

## Legislative Assembly of Alberta

**Title:** Monday, March 11, 1996 1:30 p.m.  
**Date:** 96/03/11  
 [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 privileges 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.

### Commonwealth Day

THE SPEAKER: Hon. members, today, March 11, 1996, is Commonwealth Day and is commemorated by parliamentarians throughout the Commonwealth. The Commonwealth has a special importance to us because it consists of a group of nations which share our own tradition of parliamentary self-government. It is worthy of our deepest commitment and our strongest support. Commonwealth Day gives us the opportunity of pledging ourselves to rid the world of poverty, ignorance, and injustice and to do our best for the promotion of world peace and prosperity.

The Alberta branch of the Commonwealth Parliamentary Association is comprised of all Members of the Legislative Assembly, and the association has enriched the sharing of parliamentary ideas with other colleagues.

In commemoration of Commonwealth Day 1996 members will find a copy of Her Majesty's message on their desks.

Thank you.

head: **Notices of Motions**

MR. DOERKSEN: Mr. Speaker, I just want to give you advance notice that I will be proposing a Standing Order 40 motion at the end of question period to congratulate the Red Deer College Kings volleyball team on their national championship.

head: **Tabling Returns and Reports**

MR. KLEIN: Mr. Speaker, it gives me a great deal of pleasure to table a letter of congratulations to Ms Jann Arden. Ms Arden was the winner of the Juno Award for the best video, entitled *Good Mother*. She is with a company in Calgary called Musicworks Inc., and it gives me a great deal of pleasure to pass on this letter of congratulations and to table four copies in the Legislature.

Thank you.

THE SPEAKER: The hon. Minister of Community Development.

MR. MAR: Thank you, Mr. Speaker. I have a number of letters that I wish to table to a number of members of Team Alberta North, who competed at the Arctic Winter Games, which concluded in Anchorage, Alaska, this past weekend. Team Alberta North did very well, taking home a number of gold and silver medals, and accordingly I would congratulate them through these letters.

MR. PASZKOWSKI: Mr. Speaker, it's my pleasure today to table with the Legislative Assembly five copies of motions for returns 228, 229, and 230.

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

MR. ADY: Thank you, Mr. Speaker. I'm pleased to table five copies of the Alberta Advanced Education and Career Development business plan for the years 1996 to '99, the annual report for Medicine Hat College for the year 1994-95, the annual report for the Southern Alberta Institute of Technology for the year 1995, and the Grant MacEwan Community College annual report for the year 1994-95.

MR. DINNING: Mr. Speaker, I'm filing with the Assembly today the second and third quarter investment reports of the Alberta heritage savings trust fund, as well as copies of documents relating to the province's sale of its securities in Vencap Equities to Onex Corporation.

THE SPEAKER: The hon. Minister of Transportation and Utilities.

DR. WEST: Yes, Mr. Speaker. I'd like to file six copies of answers to questions 158 and 163 as well as Motion 171.

THE SPEAKER: The hon. Minister of Justice and Attorney General.

MR. EVANS: Thank you, Mr. Speaker. I'd like to file six copies of answers to Motion for a Return 276.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'd like to table a copy of a news release from the Alberta Motion Picture Development Corporation dated March 8, 1996, which announces, unfortunately, that the offices of AMPDC will close and cease operations effective March 29, 1996.

MR. MITCHELL: Mr. Speaker, I table four copies of a letter that I have sent to the Premier detailing our concerns with the new budgetary review process that has been implemented arbitrarily and unilaterally by the government and asking that the Premier agree with me that our two House leaders should get together before the end of the spring session and work out a more satisfactory process which ensures full accountability in the budgetary review process.

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I'd like to table four copies of a letter addressed to the Hon. Sheila Copps, Deputy Prime Minister and Minister of Canadian Heritage, conveying the grave concerns of Albertans at the recent increases in AGT telephone rates of up to 43 percent and also, of equal importance, the increased cost to business anywhere from a \$2 increase to \$9.

Thank you.

head: **Introduction of Guests**

THE SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker. Today I'd like to introduce to you and through you to the Members of the Legislative Assembly Tracy Gardner, the Premier's 4-H award winner for 1995. Tracy is from Olds and is presently attending Red Deer College. During her six-year involvement in 4-H she has received numerous awards at the club, district, regional, and provincial levels.

The Premier's award is Alberta's highest 4-H honour. It is given annually to a 4-H member in recognition of outstanding achievement, excellent communication and leadership skills, and their contribution to the community. Tracy will serve as the ambassador for the 4-H program for a year. Tracy today is accompanied by her parents, Roy and Tami, and her brothers, Brody and Tyson. Tracy and her family are seated in the members' gallery, and I would ask them to rise and receive the warm recognition of this House.

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

MR. LANGEVIN: Thank you, Mr. Speaker. It is my pleasure today to introduce to you and to all of the members of the Assembly a long acquaintance of mine, Mrs. Lise Godin from St. Paul. Mrs. Godin has been a teacher in our community for many years. She is accompanied today by her daughter, Natasha Godin. The young lady is in grade 6 this year. Madame et mademoiselle, bienvenue à la Chambre. I would like to ask the Assembly to give them the traditional welcome.

Thank you.

head: **Oral Question Period**  
**Electoral Boundaries**

MR. MITCHELL: Mr. Speaker, in 1993 the Premier and his government asked the highest court in the province to review our electoral boundaries. The court ruled that the current electoral boundaries "cannot be permitted to continue if Alberta wishes to call itself a democracy." Now the Premier is about to throw out the work of the independent boundaries commission and keep the old boundaries. Even the *Edmonton Sun* acknowledges that if he does that, that would be gerrymandering. To the Premier: what makes the Premier think that he and his party are above the law?

1:40

MR. KLEIN: As the leader of the Liberal opposition knows, the commission has submitted an interim report making certain recommendations. I can tell you, Mr. Speaker, that they're as mad as you know what and aren't going to take it anymore in the area of Taber-Warner in particular and in the areas of Chinook and Bow Valley, to name other constituencies. So there are definitely some deficiencies, and I was alluding to those deficiencies. Unless they are resolved, I think there's going to be a push to have the boundaries remain as they are.

There is an opportunity, Mr. Speaker, as the commission carries out phase 2, for the people in those constituencies to voice their concerns and hopefully correct any deficiencies. If this member doesn't think there's a problem, you go down to Taber and Warner and Milk River and tell people that everything's perfect. I dare you.

MR. MITCHELL: Why is the Premier saying – and he said it this weekend – that he thinks he could go around and justify the existing boundaries when the highest court in this province said, "We reject any suggestion that the present divisions may rest until after the 2001 census"?

MR. KLEIN: Mr. Speaker, the court also alluded to having to through a review justify the boundaries, and as they go into phase 2, that may very well happen. I don't think it will. I don't think it will happen because certainly the boundaries commission has identified some areas of deficiency and some areas where the 25 percent variance hasn't been met, but at the same time they have also recommended some boundary adjustments that are simply not acceptable to the people involved.

MR. MITCHELL: Mr. Speaker, why is the Premier beginning to interfere politically in a process which until this point has been clearly arm's length and clearly independent of political interference?

MR. KLEIN: Darn, Mr. Speaker. I just can't find the newspaper article in which the Member for St. Albert, I believe it was, was out in the country, I think in the constituency of the hon. Minister of Health, and was saying that we as a Conservative Party aren't out there protecting – protecting – the rural boundaries. The member, Mr Bracko.

**Premier's Position on Liberal Bills**

MR. MITCHELL: Mr. Speaker, the Premier's new theme song has got to be *Blowin' in the Wind*. He comes from that Bob Dylan era. We know that. At the recent Conservative Party convention the Premier promised delegates a health Bill of rights and a reduction in the number of MLAs in this Assembly. But Albertans are entitled to look at what the Premier says in one place and how he votes in this place to see if they somehow match up. First question to the Premier: why would he tell Albertans that he supports a health Bill of rights when his government unanimously voted against the Liberal health Bill of rights just two weeks ago?

MR. KLEIN: I'm quite sure that our caucus was convinced that he didn't have the support of his caucus because only half of them were here when that was debated.

Mr. Speaker, this is a matter that we're going to put out for discussion. Hopefully that discussion will bring together some results at the Conservative policy conference in September in Red Deer. It is not a fait accompli right now; it is simply something we would like to discuss with people in our party and with Albertans generally.

MR. MITCHELL: Why would the Premier tell Albertans that he supports reducing the number of MLAs in this Legislative Assembly when his government voted unanimously just last year, Mr. Speaker, against the Liberal Bill reducing the number of MLAs in this Assembly from 83 to 65?

MR. KLEIN: We feel as a party that we have enough work to do in terms of doing the examination of the 83 boundaries as they now stand. When I talked about this review as to whether we can reduce the number of constituencies overall, I was talking about after the next election. I said quite clearly . . . [interjections] Mr. Speaker, they should have been at the convention. They wouldn't have been lonely, that's for sure. Nineteen hundred people heard me say it. Nineteen hundred people heard me say there would be no changes for this coming election, which could be sooner than later. [interjections] That's got them going.

I said that it's something we might look at and might consider after that election. I also said that if there is going to be a

reduction, it must be done in such a way so as to attain effective representation for both rural and urban areas.

MR. MITCHELL: Nineteen hundred people heard him say it; 2 and a half million people saw him vote against it.

Mr. Speaker, just so that all Albertans can get to understand the Premier's hidden messages, can we now assume that when the Premier votes no, he really means yes?

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

#### **Hotel de Health Inc.**

MR. SAPERS: Thank you, Mr. Speaker. The East Central health region has begun to negotiate with Hotel de Health to run private hospitals in Galahad and Islay. Now, these hospitals will offer surgery for cash and will generate private profits at the expense of the public health care system. Local residents will not be able to access the services that rich Americans will be able to buy. Has the Minister of Health personally read and reviewed the Hotel de Health proposals that would privatize the Galahad and Islay hospitals?

MRS. McCLELLAN: I haven't personally read a proposal because one hasn't been brought forward. However, Mr. Speaker, I can tell you that the information that I have received on that is quite different than what the hon. member is quoting. The East Central regional health authority is reviewing how they will deliver services in that region. They are looking at long-term care in that region for their residents, and they've had a number of proposals from private operators dealing with that. If the hon. member cares about the communities of Galahad and Islay, he will allow the process that has been set out by the regional health authority to continue before he raises issues in this House or anywhere else.

Mr. Speaker, there will be community meetings held this week, and at those meetings the communities will have the opportunity to review any proposals that are brought forward. I think that community discussion has to occur, and personally, as Minister of Health I am going to respect the community's opportunity to review those proposals. I can assure the hon. member that when a proposal does come forward for the operation of those facilities, this minister and the minister of public works will be fully involved in that proposal.

1:50

MR. SAPERS: If the minister is so concerned about respecting the process and local decision-making, Mr. Speaker, then why is it that the proposals from Hotel de Health went first to the standing policy committee, the all-Tory, all-government standing policy committee, instead of to the regional health authority?

MRS. McCLELLAN: Mr. Speaker, you may have seen me glance at the chairman of the standing policy committee, because to the best of my knowledge those proposals or any proposals from that group have not been before the standing policy committee. I don't know whether you will allow the chair to respond, but it's certainly another possible rumour.

THE SPEAKER: The hon. Member for Bow Valley.

DR. OBERG: Thank you very much, Mr. Speaker. There have been no proposals scheduled. There has been no request received

from Hotel de Health to appear at our committee.

MR. SAPERS: Then on that basis, if those proposals have not been reviewed by the minister, if those proposals have not been reviewed by the chairman of the standing policy committee . . . [interjection] Mr. Speaker, is there a process for an emergency adjournment, because the Treasurer is having some sort of a seizure, and perhaps he needs some air or some water.

If it's the case, then, that nobody in cabinet has reviewed those proposals, Mr. Speaker, how does the minister know that these proposals will guarantee long-term care and will not lead to two-tiered health care and will not deny local residents access to acute care services?

MRS. McCLELLAN: Mr. Speaker, I can tell you from listening to the hon. member that I know a lot more about all of those things than he does.

Mr. Speaker, I can assure the hon. member that the regional health authorities in this province have the responsibility for delivering services. I can also assure the hon. member that the regional health authorities fully understand the process that they must go through in utilization of their facilities. I have spoken with the regional health authorities on this issue. I have told them that after their community meetings, if they come with a proposal, I and the minister of public works, responsible for the facilities, will sit down with them to discuss any arrangements they might wish to make. Until that time, why doesn't the hon. member want the citizens of Galahad and Islay to have health services? I simply don't understand that.

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

#### **Flood Preparedness**

MR. COUTTS: Thank you very much, Mr. Speaker. This year we have a near record snowpack in the mountains in southwest Alberta. We have a higher than usual level of water in the St. Mary and the Oldman River dam reservoirs, plus we have major ice buildup on small creeks and rivers downstream from those respective dams. As early as yesterday and this morning - not last week but as early as yesterday and this morning - my constituents were being advised of ice jams, rising waters, and the potential of another flood. My question is to the Minister of Environmental Protection. What is the degree of the flooding in southern Alberta, and how does your department handle the potential for ice-jam flooding?

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. It is true that we did issue a watch yesterday in order that people would be on the lookout for the possibility of some flooding. So far there hasn't been much flooding, although during the course of the winter, because of the fluctuations in temperatures, we did have some flooding a time back, so of course that did create a large volume of ice. We are concerned that if the weather stays warm and the streams below the dams do flood, then in fact there could be the danger of some ice jams on the Oldman and St. Mary rivers. Now, we're going to monitor those very closely. If in fact there are jams, we are in a position to even blast them if necessary in order to prevent extensive flooding.

The reason for the watch, Mr. Speaker: these water levels can rise very rapidly if ice starts to jam up, so it's important that people be on the lookout.

THE SPEAKER: Supplemental question.

MR. COUTTS: Thank you, Mr. Speaker. To the same minister: how do the operators of those dams in southern Alberta handle this increased potential for flooding or for ice jams downstream of the structures?

MR. LUND: Well, Mr. Speaker, when it's onstream storage of water, the dams do actually allow us to control and help alleviate the possibility of flooding. The streams above the dams – of course, if in fact it looks like there's going to be a danger of the water level rising too rapidly in the major rivers, the dams can close the amount of water that is going through them, thereby reducing the overall flow. Now, of course, as you move away from the dams and get out farther, we don't have any control of the water that's flowing into the main watercourses there. But the streams above the dams: we are catching a lot of that flow and storing it in the dam, therefore lowering the volume of water that's going down the river. Thereby, hopefully, we won't get in a jam.

THE SPEAKER: Final supplemental.

MR. COUTTS: Thank you, Mr. Speaker. My second supplemental is to the Minister of Transportation and Utilities, responsible for disaster services. What kinds of precautions are being taken by your department to help my constituents and southern Albertans to protect themselves and their properties from possible flood damage?

DR. WEST: Well, Mr. Speaker, I've notified the department and put them on full alert for this spring so that they can follow through if needed in a process to aid people if a disaster does become imminent. Hopefully they're not needed at all. We are going to work with the other departments involved, Environmental Protection, to ensure a co-ordination of timing if indeed there is a serious threat of flooding like there was last June.

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

### **Emergency Hospital Services**

MR. DICKSON: Thanks, Mr. Speaker. I think we've got a theme going this afternoon.

The gas scare at Lester Pearson high school in Calgary last week demonstrated the importance of an up-to-date disaster plan. Unfortunately, the city of Calgary disaster response plan contemplates five hospital emergency wards, but the Holy Cross emergency has been closed and the other emergency in downtown Calgary is on life support. My question is to the Minister of Health. Will the minister detail the problems for disaster response posed by not having a single emergency ward in downtown Calgary?

MRS. McCLELLAN: Mr. Speaker, that's quite a hypothetical question because currently there is a full-fledged emergency in downtown Calgary, and the member full well knows that other emergencies have been enlarged and expanded to allow for the closure of the Holy Cross. I think the Holy Cross is close enough to his own constituency that he should know a little bit about it. I would be happy to send him the statistics on the numbers of visits to that emergency over the time that it was in operation.

2:00

Now, Mr. Speaker, I'd ask the hon. member to think about something. Would you like to have an emergency that's not fully staffed because it's not being used very much, or do you want to have emergencies that are fully staffed and that are prepared to deal with emergencies and in fact disasters? In fact, I've had some discussions with the emergency doctors in the province. We are reviewing all of the emergency services and in fact are going to be sitting down with the two major cities to talk about disaster plans in view of the changes in regionalization.

He knows full well that the Holy Cross emergency was used very little. In fact, it was down to very few hours before it was closed. I think he also knows – he is an MLA for Calgary; he should know if he doesn't know – that the emergency at the Foothills has been expanded, that the emergency at the Lougheed is being expanded, and he also knows that the emergency at the General is operating fully today.

MR. DICKSON: What I do know is that 46 percent of all of the ambulance trips in the city of Calgary were to either the Holy Cross or the General hospital emergency ward.

