

Legislative Assembly of Alberta

Title: **Monday, April 10, 1995**

1:30 p.m.

Date: 95/04/10

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

At the beginning of this week we ask You, Father, to renew and strengthen in us the awareness of our duty and privilege as members of this Legislature.

We ask You also in Your divine providence to bless and protect the Assembly and the province we are elected to serve.

Amen.

head: **Introduction of Visitors**

MR. ROSTAD: Mr. Speaker, I'd like to introduce to you and through you to the Assembly His Excellency Elhadj Thierno Habib Diallo, ambassador of the Republic of Guinea. Ambassador Diallo is accompanied by Mr. Giovanni DeMaria, honorary consul for Guinea in Calgary. His Excellency took up his duties as ambassador to Canada in 1993. He led a distinguished career in international affairs prior to his posting here and has served his country in such places as China, Korea, Vietnam, Brazil, and the United States of America. We are honoured to welcome the ambassador to the province. I'd now ask that His Excellency and Mr. DeMaria please rise in the gallery and receive the warm welcome of the Assembly.

head: **Presenting Petitions**

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

MR. BRUSEKER: Thank you, Mr. Speaker. I would like to present a petition that was presented to me in a meeting on Thursday evening. It contains 1,925 signatures from the Calgary area. The petition is from Catholic school taxpayers and expresses concern about three issues: one, the collection and expenditure of taxes; two, being able "to support the school system which their children attend;" and three, "open boundaries for school jurisdictions."

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

MR. HENRY: Thank you very much, Mr. Speaker. I, too, have a petition, this time from Edmonton, and I'd like to present this petition. The petition asks the Legislative Assembly to urge the government to restore 400 hours of fully funded kindergarten and to ensure no user fees for kindergarten children in our province.

Thank you.

head: **Introduction of Bills**

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

Bill 28 Real Estate Act

MRS. GORDON: Thank you, Mr. Speaker. I request leave to introduce Bill 28, the Real Estate Act.

The Real Estate Act, in keeping with the government's plans to simplify legislation, consolidates the Real Estate Agents' Licensing Act and the Mortgage Brokers Regulation Act. This brings

the regulation of the real estate industry and the mortgage brokerage industry under one piece of legislation. The Act will allow the real estate industry through the real estate council of Alberta to monitor and regulate its agents and sales people. This will ensure a fair marketplace under this streamlined Act.

[Leave granted; Bill 28 read a first time]

MR. DAY: Mr. Speaker, I move that Bill 28, as just introduced, be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

MRS. MIROSH: Mr. Speaker, I'd like to table four copies of the report Scientific and Technical Activities Overview. It's the proposed '95-96 science and technology program and budget and three-year plan prepared by TRAC, the Technology and Research Advisory Committee.

Thank you.

MR. MITCHELL: Mr. Speaker, I would like to table a report indicating that the Liberal caucus office received 80 calls on Friday, April 7 alone from Albertans who are very worried about the Premier's idea for two-tiered health care in Alberta and who indicated that, despite what the Minister of Health has said, they have also called her office and the Premier's office.

THE SPEAKER: The hon. Gov . . . Opposition House Leader.

MR. BRUSEKER: Thank you, Mr. Speaker. That happens after the next election.

In addition to the petition I tabled earlier, I'd like to table four copies each of three letters that were received by me at that same meeting from Catholic parents expressing concern about "the continuity of Catholic Schools in Alberta."

THE SPEAKER: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Speaker. I'd like to table four copies of a preliminary summary of responses to a questionnaire on health care that is being conducted in the constituency of Edmonton-Glenora. The first 207 responses, for example, indicate that 91 percent . . .

THE SPEAKER: Order.

The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thank you, Mr. Speaker. I want to table at this point a telephone report from my constituency office that references the seven calls we logged specifically about the Premier's notion of two-tiered health care in Alberta.

head: **Introduction of Guests**

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

MS CARLSON: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to Members of the Legislative Assembly 16 students from T.D. Baker school. They are accompanied today by their teacher and my good friend Mr.

Jim Reed. I ask that they now rise and receive the traditional warm welcome of the House.

THE SPEAKER: The hon. Member for Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Speaker. It is indeed a pleasure for me to rise and introduce to you and through you 34 students from Abbott school, which is located in my constituency of Edmonton-Beverly-Belmont. They are all in grade 6. There are two classes in fact represented, and they are here to observe question period. They are presently conducting mock municipal elections, so we have some potential mayors and councillors and so on with us. The students are accompanied by their teachers Mrs. Russanne Perry and Mrs. Elizabeth Forfylow and parents Mrs. Elizabeth Cysouw and Mrs. Jeannie Tost. I would like to ask them to please rise and accept the very warm welcome of this House.

head:

Oral Question Period Calgary-McCall By-election

MR. MITCHELL: Mr. Speaker, the Premier says that it's inappropriate for him to debate issues like health care in the Calgary-McCall by-election. He says that it's his by-election and that he can do whatever he wants. He's starting to sound like Kim Campbell, and we all know what happened to her. My question is to the Premier. How can the Premier say, as he has in the past, that the Calgary-McCall by-election is a test of his policies and then say that it's inappropriate for him to debate health care in Calgary-McCall?

MR. KLEIN: Mr. Speaker, what I am saying is that it would be inappropriate for me to debate this individual across the way in Calgary-McCall. This is not his by-election, it is not my by-election, it is not the NDs' by-election, and I understand there is a Social Credit candidate running there as well. It is not the leaders of those parties' election. This election belongs to the candidates who are running in that by-election. Our candidate, who will soon be sitting in this government, has sent me a letter saying: Mr. Premier, I'm perfectly capable and able to address these issues in my constituency, I'm a big boy, and I'd be glad to take on the Liberal candidate in that constituency and on that issue.

1:40

MR. MITCHELL: It may not be the Premier's by-election, but his picture's all over the only major brochure . . .

THE SPEAKER: Order. [interjections] Order.

MR. KLEIN: Mr. Speaker, I wouldn't be upset one iota if the hon. Leader of the Official Opposition had his picture plastered all over that constituency. It wouldn't bother me at all. I would invite him to do that. As a matter of fact, the duty of the leader is to demonstrate that the leader is behind his candidate, and that's where the leader should be. The leader should be behind his candidate. The leader ought not to be in there fighting the candidate's battles.

MR. MITCHELL: Mr. Speaker, it looks like he's out in front of his candidate in Calgary-McCall.

Let's hear it one more time. Let's get a straight answer, Mr. Speaker. Why did the Premier refuse to debate his two-tiered

health care system here in the Legislature last Thursday, why has he refused to debate it with me on his Saturday afternoon radio talk show, and why specifically has he refused to debate it in Calgary-McCall when his picture is all over this brochure and his own candidate's name is mentioned only twice in eight pages?

MR. KLEIN: First of all, Mr. Speaker, I didn't know that the hon. member had been cut off until the host of the show told me that he didn't want him on the show. The host of the show indicated to me that if this hon. member wants to have his radio show and explain his position, he's welcome to do that. I won't phone in and try and rain on his parade. You know, I won't do that.

Mr. Speaker, the only person who is talking about two-tiered, the only person who is talking about the Americanization of the system is the hon. Leader of the Official Opposition. He is the only person talking about a two-tiered, Americanized system. I have never used those words.

MR. MITCHELL: It's right there in black and white, Mr. Speaker. He used "two-tiered." No doubt about it.

Health Care System

MR. MITCHELL: Call it what he wants; the Premier is moving this province to a two-tiered, Americanized health care system, and I don't know what's scarier: that he's doing it or that he won't admit it. Mr. Speaker, to the Premier: why would he Americanize our health care system when the American system can't insure 40 million American people?

MR. KLEIN: Again, Mr. Speaker, the only person mentioning Americanization of the system is the hon. member. All we want to do is get from the federal government a better clarification of what services are deemed to be essential and what services are deemed to be nonessential. Indeed, the Minister of Health has that question on the table at the health ministers' conference now being held in Vancouver. I would say that our number one priority always has been and always will be quality health care and accessible health care for Albertans at a cost we can afford.

MR. MITCHELL: Rod wrote the script, and the Premier's reading it, Mr. Speaker.

Mr. Speaker, why Americanize our health care system when 9 and a half million American children aren't covered by any health care insurance at all?

MR. KLEIN: Mr. Speaker, there is no move to Americanize our health care system. Our number one priority, again, is to make sure that we maintain good, adequate, affordable, accessible health care. We do need, as health care costs continue to go through the roof, a definition of what is essential and what isn't essential. This has nothing to do with what the hon. member refers to as Americanization. He's the only one using that word.

Insofar as the hon. member alludes to me referring to a script, at least we don't spend 45 minutes every day as a caucus rehearsing how we're going to point our fingers and how we're going to be indignant.

MR. MITCHELL: After that answer maybe the Premier should.

To the Premier: why Americanize the health care system when 15 million American families who make less than \$15,000 per year can't get any kind of health care insurance south of the border, Mr. Speaker?

MR. KLEIN: Mr. Speaker, that is not the case in this province. We are not looking in any way, shape, or form at what is happening in the United States relative to the delivery of health care. We do know from reading the paper and watching television and listening to the radio that they're trying to come to grips in that country with providing an adequate health care system. Again I point out that the only person alluding to the Americanization of the health care system in this province is the hon. Leader of the Official Opposition.

MR. MITCHELL: Mr. Speaker, the Premier keeps denying that he's ever spoken about a two-tiered health care system, and he just keeps talking about defining nonessential services. What he really means is that he doesn't want anybody to know that he's talking about two-tiered health care services. Will the Premier confirm now that Canada's health ministers today have rejected his vision of Americanizing our health care system?

MR. KLEIN: Well, Mr. Speaker, that is not my vision. It is not my vision, so I don't know how they can reject my vision. They probably rejected the notion of a two-tiered system, and we would reject the notion of a two-tiered system. We would like to have a definition of what is essential and what isn't essential and what is indeed allowed under the Canada Health Act, understanding that right now people do pay for some services. People can now go to an MRI clinic and pay for that particular service. There's the whole question of the Gimbel eye clinic and basically: can people pay an additional fee to get that kind of service? I think that we have to have clarification on these issues. Indeed we have to have these issues addressed and clarified by October 15, or it could affect our transfer payments.

MR. MITCHELL: The Premier said that he had a list of 100 nonessential services that should be excluded from medicare, but he didn't want to talk about them, Mr. Speaker. When will the Premier table in this Legislature his imaginary list of 100 health care services which he thinks can be excluded from medicare so that people without money won't be able to afford them?

MR. KLEIN: Mr. Speaker, I know how very, very much the hon. member would like to draw me into that. I have said time and time again: I am the least qualified person to make those decisions. [interjections] That's right, and I'm glad they agree. I'm glad they agree. These are essentially medical questions. Yes, politically we will have to deal with them once we get the medical advice as to what is deemed to be essential and nonessential.

MR. MITCHELL: Now that your two-tiered, Americanized health care system idea has been so summarily torpedoed by the health ministers in this country, will the Premier simply say that he's going to back off that entire idea and leave two-tiered health care systems out of Alberta?

MR. KLEIN: Mr. Speaker, again, the only person mentioning and alluding to two-tiered and Americanization is the hon. Leader of the Official Opposition.

Mr. Speaker, I would remind the hon. member that the Prime Minister of this country, a Liberal and a good Liberal at that, raised this issue two years ago. I repeat: he was asked. He said that we must address at some time this whole issue of what is essential and what isn't essential. I remember the question being put to him by a Premier – I don't remember the Premier – and I'll

repeat it. The Prime Minister said, just as I have said: I am not the one qualified to make that decision, but there has to be a definition. He said, as I have said, that he was not qualified to make that medical decision but that there has to be at some time clarification of this particular issue. The Prime Minister appeared to have repeated that statement about three or four weeks ago, and I will be discussing this with him when he comes to Alberta on the 13th of April.

Mr. Speaker, I would challenge the hon. Leader of the Official Opposition, when he leaves us, to continue the debate, to go out and tell the media what his idea and what his concept of universality is, because I think what he is saying is that every single procedure under the sun must be covered. That's what he's saying.

THE SPEAKER: The hon. Member for Cypress-Medicine Hat.

1:50 U Of A Code of Student Behaviour

DR. L. TAYLOR: Thank you, Mr. Speaker. As a former university professor I am both surprised and shocked by the action of the University of Alberta to limit free speech. My questions are to the minister of advanced education. Is the minister aware of the regulations recently passed at the General Faculties Council to restrict the right of free speech at the University of Alberta?

MR. ADY: Mr. Speaker, I'm aware of this issue, and I've been following the matter very closely. It's received a lot of media attention. First, let me say that freedom of speech is a democratic right in this province which all Albertans are guaranteed by law. So this government believes strongly in this principle, and we will do whatever is within our power to protect that and preserve it.

I should also say that I've investigated this matter with the university, and I'm assured by the officials that the changes that they attempted to make at the university to the code of student behaviour are being adopted from the province's own antidiscrimination law, the Individual's Rights Protection Act, and they wanted to apply them to the university environment. Personally, I'm not convinced that the amendments are necessary given that we have provincial legislation in this area, but in this particular case I must accept the assurance of the university that freedom of speech and expression will be protected on that campus.

DR. L. TAYLOR: If free speech is a democratic right, as the minister indicates, how can he explain or is he aware of the fact that the following section was defeated? The following section says: nothing in this section shall be deemed to interfere with the right of free speech and reasonable expression of opinion on any subject. That section was defeated by the General Faculties Council.

MR. ADY: Well, Mr. Speaker, I looked into that as well. This section was withdrawn on the advice of the dean of the Faculty of Law, who stated that the section was not necessary to maintaining the protection of human rights on the campus. I'm not a lawyer, but apparently legally one could make a much better case for freedom of expression without that section. Obviously the university is trying to send a clear message to students that discrimination is not to be tolerated on the campus, and that's a good direction to take, but in doing so, they run the risk of looking as though freedom of expression will be curtailed. Clearly, trying to find that right balance is going to be difficult for them.

DR. L. TAYLOR: As Alberta taxpayers pay a large portion of university funding, what action will the minister take to ensure that all Albertans, including students at the University of Alberta, will have the right of free speech?

MR. ADY: Well, again, as minister let me say that this whole experience indicates to all of us the problems we can encounter when we try to write down and regulate how individuals should or should not behave. I have written clarification and assurance from that institution that any amendments to the code of student behaviour will protect and enhance freedom of expression. I'm satisfied with these assurances, and I'll continue to follow this and other issues concerning freedom of expression throughout this postsecondary system.

THE SPEAKER: The hon. Member for Edmonton-Glenora.

Health Care System (continued)

MR. SAPERS: Thanks, Mr. Speaker. This government is so anxious to hear from Albertans regarding a number of issues that they've even published 1-800 numbers so Albertans can phone in. Even so, last week the government caucus, including the Minister of Health, denied that anybody had contacted them regarding their concerns about health care. I'd like to table four copies of a letter which indicates that at least 30 people made repeated calls to the Minister of Health about health care on Friday alone. Now, Mr. Premier, set the record straight. How many calls has the Premier received about his vision of an Americanized, two-tiered health care system in Alberta, and how many callers are in favour?

MR. KLEIN: Well, Mr. Speaker, I really don't know, but I'll find out how many phone calls have been received, and I'll table that information. I personally don't take the calls, nor would I have the capability really of handling all those calls. Certainly my office would have some kind of indication. I'd be glad to table the calls.

Yes, I can understand people being concerned when the Liberals are out there talking about two-tiered and Americanization. When they're out there spreading fear and spreading totally and absolutely false information, Mr. Speaker, I can well understand why people would be concerned.

MR. SAPERS: Will the Premier instruct his Minister of Health to check in with her own office and find out firsthand what Albertans think about this Americanized model of health care?

MR. KLEIN: Mr. Speaker, our Minister of Health functions very, very well on her own. Absolutely. She's very capable.

MR. SAPERS: Well, Mr. Speaker, given that and the hundreds of calls and letters that concerned Albertans have sent to the opposition, how does the Premier explain that this very busy Minister of Health is about the only politician in Alberta who hasn't heard from very angry, very concerned Albertans about what this Premier is doing to our health care system?

MR. KLEIN: Mr. Speaker, if people are phoning in and expressing fear and concern, it's because they have been listening to the Liberals, who have been out there spreading false, malicious information, information that is simply not true, and trying to create the impression that we're promoting in some way, shape,

or form a two-tiered system, that we're trying to tear down our health care system and Americanize it. That simply is not the truth. That is not the truth, and they know it. It serves them no useful purpose whatsoever. They should start doing something constructive. They should start being constructive. As a matter of fact, why they are at 17 percent in the polls and falling is because people can see through this kind of maliciousness, this kind of spreading of false information. If I had some political advice as to how to get better grades, the way to do it is to try and get out there and do something constructive for a change.

