

Legislative Assembly of Alberta

Title: Wednesday, April 3, 1996 1:30 p.m.
Date: 96/04/03

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

Our Father, we confidently ask you for Your strength and encouragement in our service of You through our service of others.

We ask for Your gift of wisdom to guide us in making good laws and good decisions for the present and the future of Alberta.

Amen.

Please be seated.

head: **Reading and Receiving Petitions**

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

MS CARLSON: Thank you, Mr. Speaker. I would ask that the petition I presented on April 1 urging the provincial government to establish "a provincial child abuse registry paralleling that of Manitoba, and provincial support for a national child abuse registry" be now read and received.

THE CLERK:

We, the undersigned residents of Alberta . . . petition the Legislative Assembly to urge the Government of Alberta to introduce legislation supporting the . . . establishment of a provincial child abuse registry paralleling that of Manitoba, and provincial support for a national child abuse registry.

head: **Notices of Motions**

MS HALEY: Mr. Speaker, I'd like to give oral notice that tomorrow I will be introducing Bill 35, the Personal Directives Act.

head: **Introduction of Bills**

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

Bill 27 Public Health Amendment Act, 1996

MR. DUNFORD: Thank you, Mr. Speaker. It's my privilege to introduce Bill 27, the Public Health Amendment Act, 1996.

There will be three changes in this Act: one to accommodate the change from local health units to regional health authorities, another to remove the liability protection of registered nurses to be consistent with other health professionals, and thirdly, to transfer the waste management responsibility to Environmental Protection from Health.

[Leave granted; Bill 27 read a first time]

Bill 31 Business Financial Assistance Limitation Statutes Amendment Act, 1996

MR. KLEIN: Mr. Speaker, it gives me great pleasure to follow through on a recommendation of the Alberta Financial Review Commission and a promise I made to Albertans by introducing Bill 31, the Business Financial Assistance Limitation Statutes Amendment Act, 1996.

This legislation is the first of its kind not only in Alberta but in all of Canada. It will effectively restrict the government from investing in or giving any new loans or loan guarantees to Alberta businesses. With the Business Financial Assistance Limitation Statutes Amendment Act we now can close the door on financial failures like NovAtel and MagCan. Those failures have taught us a hard lesson, that the Alberta government should not be in the business of business.

It will remove the government's general loan guarantee authority from the Financial Administration Act. It will cap the lending authority of the Alberta Opportunity Company and the Agriculture Financial Services Corporation and will see a mandatory review take place once every five years on the floor of this Assembly for remaining loan guarantee authorities.

[Leave granted; Bill 31 read a first time]

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

Bill 28 Dependent Adults Amendment Act, 1996

MR. BRASSARD: Thank you, Mr. Speaker. I beg leave to introduce Bill 28, the Dependent Adults Amendment Act, 1996.

This Bill will enable an orderly and expeditious manner of handling trusteeship and guardianship of those in care.

[Leave granted; Bill 28 read a first time]

MR. DAY: Mr. Speaker, I move that Bills 28 and 27, as just introduced, be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

MR. KLEIN: Mr. Speaker, today I'm tabling four copies of the report of the Public Service Commissioner regarding the credentials of Dr. Jane Fulton along with the academic review conducted by the University of Alberta's dean of law, Tim Christian, and a public statement on this matter issued by the government. Additional copies of the report can be obtained from my office. The reports confirm – the reports confirm – that Dr. Fulton has and will continue to be a valued member of the Alberta public service.

MRS. McCLELLAN: Mr. Speaker, during question period on March 27, 1996, the hon. Member for Edmonton-Centre asked that the Capital health authority be directed to provide criteria for selecting physiotherapy clinics to provide services under the community rehab program. I indicated that I would ask the health authority to provide the information. I am pleased to file copies of their response received in my office this morning and also an indication of a willingness to meet with the hon. member on his schedule.

THE SPEAKER: Hon. members, pursuant to section 27 of the Ombudsman Act I am pleased to table with the Assembly the 29th annual report of the Alberta Ombudsman. This report covers the activities of the office of the Ombudsman for the calendar year 1995. A copy of the report is being distributed to all members.

Also, hon. members, before proceeding to the next item, might there be consent in the Assembly to revert to Notices of Motion?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

The hon. Member for Edmonton-Beverly-Belmont.

Notices of Motion
(*reversion*)

MR. YANKOWSKY: Thank you, Mr. Speaker. I would like to give oral notice that tomorrow I will be introducing Bill 36, the Alberta Hospital Association Amendment Act, 1996.

head: **Introduction of Guests**

THE SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. It gives me a great deal of pleasure today to introduce to you and through you to Members of the Legislative Assembly two special guests seated in the Speaker's gallery. They are our Ombudsman, Harley Johnson, and his assistant, Dixie Watson. I'd ask them to rise and receive the warm, traditional southern welcome of the Assembly.

MR. KLEIN: Mr. Speaker, it gives me a great deal of pleasure to introduce to you and through you to all members of the Legislature a guest visiting from Albania. It's a country we very seldom hear about, but it's very, very close to the conflict that we see and read about, unfortunately, in Yugoslavia. His name is Nue Gjini. He's here visiting his relatives, also from Albania, who immigrated some time ago and have established a very successful business here in the city of Edmonton. That's Mark Gjini; his wife, Annette; and Victor Gjini. I would ask them to rise and receive the warm welcome of the Assembly.

Thank you.

1:40

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

MR. BRASSARD: Thank you, Mr. Speaker. It gives me a great deal of pleasure to introduce to you once again and through you to the members of this Assembly constituents of mine, Mr. and Mrs. Jones, who are seated in your gallery today. Mr. Jones has a long history of service to the citizens of Moncton, New Brunswick, including a 12-year term as mayor of the city followed by his election as Member of Parliament. Leonard is joined by his wife, Mildred, and I'd ask that they stand and receive the very warm welcome of this Assembly.

MR. DINNING: Mr. Speaker, as you well know, government is always the object of much encouragement and comment and advice. "Encouragement" and "incorrigible" sometimes can be used in the same sentence. We've received a great deal of advice regarding Bill 31, the Business Financial Assistance Limitation Statutes Amendment Act, 1996, from representatives of the Canadian Federation of Independent Business, represented in the gallery today by Mr. Brad Wright, and from the Association of Alberta Taxpayers, represented by Mr. Forrest and Mr. Kenney. I'd ask them all to rise and receive the warm reaction and response from all Members of the Legislative Assembly.

THE SPEAKER: The hon. Member for Little Bow.

MR. McFARLAND: Thank you, Mr. Speaker. It's my pleasure

to make two introductions today to you and through you to members of the Assembly, the first of which is an old friend and a not so old friend from B.C. The daughter has come out from Fanny Bay on Vancouver Island to visit her family. I would ask that Christie Lee Cameron and her mother, Charlotte Moran, who's communications director with Economic Development and Tourism, please rise and receive the warm welcome of the Assembly.

Also on this first sunny day that we've seen in Edmonton, we have with us 64 visitors from the Hazel Cameron school in Vulcan, Alberta. They drove up this morning. The 50 students and two teachers are accompanied by 12 parent helpers, Mr. Speaker. I would ask that teachers Mrs. Sharon Cockwill, Mrs. Vicki Hutton, and parent helpers Linda Schierman, Randy Russell, Randy Wolfe, Lynne Markert, Faye Nadon, Trina Wickstrom, Jim McNiven, Barb Wade, Dee Dawson, Jane Machacek, Kay Ellis, and Ruth Campbell along with the 50 grade 6 students rise and receive the warm welcome of the Assembly.

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

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to introduce 42 visitors from Jasper Place high school. They are 39 students in grade 10 who have come here to see the democratic process in action. They're accompanied by their teacher Mrs. Lana Black, by their student teacher Ms Barbara Geiger, and by the school resource officer, Constable Mark Parr. If they'd please rise and receive the warm welcome of the Assembly.

Thank you.

head: **Oral Question Period**

Health Restructuring

MR. MITCHELL: Mr. Speaker, I would like to read to members of the Legislature directly from the minutes of the Canadian Bar Association Health Law Subsection meeting held in Edmonton on February 6 of this year.

Dr. Fulton stated that she would replace the principles in the Canada Health Act with the following principles: efficiency, effectiveness, choice, consumerism and pragmatism.

This is quite a departure from the five principles of the Canada Health Act, which this government pretends to support: universality, public administration, comprehensiveness, accessibility, and portability. To the Premier: does the statement by the most senior public servant in the Health department of this government reflect this government's real agenda for privately funded health care?