Will the hon. minister agree, Mr. Speaker, that an up-to-date disaster plan must be in place before the Holy Cross hospital closes permanently and before 26,000 Rotarians arrive in the city of Calgary this summer?

MRS. McCLELLAN: No, Mr. Speaker, I won't agree to the first condition, that it's before the Holy Cross hospital closes, because the Holy Cross hospital is closing about the end of this month. All of the services that it has been providing are being provided elsewhere. I will agree with him that an up-to-date disaster plan is necessary, and that is why I took the initiative long before this member raised it in this House to discuss this with the emergency physicians and to ensure that disaster plans are updated to go along with regionalization. That's what's reasonable.

Mr. Speaker, the hon. member should at some point get this clear: it is not the building that is important in the quality of the services; it is the program and the people. Emergency distances have been carefully measured in the city of Calgary against any other major city in North America, and they will stand up extremely well.

MR. DICKSON: Well, that'll be interesting since we'll be the only city in North America without a 24-hour emergency service.

Mr. Speaker, a specific question to the minister: what impact does the current shortage of beds in the city of Calgary have on the disaster plan for that city?

MRS. McCLELLAN: Mr. Speaker, I think I heard the member make a statement he might want to correct, that Calgary would be the only city without an emergency department. I'm sure he was talking about downtown, and again he's being hypothetical and predetermining the Calgary regional health authority. To the best of my knowledge the Calgary regional health authority has not made a decision as to a downtown site for community health centres or in view of emergencies. Again, we are reviewing with the regions and with the cities the disaster plans and updating them. I would remind the hon. member that in fact there still are beds there. They may not be open currently. What is important in that case is that you can open them if they're needed and that you can staff them if they're needed, and that is part of a good plan.

I can assure you that there are disaster plans in both cities, and I can assure the hon. member that the regional health authorities will be reviewing those with the cities to ensure that they are properly equipped for any disaster that might unfortunately happen.

THE SPEAKER: The hon. minister responsible for disaster services wishes to augment.

DR. WEST: Supplemental information from listening to the questions. In the Department of Transportation and Utilities we have the disaster assistance program and emergency preparedness programs with the municipalities. The track record in this province of preparedness by municipalities for disaster is North America known. When the tornado hit Edmonton, the program that went into effect in one of the worst disasters this city has ever seen was one of the most efficient emergency plans that they'd seen from areas in the United States that have tornadoes. When the Hinton train crash took place, that hospital in Hinton was immediately flooded with 90 people, and they performed remarkably. This individual is trying to insinuate through this question period that in the province of Alberta our cities are not prepared for disaster services, and they are.

THE SPEAKER: The hon. Member for Lethbridge-West.

MR. DUNFORD: And how, Mr. Speaker, was your weekend? [interjections] Yee haw!

#### Job Creation

MR. DUNFORD: Today, Mr. Speaker, I would like to question the government on a number that they are continuing to use, and that is this number of 103,000 jobs being created. Now, in the 25 years that I've spent in labour relations, I've negotiated a contract or two, and I know what it's like to put some numbers together for media and for parties. So I want to know today: are there any actual full-time jobs in that 103,000?

MR. ADY: Mr. Speaker, according to Statistics Canada, in the time period between December of 1992 and December of 1995, yes, in fact, in Alberta there were 103,000 jobs created in this province, which is an 8.1 percent increase. Just to put it in perspective, the next closest province to the 8.1 was British Columbia, our neighbour to the west, who had an increase of 7 percent over that same period of time. One more statistic: in Canada nationwide the growth was 5.2 percent; the lowest in Canada was Saskatchewan at 2.3 percent.

Specific to the member's question, of the 103,000 jobs created, there were 65,000 jobs, or 63 percent, that were full-time and 37 percent, or 38,000, that were part-time. Mr. Speaker, even as we speak, last month full-time jobs continued to outnumber part-time jobs in this province. In February there was an increase of 11,000 full-time jobs in this province and a reduction of 5,000 part-time jobs. So the trend is to full-time jobs.

MR. DUNFORD: Mr. Speaker, hearing the minister use the term seasonally adjusted, I get nervous. We could eliminate winter that way in Canada. Seasonally adjusted unemployment numbers in Alberta increasing: does that mean that we have stalled in our employment growth?

MR. ADY: Mr. Speaker, sometimes it is difficult to understand

exactly how Statistics Canada use their surveys and come up with their numbers, but to give a little light on how we measure the strength of the labour market, first of all let me say that a sudden, large increase in the labour force, which we saw last month, means that there's an increase in the number of people looking for work. You may get an increase in the unemployment number because of the increased labour force.

Secondly, the participation rate of the labour force, which basically means the rate of people who can work, who are actually working, is due to the high work ethic that we have in Alberta. The labour force participation rate has always been the highest in Alberta of any province in Canada. So, Mr. Speaker, the unemployment ratio, which is the actual number of people over age 17 working: we have 65.5 percent of that group working, again the highest statistic in Canada. In other words, out of a thousand people that are of working age, 655 of them are working in this province.

MR. DUNFORD: Very impressive, Mr. Speaker.

Have men and women both benefited equally from these numbers?

2:10

MR. ADY: Mr. Speaker, this is a question that's often come from the member across the way, relating to the ratio of women working, but I think that in recent years Statistics Canada has begun to measure very closely to obtain that ratio. [interjection] Between December of 1992 – listen carefully, hon. member – and December 1995 male employment went up by 55,000, or 7.9 percent, while female employment grew by 48,000, or 8.4 percent. [interjection] Eight point four percent growth. If she would just quit talking and listen.

Over the last 12 months women have been more successful than men in getting full-time jobs. In February 1996 female full-time employment increased by 20,000 from a year ago while male employment increased by only 10,000. Additionally – this is a really interesting statistic – statistics from a labour force survey show that in well paying jobs that had been surveyed, such as managerial and other professional, women accounted for over 52 percent of the total employed in those occupations surveyed. I'd say that it's safe to conclude that employment growth is gender neutral in this province.

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

#### Treasury Branches

DR. PERCY: Thank you, Mr. Speaker. The management of Alberta Treasury Branches is notorious for having two sets of rules when it comes to loans in trouble. The Alberta Treasury Branches has bent over backwards to ensure that Norm Green had a soft landing. It went so far as to provide additional loans so that he could keep up the payments on the outstanding balance. Now Larry Ryckman appears to be in for the same soft landing. Yet I have constituents who have lost everything, including their homes, because the Alberta Treasury Branches has held them justifiably accountable for personal guarantees that they have offered. My question is to the Provincial Treasurer. Does the Treasurer stand behind the deal that the Alberta Treasury Branches has struck with Ryckman Financial Corporation not to hold Mr. Ryckman to account for personal guarantees and property used as collateral for the 8 and a half million dollars owed the bank?

MR. DINNING: Mr. Speaker, last week the court appointed a receiver in regards to this matter. The receiver is now doing his work, and I would expect that the receiver would be allowed to continue to do his work under the direction of the court.

DR. PERCY: Is the Provincial Treasurer aware that negotiations are under way between Ryckman Financial Corporation and the Treasury Branches to set aside part of the personal assets of Mr. Ryckman?

MR. DINNING: Mr. Speaker, the court has appointed a receiver, Coopers & Lybrand. It has also appointed a trustee in bankruptcy, which is Price Waterhouse. Those two entities have an obligation, not just to Treasury Branches but more importantly to Her Majesty's court, to go after and maximize the amount of assets that they would get and the income that they would get to pay down the obligations of the company that we're talking about here.

DR. PERCY: Mr. Speaker, the Treasurer forgets that the receivers work for Alberta Treasury Branches, at their direction.

Can the Treasurer tell us what has been recovered from the liquidation of Stewart, Green Properties and whether the \$54 million that was loaned to the Dallas Stars has been recovered?

MR. DINNING: Mr. Speaker, perhaps the Attorney General would like to supplement my comment, but in fact the Member for Edmonton-Whitemud is wrong. The court has appointed a receiver and a trustee in bankruptcy. Effectively, the court is providing the direction to the activities of both of these entities, and the trustee in bankruptcy and the receiver have an obligation to the court to ensure that they go after the maximum number of assets to pay down the obligations that we're talking about here.

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

### Multiculturalism

MR. SHARIFF: Thank you, Mr. Speaker. Calgary-McCall is a diverse community that is often referred to as the United Nations of Alberta. My constituents understand the need for acceptance and fairness and the need for protection from discrimination. There is an apprehension in my constituency about the changes taking place in multiculturalism. My question is directed to the Minister of Community Development. Can the minister clarify the changes in policy in multiculturalism?

THE SPEAKER: The hon. Minister of Community Development.

MR. MAR: Well, Mr. Speaker, thank you. Thank you very much. This government is committed to the principles of multiculturalism and to the broader principles of acceptance, tolerance, fairness, equality, fair treatment of people, and protection from discrimination. Those principles help to preserve and enhance the diversity of Alberta's population, which we recognize to be part of the Alberta advantage both in government and in business. This government is committed to those principles. Those principles of tolerance and acceptance and understanding are the same principles that guide the Human Rights Commission, and both of the agencies, the Multiculturalism Commission and the Human Rights Commission, when combined will provide a one-window access to services that are important to the preservation of those principles.

MR. SHARIFF: Mr. Speaker, my supplementary question is again to the same minister. How will the 50 percent reduction in multiculturalism funding impact the existing programs delivered by the Multiculturalism Commission?

MR. MAR: Mr. Speaker, multicultural initiatives will continue exactly as they are now with the Multiculturalism Commission until such time as it's amalgamated with the Human Rights Commission. Many of the programs offered by the Multiculturalism Commission will continue into the 1996-97 year. Once the Multiculturalism Commission and the Human Rights Commission have been amalgamated, there will be a consolidated fund used for education under the new human rights and citizenship Act. Those objectives in new legislation will meet the principles of the current Multiculturalism Act by eliminating discrimination and racism and ensuring that all Albertans can participate fully in the life of the province of Alberta.

MR. SHARIFF: Mr. Speaker, my final supplemental is again to the same minister. What assurances can the minister give to the people of Alberta that these consolidated funds for citizenship, human rights, and multiculturalism will be earmarked and utilized for multicultural education?

MR. MAR: Mr. Speaker, the government is committed to dedicating funds towards education objectives. We view education as the most powerful tool that we have in creating a society that encourages diversity, and accordingly education will be a major emphasis of the new commission. Until such time as new legislation is introduced to amalgamate the commissions, I'll certainly be seeking input from groups and from individuals who work in that area and taking some feedback on how and where those education dollars should be channeled.

THE SPEAKER: The hon. Member for Calgary-West. [interjections]

### Treasury Branches

(continued)

MR. DALLA-LONGA: I notice that he's not here again today.

Mr. Speaker, on Friday, March 1, the acting deputy superintendent of the Alberta Treasury Branch announced that five senior executives with over 150 years of total combined experience were retiring. This hasty departure brings to seven the total number of senior management that have left suddenly and serves to highlight the serious problems that exist at the Treasury Branch. Further, we've known for some time that one of these retiring executives has hired a lawyer in an action against the Treasury Branch. My first question is to the Provincial Treasurer. How do you explain this sudden rash of departures in light of your recent comments that all is well at the Treasury Branch?

MR. DINNING: Mr. Speaker, the hon. member himself has said that there are some 150 years of service amongst the five individuals retiring, and I think I would welcome the hon. member's recognition and applause and support for 150 years of dedicated service.

MR. DALLA-LONGA: Given that in addition to the five departing executives we understand that the file of another senior manager has been turned over to the police for further investigation, what assurances can the Treasurer give that the Treasury

Branch has proper controls and checks over the lending practices and management of the bank?

2:20

MR. DINNING: Well, Mr. Speaker, I would advise the hon. member that I have spoken with the superintendent. I have also spoken with the Auditor General. As the hon. member knows, being a member of the chartered accounting profession, there are auditors in the Treasury Branches on a regular basis to ensure that there is compliance in those policies and that the policies that are intact are quite properly being followed. If the hon. member has suggestions or evidence to the contrary, I would welcome him providing that information to me.

MR. DALLA-LONGA: In one of those frequent discussions with the Auditor General would the Treasurer, then, immediately instruct the Auditor General to conduct a special examination of the Treasury Branch's lending practices and internal controls so that by the time the new board of directors is in place, they will know what the problems are and they will be able to take action immediately?

MR. DINNING: Well, Mr. Speaker, when the member was out of the country on his vacation, his leader made that exact same suggestion, and his leader was advised that this matter is being reviewed as part of the Auditor General's regular review and that if he feels it's necessary to raise it specifically in his annual report, he would do so.

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

#### **Lakeland Provincial Park and Recreation Area**

MR. LANGEVIN: Thank you, Mr. Speaker. The Lakeland park in my constituency is the newest and one of the most beautiful parks in this province. Lately I have heard some concerns expressed by certain Albertans about the future of the park. My question today is to the Minister of Environmental Protection. Are there plans at this time to allow logging in Lakeland provincial park?

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. We do not allow logging in a provincial park. That's not to say that we don't cut some trees in a provincial park. We do on occasion for public safety, for insect or disease control, and on occasion have done it for wildlife habitat enhancement. But the general policy is: no logging as we know it. Anytime there are any trees cut, it's done under a very strict regime.

THE SPEAKER: Supplemental question.

MR. LANGEVIN: Yes, Mr. Speaker. Again to the same minister: would the two areas – namely the Lakeland provincial park and, next to it, the Lakeland recreation area – be treated in the same manner and with the same set of regulations?

MR. LUND: Mr. Speaker, it's not likely that the recreation area will be treated exactly the same as the park area. There is a planning process going on currently that is looking at developing a management plan for both the provincial park and the recreation area, but I can assure the hon. member that the moratorium on

logging that is currently in place – it was put there in 1993 – does apply to both the recreation area and the park.

THE SPEAKER: Final supplemental.

MR. LANGEVIN: Yes. My last question, again to the same minister: how can my constituents and other Albertans get involved in this planning process?

MR. LUND: Mr. Speaker, there's an advisory committee currently working in the community, and they will be coming forward with some recommendations to the interdepartmental committee that will put forward a management plan. It's the objective, then, that this would go back out to the public. I can assure the hon. member that we will have at least three public meetings, those being in Edmonton, Lac La Biche, and Glendon. We'll see at that point whether it's necessary to have more. After all the information is gathered, then a plan will be put forward, it will then be presented to me, and we will take it forward.

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

#### **Motion Picture Industry**

MR. ZWOZDESKY: Thank you, Mr. Speaker. For weeks now those of us who truly understand and support the film and television industry in this province have warned the government and tried to educate the government about the economic losses to Alberta if the Alberta Motion Picture Development Corporation closes down before a suitable replacement is established. Unfortunately, the government has ignored these warnings, and suddenly the AMPDC had no choice but to announce its office closure effective March 29, 1996. To the minister of economic development: will he explain what happened to cause this abrupt closure when just two weeks ago in this House he said there will be a 14-month transition period?

THE SPEAKER: The hon. Minister of Economic Development and Tourism.

MR. SMITH: Thank you, Mr. Speaker. In fact, this is not abrupt. In the original start of the legislation it was noted that this legislation was deemed to be sunset in 1989. It was further carried on and then deemed to be sunset in 1994-95, and we came forward with the decision in fiscal '96-97. That information has been widely discussed in the media. The board which makes the decision returned to the minister and made their decision as to the final disposition of these funds. That disposition is that two Alberta dramatic series, *North of 60* and *Jake and the Kid*, will be funded for one more year. In fact, I'm prepared to table the news release that talks about how the board is working with the department towards an orderly and sound transition. I know that we can effect that, and I look forward to further discussion from members of the industry.

MR. ZWOZDESKY: Mr. Speaker, I think Albertans want to know, and I'll pose the question on their behalf: why did the minister not wait for an alternative body to be properly established before precipitating the demise of AMPDC?

MR. SMITH: Well, sometimes you have to make an effort, make something happen before another event in fact occurs. Now, Mr. Speaker, it was very clear at the outset that we wanted to work in

transition with the private sector. We intend to do that. But you don't get a balanced budget by not taking some spending away from the marketplace.

MR. ZWOZDESKY: Mr. Speaker, all other major provinces have an organization like AMPDC to stimulate and create new projects, and I wonder if the minister would tell this House how he expects Alberta to encourage new film and television projects and the hundreds of jobs that come with those projects without an organization like AMPDC in place.

MR. SMITH: We were the first provincial government to go into this business. We were also one of the first provincial governments to balance a budget, balance a budget without increasing taxes, Mr. Speaker. In fact, I don't think there's a great deal of risk to being first in a number of things in this dominion. I believe that we can have a great deal of impact on the industry by using things in the Alberta advantage such as the productive workforce, the fact that the purchases are made not subject to sales tax, as they are in other provinces. In fact, the Alberta advantage can work very well in this industry without the impact of direct government funding.