THE SPEAKER: The hon. Member for Edmonton-Beverly-Belmont.

2:00 Employment Statistics

MR. YANKOWSKY: Thank you, Mr. Speaker. Each month Stats Canada does a survey on the employment situation in this province. On Friday they announced that March's seasonally adjusted and seasonally unadjusted employment rate is actually up from February's. My questions are all to the Minister of Advanced Education and Career Development. As the minister responsible for labour force information, what's happening in our economy, and what's driving up the unemployment rate?

MR. ADY: Well, Mr. Speaker, let's be clear that what we're really talking about is a .1 percent increase in unemployment in a one-month period. As this government has always maintained, we have to see things from a month-to-month variation in our unemployment rates, but we must look at our employment rate situation on a year-to-year basis because in that perspective it gives us a better handle on the trends in our economy. So if you compare our situation to where we were a year ago, when we were sitting at a seasonally adjusted unemployment rate of 9 percent, our economy has generated some 58,000 new jobs in one year. Those aren't averages; those are 58,000 jobs, real jobs, in one year. This figure is better than B.C.'s. It's better than Quebec's. It's better than all other provinces in fact except Ontario. Only that province has created more than we have, but they have 10 million people. They have in fact created more than us, but we are second. We created nearly half as many as they did. So the evidence is that the Alberta advantage is working.

THE SPEAKER: Supplemental question.

MR. YANKOWSKY: Thank you, Mr. Speaker. If we are indeed creating more jobs, then why do we see the unemployment rates actually increasing month after month?

MR. ADY: Well, Mr. Speaker, again this has to do with the Alberta advantage. What's really happening is that our labour force is growing. Our labour force is growing. We have in fact had an increase in our labour force of 14,000 people in this province. That's 43,000 more people in the labour force in this province than there were a year ago. Eleven thousand Albertans found employment last month, which is less than the pace of growth in our labour force, so we had a slight month-to-month increase in our unemployment numbers.

THE SPEAKER: Final supplemental.

MR. YANKOWSKY: Thank you, Mr. Speaker. In the battle of Alberta how are Edmonton's employment figures compared to Calgary's?

MR. ADY: Well, if the employment situation is good for the entire province, then it's particularly good for Edmonton, Mr. Speaker. Last year at this time, Edmonton's unemployment rate was 11.1 percent. Now it's 8.8 percent. Although Calgary's is slightly lower at 8.1 percent, more jobs have actually been created in Edmonton during that time. Edmonton has generated 30,200 jobs since last March, while Calgary has generated 14,000. So Edmonton has fared very well through the past year as far as increase in employment in this province.

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

Catholic School System

MR. BRUSEKER: Thank you, Mr. Speaker. On Thursday night 500 parents met at St. Francis high school in Calgary. Now, despite having asked for the meeting, the Member for Calgary-Varsity didn't show, and despite an invitation from this member neither the Minister of Education nor anyone from his department showed up. These parents are frustrated, and they feel their concerns about taxes and autonomy are being ignored. My first question is to the Minister of Education. What is the minister going to do to address the concerns of these Calgary Catholic parents who are concerned and want answers to their questions and their concerns?

MR. JONSON: Mr. Speaker, as I've indicated in the House previously, this government has provided overall fair and equitable funding to the Catholic separate school boards of this province on a very equitable basis and to their advantage over previous years. They are on an equal basis with the public school system in this province, and I think that is very, very important to note.

In addition, we have in the province Catholic school boards. We have Catholic students. We have Catholic electors electing Catholic school boards. We have a majority of Catholic parents on school councils assured in the legislation that we have. I quite frankly would challenge the hon. member across the way to show where we are not treating the Catholic school boards of this province very fairly and equitably relative to the public school system, very much so, and where we are violating any of the constitutional rights as provided for in the Ordinances of the first part of this century.

MR. BRUSEKER: Well, in answer to the minister's question, it's with respect to interfaith marriages. So on that issue, Mr. Minister, the issue is: can you just put aside the ideological blinkers for a minute and recognize that it's not just the overall funding support? Catholics want to have control over their own financing.

MR. JONSON: Mr. Speaker, this is indicative, I think, of the – I was going to say hypocrisy – let's say, somewhat inconsistent view taken by the hon. members across the way. The Catholic school trustees of this province have said to me – and I have met with them many times over the last number of months – that they want to be assured that Catholic electors elect Catholic school board members. So we must assure that. It would seem consistent with that that we should have Catholic ratepayers also supporting those that choose, according to the provisions of the School Act, to opt out of the school foundation fund.

The basic thing, though, Mr. Speaker, is that we are providing a really fair deal to the Catholic separate school boards of this province in terms of the support, their funding, and their oppor-

tunity to have their school boards. I repeat to these people across the way, if they cannot hear it the first time: tell me where we are violating any constitutional provision as far as the legislation we currently have in place.

MR. BRUSEKER: Check *Hansard*, Mr. Minister. I answered that question.

How will the minister resolve the issue of the concerns of the Calgary Catholic and public ratepayers over the universal mill rate that the minister's going to impose, that will result in an unfair, discriminatory tax against Calgarians in particular? Why are you discriminating against Calgarians?

MR. JONSON: Well, Mr. Speaker, there's a certain degree of nonsense again, and that is that the mill rate, if that's what he's referring to, the tax rate that will be provided as far as the city of Calgary is concerned will have the same net effect for Catholics or for Protestants or for all the people who make up this great society of Canada. They'll be fairly treated, same mill rate for everybody.

THE SPEAKER: The hon. Member for Peace River.

School Councils

MR. FRIEDEL: Thank you, Mr. Speaker. My question is to the Minister of Education. As you are aware, with the changes taking place, there have been a lot of questions about the new role of school councils, and as various deadline dates are approaching, members of some of the existing councils in my constituency have become increasingly concerned about clarification of these roles. They're also expressing some concern about continuity of representation where an existing council is to be disbanded and a new council formed. To the minister: could the minister give us some clarification as to the most recent position on when a school council will have an advisory role and when its actual role will be as a decision-making authority?

MR. JONSON: Mr. Speaker, first of all, with respect to the time line, which I understand is part of the hon. member's question, I think that we've taken the many, many responses and the representation that has been made on this particular question very seriously. Yes, I would like to have been able to say that tomorrow we would have our final position in this regard out, but it will probably take us two to three more weeks to compile and to . . .

2:10

MR. HENRY: You said that two weeks ago. Can't you guys get your act together?

MR. JONSON: They're excited today, Mr. Speaker. They don't really appreciate the fact that we are really serious about considering the input that we receive from Albertans. They're agitated about, you know, getting things done very quickly and without due consideration.

In any case, Mr. Speaker, we will within the next two to three weeks be making our overall position on Roles and Responsibilities known. I'm appreciative of the hon. member's representation in this regard, because it is an important topic. We'll be doing it as soon as possible.

MR. FRIEDEL: To the same minister, Mr. Speaker: will there be any provisions for continuity when an existing council has established a staggered election term for present members?

Rather than disbanding the existing council and selecting an entirely new one, will there be some provision to maintain the present continuity process?

MR. JONSON: Mr. Speaker, we do anticipate that there will be a definite date or a point in time when school boards in the province, working with their school councils and working with Alberta Education, will have to reconstitute themselves with respect to the new school council format. However, I would like to emphasize that I anticipate that in that overall policy we'll be developing, it will be possible for parents and people in the community to tailor their school councils to their preferences, and I would see it being quite possible for the idea of phased or staggered elections to continue.

MR. SMITH: Mr. Speaker, point of order.

MR. FRIEDEL: My final question, Mr. Speaker, was relating to dates when these absolute decisions would be made, but I believe the minister has already answered that.

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

Catholic School System (continued)

MR. HENRY: Thank you, Mr. Speaker. Catholics in this province have had constitutionally guaranteed education rights since 1901. In 1988 the Minister of Education then, the hon. Nancy Betkowski, amended the legislation to enhance those provisions. Then of course we had Bill 19 last year, that amended the School Act one more time. My question to the minister is very simple. Will the minister confirm that Bill 19 eliminated the bulk of the provisions that were granted in 1988 for the Catholic community in controlling their own education?

MR. JONSON: Mr. Speaker, Bill 19 and developments since then, such as the funding framework, went beyond the provisions in the School Act of 1988 in terms of fulfilling what was the driving force behind the discussions around Bill 27 or whatever it was in that particular year, but in 1995 we've gone beyond that in terms of providing fair and equitable funding in this province. The hon. members across the way don't seem to want to recognize that. We have fair, equal, equitable funding for separate and public school boards in the province, and that is a fact. It is much more advantageous to the Catholic system in this province than it was before.

MR. HENRY: Then, Mr. Speaker, I'd like to ask the minister: why is he treating Catholics in this province as if they're prisoners in jails and saying that they should be happy that they've got three squares a day, yet they've got no rights, and they can't make any decisions about the education system that belongs to them? [interjection]

MR. JONSON: Well, yes, Mr. Speaker. This is a very serious matter. The people across the way are trying to infer that we – and they've not been able to deny it. I've challenged them both on constitutional grounds and on funding grounds to show where in any way we're discriminating against the Catholic separate school boards in this province, and they've not so far been able to do so. The important thing here is that we are providing equitable funding to school boards across this province. In fact,

I have had some write to me and express appreciation for the move that we have made. We are providing the same decision-making basis for separate or public school boards in this province. I've asked people to talk about constitutional or other means or arguments whereby we're not doing that. This ongoing questioning, without having any rationale or basis for it, to me does not apply.

We're acting in a very fair way here. We're providing the same decision-making opportunities and governance opportunities for separate and public school boards in this province.

MR. HENRY: It's a funny thing that the Catholics don't believe it.

Mr. Speaker, then if the minister is so sure of his ground, will he allow Catholic school boards to require parents to declare an adherence to a Catholic philosophy of education just the same way as he's going to allow charter school operators to do exactly the same thing? Will you allow Catholic school boards to require parents to declare an adherence to Catholic education philosophy? Yes or no?

MR. JONSON: Mr. Speaker, there is the provision there and will continue to be in terms of declaring one's position with respect to the Catholic faith and following that of course, I would expect, their adherence to the Catholic philosophy, the Catholic approach. We are also being very careful to make sure that we adhere to the provisions of the Ordinances of 1901 with respect to being able to go to public or Catholic school jurisdictions in this province. As I say, I've challenged those people across the way to show where we are violating those original constitutional provisions.

THE SPEAKER: The hon. Member for Calgary-Bow.

Employment Programs

MRS. LAING: Thank you, Mr. Speaker. A couple of weeks ago the Minister of Family and Social Services announced an Edmonton-based urban job corp which would be created to get welfare clients back into the workforce. Would the minister please tell this Assembly what is happening with the start-up of this project?

MR. CARDINAL: Mr. Speaker, the plan to move forward with the urban job corp will be done in Calgary and Edmonton to start with. To date we've hired a manager and seven staff to initiate the project. We are going to be selecting about a hundred individuals to participate in the program. We'll be selecting the hundred from about 3,000 that are interested, again targeting the most high-needs area, people with difficulty in accessing training and employment.

THE SPEAKER: Supplemental question.

MRS. LAING: Thank you, Mr. Speaker. To the same minister: can the Minister of Family and Social Services tell this Assembly what is happening with the job corp in northern Alberta?

MR. CARDINAL: Mr. Speaker, just briefly, the northern job corp, which was originally called the opportunity corp, has been around in northern Alberta since 1972, so it is not a new program. It's been refined and changed in the past 25 years or so to where the program is working very well now. They designed their program including clientele in the community and frontline workers. During this coming fiscal year we will be spending over \$5 million in that particular program.

THE SPEAKER: Final supplemental.

MRS. LAING: Thank you, Mr. Speaker. Could the minister indicate what job placements in the private sector are taking place under this program?

MR. CARDINAL: Mr. Speaker, ideally our first priority is to place people directly into training and job opportunities, but that is not possible in some areas, because we do have pockets of areas in Alberta that still experience a high unemployment rate. Therefore, programs such as the opportunity corp program are needed to offset that. The program is very successful. I'll just give an example. The Slave Lake project itself, although maybe it seems small, places four clients per month. The project in High Prairie places seven clients per month into private industry from being on social assistance. When you look at the whole change in lifestyle of a family, seven families are a lot of families.

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

2:20

Prostitution

MR. DICKSON: Thank you, Mr. Speaker. Since 1985 15 Calgary prostitutes have been murdered, and in the same time period hundreds of young women have been charged with soliciting in the city of Calgary. Yet since 1987, curiously, in only four cases in that city have charges been brought against customers, or johns. That means that the talk we hear from the Minister of Justice from time to time about greater punishment is empty and meaningless, since johns are almost never charged in this province anyway. My question is to the Minister of Justice this afternoon. What specific steps will he take with the federal Minister of Justice to allow police to charge the john who's attempting to persuade anyone for the purposes of prostitution?

MR. EVANS: Well, as a practising member of the bar the member opposite would be well aware that the Criminal Code, federal legislation, determines issues surrounding prostitution. However, there is a very positive debate that is ongoing between federal, provincial, and territorial ministers and our staff to try to focus on this issue of prostitution, and one of the concentrated debates is on the issue of how we can be more effective in charging individuals who use prostitutes and how we can make sure that those charges stick and that we get convictions. We are looking at creative ways to do that, Mr. Speaker. It's ultimately just as much a problem for municipalities, the provinces, as it is for the federal government, that creates the laws, and I'm optimistic that we are going to make some progress on that this year.

THE SPEAKER: Supplemental question.

MR. DICKSON: Thanks, Mr. Speaker. Well, then, turning to a statute that this minister has 100 percent responsibility for, I want to ask him: why is this government attempting to change the freedom of information law so that the victims of violence, including this kind of offence, no longer are entitled to get an explanation when the Minister of Justice refuses to prosecute?

MR. EVANS: The hon. member opposite tried to raise this issue last week with the Minister of Public Works, Supply and Services, and the answer he got last week is the same answer I'm going to give him today. The freedom of information legislation is the responsibility of that Minister of Public Works, Supply and

Services. It is important to protect the privacy of individuals, Mr. Speaker, to ensure that if charges are not carried out, if charges are not laid, in the appropriate case some discretion can enter into the picture, and information that relates to the investigation will not be made public. That is to protect individuals when those people who are investigating come to a conclusion that does not result in charges. It's extremely important to have that kind of discretion.

That was not in the freedom of information legislation. It was an imperative to release information regardless of whether an investigation led to charges. There is now a discretion which is contemplated in the amendments before this House, and I firmly believe that that is an appropriate balance between the rights of society and the rights of the individual.

MR. DICKSON: Well, Mr. Speaker, in British Columbia they are able to provide that protection for victims.

My final supplementary question, then, is to the Minister of Family and Social Services. Will that minister tell us how he's going to put a higher priority on increasing social supports for that group of young women in the 18 to 22 age group, since exploitation, Mr. Minister, doesn't stop at age 18?

MR. CARDINAL: I've indicated to this Assembly before that we do care and that we do spend a lot of money on child welfare in this department. An example of this, Mr. Speaker, is that we do fund 150 agencies in Alberta, and if I remember right, in the Edmonton region alone we're spending \$500 million in various forms of protective services. The new plan to reshape child welfare will deal with an issue of this nature. We do have 8,000 children in care presently with a budget of over \$200 million. Our plan in relation to children in care is to make sure wherever possible that we provide the support services, the counseling, the financial planning, the training, and all the support that's needed to keep the families together at home wherever possible. That is the plan of my department.

THE SPEAKER: The hon. Member for Medicine Hat.

Judicial System

MR. RENNER: Thank you, Mr. Speaker. The Department of Justice business plan identifies proposed reductions of nine provincial court judges, nine Crown prosecutors, and 26 provincial court sites. At the present time there are only two provincial court judges in Medicine Hat. Any reductions, then, from that base of two would result in a minimum of a 50 percent reduction in capacity should one of the nine provincewide reductions be implemented in Medicine Hat. My questions are to the Minister of Justice. What process and/or consultation resulted in the decision to make these reductions?

THE SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you, Mr. Speaker. Like all of the issues related to budgetary reductions, we looked across the Department of Justice and came to the conclusion that we should be looking at about a 15 percent reduction in court services. Members of my staff, of our executive, met with the Chief Provincial Court Judge and identified through that process a reduction in the sites for courthouses and in particular, as the hon. member has indicated, nine reductions in judicial appointments and nine reductions in Crown counsel. That process began in May, and it was to be phased in over a three-year period of time.

