must. The hon. Minister of Labour maybe was a little bit out of order when he was talking about everybody in this House having the right to talk, but they only have a right to talk about the specific item that we're talking about. So, hon. member, we have amendment B and amendment C, and you have every right, on either side of the House, to talk about those amendments. We shouldn't criticize whether we disagree or agree. Put your point across. You certainly have the floor.

The hon. Member for Edmonton-Rutherford.

Debate Continued

MR. WICKMAN: Thank you, Mr. Chairman. I was just working my way down to that point. As I look at the Act in front of me on page 3 and I look at the section that you make reference to in conjunction with the amendments in front of us that have been proposed by this caucus – let me just read this again: "for the charging of fees for services or materials provided by or at the direction of the Board." Now, to me, that is very, very straightforward. That without question gives the board the opportunity

to execute the charging of fees for services or material. I don't think there's any black and white about it. It's there; it's there; it's there. What we're saying, Mr. Chairman: take it out, take it out, take it out, and then we can support this particular piece of legislation with the support, I would believe, of many Albertans and get on with the legislative process and get some constructive things done on debate on Bill 19, for example, which is going to be closed on us. So I agree with the member to an extent: let's not waste our time here; let's do something worth while. The minister now has the opportunity to do it.

MR. DEPUTY CHAIRMAN: Are you ready for the question on amendments B and C?

HON. MEMBERS: Question.

[Motion on amendments B and C lost]

MR. DEPUTY CHAIRMAN: Now to the Bill. Any further questions or amendments on Bill 1?

The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you. I'd like to pass around another amendment, that the members don't have at this point in time. What it indicates is to amend section 1(8) by adding the following after section 155(2): "The Regulations Act applies to rules made by the Board under section 11(2)(g)(iii)." Basically, the members have decided in their wisdom to vote down our amendments that were put forward in good faith that indicated that . . .

MR. DEPUTY CHAIRMAN: Excuse me, hon. member. Have we got those amendments?

MS LEIBOVICI: You're getting them right now.

MR. DEPUTY CHAIRMAN: Oh, thank you. Thank you. Could we just hold the procedure up for just a minute?

MS LEIBOVICI: No problem.

9:50

MR. DEPUTY CHAIRMAN: Okay, hon. Member for Edmonton-Meadowlark. I think most people have the amendment now.

MS LEIBOVICI: Sure. Basically, as I was indicating, in their wisdom the members on the opposite side have decided to vote against, quite sheep-like actually. I'm quite surprised. The Minister of Labour says, "We're going to be voting against this," and everyone says, "Sure, we'll vote against it." I wonder how many have actually looked at it and thought about what the implications are.

AN HON. MEMBER: Speak for yourself.

MS LEIBOVICI: Well, I don't need to speak for myself; I am speaking for myself. We are quite open on this side of the Legislative Assembly. It's quite amazing how the members only speak in little staccatos, little bursts of energy, as opposed to getting up and speaking all the time, getting up and speaking . . .

AN HON. MEMBER: Is that a free vote?

MS LEIBOVICI: As a matter of fact, we've had a clear example now of what a free vote is like on the government side. We've had a clear example of what a free vote is like with regards to education when the hon. member for – and I'd have to find out exactly where she's from – says: don't prejudge how I'm going to vote. But then again what ends up happening is that comes the budget, all of you say: "Baa, yes. How fast can I vote yes." Right?

So just to continue here . . .

MR. DUNFORD: Don't you talk about free votes over there.

MS LEIBOVICI: We have free votes all the time. Do you want to come into our caucus and watch our decision-making? You're more than welcome, I am sure. [interjections] I'm so glad I woke you all up. It was so quiet in here. It's such a pleasure to see some life on that side of the Assembly.

MR. N. TAYLOR: Here we thought you were dead all along.

MS LEIBOVICI: That's right. There is life there. Now perhaps not only is there life, but there is reason as well and some self-thinking that goes on.

Now, as I was saying, in terms of this amendment what we are looking at here is the fact that as the government members have indicated that they are not willing to strike out the sections that deal with the fees for services and goods, what we are saying is that the Regulations Act at least should apply to those rules so that there is some way of having some kind of understanding as to what those fees are going to be. I don't think this amendment is unreasonable. I think it is more than reasonable in terms of ensuring that the fees for services do not get out of line and out of whack.

Now, I've got to reiterate some of the statements that I made earlier with regards to the role of mediation services and that in fact what we are looking at in this particular Bill is the role of mediation and that mediation services should not be – and I repeat, should not be – privatized to the degree that the government is looking at doing. There is a number of reasons for that, and I think if you look at some of the past *Hansard*s with regards to this particular Bill, it is quite easy to see what those reasons are.

In my last talk on this particular Bill I did look at some of the things that were brought forward under the free trade agreement, looked at the fact that we are one if not the only jurisdiction that will be looking at having fees with regards to or having a privatized mediation service. The fact that what we are seeing is an increasing number of complaints with regards to the Ombudsman, those are one way of employees indicating that they are dissatisfied with what the government is doing, and we are going to potentially see more situations where there will be strife with regards to employer/employee relations. Mediation is one way of ensuring or at least helping when strike situations are in the offing so that there is less lost time and the productivity is maximized. Those are the basic reasons and outline.

By now I'm sure the members are well aware of what those reasons are, and other than not being a free-thinking caucus on that side, I can't see what rationale there would be for members not to vote in favour of this particular amendment. I would urge the members on that side to speak to this particular Bill and to provide us with their insight as to the reasons for potentially wanting to vote against this more than reasonable amendment.

Thank you.

MR. DEPUTY CHAIRMAN: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks very much, Mr. Chairman. I want to rise and speak in favour of this amendment and just make a couple of observations. I think that 1989 may have been one of the last times that the Standing Committee on Law and Regulations met. I think it was 1989 when the committee actually did some wonderful work. They were looking at harmonizing some regulations, at streamlining some regulations. Since then we've seen virtually no activity from that standing committee. I think that we have to ask why that committee isn't functioning, why it's not operational.

So we've got a compounded problem here. The first problem, Mr. Chairman, is that we have no reasonable way of supervising regulations. We have no way of looking at regulations in draft form before they're published. We have no means of reviewing them in a formal way because the standing committee chaired by my friend from Calgary-Shaw simply is moribund. It doesn't meet. So that's our first problem.

The second problem now is the effort to in effect take the board rules out from under the ambit, the scope, of the Regulations Act. As my friend from Edmonton-Meadowlark has said: what possible reason would there be for exempting these important rules from the Regulations Act? As I suggested at the outset, the requirements of the Regulations Act surely are innocuous enough. That provides very little comfort to Albertans that want to know that regulations are legitimate, are intra vires, are consistent with the enabling statute. Why would we then go the next step and not only let up our rigorous scrutiny of regulations but in this case exempt this whole body of rules, which are, I think, very important in terms of labour relations in this province? So, Mr. Chairman, if there is a reason, I haven't heard it. I listened to debate at second reading. I listened to other members speak to this, and I've just heard no explanation in terms of why the Regulations Act ought not to apply to these important orders and these important rules.

So I encourage all members to consider that at some point we have to exercise and assume the responsibility we have as legislators. We simply can't, Mr. Chairman, delegate and subdelegate all of those important responsibilities. At some point we have to say: "We're here. We've been elected to do a job. We're paid a salary to do that job." I don't think Albertans want to see us abdicating that responsibility at virtually every turn. This is another turn, and that's why I encourage all members to speak and certainly to vote for this amendment, which remedies, I think, a very serious and very important omission in Bill 1.

Thank you.