#### **Workers' Compensation Board**

MR. BRASSARD: Mr. Speaker, over the last number of months we've seen improvements in the services provided by the Workers' Compensation Board to both the workers and the employers. While I realize that the fund is now actuarially sound and that there are even rebates going to employers, I still receive calls from workers and employers who are dissatisfied with decisions of the board. To the Minister of Labour: can the WCB point to any statistical evidence of improved service to its clients last year?

MR. DAY: I would respond by saying: what greater evidence and what greater service to clients, especially employers, than to actually lower their rates? That was done last year, a 7 and a half percent reduction in rates with an 11 percent reduction for 1996, average reduction right across the board, Mr. Speaker. I'm glad there is someone in the House who realizes what a bonus that is for Alberta business. I'll say further that that is increasingly being seen as a sign of the Alberta advantage, the fact that we are moving to the lowest average rates anywhere in the country.

I can tell you that on the other side of the ledger as far as workers and services to workers, a year ago – just a short year ago – approximately 43 percent of all claims were registered within a week of the day of the accident. Now, 69 percent of those claims are registered within a week. Mr. Speaker, a year ago, once registered, only 33 percent of claimants received a cheque within one week. As of this year, the statistics: close to 70 percent of the workers receive that cheque within one week.

2:30

MR. BRASSARD: That's very impressive, Mr. Speaker, but can the minister produce any evidence from injured workers that they themselves believe services or benefits are better than they were a year ago?

MR. DAY: Yes, Mr. Speaker. It's not enough that the service and the rates are lowered; we need to hear from workers themselves. So the WCB conducts quarterly client surveys. That's tough, when you go to the workers themselves and say, "You tell

us how we've been doing business and how we've been serving you." There has been an increase in the satisfaction quotient in terms of workers and their satisfaction response in terms of dealing with people at WCB. That's risen from 73 percent to 79 percent, an improvement there. There's still 20 percent to go. So we commend the workers of WCB for achieving an increase in satisfaction rate, but they also recognize that they need to press on and continue. Also it's interesting to note that on the employer side 70 percent are expressing approval and high approval on the satisfaction rating.

MR. BRASSARD: Given the fact that the WCB is in effect a monopoly, how can we be assured that this organization will continue to be competitive in both servicing and pricing?

MR. DAY: Well, I think the track record speaks for itself. There doesn't seem to be a sign of any abatement in terms of continued improvement at WCB both on the employer side and the employee side. Not only last year was there a rate reduction, Mr. Speaker, but in fact there were still surplus dollars left over. Because this fund is now in a surplus position, \$39 million – \$39 million – was returned to employers in the form of rebates. So these are indications that the service is ongoing.

Also it's important to note that for the employees themselves there have been improvements, improvements in the percentage increase in pension amounts and also as of this year a built-in cost of living factor there.

It's also important to note, Mr. Speaker – and you see these figures reflected in the economic development ledger – that there's an 8 percent increase in the number of accounts of employers. Last year there were some 64,000 accounts – every employer has to register – and this year something like 72,000 accounts. There are more businesses doing business in Alberta.

THE SPEAKER: Hon. members, before leaving the matter of Routine and proceeding to the application under Standing Order 40, might there be consent in the Assembly to revert to Tabling Returns and Reports?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

head: **Tabling Returns and Reports**  
(*reversion*)

THE SPEAKER: Hon. members, pursuant to Standing Order 109 I am pleased to table with the Assembly the eighth annual report of the Legislative Assembly Office for the calendar year ended December 31, 1995. Copies will be distributed to all members if they haven't been already.

head: **Motions under Standing Order 40**  
**College Volleyball Championship**

THE SPEAKER: The hon. Member for Red Deer-South on an application regarding urgency under Standing Order 40.

MR. DOERKSEN: Mr. Speaker, as you are aware, under Standing Order 38 members are required to give you appropriate notice before submitting the motion to the House, and of course fortunately under Standing Order 40 there is some leniency on an urgent matter. Over this past weekend we learned that the Red



Deer College Kings volleyball team was successful in their national championship over in Truro, Nova Scotia. Hence, I would ask for the unanimous consent of this House to have a debate because of that urgent matter.

THE SPEAKER: Is there consent in the House for the hon. member to present his motion?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.  
The hon. Member for Red Deer-South.

Mr. Doerksen moved:  
Be it resolved that the Legislative Assembly congratulate the Red Deer College Kings on winning the Canadian colleges men's volleyball championship for the second year in a row on Saturday, March 9, 1996, in Truro, Nova Scotia.

MR. DOERKSEN: Thank you, Mr. Speaker, and through you, too, to the members of this Assembly for allowing me this opportunity to congratulate the Red Deer College Kings volleyball team, which was successful for the second year in a row at winning the national title for volleyball at the college level right across Canada.

The Red Deer Kings were undefeated in the Alberta conference this year and proceeded to represent Alberta at the nationals this past weekend. Despite having lost to Limoilou during the round robin, it was the team they faced in the finals, and they managed to elevate their game and were able to defeat the worthy team from Limoilou in three straight sets, Mr. Speaker, which is a remarkable feat.

I'd like to congratulate the coach, Mr. Keith Hansen, and the assistant coach, who is his wife, Julie, for developing such a competitive team and so ably representing Alberta at the national level. I also want to congratulate the most valuable player of the tournament, Richard Schick, who is from the King's team, as well as Ryan Oswald and Russ Scharfl, who were selected to the all-star team. The coach noted during the play, if you understand volleyball, that before you can execute your offence, you have to have a pass off the serve. The coach commented that in the final match, the passes were on the mark almost every time, which enabled them to execute their offence and have such an outstanding victory.

One further note I'd like to make about the Kings team. More than winning the national title, they're also very instrumental in community development, working with younger players on club teams, both boys and girls. Midget teams have 14 and 15 year olds, juvenile clubs have 16 and 17 year olds, and junior clubs are higher than that. Three of my children happen to participate on those club teams, so I know the dedication that the coaches and the team members have to community development, Mr. Speaker.

I would ask the Assembly to approve this motion to recognize the Red Deer College Kings.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I want to just briefly add our full support from the Alberta Liberal caucus for the motion coming forward from the hon. Member for Red Deer-South to congratulate the Red Deer College Kings on having won their second consecutive title at the national men's volleyball

playoffs in Truro, Nova Scotia.

I think we all know that it takes a tremendous amount of dedication and energy, training and sacrifice on the part of the players, the coaches, their families, the academics, and other staff in order to fulfill such a tremendous accomplishment. In fact, I was quite envious of their scores: 15-8, 15-13, and 15-5. I think they won with some resounding pleasure there, and we certainly congratulate them in their victory over the Quebec team. To win it inside their home province in order to go on to that level is one thing, but to win a national title outside your home province, without the benefit of local support such as I'm sure the Member for Red Deer-South would have been quick to provide himself, is truly another.

So to reiterate, we too want to congratulate Coach Keith Hansen for this victory, which is also his second straight win, as well as all the players: Richard Schick, Eric Doef, Murray Grapentine, Jason Moroz, Russ Scharfl, Ryan Oswald, as well as the MVP pick, who is Richard Schick. The two tournament all-stars that the hon. member referred to we also want to congratulate, because they were outstanding. One of them is a new player, and that's Ryan Oswald, and the other one is Russ Scharfl. They picked up this gold medal. We are all very proud of them. It contributes immensely to the rich legacy of Red Deer College and its accomplishments. Let it be known to them and to all their families and everyone involved how much we appreciate their efforts on behalf of Alberta amateur sports, and I hope they will continue in that fine vein that they've begun.

Thank you very much, Mr. Speaker.

THE SPEAKER: Is the Assembly ready for the question? All those in favour of the motion proposed by the hon. Member for Red Deer-South, please say aye.

HON. MEMBERS: Aye.

THE SPEAKER: Those opposed, please say no. Let the record show the motion passes unanimously.

Before concluding the Routine, might we revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?  
The hon. Member for St. Albert.

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

**2:40**

MR. BRACKO: Thank you, Mr. Speaker. I'm honoured to present to you and to Members of the Legislative Assembly 43 dynamic students from one of St. Albert's finest schools: Ste. Marguerite d'Youville. They're here with their excellent educators Ed Jean and Michel Nault. They are in the public gallery. I'd ask if they'd rise and receive the warm applause of the Assembly.

- head: **Orders of the Day**
- head: **Government Motions**
- head: **Lottery Fund Estimates**

11. Mr. Dinning moved:  
Be it resolved that the messages of His Honour the Honour-

able the Lieutenant Governor, the 1996-97 lottery fund estimates, and all matters connected therewith be referred to the Committee of Supply.

[Motion carried]

head: **Lottery Fund Estimates**

12. Mr. Dinning moved:

Be it resolved that pursuant to Standing Order 58(6) the number of days that the Committee of Supply will be called to consider the 1996-97 lottery fund estimates shall be one day.

[Motion carried]

head: **Government Bills and Orders**

head: **Second Reading**

**Bill 6**

**Gaming and Liquor Act**

[Adjourned debate March 4: Mr. Bruseker]

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to continue debate on Bill 6, which is the Gaming and Liquor Act, brought in by the hon. minister responsible for that area. What catches my attention on this Act, quite frankly, is the sudden amalgamation, I guess, of all these different aspects of government. It would bring together the lotteries Act, the Liquor Control Act, the ALCB as an organization, and the Gaming Commission as well all under one Act.

I want to just state at the outset that ordinarily I am very supportive of Bills that seek to reduce the costs and streamline administration and provide better, more effective government, Bills which seek to avoid duplication, Bills which seek to avoid waste. Things of that nature, Mr. Speaker, we on this side of the House are very much in favour of as a rule, and were it the case that this Bill sought only to accomplish that, I suspect it would have support from both sides of the House. However, what I see here that causes me some concern and I guess causes me to pause and reflect a little more seriously on the Bill is that while the Bill seems to accomplish those good ideals which I just mentioned, at the same time it also significantly increases some of the government's control in one part of the Bill, and then it seems to reduce some of the influences in other parts of the Bill.

I just want to flag with the members present that we're dealing with one of the most serious Bills that I think has come before this House certainly during my time, because within this Bill, of course, we find the issue of VLTs, video lottery terminals. We know from many discussions that have taken place in this House, Mr. Speaker, as well as from discussions that have taken place out in the community that nothing has stirred the emotions more than this issue of VLTs, unless of course it's the health care chaos.

However, with regard to VLTs I want to again try and impress upon the hon. minister, whose attention I know I have on this matter, that I did do a survey in my area specifically on the issue of gambling and quite specifically on the issue of VLTs. It was a door-to-door survey of several thousand homes, and I received a number of responses – several hundred, as I recall – which clearly indicated to me that if the government is going to proceed with the notion of Las Vegas style gambling in this province,

please proceed with great caution and at the same time be ever vigilant to reverse your decision, government opposite, should that become necessary. I think there is ample evidence now for the government to really stop and, through this Bill, take a look at what has happened in the province of Alberta since the advent of these VLTs and the subsequent increases of the VLTs as we have seen them.

In my own case, in my own constituency of Edmonton-Avonmore, Mr. Speaker, not only did the members of my constituency who responded indicate some alarm about this whole issue, but they also came right out and said: you know, we have many societal dangers that have been increased and/or brought about anew as a result of the VLTs. I think their concern is not only with the fact that they have come in but with the great abundance of these machines. In fact, in other provinces such as Nova Scotia and elsewhere we know that a number of these machines have been reduced and in some places even completely removed so as to better provide the constituents in those areas with safer neighbourhoods, safer streets, less abusive gambling, and all the societal ills that flow from that.

In Avonmore, as I started to say, I know of at least two cases where people were playing these VLT machines, and after having sat there and pumped several hundred dollars into them, at the very end of the night they won some of that money back. On their way home they were tailed by a couple of people who saw this large outpouring of cash from the machine. It was well past midnight. They followed these people home, and upon getting to their doorstep, they attacked this older couple and nearly killed one of them. The other one managed to escape and call police. But it shows you at a very real level, Mr. Speaker, what can happen if these things aren't properly ushered in. So we hear about winners being robbed. Then of course you'll remember that large rash of robberies of establishments that took place over the last year or so in our province, where windows were smashed in, doors were kicked in, and the machines were looted. Of course, people who follow this kind of thing know that the premises must keep a certain amount of cash on hand, and there must be a certain amount of cash in the actual machines to afford the payouts, which I'm sure the minister is well aware of.

One of the dangers they warned me about as well, Mr. Speaker, was the fact that in many cases it seems that the people who play these machines are oftentimes the people whom we can describe as those that perhaps can least afford to play them. I remember growing up as a youngster in Sangudo, when we had a business there right next to the hotel. I remember seeing occasionally young kids being left in their cars while parents or supervisors or guardians went into the pub and had a beer and stayed a little longer than perhaps they had intended, and I remember the tremendous neglect and sorrow that engulfed these youngsters waiting for their lost guardians for hours on end. That, too, has been pointed out to me as being something symptomatic of the whole VLT craze in the province.

So within this Bill, Mr. Speaker, there is opportunity for perhaps amendments to be brought in that would see that issue addressed a little more seriously.

THE SPEAKER: Order please. The hon. Member for Calgary-McCall rising on a point of order.

**Point of Order**  
**Questioning a Member**

MR. SHARIFF: Mr. Speaker, I'm wondering if the member would entertain a question.

MR. ZWOZDESKY: Mr. Speaker, I find the hon. member to always have good questions, and I would certainly entertain his question at this time.

### Debate Continued

MR. SHARIFF: The hon. member just alluded to the fact that he had observed children being left in cars for long periods of time unattended. I'm just wondering if this hon. member, having been aware of the Child Welfare Act, did report these concerns to the appropriate authorities.

MR. ZWOZDESKY: That's a very good question. I'll just take a minute to explain to the hon. member. When I was a child myself in Sangudo and saw those things happening to other children, I certainly did. I frequently ran the store for my father. I was oftentimes on the phone to RCMP and to others, and on some occasions I got my older brother and my sister to drive these kids home.

DR. WEST: Tell the truth. It was business.

MR. ZWOZDESKY: That's the truth, Steve. That's the absolute truth. I can name you names. I myself, when I got a licence, drove some of them home as well.

Now, with regard to the second part of the story, Mr. Speaker, the other case is to do with VLTs, which is a contemporary example. I was not on site during those particular incidences, but I do know that the people who reported them to me were, and they did go inside and try to impress upon the owners to please get the people who are charged with the guardianship of these kids to come out and look after them. What happened, I'm sorry I don't know. But I do know that those are very real examples, hon. member. Anyway, thank you for the question.

2:50

The other point that I wanted to raise here then, Mr. Speaker, is what we're going to do about that and how we can look through this Bill with a view toward impacting this situation before it becomes even worse. I have discussed this issue with hotel owners, with restaurant owners, as well as with casino owners. My own suggestion even a year ago, and another one I would still like to put out on the table for the hon. minister to consider as well as for the benefit of all members, is: would you please consider first of all our request for an orderly phaseout over about a three-year period? I think that's something that, if you look at it seriously as a businessperson, which I and a number of others here are – we would say that that would allow those people who have made the investment in these expensive machines to recoup their profits and through an orderly phaseout get rid of the machines. In the end it might accomplish a larger good for the benefit of all society and specifically for Albertans. If we were able to do that, we would avoid some of the horrendous costs that come as a result of leaving a situation like this go too long unchecked.

So I wonder if the minister would consider an orderly phaseout of these machines. I appreciate that he's done something by offering a cap, and that particular move I agree should have been done. Perhaps it should have been done a few thousand machines ago. Nonetheless, he has placed a cap on them now, and that's good. Now I'm asking him if he would entertain the thought over a longer period of time of perhaps curtailing their presence entirely, but give the business community a fair chance. Don't do

what we just saw happen to the AMPDC, for example, where they were promising one thing, and then all of a sudden, bang, it's all over. In a period of three weeks – specifically 14 days, I think, is what the total announcement period was – we're going to see the sudden and very abrupt curtailment of an investment in this province without ample decision time. So that's one thing.

The second thing, Mr. Speaker, that they could put into this Bill would be to consider placing the VLTs into an area such as casinos only. If people really want to play these machines, and if they really feel that it's a form of entertainment that they overwhelmingly want and are willing to spend their hard-earned money on, then perhaps the government should seek a compromising condition here. The compromising situation would be to place a number of these VLTs within the supervised functions of a properly licensed casino in the province of Alberta. That would get them out of the local neighbourhoods, where people are spending enormous amounts of money.

Mr. Speaker, you know yourself from examples that have been provided though you to this House that we have seen many individuals spend entire paycheques on a Friday afternoon at one VLT machine. There are situations where we have seen certain storekeepers actually reserve chairs for some of these larger spenders in full anticipation that they are going to come there and spend hundreds of dollars. We also know of a few extreme examples – and I want to stress that these are perhaps extreme – where people have actually lost their entire down payment for a new house or a new automobile. Those are real examples. So here is an opportunity, I think, for the government to stand forward and do something through this Bill to alleviate those societal dangers that I've just enunciated.