MR. RENNER: Can the minister advise what the anticipated cost savings are as a result of these actions?

MR. EVANS: Well, again, Mr. Speaker, consistent with our intent of reducing 15 percent across the board in the Department of Justice, we worked out about a \$2 million saving as a result of the closures of the courthouses and the reductions in staff.

THE SPEAKER: Final supplemental.

MR. RENNER: Thank you. My final question: who is responsible for making an allocation decision that could conceivably be very detrimental to the citizens of Medicine Hat if one of those positions should be eliminated in the Medicine Hat area?

MR. EVANS: Well, as I mentioned in my first response, Mr. Speaker, the department and my senior staff on my executive are working with the provincial court in making these decisions. Consistent with some recent decisions by our courts on the matter of the independence of the judiciary, I believe that ultimately the decision as to where a provincial court judge should be moved and if and when a provincial court judge should be removed would be a decision that would be made by the Chief Provincial Court Judge of Alberta.

THE SPEAKER: The hon. Member for Edmonton-Mayfield.

Disaster Services

MR. WHITE: Thank you, Mr. Speaker. Funding for the disaster assistance program in this province will decrease from \$26 million to \$3 million in next year's budget. The highway safety inspectors have specifically been instructed not to inspect for moving violations in trucks in this province. At the same time, the Swan Hills plant is dramatically increasing the importation of PCBs from across this nation. To the Minister of Transportation and Utilities: are you gambling public safety along our highways just to prop up the bottom line of the Swan Hills plant?

DR. WEST: Absolutely not, Mr. Speaker. The major change in the disaster services budget is the funding of the southern drought assistance program, that will be coming to an end next year.

MR. WHITE: Can the minister assure this House that public safety is not compromised by this 90 percent cut in disaster services?

DR. WEST: Mr. Speaker, I'm going to reiterate the first answer one more time: drought assistance as it relates to farm production as it related to a drought, a weather condition that didn't allow grain to grow the way it used to. I don't know what that'll have to do with public safety.

THE SPEAKER: Final supplemental.

MR. WHITE: Neither does the public, Mr. Speaker.

Yes, Mr. Speaker. Could the minister outline the consultation process on the very important public issue that he undertook with Alberta municipalities along this important route where these dangerous goods are about to be transported?

DR. WEST: Mr. Speaker, I'm sure that the department of environment and our department and the municipalities are in

constant consultation. They have conferences twice a year. They bring forth their concerns, their resolutions. We also deal with them on an individual basis on any problems they have with roads. I think the public of Alberta should acknowledge that all roads are really dangerous goods routes and that we maintain them at the maximum safety we can and continually work with the trucking industry and other transport regulators to ensure that the products traveling on our roads are the safest that we can give to the public at any time as we go forward with this policy.

2:30

MR. LUND: Mr. Speaker, I think it's very important to indicate to the hon. member that when we're transporting hazardous waste to the Swan Hills treatment centre, particularly waste like PCBs, they must be in specially designed, sealed containers. Those containers are then put in another container that must have the ability to hold 110 percent of the cargo that's in the first container. Those are sealed.

The drivers are specially trained. They cannot drive more than 200 kilometres without stopping. They can't travel at night. They can't travel in bad weather. For example, even if it's raining, they have to stop.

As far as the notification, when the special waste leaves the site, the operators at Swan Hills are notified. They're tracked across the country. As soon as they enter Alberta, the tracking is continued and followed right through to the site on the specially designated roads, and they must go the most direct route to the Special Waste Treatment Centre.

THE SPEAKER: The time for question period has expired.

The hon. minister responsible for Economic Development and Tourism has a point of order he wishes to raise.

Point of Order Imputing Motives

MR. SMITH: Thank you, Mr. Speaker. Under section 23(i), "imputes false or unavowed motives." On the question from the hon. Member for Calgary-North West, I would just like to put on the record that in fact this member had agreed to meet with the parents' advisory council of St. Francis high school, as I have done with other parent advisory councils of other schools in the Calgary-Varsity constituency. At that point, the school then expanded the meeting to include representatives from all of Calgary and from all schools from Calgary. I was then informed on the following Monday that that meeting had in fact been canceled. I proceeded to work my schedule accordingly. Afterwards, I was informed that the meeting was in fact revived. In fact, I am meeting with the president of the parents' advisory council. I am meeting with that gentleman on Thursday of this week.

MR. BRUSEKER: Mr. Speaker, the minister says that I imputed "false or unavowed motives to another member." He just confirmed what I said. He asked for a meeting, and he didn't show up for the meeting. You know, the president of the parent advisory council read out the eight questions that were to be dealt with that evening. They set out a chair for the minister on the stage waiting for his arrival. So all I said in my question – and I'll just reiterate: "Despite having asked for the meeting, the Member for Calgary-Varsity didn't show." There's no motive there. It's simply a report on what had occurred.

THE SPEAKER: Well, hon. members, we have here a disagreement between members. The Chair is really unable to resolve

their disagreement. The hon. members will have to resolve it in their own inimitable fashion.

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Bill 20
Electoral Boundaries Commission
Amendment Act, 1995

THE SPEAKER: The hon. the Minister of Justice.

MR. EVANS: Thank you very much, Mr. Speaker. I'm pleased to rise today to move second reading of Bill 20, the Electoral Boundaries Commission Amendment Act, 1995.

Mr. Speaker, this piece of legislation is a response to the Alberta Court of Appeal reference on the 1993 electoral boundaries, and for the record I would like to read in one paragraph in the conclusion from our Court of Appeal when they reviewed the 1993 boundaries.

In the result, we again have decided to withhold any Charter condemnation. We do, however, wish to say more precisely what we meant by "gradual and steady" change. We think that a new and proper review is essential before the constitutional mandate of the present government expires, and, we hope, before the next general election. We reject any suggestion that the present divisions may rest until after the 2001 census.

We have carefully reviewed this reference by the Court of Appeal. We've tried to address a number of issues that have been identified by the courts in court references, Mr. Speaker, from the province of British Columbia and a Supreme Court of Canada decision related to the province of Saskatchewan.

We have made changes that impact the composition of the commission. We have made changes with respect to the date the commission would be appointed and how quickly they would report back to the Legislative Assembly. We have made changes with respect to the lack of consensus and the lack of a majority report, if that were to be the case, although I must say, Mr. Speaker, that given the changes we are promoting in Bill 20, I trust that that will not be the case.

We've made provision to allow for the most recent decennial census to determine the population of the province and also allowed for more recent provincewide information on population if that is available.

We have left the number of provincial electoral divisions at 83, as was the case in the last Electoral Boundaries Commission piece of legislation. We have taken out any reference to a specified number of urban or rural electoral divisions because we have recognized that what is most important in electoral divisions is the issue of effective representation, and that must be determined on a number of factors, including, of course, the protection of effective representation as is guaranteed under the Charter of Rights and Freedoms. We've also put in a provision that indicates that the commission would review the existing electoral boundaries before they would move to review and comment upon and make recommendations for new electoral boundaries.

I would point out to hon. members that in reviewing the provisions that are in Bill 20, I've also come to the conclusion that there should be one amendment under section 2(1), and that is the section that deals with the appointing of a chair for the Electoral Boundaries Commission. Currently two of our legislative offices, the Ethics Commissioner and the Auditor General,

are identified, but I think it would be more appropriate to specify all of the legislative offices. Accordingly, when we move to committee stage, I will be recommending a House amendment that we would change that description to include all of them as potential candidates for the chair of the commission and to read: Auditor General, Ombudsman, Ethics Commissioner, Information and Privacy Commissioner, or Chief Electoral Officer. Then, to be consistent in wording, over on 2(2), rather than stating that "the Chief Electoral Officer is to provide advice, information and assistance to the Commission," we would talk about the office of the Chief Electoral Officer.

Mr. Speaker, I believe that this piece of legislation is consistent with good government and good representation, and I look forward to debate on second reading.

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

MR. BRUSEKER: Thank you, Mr. Speaker. What a pleasure to debate boundaries. Six years I've been in this House, and it's the fifth time I've debated boundaries. [interjection] I hear the hon. Minister of Justice say: this time we've got it right. Well, I heard that the other four times too. Then he proceeded to persuade me that they were going to foul this one up again.

The first issue that I'd like to address is the chairman to be appointed under this Bill 20. I'll put this forward as a question perhaps for the minister to consider before we get to the stage where we can have amendments in committee. Currently we have before the Legislature some legislation - I think it's Bill 19, freedom of information amendment Act - to allow other officers of the Legislature to take on other tasks, because the way the legislation exists today, they're prevented from doing so. So I'm wondering: if he broadens the list that's under section 2(1) to include other officers of the Legislature, does in fact their legislation allow that to occur or will there have to be subsequent amendments to those pieces of legislation as well in order for them to even be considered? I'm afraid that if that hasn't been taken into consideration by the hon. Minister of Justice, indeed there could be some potential problems yet again down the road. Not to say that I'm skeptical; I'm just voicing past experience here, Mr. Speaker.

2:40

On that note, one of the individuals mentioned in this section is the Ethics Commissioner. Now, the Ethics Commissioner is being considered, if we get through the passage of Bill 19, as the Freedom of Information Commissioner. I would suspect that that individual would suddenly find his hands rather full with establishing and creating a new office. In chatting with Mr. Clark, he has expressed concern about that possibility and I think would rather not even be considered for the position simply because his duties would probably preclude him from taking on yet another task for the government. So clearly that has to be a concern as well for the government in selecting from this list.

Now, when you look at that particular section, section 2(1), finally it gets to the end and says:

- (v) A person whose stature and qualifications are, in the opinion of the Lieutenant Governor in Council, similar to those of the persons referred to in subclauses (i) to (iv) [above].

Obviously, the question to be asked is: why bother listing any of them at all? The section there basically says: well, we can pick anybody we like if we happen to think he or she is a good person. Okay. Why don't you just write it like that and keep it simple? Instead of listing individuals or eliminating some from the list or

perhaps not considering the right individuals, why don't they just leave it wide open? Experience has shown, Mr. Speaker, with respect to boundaries legislation that the simpler it is, the more likely it'll be more acceptable to the courts, which of course is the reason why we have this Bill before us today.

Actually, there are two sections that deal with the time frame given to this commission. The commission is to be appointed before July 1 of this year, and then they are to do, shall we say, a preliminary report and report back and then an additional five months later on do a final report. I'm wondering if the Minister of Justice has in fact consulted with the Chief Electoral Officer to ascertain whether he finds that a reasonable time, because previous time constraints we have had before this House, rather than being a total of 12 months, have been a total of 18 months.

When they had the longer time frame, we nonetheless, with five individuals, ended up with five different reports. To that extent, I have a particular concern with section 7 of the Bill, that says that "if there is no majority, the report of the chair is the report of the Commission." Now, I understand the rationale for doing that, because otherwise we would have a hung jury, as we have had in the past, where we had five individuals who came up with five different points of view, five different reports, and no concurrence. The reason for that obviously is to alleviate that concern and allow this legislation to go ahead.

I guess, though, the concern that I have is: what kind of direction is going to be given to the commission over and above this particular piece of legislation? By that, I want to remind all hon. members of one of the many iterations we had before this House that created a unique set of boundaries. My colleague across the way from Olds-Didsbury and I had a unique map drawn, wherein a piece of his constituency and a piece of mine were put together in a unique constituency, a unique configuration that served only to alienate both the residents in his constituency and the residents in mine.

So a question that I would put to the hon. Minister of Justice is on the issue of hybrid constituencies. By hybrid constituencies I'm referring to the one which would have taken the community of Hawkwood in the Calgary-North West constituency along with Citadel, which is a new community that now exists, and would have amalgamated it, or combined it, with the communities of Didsbury, Crossfield, and a few other smaller communities in between. As I said, the response from residents in that proposed constituency was, I think, pretty universal, Mr. Speaker, in being upset and opposing that.

Now, the Bill doesn't mention that. The Bill gives no direction to the concept of what I'm referring to as hybrid constituencies. Those are half rural and half urban. It may not in fact be half and half. There might be a significant proportion of the population in the city area or a significant proportion in the rural area. I don't know what would be proposed, but currently our boundaries, at least for the cities of Edmonton and Calgary in particular, end at the city limits. So in fact with large communities like Edmonton and Calgary, Edmonton having 18 constituencies and Calgary having 20, there is enough flexibility within the cities that the provincial constituencies end at the city limits. In the smaller centres like Red Deer, for example, Red Deer-North and Red Deer-South did include a piece of rural area that went beyond the city areas. So I'm wondering if the minister could address that particular concern, because the concern that I've heard from constituents from time to time when they heard this Bill was coming forward again – they are raising those concerns with me

yet again – is that they may be amalgamated with others that don't necessarily share the same community of interest.

Along that line, in previous Bills we've seen a long list of factors to be considered by the commission. In fact, we talked about the Charter, and we see it's being deleted in this section: Charter of Rights and Freedoms, sparsity and density, et cetera, et cetera, and a long list. So I'm wondering again what guidelines are going to be given to the commission other than simply the one line that's in the Bill that says "the requirement for effective representation as guaranteed by the Canadian Charter of Rights and Freedoms." [interjection] Section 16(a). Oh, okay. So all the rest of them are staying in there. Sorry; my apologies. Okay. Now the minister has clarified it for me already. That's a quick response by the minister. Thank you.

The other issue that is still a concern with respect to this particular piece of legislation is the number of 83. I wonder how it is that the minister has determined that we're going to stick with the number of 83 when in fact we've seen other jurisdictions – Saskatchewan, for example, has reduced the size of its Legislature from, I believe, 66 members to 58 members. British Columbia has 75 members in a province with a population slightly larger, I think around one million more persons, than what we have here in the province of Alberta. So the issue of 83 constituencies is one that I know my hon. colleague from Fort McMurray will wish to address at a later point, but I wanted to highlight it as well.

Mr. Speaker, one of the questions in that same section says "the requirement for effective representation." The phrase "effective representation" raises a question because I don't recall ever seeing a definition anywhere of what effective representation is. In 1989 and 1990 when there was a committee of seven members of this House that traveled around the province, I know that the Member for Calgary-Foothills would frequently ask that question of town councillors, reeves, mayors, school trustees, et cetera, many, many people: what is effective representation? It's very difficult to really define what effective representation is because we have such a variety of communities and constituencies around this province. Each of us of course is very proud to represent those communities and those constituencies, but it does vary substantially. So what is considered effective representation by, for example, someone like myself, an urban member, might be significantly different from what the Member for Banff-Cochrane, the Minister of Justice, might consider to be effective representation, because he represents certainly a much larger geographic area that has its own peculiarities and constraints upon it. So certainly that is an issue that I would like to see addressed. I don't know if he has a definition. I certainly would like to see one. I know the Member for Calgary-Foothills would love to see a similar definition.

2:50

Mr. Speaker, I sincerely hope that when we finish with boundaries – I'm not sure if I should say "finish" and "boundaries" in the same sentence – we will have something that has some rationale to it, and when the commission is finished, then they can come forward with some explanation as to why the boundaries are being proposed in the manner in which they will come forward.

One of the issues that came forward from the Alberta Court of Appeal reference was that there was significant variation between the largest constituency – by population, I'm talking now – which I believe is the constituency of Edmonton-Gold Bar, and the smallest constituency – by population, again – which is the constituency of Cardston-Chief Mountain. So there's a significant variation yet no explanation given as to why that variation occurs. Now, admittedly I've chosen the two extremes of the spectrum,

but even within the city of Calgary there are variations in terms of population between constituencies. Within the city of Edmonton the same thing applies. So there is a considerable amount of variation in terms of the number of constituents that each of us has the honour and privilege of serving by being the representative in this Legislature. Indeed, I hope that when it's done - I'm not sure whether there needs to be a constituency-by-constituency explanation or an overriding philosophy or judgment given, but I think clearly the advice from the Court of Appeal and I think from Albertans too, perhaps even more importantly from Albertans, is that Albertans want to know that there is sort of an equitable distribution and an equitable representation in this Legislature.

I sincerely hope that when we pass Bill 20, the Electoral Boundaries Commission Amendment Act, 1995 - it's nice to see we're putting the year on them now so that we can keep track of them - we will finally get it straight, that we'll get boundaries that all Albertans can accept, agree with, and live with.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Barrhead-Westlock.