MR. KLEIN: No, it doesn't, Mr. Speaker. What it does represent is a very bright and a very brilliant health administrator who wants to find new and better and more efficient and more effective ways of doing things without violating the fundamental principles of the Canada Health Act.

Mr. Speaker, I will have the hon. Minister of Health supplement.

MRS. McCLELLAN: Mr. Speaker, I can certainly only add to that by saying that in discussions with other ministers of health from across Canada, including the federal Minister of Health, I believe there is common agreement that we need to review the Canada Health Act, that we need to ensure that it does meet the needs of Canadians today and into the future. I would encourage

the hon. member opposite to get involved in that discussion, that productive, proactive discussion of a review of ensuring that the Canada Health Act, that Canadians treasure, is indeed appropriate. I would remind the hon. member that the Canada Health Act is limited to physicians and to hospitals. Those are the parameters of the Canada Health Act and that protection.

We have heard consistently from Albertans and indeed from Canadians that they expect much more from their health system. I guess what the ministers of health from across Canada want to ensure is that Canadians enjoy a quality health service and that we make it as universal as we can in Canada.

I would remind the hon. member also that if he spoke with Albertans, he would know that they value home care, not a part of the Canada Health Act. They appreciate the drug programs that we have in place, not a part of the Canada Health Act. We appreciate many other services – immunization, well-baby clinics, wellness programs – which are not a part of the Canada Health Act. Mr. Speaker, it behooves every one of us in this Assembly to get involved in this discussion and to ensure that we have a health system for Canadians.

MR. MITCHELL: In so clearly supporting the Deputy Minister of Health in her promotion of consumerism for the Canadian and the Alberta public health systems, is the Premier saying that he believes that consumerism should become a fundamental element of Alberta's health care system? Does he want that promoted?

MR. KLEIN: Mr. Speaker, if the leader of the Liberal opposition is talking about those who need the services of health care as being consumers, yes. Absolutely. We consider these people – the consumers, the users of the system, those who need the services of the system – to be first and foremost.

MR. MITCHELL: What confidence, Mr. Speaker, can Albertans have in the Premier's stated commitment to the Canada Health Act when his deputy minister so clearly and so publicly wants to dismantle it?

MR. KLEIN: Mr. Speaker, Dr. Fulton has no intention of dismantling or violating the fundamental principles of the Canada Health Act. She is challenging those in the system who use the system and who provide the services to be more efficient and to be more effective and to find new and better and more effective ways of doing things. That's what she's trying to do.

MR. MITCHELL: Consumerism isn't a better way for public health in this province, Mr. Speaker. You know that.

Gambling

MR. MITCHELL: Evidence is mounting through AADAC studies that more and more Alberta teens are becoming problem gamblers. Surely Albertans' values do not support government gambling policies that create gambling problems amongst our young people. In fact, Mr. Speaker, one AADAC study indicates that as many as 19 percent of the teens in a rural Alberta community have a gambling problem. My question is to the Premier. Will the government take concrete steps through legislation and regulation, not just vague policy statements, to make it illegal for minors to participate in any and all forms of organized gambling?

MR. KLEIN: Mr. Speaker, it is illegal today for those under the age of 18 years to go into bars and play VLTs. If the hon.

member is talking about what I used to do as a teenager . . . [interjections] That's right. Go into the garage of my friends and play a little stook.

MRS. ABDURAHMAN: A little what?

MR. KLEIN: Stook. You don't know stook? You know what it is. It's a little blackjack. If that's what he wants me to outlaw, then, Mr. Speaker, he's asking me to undertake just a phenomenal task. I don't think that could ever be enforced.

In terms of VLTs and going into bars and playing VLTs, it is illegal today. So I don't know what he's talking about.

1:50

MR. MITCHELL: The Premier can be smart about it, Mr. Speaker, but it's not just VLTs that minors are gambling with. There's Sport Select. There are all kinds of issues. You can . . . [interjections]

THE SPEAKER: Order. [interjections] Order.
Supplemental question.

MR. MITCHELL: How can this Premier, Mr. Speaker, make light of gambling addiction and gambling problems amongst young people, minors, in this province? What kind of a value on behalf of Albertans does that reflect?

MR. KLEIN: Mr. Speaker, again it is illegal. That's why we have laws in place to prohibit young people from getting involved in gambling. We think in this province – 18 years is the age of consent – that by the time a person reaches his or her 18th birthday, they should be able to make those decisions. Anyone under that age is prohibited now from participating in so-called legalized gambling.

MR. MITCHELL: Mr. Speaker, why won't the Premier simply admit that video slot machines contribute to unacceptably high rates of gambling addiction and then adopt the Liberal policy to phase out video slot machines over a three-year period?

MR. KLEIN: Mr. Speaker, I'll have the hon. minister responsible for gaming respond, but again I issue the challenge that I issued about a year ago. You start walking down the street and tell the people who are playing those games, tell the owners of the bars to pull them out. Go ahead. Go down there. Take a television crew with you, and tell all of these people that it's the Liberals' business to run their lives, that they have no control over their lives, that the Liberals want to run their lives for them. We have taken tremendous strides to curb the number of VLTs.

I will have the hon. minister responsible for gaming supplement.

DR. WEST: Mr. Speaker, anyone who gets addicted to these habits is indeed a tragedy, but I would like some common sense to come back to the questioning and the rhetoric that's going on in the opposition. The VLTs are in establishments that you have to be 18 to go into. To say that you are going to remove these from this province – I noticed in the *Edmonton Journal* on the weekend a full page ad from Regina beckoning citizens from Alberta to go over there and play in their casino. And they go. The buses line up and go continuously. Therefore, to think that we could wall this province off today and stick our head in the

sand, as it would be, to deny that the citizens of Alberta want choice in this, I think would be wrong.

The other thing when you get to young people gambling – I live in a rural community. There are many raffles, many 50-50 draws at hockey games. They have all kinds of things which you might not call gambling, but it is a part of our society that has been set up. We have a policy at the Alberta gaming branch not to sell lottery tickets and that to underage people, but it's not law because it isn't written down in that sense.

I don't think that you can bring responsibility to society by legislating each and every event that's here. I think that there is a community responsibility, a parental responsibility to go back and work with their problems locally but don't say that you can just remove it and take that choice away from the citizens of Alberta.

Child Welfare

MS HANSON: Mr. Speaker, community-based early intervention and increased control for aboriginals are fundamental Liberal elements in a child welfare system. We were encouraged by the presence of these elements in the government's reforms, but we also raised several concerns over what is missing, like standards, like accountability, like legal liability, secure funding, and ensuring safety and well-being of a child. Our concerns remain unaddressed in the legislation tabled yesterday, and that's a fact the Premier conveniently overlooked. My questions are to the Premier. Why has the government stated its responsibility for ensuring and overseeing programs and services for children and families only in the preamble? Why is it not stated in the legislation?

MR. KLEIN: Mr. Speaker, fundamentally our obligation is really to the welfare of the children and certainly those who cannot fend for themselves in society.

Relative to the details of the legislation, Mr. Speaker, I'll defer to the hon. Minister of Family and Social Services.

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

MR. CARDINAL: Thank you very much, Mr. Speaker. All of those items mentioned by the member are covered. That is part of the plan for reforming the three phases of the welfare system, and one of the phases of course is child welfare. I'll just quickly outline the four major principles in the reforms, and that addresses the specific issues the member has asked.

The services are to be community-based, Mr. Speaker, where the communities will be involved in designing programs based on each individual community and area. The other one, of course, is early intervention, and that is why the caseload in child welfare has in fact gone up. The caseload that has gone up is in the area of support agreements. Support agreements mean that families are at home with their children. We are providing the home support services that are required, and the number of children apprehended has gone down. That is exactly what we had planned in the welfare reforms.

The other area of course is the unfortunate part of the whole history of child welfare in Alberta – and it's not only in Alberta; it's across Canada – that 50 percent of the children in care are of aboriginal ancestry, Mr. Speaker. We are providing the finances necessary and the supports necessary for aboriginal people for once – for once – to be able to administer and deliver services for

their children.

The fourth item, of course, is integration of services. We are working very closely with the community, the aboriginal groups, Justice, Health, and Education, Mr. Speaker, to develop programs that are needed out there.

That will cover those concerns that were mentioned.

MS HANSON: Mr. Speaker, all of the things the minister mentioned are true, but they're not enshrined . . .

THE SPEAKER: Question.

MS HANSON: Mr. Premier, since the type of questions an authority must provide are not spelled out, what's stopping the authority from choosing not to offer something as critical as counseling for abused children or even subsidies for day care? It's not detailed at all.