The other part here that has my attention as I go through my section-by-section analysis is with regard to the tremendous and very broad implications that the Bill covers. Everything is included in this Bill, from consumption to manufacturing to distribution to the possession, purchase, and ultimate sale and resale of liquor commodities. That in itself, Mr. Speaker, should cause us all kinds of concern and I would hope would cause the government to pause on second thought and review some of this Bill.

There is the whole business of the appeals board and the creation of perhaps a new one that would deal with some of the difficulties that are brought about as a result of the things that fall under this Act. The entire business of alcohol abuse, Mr. Speaker, and of course drug abuse – I guess now it'll be gaming abuse – is certainly nothing that I would expect the government opposite to be taking lightly. Here, I think, exists an opportunity for them to do an even broader review of those things for the entire good of Alberta.

I have one or two other points here, Mr. Speaker, that I wanted to just comment on briefly. They have to do with the leasing of premises. I'm not sure exactly what the government's wisdom was in getting out of the ALCB business to begin with. I recall when that move was first brought forward. It was an attempt to privatize ALCB, if you'll recall, and that attempt really caused me a great deal of concern. I on the one hand understand full well how it's a convenience to have a liquor store around the corner from you. Again, having grown up in Sangudo as a youngster, I remember my parents, when company would drop in unexpectedly, wanting to have a bottle of wine or some larger spirit in order to host them. It's part of that hospitality that of course rural Alberta and certainly urban Alberta, too, are very famous for. I recall them sometimes wishing that they could've just run down

to the corner store to pick up a bottle of wine for dinner. Unfortunately, that wasn't available.

I often wonder why the government through this privatization model didn't try a piloting wherein, let's say, the local hotel would've been given a licence in addition to the beer licence to sell some of the harder liquor spirits to see if that wouldn't have perhaps been a solution to the problem.

SOME HON. MEMBERS: They did. They did.

MR. ZWOZDESKY: I'm hearing members opposite say something about: "They did. They did."

If that worked so well in the rural area, then why not just do that here in the urban area? Instead we see in certain areas of Edmonton, such as the Boyle Street area, a sudden rash of private liquor stores having come up in an area that can least afford to have them, it would seem, Mr. Speaker. So this Bill provides an opportunity for them to review that particular aspect, but I couldn't find that within here, which is why I'm raising it for the hon. member's attention.

On the business of the leasing of the premises, I could never understand why it is that the government, being involved in the liquor business from the wholesale end as well as the retail end, would divest itself of an entity that was actually raising money. Am I right, Mr. Minister? It was making approximately \$400 million in net revenues per year or thereabouts. Perhaps I'm right. I never quite understood all of that. I suppose we'll have to wait a few years to see who actually bought them, and then maybe it will make a little bit more sense.

With regard to the leases, leasing of premises that were used for the old ALCB stores, I'm still not sure how it is that we did financially on that deal. I'm not sure when we're going to get the answers for it either, but I'm sure looking forward to the hon. minister presenting to this House a proper full accounting of that entire deal either through this Bill or somewhere thereafter.

I know several of my colleagues want to speak to this Bill as well, Mr. Speaker, so with those few observations I will take my seat now and pass on to the next speaker. Thank you for your kind attention and also the government for looking into my concerns. Thank you.

THE SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. I want to begin my comments this afternoon with a flight back in time and a little bit of whimsy, if I might be permitted. I urge everybody to look at the hon. minister and imagine 25 years or so being erased off of his appearance. Put him back into the '60s. Back then, the very youthful minister – not, of course, a minister of the Crown – would have had to go into a liquor store and be faced with the odious task of signing for each and every bottle of liquor that he acquired or each and every bottle of beer that he acquired. I certainly mean that comment not disrespectfully to the minister, because I, too, remember having to go into a liquor store and being scrutinized by somebody who looked, frankly, more like a prison guard than the purveyor of fine spirits and having to sign a little slip of paper and put your note there. Somehow, even though I was old enough to consume alcoholic beverages, it was often my wonder if maybe the ALCB employee, who again, as I mentioned, looked more like a prison guard than a retail merchant, would perhaps pick up the phone and phone my dad and report back as to whether I was buying liquor and how much of it.

I think that if you take those years off the minister, you can sense that a kernel, a gem of an idea grew forth from that, and here we are in 1996 debating the Gaming and Liquor Act brought forward by the hon. minister in charge of this department, which is his characterization to the House that this is the streamlining and the removal of confusion in the retail sale of liquor and, to a lesser extent in this Bill, the control of gambling in the province of Alberta. What the Bill does instead, Mr. Speaker, is create confusion, create uncertainty, remove civil rights, allow for the criminalization process by regulation, and generally delegate away from this Legislative Assembly the policy of gambling and the policy of liquor consumption in the province of Alberta.

3:00

One Conservative member was once said to make a comment that we must tackle more than the fiscal issues in a province like this; we must tackle some of the moral and some of the ethical issues as well. This government and this Legislative Assembly, Mr. Speaker, spend an inordinate amount of time debating issues that touch on and deal with moral issues such as the control of liquor, the control of gambling, and how much or how little we will have of each of those.

Now, against those backdrops I want to focus the attention of the Legislative Assembly on some of the things that strike me as odd in this Bill, coming from a minister who prides himself on being a clear thinker and prides himself on being a straight speaker and prides himself on creating no surprises. Well, as you know, Mr. Speaker, the little liquor store operators, the operators who'd characterize themselves as the mom-and-pop operations that went and mortgaged their souls to open a liquor store, are having some wonderment about the minister at this time, and they wonder what their future is in the province of Alberta. Likewise, the retail stores who have been supplying consumer products in an appropriate and ethical way for many years in the province of Alberta also wonder why they are not good enough in free market Alberta to sell liquor. They wonder why the housewife cannot stop by the counter and pick up a bottle of wine after she picks up her loaf of bread and her case of margarine and after she picks up her potato chips for the party that evening.

Now, I do not want to get into which of these two streams are correct, but I do want to point out to the Assembly . . .

DR. WEST: You've got to take a stand.

MR. GERMAIN: . . . and I want to point out to the minister who continues to chirp away from his chair . . .

DR. WEST: Take a stand.

MR. GERMAIN: The minister suggests that the hon. member take a stand. I have taken a stand on more controversial issues than this minister will ever take a stand on. I have spoken up for the underdog in this province more times than the minister ever will, and I have spoken up for the poor and the weak. What this minister does: he speaks for the rich and the wealthy.

Now, Mr. Speaker, if the minister who has an opportunity to dominate this debate by introducing the Bill and closing the Bill will give me a chance to make my one humble speech on this debate, I will continue. I want to point out to the minister that there is no protection in this Bill for the so-called little guy. If he intends to preserve the model of liquor control that he now has in the province of Alberta, he should say so. If he intends to shelter

those individuals for a period of time, he should indicate what period of time so that they can make their plans to exit the industry in an orderly and cash recovery way. If he intends for all time to freeze out the retail giants that want to sell liquor along with their other produce, then he should say so so that those individuals can go about their business and plan their future development in the province of Alberta knowing exactly where the minister stands on this issue. So I urge the minister to come forward in this Bill and legislate by government amendment. Don't ask others to do his dirty work for him. Come forward by government amendment and tell the little liquor store operators where they stand and tell Safeway and the other giant retailers where they stand once and for all so that that issue can be debated.

Now, in addition to that issue, I want to talk about the delegation of authority in this particular Bill. When we see Bills like this come before the Legislature, it almost makes us say that we should give you the key to the Legislature, Mr. Speaker. You could lock the doors of the Legislature, and you could call us all back by fax or cell phone when we are ready to get back in this Legislature discussing Bills and discussing laws that will affect Albertans. If all we are going to do is delegate to other individuals, groups, and boards the ability to govern us, the ability to make laws, the ability to set policy, then why are we here? Frankly, Mr. Speaker, you could do that for all of us. You could delegate all the powers and privileges of this Assembly away to others. We do not need a Legislative Assembly for that purpose, and I urge all members of this House to stand up and speak against that.

Many members of this House and many of the members opposite are starting to knock on doors and are bringing their own psyche up into what we might call an election readiness mode. Well, sooner or later at one of these doors someone is going to ask you, "What do you do?" And what are you going to say? "I give away power. I delegate power." [interjections] The hon. Member for Pincher Creek-Macleod: I delegate power. He's going to be asked, and he's going to say: I give away liquor control regulations to boards and unnamed individuals: unelected, appointed by the minister. Mr. Speaker, I urge all members of this Legislature to consider the delegated powers contained in this legislation and view them both with disbelief and concern.

I want to move on to point out that once again, Mr. Speaker, there is an expansion of the regulatory rule-making process by the Lieutenant Governor in Council and by the combined new board: have the right to make bylaws, have the right to make regulations, none of them obliged to be published, none of them subject to review under the Financial Administration Act, none of them subject to review.

You know, I believe, Mr. Speaker, that we have a properly appointed committee of this Legislative Assembly. My colleagues will refresh my memory on the name of this committee. Is there not a committee appointed to review law and regulations in this Assembly?

SOME HON. MEMBERS: The Law and Regulations Committee.

MR. GERMAIN: Is there a chairman of that committee? [interjections] Who is the chairman?

SOME HON. MEMBERS: The Member for Calgary-Shaw.

MR. GERMAIN: Has that committee ever met?

SOME HON. MEMBERS: Never.

MR. GERMAIN: I can't understand that. We have a competent government member that is supposed to be in charge of a committee to review law and regulations. He must be competent, Mr. Speaker, because recently he was awarded his Queen's Counsel, a high mark of recognition of members of the legal community that are outstanding in their fields, and that member does not have the confidence of the Legislative Assembly to call that committee to order. Well, I want to go on record here that I have confidence in that hon. member. I have tremendous confidence in that hon. member. What I don't understand is why the hon. minister has no confidence in that member and why the hon. Member for Calgary-Currie will not support the regulations going to that hon. member and why the hon. Minister of Environmental Protection does not have confidence in that hon. Member for Calgary-Shaw, himself a Queen's Counsel.

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

THE SPEAKER: The hon. Minister of Environmental Protection is rising on a point of order.

#### Point of Order Questioning a Member

MR. LUND: I wonder if the hon. member would entertain a question.

MR. GERMAIN: Certainly.

#### Debate Continued

MR. LUND: Mr. Speaker, he made the comment that I have no confidence in the hon. Member for Calgary-Shaw. I would just like to ask him: who appointed the hon. Member for Calgary-Shaw as chairman of the Special Waste Management Corp?

MR. GERMAIN: Appointing somebody to steer the *Titanic* into the ice is not necessarily a vote of confidence, Mr. Speaker.

I want to also answer the question that the minister of the environment should have asked me, and that is: if he has confidence in the member, as is implicit in his question to me, why is he not referring those important issues of environmental protection that involve regulations to that hon. member's committee? That's the question that he should have asked, and I would have been delighted to answer that question too, Mr. Speaker. I would have answered that question by suggesting that when nobody – nobody – on that government front bench is prepared to refer a single regulation to the hon. member's committee, then you must really start asking yourself whether they have no confidence in the hon. Member for Calgary-Buffalo, who sits on that committee, or is it that they have no confidence in the hon. Member for Calgary-Shaw, who sits as chairman of that committee? I want to thank the hon. minister of the environment for giving me the opportunity to answer that question. He asked a straightforward question, and I gave him a straightforward answer, and I know that it will help set the definition of questions and answers in the Legislative Assembly.

#### 3:10

Now, I want to talk about the abuse of human rights in this particular Bill. We know that the hon. minister is a giant in terms of speaking up for human rights, a giant in this field of encourag-

ing the protection of human rights and individual rights. Therefore, I know that he will want to look again, for example, at section 121 of his particular legislation and at section 119, which punishes a person simply for being an occupant of a building, makes a person presumed guilty of an offence under this Act simply by being an occupant of a building. How can that be, Mr. Speaker? If the hon. minister comes to my house as my guest and then in the middle of the night gets up and starts bootlegging booze out my living room window, how can I as an occupant there be held liable for his indiscretions? Does that sound like a bit of an abuse of human rights? It certainly does. So one of the things that the minister might wish to do is take a good hard look at some of those particular abuses.

I want to take the minister's attention, when we're talking about abuses of human rights and abuses of due process, Mr. Speaker, and look at section 121 and some of these other sections in the Act that have as their policy abbreviated proof, shortcut proof in criminal trials and criminal prosecutions. I want the minister to say to me that it is fair for a person to be proven guilty of an offence by the introduction of a certificate containing evidentiary information without a copy of that certificate even being served on the individual. I don't think the Minister of Justice would put up with it in any of his departments, and I don't understand why under the guise of controlling liquor, which we already say is a prima facie lawful commodity in the province of Alberta, somebody would be convicted on a certificate that is not even brought to their attention. It indicates a tremendous abuse of human rights.

Now, what is the one section that I want to conclude my comments on?

DR. WEST: You lawyers never agree on anything. It was lawyers that drafted this.

MR. GERMAIN: I see that the hon. minister is again making comments adverse in nature to the hon. members of the legal profession. I want to remind all members of the House that wherever you have democratic principles, wherever people sleep peacefully in their beds at night knowing that they will not have their property expropriated, knowing that they will be protected, knowing that they will be presumed innocent until they are found guilty, that is as a result of the good effort of members of the legal community. It is simply wrong, Mr. Speaker, for this minister to sit in his chair where the microphone is not turned on him and make comments adverse to the legal profession under his breath and accuse the legal profession for the minister's failures in this particular Bill. This particular Bill is identified: Bill 6, the hon. minister. If he does not understand it or if he does not believe it or if he does not accept its appropriateness, then I do not know why he endorses it and brings it forward and stands up here and speaks in such glowing terms about its many attributes. I do not know that, and I can't understand that. To blame the inadequacies of the Bill on some Rumpelstiltskin-like lawyer working in the back room crafting the minister's themes and ideas is wrong.

Every member of the legal community knows the difference between proving someone guilty by sneaking up behind their back with paper that they haven't even seen or giving them fair and proper notice. The legal community has no problem drafting fair and proper notice provisions in any one of these Bills, and they ought to do so if the hon. minister would simply instruct them to do so. The legal community works for the hon. minister in his

department, not the other way around: he does not work for the legal community. He should remember that before he blames lawyers for the inadequacies of his Bill. But I digress, Mr. Speaker.

I want to conclude. I'm wrong in digressing, Mr. Speaker; I know that. But I'm a creature of weakness, and sometimes the hon. minister has a way to plummet a little dagger right between my two ribs right under my heart, and I react to that. It's a weakness.

MR. DAY: A lawyer with a heart? Come on.

MR. GERMAIN: Of course, now you see that they travel like sharks, because now the hon. Minister of Labour wants to get in on the shark feeding too.

I want to leave the House with a sobering thought today. I want to leave the hon. Minister of Health with a sobering thought. I want to leave the hon. member from Brooks with a sobering thought, and I want to leave the hon. Member for Calgary-Shaw with a sobering thought. I ask all members to read carefully subsection (y) of section 126(1). Now, section 126(1) is the regulations section – uncontrolled, unsupervised, unregulated regulation-making power – and what do we find here? We find here that these regulators, not the Legislative Assembly but these regulators, can now do this. They can designate sections in the regulations “the contravention of which is an offence.” For the first time I think in a long time we have now crossed the Rubicon, and we say now that you can have regulatory-making power that will create criminal offences. That is clearly wrong, Mr. Speaker, and I urge all members of this Assembly to vote against those types of sections.

There are other aspects of this Bill that are so very, very odd, Mr. Speaker. You might yourself – and I won't use the Speaker. Some hon. members like to go into a bar and have a margarita, a mixed drink. They might go into a bar and have a shooter, which is composed of several alcoholic beverages mixed together. The bars make those up by mixing them together. They mix them together, and then they pour them into your drink, and then they serve them to you. Well, under this minister's legislation – and he'll no doubt blame that on lawyers – that now becomes an offence as well. A bar cannot mix two types of liquor together in the same bottle and then market it.

DR. WEST: We're saying bottle, not drink. There's a distinct difference.

MR. GERMAIN: They're mixed in the bottles and then poured from the bottles into the drinks. [interjections] Now the hon. minister wants to be the lawyer and redraft the section. A minute ago he was blaming the lawyers for the poor drafting. Now he's criticizing this lawyer for the interpretation of his poor drafting. I do wish that he would make up his mind.

On that happy note, Mr. Speaker, I know there are many people who are excited and anxious to speak about this Bill. They want to speak about this Bill. I know that the hon. members are getting ready to speak about this Bill, so as a result I will stand down.

MR. WHITE: Mr. Speaker, not being a lawyer, I cannot defend the lawyers' honour as eloquently as my hon. colleague, but engineers don't have a lot to do with the drafting of these Bills, so I suspect I'll probably be safe from the jibes from members

opposite.