MR. KOWALSKI: Thank you very much, Mr. Speaker. The member who just spoke before me talked about his experience in dealing with electoral boundaries and indicated he'd been involved in some five debates in only six years of attendance in this House. Well, the privileges I've had go back I guess some 16 years, also through five elections, and having the privilege of actually representing three different types of constituencies, dramatically different types of constituencies. So when this question of electoral boundaries comes up, it causes some degree of interest in many, many quarters in the province of Alberta.

There's been very, very little public debate with respect to this matter I think because most citizens in this province are still unaware that in fact this Legislative Assembly this spring will be dealing with the Electoral Boundaries Commission Amendment Act, 1995. I daresay that if this Assembly does approve this Bill and if public hearings are going to take place in the province of Alberta as we go through the summer and the fall and the early winter and even perhaps the late winter of 1995-96, there will be a considerable amount of interest generated throughout the province of Alberta.

Mr. Speaker, at the outset let me make it very clear that I really applaud the government and congratulate the minister in question for having contained in this Bill the definition of how many constituencies there will be in the province of Alberta. That number is very clearly pointed out in section 13: "The Commission is to divide Alberta into 83 proposed electoral divisions." I say that because during the latter part of 1994 and the early part of 1995 a lobby group, I guess, in the province of Alberta called Citizens Alliance, with its president, none other than a former member of this Assembly who did have the opportunity to represent the constituency of Edmonton-Mill Woods - Mr. Gerry Gibeault, who's a very senior member of the New Democratic Party and spoke very aggressively in this Assembly, in fact now is president of an organization called Citizens Alliance and in fact was petitioning a great number of Members of the Legislative Assembly to endorse a concept whereby there would be a downsizing of the Alberta Legislature by about 20 percent. He and his group identified from 83 seats to 65 seats. So I'm pleased that the minister and the government in fact have rejected that kind of concept and basically have come forward with the definition of 83 constituencies. That's the same.

I'm also very pleased that at the annual meeting of the Alberta Progressive Conservative Association a couple of weekends ago, Mr. Speaker, the delegates there rejected a motion put forward by the constituency of Calgary-Varsity to reduce the number of MLAs and the number of constituencies in this province of Alberta as well. So we do have a Bill that does say 83 constituencies in the province of Alberta. That is positive, and I think that will take away a great deal of misunderstanding that might develop in the province of Alberta over the next 12 months to 16 months to 18 months, however long this commission does take to get about its business.

Having said that, Mr. Speaker, I think it is incumbent upon the minister, as we go through the debate at second reading of this Bill and as we go through committee, to focus and attempt to provide some definition to this Legislature as to what is meant by his section 12(a), "the requirement for effective representation as guaranteed by the Canadian Charter of Rights and Freedoms." To simply have the phraseology "effective representation" in a Bill without some kind of definition - and I'm not sure what a commission or the courts really mean by effective representation - can really lead to a lot of misunderstanding and perhaps might even lead to a lot of very hard feelings in a great number of places in the province of Alberta as the commission sets about its work.

I know full well that section 12 in the amendment Bill also has some qualifiers which are very important as the commission goes about its work. I sincerely hope the commission will abide by the sections dealing with 12(b) through to 12(f). It is extremely important that all the commissioners who are appointed to this and all the citizens of Alberta understand that in this Bill there will still be a requirement for the commission to look at and understand such factors as

- (b) sparsity and density of population,
- (c) common community interests and community organizations, including those of Indian reserves and Metis settlements,
- (c.1) wherever possible, the existing community boundaries within the cities of Edmonton and Calgary,
- (c.2) wherever possible, the existing municipal boundaries,
- (d) the number of municipalities and other local authorities,
- (e) geographical features, including existing road systems, and
- (f) the desirability of understandable and clear boundaries.

Mr. Speaker, it is important for them to look at that, but it's also important for them to have a good understanding of what apparently is meant by effective representation. The court decision was brought down in October of 1994. There are some sections in that particular decision, on pages 25 and 26, which should cause a fair number of citizens in this province to take a good, close reading of this and try and understand what it is that the distinguished judges were saying when in fact they were trying to define what it is they were talking about in terms of 83 constituencies. The judges talk about in this decision, which has given rise to this particular amendment that we're dealing with on this particular day, basically saying that "there are only three possible solutions to the historical disparity" that apparently exists in the province of Alberta.

First, they say, there's the item of "a mixing of urban and non-urban populations in electoral divisions of equal size; second, the concept of "more seats;" and third, the concept of "fewer non-urban seats." Mr. Speaker, it is those three items that I think are very significant to this Bill and to the discussion we've got at hand today. The distinguished judges say, first of all, that there was a problem faced by the Legislature in 1993 when it dealt with electoral boundaries. They go on to say that there was a

conviction, by the Commission and by the Committee [itself], and by most of the parties before us, that the people of Alberta simply would not accept the idea that agrarian and non-agrarian populations would both feel adequately represented in the same constituency.

I don't know what the basis is for that conclusion by these distinguished men and women of the bench, but they've made that statement. They almost rule out that you cannot have a rural/nonrural constituency. I think that would be foolish. I think you've got to have the concept that in the environs around Edmonton and Calgary and in many other places, large urban centres that are located in rural Alberta, that possibility should be there. Perhaps the Minister of Justice, as we go further in this, when he does his conclusions on second reading, might even want to make comment on that.

3:00

The second thing, Mr. Speaker, that these distinguished members of the bench have said is that another possible solution to dealing with electoral redistribution was that there should not be more seats. Well, quite frankly, I subscribe to that too. I think 83 representatives in a geographic entity the size of Alberta is common sense, and I can understand that. They gave a reason that basically said that in the concept of the economy and the environment of Alberta, vintage 1994-95, it would be hard to sell an increase in the number of seats. I don't have a problem with that one.

Mr. Speaker, I sincerely hope that the commission that will be appointed will understand and not be totally governed by the third point that the distinguished members of the bench said. They said, "The third, and last, is a reduction in the number of non-urban electoral divisions." Then they go on to say:

But that raises the natural and understandable reluctance of voters in the less populous ridings to accept the "massive surgery" that would be needed to create equity in the absence of an increase in seats. But, if one spurns this solution, none remains.

Then they go on to say – and this is where I get nervous:

The people of Alberta must understand that this last is the only solution unless they soften their attitude towards the other two. We re-affirm that popular opposition to "massive surgery" is not a reason to ignore the breach of the right to effective representation by widespread and significant imbalance in voting power.

In essence, if I understand this judicial review, they're basically saying: go ahead; let's have 83 constituencies in the province of Alberta, but you've got to understand that there's now going to be a redistribution of some significant numbers, and in fact the one area of Alberta that's going to be hit is rural Alberta. They even use the phrase "massive surgery."

Well, Mr. Speaker, in looking at the last two or three redistributions that have gone on in this province and looking at the tones and the themes that have come through all of the discussions, in looking at the speeches that have been given in this Assembly in the past by hon. members in all corners of the House, there almost seems to be a buy in to the fact that at sometime in the future there must be a major redistribution in Alberta. Eighty-three will remain the number, but this current situation, which basically shows approximately 42 urban members and 41 rural members, will change and will change significantly.

Now, "massive surgery" significantly may mean a number of things. Some analysts who have looked at this, Mr. Speaker, who have looked at these constituencies are already suggesting that it may very well show a reallocation of constituencies in this province as high as 15 away from rural Alberta, 15 into urban Alberta. I've heard numbers ranging from 12 to 15. So say it's

15; then the assessment goes even further and says that perhaps rural Alberta will lose up to 15 of its current seats, that Edmonton and Calgary will each gain up to eight additional seats. Well, I daresay that I don't know how many colleagues we have in Calgary today, but I'm sure that if the citizens of Calgary woke up and said: well, they've got 20 today and under this thing if they were to gain eight more, they would now go to 28. All of a sudden they'd find they have 28 MLAs in Calgary. Edmonton with 18 perhaps would go to 26, and rural Alberta would drop from 41 to 26. Then, in essence, that would make a very, very, very interesting scenario.

Now, the commission has to go back to basically the definition that was talked about in section 12, such things as "sparsity and density of population," the other "community interests" that go on, Mr. Speaker. I've never had the privilege of representing an urban riding that perhaps might be six miles by six miles, or 36 miles in area. I've never had that privilege. But I have had the privilege now through five elections and three different kinds of constituencies of representing a constituency that is perhaps 130 miles by 130 miles in area. I do know, because it happened to me as late as Saturday afternoon – I was in one part of my constituency, the extreme northeastern part of the constituency and had to be in another part of the constituency at the other extreme of the constituency. It took me three hours and 10 minutes to travel from one part of the constituency to another part of the constituency. That is a reality. There is no airplane. There are no airlines. There is no special entity provided to allow you to do that and get around, and it's just one of many, many, many different kinds of scenarios that has to be recognized and has to be understood.

I know not of one person who has ever represented a rural riding in the province of Alberta who has ever said: it's the work we're afraid of. That has never been an issue. We want to do the work; we just want to have the opportunity to do the work. In order to have the opportunity to do the work, you've got to recognize some of those factors that are identified in this particular section known as section 12.

If the commission that will be appointed comes along and basically buys into effective representation simply being the concept of one person, one vote, which is the basic ultimate in democracy I guess, Mr. Speaker, then, in essence, this redistribution, this change in the way the makeup of this Assembly has been, will occur. There are probably some very valid arguments in the basis of constitutional law as to what one person, one vote means, but tradition also comes into this, an understanding of how these things have been dealt with in other provinces. To say that we basically have followed a formula that says, "If you represent a rural riding, you have five voters; if you represent an urban riding, you have eight voters," that's sort of stood the test of time as it has come and gone over the years. The last thing that anybody would want to see ever come about is some artificial gerrymandering, because that's wrong, and no one in this Assembly could ever support that.

What basically must be looked at and looked at with some common sense and understanding is how geography, how history, how tradition, how community spirit impact everything. I have no negative as the MLA for Barrhead-Westlock, Mr. Speaker, to having a concept known as the rural/urban constituency. That would be a healthy environment, I would think, probably for the first time in this province, to know that all Albertans basically live in both an urban environment and a rural environment, but for someone to come along and simply say, "Well, you can't have that because there's some purity that has to go in there," completely distorts the way Albertans live in 1995.

Now, Mr. Speaker, there's one additional item that I would like to make a comment on, and that has to do with the opening statement made by the Minister of Justice here today when he said that he'll probably be coming forward with an amendment to section 2(1). Section 2(1) clearly points out today who the members will be on the Electoral Boundaries Commission, and section 2(2) provides a role, that "the Chief Electoral Officer is to provide advice, information and assistance to the Commission," but does not make the possibility of the Chief Electoral Officer becoming a member of the Electoral Boundaries Commission. As I understand, the Minister of Justice said that he was going to bring forward an amendment that might make it possible for the Chief Electoral Officer to in fact be a member of the Electoral Boundaries Commission.

Well, Mr. Speaker, I think the experiences that we have had in terms of independence of officers who report to the Legislative Offices Committee of this particular Assembly should make it very clear that the Chief Electoral Officer should not be eligible to be a member of the Electoral Boundaries Commission. The Chief Electoral Officer should be an independent, noninvolved civil servant who provides advice, guidance, and does the job as directed to him. If he or she puts himself or herself in the position of being a member of this Commission, then this commission is almost in a no-win situation. Looking at the history of the way commissions have brought their decisions down in the past, I think that individual will in fact compromise his or her position and will not be in the best position to provide as much independence and as much clear – well, it has to be uninhibited advice. If they are in a position to be a member, I think that would not be in the best keeping of the independence that we've all sought to see some of these individuals have, firstly, and, secondly, would not be the best possibility for good governance.

3:10

Mr. Speaker, I'm not even sure why we're going forward with the Electoral Boundaries Commission Amendment Act, 1995. I read the report. I read the decision. The judges say, I guess, that we should take a look at it again, but I think one could make the debate that that's all it says: we should take a look at it once again. But I guess we've gone beyond that. The government has chosen to introduce the Bill. We're going to have a situation now for 12 months to however many months after that that it's going to take to do this. We're going to have a lot of debate in Alberta. There's going to be a lot of misunderstanding in Alberta. People are going to get very angry with one another in Alberta. We're going to have countless numbers of meetings. Municipal governments, vested groups, and lobby groups are going to create themselves, and we're going to have torment among neighbouring MLAs. We're going to have all that because it's all going to happen again and it's all going to happen again in such a short period of time after the last time it was done.

We had assumed something would happen and stay in place for at least two elections, which has always been the tradition in Alberta. You do this, and you wait two more elections before you go back again. That is not going to be the case, Mr. Speaker. It's going to become a very interesting summer and fall and winter in the province of Alberta as we go forward looking at electoral boundaries one more time and asking a number of people one more time again to scribble on the map 83 constituencies and define the purpose and the reason why each and every one of them will be. I sincerely hope the result will not be a reduction in rural ridings from the so-called 41 we have today to 26 and an increase in ridings in Edmonton and Calgary by seven

or eight, because I'm telling you, 1996 will become very interesting with respect to that now.

Thank you.

THE SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. I'll wait for the applause to die down for the hon. Member for Barrhead-Westlock, who is talking more and more each day like he wants to be joining the hon. Member for Fort McMurray, right beside me here. We'll move the hon. Member for Edmonton-Meadowlark over one, and we'll both . . .

MR. KOWALSKI: Point of order, Mr. Speaker.

THE SPEAKER: Order. The hon. Member for Barrhead-Westlock.

Point of Order Imputing Motives

MR. KOWALSKI: Thank you, Mr. Speaker. Section 23(h), (i), and (j). I have great respect for the Member for Fort McMurray, Mr. Speaker. I have absolutely no intention whatsoever of being located in any quadrant of this House other than the one I currently am in.

MR. GERMAIN: On the member's point of order, I certainly wasn't imputing motives, Mr. Speaker. I was just commenting on the tone of his address to the Assembly to contrast it now with my address.

Debate Continued

MR. GERMAIN: The hon. member, Mr. Speaker, began with an impassioned plea to retain the 83 Members of the Legislative Assembly, but I want to suggest to all Members of this Legislative Assembly that there is no rational basis for us to do that. I have a great deal of sympathy, Mr. Speaker, for those hardworking members of large constituencies who forfeit 365 days of their life per year to the Legislative Assembly. I point out, by sterling example in this regard, the efforts of the hon. Minister of Family and Social Services, who has I believe the largest riding in the entire province of Alberta. I hear many political complaints about political ideology, but I hear very few about the member's attempts to be responsive and to get around his riding and to serve his riding. I am sympathetic to the Member for Barrhead-Westlock, who spoke so eloquently about the three-hour drive in his riding. But I saw the previous MLA who covered the Fort McMurray area have to go all the way from Fort McMurray to the Northwest Territories border as part of his riding.

Recently, with an election this week a historic event took place in Alberta where a municipal government expanded its borders to such an extent that it became the largest municipality in all of North America. In doing so, they reduced the number of elected officials from 18 to 11. Mr. Speaker, despite the comments from the hon. Member for Barrhead-Westlock, Albertans have told us that they have too much government giving them too few services and they want to reverse that trend. When they say that they want the fat of government cut, they are talking about the fat in the upper quarters of power. This would be a wonderful opportunity for the government of this province, working with the opposition, to capture the imagination and the mood of all Albertans by reducing the number of seats in this Legislative Assembly from 83

to 65. There is an easy rationalization for that number. It would still not put us at the largest ratio of elected Legislative Assembly member to population of all the provinces of Canada. We'd still be found clustered in the middle, as opposed to the low end where we are now found, in terms of people per MLA.

The 65 is also very symbolic for another reason, Mr. Speaker, in that the numbers shed off the top, from 83 to 65, represent roughly 20 percent of the Legislative Assembly. That is the same kind of budgetary economic cut that the government is asking its citizens to bear. It's asking them to take 20 percent less in terms of educational services, 20 percent less in terms of health care services, more than 20 percent in some of those other departments.

Frankly, when I travel the province, as do all of the members, I get chided and ridiculed by people who talk of the Legislative Assembly. They say: "Aw, but you guys won't cut any of your fat. You guys and girls will not lose a single member. Your faces may change and your ages may change and your identities may change, but there'll still be 83 of you." That, my friends, is an argument that is hard to repel. It is an argument that speaks poorly of the Legislative Assembly. It also fails to take into account that in the last 10 or 15 years there have been sweeping technological changes.

You know, there's hardly any farmhouse now that you don't drive up to, Mr. Speaker, that doesn't have a fax machine. You no longer have to ask them if they have a fax machine. You just have to ask if it's plain paper or waxy paper. There is nobody that is not on top of technology. You can go to some cabins on the lakes, and you will see them connected to computers and E mail. The Premier himself boasted about bringing his message, the gospel of the Alberta advantage, onto Internet. Yet we do not want to embrace this new technology and say to ourselves: we can get away with less numbers of MLAs in this House.