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

The hon. Member for Edmonton-Norwood.

MR. BENIUK: Thank you, Mr. Chairman. I rise in support of the amendment presented by my colleague requiring that "the Regulations Act applies to rules made by the Board under section 11(2)(g)(iii)."

The regulations are crucial. We have a section here, as referred to before, whereby the board will have the power to charge fees for services and materials, and we do not know what those fees and services are going to be. There is no cap; there is no maximum. There are no guidelines as to how those fees are going to be charged. All we know is that whoever appears before the labour board will end up having to pay a fee, regardless if they are injured workers, regardless if they are the employer or the employee in a labour dispute. The very least that we can expect is that whatever provisions govern that section, we should require that the Regulations Act apply to them so that we know, so that the whole province knows, so that every citizen knows what those regulations are and so that therefore as they appear before the board, they have a better idea of what they are going to be charged for services and materials.

10:00

There must be an openness. This is so important in government, and especially with this board, when it deals with labour relations. The Regulations Act applying to this section will make that possible. The minister had indicated when we were debating Bill 4 that he would bring in regulations prior to the Act being proclaimed. It would be great if he, in this case, here and now . . .

Point of Order
Repetition

MR. JACQUES: A point of order, Mr. Chairman: 23(c), "persists in needless repetition." We've heard this over and over and over again.

Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Would you like to speak on the point of order?

MR. BENIUK: I realize that the hon. member has risen, as have his colleagues, especially the Government House Leader, many times on points of order which are repetitious and actually quite insignificant. I share his concern, but he could have assisted by not having risen at this moment to make a point of order that isn't a point of order.

MR. DEPUTY CHAIRMAN: The hon. Member for Grande Prairie-Wapiti has a good point. It sometimes does get repetitious around here. So, please, hon. Member for Edmonton-Norwood. I know you have a lot of new things to bring forward. Please do that.

Debate Continued

MR. BENIUK: Thank you, Mr. Chairman. It is very, very crucial that everybody realize that this section that we're dealing with, the regulations applying to it, should be open so that everybody in this province knows what those regulations are. We have a section where fees are going to be charged, and we don't know what those fees are. This amendment would require that those regulations are made public by having the Regulations Act apply to it. This is crucial, absolutely crucial.

It's been said, Mr. Chairman, that sometimes a person has to repeat something once, twice, or three times to have it understood. Therefore I don't want to have a situation here that if I just say it once and the member opposite misses it, an injustice has been done to the people of this province because he hasn't picked up the importance of having the Regulations Act apply to this section.

So I would urge the hon. member to please give some thought to the importance of this section, of this amendment requiring the Regulations Act apply to this section. I would urge every single person in this Assembly to vote for an open process where the regulations that will be carried out by the board will be open for everybody to know what they are, what the fees are, and why those fees are going to be charged for certain services and certain materials rather than being surprised when the whole process is over and they're given a bill. We don't know if it will be $100 or $1,000. For injured workers, for employees having grievances with their employers, or for employers having grievances with their employees, it's a bill they cannot afford.

The main objective of this legislation should be to prevent strikes, lockouts, et cetera. If you have a situation where it's very detrimental to go before the board because the fees are very exorbitant or are believed to be exorbitant, it will be very counterproductive. By having this section under the Regulations Act, it will be open. Everybody will know what the fees are, if they're just or unjust. If they're not just, pressure can be brought on the board through this Assembly, through the minister to make them more just. So having an open situation will benefit everybody.

I would urge everybody to support this amendment, that the Regulations Act apply to the rules made by the board under sections 11(2)(g)(iii). I know that the Minister of Labour is looking forward to a very positive situation in the work force, that employers and employees will both benefit from having a board they can afford to appear before, and will surely support at the very minimum this amendment requiring that the Regulations Act would apply. I look forward to the very positive response from the minister to the amendment presented by my colleague.

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

HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: On the Labour Relations Code, amend section 1(8) by adding the following after section 155(2):

> (3) The Regulations Act applies to rules made by the Board under section 11(2)(g)(iii).

All in favour of the amendment as proposed by the Member for Edmonton-Meadowlark?

MR. DAY: Just for clarification, Mr. Chairman, is this amendment B?

MR. DEPUTY CHAIRMAN: No, it isn't. We've already voted on that.

MR. DAY: I just wanted to be sure. I was out, you know, dealing with my constituents.

MR. DEPUTY CHAIRMAN: Excuse me. If it is agreeable, we will call this amendment D because we've dealt with B and C. All in favour of amendment D?

[Motion on amendment D lost]

MS LEIBOVICI: What's the question? To be or not to be. That is the question. Whether it is nobler . . .

I'm sure everyone has held on to their amendments that were handed out about two months ago. You've all memorized them – right? – if you haven't held on to them. We're now on to what was D. I don't know if it's now considered to be E, if we're renumbering these or if we're back onto the original sheet. Are we renumbering D? Yes? So D has now become E. I'm sure the Minister of Labour will have something to add to this particular one.

MR. DEPUTY CHAIRMAN: Hon. member, excuse me. I guess I probably erred by calling the other one D.

MS LEIBOVICI: Right.

MR. DEPUTY CHAIRMAN: I knew nobody had moved them, but I didn't know they were going to come forth.

AN HON. MEMBER: Out of order.

MR. DEPUTY CHAIRMAN: No, everything's in order. We'll call it E then; okay?

MS LEIBOVICI: Okay, we're calling D E.

MR. DEPUTY CHAIRMAN: We might have to change E to F. I don't know that.

MR. DAY: Just read it out so we know which one.

MS LEIBOVICI: I will read it out. Yes. What the new E says is that the following is added after Section 1(8): (9) the following is added after section 32:

> 32.1 In the case of an application where 75% or more of the employees in the unit applied for have, not more than 90 days before the date of the application for certification was made, indicated in writing their selection of the trade union to be the bargaining agent on their behalf, the Board will conduct such investigation as it considers necessary and if the unit meets the criteria laid out in section 32(1)(a), (b), (c) and (e) the Board will certify the trade union to be the bargaining agent of the employees.

Now, just to give a little bit of a history in terms of what's happened with certification within the province of Alberta, at one point certification was at approximately – I think 51 percent of the employees had to sign cards, and if the union could show that the 51 percent had signed the cards, then a certification was provided to the union. What the certification in essence does – and let's be quite clear on what certification does. The only thing it does is provide for a union to be able to bargain with an employer. Whether that union remains as the union for the workplace, whether that union has the support of the employees, all of those conditions need to be met and kept by the union; otherwise, employees can do what's called a relocation. In other words, what they can basically say is, "You have not represented my interests even though I did sign up, and I don't want you to represent me anymore." So there is the ability for employees to say, "Yes, we would like you to represent us," and "No, you haven't done a good job." Then there's always the option, of course, for employees to say, "No, I'm not going to sign the cards, and I'm not going to become a member of this particular union."

Now, what happened a few years ago was as a result of a labour review that was done on behalf of the province. The province moved to basically a hundred percent certification. Well, not a hundred percent, but it moved to having all votes taken so that there is no more automatic certification within this province. What that means is that there are situations where if you have a vast majority of employees who have signed up, there is a lot of tension that's created in the workplace between the employees and the employers. There are pressures that are sometimes put to bear on employees to change their minds. There's also additional cost, because now a vote has to be taken, whereas before you did not need to take a vote.

10:10

Again, one thing that this government seems to be consistent on even though they are misguided in terms of their approach is their approach to cost cutting and trying to become more efficient and effective. Now, if in fact the government is looking at that, this is one avenue that would make, I think, a fair amount of sense. If 75 percent or more of the employees in a unit have said they wish to become part of a bargaining unit to give the union, whatever that union may be, the ability to bargain on their behalf,

then why would we be forcing a vote in that particular location? It makes very little sense, and it makes very little sense in terms of cost savings.