What I do want to speak about today is the myriad of contradictions you find in this Bill. We're told that, yes, all it does is bring these two bodies together under one body to manage the affairs under the delegated authority of this government in the deliverance of alcohol and the deliverance of gaming to our citizens in this province. The difficulty I have is that there is no mention of a couple of the very fundamentals of how this is delivered. One is – and we've heard it since the minister brought forward the privatization Bill, which this side of the House did support, you'll recall – the definition of who in fact can obtain these licences. Not once have we ever heard a clear, simple definition: yes, this is a completely open market and anyone, subject to the municipal governments and their laws as it pertains to land use . . . Not once have we heard that.

Now, this is creating a great deal of confusion, not just in the area in which I live. My constituency happens to include a number of big box stores that are clamouring for the opportunity to market liquor but also a number of ma-and-pa operations, if you will, or those that have retired from politics, perhaps – some have – and with their life's savings gone into a small business. Their business is at risk daily. There is no authority they can report to, other than what the minister says from time to time or what is stated at a political convention, as to whether they do or do not have the opportunity to stay in business because the store down the block may be in fact granted a licence at some point in the future, and it may be next week, it may six months from now, or it may be five years from now. That is hardly the way to run a business in this province, Mr. Speaker.

This province is rightfully known through history for being a free market. If that be the case, a true free market, then this government can't make up its mind whether it is or isn't under this Bill, because it is totally and completely silent on that item, sir. In that respect, this Bill should be roundly defeated or have an amendment, a government amendment, because clearly the only amendments that can ever pass in this House are government amendments. Regardless of the words that are put together, sir, we all know that that could not be done. A mere opposition member could never, never, never draft an acceptable piece of legislation in this House. We know better than that.

3:20

Sir, it appears to me that when you're going out of your way to identify and to mesh these two agencies – and you've obviously spent some time at it; the government has worked on how they wish to present this piece of legislation to the citizenry – one of the fundamental elements would be to tell those that rely on this document for their livelihood, for their very day-to-day sustenance. They have no assurance that they will be in business except for the whim of that minister or subsequent ministers that may come along from time to time. Nothing in regulations.

Now, there is a section that has been amply pointed out by other members on this side of the House. The delegation of authority here is such that those that have that authority, that are yet unnamed souls, can cause these regulations to be put into place and can enforce these regulations without coming to this House and can drastically affect the income of those people. I say to you that that is a fundamental error of governing, not allowing the people that are affected specifically by the legislation to know what and how it affects them. It's written in relatively simple English. I have to agree, compliment the drafters. I can read it as an engineer. I have no difficulty understanding what they mean, but what I do understand the meaning to be is in some

areas just drastic.

I'll deal with a number of the specific areas a little later, but first I'd like to deal with the definition right in the very front of the legislation. We finally have a piece of legislation that says: these are slot machines. This is a slot machine; it's not a one-armed bandit. It's not any of those other derogatory terms that my parents warned me about. Do not go close to those things, or they will grab you and suck you in. Well, these are the modern invention. They don't have to have all the mechanical parts. They just go whir and buzz and take your money anyway.

These are wonderful inventions. For this government to grasp these things and bring them into the province of Alberta and milk Albertans – I say again, sir, milk Albertans – of their savings using these machines that are specifically designed to addict . . . We've had 50 years of history in taking these machines that were once totally mechanical and making them electronic and then with Nintendo innovations using all the graphics that are in those powerful computers to pick one's pocket. Those souls that cannot resist or need something to bolster a short-term interest, those people that do have that difficulty are in our society. I know you'll hear the arguments. We hear them every single day. We put it to some member: well, it's your own darn fault if you put a dollar in those machines. Well, that may be the case, and it may be the case when a lot of other people down too much alcohol. I'm sure everyone in this House has known someone at some time that has had some difficulty in that consumption area. Yet we regulate that. This piece of legislation in fact regulates a great deal of that. If that be the case, if it's good to regulate alcohol and it's good to regulate gaming, then surely it's just a matter of degree. If we're to say that, yes, it's one's own fault if they're involved in these things, then there are a number of illicit drugs that are physically addictive. We regulate against those, and rightly so. This society has to have some protection from those kinds of things. We the legislators of this province do that and agree to do that, and this side of the House would agree to do that also.

Tell me how you put a machine out there that draws people in. Personally, computer games are much more active for me. I can afford those machines, but there are a lot of other people who cannot in their own homes. You needn't go into a great deal of research to find this. Go to a local tavern or bar here on any day of the week that they're open, at any time, and you'll find people that are there that are putting their last sou in that machine to the detriment of themselves and the family. This legislation does nothing, mentions nowhere the number of machines that are out there doing this. It doesn't say to the operators of the machines that are currently making money on these machines – and they answer that moral question themselves, whether they do or they don't have them. But if they have made these judgments, they don't know whether they're going to pull tomorrow. They have no absolutes on the numbers.

There are a number of items in this legislation dealing with the simple management of authority that has been delegated. Where does one appeal a decision made in a quorum of two appointed people? Two appointed persons in this province of Alberta can have a great deal of effect on an individual provider, whether it be a VLT provider or a liquor licence or a great number of similar applications under these two broad areas. It affects them a great deal. Not a provision can be found for a method of appeal. Not one.

Further, there's a section that specifically says that on a conflict of interest these conflict of interest rules do not apply to a

member under some cases, a member being a board member or an employee or a licensee. Now, it would be awfully nice to have that kind of protection in a number of areas, but I for one would not like to have that protection were I appointed to this board. I would like to know that the members of the board are above any suspicion of conflict of interest and in fact can be prosecuted if they step over those bounds.

You'll notice there's another section here that really speaks of Big Daddy coming in and taking control of one's life. A delegated authority to a body can seize any liquor on any premises, and the liquor is forfeited whether or not a person is convicted. That's specifically outlined. Now, I don't know in what state in the world that would happen when it's specifically written down. There are a great number of places in this world where that can occur as a daily occurrence, I'm sure, because of the lack of law. But this province is a lawful province, lived in by a great number of people that abide by the law, do their level best to abide by the letter of the law. Yet here is a piece of legislation in a modern Legislature that specifically says that the liquor seized on a premise of a charge, whether there's a conviction or not, can be seized and forfeited. Now, I would suspect that most of us would think that would be draconian except perhaps some of those that happen to believe that the government is all-benevolent and will always be benevolent. The reason we have laws is specifically for this purpose, and I would like to see that get changed at least.

3:30

There's a section that outlines freedom of information, if you can imagine, and it specifically says no. No. Under these circumstances this information is given in confidence and then can never, ever, ever be divulged, supposedly even to the member of this House that is in charge of this delegation of authority under this Act. The commissioners or the board members could in fact deny the minister information on this basis by citing this section under the freedom of information Act.

This authority sets up a payment for these members not to be disclosed, as I read the legislation. I suspect one working at this kind of legislation and working at it full time, an appointed member, probably deserves that consideration, but then it should also be disclosed, as my salary and everyone in this House's salary, as the senior members of this government. I would think it would be wise to do so, not just a bulk line in an annual report which would have a grouping of a number of expenses but specifically the salaries and the outline of how the expenses in fact are governed and occurred.

There's a good description of those same expenses delivered in today's tablings. Mr. Speaker tabled the Legislative Assembly Office 1995 annual report, which outlines how expenses are incurred by members and what rules apply. There's nothing, absolutely nothing in this legislation – this authority is delegated and, once delegated, cannot be drawn back unless, say, a judicial inquiry or some such mechanism is employed.

Being a former municipal politician – a number of members on both sides of the House have had that experience. There is a section on grants in lieu of taxes recognizing that this is again a delegated authority of appointed members. It doesn't say that the commission shall pay grants in lieu of taxes. It says it "may" pay grants in lieu of taxes. Now, to my knowledge it has never occurred that the former ALCB and any other like body has refused to pay those taxes, but never before have we had authority delegated to this extent. Never before. I suspect this is an area where it should be. The municipalities should have the assurance when this authority is delegated that, in effect, these kinds of

items are cleaned up.

There's actually no liability for these members either. These appointed friends, presumably, of the government are, I would suspect, competent but still friends of the government and have no liability whatever. Now, from where I come from, that's a heck of a good job. Your salary is not disclosed. You can negotiate with municipalities as to their due taxes. You have no liability. You are saved from a great deal of conflict of interest by a section in the legislation. You can direct, under some suspicion or other, liquor seized and someone charged. Whether that charge sticks or not, the liquor still is seized, and in effect you can break a business rather easily. And no accounting at all for your actions. Now, Mr. Speaker, where I come from that is better than just your average good job. In some places in this world it would be better than any politician could hope to live. It could be better than being above the law, because in fact that's what this legislation says. Implicit in any piece of legislation is that it is going to make things better for those citizens of the province.

In bringing in a piece of legislation that is purported to be merely cleaning up and bringing together two commissions, to be called the Alberta Gaming and Liquor Commission, this piece of legislation is flawed. In my view it would be fundamentally flawed on the principles of the other items that have been herein contained. We'll speak against this Bill again, sir, in committee and do hope a number of times to raise the issues of the specific items I have mentioned in passing. We do hope that this House will view some of the fundamental errors that I believe to be in this Bill: it does not define those operators that can in fact operate, get a licence to operate either gaming or licensed liquor establishments; two, the gross number of VLTs that are out there, not the ones that are traded back and forth but the ones that are operational. Therefore, Mr. Speaker, I would speak against this Bill and will again do so in committee.

Thank you for your time, sir.

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

MR. DALLA-LONGA: Thank you, Mr. Speaker. I had a recent opportunity to participate in a small field trip several weeks ago, and I was able to observe the evils of alcohol, so I feel eminently qualified to speak on this subject. I've never had a chance to go to places yet where they gamble in excess, but hopefully maybe on my next field trip I'll get an opportunity to see that. The way things are going, I won't have to go far to observe the evils of gambling.

You know, Mr. Speaker, the constituents in the city of Calgary, the citizens there are extremely concerned about these two matters contained in this Bill. They voice their opinion time and time again, and it seems like they aren't being heard very well. I mean, in this Bill the attempt and the intention here is to streamline two revenue-generating activities of the province into one commission to make things more efficient. That attempt is admirable, but there are some problems with this Bill. I don't mean to bring up problems because we always try to look for solutions, but sometimes the government just fails to listen to the people and some of the concerns that they have.

One of the things that's been an ongoing issue and has been alluded to here and that I'd like to speak to a little bit because I have some constituents – I don't have a lot of businesses in my constituency, but we do have a few liquor stores. Occasionally, I have a chance to go in and buy a bottle of beer or maybe a refreshment. [interjections] A little cider. That was last month.



Mr. Speaker, I look at the people that are in those stores, and a lot of them are obviously first-generation Canadians and it's an extended-family type business. They work long hours. When they found out that the government was going to privatize liquor stores, they saw this as their opportunity to get out from an hourly paying job and to get into business for themselves. This was a real opportunity. A new industry was going to be created, and certain promises were made to them as to how this industry was going to be run.

Mr. Speaker, things aren't unfolding as they were told, as a result of once again moving too quickly. I'm not fundamentally opposed to the privatization of liquor stores, liquor operations, but we moved too quickly. We said that we weren't going to allow large vendors – the large grocery stores, superstores – to get involved in the sale of liquor, and now we're finding ways that they can get involved. The hon. Minister of Transportation and Utilities said the other day that if they set up a separate free-standing structure, then that's okay. Well, this is getting around the rules. This isn't what the immigrant, first-generation Canadian small store owner was told when he initially got into selling liquor. This isn't what he was told when he poured his life savings into this business that was going to provide him and his family with a new existence, a new way of getting along in terms of earning a living.

3:40

I think this Bill is deficient in that it fails to give security to the small liquor store owners. I'm not opposed necessarily to the large guys coming in, the big guys coming in, because that's the way most other businesses operate. It's a free market. But these small liquor store owners, Mr. Speaker, they were told about something called – what is that called? – the Alberta advantage. Here they're finding out that they're going to soon be at a disadvantage. So I would urge the minister sponsoring this Bill to rethink that aspect, to give these small liquor store owners the type of security they're looking for. Are they going to be around for a little while, or are they just going to get blown out by these large operators?

Mr. Speaker, I'd like to just briefly talk about some of the specific points in this Bill that really, I think, need to be looked at, need to be addressed. One of the things in here talks about – it's kind of an anomaly – liquor being consumed in vehicles is not allowed unless it is a “temporary residence.” Now, understand that I said that liquor is not allowed to be consumed in the vehicle unless it's a temporary residence. So I go back and look at the definition of a temporary residence, and it talks about “a tent that is set up in an area where overnight camping is not prohibited.” And I say, well, it just doesn't really make sense. A tent's not a vehicle. How do we make sense out of this? The Member for Dunvegan there is shaking his head, and he should be shaking his head. I was shaking my head, too, when I read that.

So, Mr. Speaker, are we going to have to go back and fix up some of these – what shall we call these? – little errors or little inconsistencies in the Bill? It's these sorts of little things like this that lead me to believe that we had a hurry-up offence again when we put this Bill together. You know, we talked a little bit about lawyers. I mean, I'm not a lawyer and sometimes I have trouble reading some of these legalese things, but there are a number of little things like that.

If you go to section 14, it talks about:

The board must not exercise a power or perform a duty that is by any enactment specifically assigned to the Commission or the chief executive officer.

I'm not sure what that means, and I've read that about half a dozen times now. It is my understanding that the commission can't act without the power of the board, as it's written here. I don't know; maybe I'm wrong. I'd like some clarification. I've asked some members on this side, and they don't understand it either, so maybe the minister can shed some light on that. It's section 14.

Just backing up a little bit: panels. Okay; this system of panels is a good idea, but once again in the effort to streamline things in a hurry, this hurry-up offence here, we've got that a quorum for a panel can be constituted by two members, and then the panel has the ability to do all the same things that the board can do. That's not a good idea, Mr. Speaker, in my mind. I mean, what's the purpose of having a board if you can get everything done by the panel? So we have to look at maybe restricting the powers of these panels somehow to sort of the more routine types of day-to-day procedures that might require some immediate attention.

Another thing that kind of troubles me is the ability of civil enforcement authorities to confiscate and sell liquor. That means, the way I read it, that one of these bailiffs could in fact seize liquor and sell it. My experience, even on this little field trip that I took, is that this could lead to some problems, Mr. Speaker, as to what happens to the proceeds, how much did the liquor really get sold for, and that sort of thing. I think that if liquor is seized, we have to be really careful about the reselling of liquor by these civil enforcement authorities. We've got liquor stores tightly controlled for the sale of liquor. We could get some overzealous authorities seizing liquor and then reselling it for purposes not intended by this Bill.

Another thing, Mr. Speaker, is that I guess we need to look at the whole issue of reporting. I'll come back to gambling a little bit later. The wording in the Bill here talks about how the commission shall have a report prepared – and I love this word – as soon as is practicably possible after the year-end or something to that effect. The exact wording isn't really important. As soon as is practicably possible. Well, why should this commission be any different than, say, public companies, which have reporting requirements, timeliness? Does this just make their job easier? I'm not interested in having their job made easier.

I mean, Mr. Speaker, you have to file a tax return by April 30, not as soon as is practicably possible. You've got to get it done by April 30. Corporations have to have their tax returns, have to have their financial statements filed within, at the most, six months; in some cases, in two months. Why should this commission be allowed: as soon as is practicably possible? That could be subject to abuse.

[The Deputy Speaker in the Chair]

Suppose one year there's a particular problem with this commission and they delay the decision; they delay the filing of their annual report. We would have no right to request it because they don't need to have it done until as soon as is practicably possible. I mean, we're moving into the electronic age here. Financial statements can be taken off on a monthly basis. The Treasurer talks about getting his financial statements out on a more timely basis. Why should these guys be allowed to do it as soon as is practicably possible? I think they should get it out right away, say three months. Make it something reasonable, and if they can't make it in a particular period of time, then make them get a special dispensation, or a special request has to be made.

Another thing that's in this Bill that bothers me is the confiden-

tiality. It seems that they have the ability to exempt themselves from liquor information. For example, what the commission pays in order to purchase liquor could be exempted from the freedom of information and privacy Act. Why should these guys be exempted from disclosing what they pay? We know that they're making a profit. It might even be a huge profit. Even public companies have to report what their costs are. Here we have an arm of the people and they don't even have the right to know how much the commission is paying for their liquor. I mean, this makes me suspicious. Why should they be exempted from not having to disclose that information? Once you have an exemption from public disclosure – and believe me, I'm for public disclosure; you know, how much you spend on travel and how much you spend on living allowances. What's good for one has got to be good for everybody. So I would think that we can't have this exemption. I would vote against this just on that basis, just on the basis of this confidentiality clause. I would like to hear from the hon. minister as to why this is in here. Why do we need this? It just doesn't make sense.