So I want to tell the Members of this Legislative Assembly that we will be bringing forward from this side of the House an amendment to the hon. Minister of Justice's Bill 20, an amendment that deals with the number of electoral areas, and we will ask that it be reduced from 83 to 65. Now, the members opposite may say that the 65 number is wrong. But, ladies and gentlemen and members of this Assembly, at least have the courage to grab some number, 83 minus X, and come forward with a reduced Legislative Assembly.

Look at the walls, Mr. Speaker, of the place that you preside over. This is the same building the Legislature has sat in for many years, yet every few years there has been an expansion of desks in this room. We're now sitting literally shoulder to shoulder, every space in the room utilized to maximum capacity. We can do better than that. We can reduce the number of MLAs in Alberta, and the government can take that page from the Liberal program. Heaven knows, Mr. Speaker, other pages have been taken. Let them take that page from the Liberal program, let them run with it, and they will never hear an adversarial word from us on the reduction of MLAs. Now, they say: give us constructive criticism. There is constructive criticism number one.

I want to say to the members of the Assembly that when you ask people to absorb the cuts that you have asked them to absorb, to not say that we are capable of shrinking by even one member is inappropriate. We can do better than that, and we should do better than that. If that member over there, that member right there, Mr. Speaker, can look after a territory that is six times larger than most other territories in the province of Alberta, are the other Members of this Legislative Assembly going to start whining and grinding that they cannot look after a larger territory?

Is the Member for Fort McMurray going to say that he cannot look after the same territory that his Conservative predecessor did? Certainly not. We can serve larger ridings, and we ought to serve larger ridings.

3:20

Now, I want to also make other comments about this particular Bill, Mr. Speaker. The hon. Member for Barrhead-Westlock said that he would never want to see any political gerrymandering on a boundary realignment because it was bad for the political image. I think I paraphrased him when I said that. I've got to tell you: he's a magnificent speaker, but even his throat constricted when he said that, because since time began in elected democracies, the government in power has used boundary rejigging and reorganization to carry them over the top of tight races. In the last provincial election we had some tight races: people losing by only a very few votes or winning by a very few votes. We also had some very suspicious, unexplainable boundary jigs and jogs cutting out a few blocks of this urban area, a few blocks of this rural area, dividing people up from their traditional economic boundaries, having few, if any, legitimate explanations for it. So I want to echo what the hon. Member for Barrhead-Westlock said: political gerrymandering in the course of boundary reorganization is bad for democracy. I can only hope that since the government, in their own assessment, view that they are indefeatable in the future, they will for once rise onto the high ground and do the boundary reorganization this time in the absence of any possible allegation or taint of political gerrymandering of boundaries.

I would also like to suggest that a good way of solving that would be to try and figure out a way to reduce a whole collection of minority reports in the committee that sits on this. I would like to suggest that if a majority report is not possible, this legislation should have built within it that it will defer its report for another 180 days to give all of the members of the committee an opportunity to see if they can reach a consensus on some aspect of the report that is troubling them. This effort, Mr. Speaker, I think would do much to talk about the fairness of the democratic process. Much as when a hung jury cannot reach a verdict, they will sometimes come out and ask the judge for other instructions and other advice on how they could resolve their deadlock. We should try and avoid a situation in this province where, because of politically driven ideology, we end up with four or five independent reports and no consensus of report in a boundary reorganization. I would strongly urge that onto the provincial government.

Now, the minister in introducing his comments and again in his exchange with the hon. Member for Calgary-North West made it clear that the factors that the committee will look into in section 16 of the Act remain the same. It is only 16(a) that is going to change a little bit. I commend him on that because it allows the committee some flexibility in the manner in which they make their decisions.

I would also like to suggest to the minister that sooner or later in the province of Alberta it is going to have to be recognized that population shifts from rural Alberta to urban Alberta are occurring and that it is not possible to have the same number of seats in rural Alberta as it is in the large cities unless you are prepared in some fashion to take away seats from the larger centres. Is there a good justification to do that, Mr. Speaker? I think there is. At present there are more elected MLAs from Edmonton than there are members who serve on Edmonton's municipal council. There are more elected members from Calgary than serve in their elected assembly. As a result, Calgarians and Edmontonians say to themselves: why do we have so much of this government?

Historically we have it to preserve the number of seats that they hold in rural Alberta.

So my final comment on this debate is that all Members of this Legislative Assembly should embrace the reduction of the number of MLAs because it will serve and save and solve the problem of the large numbers of MLAs located in our major cities. That, Mr. Speaker, concludes my comments today, and I'll defer to other members of the Assembly who wish to speak.

THE SPEAKER: The Member for Edmonton-Glengarry.

MR. DECORE: Thank you, Mr. Speaker. I think we need to refresh our memories on how this legislation came to this Assembly, why it came to this Assembly. The first need, I think, is to look at what happened in Canada and see how two principles in our country clashed. The Charter of Rights and Freedoms says that each person's vote is the same as every other person's vote. One vote equals one vote.

MRS. BLACK: It does not say that. Read it.

MR. DECORE: It says that. It's interpreted as that.

MRS. BLACK: It does not.

MR. DECORE: The Court of Appeal in Saskatchewan, Madam Minister, interpreted it as that. If you'll just listen to my argument, I think you'll hear the rest of it before you jump in.

That was an interpretation made by the Court of Appeal in Saskatchewan where there was an attempt by the government of the day to gerrymander, to keep more seats in rural Saskatchewan than in urban Saskatchewan. The Court of Appeal decided that we're going to go with the Charter of Rights and Freedoms. The same issue came up in British Columbia, and there the courts said: no; there is another principle that's at play, another important concept that must be dealt with, and that's geography, distance. Can an MLA serve his or her constituency properly if they have to travel for many days to get across the constituency? That Court of Appeal said: no; we think geography, distance, is a factor for consideration, so one vote equals one vote isn't the test.

It then went to the Supreme Court of Canada, and at the same time there is a system going through our courts and through our Legislature by way of a reference from the then Attorney General who asked the court for advice on whether or not what this Assembly was doing was correct. The Supreme Court of Canada dealt with the issue, and they said, "Yes, geography, distance is an issue. It isn't one vote equals one vote. You must address the issue, but you must justify how geography and distance apply. You must clearly state and justify and show the public how this works, because if you don't, it slips back into that mode of being gerrymandering." Now, our Court of Appeal gets the benefit of the Supreme Court of Canada decision and the other decisions across Canada, but the Supreme Court of Canada, of course, is the one that they are bound by.

I was surprised to listen to the speaker from the government side just moments ago saying: "Well, is there really anything wrong? Everything seems to be okay. I don't think the decision calls for any sort of action to be taken." That's not my interpretation, and thank goodness it's not the interpretation of the Minister of Justice. There is a need to deal with this issue. The courts said that there wasn't the proper justification of constituencies. "You haven't," they said, "justified why this particular

constituency is smaller than these other rural constituencies. You haven't justified how come there are so many here and less over there. You need to justify so that you don't fall back into that mode of gerrymandering."

Mr. Speaker, I think we've had ample evidence of attempts to gerrymander in this Assembly by the Conservative government. I remember when I led our party and I went with the Leader of the Opposition at that time to visit the Premier of our province, and the Premier refused to consider independent Albertans looking at and determining what those constituencies should be, how they should be drawn. He insisted that politicians draw the lines, and that is gerrymandering. I don't care how you cut it; when you have a committee that has more of the government side than the opposition, you will always get a situation where somebody is pushing their will over the others. Some may say: no, it's not gerrymandering; it's part of the democratic process. But when there are four members of a committee that make the decision and only two members on the other side, that, to me, is gerrymandering. That's what the Court's warning us about. They're warning us to do this properly.

3:30

So how do you do it properly? One thing we do not do is put politicians back in place to draw the lines for the constituencies. That's a no-no, because you can't justify it on that basis. I think we can look at the guidance that's provided in other jurisdictions. Other jurisdictions, other provinces do this as a matter of course without any difficulty. They use independent people in their provinces to draw those lines and to justify the drawing of those lines. The federal government has a system that hardly anybody even notices anymore. They go out after a certain number of years, and like clockwork it's rejigged and redone and justified, and there are no politicians that are preparing or drawing the lines in that process. So is there something wrong? You're darn right there's something wrong, and the Court of Appeal in our province says: "Here's what you've got to do. You've got to set up the appropriate mechanism, and you've got to justify the lines on the map."

Now, Mr. Speaker, the fact that the government has come forward for the first time in a long time with a list of independent Albertans is to their credit, and I give the minister credit for what he has laid out in the Act. There are some difficulties that I have with an Ethics Commissioner sitting on this commission, not because he isn't suited for the job. It's my understanding that he's expressed some concern over this matter. He should be there, I think, independent of the whole process because he's going to be making judgment on us, on this Assembly, on the process, and so on. I don't think he should involve himself or should be involved. He's got to be kept completely independent from the whole matter of constituencies and process and how it came about. So I hope that we solve that problem by making sure that he is independent, that he can look after the issues that affect this Assembly and the members in this Assembly.

But I like the rest of it. I like the fact that the Chief Electoral Officer is a resource person to this commission. I like that. I think you need to have somebody providing information that knows what it's all about. I like the fact that the Auditor General has been asked to participate, particularly the Auditor General who's joined the province recently. I have high regard for his ethics and his ability. I think the suggestion about people from postsecondary institutions is a good one.

I am troubled, as was the Member for Fort McMurray, about the fact that if there is a "hung jury," words that my colleague used, then "the report of the chair is the report of the Commis-

sion." I would like to suggest that the minister consider the suggestion made by the hon. Member for Fort McMurray, that, like a jury, they be told to go back and review the matter again, that there must be a decision that they come forward with that is a majority decision. I don't like the fact that one person in the end is making the decision. I hadn't thought about it earlier, but I think that suggestion is a good one.

I want to address for a moment the issue of the number of seats. I as part of my party over many years have talked about the need to reduce the number of school boards, the need to reduce the number of hospital boards, the need to reduce the number of people in positions of authority, because I think we went too far. Well, if it applies to school boards and it applies to hospital boards and it applies to other things where the government is consolidating legislation, why can't it and why doesn't it apply to this Assembly? I think that 83 members are too many members, and part of what I did a year or two ago was introduce legislation that would have reduced the number from 83 to 65. [interjection] I'm delighted to see that Mr. Gibeault has jumped on the bandwagon and supports that. I don't think he supported it, Mr. Minister, when the matter came up for a vote in this Assembly. It does mean and should mean that there should be a reduction in rural Alberta, because I think that's what the court is pointing us to and saying: "You've got to be cognizant of geography and distance. You can't allow somebody to travel for days and days across their constituency, but you have to give a better accounting for this issue of one vote equals one vote."

DR. WEST: Well, you're not running next time, so it's easy for you to talk.

MR. DECORE: Well, how do you know that I'm not running next time? Maybe I will. I kind of like being here in this Assembly with you. I take particular delight in believing that some of what I say rubs off and that you learn a few things in this Assembly, Mr. Minister of Transportation and Utilities.

Mr. Speaker, the court is flagging for us – and not many people have enough courage to say this; the Member for Fort McMurray did, and I think it's got to be said by other members in this Assembly – that there needs to be a better representation from urban Alberta, that the split of almost 50-50 is not acceptable. I think that's what that court decision says, and I think it's good that the Minister of Justice hasn't fettered the commission by saying that you should have fingers that come – I mean, you were part of that, minister of transportation, that dreamt up that silly idea of having rural fingers come into urban centres, the Getty fingers I think they were called. You voted for that, and you promoted that. I think that was a mistake. That's not the way to get around the issue of representatives in urban communities being distinct and different from representatives from rural communities. But we must deal with the issue, and I think the court flags that issue. It says that the division isn't right. At least that's the way I'm interpreting it.

I think the suggestion from Fort McMurray was a good one. Reduce the number of seats overall, because to add more seats to Calgary and Edmonton – the hon. Member for Barrhead-Westlock made the point: why would you want to increase the number of seats in Edmonton and Calgary? We've got enough seats here. I think the issue is the other way.

Mr. Speaker, there is, I think, some fine-tuning that needs to be done. I look forward to participating in that fine-tuning and being part of the amendments to that. Thank you for the opportunity to speak.

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

MRS. ABDURAHMAN: Thank you very much, Mr. Speaker. I'm pleased to be able to speak to Bill 20. I believe the government has missed the boat with Bill 20 inasmuch as it was a golden opportunity to walk the talk. Why would I say that? Why in 1995 before this Legislature through Bill 20 would we be seeing a government recommending that we stay with the same number of elected Members of the Legislative Assembly? It flies in contradiction to the so-called philosophy of this government being fiscally responsible. On one hand, we tell education boards and health authorities and municipalities, "Look; we have too many entities out there delivering policies for health, education, and municipalities." Yet on the other hand we're saying, "It's all right for the senior level of government, the provincial in this instance, to remain at the status quo." I think that's a total contradiction to the so-called fiscally responsible position that this government's supposed to be taking.

You know, when we look at what happened the last time the boundaries were addressed, at the gerrymandering that went on, there was a disservice not only done to rural Albertans but also to urban Albertans. Mr. Speaker, I can use my own constituency as a perfect example, where unfortunately the largest urban centre, the city of Fort Saskatchewan, is at the north end of the Clover Bar-Fort Saskatchewan constituency. It would be wonderful if one could indeed have another location to give the level of service at a closer proximity to rural Clover Bar-Fort Saskatchewan and not always have people having to come to the city of Fort Saskatchewan, but the reality is, it would be fiscally irresponsible to even attempt to do that. So when we were looking at creating the boundaries for Clover Bar-Fort Saskatchewan, I can't believe for one minute that the type of criteria that we now see in Bill 20 . . .

DR. WEST: Point of order.

THE SPEAKER: Order please. The hon. Minister of Transportation and Utilities is rising on a point of order?

Point of Order Relevance

DR. WEST: Yes. Under *Beauchesne* 459, relevance. I'd just like your clarification. We're having a debate on a court case that asked us to review the boundaries under the various guidelines that were put out previously and the information available. This is not a discussion about the political challenge of whether we should have 83 seats or whatever number they're talking about. They're using this as a political platform in this Assembly to go over the debates that I've heard here ad nauseam last year, the year before, and the year before that. I just would like to know whether the type of debate that I've heard is relevant to the Bill before us, Bill 20.

3:40

THE SPEAKER: Well, hon. minister, the title of the Bill is the Electoral Boundaries Commission Amendment Act. The hon. minister says that he finds this debate somewhat similar to other debates in years past, but the Chair would say it's only because the subject matter is the same. It appears to be a case of déjà vu all over again, but that is what we're faced with. The discussion is on electoral boundaries and representation in the Assembly, and

the Chair feels that all the comments that have been made so far have been in order.

MRS. ABDURAHMAN: Mr. Speaker, I believe there was a soft spot that I hit there in my debate to Bill 20.

Debate Continued

MRS. ABDURAHMAN: I certainly was not in the Assembly during previous debates, but, Mr. Speaker, when we look at section 16, many of my constituents would agree that the justifications have been clearly identified through 12: "Section 16 presently reads." It addresses many of their concerns. What were the justifications to draw the boundaries for Clover Bar-Fort Saskatchewan? They really didn't make any sense if you were giving fair representation to Albertans in the south of that constituency.

Now, taking that a step further in listening to the debate about urban/rural, it really disturbs me, Mr. Speaker, that we in Alberta tend to use visionary statements when we should be working together. I certainly lived very much in a rural part of the province of Alberta when I came to live here, and I also look back to my own childhood, which was on a farm. There was no such thing suggested that this person who was brought up on a farm was substantially any different from the person who was brought up in a village or a town. Yet here in Alberta we continue to use this to somehow suggest that there's a substantive difference.

I would like to suggest, Mr. Speaker, that by reducing the number of elected officials to this Assembly to 65, we indeed can give quality representation, whether it be in Wembley, Alberta, whether it be in Breton, Alberta, whether it be in Fort Saskatchewan. What we've got to ensure is the way the boundaries are drawn, and hopefully this government will see the light and go along and support the amendment that the hon. Member for Fort McMurray will bring forward reducing it to 65. The key is the composition of this commission that will be put in place to review the boundaries. Indeed, at that time, if they follow the amendments, we should see fair representation and equity finally coming to the province of Alberta and hopefully see the last of gerrymandering.