[Mr. Tannas in the Chair]

Now, there are arguments that are put forward for the vote. Those arguments basically sound something like this. In order to be truly democratic, there needs to be a vote taken even though members have already signed their card and said, "Yes, this is what I want to become a member of." Not only do they sign a card, may I add, but there's a fiscal exchange that occurs, because I believe there's $2 that is exchanged in terms of hands. So it's not just someone saying, "Okay, I'll put my name on this particular piece of paper." That person has to actually reach into their pocket and fork over $2. So there's a real understanding, then, of what individuals – and these are grown-up people that we're talking about. We're not talking about children. These are grown-ups who put their name on the card and say: "Yes, I wish to become a member of the union. Here is my $2. Hopefully we can then get into a relationship with the employer in terms of a bargaining relationship."

As I said, there seems to be one major argument that occurs. That argument basically talks about the ability to have a democratic process in terms of the vote. That argument is really not totally founded, because in effect there are always ways for an employee to say yes or "No, I do not wish to be part of this particular group anymore." I think if I can make an analogy that people can sort of understand, it's that when people become members of political parties, hopefully when they're signing that piece of paper – and I believe in some instances there is a dollar figure that is forked over – there's an understanding of what you're joining. This is a government that likes to talk, as I said, about fiscal responsibility, about self responsibility, about the ability of individuals to take care of themselves. Yet here we've got a situation where government is really playing Big Brother or assuming some kind of father figure by saying: "Well you don't know what you've just signed. You don't know what you've just gotten into. We really need to allow you the opportunity to be lobbied, as it were, by all sides so that your decision can in fact be changed." Before an employee signs that card, they are well aware of what the implications are. We are in a society at this point in time where there are very few secrets, and people know that if they sign a card, there are certain obligations that come with that.

I want to just give you some direction, as it were, from sources other than myself in terms of directions in Canadian labour law, just to give you an understanding of what certification is and why this 75 percent is, to my mind, more than reasonable. I'm quoting from Paul Weiler. *Reconcilable Differences* is the name of this particular book. It says that

> what the trade union is able to do with the certification largely depends on the real support that it is able to muster in the bargaining unit . . . Certification does give the trade union a license to bargain for the unit. It imposes a corresponding obligation on the employer to sit down at the table with the union and make a sincere effort to reach agreement about terms and conditions of employment. But the law does not, as it cannot, tell the employer that it must settle the contract on the union's terms, any more than the employer can oblige the union to agree to the employer's terms.

Just to continue.

> If the parties are truly free to agree, they must also be legally entitled to disagree.

There are some very interesting arguments in here in terms of certification and how, for instance, certification can be made better, because in effect we know that at times there is a lobby on not only the employer's side but on the union side that can be onerous. So there have to be safeguards, I agree, put into the system, but again the threshold at 75 percent I would think is more than reasonable.

One of the other things that perhaps we need to look at is in terms of the length it takes when a vote is taken to take that particular vote. Right now the periods may range from 10 to 14 days, may range more than that. In Nova Scotia there's a directive that says that votes need to be taken in five days. There's also what's called a double envelope procedure where employees can vote, have their votes recorded so that that's kept there while some of the other procedural things occur, because at times there are applications that are made where in effect an employee group is not able to certify because the employer is saying, "Well, this particular person is not part of this job description in terms of what the union would encompass," or "This particular employee is not part of it," or "This particular employee no longer works for us." So there are some things that happen procedurally in terms of determining who that certification should cover. Now, if there were at least to be the ability to have a fast turnaround or the ability, you know, in those cases where we need to have votes, for those votes to be taken automatically and kept somewhere within, I guess, the hallowed halls of the labour board, then when everything falls out, the vote has already been recorded. There are no onerous activities that can be placed on the employees by either the union or by the employer group.

Now, I'm sure we've all seen or heard of situations – and especially in the States we see this a lot – where there are actually campaigns that go on that involve at times illegal activities to try and get employees to change their minds, to try and have unions not enter into a workplace. I'm sure there's no one in this Assembly that would want to have that occur, that would want to see us be in a situation where we would be looking at activities that are potentially of an illegal nature or activities that put people in positions that need not occur within the workplace. Given that these are the parameters of this amendment, I do welcome – and I am sure that the Minister of Labour has some words to say on this particular amendment.

10:20

I think that to summarize, there are a number of points that need to be made. One is that by not having a vote occur when 75 percent of employees have applied for certification is not something that is undemocratic; that when employees sign, they are fully aware of what they're signing; that there is an exchange of dollars, even though it is a small dollar amount, but there is an exchange of dollars; that the idea behind this is one in terms of – and again these are things that the government should hook right into, because we hear it all the time – fiscal responsibility, responsibility on the part of individuals to themselves; that the vote need not be taken if you have 75 percent or more of the employees applying for the certification. Now, at times there will be below that 75 percent threshold the requirement for the board to conduct investigations and to hold votes, and that will always be part of the process. Again, to try and ensure that the process does not become one that is onerous, that the process does not become one that allows itself open to abuse by either the union or by the employer, then the need for votes that are held as soon as possible and/or within five days is something that needs to be considered by this government with regards to this particular section as well.

With those remarks I close my comments on this amendment.

AN HON. MEMBER: Question.

MR. CHAIRMAN: The question has been called.

Hon. Member for Edmonton-Norwood.

MR. BENIUK: I don't quite understand, Mr. Chairman. Did the hon. member from the other side want to start asking the minister some questions?

MR. CHAIRMAN: Hon. Member for Edmonton-Norwood, I'm sorry. The Chair was unable to hear what you said.

MR. BENIUK: I thought she was asking a question of the minister, but I gather that wasn't the case. Okay.

I see you have a puzzled look on your face. One of the members across the way was shouting something about questions that she wanted to ask the minister, but I gather this wasn't the ideal time.

MR. CHAIRMAN: The hon. Member for Edmonton-Norwood is reminded that in the course of Committee of the Whole when debate has or appears to have ended, it's perfectly legitimate to call the question, at which point the Chair then says, "Are you ready for the question?" If no member stands up, we can proceed with that particular item.

Now, are you speaking to the item?

MR. BENIUK: Mr. Chairman, I rise in support of this very enlightened amendment placed before this Assembly by my colleague from Edmonton-Meadowlark. The question that has to be asked is: how difficult should certification be? When employees wish to join a union or switch from one union to another, how complicated should that process be? What percentage of the workers in a particular company should be required to vote by secret ballot to switch from one union to another or to be certified? This amendment states 75 percent or more. This is a very reasonable number. It is far more than half plus one, and it is not a hundred percent. It is the midway point. Three-quarters of the employees would have to vote. It is halfway between 50 percent and a hundred. And over a 90-day period: it says here "not more than 90 days before the date of the application," which allows ample time for second thoughts for employees and an opportunity for the employer to present his side of the case. To require only three-quarters of the employees to vote in favour is a very, very reasonable number.

The problems with certification are quite crucial. If employees cannot join a union or if they cannot switch from one union to another, complications arise. My understanding is that at the present time the certification process in this province leaves much to be desired. Many employees who have attempted to be certified and join a union are running into problems because employers can rotate workers, replace workers, hire new workers with the result that the certification process is warped. This amendment requires that the vote should be "not more than 90 days before the date of the application." It is a very reasonable number of days for both employees and employers.