MR. CARDINAL: Mr. Speaker, again all the member has to do is come to my office and sit down and I'll explain the whole process of how the welfare reforms work, including children's services, in detail. The whole process of child welfare, the whole system reports directly to the minister. These groups out there have to develop service plans. They have to develop three-year business plans, which become part of my three-year business plan. Therefore, there's ongoing control. The legislation will be in place. The standards, the monitoring, the funding, and the support staff will be in place, and for once the flexibility is there to design programs to deal with the problems, not walk in and apprehend children.

MS HANSON: Mr. Minister, would you tell Albertans who will be legally responsible when, not if but when, a child gets hurt after some of the reforms take place? It's still not spelled out in the legislation who is legally responsible.

MR. CARDINAL: Mr. Speaker, the Child Welfare Act is under the ministry. Of course we are legally responsible, and we've never said anywhere that we wouldn't be responsible. It's a complicated issue. It's a sensitive issue. There are no quick answers for child welfare. You can be assured that we will be fully responsible.

In fact, I just returned from a conference. Just to show the public out there and the opposition how serious and how sensitive the issue of child welfare is – we met for two days with the provinces and territories from across Canada. One of the biggest issues is that every jurisdiction across Canada has the same problem in relation to child welfare issues, Mr. Speaker, and none of the jurisdictions have better answers than we have in Alberta. But one thing we agreed on, including the Liberal provinces, is that we will work together to try and find solutions rather than criticize each other.

THE SPEAKER: The hon. Member for Highwood.

2:00

Ambulance Services

MR. TANNAS: Mr. Speaker, thank you. Yesterday the Minister of Health informed the Assembly as to ground ambulance and air ambulance responses to time-dependent, life-threatening emergencies and in the case of air ambulance noted the distance protocol for rotary aircraft as being 125 kilometres when factoring in transportation time. To the Minister of Health: did the determina-

tion of a 125-kilometre limit for rotary aircraft versus fixed-wing follow actual time tests to calculate time from patient location to tertiary care hospitals or from airport to airport, and on which basis are the distances calculated?

MRS. McCLELLAN: Mr. Speaker, we're getting into rather technical questions here, but I will try to provide the member with the information that he requires and the commitment to follow up with further information if it would be helpful. The distances that are calculated, as I understand it, are calculated on the basis of airport to airport. However, especially in the cases of smaller communities, that distance is quite minimal from the airport to the hospital. The ambulance chart of call uses that same calculation for air ambulance throughout the province.

The time calculation, Mr. Speaker, begins from the time the dispatch centre receives the call and runs to the time that it's anticipated the medical crews will be at the patient's bedside. So that's how the time calculation occurs.

MR. TANNAS: Mr. Speaker, I'd like to table some copies of the BK-117 specifications, which show that it has an action radius of 270 kilometres and that it clearly exceeds in time a fixed-wing aircraft up to a distance of 400 kilometres. Could the minister inform the House as to why 125 kilometres has been established in health dispatch protocols to limit helicopter dispatch when these craft have over a 500-kilometre point-to-point range and over a 225-kilometre return range?

MRS. McCLELLAN: Mr. Speaker, the 125-kilometre limit was put in place at the request of the approved medical crews themselves.

I should mention, Mr. Speaker, that there are three zones in Alberta. There's zone 1, zone 2, and zone 3. There are guidelines, and they are guidelines for what equipment you would use within those zones. I should also say that the dispatch medical director can make a decision outside of those guidelines if he or she feels it's in the best interests of patient care and transportation. So those guidelines are there, but they are very flexible.

THE SPEAKER: Final supplemental.

MR. TANNAS: Thank you, Mr. Speaker. Again to the Minister of Health: could the minister explain why the University of Calgary emergency medical flight group received a rebuke, an invoice refusal for a flight to Claresholm to transport a critically ill patient with a life-threatening and rapidly deteriorating condition? Was it because the health dispatch protocol shows Claresholm as being 126 kilometres from the Calgary airport?

MRS. McCLELLAN: No, Mr. Speaker. I can assure the hon. member that it did not have anything to do with it being one kilometre over the designation. I also don't think that it's appropriate that I delve into the particular issues around this matter in this venue, but I can tell the hon. member that the case that he is referring to really was based more on a deployment outside of the guidelines and the terms of the contract for that provider. If he wishes more information on those terms of the contract and what would be a breach of that contract, I would be happy to provide that.

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

Job Creation

MRS. ABDURAHMAN: Thank you, Mr. Speaker. The minister of economic development for Alberta equates bankruptcies with economic growth. However, in a recent national survey 84 percent of credit counselors said that unemployment and job loss were major contributing factors in bankruptcy situations. My question is to the minister of economic development. Where will jobs come from when 10 percent of small businesses recently surveyed said that they plan to reduce their workforce in 1996?

MR. DINNING: Oh, Muriel. It's so sad to see you so sour.

MRS. ABDURAHMAN: Why doesn't the Provincial Treasurer take it seriously and shut up for a time in this House?

MR. SMITH: Mr. Speaker, I cannot answer for the Provincial Treasurer, but I will entertain the member's question about some survey where 10 percent of the businesses said that they would indeed be rightsizing or becoming more competitive in the global market and point out that the *Edmonton Journal* as recently as April 2 printed an interesting survey from a Southam News/Angus Reid poll where out "of 137 Albertans polled in March, 38 percent expected the nation's economy to improve" and in Alberta "57 percent expected the Alberta economy to improve."

Mr. Speaker, we have had numerous discussions with the member opposite on bankruptcies and what happened when Alberta was an economy of some \$55 billion or \$60 billion. Now Alberta is an economy of \$90 billion. Since 1990 the degree of wealth creation, economic activity in Alberta has increased by some \$16 billion. We have more businesses than ever before working in Alberta. We have more people working than ever before.

So in order to help the member, Mr. Speaker, I'd like to table this graph that shows the number of business incorporations way up here, and way down here is the number of business bankruptcies.

MRS. ABDURAHMAN: Mr. Speaker, investment doesn't necessarily equate to jobs.

The question is to the minister of economic development once again. What are you doing to reverse this trend in increased bankruptcies when people are living in fear of losing their jobs and their businesses?

MR. SMITH: You know, it's an interesting statement from the Member for Clover Bar-Fort Saskatchewan, which received \$800 million worth of private-sector investment just last year . . .

SOME HON. MEMBERS: How much? How much?

MR. SMITH: . . . \$800 million, which creates the most healthy community in Alberta with high-paying jobs, with jobs that are being created by the petrochemical industry in Alberta today. In fact, it was the Industrial Taxpayers Association, based in Fort Saskatchewan, that said to me: investment creates jobs. That's not what she said, Mr. Speaker.

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

MR. ADY: Yes, Mr. Speaker. Let me say for the benefit of the member across the way that an additional 6,000 Albertans were

employed last month as opposed to the month before and, as a matter of fact, year over year a 30,000 increase. Last month more Albertans were able to switch from part-time to full-time employment. Full-time jobs went up by 11,200 last month, and part-time jobs declined by 5,200, so there is a switch, and it's a switch in the right direction. Full-time jobs are what we want for Albertans, and it's happening here in Alberta.

2:10

MRS. ABDURAHMAN: Dow Chemical is downsizing. We have 600 or over people looking for jobs in Fort Saskatchewan. Speak to the people of the Job Action Team. They'll give you the numbers.

My question, Mr. Speaker, is to the minister of economic development again. When will you reduce the small business corporate tax from 6 percent to 3 percent, allowing small business to expand and create jobs in Alberta?

MR. SMITH: I know that the business community of Fort Saskatchewan will want to read this exchange in *Hansard*. In fact investment has proven time and time again to create jobs.

Mr. Speaker, one of the great parts of the Alberta advantage is that the small business tax in Alberta compared to the goalposts across Canada is the lowest already. So now you get into a document called Straight Talk, Clear Choices, that talks about alternatives. I'm not going to do things; I'm going to listen to what Albertans want to do. If they want to do it in terms of personal tax, if they want to do it in terms of the taxation that they feel is best for a better Alberta, I'm going to listen to Albertans, not to the Liberals.

Lumber Exports to U.S.

MR. JACQUES: Mr. Speaker, yesterday we heard of another outrageous and regrettably successful extortion scheme by the U.S. government that will cost Albertans jobs and lost revenues. We have fought the softwood lumber battle over three times in the last 12 years, and we have won every time. My question is to the Minister of Federal and Intergovernmental Affairs. Why are we surrendering to the large and powerful interest in the United States when NAFTA is there to ensure equity and fairness in dispute resolution?