Now, there is a concern that I have, and I want to compliment the minister. He's certainly in the right direction when it comes to the membership. There are some similarities in this membership and my private member's Bill in Public Accounts, that's coming up, but it's not completely independent enough. I would like to suggest that we should also have a limitation on allowing past Members of this Legislative Assembly to sit on this committee. It should be truly without political influence, and I believe, through the Speaker to the Minister, you've left that potential there because it does not rule out that former Members of the Legislative Assembly cannot sit as part of this commission. I would say the Bill is fundamentally flawed because of that.

I also would agree with my colleagues acknowledging that there is also a possibility of conflict when you see the Ethics Commissioner named as a member as well. I would take direct comment from the Ethics Commissioner and act on that. It's my understanding that he himself is concerned about that. He's an honourable gentleman, Mr. Speaker, and if he has a concern, I would say once again that this Bill is flawed.

Now, when we're looking at the possibility of this Bill not being amended to 65 and indeed remaining at 83 – and the Member for Barrhead-Westlock started to talk about the possibility of increased numbers for the two major cities. This is absolutely

ridiculous in 1995. With more MLAs for the two major centres, it's going to be more costly than necessary. It doesn't make any sense. So, indeed, if you really want to be fiscally responsible, let's, when we get into committee and the Member for Fort McMurray brings forward his amendment, put our money where our mouth is. Support that amendment. Make sure that the other parts of the Bill are amended to ensure that there's no possibility of conflict of interest or political interference on that commission. Make sure that the Ethics Commissioner's words are heard, and act appropriately in that area. I think then and only then, Mr. Speaker, will we have the makings of some good legislation dealing with electoral boundaries, and at that point in time, when we see all those amendments brought forward to Bill 20, then I believe that democracy will truly be well and healthy in the province of Alberta. I believe that urban and rural Albertans, as we so often refer to in the province of Alberta, will start to feel that we're all Albertans working for the greater good of Alberta.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

MR. ZARIWNY: Thank you, Mr. Speaker. I just have a few things to say. I'd like to say that I support Bill 20, but as well I'd very much like to have the minister respond to some of the concerns I have and also urge that the commission, when it's set up, deal with these concerns.

The major democratic principle and the electoral value that provides a rationale for electoral boundaries lies in section 3 of the Charter, and I'd like to just read that right now:

Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

Now, we individually have the right to vote, and Madam Justice McLachlin, when she was Chief Justice, found that what exists in section 3 of the Charter, the right to vote, was in fact the purpose of guaranteeing effective representation. I believe that Chief Justice McLachlin, as she was then, used the same meaning of fair and effective representation for all citizens in the same way that then Chief Justice Earl Warren of the United States Supreme Court did in a case called Reynolds versus Sims when he declared, quote: the achieving of fair and effective representation for all citizens is concededly the basic aim of legislative apportionment.

[Mr. Clegg in the Chair]

The proposed Bill raises some very important questions, questions which two professors from the University of Calgary, David J. Bercuson and Barry Cooper, dealt with in 1992 when they examined the Alberta Electoral Boundaries Commission Act. I'd like to draw on some of the questions that they raised in their article and again convey them to the Minister of Justice and ask that he provide us with some assurance regarding some of those questions that are raised. For example, will the amendment reflect the democratically accurate requirement of the composition of the commission? Here I'm talking about the urban representation. Will there be a greater number of urban members on the commission than provided for?

3:50

Another issue dealt with in that article concerns independence. Independence for the commission, as the Member for Edmonton-Glenarry indicated, is absolutely essential. How do we assure that independence? What must be assured is that this Legislature

not allow the work of a truly independent commission to be altered, since such alteration would lead to the destruction of the independence and then lead to further litigation and/or gerrymandering. So the commission's independence has to be assured.

There are also a number of other issues which I believe may be covered in the Bill but would very much like the minister to address in his reply. I think the best way of dealing with these is to ask whether he's prepared to challenge a couple of myths. Again I refer to the article that I mentioned earlier, and I would like to quote these five myths at this time: number one, the myth of the greater virtue of the rural voter; number two, the alleged danger of the majority urban tyranny; number three, the historical legacy of the greater difficulties inherent in rural representation; number four, the continuing success of rural voters and their representatives, who were once but are no longer a majority in protecting their interests; and number five, the absence until 1985 of any constitutional imperative to disallow that practice.

In conclusion, I would want to be assured, before I vote for the Bill, that it will allow electoral representation to be fair and ensure voter equity. I'll end with a quote from the particular article that I mentioned written by Bercuson and Cooper, and that quote is this: until these remedies are more perfectly embodied in provincial electoral boundaries legislation and until the current electoral boundaries legislation ceases to be an obstacle to democracy in Alberta, fair and effective representation in this province will remain a desideratum.

Thank you.

THE ACTING SPEAKER: The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. I, too, would like to add a few comments to the discussion on Bill 20, the Electoral Boundaries Commission Amendment Act, 1995. The reason we're here discussing the boundaries yet one more time is that the process that was undertaken in the last boundaries review was anything but fair and aboveboard. As a result, the Court of Appeal quite rightly found that the representation of Albertans across this province had been skewed as a result of some of the decisions that were made by an appointed committee of Conservatives just prior to the last election.

What I find, though, within this particular amendment Act, when we look at it, is that once again some of the criticisms that were put forward with regards to the last appointed committee are perhaps evident within this particular piece of legislation. Though at least this time around we have individuals that are appointed who will hopefully be neutral, what in effect is happening is that their hands are tied. The only thing they can look at is 83 seats. They can only look at a census that's 10 years old. There is a provision that there may be some other provincewide census that might be more recent or applicable, but it doesn't provide for the commission to perhaps do their own census in conjunction with the municipal census-taking that's going on right now with respect to the elections that are going to be held across the province. It would be quite a simple matter, I would think, to add on to the census that is being taken right now, to the enumeration process that's happening right now across this province, and have very recent, up-to-date figures with regards to the census.

The other question that comes up when you look at this particular Bill is number 12, where it talks about section 16(a) being repealed and "the requirement for effective representation as guaranteed by the Canadian Charter of Rights and Freedoms."

Now, the question there is: what does that mean? What exactly are the methods by which one has effective representation within this Legislative Assembly? Does that only mean that what we need to look at is the number of representatives within this Assembly? Or does that mean that perhaps we could broaden out this process to look at things like proportional representation, to look at things like referenda, like citizens' initiatives, and a whole host of other areas that would indeed ensure that there would be effective representation within the Legislative Assembly? Perhaps the Minister of Justice needs to look at that in terms of this particular Bill and use this as an opportunity to in actual fact broaden the mandate to look at how we can ensure that citizens across this province are represented to the utmost within this Legislative Assembly, whether it's looking at legislation, whether it's looking at private member's Bills, whether it's looking at the estimates that we have before us in terms of budget. How can we ensure that there is provincewide representation for individuals? I mentioned a few such as the citizens' initiative, the referendum, the right of recall, and the list goes on.

So why don't we take that bold, brave step and say, "We have a commission that in effect has been set up for approximately a year" – I would imagine until the final report comes down – "and that commission can in fact look at these other areas as well." I think if we were to have that kind of a Bill before us – and I don't think it would be contrary to the intent of the Bill, perhaps, for the Minister of Justice to bring in amendments if he doesn't want to pull back the Bill at this point because there is a requirement, there are time lines, I'm sure, that the government has with regards to when they perceive the next election to be. It's quite likely that the next election will be sometime after April of next year. So the time lines are getting to be very, very tight for the government in terms of when they'd like to call the election and when the actual report from the boundaries commission is going to come into play. Given those particular time lines, I could well understand that the minister does not want to pull back the Bill, but I think if the minister would look at proposing some amendments along those lines, that would broaden the mandate of this particular commission.

Again, why would we want to tie the commission's hands? That's exactly what happened last time, and we saw what the results were. Why would we want to do that again? Let's broaden it out. Let's allow for the commission to truly look at how to provide for effective representation within this Legislative Assembly, and let us put in those amendments.

Those are my comments. Hopefully the minister will be able to respond to those. Thank you.

THE ACTING SPEAKER: The hon. Minister of Justice.

MR. EVANS: Well, thank you very much, Mr. Speaker. I appreciate the comments from members on both sides of the House with respect to Bill 20. Clearly, this initiative to bring forward this legislation is as a result of the reference to the Court of Appeal of the province of Alberta. Just as clearly, the issue before the House and the issue before the commission will be to come to a conclusion on what is effective representation. Section 3 of the Charter of Rights and Freedoms has been expanded upon and defined by the Supreme Court of Canada to indicate that one person, one vote is not essential in this country. What is essential is that all constituents throughout Canada be afforded effective representation.

4:00

I've had some comments, particularly on the opposition side, saying: well, why don't you try to identify a definition, a very concrete definition, for effective representation? Well, Mr. Speaker, just as I think it would be improper to bring this particular Bill forward with arbitrary numbers for constituencies in cities, in towns, in villages, in rural and urban areas, because that is by definition arbitrary, I think so too trying to create a definition of what effective representation is would be far too arbitrary and I believe would result in the courts looking at any of those criteria that were set up and trying to determine whether they were correct or not and oftentimes coming to a conclusion that they were not. I fear that would happen because the essence of effective representation is taking into account all of the factors that face the electorate, such as geography, distance, sparsity, community of interest, and all of those factors, quite frankly, that we've identified in the previous Act and remain in section 16 of the previous Act, and then coming to a conclusion whether the citizens of Alberta are well served and effectively served regardless of where they come from in this great province.

So although we set out criteria, it is up to the commission to decide on a case-by-case basis, as we require them to do here, what effective representation is in each and every part of the province and as a beginning point to analyze the existing electoral divisions to determine whether or not those divisions do in fact constitute effective representation. If they come to a conclusion that they don't, then they'll be looking at the next question: well, what is effective representation? How do we align our 83 electoral divisions to ensure that we do have effective representation for all of those people in Alberta? That's extremely important, Mr. Speaker, because we're not talking about how easy or difficult it is for the Members of this Legislative Assembly. We are talking about what the citizens of the province of Alberta deserve, and that is effective representation.

It is very important, therefore, that we take into account what changes have occurred in this province and what changes are likely to occur into the future. For example, we are a province that is growing. Population in this province is expanding. On the other hand, the hon. members opposite have said: well, we recommend and we're going to bring forward an amendment at committee stage that we reduce the number of MLAs. Well, that reduction in the number of MLAs will mean that the increased population will have less access to the Members of this Legislative Assembly.

There was a comment made as well about technology. Well, technology may put more information into the farmhouse, may put more information into the country, but there's a dual challenge that's associated with that. It is a much more complex world that we live in today, and it is a challenge for all of us to decipher, analyze, and reject or accept information that is coming to us at a very rapid rate.

Again, the importance is how effective the representation is for an Albertan. MLAs, by virtue of their jobs, by virtue of their election, are required to analyze all of that information and to do as much as they can with that information to effectively represent their constituents. It has been said by MLAs that if we were to reduce the number of Members of this Legislative Assembly, then their constituents would have less of a piece of the time of that particular MLA. I take that comment seriously. I believe it is a valid comment, Mr. Speaker, because I believe members on both sides of this House are working very hard for their constituents. I believe they are dedicated to doing a good job.

I quite imagine that the average workweek for all members of this House is at least 70 hours. That's almost double the 40 hours a week that we used to think was a reasonable time frame for working. So you take that kind of an average – and in many cases, Mr. Speaker, you take that 70 and you add another 20, 30 hours onto the top of that, depending on the level of responsibility and the demands of constituents. How is that member, who now represents on average 30,000 people, going to continue to effectively represent increased populations? That MLA cannot create more hours in the day, cannot create more days in the week. The issue is then: is that reduction in the number of MLAs going to continue to allow for effective representation of that constituent?

Well, Mr. Speaker, I believe the government has done the things that are expected of government to reduce its spending. We've certainly done that from the perspective of all MLAs taking a 5 percent reduction in their salaries, cabinet ministers taking a 5 percent reduction in their salaries. The amount that MLAs could have expected in pension prior to 1989 has been eliminated for all MLAs. Those are the tangible reductions, plus Members' Services has made a number of reductions in the amounts that are going to MLAs. Those are tangible. Those are recognizing the commitment of this government and the Members of this Legislative Assembly to sharing the burden with Albertans.

Mr. Speaker, to then say that we can arbitrarily reduce the number of MLAs to 65 or for that matter any new number – and certainly nobody's recommending higher numbers of constituencies – to recommend any lower number really to me goes against the concept of effective representation for the constituents of this great province of Alberta.

Mr. Speaker, with those comments on Bill 20 and recognizing that we will have additional debate in Committee of the Whole, I will now move second reading of Bill 20.

[Motion carried; Bill 20 read a second time]

Bill 25 Teachers' Pension Plans Act

THE ACTING SPEAKER: The hon. Minister of Advanced Education and Career Development.

MR. ADY: Thank you, Mr. Speaker, and to my hon. colleagues. I rise to move second reading of the Teachers' Pension Plans Act, known as Bill 25.

This Bill replaces the Teachers' Retirement Fund Act, which was originally passed by this Assembly some five decades ago. The new Act, which is largely enabling in nature, establishes the foundation for the complete modernization of teachers' pension legislation. It will be supported by legislative regulations and a comprehensive set of planned rules that are being developed at this time. Before addressing some specific changes being brought about by this Bill, let me assure members of this Assembly and the teachers of Alberta that we are committed to continuing the funding arrangement agreed to in the 1992 memorandum of understanding between government and the Alberta Teachers' Association.

Government and teachers will each continue to pay 50 percent of the normal cost of the pension plan. Teachers will continue to pay the full cost of the enhanced cost of living allowance, known as COLA, the benefit of which is the difference between 60 percent COLA and 70 percent COLA. Government will continue to pay 67.35 percent and teachers 32.65 percent of the cost of

eliminating the plan's unfunded liability. However, I would point out that all retirement benefits under the plan are being continued.

4:10

This Bill establishes two separate pension plans with separate funds for each plan. The principal and largest plan is for teachers who are eligible to participate and are employed in the province's public school system. The other plan is exclusively for teachers employed by participating private schools. The division into two distinct pension plans is to ensure that the assets and liabilities attributable to both groups are kept separate and can be accounted for properly.

The Bill removes the government guarantee of benefits for the private school plan and limits the guarantee to pre-September of 1992 benefits in the principal plan. Government is making these changes because the private school plan is fully funded and the guarantee is not required. Also, the post-August 1992 portion of the principal plan is essentially fully funded, and any new shortfalls will be covered by teachers and government on a 50-50 basis. Most important, government's guarantee of pre-September 1992 benefit entitlements for those participating in the principal plan is being continued because it is present in the Teachers' Retirement Fund Act and was implicitly, if not explicitly, part of the agreement reached between government and the Alberta Teachers' Association in 1992.

Finally, changes are also being made in aspects of the governance of the plans. A board, appointed by the Lieutenant Governor in Council, continues to be the trustee and administrator of the plans and custodian of the funds. This board also has authority to make plan rules in several limited and specific areas and can be granted delegated authority by the Lieutenant Governor in Council to make plan rules in other areas. At the same time, the Lieutenant Governor in Council retains authority to make and amend plan rules in all but a few situations. These new arrangements provide appropriate safeguards for both government and teachers by building informal consultation and negotiation requirements before changes to a plan's design can be initiated.

Thank you, Mr. Speaker. That concludes my remarks on the Bill.

THE ACTING SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. I'd like to make a couple of comments, beginning with our support for this Bill. The Bill, of course, arose out of the government's failure to properly account for and to assure the pensions of teachers in this province. The provisions of the Act are those that, as the minister indicated, grew out of an agreement the government undertook with the teachers in 1992. We hope that the Bill can be passed quickly, and we'll do everything in our power to make sure that it is. As I indicated, we've talked to the Teacher's Association about the Bill. They're pleased that it's before the Assembly at this time, and it has our wholehearted support.

Thank you.

[Motion carried; Bill 25 read a second time]

Bill 26 Energy Statutes Amendment Act, 1995

MRS. BLACK: Mr. Speaker, I'd like to move on behalf of my colleague the hon. Member for Pincher Creek-Macleod the Energy Statutes Amendment Act, 1995.

The Bill amends a number of energy-related statutes, and the amendments proposed are of an administrative nature. They continue this government's efforts to streamline the regulatory system and facilitate the operations of the Ministry of Energy according to our three-year business plan.