The issue that we're facing here, as my colleague has pointed out, is: how complicated or how simple should the process be? This process is very straightforward in the percentage required, in the number of days. It will require the board to conduct an investigation that it considers necessary before it allows a certification so that the proper process has been carried out, and then the board will certify the trade union to be the bargaining agent of the employees after it has investigated and made sure that due process has been carried out in the certification: the vote being a secret vote, the vote held so many days prior to the application, and all criteria being met.

I would strongly urge all members of this Assembly to support this very, very reasonable amendment. Thank you.

MR. WICKMAN: Mr. Chairman, just very briefly on the amendment that's in front of us. Again I would hope that the hon. minister does put some consideration into comments that are being made on this side.

Many, many years ago I had the opportunity to be president of a CUPE local that we founded at the University of Alberta, the students' union staff. I can recall some of the extreme difficulties we had to undergo as a union and also representing many of my colleagues who worked in various departments of the Students Union Building. There is a lot of argument these days: the pros and cons of unionization and whether unions have outlived their worthiness and so on and so forth. Nevertheless, when we look at Alberta and compare it with other provinces, it's I think readily acknowledged that Alberta in terms of labour legislation, in terms of protection for employees is very, very low in terms of priorities. Very, very low. The protection in many cases is virtually nil because of the great numbers of part-time employees now that we see coming on. Mr. Chairman, we have opportunities to give the workers, the employees a voice. Many, many times their voice is through the collective bargaining process. Their voice is their union. We still see a lot of very large shops in Alberta that don't have that opportunity, where they don't have the trade unionists speaking on their behalf, acting for their interest.

So, Mr. Chairman, here we have an amendment that I believe would benefit many, many workers, many, many employees throughout the province. Again I have some difficulty as to why the minister has such resistance or such hesitation to even giving these some consideration.

On that note I'm going to conclude.

MR. CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: We're dealing with amendment E moved by the hon. Member for Edmonton-Meadowlark: that the following be added after section 32. All those in favour, then, of amendment E as proposed by the hon. member, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Defeated.

Okay; call in the members.

[Several members rose calling for a division. The division bell was rung at 10:30 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Henry	Sapers
Beniuk	Hewes	Sekulic
Bracko	Kirkland	Soetaert
Bruseker	Leibovici	Taylor, N.
Carlson	Massey	Van Binsbergen
Dalla-Longa	Mitchell	White
Decore	Nicol	Wickman

Dickson	Percy	Zariwny
Hanson		

Against the motion:

Ady	Forsyth	Magnus
Amery	Friedel	Mar
Black	Fritz	Mirosh
Brassard	Haley	Oberg
Burgener	Havelock	Pham
Calahasen	Herard	Renner
Cardinal	Hierath	Rostad
Clegg	Hlady	Severtson
Coutts	Jacques	Stelmach
Day	Jonson	Taylor, L.
Dunford	Laing	Thurber
Evans	Langevin	West
Fischer	Lund	Woloshyn

Totals: For – 25 Against – 39

[Motion on amendment E lost]

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

MS LEIBOVICI: Thank you, Mr. Chairman. [interjections] I'm surprised that the members keep saying "Question." Haven't you held on to your amendments? Like, you would know there's more coming, and the best is yet to come. I don't know why you keep asking for questions. What are you looking for? Do you have questions? Yes.

The next amendment has been renumbered from E to F, and basically what it is is a very simple amendment, noncontroversial, that talks about amending section 2(3) by inserting "except section 11.1" after part 2. What this basically is: when the two Acts were amalgamated in terms of the Public Service Employee Relations Act and the labour . . .

MR. CHAIRMAN: Hon. member, just so that we are on the same track, this will be, even though it says E – it is the sixth in the row, and so it is item F that amends section 2(3).

MS LEIBOVICI: I was saying that this is quite noncontroversial. There seems to be an oversight in the fact that when the two Acts were amalgamated, what happened was that a particular area with regards to the serving of documents was left out of this particular section. Now, I don't think that that was intentional on the part of the drafters of the legislation, so what we are indicating is that this, as I stated, appears to be an oversight. I'm sure that the rendering or the putting in of documents is not something they would want to be left out, so we are suggesting that this be inserted into the legislation as it now stands.

MR. CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: The committee is reminded that we have under consideration, then, the revised amendment, noted as amendment F, to amend section 2(3).

[Motion on amendment lost]

MS LEIBOVICI: It's a good thing I've got a thick skin.

AN HON. MEMBER: Got another one, Karen?

MS LEIBOVICI: Of course. Of course, and you can tell me what it is.

MR. CHAIRMAN: Ah . . .

MS LEIBOVICI: Yes, I know: through the Chair. I'm sure the Chair would like to direct that the member . . .

Chairman's Ruling
Decorum

MR. CHAIRMAN: Hon. members, the rules of the House are that we direct our debate through the Chair. It may be a long journey, and if any of you are parents, you know how many times your children can ask you, "Are we there yet?" Have some kind of identification with that. We have, as the hon. Member for Edmonton-Meadowlark has reminded us, yet three pages to go, so with that in mind, we'd invite the hon. Member for Edmonton-Meadowlark to continue.

Debate Continued

MS LEIBOVICI: This next section is a pretty comprehensive section that deals with the effects of successor rights, basically, in terms of what happens when a bargaining unit is changed and the certificates either no longer apply or the modification is such that the union's majority support is questioned or it's otherwise appropriate to make a modification. I would like to suggest and put forward that this is extremely timely in terms of its application because of some of the problems that we've seen in the past with regards to areas such as the sale of the Alberta Liquor Control Board stores and what we are seeing now in terms of some of the legislation that's before us, particularly Bill 19, the education Act, and Bill 20, the Regional Health Authorities Act.

What we're seeing there is that the legislation within those Acts does not adequately cover what happens when unions or when there is a need to amalgamate, when there is a requirement that areas are potentially decertified, what happens in terms of a purchaser, lessee, transferor, transferee, person acquiring the business or undertaking. What this attempts to do – and I am more than willing to put this forward as a constructive suggestion that the government needs to look at with regards to the amendments that have been put forward in Bill 1 that talk with regards to the certification, et cetera, of particular areas. This would be a timely moment to actually look at the application of the whole notion of successor rights and what makes sense.

10:50

Now, I'm sure the Minister of Labour is more than aware that he has some problems on his hands with regards to Bill 20 and potentially as well with regards to Bill 19 when we see schools and school boards amalgamating, when we see hospitals and hospital boards amalgamating, and what happens when you have a whole host of bargaining units within those particular bodies. You know, we are sometimes criticized as the Official Opposition that we do not provide adequate amendments or that we do not provide positive solutions, that we just say, "This is no good; you fix it." Well, what we're seeing here right now and what we've seen over a period of I don't know how many hours is a series of amendments that have been put forward by the opposition that attempt to clarify – such as with the last amendment, where there was a particular section that was actually left out of this Act that I'm sure the government would not want to see happen – so that life will perhaps be a little easier when people look at what the

rules and procedures are for things such as the regionalization that seems bound to happen no matter what the people of Alberta say.

With that, I would urge the government to look at these amendments. They are detailed. They are not plucked out of the air. There is a lot of thought that has gone into these. These have been based on what some of the legislation is in some of the other provinces of Canada, so again this is not something that is particularly unusual. Again, if the government is at all sincere in terms of listening and caring about what their actions are on the people of Alberta, then this is one positive way that the government can show through, hopefully, some debate in this Legislative Assembly what the particular clauses are about.