MR. ROSTAD: Mr. Speaker, there's no doubt that we are dealing with an elephant and we're the mouse. In terms of NAFTA, Canada has prospered. Our trade is four times what it was before NAFTA came into place. There are some shortcomings in NAFTA, and the federal government is extremely interested, as we are, in attempting to make some of those changes.

In the softwood lumber case the member is correct that since 1982 we have been in dialogue with the Americans relative to softwood. What has come out effective April 1 is a system of export control and quota. We shipped I think it's in the neighbourhood of 16.2 billion board feet in 1995 and about 12.6 in the three years prior to that. The level has been capped at 14.7 billion board feet. Anything above that shipped to the States will be subject to an export tax. That tax will be collected by the Canadian government and then allocated back to the provinces the shipments come from. If we look at the historical shipments that we've had, we should be able to export the same amount we have, with the exception of '95, which has this little blip, without incurring any export fee and without losing any jobs or at any cost to us. We'll have to see where our shipments go.

THE SPEAKER: Supplemental question.

MR. JACQUES: Thank you, Mr. Speaker. The U.S. says "Jump," and we say, "How high?"

How long are we going to be locked into this so-called deal involving quota ceilings?

MR. ROSTAD: Mr. Speaker, the arrangement that's been accommodated will ensure that there will be no American actions relative to softwood lumber for a period of five years after that. I might mention that in 1986 we had a similar agreement, which was abridged in '91 by Canadians because we knew we could beat the countervail. As late as February we thought we had a deal with the Americans that would obviate another countervail action. However, we couldn't allocate the specific shipments by province. Therefore, we weren't able to accommodate the agreement, because there's a lot of cross-border shipping in the sense that B.C. might ship something to Alberta and then down to the States or Alberta to Ontario. So when we withdrew from our memorandum of understanding in 1986, the Americans took a countervail action against us, started holding back tax. We won that in the end, and they had to reimburse \$800 million.

NAFTA applies to how the domestic state applies their own laws. They have since changed their laws, and we don't think that a countervail would be successful for any Canadian operation now, and that's why this arrangement was accommodated.

THE SPEAKER: The Minister of Economic Development and Tourism wishes to augment.

MR. SMITH: Thank you very much, Mr. Speaker. Very quickly. In fact one of the ways to move through this dilemma is to continue to add value-added processing in Alberta and to take this material that is here now, develop value-added industries through taxation strategy, and then you're exporting different products, not softwood, to different countries to increase markets throughout the world.

MR. JACQUES: Mr. Speaker, given the fact that by history in this province we have never seen benefits accrue from artificial trade barriers, how can the minister justify that there would be no negative impact on Alberta jobs or the Alberta economy?

MR. ROSTAD: Well, Mr. Speaker, there is in fact that chance if in fact our exports do exceed the 14.7 billion board feet across the nation. The minister of economic development has in fact shown a way, even if our exports are such and the fee is imposed, that we as a provincial government will get that fee back, which can't be given to the producing lumber companies but could be used in other ways that we can enhance our productivity. The second thing is to be able to take this lumber, value add it, and then ship it. We end up with the lumber people still having the jobs, the economy still prospering and moving on, and hopefully clearing this up through a new NAFTA agreement.

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

Small Business Assistance

MR. BRUSEKER: Thank you, Mr. Speaker. The government keeps saying that they want to eliminate the process of giving government loans and loan guarantees, so it seems the new strategy that they've brought forward is to go straight to guaran-

teeing income. My questions today are to the Minister of Economic Development and Tourism. Mr. Minister, I'm wondering: is the minister going to introduce a Bill in this Legislature to guarantee the income of owners of small- and medium-sized businesses in the province of Alberta like the minister of agriculture is doing for farmers?

MR. SMITH: Mr. Speaker, it's a good question because it ties in to the other question that says investment doesn't create jobs. Again, we have the left hand not knowing what the left hand is doing.

The guarantee to small business, the drivers of the economy today, is a low tax environment, no sales tax, consultation in taxation strategy, low power rates, a surplus in the worker's compensation program, a most skilled workforce. That's the government guarantee: an environment in which the small business sector can flourish in Alberta.

2:20

MR. BRUSEKER: My supplemental question to the same minister: will the minister agree that we simply can't afford to give income guarantees – I want to repeat that: income guarantees – to owners of small business in the province of Alberta?

MR. SMITH: Mr. Speaker, do you think, in fact, we're leading somewhere on the final supplementary?

Income guarantees allow businesses to maximize profits through the least government intrusion, through taxation strategy and regulatory reform.

MR. BRUSEKER: I'm not sure he understood the question, but I'll try one more time, Mr. Speaker. Since the minister agrees that income guarantees would be inappropriate because they're unworkable and unaffordable, why is he supporting the minister of agriculture, who wants to give income guarantees to farmers?

MR. SMITH: Clearly, what we're hearing from the member opposite is a lack of understanding about the agriculture industry, as it is so vital to the building of the Alberta economy today. In fact, Mr. Speaker, I believe it's been said once in this House and I say again: agriculture is not our past; it's our future. [interjections]

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

MR. SHARIFF: Thank you, Mr. Speaker. [interjections]

THE SPEAKER: Order, hon. members. [interjections] Hon. members. The Assembly is in question period, hon. members. Some hon. members would still like to ask questions and would like to be heard.

The hon. Member for Calgary-McCall.

MR. SHARIFF: Thank you, Mr. Speaker, for silencing the opposition.

THE SPEAKER: Order, hon. member. That is totally uncalled for, absolutely uncalled for. There was just as much noise coming from your benches as there was from the opposition's.

Social Services

MR. SHARIFF: Mr. Speaker, the provincial ministers of social

services from across Canada just completed their meeting in Victoria, B.C. I understand that a matter of concern for all provinces is the termination of the Canada assistance plan and the reduced funding and downloading onto the provinces by the federal government. My question is to the Minister of Family and Social Services. What is Alberta's position in this regard?

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

MR. CARDINAL: Thank you very much, Mr. Speaker. Because of the reduced funding under the new health and social services transfer agreement, all the provinces and the territories have agreed to work together to eliminate overlap and duplication between the provinces and the federal government. I guess what it means is that we have to do a better job with less dollars.

In fact, in Alberta we are already, through various changes in our government in the past two and a half years or so, doing a lot of that. Between my department and Advanced Ed and Career Development we have certain projects jointly with the federal government already, delivering a one-stop shop for employment, training, job placement, and social support systems for the clientele. So we are well on the way in co-ordinating and eliminating overlap in a number of ways.

MR. SHARIFF: My supplementary is to the same minister. What was the focus of discussion amongst provincial ministers about services for children?

MR. CARDINAL: Mr. Speaker, again, this is one major item and became a high priority in the discussions. It involves of course the territories and also all the provinces, the social services ministers from those jurisdictions. What we've agreed to is our commitment to work together in promoting the well-being and protection of children, keeping in mind that we all also agreed that there were no quick answers. It is a sensitive problem, and it is very unfortunate that children have to be in government care.

We agreed, then, to work together, not to criticize each other, to set up common objectives. In fact, our deputies and directors will be working together to review the programs of each jurisdiction to see if we can learn from each other as to what works in the jurisdictions. No one seems to have quick answers, and that is the direction we will be going.

THE SPEAKER: Final supplemental.

MR. SHARIFF: Thank you, Mr. Speaker. As we proceed with social service reforms in Alberta, can the minister clarify for this House: what are the anticipated impacts of social service changes in Alberta? [interjections]

MR. CARDINAL: The Liberals don't want to hear the answer.

I won't take too much time, but I'll be quick because some of the questions asked today by the Liberals tie in a bit with the question, Mr. Speaker, about the economy and job creation.

Recently, a report released by the National Council of Welfare shows a dramatic improvement in the rate of poverty in Alberta. You can see that the Alberta advantage is working. Alberta now rates as the third lowest in Canada compared to second highest previously in relation to poverty. Therefore, we have proven that a strong economy, a strong labour force, less welfare works.

THE SPEAKER: The hon. Member for Sherwood Park.

Millar Western Pulp Ltd.

MR. COLLINGWOOD: Thank you, Mr. Speaker. The Minister of Environmental Protection has been forced to issue an environmental enforcement order against Millar Western Pulp for polluting the Athabasca River. Now, thanks to a new corporate welfare arrangement last year that saw the government forgive about \$100 million of taxpayers' money owed by Millar Western to the province, the minister of economic development's deputy minister is now on the board of directors. In essence, this government is a shareholder and is represented on the board of directors of Millar Western Pulp, that has just been slapped with an enforcement order. My question to the Minister of Environmental Protection: what monitoring did the Department of Environmental Protection do between the time the company was warned about pollution practices last year and when his department was finally forced to issue an enforcement order just recently?