3:50

I guess the other thing that I'd like to do now, Mr. Speaker, is to move over to the gambling side of this. You can go into the definition of a VLT and that sort of thing, but at what point do we start addressing the issue of problem gamblers? We've heard from the other side, "Well, you know, if you're an adult and you want to put a dollar in the machine, that's your business." What would happen if we extended that same logic to liquor? In some cases we may very well have done that, but look at all the problems that we've had with liquor. I think we're headed down the same road with problem gambling. We can't just ignore it, because it's going to sneak up on us. Sure as God made little green apples, one of these days somebody from the government side is going to say: "We've got a problem here. We've got a problem with gambling. We have to do something about it." Well, hallelujah. We told you so. It's all very well and good that we make a lot of money. We're not sure how much money we make from VLTs and gambling. We're not even sure what the payout ratios are. Maybe the hon. minister could comment on that. Is it 91 percent or whatever? Or is it 69 percent or whatever the fellow who's done the extensive study claims it is?

Mr. Speaker, where do we address who has the responsibility for this problem? And there will be a problem that's going to be caused by problem gamblers. I know; you're over 18, you can do what you want, and that's your problem if you get addicted. But we have a responsibility, a moral responsibility, to deal with this issue, not just for the problem gambler but for the other people who don't even gamble whose homes will be ransacked, whose cars will be stolen. They'll steal a stereo out of it just so they can continue to feed their habit. Those people are relying on the government to look after the problem that was created by all this revenue that's being generated. If we fail to realize that, then we've shirked our responsibility. So I think we have to look after that issue. I just think it's been swept under the carpet to this point.

Now, I know there are other members who want to speak to this Bill, and I'd like to give them their opportunity. In committee I'm looking forward to possibly submitting some amendments that are not serious amendments but things that would fundamentally improve this Bill, and it would become more efficient both in terms of economically more efficient and societally more efficient.

With that, Mr. Speaker, I'll take my seat and allow someone

else the opportunity to give their comments. I look forward to debating this Bill in committee. Thank you.

THE DEPUTY SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I've listened intently to the commentary from my colleagues on this side of the House from Fort McMurray, Edmonton-Mayfield, and Calgary-West. They all make very cogent arguments about the failures of this Bill in terms of its intent of streamlining the operations of gambling regulation and liquor regulation in the province of Alberta.

I want to start my comments, Mr. Speaker, by referring to the section that distills this whole Act down, and that's the object section under section 3. Now, what this says is, "The objects of the Commission are . . . to generate revenue for the Government of Alberta." That is what the object of this Bill is. Yes, the administrative statements are made in there, but ultimately the responsibility of this commission, the Alberta Gaming and Liquor Commission, is to generate revenue for the Government of Alberta. I would suggest to you that we are at a turning point in the history of this province because regulation of gambling and regulation of liquor has always been a function of community and of community values. It has never been a function of the bottom line until today.

We now have in this Legislative Assembly the government of Alberta coming forward and instead of thinking in terms of community values, it thinks in terms of the bottom line. When you look at the purpose and the object of the Alberta Gaming and Liquor Commission, "to generate revenue for the Government of Alberta," what's to stop them from fulfilling that mandate? Mr. Speaker, I see nothing in this legislation to suggest that there will be any limits on the number of video lottery terminals in the province of Alberta. The minister has said that it's his policy that the number of VLTs will be capped, but when the responsibility for that entire process goes to the Alberta Gaming and Liquor Commission, they may very well come back to the minister and say: "It's not enough. You can make more money off the frail and the elderly and the poor in the province of Alberta." Now, why wouldn't you, minister responsible for gaming, want to make more money off those people? Because at that point it becomes a matter of degree. Do you suck most of the money out of those poor and frail Albertans, or do you suck all the money out of those Albertans? It's not a question of whether we should or we should not. From the government's perspective it's a question of degree and of how much.

Mr. Speaker, I think that we have now with this Bill crossed the line, and I encourage all members to defeat this Bill for that reason and that reason alone.

With liquor stores the same questions can arise. How many liquor stores will there be in the province of Alberta? Ultimately, potentially, the decision will rest with this commission. If it means more revenue for the province of Alberta and that means discharging its obligation under the object section of this Bill, then that's what we'll be promoting. What hours of operation will there be? Well, Mr. Speaker, we've already identified that we're talking about the bottom line. We're not talking about communities' values with respect to gaming and liquor. So will there be 24-hour liquor stores in the province of Alberta? The commission may recommend that to the minister. The commission may set that in as policy. Maybe we'll now have 24-hour liquor stores

beside 24-hour drugstores. So if that's what government members want to see, then that's what they're doing by supporting Bill 6. All of the questions about liquor and gaming, in terms of how they are going to operate in and affect our communities, are contained in this Bill.

There is, Mr. Speaker, the ongoing concern that I and my colleagues have with the delegation of authority. The minister well knows that with the introduction of Bill 41, the Government Organization Act, and the failed Bill 57, the delegation of authority legislation, the government said that it would intend to simply carry on with the delegation of authority through separate pieces of legislation, Bill 6 being one of those.

It is always a concern, Mr. Speaker, to all Albertans when a clause in a Bill coming to this Legislative Assembly says that the board of this commission can delegate any of its functions, any of its powers, any of its duties to any other person. So what this Bill says is that the commission and the board have the power to delegate any of their powers to any other person. I recall and echo the comments of my colleague from Fort McMurray about the real dangers of allowing that level of delegation away from government and from responsible, elected officials to delegated representatives and then further to any other person.

**4:00**

Those same sections indicate that the board's delegation power includes the power to subdelegate. Not only can they delegate to any person, but that person may get the power to delegate to somebody else again. Well, where is the level of accountability? The minister is diluting accountability to the extent that there will be no accountability whatsoever. I can only assume, Mr. Speaker, that the intention of the minister in providing that kind of power in this legislation is to do everything in the government's power to avoid accountability.

I note section 20: "The chief executive officer's delegation may include the power of subdelegation." So even the chief executive officer can delegate any of his responsibilities, and he can allow in that delegation a further subdelegation. For what purpose, Mr. Speaker, other than to place a shroud over accountability?

There are a number of sections that speak directly to the issues of accountability. My colleagues have mentioned some of them. I refer to section 33: "no member of the board . . . may be compelled . . . to give testimony" in a civil action or "to produce any document . . . for the purposes of a civil action." It is simply not allowed that any member of the board gives testimony or produces any document or information. Well, how do you know, hon. minister, whether or not a document is relevant to the proceedings? Why have you placed this kind of level of restriction on access to documents if it's in a court matter? What are you trying to hide in creating this commission?

I refer to section 34:

Liquor information in the custody or under the control of the Commission is deemed to have been supplied to the Commission in confidence.

The Freedom of Information and Protection of Privacy Act does not apply. Why not, Mr. Minister? What are you trying to hide?

I want to go to section 108. I think, Mr. Speaker, that my colleague from Edmonton-Mayfield made reference to this section as well. Now, this is about as draconian as you can get in legislation in the province of Alberta. The inspectors assigned by the commission will through its powers of search and seizure potentially seize liquor in relation to an offence. But if the person who is charged with the offence is not convicted, the Crown can apply for an order declaring that the liquor seized is forfeited to the Crown. Now, I accept that under the objects section, the

objects of this commission are to raise money for the province of Alberta, but I think this goes just a little too far. A member of the public who has his liquor seized, who is tried in a court in this province and is found not guilty – the Crown with its heavy hand will come back and say too bad; you've forfeited the liquor anyway. Why? Why is section 108, Mr. Minister, included in there to give the government the right to go to court and ask for those assets to be seized?

The issue, Mr. Speaker, is that this entire Bill is much more for the self-interest of this government than it is for the purpose of providing effective regulation of gaming and liquor in the province of Alberta.

I want to go to "is not convicted," hon. minister. Mr. Speaker, I'd suggest that the minister might want to think about an amendment to that section. What's really incredible about Bill 6 is the transition provisions in section 132(4). I don't think I've ever seen a Bill or a piece of legislation that actually makes reference to a lawsuit against the government in the legislation.

The transition provision for agreements made with the government of Alberta says that any agreement or representations made by this government about liquor pricing before October 1 of 1994 are "null and void." Mr. Speaker, they haven't even got the courage to take this matter to the appropriate course of action and, instead, legislate that their representations to the people of Alberta are null and void, with specific reference to "action 9401 10075 in the Court of Queen's Bench" in Calgary. Unheard of that the government's heavy hand has extended that far in the form of legislation and Bills that come to this Assembly.

Mr. Speaker, there are many, many reasons to vote against this Bill. The main reason, of course, is that the purpose and the intent of this legislation is not to regulate liquor in the province of Alberta. It is not to regulate gambling and gaming in the province of Alberta. The purpose of this Bill is to raise money for the province of Alberta, however that may be, under the objects section.

Mr. Speaker, I want to close my arguments this afternoon and deal with section 49 of the Bill. Now, this is a very, very interesting section. It says:

No liquor license may be issued . . .

(b) to a corporation if the majority of the corporation's directors or officers are minors.

Now, of course the hon. minister will know that under section 100 of the Business Corporations Act, anyone who is less than 18 years of age is disqualified from being a director. So this is a really good section. No liquor license may be issued to a corporation if the majority of the corporation's directors are minors. Minors can't be directors, Mr. Minister.

Mr. Speaker, when the minister wants to get serious about bringing legislation to this Assembly, then we can have a reasonable debate. Those are my comments.

[Motion carried; Bill 6 read a second time]

### **Bill 7 Municipal Affairs Statutes Amendment and Repeal Act, 1996**

[Debate adjourned March 5: Mr. Germain speaking]

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

**4:10**

MR. GERMAIN: Thank you, Mr. Speaker. I thank your table officers for reminding the Legislative Assembly that I was making

the case last week on Bill 7. We were sidetracked. I'd had to deal with a point of order when I suggested that some government members were laughing at the sponsor of the Bill. I suggested that that was because of the quality of the Bill. The hon. Minister of Justice indicated that it was not because of the quality of the Bill that the government members were laughing at the hon. member. We went into the debate from there. To refresh the memory of the House, I was making the point that this Bill supposedly is an omnibus Bill to clean up some consumer protection areas, but it falls short in its protection to the consumer and in fact creates secret regulations and creates confusion.

Mr. Speaker, to continue from that point, you will see, for example, in terms of the loss of control in this particular legislation and the loss of control in this Assembly, that section 37 of Bill 7, the amendment to the Cemeteries Act, takes away all of the portions of the old control that the government used to exhibit to ensure that people who were often not up to their game plan because of the loss of a loved one are protected. Now, what we've done is we've simply taken away their protection and said that as long as the salesperson is registered, anything goes. I want to suggest to members of the Assembly, as government members are fond of touting the Alberta advantage, that there is no advantage to any Albertan in the amendments to the Cemeteries Act contained in this particular legislation. I would urge members of the House to vote against that section at least of this multi-Bill amendment legislation.

Now, Mr. Speaker, I had mentioned last time that it was hard to develop a theme running through this Bill because, of course, it modifies several Bills, but I did find a theme. The theme that I found was the theme of poor legislation and a lack of consumer protection. I commented and others have commented on the Collection Practices Act and the concept of making bad parts of a contract voidable. So if you have a rogue, somebody who sells something improperly to somebody, somebody who abuses somebody with a term of the contract, what you're going to do is take the bad term out and still force them to complete the contract. Since when has a person who has breached the law in this province ever had the benefit by legislation of being able to have a bad section removed so that they can go on and continue to sell their pots and pans to the widows of Westlock and Barrhead and to the unemployed of Fort McMurray, Alberta, and to the flood-ravaged individuals worrying about the receding snow lines in the south? Why are we doing that? Again, there is no advantage to any Albertan in those particular sections, and I urge hon. members to vote against those.

Now, the Direct Sales Cancellation Act. Other members have pointed out, Mr. Speaker, that there used to be a \$25 limit so that if the contract was over \$25, the Act would apply and you'd get the protection. Now they want to take away the limit. So now what will happen is that the dollar level before you get the protection will go up and up and up. Well, to hon. members of the government: \$25 or \$50 or \$100 may seem like peanuts to them, but to a widow in Alberta living on \$600 a month or less, \$25 can be the difference between medicine and no medicine for that month. I would ask again the government members to try and ask themselves: whom does this protect? Now, the answer was given hypothetically and rhetorically last week that we want to standardize our legislation all across Canada. Well, since when is this Legislative Assembly going to become subservient to other legislatures in other parts of Canada when the protection of those people in our society that need protection is at stake? Since when has that become the principle upon which we debate Bills in this

Assembly? I urge all Members of the Legislative Assembly to look at this Bill carefully and decide that no, it's not necessary, that these consumer protections are well worth retaining.

Now, you know, the minister of transportation is a strong individual with a clear intellectual capacity. The reason I know that, Mr. Speaker, is because he has said that many times. I want to say to him that he may not need the protection, but there may be others of his constituents that do need the protection. I'm not prepared to turn my back on them, and I hope that this hon. minister won't turn his back on them either.

I also then want to talk about protecting people who run afoul of the government laws. Now, you may say, Mr. Speaker: why would you worry? Well, because decency and dignity in our laws ensure that people generate respect for the laws. Now, the government said that they felt they had to put in some minimum sentences. Minimum sentences are dangerous because they take away from the courts the judicial discretion to deal with each case on an individual basis. If the sentences have been too low, what you do is increase the maximum sentences so that the courts can get a message that the crime is serious. You don't solve the problem of . . .

DR. WEST: Yeah, but most of them are Liberals, and they're bleeding hearts all over . . .

MR. GERMAIN: Well, now the hon. minister has hollered out again from his seat, Mr. Speaker, that most of the judges are Liberals. To the best of my knowledge the Attorney General of Alberta has appointed the Provincial Court judges for the 20 years that they've been in power in government.

AN HON. MEMBER: Twenty-five.

MR. GERMAIN: Twenty-five.

If they're content in appointing liberal-thinking lawyers to be judges in Alberta, then who am I to criticize those choices? I mean, I don't go around characterizing judges as to whether they're Liberal or Conservative, Mr. Speaker. I characterize judges on the basis of their attributes for kindness, their clear thinking, and their quality of sober judicial thought, and it's always worked for me.

DR. WEST: I suppose that's why our criminal justice system is such a mess.

MR. GERMAIN: Now the hon. minister wants to allege that the justice system is such a mess. He should take that up, Mr. Speaker, with the appropriate judicial authorities.

#### **Speaker's Ruling Relevance**

THE DEPUTY SPEAKER: Order. Hon. member and hon. minister, we have before us the Bill, Municipal Affairs Statutes Amendment and Repeal Act. I wonder if both the speaker and those who are making comments – if the latter would cease and desist and the former would direct his attention to the Bill at hand, we'd all be the merrier.

#### **Debate Continued**

MR. GERMAIN: As always, Mr. Speaker, you're absolutely correct. It's good that you remind all members of this Assembly that I was in fact addressing section 12 on page 21 of the Bill that dealt with the imposition of minimum fines that the government

indicated was necessary because they were getting sentences that were too low. That's what the sponsor of the Bill said. Well, if sentences are too low, perhaps you want to consider daily breach sentences or you want to raise the maximum. You don't come in with a minimum sentence, which takes away the judicial discretion to deal with hardship cases and individual cases on an individual basis. That's what judicial discretion in sentencing means. This Legislative Assembly, that seems to want the judiciary to stay out of their affairs, should reciprocate by staying out of the affairs of the judiciary, in my respectful estimation.

Now, I also want to draw your attention, sir, and the hon. members of this Assembly's, to page 22 of the Bill, which is dealing with the fuel legislation changes. Once again we have conviction based on certificates, and once again there is no obligation found in the legislation that obliges the certificate to be served on the individual so that he knows what the case against him is that he has to meet. I just think that that is an awkward provision, Mr. Speaker, and it is one that we would do well to look at very carefully.

Mr. Speaker, I know that there are numerous individuals who want to speak to this particular Bill. I also know that I had a greater opportunity last week to speak to this Bill. So I just want to conclude my comments by reminding all Members of the Legislative Assembly that there should be no issue of partisan politics in whether you protect individuals in the province of Alberta. This Bill in its entirety and in some of those specific provisions takes away consumer protection for individuals on the basis of standardization and harmonization. Are we so in love with those phrases of standardization and harmonization that we will turn our backs on those people who because of age, because of mental and physical weakness, and because of impulse do something which is later considered by them to be a rash and dangerous purchase and they lose their protection?

So I urge all members of this Assembly to vote against sections of this particular Bill. I hope that the debate will be invigorating, and I hope that by the end of the debate people will have concluded that in the interests of protecting their constituents, they should vote against some parts of this Bill that have as a result the removal of consumer protection.

Thank you, Mr. Speaker.

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

4:20

MR. DICKSON: Thanks very much, Mr. Speaker. I'm certainly invigorated after hearing my colleague for Fort McMurray. He's put me in mind of a couple of thoughts I first had when I initially reviewed Bill 7. You know, one of them is this. Every time I think of the Member for Peace River, who's diligently toiling away, often in some small committee room someplace, with his deregulation task force trying to create this thing that the government likes to trumpet as Government Lite, trying to simplify the process of government – which is, on its face, a very laudable objective – I have trouble reconciling that initiative with something like Bill 7. I thought what the Member for Peace River was doing and what I thought his whole task force was charged to do was to try and make legislation simpler, to try and make it easier for consumers and people directly affected by different statutes to know, firstly, what the law is and to know how it impacts them.