Now, I've seen government members take our amendments and rip them up. I've seen government members take our amendments and throw them on the floor. I've said in jest before, but in all seriousness these amendments were handed out quite a while ago, and both the government members and the Department of Labour should have had the opportunity to look at these so that there is a reasoned exchange and response to these particular amendments in this Assembly. I'm sure that is what people would like to see and would like to think happens, that in effect when a piece of paper is handed out, that is not something that is indicated. [interjection] Do you wish me to sit down, or do you wish . . .

MR. CHAIRMAN: Not you. No.

Hon. member, while we have your attention, the amendment that we have under consideration, formally noted as amendment F, is now noted as G, but the Chair's a little uncertain as to where that amendment ends because there are no letters after the capital letter F.

MS LEIBOVICI: It continues on. It's one whole amendment, because what we're indicating is that there should be certain sections . . .

MR. CHAIRMAN: Right through to the end, so in fact this is the last of the amendments in the series?

MS LEIBOVICI: Exactly.

MR. CHAIRMAN: Fair enough. Go ahead.

MS LEIBOVICI: What we've said is that it's a two-part amendment. One is to strike out the sections in Bill 1, replace them with the current sections in the Public Service Employee Relations Act, and then add the following after section 28, which is 29.1. That continues on to 29.4, so that continues on the rest of the pages. In essence, we can indeed go through them on a clause-by-clause basis. I would rather talk to the principle at this point in time. As I said, I'd be encouraged and I would like to see that there is some discussion coming forward from the government members. Unfortunately, so often we see that that is not the case, that there is not discussion coming forward no matter how much we try and be positive and reasonable and show that there are better ways to do the business that the government needs to do.

So with those remarks I will close. Thank you.

MR. CHAIRMAN: Hon. Member for Calgary-Buffalo, before we have you commence, perhaps we should talk to the gallery for a moment, with your indulgence.

The visitors in the gallery are reminded that this is Committee of the Whole. It's a very informal stage, as you can readily determine. Members are free to walk around. We try to not have two people standing and talking at the same time. They are allowed to remove their jackets and to have coffee. As I say, if you look at your guide, you may not in fact have the right people because they're free to sit in almost any seat. So just so long as you're aware that this is the informal session.

Sorry for the interruption. Calgary-Buffalo.

MR. DICKSON: I hope I wasn't to take that personally, Mr. Chairman, when you said that the rules are a little more casual. You saw I was standing up to speak and saw I didn't have detailed speaking notes. But I appreciate the clarification.

Mr. Chairman, I'm happy to speak in support of the amendment, and it is an important amendment. I think there are few things more important to union workers than the whole business of when you can revoke certification of a bargaining agent.

I guess there are two particular concerns I have with the Bill, Mr. Chairman, two concerns that would be fully addressed by the amendment introduced by the Member for Edmonton-Meadowlark. The first one is this: we hear this government speak in so many other contexts and so many other applications about the importance of one-stop shopping. This notion in fact has become something of a mantra for members of government when they talk about the revolution they're undertaking in terms of delivery of services. I think that to an extent Albertans and certainly members in this Legislature understand that there's some benefit and some value to making it as easy as possible for the ultimate consumer, for the Albertan that needs to find out what their rights and responsibilities and liabilities are, to go to a single place to find it.

Now, what we're having with Bill 1 is that we see in effect incorporation by reference of large portions of the Labour Relations Code. The problem, Mr. Chairman, is simply this: if I'm a member of a union in this province and I want to find out what the process is by which I can initiate the decertification of my bargaining agent, where do I go for that? Well, what happens: I now can't go to a single statute. I go to the Public Service Employee Relations Act, and I start reading through that – and these are cumbersome, awkward statutes for anybody to read at any time – and I don't find the answers in that statute because in fact what we've done is we've incorporated by reference these massive portions of the Labour Relations Code. So what we've got is an impediment, an obstacle to ease of access by Albertans.

I don't know how the government reconciles their oft-stated commitment to simplify the process, to simplify service for Albertans when they present us with something as cumbersome and as awkward as what we see with Bill 1. I say from that standpoint that we have a real difficulty here, Mr. Chairman, with not setting out the full code. I'd say: why is it that we wouldn't set out the full particulars whereby a union worker can find out at a glance what the process is to commence a revocation of certification of a bargaining agent? Why wouldn't we set that out in full in the Public Service Employee Relations Act? It seems to me a simple enough thing to do, and I expect that someone will say that ultimately what we're going to do is integrate the two Acts into a single statute. But we're not there, and in the meantime Albertans who are members of unions who want to find out this critically important information simply can't access it. They can't access it in a single statute, and that's a problem.

11:00

I applaud the initiative shown by my colleague from Edmonton-Meadowlark. She has set out in comprehensive fashion and I think considerable detail the particulars that have to be set out – the rules, the requirements – so that anybody who looks at this Bill, if the amendment were incorporated, can tell relatively easily what the process is, how they can go about commencing revoca-

tion of certification. It's not necessary for me to go through and read or even highlight portions. The amendment is three pages long. I think that members have had an opportunity to read it. It's important that they do, and I think every member, when they vote on this particular amendment, is voting on something more important, Mr. Chairman. They're also voting on whether in fact we in this Chamber accept the fact that on matters that impact hugely on individual rights, on collective rights they should have a means to be able to access what the rules are readily and easily. That's really what we're voting on when we vote on this amendment. I'd hope that all members will not be hypocritical, will confirm that all of the rhetoric we've heard from the government about making things simpler for consumers, making things simpler for Albertans that need government services – that we'll make it simpler. The way we make it simpler is to adopt the amendment by the Member for Edmonton-Meadowlark.

With that, Mr. Chairman, there may well be other speakers that wish to address this important amendment, and I'll sit down and give them that opportunity. Thank you, Mr. Chairman.

HON. MEMBERS: Question.

MR. CHAIRMAN: All right. The question has been called. Are you ready for the question?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Again, the committee is advised that we have under consideration amendment G, which is to amend section 2(6) and then the next two and a half pages go on to include all of the rest of it including, then, 29.2, 29.3, 29.4 and 29.5. With that in mind, we are ready for the vote.

All those in support of amendment G, amending section 2(6) and what follows, as proposed by the hon. Member for Edmonton-Meadowlark, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Defeated.
Call in the members.

[Several members rose calling for a division. The division bell was rung at 11:04 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Henry	Sekulic
Beniuk	Hewes	Soetaert
Bracko	Kirkland	Taylor, N.
Bruseker	Leibovici	Van Binsbergen
Carlson	Massey	White
Dalla-Longa	Mitchell	Wickman
Decore	Nicol	Zariwny
Dickson	Percy	Zwozdesky
Hanson	Sapers	

Against the motion:

Ady	Forsyth	Magnus
Amery	Friedel	Mar
Black	Fritz	Mirosh
Brassard	Haley	Oberg
Burgener	Havelock	Pham
Calahasen	Herard	Renner
Cardinal	Hierath	Rostad
Clegg	Hlady	Severtson
Coutts	Jacques	Stelmach
Day	Jonson	Taylor, L.
Dunford	Laing	Thurber
Evans	Langevin	West
Fischer	Lund	Woloshyn

Totals: For – 26 Against – 39

[Motion on amendment G lost]

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: The question's been called. Are you ready for the question?
The hon. Government House Leader.

MR. DAY: Thank you, Mr. Chairman. Just to summarize debate before we go to the vote. This has been a fascinating amount of time spent on this particular Act. The purpose of this Bill is very, very simply to effect in law the administrative amalgamation that has already happened – already happened – between the Labour Relations Board and the Public Service Employee Relations Board. It is to effect in law that administrative change, which has a saving of about $450,000. That's it. That's the purpose of this Bill. I want it to be recorded that we have spent hours and hours of debate – hours of debate – on one of the most basic, administrative Bills before this House, absolutely basic.