Mr. Speaker, this Bill provides that the consent of the Lieutenant Governor in Council will no longer be required for the assignment of natural gas removal permits under the Gas Resources Preservation Act. The assignment of a permit does not alter the volumes of gas authorized for removal and the duration of the permit, only any other conditions attached to it. It is simply an administrative issue. This amendment would allow the Alberta Energy and Utilities Board to deal with an assignment internally, as it already does with other purely administrative matters. With the deregulation of the natural gas market in recent years, the number of gas removal permits outstanding has increased tremendously. With increased permits, there have been mergers and acquisitions within the oil patch, and the number of assignments has increased at a massive pace, making the need for cabinet approval in each instance an administrative burden on the board and a regulatory annoyance for the industry. This amendment corrects this problem.

This Act also amends the Gas Utilities Act and the Municipal Government Act. Particularly, it amends the sections of those Acts permitting the direct sales of natural gas to core consumers according to the regulations this government enacted on March 13, 1995. Mr. Speaker, the changes to these Acts are purely definitional. They are intended to reflect changes in the direct sales market which have been observed in other jurisdictions since the Gas Utilities Statutes Amendment Act, 1990, was passed. Specifically, they change the definition of "direct seller" to make it consistent with the increasingly common practice of buy/sell transactions in direct sales. They also specifically recognize the use of agents by core consumers in direct gas purchase.

Mr. Speaker, the amendments to the Petroleum Marketing Act included in this Bill are intended also to support the streamlining of the Ministry of Energy by facilitating the rolling of the commission's activities and staff into the Department of Energy. The amendments allow for the number of commissioners to be reduced and the definition of "quorum" to be adjusted in line with this. With the commission merged with the department, three commissioners are no longer needed. The amendment also allows the commission to delegate its powers, duties, and functions. This is intended to allow the commission to delegate its operations to the department staff. With the commission's role as a natural gas aggregator, net-back price calculation may be also delegated to private accounting firms.

The commission is being retained in this shell form, Mr. Speaker, because it and its decision are referenced in a number of long-term gas sales contracts, which would have been reopened if the commission was abolished entirely. The shell will be maintained until these contracts can be restructured through negotiations. The commission could also be involved in some of the disposition of Alberta crude oil, should it be required.

The amendments to the Natural Gas Marketing Act are consequential to the amendments to the Petroleum Marketing Act. Principally, Mr. Speaker, these amendments extend the rights and powers of the Alberta Petroleum Marketing Commission and its protection from actions or proceedings to persons to whom the commission may have delegated its powers. The limited delegation power of the commission under this Act is also repealed. It

will be replaced by the delegation powers included in the amendments to the Petroleum Marketing Act.

Mr. Speaker, those are my comments at second reading on this Bill.

THE ACTING SPEAKER: The hon. Member for Edmonton-Whitemud.

DR. PERCY: Thank you, Mr. Speaker. Bill 26 provides for changes in a number of energy-related statutes: the Gas Resources Preservation Act, the Gas Utilities Act, the Municipal Government Act, the Natural Gas Marketing Act, and the Petroleum Marketing Act. A number of these changes are consequential. I want to speak to two issues of principle that arise from these changes.

The first concerns the move to deregulation and the ability, then, of core consumers to buy from direct sellers. At one level we certainly support this, because the more competitive you make that marketplace, the better it is in terms of both consumers and suppliers arranging a series of contracts that are to their advantage. I note that the government has incorporated security of supply clauses in there, which will require, then, that there be security of supply for at least one year in the contracts. I note that in other jurisdictions – I think in Ontario and B.C. – it's three and four years. Again, it sets a minimum, I believe, of one year; it doesn't preclude longer term contracts. Again, the role of contracts is for buyer and seller to come to equally advantageous arrangements that fit their own unique circumstances. So this move to deregulation is eminently sensible and is certainly consistent with what other jurisdictions have done; Ontario, for example. It also then allows residential and other commercial buyers to have the same freedom that large industrial buyers have had since the 1970s to achieve contracts that they think are in their best interests.

4:20

Two or three questions, though, do come to mind with regards to this principle of allowing for greater competition within the domestic market and allowing commercial and residential purchasers to have the same freedom to arrange contractual relationships that large industrial buyers have. The first is that as you successively partition the market, what's going to happen is that ultimately there's an issue of who covers some of the overhead. In some instances it's going to be the small buyers, who have relatively little in the way of substitutes they can employ, that may find the relative prices of natural gas they find will rise. Other purchasers who have a number of options they can turn to can of course achieve a much better contract, because they're much more responsive in their ability to achieve a long-term contractual relationship. If they don't get a good deal in the purchase of natural gas, well, they can shift to some other energy source, and that gives them tremendous leverage and power in terms of coming to these contractual relationships. So it may be the marginal buyer, the small purchaser, because they have fewer options and fewer substitutes they can turn to, who may in fact end up paying a disproportionate share of the overhead or fixed costs associated with the distribution of natural gas. That's one issue.

As a general question I would like to know if the Department of Energy, then, has looked at what may emerge, which is a form of price discrimination. What will happen is that to the extent that the buyer has market power or the seller has market power, they can shift forward onto individual consumers' costs, and that depends on the state of competition. The more competitive that particular segment of the market, the less in the way of costs that they can shift forward. Less competition, fewer options, the more

likely it is that a series of costs will be shifted forward onto that small fringe market. So one question I have is: to what extent has the Department of Energy looked at and assessed the potential, then, for price discrimination on the part of sellers of natural gas and the implications of the quite significant differences in the prices of natural gas that may emerge as a consequence? Just what are the distributional consequences? Has the Department of Energy looked at that? How do they view the market sorting itself out through time? That's one series of questions.

The other relates to those municipalities or other jurisdictions that have their own marketing plans, have their own infrastructure. How will they then compete in this market? They have certainly a whole series of fixed costs themselves, and they're now going to be in direct competition with direct sellers in this commercial and residential market. I'm wondering what the implications are for municipal governments and the infrastructure that they have in place as we enter this new, competitive market, in competition in the core market for natural gas sales.

So really two issues related to what the Department of Energy has looked at in terms of the implications, then, for quite significant differences in prices arising, depending on the ability of various purchasers of natural gas to find substitutes for natural gas. My second concern is the implications for costs of municipally owned gas distribution networks or other gas networks that are in place. How will they fare, and what will happen to their cost structure as they lose a variety of customers in this more highly competitive market? A number of these networks will have invested heavily in infrastructure for gas distribution. Now they'll find that customers they had counted on down the road to help finance this infrastructure may in fact be not there, having been attracted away by direct sellers, as it should be. But there's this issue of the transition and who pays the freight in this regard.

The other issue I'll just touch upon briefly, because I'm sure that some of my colleagues will touch upon this. It concerns the Alberta Petroleum Marketing Commission and the Purvin & Goertz study, which suggests that it in fact makes more sense to handle this within government, in part because of the tax liability issues, than through privatization. Certainly the Act is set up so that it allows, then, these functions to be delegated to the private sector. Again, we on this side of the House have always viewed privatization as being sensible when you can demonstrate that there are real cost savings to privatization, but privatization simply as part of an ideological agenda doesn't make much sense. It's an issue of: is it cost efficient? Can you demonstrate that it's cost efficient? If so, then it makes a lot of sense. So the issue with regards to the Alberta Petroleum Marketing Commission is: does it make good economic sense? Does it minimize our tax liability? Does it keep dollars within the province that might, because of tax considerations, flow out to other jurisdictions?

So with those comments, Mr. Speaker, I'll conclude.

THE ACTING SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. There's nothing that makes members of the opposition more nervous than a second reading of a Bill late in the afternoon that's documented and described as simply housekeeping or mere housekeeping or designed to fit in with other existing amendments that have already gone through the House. Those are the proverbial red flags of legislation.

This legislation, Mr. Speaker, takes some decent ideas, but it presents them without the research underpinnings. It presents

them without confirmation that the industry users have been widely consulted in this particular Bill, and it presents them on the basis that they are simply a "close your eyes and go along with it" type of legislation.

This is important in the province of Alberta, Mr. Speaker, because energy and resources are a large part of the Alberta economic environment. Any issue that is dealt with in this Legislative Assembly that is an issue involving energy and resource marketing and resource selling should be one that is given full and widespread debate and interest by all members of the House, not just a few valiant members of the opposition standing up and trying to protect the rights of all Albertans.

Now, my concerns with this particular Bill go beyond the concept of providing an opportunity for suppliers of natural gas and customers of natural gas to get together. That is the age-old supply and demand formula that governments from time to time have publicly endorsed and at other times have retreated from, Mr. Speaker. In this particular province we have retreated from the ability to privately buy gas and to privately market gas, and now in 1995 the minister wants to take us on a different journey. She wants to open up the markets, allow customers and suppliers to get together, make their own deals, use the existing infrastructure, and, as I presume it, complete their contracts on a one-to-one basis.

That may indeed be exactly what is appropriate in 1995, Madam Minister, but it is a departure from the norm. As a result, if it is a departure from the norm and a departure from something that has worked well in Alberta, it should require industry scrutiny and wide debate in this particular Legislative Assembly. The minister, however, indicates by nodding across the floor of the Legislative Assembly that it has had industry scrutiny. In that case, she would be gracious to document and file in this Legislative Assembly the details of the industry scrutiny and all of those reports, including those previously undisclosed reports on this issue, that she claims to have taken place. I suggest to her, Mr. Speaker, with respect, that when she really analyzes how much industry scrutiny there has been on this issue, she will find that, like many of the government initiatives, the industry involvement on all sides of the equation is sparse to somewhat nonexistent.

So I would ask the minister to discuss, in the details of further argument on this Bill, the necessity for the change now, what the advantages and disadvantages of the change are, what consultation has taken place with industry, and to provide those documents for those of us who have become less confident in assurances and more interested in the actual documentation.

4:30

I want to also point out to members of the Assembly and to remind the minister that the industry is getting mixed views about the role of the Alberta Petroleum Marketing Commission. I think I heard the minister today stand up and say that but for the technical legal loophole of not having to rewrite contracts, this commission was dead. I think she gave that as an explanation for her section of the legislation. If I didn't hear her right, she will want to correct that. I heard her to say that it would phase itself out once the contracts now in existence have been documented. If that is not correct, she should say so. If this commission, which she once referred to as, astoundingly, doing a better job than thought, is going to survive, then she should outline that and tell Albertans.

Once again in this particular legislation, Mr. Speaker, we see the government's main two attacks on the democratic process appearing. Attack number one is that government will now be done by delegated authority in the province of Alberta. I urge the

minister to say it ain't so. I urge the minister to retract that section of the legislation, unless she is in fact giving lip service to the Minister of Labour, who has indicated that he can do anything in the way of delegation indirectly that he could not do directly in the Bill which he sponsored, which would make the government one big delegating authority. We see this minister falling into the trap of delegating away essential watchdog government services, in this case the organization that controls the marketing of the government's share of resources in this province, and that should be of concern to Albertans.

Secondly, Mr. Speaker, we have another situation where the government proposes government by regulation: unscrutinized, unreviewed, uninspected, undebated regulation. I would like the minister to confirm in her closing remarks on this debate her promise to this Legislative Assembly that she will in fact ensure that all of the regulations passed pursuant to this new Bill are brought before this Legislature's committee which deals with regulations that are passed by the Legislative Assembly. That, I think, would go a long way to make Albertans feel more comfortable when the Minister of Energy is tinkering with one of their most precious resources, one of their economic engines: the energy industry of the province of Alberta.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The hon. Member for Edmonton-Strathcona.

MR. ZARIWNY: Thank you, Mr. Speaker. I'd like to start by asking that the minister confirm my understanding of the objectives of the legislation. As I understand, it's going to enhance the deregulation and the competition in natural gas markets by allowing the purchase of natural gas by core consumers directly from the seller, rather than the requirement to purchase through a natural gas distributor within a municipality.

Also, the legislation seems to confirm – and I'd ask the minister also to confirm this – that the Department of Energy is leaving open the ability to delegate the functions of the APMC to the private sector, as originally announced in February of 1994 in the department's business plan.

[The Deputy Speaker in the Chair]

My remarks are directed at four of the Acts that are going to be amended. They will be short, but I would like to be able to state them today. The Gas Resources Preservation Act, section 10(2), is amended by this Act and allows the Alberta Energy and Utilities Board to approve an application of a permittee or proposed assignee to amend a permit. This will allow them to show the proposed assignee as the permittee without the need to seek approval from the provincial cabinet on a case-to-case basis. I would ask that the minister confirm whether this will indeed streamline the process with respect to routine approvals of permit applications.

The other area that I want to take a look at is the Petroleum Marketing Act. As amended, I understand it will restrict the number of members of the Alberta Petroleum Marketing Commission appointed by cabinet to "not more than 3 members." Previously it was to consist of three members appointed by order in council. Can the minister confirm that she is going to, then, in this case still delegate her powers, duties, and functions to any person as a result of the addition of section 6.1?

Now, we in the party support the changes that are set out in Bill 26 with respect to allowing core market consumers the option to purchase gas directly from sellers, rather than the requirement to

purchase supply from a natural gas utility distributor. It seems to me that this is in accordance with natural gas deregulation, which I think started about 1986, '87, about that time. It will increase competition and ensure that all Albertans have the opportunity to participate in the direct-sales market for natural gas, with appropriate contractual security of gas supply.

I understand on March 13, 1995, the Department of Energy finally proclaimed subsections (1) and (3) of the Gas Utilities Act, which introduced gas utilities core marketing regulations and the municipal gas systems core market regulation. These regulations set out the requirements for direct gas sales to core market consumers in Alberta. I support the long-awaited move towards allowing smaller consumers the option of purchasing gas, again, directly from marketers and producers. Prior to deregulation, local distribution companies and gas utilities provided natural gas on an exclusive franchise basis throughout Alberta, and with these changes consumers, again, will have a greater choice and a price selection. Hopefully, increased competition and choice will lead to a lower gas cost for consumers.

Finally, I would like to say that consumers may be able to save on the purchase price if they buy directly from direct sellers, but the distribution component is likely to remain the same, with the distribution still being done by the utility company. I have a concern there, and I very much want the minister to address that.

With those few remarks, Mr. Speaker, I end my comments.

THE DEPUTY SPEAKER: The hon. Member for Pincher Creek-Macleod.

MR. COUTTS: Thank you, Mr. Speaker. With the comments of the members opposite and the indulgence of my colleague the minister in my absence moving the second reading of Bill 26, I must say I'm pleased that the members opposite have taken into consideration that the principles of this Bill are good ones, particularly from an administrative standpoint. I will review *Hansard* and answer their questions in Committee of the Whole, along with, I'm sure, some comments with direct indication to the minister.

With that, I call for the question.

[Motion carried; Bill 26 read a second time]

head: Government Bills and Orders
head: Third Reading

4:40 Bill 3
Managerial Exclusion Act

MR. DAY: Mr. Speaker, I move Bill 3 for third reading.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Meadowlark.

MS LEBOVICI: Thank you, Mr. Speaker. Bill 3, as the members are aware, is the Managerial Exclusion Act, with regards to certain members of the firefighters' bargaining units and looking at excluding those members from the bargaining units where they historically have been for many, many years.

The reason for this Bill, it's my understanding from what the government has said, is to ensure that the firefighters' union is aligned with the other unions within the province of Alberta. Yet when you look at the fact that the firefighters are indeed a very unique organizational unit, that the firefighters depend on

teamwork in terms of fighting fires, dealing with dangerous goods and hazardous materials, dealing with disaster services, and if we were to take the Minister of Labour's statement with regards to putting firefighters on the same footing as other employees, then the question of course is: why would firefighters not be allowed to strike? They are not allowed to do that. Therefore, there are exemptions that have been made with regards to the firefighter services within this province, and those exemptions were made based on the fact that firefighters were considered to be a unique organization and required unique types of legislation to deal with their particular circumstance.

Members have been, I understand, lobbied long and hard, ever since the introduction of this particular piece of legislation, by the two firefighter unions within this province and by the locals within those particular unions. I'm sure I have not been copied on all the correspondence, but from the correspondence that I have been copied on, there have been major questions raised by the firefighters that deal with the principle of consultation. Was there consultation that did in fact include all of the firefighter bargaining units, or was there consultation mostly with the fire chiefs and some members of AUMA? That's the first question that generally the firefighters address in dealing with this particular issue.

Other questions that the firefighters bring forward are with regards to whether the government's amendment that was passed is indeed a wise amendment. There have been questions as to what happens with regards to municipalities, such as the city of Edmonton, that have a certified union for ambulance workers. When you look at the definition of firefighters, in effect the ambulance and rescue services are also within the definition of firefighters, so there may be problems with regards to that.