It's for that reason that I regret that we deal with the whole series of amendments in a single statute like this. It points out the fact that if you're a consumer and you want to find out what your

remedies are, what kinds of protection this Legislature has decided you deserve or you ought to be able to benefit from, there's no single statute you go to. There's no single Bill that says: this is a code of consumer rights and remedies. You can't look to that single place. Instead, what you have to do is look at a whole series of different statutes. Now, this is great fun for lawyers and librarians. They're trained to do that, and they're not going to be deterred by a little rooting around through a series of statutes. But in an age when legislation and regulation become more complex and we find more and more of it, I would think that one of the top priorities for any government and indeed for any legislator would be to look at these things and say: how do we make it easier for the consumer; how do we make it easier and more accessible for Albertans to find out what their rights and remedies are?

Bill 7 in many respects is a step backwards. The first reason I say that is that we are still dealing with tinkering with a whole series of different Bills instead of trying to pull it together. I wanted to commend my colleague from Clover Bar-Fort Saskatchewan, because when we deal with Bill 212, Consumer Protection Act, whatever members may think of the merits of different elements of that Bill, it does, I think, one very important thing: it attempts to consolidate a variety of consumer remedies in a single statute. I've always thought that that would be an important objective, and I regret that we don't find it here. We're still doing this in bits and pieces, and if the Minister of Transportation and Utilities wanted to make more work for lawyers and courts, there's no better way of doing it, Mr. Speaker.

MR. GERMAIN: He professes not to like them.

MR. DICKSON: Yeah. Isn't that ironic, Mr. Speaker, that those members in the House that are least satisfied with the existing legal system continue to pass legislation which simply requires more and more people to go and pay lawyers to get advice and to leave it to judges to settle?

The other thing, Mr. Speaker: I observed earlier some agitation on the part of the Minister of Health when my colleague from Fort Saskatchewan was speaking. It also put me in mind of the importance of protection in the whole area of health services. Why is it that the government finds it important enough to amend the Cemeteries Act to deal with consumer protection, important enough to deal with the Direct Sales Cancellation Act to remedy the protection, important enough to deal with collection practices, yet what we don't find in this is anything which empowers the consumer of health services. Goodness; there is lots of protection that's required there, and if the media reports are accurate, it would seem even the Premier now is of a mind that health consumers need some additional protection they don't have. So I'm hopeful that before we get around to voting on this, the Health minister will tell us why she's part of a government that thought it was more important to deal with consumers under the Fuel Tax Act than consumers under the Hospitals Act, on the one hand, and the Alberta Health Care Insurance Act on the other. I'd think that those are pretty powerful consumer demands that are waiting for attention and redress.

Now, turning to the elements of the specific Bill in front of us, Bill 7. Mr. Speaker, I know you'll give me some licence to deal with some specific elements here because this is no broad-based statute with a set of objectives. This is basically tinkering, and I think to respond to it, I'm going to have to deal with some of the specific elements.

One of the first things that I observed is something that didn't escape the sharp eye of my colleague for Fort McMurray. That's the unfair treatment of consumers who find that they're party to a contract that contains an illegal element, contains a term that's a misrepresentation or that may be "misleading as to its true nature or purpose" or something that even "contravenes this [very] Act." Now currently, members, when that exists in a contract, there's an opportunity under the Sale of Goods Act in this province for a purchaser to claim that there's been a fundamental breach in the contract, a fundamental breach that may allow the purchaser in the appropriate circumstances to walk away from the contract altogether and say, "This is a nullity; it's void; I want my deposit back," and that's the end of it.

But what the government has chosen to do here, curiously, on page 3 dealing with the Cemeteries Act, the new proposed section 37.1, is if there is an illegal provision in a contract, if there are misleading terms in a contract, if there's been a misrepresentation, the purchaser's remedy is now narrowed so that that particular part comes out and "is void and severable." What that means is that all the other parts of the contract that require payment of money from the consumer or the purchaser are still effective. So you end up in what I submit is an outrageous position, where a consumer who is being bamboozled, high pressured, coerced into a contract on the basis of misrepresentations for a cemetery plot, looks for some relief and perhaps goes to the court. Under normal circumstances, had it not been for Bill 7 being passed by the Legislative Assembly of Alberta, that judge would be able to say: "This is outrageous. As a judge acting under the Sale of Goods Act and under your common law rights, I relieve you of any obligation under the contract." You'd get your deposit back, you'd get back any moneys you paid, and you'd walk away from the contract.

It's a curious thing. At first I thought that it may have been an oversight by the usually diligent Legislative Counsel, but then I went a little further through the Act, and I found on page 6 of the Bill exactly the same provision again. Now we're dealing with a different statute. This is the Collection Practices Act, and I'm looking at page 6. This is the new section 3 under that Act. Once again, if we have a "term of an agreement entered into by a collection agency or collector" that either "misrepresents the rights and powers of a person" or "misrepresents the obligations" or "is misleading as to its true nature and purpose," or "contravenes this Act," the specific provision "is void and severable." Mr. Speaker, why possibly would we want to let any businessman in this province take advantage of an illegal act, of a misrepresentation? You know what this Bill does? It gives carte blanche to any shady operator in this province; it takes away the rights that purchasers have now.

The next time any member, as our friend from Fort McMurray has suggested, has a senior in a nursing home or in a seniors' lodge who has been sold a set of encyclopedia or 20 years' worth of dance lessons at the local dance studio – you know, that senior is not going to have the whole range of remedies they would have had before. I think that's unconscionable, Mr. Speaker, and I'd hope that every member in this Assembly would view it as being unconscionable as well.

You know, it's further interesting to me, Mr. Speaker. If we contrast this very draconian, limiting, punitive measure, which appears in the two sections I've cited – let's contrast that with page 13. Now, here we're talking about direct sales cancellation. If one looks at the new section 11.2, it says:

The right of a buyer to cancel a sales contract under this Act is in addition to and does not derogate from any other legal right or remedy the buyer may have.

Isn't that the section we'd want in the other two provisions? This says that in cases of a direct sales cancellation, the remedies that any purchaser has under the Sale of Goods Act are still available to the purchaser. So why is it that in the other two Acts people are deprived of basic rights, but when it comes to this, they're specifically, expressly protected? A curious contradiction, Mr. Speaker, and I'm hopeful that somebody's going to shed some light on that because it certainly wasn't in the introduction to Bill 7, and that's a significant problem.

4:30

Now, the members on the government side, I would have thought, by now would have been sated listening to concern about regulations and the fact that we continue to do all of this subordinate lawmaking without any public view, without any reference to the Legislative Assembly or any committee of this Assembly. Since the government refuses to move on that in the way that we've suggested consistently, I again would indicate my concern at page 18 with the excessive regulations enabled under the Licensing of Trades and Businesses Act. We continue to have major regulatory provision under the Fuel Tax Act. We continue to have regulatory powers delegated, on page 13, under the Direct Sales Cancellation Act.

I still renew the challenge I made I think almost two years ago now that we could refer regulations under a single statute to the Committee on Law and Regulations. Let's see what the committee is able to do with the regulations. Let's see who gets the quicker response: an open committee that meets where there's a *Hansard* record of what's discussed, where you have genuine representation from all parts of the province, or do you get more results from one of these little closed-door meetings with hand-picked stakeholders and where basically everybody is there on the government's ticket and everybody is either a nominee of a minister, a subordinate of a minister? Where do you think you're going to get the more aggressive pruning and cutting of excessive regulation? I think the answer's clear, Mr. Speaker. I think that you would under a standing all-party committee of the Legislature. So I renew that challenge.

I'd hoped, I'd thought we had some movement in this direction last fall when we had the Government House Leader, who was even brave enough to suggest that in the department he had responsibility for, he might consider allowing the opposition critic to come and be involved in the regulation lawmaking. At that point I challenged his colleagues and I challenged whatever minister is ultimately going to be responsible for this – and we assume it's Municipal Affairs – to do exactly the same thing. That hasn't happened, Mr. Speaker, and in the intervening half year it seems that we're no closer to even a tacit acknowledgement from the government that subordinate lawmaking is as important as what's in the four corners of a statute, a Bill passed here. Until we open that up, we're still going to be able to accuse this government of secret government. I would think they'd be anxious to avoid that.

Now, the other comment I wanted to make, Mr. Speaker: on page 5 we've got special treatment of civil enforcement agencies. I guess here's my difficulty. We have a Collection Practices Act that says that we're going to regulate everybody other than lawyers who are involved in this particular business, but the exception is "a civil enforcement bailiff or civil enforcement agency while realizing on a security." Well, what's not clear to me is the extent to which that is severable from the kinds of trading and collection information the Collection Practices Act covers. It seems to me that there's been no good reason proffered

by members opposite in terms of why that special treatment should obtain when we're dealing with civil enforcement agencies. It seems to me that this is exactly the problem that had been foreseen when we talked about the Civil Enforcement Act and the fact that government is starting to abdicate much of the responsibility they have for the enforcement of money judgments. It's the same reason that the Alberta Law Reform Institute flagged this as a problem at least five, perhaps even six years ago and identified it as a problem. It continues to be a problem, and it's a problem that persists when we look at page 5 of Bill 7.

Mr. Speaker, I think that at least some part of this Bill can be salvaged with appropriate regulations, but it seems to me that we're into a lot of work to be able to achieve that. One would have thought that the minister responsible for the Municipal Affairs Statutes Amendment and Repeal Act might have been further ahead to pull together the recommendations or the proposals from the various government departments, put it in a package, send it to the opposition, as happens with the miscellaneous statutes amendment Act each year, allow us to review it, allow us to ask questions, and demonstrate with the same kind of alacrity that we've seen with miscellaneous statutes amendment some revision of the problem areas. Hon. members, we could have saved a whole lot of time in terms of dealing with this in the House.

As I say, many of these things could have been remedied by simple amendments; the amendments could have been negotiated beforehand. The next time the Government House Leader stands up and wants to try and make an issue of the cost of running the Legislature, we have but another example of the way that the government through lack of planning, lack of foresight, lack of co-ordination, and most importantly, lack of consultation with those 29 members that also got elected on June 15, 1993, and may have a different perspective on some of these things – that's the big time waster. That's the big cost waster. I think that Albertans would be only too happy to see some positive changes on the part of the government in those areas.

I've highlighted the things that jumped out at me when I first read Bill 7. I'm hopeful I'll have a chance in committee to focus on some of the other problems and issues with the Act. With that I'll take my seat.

Thanks, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. Bill 7, Municipal Affairs Statutes Amendment and Repeal Act, 1996, is a rather confusing title in that there are so many aspects of legislation that are dealt with in this particular Bill. As my colleagues have indicated, some of the provisions of this Bill are perhaps more supportable than others, but because we have such a large number of pieces of legislation attempting to be dealt with in one larger piece of legislation contained in Bill 7, it becomes very, very difficult. The essence of the Bill, as my colleagues have indicated, appears to be the matter of consumer protection for the Alberta public. Also, as my colleagues have indicated, the consumer protection message from this government in the amendments to the Cemeteries Act and to the Collection Practices Act appear to be caveat emptor rather than public protection.

The Member for Calgary-Buffalo identified very well and very clearly that we now get a change in the way laws will be created and used in the province of Alberta when consumers, regardless

of their age or ability, enter into contracts that are based upon misleading information or misrepresentations. You can under the proposed changes to the Cemeteries Act, Mr. Speaker, have an individual who fails to comply with the new provision in section 37 and does not register with the director for the purpose of those sales and, in fact, carries on peddling his goods and peddling his misleading contracts.

The ultimate result of that is that if a senior or an unwitting Albertan enters into that contract to discover later that there was a misrepresentation about the obligations or liabilities of either of the parties, so if the peddler says, "This is what I'm going to do for you," and misrepresents that or makes misleading statements as to the true nature or purpose, that individual who has agreed to that contract does not have the same opportunities by virtue of this section as they did previously. The reason for that of course, Mr. Speaker, is that this section changes the law in that the misleading character has to relate to its true nature or purpose, and consequently that would relate to the fundamental aspect and the fundamental components of that particular contract.

#### 4:40

As my colleague from Calgary-Buffalo stated, that would have made the entire contract void, and that individual could get their money back. But in the way that this is being stated, only that particular section is "void and severable," and therefore the public of Alberta who have been misled by a sharp-practice individual are stuck, because this government will not protect those consumers from those who engage in sharp practices. It will certainly protect those individuals involved in the sharp practices, who will no doubt join the government in choruses of the Alberta advantage, but it will certainly not, Mr. Speaker, protect the people of Alberta who have considered their purchase very carefully and who discover after considering their purchase very carefully that they have been duped, misled, and tricked. The government of Alberta in Bill 7 says: that's okay; sorry, members of the public, that's okay if a sharp practitioner misleads you, because we're going to protect the sharp practitioner; we're not going to protect you as the consumer in the province of Alberta.

You know, Mr. Speaker, in law there are two kinds of misleading. There is innocent misrepresentation, and there is fraudulent misrepresentation. Well, what happens, though, in terms of Bill 7 is that the distinction isn't there anymore. There is no distinction anymore, so the sharp practitioner can be fraudulent in his misrepresentation and come through town and sell off his contracts and leave again, taking all the money, and the government will stand by and do nothing. Well, that's not quite true. The government will through the director determine whether or not that kind of practice is going on. We of course have no ability as a government to determine how long it's been going on and how many people in Alberta have been taken advantage of, being their form of Alberta advantage, because of section 67.1.

Now, if the director discovers in some way that a salesperson is contravening the Act, he can do a couple of things. Very powerful. He can do two things. He can ask that person to stop – you know, please don't do that anymore – or he can go to court and have the court say don't do that anymore. All right? So now he has to say: now you have to comply with the Act. Well, the money's in his jeans. He's off to Saskatchewan. He's not sticking around now that he's got the money in his jeans and says: thank you, government of Alberta, for the Alberta advantage; now I'm out of here.

Sections 67.1 and 67.2 as proposed by the government are very, very soft on those kinds of business practices. There is not

the same kind of provision that is included in some other legislation where contravening the Act is an offence. There are no consequences and there are no penalties for a contravention of this Act. All that happens is that the director goes to court, gets an order making this sharp practitioner comply with the Act and the regulations and asking that shyster to stop doing what he's doing to the people of Alberta. In other legislation that we have in this Assembly, Mr. Speaker, individuals like that who contravene legislation are subject to penalty and are subject to fine. That is not contained in this legislation.

So the message from the government, at least in terms of the Cemeteries Act, is very, very clear. Individual Albertans had better look out for themselves because there will be no consumer protection in the Cemeteries Act. You'd better know, people of Alberta, that when Bill 7 passes – as this government will no doubt pass Bill 7 – that is the kind of legislation that's coming down.

This is the new code of the west, where everybody has to look after themselves. Mr. Speaker, as the Member for Lethbridge-West says: yee haw. The new code of the west. Take care of yourself. That's the Alberta advantage. You let those snake oil salesmen come on in, and we'll give them the Alberta advantage, and if you have the Alberta advantage taken away from you, that's your problem. [interjections]

#### **Speaker's Ruling Decorum**

THE DEPUTY SPEAKER: Lethbridge-West, Cypress-Medicine Hat, and Sherwood Park, you're kind of inviting this, and I want the invitees to refrain. Would the hon. Member for Sherwood Park contain himself to his own speech and not invite others to participate.

MR. COLLINGWOOD: As usual, Mr. Speaker, sound and sage advice.

#### **Debate Continued**

MR. COLLINGWOOD: The same kind of provision is contained in the proposals for the Collection Practices Act. Again, we see the same thing.

Any term of an agreement entered into by a collection agency . . . that

- (a) misrepresents the rights and powers of a person collecting or attempting to collect a debt,
- (b) misrepresents the obligations or legal liabilities of a debtor,
- (c) is misleading as to its true nature and purpose . . .

is void and severable from the valid terms of the agreement.

So Albertans will be brought into these agreements based on lies or innuendoes or falsehoods, misrepresentations, fraud, whatever works for a debt-collection agreement. That's okay to this government. That's okay, because it doesn't say that the entire contract is void. It says, "We'll slap them on the wrist, and we'll cut that section out of the agreement," not cutting out the sections that maintain and retain the liability under that agreement. They're going to keep their money, Mr. Speaker. Absolutely no doubt about it: they're going to keep the money. All of the members of the government will stand up and righteously proclaim: isn't that just awful that someone would use those kinds of tactics in debt collection. But they're not really all that concerned, because they're bringing it forward in this legislation, in this Bill, Bill 7.

MR. GERMAIN: I think maybe they were laughing at the Bill and not at the sponsor.