We've heard the member opposite say that this particular Act amalgamates the Labour Relations Code and the Public Service Employee Relations Act. It does not, and I've stated that from the start. It effects in law the administrative amalgamation. We have heard the most incredible comments. The issue of the privatization of mediation services has nothing to do with this Bill. Comment after comment. Another comment: the NAFTA agreement on labour co-operation that Canada is a signatory to as well as the provinces. This province is not yet a signatory, nor is any other. As a matter of fact, we have taken a lead role in determining how provinces should be involved in the agreement. Comment after comment, statement after statement, amendment after amendment: no basis in fact. A very simple administrative amalgamation, very simple, that has taken hours and hours of taxpayers' time and money. I'm glad it's come to a conclusion. I'm glad we can get the vote on it, but it's been a bit of a travesty the amount of time it's taken.

I call for the question at this stage.

MS LEIBOVICI: It's unfortunate that the hon. Minister of Labour tends to be very exclusive in terms of the kinds of things that he chooses to pick from. Bill 1 is indeed a Bill that looked at something that had in fact happened; in other words, the amalgamation of the Labour Relations Board and the Public Service Employee Relations Board. Now, if that were the only thing that Bill 1 did, then of course it would have been a very simple housekeeping thing that would have passed immediately.

However, there were some interesting things that happened with Bill 1. One is that Bill 1 seemed to be used as a bit of a ping-pong, which is exactly what we're seeing happen right now.

When we were supposed to be talking about Bill 19, we have spent time on Bill 1, even though Bill 19 was the one that was supposed to be talked about, and that's exactly what has happened for the last month in this Legislative Assembly. [interjections]

Chairman's Ruling
Decorum

MR. CHAIRMAN: Order. [interjections] Order, hon. Member for Edmonton-Meadowlark. [interjections] Order. Just to remind hon. members that this is a proper place for debate, but shouting at one another and pointing fingers and other things are – although it comes to mind in the heat of debate, we are directing our comments through the Chair.

MS LEIBOVICI: Thank you for that.

11:20 **Debate Continued**

MS LEIBOVICI: There has been this tactic, as it were, to ensure that we had five minutes on Bill 1 and five minutes on Bill 15 and five minutes on Bill 5, as opposed to having coherent debate. This is the first night that we've had coherent debate. It's quite surprising it also happens to be the night that we're going to see closure on Bill 19, and it's now 11:25.

Now, what I'd like to bring out is the fact that the government members are great at nattering. They're wonderful at nattering, just as we've seen right here, but can they actually get up and talk to any one of the amendments on Bill 1? Can they even tell us what Bill 1 is? No. So I would like to just put on record that Bill 1 was not just a simple housekeeping Bill, that there were other items in Bill 1 that needed to be addressed. We addressed them as adequately and as professionally and as efficiently and as effectively as we could, and that's what we will continue to do for the next three years or until the next election because that is our role in this Legislative Assembly: to keep each and every one of you accountable.

Thank you.

MR. CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 1 agreed to]

MR. DAY: Mr. Chairman, I move that Bill 1 be reported when the committee rises and reports.

[Motion carried]

MR. CHAIRMAN: Okay. We have under consideration now Bill 15.

Point of Order
Scheduling Government Business

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

MR. CHAIRMAN: The hon. Opposition House Leader is rising on a point of order.

MR. MITCHELL: Yes, under Standing Order 7, the daily routine. As you're aware, Mr. Chairman, we've had considerable difficulty in scheduling the operation, the agenda of this Legislature over the last several weeks in some kind of orderly fashion. I and the Government House Leader have been in constant communication trying to work out exactly how it would be that given Bills would be debated at given times. Today we were very clearly told that we would do Committee of the Whole, and then we would move to second reading on Bill 19. We were further told that Committee of the Whole would go till about 11 o'clock, and then about 11 o'clock we would go to Bill 19, the schools Act. Well, it is past about 11 o'clock. There are many people in the Legislature gallery this evening who are here specifically because we have been led to believe that Bill 19 would be debated tonight.

The fact of the matter is that Bill 19 is a very, very important piece of legislation. It will literally restructure the face of education in this province, and it is not too much to expect that Albertans should be able to know when or about when a Bill of that stature and that importance will be debated in this Legislature.

I just know what the House leader is going to say. He is going to say that we have had too many speakers on too many Bills this evening, that we have somehow eaten up the time and it has run counter to his plans to get certain things accomplished tonight. But the premise of his plan to get certain things accomplished is that certain members of this Legislature, who have every bit as much right as every other member of this Legislature to speak on every given piece of legislation that comes before this Legislature, shouldn't have the chance to speak.

For the people of Alberta, the people in the gallery I want to make it very clear. There is one easy way for the government to move us from any Bill that we are discussing to Bill 19, and that easy way is simply to stand up and adjourn debate on that first Bill so we can move to Bill 19. I ask that the Government House Leader simply rise now and adjourn debate on Bill 15, call the House back to the formal Legislative Assembly, as he promised earlier today, and begin debate on Bill 19 so that the people who have come out here in the middle of the night to listen to it get a chance to listen to that debate.

MR. DAY: Mr. Chairman, I appreciate the fact that you allowed abundant time for the opposition leader to state a number of statements, which obviously I will disagree with, but I appreciate the time you gave him, the great latitude in doing that. I also hope that everybody noticed, including members who are here today, that members on this side paid quiet attention to the member when he spoke. That's what usually happens in the House. In question period, every question period, they're quite proud of the fact that they call themselves the Raucous Caucus. Every time a member stands up, they beat the tom-toms over here. Every time one of their members sits down, they beat their tom-toms. They scream and shout and create considerable disarray. I'm very glad there are people in the galleries because this is the first time we've had some quiet from the members opposite. It's also the first time in the evening that I've seen Laurence Decore here. I've never seen him here in the evening before. Never seen him. Never seen him. [interjections]

MR. CHAIRMAN: No, no. On the point of order, you can't make comments about the actions . . .

MR. DAY: On the point of order, which is Standing Order 7(1) – and again you'll see that when it gets a little warm, these members here go quite berserk. Our members listened in politeness, as they usually do. The Raucous Caucus went berserk.

Now, Mr. Chairman, first of all, in terms of accommodating – and we're looking here at Standing Order 7(1) – everything that was agreed on today between myself and the House leader to this point has been moving along. The House leader did not say that

there would be a continued filibuster on Bill 1. He didn't say that. As a matter of fact, I have a note here, a handwritten note, saying that on Bill 15 there'd be 30 minutes. You know, we could still do it, but what did we have? Standing votes on a bell ringing. On a bell ringing, a standing vote. Ten minutes lost there. Not once but twice: 20 minutes lost. A standing vote on amendments. Have they the right to do that? Certainly they have the right to do that, just as on second reading of the education Bill they all had the right to speak, and 21 of them spoke for over 10 hours. Then do you know what they did? It's important that people know this. For the record, do you know what they did then? They brought out an amendment that said that there shall be no more discussion on the Bill. They brought out an end to the discussion. So dealing with Standing Order 7(1), because they brought out that motion saying that there's no more discussion, we will move it to committee.

11:30

MR. CHAIRMAN: Hon. Government House Leader, are we on the point of order?

MR. DAY: In conclusion . . .

MR. CHAIRMAN: In quick conclusion, yes.