MR. LUND: Well, Mr. Speaker, it wasn't a case of being forced to issue an order. In fact, there was an upset in the plant, and as we would do with any other plant in the province of Alberta, we issued an order to the company. I don't know what all that other preamble had to do with the order, unless it's to indicate that it doesn't matter who it is, the Department of Environmental Protection will in fact take the necessary steps if there's an infraction of the licence or in the future an infraction of the codes of practice.

THE SPEAKER: Supplemental question.

MR. COLLINGWOOD: Thank you, Mr. Speaker. The point is that the minister can't even control his own company.

My question to the Minister of Environmental Protection: given the minister's tough new stand on prosecuting polluters, does the minister intend to prosecute this company and each of the board of directors who sat back and allowed the pollution to occur?

MR. LUND: Mr. Speaker, maybe to put this in a bit more perspective for the hon. member. The fact is that Millar Western Pulp went from using all hardwood to using conifers. When that occurred, there was an upset in the plant. As a result, there was some pollution that got into the river. It's under investigation. They've been issued this order to come forward with detailed plans on how they would deal with a situation like that if it ever occurred in the future. We're following through with more investigation and more work on this particular issue.

THE SPEAKER: Final supplemental.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'm not sure if that was a yes or a no as to whether the minister is going to prosecute.

My final question to the minister: is the reason the minister chooses not to prosecute those responsible because he will have no evidence of environmental infractions other than the company's own evidence, that can't be used against it in a prosecution?

2:30

MR. LUND: Well, Mr. Speaker, in fact we do have samples that were taken of the effluent, so if we find it necessary, we would be in a position to move ahead.

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

MR. SMITH: Thank you very much, Mr. Speaker. Just to correct the usual erroneous information, the Deputy Minister of the Department of Economic Development and Tourism is not on the board of that company, is not on the board.

THE SPEAKER: The hon. Member for Calgary-Fish Creek.

Employment Equity

MRS. FORSYTH: Thank you, Mr. Speaker. The recent situation of hiring for the Edmonton city fire department has triggered calls to my constituency office about the issue of affirmative action, of employment equity hiring practices in Alberta. I would appreciate some assistance in clarifying this issue for my constituents . . . [interjections] Edmonton MLAs. What can I say? They're sleeping on the job.

I would appreciate some assistance in clarifying this issue as they feel that the best man or woman should be hired for the job and the number one priority is public safety. My questions are to the Minister of Labour. Are there any labour laws in Alberta regarding employment equity?

MR. DAY: No, Mr. Speaker. Our hiring policies are clearly to those who would be best qualified for any particular position. So there is no Alberta law which says that people would be hired for other than what they are best qualified for.

MRS. FORSYTH: Is this an issue the minister is hearing about in that people are wanting some provincial regulation of hiring practice, and if so, what is the minister planning to bring forward for discussion?

MR. DAY: Well, Mr. Speaker, it's not the government's intention to get involved in disputes or discussions with either municipalities or other companies in terms of their hiring practices. Of course, we do uphold the law in terms of discrimination laws. People should not be discriminated against, but we want to make it very clear that we do not support so-called affirmative action policies. I would believe that competitions for jobs should be open and the best qualified candidates should get those jobs.

THE SPEAKER: Final supplemental.

MRS. FORSYTH: Thank you, Mr. Speaker. Then are organizations hiring on the person's ability and qualifications rather than on employment equity or just because they're a woman?

MR. DAY: Mr. Speaker, there was some noise from across the way. Could you just have the question briefly repeated?

MRS. FORSYTH: Are organizations hiring on the person's ability and qualifications rather than on employment equity or just because they're a woman?

MR. DAY: Mr. Speaker, I can in no way speak for every organization in this province and their hiring practices. I will say again that we as a provincial government definitely do not have laws that would be called affirmative action laws. If there are organizations in the province, be they private or public, that hire on qualifications other than that, then that should be taken up with the people involved.

THE SPEAKER: The time for question period has expired. Is there a point of order? Did the hon. Minister of Economic Development and Tourism have a point of order?

MR. SMITH: I withdraw that point of order, Mr. Speaker.

THE SPEAKER: No points of order then?

head: **Orders of the Day**

head: **Written Questions**

THE SPEAKER: The hon. Deputy Government House Leader.

MRS. BLACK: Mr. Speaker, I move that written questions appearing on today's Order Paper stand and retain their places with the exception of 179, 180, 181, and 187.

[Motion carried]

Natural Resources and Sustainable Development Standing Policy Committee

Q179. Mr. Collingwood moved that the following question be accepted:

How many times did the natural resources and sustainable development policy committee meet between the period December 2, 1994, and December 31, 1995, how many of those meetings were completely in camera, how many presentations were made to the committee, and how many of these presentations were made in camera?

MR. LUND: Mr. Speaker, in keeping with this government's openness and accountability, we will accept.

[Motion carried]

Civil Law Division Caseloads

Q180. Mr. Dickson moved that the following question be accepted:

What is the average number of files or cases handled by each of the lawyers in the civil law division during the period January 1, 1995, through December 31, 1995, and how is the use of each lawyer's time evaluated?

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

MR. EVANS: Thank you very much, Mr. Speaker. I know I won't shock or surprise the Member for Calgary-Buffalo when I say that I have to reject this written question. It was one of the questions that he brought up during budgetary estimates, and I'll repeat and expand a little bit on some of the information I gave when we went through the estimate process as to why we couldn't provide that kind of information or why it wouldn't be meaningful information.

First of all, we don't keep that kind of information about how the use of each lawyer's time is evaluated in our civil law division. We don't do that for a number of reasons, Mr. Speaker. The job of the lawyers in our civil division relates to a number of files and a number of different responsibilities on files. We have lawyers in our civil division who would, for example, pick up a telephone at a particular time when a lawyer assigned to the file would not be available to deal with the file and provide some

advice on that file or potentially become involved in the file. Certainly there are many other circumstances where lawyers who are members of our civil law division would provide advice to my office, to my deputy's office, to the offices of a number of colleagues here on the front bench, and to my hon. colleague the Minister of Economic Development and Tourism. I should mention him specifically so he doesn't feel left out.

The point I'm trying to make, Mr. Speaker, is that there are a number of different aspects to the day-to-day jobs of the people in our civil law division, and both the number and the types of files that an individual lawyer would work on would depend on a number of factors, including complexity of the file and seniority of the particular lawyer. If we were to be so one dimensional as to try through a simple reference to a number of files handled to relate to the amount of work that is being done in an effort to create any kind of an accurate description or representation of the work that is done, it wouldn't happen. In fact I think we would be doing a disservice.

Our lawyers who are members of our civil law division are professionals, Mr. Speaker. They provide services that are requested. You know, we have a number of checks and balances in that division as well as at the other divisions of Alberta Justice: peer review, review by group leaders, review by executive management, and certainly our client feedback. All those manners of evaluating the work performance assist us in ensuring that we provide thorough, efficient, and effective service to the client departments of government and to others.

So I think there are a number of other criteria here that show us that our civil law division is being efficient and effective, and it would not in my view be a reasonable or appropriate manner of evaluating that efficiency and effectiveness were we to try to calculate the average number of files or cases handled.

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. In debate on the written question relative to the minister's rejection of the written question.

THE SPEAKER: Briefly. Briefly.

2:40

MR. COLLINGWOOD: Thank you, Mr. Speaker. Speaking to the comments made by the Minister of Justice, in listening very intently and very carefully to his comments, I wouldn't find much to argue with in what the minister has said except for his conclusion that that information will not be provided as requested by my colleague from Calgary-Buffalo. The issue, of course, that we're dealing with as we talk about the average number of files or cases handled by the civil law division lawyers and counsel and how the time is evaluated strikes me as being a very fair and very easy written question to respond to. We've had the debate in the House about calculating the average, and it's not that difficult for the minister to take the number of lawyers in the civil law division, take the number of cases that were handled over the period of time, and provide that average number.

I've spoken in the past and I'll repeat to the Justice minister that averages have their limitations. When you're looking at averages, they do have their limitations. They can't simply be taken at face value to come to an ultimate or automatic conclusion. It has to be qualified. Nonetheless, we use averages in every aspect and in every component of our lives. So we're not attempting to do anything other than accommodate the minister in saying that you

know the number of files that were handled in your office, you know the number of lawyers that you have on staff in your office and who's been working on the files; provide us the average so we have some estimate, some essence of the workload that is being done by the lawyers in the civil law division.