There have been questions that have been put forward with regards to the fact that there is no definition within the legislation, because the Minister of Labour likes to say it's permissive legislation, that talks about what constitutes a manager, and it may allow the situation to be open to abuse whereby the municipalities involved may well attempt to exclude one-third to one-quarter of the firefighter members. Though it may come as a surprise to the members in this Legislative Assembly as to how that could in effect happen, for those of you with managerial experience you know that it's quite easy. All you need to do is change the job description of the individual, say that now the person is involved in negotiations or is involved in some situation that requires confidentiality or is involved in some form of management, whether it's hiring, firing, or what have you, and then put that forward as a reason for excluding a member from a union.

Now, the Minister of Labour has indicated that, well, it will go through a process of negotiations and then mediation and then eventually will get to the Labour Relations Board. The actual fact is that I've had a chance to look through the Labour Relations Code. There is nowhere within that code that I can see which says that process has to be followed. When the hon. minister is talking about negotiations, he's talking about a process that ends up in interest arbitration with firefighters if they can't come to a collective agreement, because they are not allowed to strike. So that's the only route they really have to come to an agreement with management, through an interest arbitration process.

The other process that will probably come into play is the collective interest arbitration, as opposed to the interest arbitration that comes about as a result of negotiating a piece of a collective agreement. Again for those individuals who have been in management or who recognize what the role of the Labour Relations Board is and what the different functions are between

the different kinds of arbitration that occur, with the collective agreement arbitration under division 22 of the Labour Relations Code, it's a matter, really, of the employer saying, "Okay; this is what the job description is," and handing it to the union, unless there happen to be some provisions within the collective agreement and job reclassifications. The union then says, "Well, yes," or "No, I don't agree." The employer then sends it off to arbitration, or the employer says, "Let's go to the Labour Relations Board." That's the extent of the negotiation that in effect needs to go on. In other words, there does not really need to be any.

So though the minister I know has the good intention that there would be a process that follows in order to exclude a member from the bargaining unit, in actual fact it is not within legislation and is something that really can be at the whim of the employer. Again, if we're looking at two or three or four members being excluded, perhaps the members within this Assembly say that that's not that much of an issue. But if you're looking at potentially 200 people out of a workforce of 1,000, such as in Calgary and in Edmonton, or if you're looking at Fort McMurray, for instance, where there are 100 members and 20 to 25 being excluded out of the bargaining unit, then you are looking at having the potentiality of the esprit de corps that's required within the firefighting services being substantially attacked through this piece of legislation.

Now, I know that the members in Calgary and probably southern Alberta as well have received a petition with regards to firefighters in Calgary, where it's my understanding that 91 percent of the firefighters have signed this particular petition requesting that the government of Alberta vote against or rescind Bill 3. In a letter that was sent, actually, to the member – the copy that I have is to the Member for Innisfail-Sylvan Lake, but my understanding is that probably most of the members within Calgary have received this letter as well. The gentleman who wrote this letter, a Mr. Weisenburger, outlines I think very succinctly what some of the problems are and what some of the responsibilities are of firefighters. They need to be able to engage in fire suppression and rescue, which also involves the prehospital care, motor vehicle rescue and extraction, dive rescue, and water safety. They need to have emergency response with regards to hazardous materials, containment and cleanup, disaster services. We've heard in question period this afternoon where in effect the government is cutting back on disaster services and has looked at the trucking industry becoming self-regulating. In the papers this morning when you look at what's happened in Ontario as a result of that self-regulation, with wheels of trucks just falling off willy-nilly almost and a number of accidents occurring, three in two weeks in actual fact, it is quite likely that we'll see the same kinds of things happening here in Alberta.

In effect when you talk to the truck division of Edmonton . . . [interjections] Before the members go "Oh", all you need to do is pick up the phone and talk to the truck divisions in Edmonton and in Calgary. Ask them how much they generate in terms of fines, and ask them the condition of the trucks that are going through those major municipalities, because in effect the government, the province, has not provided the services, the ticketing for motor vehicle violations. Just pick up the phone before you go "Oh", and you will see that in effect the requirement for firefighters within this province to deal with hazardous materials and disaster services is going to increase.

4:50

The fire prevention bureau: do any of you ever wonder who actually does the investigations when there's a fire? It's the

firefighters' department. It's the professionals within those departments. Emergency 911 centre dispatch: who gets to the scene? Firefighters, as well as the others. These are all indications in terms of the kinds of things that firefighters have to face on an almost daily basis and have to be prepared for. So 91 percent of the firefighters within this province – and actually the only reason it was 91 percent was because 92 percent of the membership was surveyed; I'm sure if it had been 100 percent, it would have been 99 percent of the membership – are supportive of saying that Bill 3 is not a Bill that is required, is not a Bill that needs to be put forward within this Legislative Assembly, and there needs to be more thinking with regards to the reason for Bill 3.

Now, with those comments, what I would like to do at this point in time is put forward an amendment to Bill 3. The amendment reads that Bill 3, the Managerial Exclusion Act, "be not now read a third time but that it be read a third time this day six months hence."

THE DEPUTY SPEAKER: We'll allow the amendment to move forward. However, it's not the detail of the amendment that we're waiting for, because this is a standard six-month hoist amendment, and once that's understood, members can then debate it if there needs to be any debate.

The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. The reason for this amendment is very simple: the firefighters have requested there be more time provided with regards to this particular Bill. I think if the government looks at some of the concerns that have been raised, what they will indeed find out is that these concerns are valid, and the government may wish to, of its own accord, rescind this particular piece of legislation. So I think this is an important amendment to Bill 3 in order to provide for the unanswered questions of firefighters throughout this province to be looked at and in order to provide for the government to take one step back and say, "Well, let's really see whether this is something that's required or not."

Now, to go back to my original comments with regards to the whole process that arose. I know the Minister of Labour has indicated on a number of occasions that in his mind the consultation has been sufficient, and in his mind the consultation included all the parties. As I know, the majority of members within this Legislative Assembly have received the faxes, and I'm sure that you've all read them and hopefully have understood what the issues were within those particular faxes. It would appear that when you look at the relating of the events with regards to the consultation that occurred, in actual fact the firefighters of both the Alberta Fire Fighters Association and the Edmonton firefighters association say no, this is not what has occurred, that no, there has not in fact been adequate consultation, and that they were lulled into a sense of security by a letter that had been written by the Premier of this province just one month prior to the election in 1993.

In that letter the Premier made it very clear that he would be supportive of firefighters, as he had always been, as he had been when he was the mayor of the city of Calgary, and that, as he had written in a letter to the then Minister of Labour, Ian Reid, at the time, he was fully supportive of firefighters and there would be no introduction of any legislation to change the composition of the union before there was adequate consultation. The letter went even further. It said that there would be full public consultation,

that there would be no changes to the legislation. Now, in fairness, the Minister of Labour did phone up the firefighters, the presidents of the respective firefighter unions, to let them know that Bill 3 was going to be introduced, but that was four days before the introduction of Bill 3. Again, when you look at it in terms of . . .

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

THE DEPUTY SPEAKER: The hon. Minister of Labour is rising on a point of order. Would you care to cite the citation?

Point of Order Relevance

MR. DAY: Yes. The citation is in *Beauchesne* under 659, which deals with second reading, and also moving further to that, in dealing with third reading, reference to the hoist, and moving into the 700s to 710, which deals with committee, and third reading stage, *Beauchesne* 730. It's very clear, Mr. Speaker, that the question of consultation has been dealt with extensively, untold pages of *Hansard* filled with the lists of consultation, and I will not violate House rules in third reading by walking through that litany of consultations that have happened for years, certainly for the two years since I've been the minister responsible. The member keeps referring to subjects which have nothing to do with the main principle of the Bill or in fact the amendment, which is that it should be hoisted.

I would ask her to confine herself to what she should be confining herself to, which is relevant discussion, and not regurgitating all of second reading, all the committee stage, and now trying to drag it into third. Would she please get on with the succinct, related arguments dealing with the hoist so that we can do the democratic thing and vote on this?

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Meadowlark on the point of order.

MS LEBOVICI: Definitely, Mr. Speaker. I have difficulty following the line of reasoning put forward by the Minister of Labour. Usually, I have no trouble following that line of reasoning. Whether I agree or not is a different issue. But in this particular instance the hoist is that the Bill not be read for six months. The reason for that particular amendment being put forward is that the process of consultation, which is an integral part of this particular Bill, did not occur. Therefore, the six months will be a time for the government to engage in that consultation they said they have done, but in actual fact, when you look at the meetings that have been listed by both the Alberta Fire Fighters Association and the Edmonton firefighters association, they have not been.

THE DEPUTY SPEAKER: Well, there are several points to be made, hon. members. First of all, the hon. member, if we understand, is amending the motion for third reading as opposed to amending the Bill itself. When you read *Beauchesne* 671, we're talking about a reasoned amendment like a hoist.

The amendment must not be concerned in detail with the provisions of the bill upon which it is moved nor anticipate amendments thereto.

That is one of the considerations. That's part of the discussion.

It seems to me that basically we're talking about an amendment to discuss this sometime in the future, which we all know will not be done if it is successful. There is a real question as to whether

or not the hon. member is sticking to the principle of the Bill or going through all of the details that the hon. member feels ought to be attendant on the Bill before it goes through or before it is passed. The Chair was experiencing some angst with regard to that. I wonder if the hon. Member for Edmonton-Meadowlark could proceed by just dealing with the hoist itself. I think the other part has been made clear.

5:00

MS LEBOVICI: Thank you, Mr. Speaker. As a former social worker, if you have any angst, I'd be more than pleased to help you out with that and help you engage in some therapy if required.

Debate Continued

MS LEBOVICI: The amendment is self-explanatory in terms of indicating that the Bill not be read until "six months hence." In actual fact, the reasons for that are – and I will not belabour the point in terms of the consultation or lack thereof – with regards to the many unanswered questions that the firefighters have, with regards to the fact that there may well be problems with the amendment that we have passed within this Assembly, that was put forward by the government, with regards to there being one union, with regards to the detrimental effects that this particular piece of legislation will have on fire suppression units throughout the province, with regards to a whole host of other issues in terms of the impact of Bill 3. Even when you look at the motion that was passed by AUMA, that motion also talked about making sure that there's consultation before this Bill gets passed.

Now, I know that the minister keeps referring to the past in terms of there having been a 20-year history with regards to this particular amendment, but in actual fact I think what we need to look at is where we are right now, what the impact of the Bill is, and what has been happening between the firefighter unions, the municipalities, as well as the fire chiefs as a result of the legislation being in the Legislative Assembly. In fact, what we have seen is that there has been a concerted effort by a number of locals to try and come to an understanding as to what this particular Bill is about.

What I would like to do is to indicate that this is an amendment that is not put forward lightly, that it is an amendment that I believe needs to be considered by each and every one of you, that in actual fact if this amendment is not passed, I believe you will all be receiving phone calls from firefighters within your jurisdictions asking for an explanation as to why something as sensible as a six-month hoist would be put down by this Assembly.

THE DEPUTY SPEAKER: Thank you, hon. member. The angst led me to neglect to mention the most important call, and that was that *Beauchesne* 731 I think addresses what the Chair was referring to.

In any event, we'll continue, then, with debate. The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much. We end here, Mr. Speaker, not quite where we started some weeks ago on second reading of this Bill in that in the interim the minister has come forward with what he has perceived to be the panacea, the political high ground upon which he will be able to argue that he has listened and he has cared and he has made amendments. So we come now to third reading of the Bill, and the debate before the Legislative Assembly on the floor now is whether third reading should be put off and read six months from now.

Now, the Speaker made an interesting comment in a previous point of order, and that is that he recognizes and knows that if the Bill is put off, it won't come back. In fact, in this particular case, since I understand that the fall session will run into the spring session, theoretically six months later this Bill could come back for third reading again. Who would be the loser if that occurred? Certainly not the government. The government wouldn't be the loser, Mr. Speaker. Certainly the Minister of Labour wouldn't be the loser. In fact, we're probably helping the minister seek and obtain re-election right now. The minister wouldn't be the loser. The Legislative Assembly wouldn't be the loser. The firefighters wouldn't be the loser, nor would the bargaining units or any of the public be the loser if we put off this heady decision for a six-month period of time.

You know, the hon. Member for Lethbridge-West was correct when he said that the amendment didn't make sense. He got up and spoke, and he said that the amendment that the minister put through didn't make sense, and I kind of agree with that. You cannot take rights away in this context from one group by failing to give them to another group. So now we have a situation here where the minister has attempted to put in a single bargaining unit. He hasn't thought that issue out very well. That amendment, I suggest to this Assembly, was put forward in a hurry-up, thrown-together way, is fraught with problems. The Bill we go forward with to third reading is modified from that which presented itself at first, second, and committee stages.

Now, Mr. Speaker, I got started talking about who would be the loser if we put this off for six months. The answer is nobody. The minister of transportation certainly wouldn't be the loser. The Minister of Family and Social Services wouldn't be the loser. It would give Albertans that are concerned with this issue an opportunity to talk to their MLAs, to have their MLAs listen. Earlier we had some debate about how MLAs can't get around their big ridings. We had it suggested that some ridings are so big, MLAs can't get around them. This will give them a chance to get around the ridings during the summer recess and talk to the firefighters and talk to labour groups in their area as to what they want to do with this particular Bill.

You know, when we started this debate, Mr. Speaker, there was no upset. There was no reason to turn the firefighting rules, the labour rules relating to firefighters in this province 180 degrees. There was no reason to do that. There was some suggestion that some communities required those changes for their effective bargaining position. No communities have come forward, certainly not to the degree that complaints have come forward about health care cuts or education cuts. Other communities have come forward and said: this legislation doesn't bother us one way or the other. So I say to the Members of this Legislative Assembly that if you really want to be perceived as a government that listens and cares, you'll adjourn this. You'll vote for this hoist that puts this Bill off for six months. You'll go back to your ridings during the recess, and you'll deal with the issue. You'll deal with the issue as to whether this legislation is necessary.

The firefighters have come forward and have made certain eloquent arguments that in the interest of safety, it's important in their minds that the rules stay the way they are. They may be right or they may be wrong on that, but how often have we seen, members, that sometimes perception and how you feel about something is just as important as how it really is? As far as I'm concerned, as a homeowner and as a man with businesses and as a man with family and concern about the safety of individuals in our society, I want firefighters in Alberta concentrating on the

life-saving job that they do. I don't want firefighters in Alberta fighting in the labour relations tribunals to determine who is or who isn't management, who is or who isn't part of the union, and if they're not part of the union, they can't even form any kind of other bargaining agent.

5:10

So I urge all members, Mr. Speaker, however they want to vote on this legislation, let's put it away, let's think about it, and let's vote on it six months from now. Thank you.

SOME HON. MEMBERS: Question.

THE DEPUTY SPEAKER: Question's been called. We have before the Assembly for consideration the amendment as moved by the hon. Member for Edmonton-Meadowlark. All those in support of the amendment, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

[Several members rose calling for a division. The division bell was rung at 5:12 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Hanson	Sapers
Beniuk	Havelock	Sekulic
Bruseker	Leibovici	Taylor, L.
Carlson	Massey	Van Binsbergen
Collingwood	Percy	Zariwny
Germain		

Against the motion:

Ady	Friedel	Pham
Black	Gordon	Renner
Brassard	Herard	Rostad
Cardinal	Hierath	Severtson
Clegg	Jacques	Smith
Coutts	Jonson	Stelmach
Day	Kowalski	Thurber
Doerksen	Laing	Trynchy
Dunford	Langevin	West
Evans	Magnus	Woloshyn
Forsyth	Oberg	Yankowsky

Totals:	For - 16	Against - 33
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[Motion on amendment lost]

THE DEPUTY SPEAKER: We are now obliged to go to third reading. The hon. Minister of Labour has moved third reading of Bill 3, Managerial Exclusion Act. Does the Assembly agree to the motion for third reading?

SOME HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

[Several members rose calling for a division. The division bell was rung at 5:24 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Ady	Friedel	Pham
Black	Gordon	Renner
Brassard	Herard	Severtson
Cardinal	Hierath	Smith
Clegg	Jacques	Stelmach
Coutts	Jonson	Taylor, L.
Day	Kowalski	Thurber

Doerksen
Dunford
Evans
Forsyth

Laing
Langevin
Magnus
Oberg

Trynchy
West
Woloshyn
Yankowsky

Against the motion:

Beniuk
Bruseker
Carlson
Collingwood
Germain

Havelock
Leibovici
Massey
Percy

Sapers
Sekulic
Van Binsbergen
Zariwny

Totals:

For – 33

Against – 13

[Motion carried; Bill 3 read a third time]

[The Assembly adjourned at 5:36 p.m.]