MR. DAY: In conclusion, Mr. Chairman, every day I have communicated with the House leader as to the order of the Bills. There have been days when he's apologized to me because on their side the message hasn't gotten through, and we've worked out a process. As I conclude on the point of order, I want to know tonight, where the Member for Edmonton-Meadowlark is talking about the sequence of business, which is the point of order, about us switching from Bill 1 and then coming back – I was asked by the Member for Edmonton-Norwood, because the Member for Edmonton-Meadowlark couldn't be here because she was attending to a family matter, if we could briefly set that aside and return to it when she came back. I did that, and we get slammed for that again. We have been accommodating. We wanted the 30 minutes that they promised in a handwritten note on Bill 15. They've dragged it past the hour. There is no point of order.

MR. CHAIRMAN: Thank you, hon. Government House Leader.

On the point of order, the Minister of Municipal Affairs.

DR. WEST: That's correct, Mr. Chairman. Sunday was the second anniversary of those elected in 1986, and I have never seen a representation like this in those eight years. At this time of night I have never seen posturing like this for political purposes. There is no point of order here. Whatever they've got in mind here tonight I've never seen demonstrated in this Assembly. They've probably got some dog and pony show to try to get a demonstration in front of selected people. I've never seen the numbers. I've never seen the type of posturing that's going on at the present time in eight years, and if the taxpayers of this province could see what's going on here tonight, they would be disgusted with what type of demonstration politically we're seeing.

MR. CHAIRMAN: Hon. member, I'm sorry; I was unable to hear the citation you were giving.

DR. WEST: Standing Order 7(1).

MR. CHAIRMAN: You're still on the original point of order?

DR. WEST: That's correct. I'm on the original point of order, trying to point out that this point of order is straight political filibustering in this House.

MR. CHAIRMAN: Thank you.

The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you, Mr. Chairman. I'm quoting Standing Order 7(5) and rising to respond to provide more information. Let's be really clear. The issue here is that the government is not used to dealing with an opposition that's going to make it accountable for the next three years. Let's be very, very clear. Let's be very clear that this government has put us on notice that it is going to shut down debate on the most major Bill in education in the last 20 years after less than 10 hours for 83 members to participate in debate. That should be shameful. That should be absolutely shameful.

Mr. Chairman, we have sat here night after night, and the Government House Leader, depending on who he talks to and when he talks, changes his mind in terms of the order of which will be debated. That's just fine, but I want it on record very clearly that the Government House Leader has one more time changed his mind. Let the record be very clear. He's changed his mind because the people of Alberta are aware of what's going on and have come here today to watch this government shut down debate and shut down democracy on a very important matter that people of Alberta are concerned about, and this government is not listening. Let's be very clear. If you want to back down again, there'll be more people tomorrow night and the next night and the next night. Let's have a full debate on this matter.

Thank you, Mr. Chairman.

MR. CHAIRMAN: All right.

The Chair is advised by the two speakers on each side as to their points of order and how they view this particular point of order. The Chair is not party to arrangements between House leaders, nor normally is the Chair privy to whatever those arrangements might be. The hon. House leader for the opposition is quite right in that there is under 7(1) an order, and that has been followed during this day. However, this evening we are for a prolonged period of time in Committee of the Whole. We are considering government business. It is up to the government to decide how they will proceed through that particular committee. The Chair is your servant and has no power to make a Government House Leader change the order no matter who is visiting here. We are here conducting the business of the province. I know that we have a problem when we invite people to come here to see something and that which we invited them to see does not occur, but that is not necessarily the problem of the Chair. The Government House Leader is the one responsible for directing the governance of the House and certainly while the Chair is in the Committee of the Whole. So there is no point of order. I did allow rather wide-ranging latitude for two members from each side to say their piece, and the Chair has ruled on the matter.

Bill 15
Alberta Energy and Utilities Board Act

MR. CHAIRMAN: Bill 15 is our next one. Bill 15, the committee is reminded, is the Alberta Energy and Utilities Board Act. The hon. Member for Leduc was speaking.

The hon. Member for Redwater.

MR. N. TAYLOR: Speaking to Bill 15, which is the hermaphroditic marriage that this government is trying to perform between the Public Utilities Board and Alberta Energy. It's too bad the Member for Red Deer-North has to run for cover and just leave his minions behind. It's a rather cowardly act that I wanted to comment on.

The question on Bill 15 is that we are leaving the consumers of this province absolutely unprotected. They call it merging the Public Utilities Board into the Alberta conservation board, but it's not that at all. What it is, Mr. Chairman, is a Bill whereby there is a pool of members who will give decisions compatible with the Lieutenant Governor in Council. Actually, what'll happen is that this pool of members will be hand selected, because the energy board is the dominant one, to squeeze out any consumer representation on the Public Utilities Board. Consequently, this House has refused a number of times to amend it. The Minister of Energy knows what she's doing, and I can't say anything more except maybe call the question.

MRS. BLACK: Mr. Chairman, I have to clarify the comments made by the hon. Member for Redwater. This is not the case that consumers will not be protected. In fact, they will have the same protection that they have today because we are not changing the makeup of the boards. In fact, what will happen is they will be joining together under one board. I think it's a misconception to think there's going to be any lessening of consumer representation on this board, because that is not the case at all. The ERCB is not going to be gobbling up the PUB. In fact, the two bodies will remain intact. However, they will only join together. I think it's a tremendous misconception to think that the consumers will not be represented as they have so well been served by the PUB. That is not the case, and the hon. member knows that. The regulation governing the PUB is not being changed at all. The representation from the PUB on the joint board will remain as is and will not be amended nor will the ERCB board membership be amended.

11:40

I think it's important, Mr. Chairman, to ensure hon. members that the regulatory independence of this body is critical, because it is a quasi-judicial board and as such it must function separate and quasi judicial. By the very nature of the two boards coming together, what we are trying to accomplish simply here is a streamlining of the regulatory process to provide a one-window approach to regulatory review and jurisdiction within the province of Alberta.

MR. N. TAYLOR: He's told you to keep talking, so think of something.

MR. DAY: Let the minister talk for a few minutes. Are you stifling debate? My goodness. Shame on you. Shame on you. I'm surprised.

MR. CHAIRMAN: Order. Order.

DR. PERCY: They're talking Bill 19 out, Mr. Chairman.

MRS. BLACK: Mr. Chairman, I thought I was dealing with Bill 15 for the hon. member, and if he would pay attention, he'd realize that.

Mr. Chairman, this Bill as presented by my colleague from Calgary-Varsity is a very important process in streamlining and cost saving for the province. It is not unlike any other regulatory board that will be coming together in North America, and we can go through many of them where you have a group that approves the facility side and a group that approves the monopoly and utility sides coming together to deal with one regulatory process. I guess what I think is so important is the fact that consumers and industry can in fact go to this body and have a case heard which is an independent case and has, for that matter, an independent review.

It's very important also, Mr. Chairman, to realize the independence of this board. As an example, right now we're going through the process of choosing the new chair for this board, a process that we've adopted throughout government to advertise for this chair position and have an open competition for the chair of this new board. This is being handled for us by the Public Service Commissioner. Applications will be received by the Public Service Commissioner, and a panel will be struck to review the applicants and come forward with recommended names for the new chair position of the Alberta energy and utilities board. It's very important that this happen to show the respect and the independence of the new board as we go through this process.

Mr. Chairman, it's also very important that we emphasize again the independence and the autonomy of this board, because it is quasi judicial, and as such hon. members have asked me and it came out in second reading if we were going to be making changes to the Acts that enable the ERCB and the PUB to function, and no, we in fact are not. So the quasi-judicial nature and the regulatory side will be left as is in those two Acts that govern them. Again, this is not unusual in developing a board on a regulatory process, because this board does not represent one group or another. It represents the public interest, and it's very important that it stay independent and stay separate.