The reason, of course, Mr. Speaker, is that what my colleague from Calgary-*Buffalo* was looking for, what Albertans are looking for in terms of the operation and the efficiency of the Justice minister's department is whether or not in that particular area, given the obligations that those individuals have, is the department understaffed? Is the department overstaffed? Are there inefficiencies in his department that can be discovered and looked at and resolved? That's exactly the essence of what the minister has to do in his department, as every minister has to do in their department. The minister I know will be going through that process, and therefore the minister will have, contrary to his statements, that kind of information to make that kind of evaluation and to make that kind of assessment. He has to, he will – I know he will – so that information has to be available.

Now, Mr. Speaker, you will appreciate and my colleague from Calgary-*Buffalo* will appreciate and I know the Minister of Justice will appreciate that in the legal profession the burden on each lawyer is to continue to maintain and record his billable hours. That's just a fact of life when you're in private practice in law, and I know the Minister of Justice hasn't forgotten what a pain that sometimes is, keeping track of the billable hours. Of course, there's a light at the end of the rainbow. As the Justice minister suggests, billable hours translate into bills. But of course in terms of accounting to a client about the time that was spent on dealing with their particular issue, it is incumbent upon lawyers to keep their billable hours and to record their billable time.

That information will surely be available for all of the legal staff in the civil division of the Justice minister's department. There will have to be some system of recording what files those lawyers worked on, for what period of time. Whether it was a phone call, whether it was a consultation, whether it was a drafting of a particular agreement or lease or whatever it is that that individual is involved in, there will be some tracking. There will be some recording. There will be some accounting for the amount of time that that lawyer spent on that particular file.

So that information is also available to the Justice minister, and it will tell him how each lawyer's time was used and will give him the opportunity to evaluate the use of each lawyer's time. That information is and will be available. That's the essence of the question being posed by my colleague from Calgary-*Buffalo*. The minister will have that information. The minister will be able to use that information. The minister will be able to evaluate the efficiencies and the inefficiencies within his department so that he can identify areas where there can be improvement and will act upon those.

Those are all the compelling reasons, Mr. Speaker, why the Minister of Justice should accept this written question. Contrary to what he is asking all hon. members to accept, he does have the information, and if he doesn't have the information, he has all of the raw materials available to him to calculate the information that is being requested under this written question. The information is available.

It is an appropriate, legitimate question for the Member for Calgary-*Buffalo* to ask, not only on the Order Paper under Written Questions but in estimates, about how the funds are being expended in this ministry, in the Justice minister's area of the civil law division of his Department of Justice. It is appropriate for my

colleague from Calgary-*Buffalo* to seek out this information. It relates to efficiency. It relates to accountability. It relates to determining that the Department of Justice is functioning as it should. It will identify whether the department is understaffed. It will identify if there are inefficiencies by virtue of overstaffing or other areas that can be addressed.

I say again that the minister made eloquent comments about the competency of his staff, about the professionalism of his staff. Accept it. Accept it, hon. minister. We know that the people working in your department are fine individuals and fine professionals in the practice of law. Nonetheless, the issue goes to the minister's accountability to the people of Alberta in the expenditure of taxpayers' dollars to run that department. That is the essence of the question that's being asked by the Member for Calgary-*Buffalo*, and I would wholeheartedly support that written question and ask all hon. members to do so as well.

THE SPEAKER: The hon. Member for Calgary-*Buffalo* to close debate.

MR. DICKSON: Thanks very much, Mr. Speaker. There were some general observations I wanted to make before I deal with the specific reasons proffered by the hon. Minister of Justice in declining this written question.

What we're talking about is something of some considerable significance. The legal services function in the Department of Justice has a budget of \$12.1 million in 1994-95. Now, this budget has just undergone a 30 percent reduction, and we see at page 14 of the 1994-95 Alberta Justice annual report this assertion: "The Civil Law branch continues to provide high quality legal services." That's after the 30 percent reduction. Now, how on earth can the minister know whether he's still providing quality services when apparently, seemingly, this law firm with a hundred-plus lawyers in it isn't able to identify something as basic as the average number of files or cases handled by each of those lawyers in the civil law section?

If we're talking indeed about \$12.1 million, isn't it absolutely essential that we start getting a handle on and some measure of control over what's being done, whether it's being done effectively, whether it's being done in a cost-effective way for the benefit of Alberta taxpayers? And one might ask how the hon. minister can possibly assert that high-quality legal services are being maintained when he then comes into this Chamber and says: I don't have the capacity to be able to tell you what the average number of files or cases are that are handled by each of the lawyers in the civil law section?

What also I find puzzling is that this minister, who distinguished himself in private practice in a small law firm, in his own law firm in Canmore – I think he worked with a firm like Emery Jamieson or one of those firms in Edmonton before he moved to Canmore. So he's been in small firms, he's been in big firms, and I daresay that this minister will tell you that in each of his other experiences, lawyers kept track of time and they kept track of files. That's what lawyers do. In some respects it's a fastidious preoccupation. I can understand that this gigantic law firm, one of the biggest law firms in the province, which this minister now runs, does some different kinds of work than Emery Jamieson did and some different kinds of work than the distinguished firm of Evans and Rencz had done in Canmore a number of years ago, but the reality is that it's still a law firm.

2:50

It's absolutely essential that any large organization track what's going on. How else can you possibly measure the performance

of the people in the department? How do you determine who is up for promotion? How do you decide who is not able to meet their job description and deserves to be suspended or terminated? Those are basic kinds of information that any law office manager would need. The kind of work being done by the civil law section: these are things that have a very direct impact on Albertans, so it isn't simply a question of the partners at profit-sharing time looking to decide whether the law firm has been profitable. We've got a couple of million Alberta consumers of the legal services function in the Department of Justice who want to know: are they getting value for the money that's being paid?

What the civil law branch does:

- preparing legal opinions;
- drafting and reviewing contracts, agreements . . .
- appearing as counsel for the Crown in all courts of civil jurisdiction including the Supreme Court of Canada;
- representing the Crown in proceedings before various administrative boards, commissions and tribunals.

In fact, I had occasion recently in the first public hearing under the Freedom of Information and Protection of Privacy Act – the minister's department was strongly represented. There were three lawyers in attendance. I remember thinking at the time, Mr. Speaker: is this the most cost-effective way of using the high-priced talent in the Department of Justice? Did it really take three lawyers to come over and do battle with my colleague from Edmonton-Whitemud, who wanted some information about Gainers' loan documents? I'd throw that question out, because that's an example.

Now, maybe if we knew what the average number of files were that were managed by each of those lawyers in the civil law section, we'd have some sense. If we have three lawyers, including the senior policy analyst for the Department of Justice, that have the time on their hands to come over and spend a whole day in this little hearing in the Information Commissioner's office, maybe we've got more lawyers in the civil law section than we need.

This same public law firm appears on behalf of the Attorney General at public inquiries under the Fatality Inquiries Act, serves on various interdepartmental and interprovincial committees, and reviews existing legislation. Each of those things should be monitored in terms of the time expended by each of the lawyers. There should be time records so we know what's going on. Without that, how possibly can we manage on behalf of Alberta taxpayers to ensure that tax dollars are being stretched?

I guess the other thing – I'll be quite blunt with the minister – is that lawyers I know in the civil law section tell me that, you know, there's a group of lawyers that are waiting for the call of the minister. There's a group of lawyers in the civil law section who are there to assist when a cabinet minister gets in trouble and some legal issue comes up. There is this little core group in the Department of Justice that come to the assistance of that minister. If there's some government project, there's this little SWAT team that's available to help out. Now, that's a great luxury to have. I'm sure that the former Attorney General and Minister of Justice probably enjoyed that measure of service. But is that cost-effective? Are we more concerned about possible embarrassment to cabinet ministers than we are in getting full value from each of those lawyers in the civil law section?

So I'd ask the Attorney General and Minister of Justice to reconsider. I think that if we're not capable of being able to respond to this question, we ought to be capable. I think that if we're not tracking this kind of work that's being done by this hundred-person law firm, we darn well better start, because to me

it's just unacceptable. It's unconscionable that public dollars would be spent in a way where we just don't even know which lawyers are getting the work done and which aren't.

It seems to me there's some basic element of management of people which says that in an organization of 100 people, some of those people are not going to be carrying their weight and some are probably carrying more than their fair share. Well, as a good manager – and I know this minister aspires to be a good manager of personnel – he'd want to be able to make the adjustments, ration it out. His deputy minister would want that information. For all of those reasons I think we need to require the minister to be able to provide this information.