MR. COLLINGWOOD: They may very well have been, hon. member.

I want to just refocus, Mr. Speaker, for a second, because it's very interesting that in the Municipal Affairs Statutes Amendment and Repeal Act, buried well behind the Cemeteries Act, is the Government Organization Act. Now, we've been talking that this is sort of a consumer protection Bill: we're dealing with fuel tax amendments; we're dealing with licences of trades; we're dealing with the Cemeteries Act; we're dealing with the fuel tax. Then out of nowhere comes the Government Organization Act.

This amends the Government Organization Act in schedule 12. Schedule 12 is the municipal affairs schedule. It's going to add "municipalities" to section 5 so that it will read:

The Minister may, on request, acquire supplies on behalf of, or provide services to, approved hospitals . . . post-secondary educational institutions [and municipalities] and any organizations that carry out services or programs on behalf of the Government.

Now, this is a very, very interesting amendment. What does it mean, Mr. Speaker? Does it mean that the government will carry municipalities? Is it because of the downloading of this government onto municipalities and because of the difficulty that many of the municipalities in Alberta are in and because of the lack of protection of our municipalities that the government is building in a bailout clause? So now the government will carry the can for municipalities who can no longer afford to do it.

#### **4:50**

If that's the case, how is it being done? Is the government footing the bill? Is it a cost to the municipalities? Is it a cost to the provincial government? How does this work? How does this work in this amendment to the Government Organization Act? It will be very interesting to hear the answer to that question, because it is clear to many municipalities and to many municipal councillors who are at the limit of their debt thresholds, who can no longer afford to function and are right at the line. Maybe it was those municipal councillors who, with no other options and alternatives, came forward and said, "Amend the Government Organization Act and add municipalities so that you can acquire supplies on behalf of us and you can provide services on our behalf." So, Mr. Speaker, I want to hear the answer to that question, because I have serious concerns about that.

I know that other members in this Assembly – the Member for Barrhead-Westlock rose in this Assembly and spoke about the importance of sound management and the certain future of municipalities in the province of Alberta. I think, Mr. Speaker, that that's at risk right now. I think there are municipalities that are at risk in the province of Alberta. I think we need to address it, and I think we need to address it up front. My concern is that buried in a Bill that deals with consumer protection, the government comes forward with this kind of amendment, with no understanding, with no explanation as to why it's here. I'm concerned that they're attempting to do this without facing the issue head on. So, Mr. Speaker, I'd like to hear from the government why this is in here, what it means, and what the consequences are.

Mr. Speaker, those are my comments. Because of the comprehensive nature of the Bill, because of the odious and insidious approach to disadvantaging Albertans with the proposed changes to the Cemeteries Act and the Collection Practices Act, I certainly will not support this Bill in second reading.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for St. Albert.



MR. BRACKO: Thank you, Mr. Speaker. What we need is a Bill that protects the consumers. Many consumers are very knowledgeable; they know what to look for. They can protect themselves, but there are many out there who cannot. Coming to mind are seniors. Those who maybe do not have the education others have, who maybe cannot read or write as well as others need to be protected by our government.

DR. TAYLOR: Somebody will protect you, Len. Don't worry.

MR. BRACKO: Yes. It's always interesting. The Member for Cypress-Medicine Hat always needs a bit of attention. Maybe you could give it to him, Mr. Speaker.

As you go around the province or even in your own communities, you cannot go to communities without having certain people being ripped off by sharks, people who will take advantage of those who cannot protect themselves. What we need is a Bill that will do this. I talked to seniors when the government gave grants of up to \$5,000 to have their roofs shingled again, and on a \$1,200 job some of these sharks were collecting \$5,000. They said that the money was there. They came in and talked smoothly to seniors, who are very trustful, as most people are. What we have: getting ripped off. It happened to my own family. We were there. We got some money back, fortunately, through the department of consumer affairs.

DR. WEST: Well, where were you to protect your family? Where were you?

MR. BRACKO: I was there. Exactly. That's the point I'm making. We want our seniors to look after themselves and not get ripped off, not be watched over by their adult children all the time. So get into the real world, Mr. Minister. You know, keep them independent. The longer you keep them independent the longer they live, the healthier a life they have, not just sit there and you baby them so that their health goes downhill, Mr. Speaker. If the minister had any common sense, he would realize this. I appreciate his comments. We know where the Tories are coming from: let the seniors get ripped off at any cost anytime; let's not worry about the seniors in this province. With those words, I want to move on.

Why would the government allow a dance studio to sell a senior a double life membership? They're only living one life. Why would they be allowed to sell them two? Are they going to be reincarnated, come back, in this sense, and get to dance again for a second lifetime? You know, it doesn't make sense. A little common sense, Mr. Speaker. It's unbelievable that this government cannot see through this. What we need is a government that understands what's happening out there, not looking after their rich friends all the time, making sure the owners of Swan Hills make a guaranteed profit while the seniors get ripped off by the undesirables in our society.

Also, we're looking at automobile dealers. The same thing's happening: no protection from some of these. Stolen cars were bought by vulnerable buyers, and they lost maybe what was then their life savings. I've seen this happen. The weak and vulnerable in our society need to be protected. They should be looked after. This Bill doesn't appear to do this.

A third one that just came up is negative advertising, Mr. Speaker. It's unbelievable that this was allowed, that you could get billed for channels that you may not want, half the time thrust on you without your even knowing. This has increased. This is

what we need in this type of Bill: against negative advertising. The Member for Clover Bar-Fort Saskatchewan has included this in her Bill, and maybe they should take part of that to amend this Bill to have that.

Warranties is another one. I mean, why would you need a warranty if the product is good? They try to sell me sometimes in certain shops a warranty, a one-year warranty. I say, "If the product's any good, I don't need a warranty, and if it isn't any good, I'll go to the manufacturer to get my money back, not by additional warranty."

What we need too with the government is an independent watchdog to watch over what's happening to the most vulnerable in our society, the seniors, those who are lacking education. How many single-parent mothers have been ripped off by auto dealers who sell them an old wreck that doesn't run? This is not acceptable in our day.

The most vulnerable of all. The Cemeteries Act, where there's no protection for the family. When is a person most vulnerable? In the time of death. It's happened to my family where the owner has said, you know, "Wouldn't you want the best for those that you love the most?"

### Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Order. We seem to have forgotten that we're in Assembly, and there are some lively discussions going on no doubt stimulated by the hon. member's speech. We would ask those members who are currently engaged in such lively discussions to get the permission of their Whip to leave the Assembly and carry on out in the lounges. [interjections] Order. We're trying to hear the hon. Member for St. Albert, who is hopefully going to stay within the confines of the Bill.

5:00

### Debate Continued

MR. BRACKO: Thank you, Mr. Speaker. I'm now on the Cemeteries Act, and I'm saying that it doesn't provide the protection to the families out there. [interjection] Exactly.

It's a vulnerable time. Someone compared a death to a wedding. It takes as much planning to plan for a funeral as it does for a wedding, but you do it in two or three days. Many people may not have done it before. They may not be ready. They're vulnerable. They go out and go through the different things that have to be done, and it's a big checklist. I've done it two or three times, and even having done it two or three times, it's still a burden. It's still a time of high stress, a time when people are most vulnerable to getting ripped off, a time when you want to do anything for your loved ones. I always say that you should do it before they die, so I don't worry about what they get after: a reasonable coffin and so on. The costs go right up if you're not careful, and people aren't aware of this. Some of these things should not be allowed. There should be protection for those who are entering these types of contracts. It's needed, and it's important that we get this.

This Bill needs to be strengthened and some amendments made or it's not supportable. Defer it to another year so we can shape it up, or maybe use our own Bill 212 from the Member for Clover Bar-Fort Saskatchewan, who'll be introducing it later.

Thank you.

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

MR. HENRY: Thank you very much, Mr. Speaker. I'd like to enter into the debate on Bill 11 as well.

AN HON. MEMBER: Seven.

MR. HENRY: Bill 7. Sorry. I'm thinking of 7-Eleven. How's that for a plug? [interjections] He thinks I'm a gambler. I'll move on.

Mr. Speaker, there's a couple of things that I would like to speak to on the Bill, one that I would like to highlight again: the concern that's been expressed by other members about the sections of the Bill dealing with registration of cemetery salespeople and what not. We've seen a marked change in how the industry that sells funeral arrangements, cemetery plots, et cetera, operates over the last few years. I remember growing up in a small town and knowing the family who ran the local funeral parlour. The churches and the municipalities ran all of the graveyards. Everybody knew who the funeral directors were in the community and trusted them, and when a death happened in a family, it was those trusted friends and neighbours and fellow community people that you turned to, that you could always depend on. That's changed in today's world with increasing urbanization and increasing competitiveness and everybody out trying to make a buck, sometimes ethically, sometimes not so ethically.

It wasn't that long ago that I was sitting down having dinner with my children and the telephone rang, and somebody tried to sell me a cemetery plot over the phone. Just to give you an indication of what they were doing – with two phones in our house it was interesting, because I hung up the phone and two minutes later the other phone rang. They were obviously going through the phone book or the reverse directory trying to sell cemetery plots. These were people I didn't know, representing a company I had barely heard of, not in my part of town, not associated with my particular faith community, and not associated with my geographical community either. I'm trying to point out that the nature of that whole business has changed dramatically.

Other members have already spoken about the fact that when making funeral arrangements . . . [interjection] I know that the minister of transport thinks everything's funny, but when making funeral arrangements, it is very stressful on families. It is very time compacted. When a loved one becomes terminally ill, all those kinds of stresses come onto the family. Then to have an unethical salesperson come in and try to sell a plot or funeral services or other related services to the family when they're under stress, that's when a family can be taken unfair advantage of.

We know the history of this current government with regard to caring for people who are vulnerable because of their particular position or because of particular actions that have occurred to them at that point or the particular situation they find themselves in at that particular moment of time. This government thinks: "Oh, well, let's leave them on their own. We don't need to care about those individuals. Those individuals are not our responsibility. It's our responsibility to look after those who are our friends, who support us, and who are there when we need them; i.e., at donation time and at voting time." I regret that this Bill is essentially a deregulation of that industry. I think we need more protection for vulnerable people when it comes to that time in their lives or their family's life.

I'd also like to move on with the section of the Bill that deals with cancellation of contracts. There's a couple of concerns there. One talks about the severability of the contract. If there's

been some sort of commission of fraud – fraud was not the word that's used; it's misrepresentation. If we're going to have laws that protect consumers and not just go back to a thousand years ago, when everybody did their own thing and if you got snookered, so be it, and there was no protection for anybody, unless we're going to go back to that, it seems to me that if we want to focus on protecting individuals, that if in one part of the contract there's been a misrepresentation or there's been something that's been shown to be untrue, the individual who is at the receiving end, who is purchasing something, should have the option of backing out of that entire contract.

To limit that by saying that the contract is severable I think very clearly puts the seller in a position of being more vulnerable and makes it more advantageous for those who unfortunately are in our communities who would like to take advantage of all of us and who would like to be less than honest. I would hope and I believe in my heart-of-hearts and my experience tells me that most people in business, especially in small business, are out to make a buck to support themselves but also have a set of values and a set of ethics that they believe in, that they adhere to, and they're out for the long term and building up customer satisfaction and building up a long-term clientele rather than just moving in and trying to take unfair advantage and then moving out again. It doesn't make any sense to me, except if the government believes in the marketplace at all costs and no protection for the consumer, to have put that in the Act.

When the minister brought this forward, I wondered why he didn't deal with leasing concerns as well, specifically in terms of the grace period that's often referred to, where an individual can back out of a contract that they've signed because they felt they'd been under too much pressure or whatnot. I recently had a situation in my constituency with a major auto company, that I hope we've been able to solve, where an individual felt that they were unduly pressured to sign a contract. They ended up taking a vehicle off the lot and returning it hours later with 19 kilometres still on the odometer, so had very clearly taken it home and brought it back and that was it. By that time it got to the lawyers and whatnot.

If the individual had purchased the vehicle, there would have been a grace period and the person could have backed out. I should say that this person first started to purchase a vehicle and because it was unsatisfactory had returned it. It was accepted. Then instead of purchasing a second one, they felt that they were pressured into signing a lease for another vehicle, this lease being the vehicle that had 19 kilometres on it when they returned it. Because there was a grace period in terms of contracts for sales and there's not one for leasing, this individual was stuck with the lease. Now, for all sorts of reasons – this individual has said that his wife can't drive that vehicle; therefore, he can't take it. That mistake in terms of assuming that he had a grace period with a lease because he knew about the grace period with sales is going to cost that individual upwards of \$6,000, because of course it's now treated as a secondhand vehicle, and the auto company is going to sell it as such because it's been leased, technically, and the lease has been broken. So I'm wondering why the minister didn't take the opportunity when bringing forth this Bill to deal with the need for grace periods when signing leases as well as when signing sales contracts.

#### 5:10

One section of the Act – maybe I can talk generally for members' benefit. Section 5 and I believe section 13 generally make me have a concern about where we're heading in the way

that government is operating. One of the sections calls for something that used to be done by legislation to be done by regulation. The other section takes something that used to be done by regulation and makes it done by ministerial order in effect. It's an ongoing trend with this government to pull back from public accountability and scrutiny with regard to legislating and regulating and giving ministerial orders. Very clearly we've seen a dramatic increase in the use of regulation and ministerial orders and a decrease in the use of legislative provisions by this government. This Bill has at least two and possibly more examples of that. It seems to me that that's a dangerous trend.

Whether the members on the government side would like to believe this or not, Mr. Speaker, the reality is that members on all sides of the House, especially members of the opposition, are elected here to provide a balance and a check on government because we can, as anybody can, become very insular. We can become very inward looking, and we sometimes forget the real world out there. Then to take things out of the purview of this body here and put it in the purview of regulations, which are passed not even by the caucus of the governing party but simply by the Lieutenant Governor in Council – i.e., the cabinet – so that you are reducing the scrutiny from 83 people to 18 or 19 or so people, it seems to me that that's a dangerous trend. We've seen this repeated over and over and over again. I believe it's because the governing party in this province currently doesn't believe there's a role for an effective opposition, believes that the opposition is a nuisance and believes that it was elected to govern with 44 percent of the vote, and therefore it should be able to steamroll over and just do what it wants without any question, without any comment, without any checks and balances. That's not the way our parliamentary system works. Our parliamentary system works because we have those checks and balances, and running away from it doesn't make it any less valid.

In addition, taking something that has been previously in the purview of the Lieutenant Governor in Council and putting it under ministerial order – we all know, whether we know from personal experience, from members who have been or are currently ministers of the Crown, from autobiographies, or from shows such as *Yes Minister*, that ministers have a lot of responsibility and are often pressured by the departments to do things and move in certain directions that may not be in the best interest of all over time. The bureaucrats lose sight of the big picture and want to focus on what's important to them and want to get their agenda through, believing all the time that it's a good and positive thing to do.

[Mr. Clegg in the Chair]

Again, we see an instance here where a regulation is going to be done away with and replaced by a ministerial order. It seems to me that that's a regression, and I would like the minister and the entire government to take note of that. I can assure you, Mr. Speaker, that when the Liberal Party is governing this province, we will have more scrutiny in terms of the Legislature. We will refer all Bills to the Standing Committee on Law and Regulations so that that committee can have public hearings and broad discussions about the kinds of regulations that work and that are appropriate in terms of the Bill in question. In addition, the standing policy committees of a Liberal government will have membership from all parties represented in the House so that Bills can go there first to be vetted, to be discussed, not to get one platform through or the other platform through but to try to come

up with what's best for all Albertans. Again, referring to Bill 7, there's a concern about the decreasing use of the Legislative Assembly and of the tools available to us and the rapidly increasing use of regulation and ministerial order, again a trend we've seen in the entire government.

I'm not going to get into the Government Organization Act in detail, but the Member for Sherwood Park has raised the issue of what the future of municipalities is. Does the government see them in trouble? The fact is that we all see the rumour mill, and we all know that the trial balloons are out there to create regional municipalities, to amalgamate municipalities against their will.

I like to try to say to people when I'm out in Sherwood Park or in St. Albert with long-standing municipal councils, "No, no, no, the government probably won't move in that direction," but when I see what the government's done in terms of health care, when I see what the government's done in terms of education without consultation, without agreement – they just moved ahead, barreled ahead – I can't provide that kind of assurance.

There are several other comments I'd like to make, but I see members getting restless and know there's other work to be done, so perhaps I can move adjournment of the debate at this time.

THE ACTING SPEAKER: The hon. Member for Edmonton-Centre has moved that we adjourn debate on Bill 7. All in favour, say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any? Carried.

DR. WEST: Mr. Speaker, I would move that we adjourn until 8 p.m., when we reconvene in subcommittees of supply.

THE ACTING SPEAKER: The hon. Minister of Transportation and Utilities has moved that we adjourn until 8 o'clock, when we sit in subcommittee of supply. All those in favour, say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any? Carried.

[The Assembly adjourned at 5:18 p.m.]