Mr. Chairman, if there are any other comments coming from the other side, I'd be pleased to take their questions, but for now I'll call for the question.

MR. CHAIRMAN: Okay. We have under consideration Bill 15, the Alberta Energy and Utilities Board Act. Are you ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 15 agreed to]

MR. DAY: Mr. Chairman, I move that the Bill be reported when the committee rises and reports.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. TANNAS: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports the following: Bill 29, Bill 21, Bill 1, Bill 15. The committee reports the following Bill with some amendments: Bill 17. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

MR. SPEAKER: Does the Assembly concur in the report?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.

Before proceeding further, the Chair has had a request to revert to introduction of special guests. Is there agreement in the Assembly for this purpose?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?

The hon. Member for Edmonton-Centre.

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

MR. HENRY: Thank you very much, Mr. Speaker, and I appreciate the opportunity. As members will acknowledge, the public gallery is full, and I don't want to take the House's time to introduce every member. There are a couple of significant people – they're all significant people – who hold particular elected positions. I would like to introduce to you and through you to the Assembly Karen Bernard, Pat McLaughlin, and Margaret Jones, who are trustees just outside of Edmonton; Robert Bissen, who is the president of the Edmonton Catholic schoolteachers, ATA; Bauni Mackay, the president of the provincial ATA. I'll introduce four of a group of 20 who are a coalition of parents and community people concerned about education: Rhonda Ouimet, Cyndy Joines, Cathy Staring Parrish, Jim Dearden, Daria Gushaty, and Susan Bell. These are some of the people who are representative of about 20 different coalitions from the Edmonton area and other places who are concerned about education. They're in the gallery today. I think all of them are in the public gallery. Some of them have had to rotate because they've not been able to have access to the members' gallery, so some have come and some have left, but those I've mentioned who are here I would ask to rise and receive the very warm welcome of the Leg. Assembly.

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

11:50 **Bill 19**
School Amendment Act, 1994

Moved by Mr. Collingwood that the motion for second reading be amended to read that Bill 19, School Amendment Act, 1994, be not now read a second time because the Assembly finds the Bill to undermine the integrity and accountability of the public education system in Alberta.

[Adjourned debate May 3: Mr. Day]

18. Moved by Mr. Day:
Be it resolved that debate on second reading of Bill 19, School Amendment Act, 1994, shall not be further adjourned.

MR. SPEAKER: Having heard the motion by the hon. Government House Leader, all those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: The motion carries. Call in the members.

[Several members rose calling for a division. The division bell was rung at 11:52 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Ady	Friedel	Mar
Amery	Fritz	Mirosh
Black	Haley	Oberg
Brassard	Havelock	Pham
Burgener	Herard	Renner
Calahasen	Hierath	Rostad
Cardinal	Hlady	Severtson
Clegg	Jacques	Stelmach
Coutts	Jonson	Tannas
Day	Laing	Taylor, L.
Dunford	Langevin	Thurber
Evans	Lund	West
Fischer	Magnus	Woloshyn
Forsyth		

Against the motion:

Abdurahman	Hanson	Sekulic
Beniuk	Henry	Soetaert
Bracko	Hewes	Taylor, N.
Bruseker	Kirkland	Van Binsbergen
Carlson	Leibovici	White
Collingwood	Massey	Wickman
Dalla-Longa	Mitchell	Yankowsky
Decore	Nicol	Zariwny
Dickson	Percy	Zwozdesky
Germain	Sapers	

Totals: For – 40 Against – 29

[Motion carried]

MR. DAY: Mr. Speaker, given the hour, I move the Assembly . . .

MR. SPEAKER: Order please. Given the hour, the hon. Government House Leader cannot further participate in this debate, and the Chair is required to ask for the question on the motion for second reading.

On the motion for second reading of Bill 19, School Amendment Act, 1994, as moved by the hon. Minister of Education, does the Assembly agree to the motion for second reading?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?

SOME HON. MEMBERS: No.

MR. SPEAKER: The motion carries.

Call in the members.

[Several members rose calling for a division. The division bell was rung at 12:05 p.m.]

[Ten minutes having elapsed, the Assembly divided]

MR. SPEAKER: Order please. As hon. members will recall, they were called in to vote on the main motion for second reading of Bill 19. The Chair finds – and the Chair apologizes for this misadventure – that there is an amendment proposed by the hon. Member for Sherwood Park before the Assembly to the motion

for second reading. If there's unanimous agreement in the Assembly, we will use this last set of bells to vote on the amendment in a formal way as proposed by the hon. Member for Sherwood Park. That being the case, if there is agreement, we'll proceed that way. Is there agreement in the Assembly to do that?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?

For the motion:

Abdurahman	Hanson	Sekulic
Beniuk	Henry	Soetaert
Bracko	Hewes	Taylor, N.
Bruseker	Kirkland	Van Binsbergen
Carlson	Leibovici	White
Collingwood	Massey	Wickman
Dalla-Longa	Mitchell	Yankowsky
Decore	Nicol	Zariwny
Dickson	Percy	Zwozdesky
Germain	Sapers	

Against the motion:

Ady	Friedel	Mar
Amery	Fritz	Mirosh
Black	Haley	Oberg
Brassard	Havelock	Pham
Burgener	Herard	Renner
Calahasen	Hierath	Rostad
Cardinal	Hlady	Severtson
Clegg	Jacques	Stelmach
Coutts	Jonson	Tannas
Day	Laing	Taylor, L.
Dunford	Langevin	Thurber
Evans	Lund	West
Fischer	Magnus	Woloshyn
Forsyth		

Totals:	For – 29	Against – 40

[Motion on amendment lost]

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

MR. BRUSEKER: Yes, Mr. Speaker. Anticipating one more standing vote, I would move we waive 32(2) that requires a 10-minute interval and change it to a one-minute interval just to speed up the standing vote process.

MR. SPEAKER: Is there agreement in the Assembly for the motion proposed by the hon. Member for Calgary-North West?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?

SOME HON. MEMBERS: No. [interjections]

12:20

MR. SPEAKER: Order. [interjections] Order. There being no unanimous consent, the Chair is required to put the main motion.

On the motion for second reading of Bill 19, School Amendment Act, 1994, as moved by the hon. Minister of Education, does the Assembly agree to the motion for second reading?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?

SOME HON. MEMBERS: No.

MR. SPEAKER: Call in the members.

[Several members rose calling for a division. The division bell was rung at 12:21 a.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Ady	Friedel	Mar
Amery	Fritz	Mirosh
Black	Haley	Oberg
Brassard	Havelock	Pham
Burgener	Herard	Renner
Calahasen	Hierath	Rostad
Cardinal	Hlady	Severtson
Clegg	Jacques	Stelmach
Coutts	Jonson	Tannas
Day	Laing	Taylor, L.
Dunford	Langevin	Thurber
Evans	Lund	West
Fischer	Magnus	Woloshyn
Forsyth		

Against the motion:

Abdurahman	Hanson	Sekulic
Beniuk	Henry	Soetaert
Bracko	Hewes	Taylor, N.
Bruseker	Kirkland	Van Binsbergen
Carlson	Leibovici	White
Collingwood	Massey	Wickman
Dalla-Longa	Mitchell	Yankowsky
Decore	Nicol	Zariwny
Dickson	Percy	Zwozdesky
Germain	Sapers	

Totals:	For – 40	Against – 29

[Motion carried; Bill 19 read a second time]

[At 12:38 a.m. on Tuesday the Assembly adjourned to 1:30 p.m.]