I'd just make the other point. We've also said, "How is the use of each lawyer's time evaluated?" The hon. minister didn't address that. He made some comments. He said that these are all professionals. Well, indeed they are, hon. minister. Not only are those lawyers professionals, but so are the lawyers at every other law firm in the province. They keep track of their time. You're able to know, if you talk to the managers in those law firms, what's getting done and how professional and how effective they are.

The minister mentioned something about phone calls. You know, Mr. Speaker, as the minister well knows, that most law firms in this province keep track of every telephone call made, every letter received, every letter written. Why? So they've got a sense in terms of whether lawyers are carrying their weight in those firms. Well, I think what's fair for private law firms becomes even more important for this giant public law firm with more than a hundred lawyers in it, and it's time we got that information.

I'd just say that in this legal services function, civil law side, we've also got the constitutional law branch, legal research analysis branch, and I think we have to hold these departments and the managers and the deputy minister, through the agency of the Minister of Justice, accountable in a way that currently isn't happening.

I'd encourage the minister to reconsider, and I'd expect that every member in this Assembly that wants to stretch tax dollars as far as they will go and ensure we get the best possible service for the consumers, namely the people of Alberta, will vote and vote with enthusiasm to support this particular written question.

Thanks very much, Mr. Speaker.

[Motion lost]

Justice Annual Report

Q181. Mr. Dickson moved that the following question be accepted:

What are the "meaningful activities" referred to on page 12 of the 1994-95 annual report of the Justice and Attorney General department and how many individuals are participating in each of these activities?

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

MR. EVANS: Well, thank you again, Mr. Speaker. Unlike Question 180, where I could not provide meaningful or useful information, I certainly can provide meaningful and useful information related to Question 181, and therefore I'm happy to accept that question on behalf of the government.

[Motion carried]

Justice Annual Report

Q187. Mr. Dickson moved that the following question be accepted:

What is the breakdown by location of library usage for circulation and reference as referred to on page 7 of the 1994-95 annual report of the Justice department?

MR. EVANS: Once again, Mr. Speaker, I am able to provide useful and meaningful information related to Question 187, unlike Question 180, where I would not have been able to provide it to the hon. member opposite, so I'm very pleased to accept this question on behalf of the government.

[Motion carried]

head: **Motions for Returns**

Special Waste Management Corporation

M183. Dr. Percy moved that an order of the Assembly do issue for a return showing a copy of the October 5, 1992, and October 7, 1992, minutes of the board of directors' meeting of the Alberta Special Waste Management Corporation as noted on page 28 of the annual report of the Auditor General of Alberta, 1994-95.

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

DR. PERCY: Thank you, Mr. Speaker. I move that Motion 183 on page 5 of the Order Paper be accepted. I would like to argue why that is the case.

The report of the Auditor General, Mr. Speaker, was very clear in highlighting the importance of this particular set of minutes in understanding the process by which we came to lose a half billion dollars. My voice almost breaks as I speak that sum. In particular, it appears that the minutes related to the meetings of October 5 and 7 are very important, because decisions taken in the board meeting of October 7 led directly to the amended joint venture agreement, and it is the amended joint venture agreement that has caused so many problems in terms of the province trying to extricate itself from the financial morass known as the Swan Hills special waste facility.

So in terms of getting greater information as to who did what and why and the particular role that the environment minister played, we would like to see the minutes for both of those dates. When you read the report of the Auditor General for '94-95 in the section that deals with the Swan Hills fiasco, it's clear that these particular sets of dates are of critical importance for understanding how we came to lose at least half a billion dollars.

So again I would urge the hon. members to accept Motion for a Return 183 that stands on the Order Paper under my name.

3:00

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. As I'm sure the hon. member has noticed, in fact there's another party involved in these minutes, and there would have to be agreement from that other party before we could release those minutes. As a consequence, I find it necessary that we have to reject this request.

I might offer another bit of advice to the hon. member. If in fact he doesn't get a satisfactory answer from the third party, then perhaps he could make an application under the freedom of

information. Then there would be a commissioner that would in fact make a ruling, Mr. Speaker.

Regretfully, I must reject it.

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

MR. SEKULIC: Thank you, Mr. Speaker. Just having heard the comments of the hon. minister of the environment, I have a great deal of difficulty accepting this. For one, this is the place of business for matters of public interest, and there is no matter of greater public interest, I think, in the past five or 10 years than the losses pertaining to the Bovar fiasco, well over half a billion dollars. In essence, all of the health care cuts imposed by this government since 1993 hinge closely, if not directly, on the magnitude of the loss around Bovar.

When I hear a defence such as that we can't release the information because there is a third party, another party, and we'd have to request or perhaps the opposition should request the information from that party, that's absolutely ludicrous. The reason is that the government entered into that agreement fairly unilaterally, apparently even against the advice of its own representatives, and now the government must come clean on this matter. It is their responsibility to request that information or the permission or authorization, whatever they see is required, from that third party so they can provide Albertans with the information that Albertans need.

Mr. Speaker, it's not good enough just to find excuses. This request has stood on the Order Paper for perhaps two months or close to two months now, providing government with plenty of time to approach whomever that party is that they require this information from and to get their permission and explain with some emphasis the importance of being able to table those minutes before all Albertans.

If we aren't able to recognize our mistakes, we can't correct them. We are – in fact, not we but the government is attempting to ignore this mistake, just willing to cut losses at \$540 million and growing. It doesn't work that way, Mr. Speaker. It's not that was then and this is now, because those debts created then we are now paying. The interest which we now pay on that debt is fairly significant. In fact, the third largest payment expenditure of this government is interest payments on our debt, so this matter is not one that just could be washed away. If we are to learn from our mistakes, we are to know exactly what mistakes transpired. Most importantly, when we speak of accountability, we're to know who is responsible for the decisions, who made the decisions that led to this massive loss of public dollars, because we still don't know that. There's a blur. There are a lot of fingers pointing, but no one has been isolated as the decision-maker.

When good things happen in this Assembly, Mr. Speaker – they do on occasion, and I encourage the government to do those things – then we are quickly informed of who was responsible, who is accountable for the good news. Most often it's not as a result of the work of government; more often it's the result of work of the private sector that hadn't in any way received benefit from the government. Yet when it's not good news, everybody runs for cover. No one stands up and says, "It was my responsibility, and although I may not have made that decision, I am accountable for that decision." That is yet to come. I'm not sure; perhaps the blame sits with someone that sits very high in this Assembly. I don't know. I never will. Albertans never will. But certainly there's a lot of evidence to suggest that the then

environment minister played a significant role in that decision being made.

Mr. Speaker, when I look at the Auditor General's report, which is one of the more comprehensive analyses done on the Swan Hills Special Waste Treatment Centre, like the hon. Member for Edmonton-Whitemud who spoke before me, I have some difficulty when I read through particularly page 28. Recognizing how business decisions are made and the criteria and the information to make rational decisions, I then read this type of a report from a government who supposedly supports the business methodology in terms of decision-making.

The second paragraph there reads:

Early negotiations were difficult, and by September 1992 they had become very difficult. The Corporation's Board was of the view that without an appropriately amended agreement, it should seek to terminate the Joint Venture under section 1302 of the agreement . . .

So there is provision here to cut our losses at that point, and the corporation's board is suggesting that we pursue that option, Mr. Speaker. Yet it goes on to say under section 1302 of the agreement:

. . . because it was neither politically nor economically acceptable to continue to repay capital . . .

Now, this is the most important part.

. . . and pay a rate of return from public funds to a Joint Venture partner who was not sharing the financial risks.

I so often stand in this Assembly and I speak in favour – profit is not a dirty word. It's a very exciting, positive word in Alberta, and I would encourage it. But so is risk, Mr. Speaker, because profit is a result of assuming some risk, and profit is the result of business minds assessing risk, accepting that risk, and then making that profit. Yet here we see cautions from a board saying that there's absolutely no risk to this third party which now we're dependent on to get the minutes of those meetings. The government won't permit the opposition, won't permit Albertans access to determine where the accountability lies for that over one-half billion dollar loss, one-half billion dollars of public funds, one-half billion dollars that in my constituency could go a long ways in education, in health care.

Mr. Speaker, I think that a positive response to Motion 183 would speak to some degree of government accountability. In the absence of an agreement to accept the motion put forward by the hon. Member for Edmonton-Whitemud, I simply cannot be swayed to believe that this government is any more accountable now than the day that decision to support Bovar was made.

Thank you, Mr. Speaker.

3:10

THE SPEAKER: The hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. Every now and again I get asked by people in my constituency and outside of it to describe: what was the Bovar deal? What did happen? As I try to walk people through it, their eyes grow wider, their mouths drop open, and they begin to shake their heads in dismay, because it is an almost unbelievable saga of mistakes, bad judgment, and finger-pointing. It's really quite shocking when you walk through and go back over the decisions that were made and the mistakes that were made. It's one of the greatest embarrassments that I think I remember this government ever having made. NovAtel was bad enough, but this one really takes the cake for me.

Mr. Speaker, just at the outset, at the minister's refusal to provide the information, I think I shouldn't be surprised. So much for freedom of information and open government. The

minister didn't explain to us did he ask for it. I don't know. If he didn't ask for it, why didn't he ask for it? Maybe Alberta Special Waste Management would have been happy to have this put out in the open. I would think it was his responsibility and his obligation to get the information. If he was turned down, well, then fine, but just to stand up a month or so later and say again, "Gee, why didn't you know that?" or "Why didn't you ask them?" or "Why don't you go ahead and do something about it?"

Mr. Speaker, the final loans to Bovar were made sometime, days, after this government was elected. They were very full of promises at that point in time that there were to be no more loans or guarantees to business, yet quietly and carefully a loan was made, contrary to everything they were telling us. This was about the sweetest deal you can imagine. Right from day one a guaranteed profit, a guaranteed feedstock, with everything going for the owners, nothing going for Alberta taxpayers. The notion was that we needed to have some way of getting rid of hazardous waste, but it has been quite an incredible boondoggle.

Oddly enough – not oddly enough, I suppose. Not surprisingly, every time there was any difficulty in the company, we simply changed the legislation or we changed the contract to make it possible for the thing to continue: to continue to lose money, to continue to make a profit, to lose money for the taxpayers and make a profit for the corporation. Mr. Speaker, it's inconceivable that it was allowed to go on for so long, that the initial poor judgment of how the contract was put together was not questioned at the opportunities to question it and rewritten. On the contrary, it was simply reinforced and even made sweeter. So there were mistakes over the years, and there were further loans made available. Nobody seems to want to step up and say: yes, it was our fault.

The Member for Calgary-Shaw finally negotiated some sort of arrangement and nobly stood up in front of the television cameras, having lost billions of dollars, and said: haven't we done a wonderful piece of work for Alberta? He expected us to congratulate him and believe it. We should have been out of it years before, when this government was first elected or long before that. So the errors in judgment were compounded throughout, Mr. Speaker.

There's one question I have that keeps rolling around in my head and that I've never had the answer to, and that is: who got the money? Who got it? Where did the money go? It didn't get burned. It's someplace, isn't it? It is someplace. Somebody got the money. The Alberta taxpayers lost it – we know that – but we don't know who got it. Now, I think that's a question that Alberta taxpayers have a right to an answer to. I think they need to know: who got the money, where did it go, and how come all the time that drain was progressing, we were sanctioning it? This government was allowing it to happen, to get worse, to continue, actually changing legislation in order to let it continue, to protect the whole operation of money loss to Alberta taxpayers.

To say that I'm disappointed – I suppose I'm not at all surprised that the minister is not going to forward the material, the information to us. I expect we will pursue it through freedom of information, and there'll be some technicality someplace that will probably stop us from getting it there. There are ways that the government can thwart our efforts to get information for the taxpayers of Alberta. But this has been one of the great embarrassments. I share in that embarrassment, Mr. Speaker, because I was here when much of it happened. I never voted for it, sir, but shared in the operation.

Thanks, Mr. Speaker.

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

DR. NICOL: Thank you, Mr. Speaker. I just want to add a couple of comments. I think the members, especially the Member for Edmonton-Manning and the Member for Edmonton-Gold Bar, have done a good job of kind of summarizing the history of how this all happened.

What I want to just comment on is the disappointment in the answer that we got in the response from the minister. He basically told us that there was no way he was going to give us this information because there was a third party involved. I guess that raises kind of a rhetorical question in the concept of the government being the part of the legislative process with the resources. When a person or an entity asks for information from the government, by the response that we got from the minister today, are they telling us that all of the burden of the process has to fall on the individual requesting the information?

In this case the minister has not even taken the initiative to ask the third party, as he calls it, the Alberta Special Waste Management group, if they would agree to allow this information to be released. Mr. Speaker, on his part he's basically telling us that he feels it's okay to release it, but he doesn't want to take the time, he doesn't want to take the effort to pick up the phone or even to draft a letter to the third party, the Alberta Special Waste Management group, and ask them if it's okay if it be released.

Mr. Speaker, there are two parties involved in this agreement to release the information. The minister should take some responsibility in terms of the public good, the public well-being, take the initiative in contacting that third party and initiating the discussion. On numerous occasions when the government is trying to make itself sound important, sound open, sound responsive, they talk about how they're being responsible, how they're being open and accountable. Part of being open and accountable is also taking a little bit of initiative. They should, in essence, make the contact with the third party and find out if it's available.

Our mechanism of contact with the government is through our written motions, written questions in this Legislature. That is our contact as both the opposition and as opposition members on behalf of the public of Alberta. We have to have a responsive government over there that will take the initiative to work through the process and work through the channels and make sure that information is provided to the people of Alberta to the fullest extent possible. When there's a refusal by a third party to agree to release that information, it should come back from the minister. As part of the refusal to release it, they should be providing us with a document that says that on these grounds our third party – or maybe the third party agreed, and the government doesn't agree. But we should have it exactly spelled out as to why they do not want that information released.

Mr. Speaker, I think the minister didn't go as far as he could have, I don't think he even went as far as he should have in terms of responding to this question. I'd like to ask the minister to reconsider that, to proceed with this in a true open and honest and accountable fashion for Albertans and give us the answers so that we can all understand the issues that have been raised by the other members who have spoken this afternoon.

3:20

THE SPEAKER: I thank the hon. Member for Lethbridge-East for his contribution. The Chair regrets that he recognized the wrong constituency in recognizing the hon. member.

The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. I'd be remiss if I did not stand up to convey my disappointment on behalf of the Leduc constituents and, for that matter, all Albertans on this particular circumstance where the minister is reluctant to release information so Albertans could understand the disastrous occurrence at the Swan Hills hazardous waste plant. I think, if I recall correctly, it's over \$500 million, and I would suggest that it makes a mockery of this oft repeated claim that I hear in this Assembly about open and accountable government. Given the opportunity to be exactly that, you can see that in fact they go into hiding immediately.

The Member for Edmonton-Manning made an excellent point when he indicated that this particular motion for a return has been on the Order Paper for some two months. So if the minister had taken one ounce of initiative, he certainly should have secured that information, and he could have secured that. It would become very obvious to every Albertan as to why that wouldn't happen, and that of course is because there's something to hide, because there's someone to shelter in this particular matter, Mr. Speaker.

The Member for Edmonton-Gold Bar thought it was inconceivable that this sort of activity could happen. Well, with due respect, I would take exception to that, hon. member. When we look at the boondoggles that have preceded this, the government obviously has trained well to carry on and continue to throw the taxpayers' money into the wind to have it blow away, as was the case with Swan Hills, Mr. Speaker. So in my mind it is not inconceivable.

The justification that we can't repeat it is that there's a third party involved here. Well, if we look at that third party and we look at the deal itself, I think you will find that a goodly percentage of those people that received that money – the Member for Edmonton-Gold Bar wondered where it went – were friends of government, I would suggest, hon. Member for Edmonton-Gold Bar, and we have seen those friends be the recipient of many government dollars. That in fact is part of the problem with a government that stays in power too long.

The other aspect, which I think was brought forth by the Member for Lethbridge-East, was that the minister certainly could and should approach the Alberta Special Waste Management Corporation and secure those minutes. There is no reason that that power doesn't fall within his office. It's just a matter of will and a matter of ensuring that in fact he undertakes to secure it and to put the matter to rest for all Albertans, not simply for the members of the opposition.

So, Mr. Speaker, I would express very sincerely the disappointment that the minister in fact won't be open and accountable, as he often claims. This is one of the most serious occurrences of taxpayers' dollars wasted that Albertans have been subjected to, and it has caused us many difficulties as a result of the bottom line and deficits and debts in this province. They should be accountable, and someone should have the courage to come forth to be accountable for that. Obviously, we're lacking a tremendous amount of courage in that matter.

MRS. ABDURAHMAN: Mr. Speaker, I rise also with my colleagues to speak to this very important motion. Every Albertan should be dismayed at the fact that this minister is not being proactive in ensuring that the minutes indeed can be accessed. I would think that the Alberta Special Waste Management Corporation would want those minutes indeed to be tabled in this House and shared not only with the Official Opposition but also with all private members of this Assembly. I would say that it behooves

every elected member of this House to ensure that Albertans have the trust of their elected officials and that indeed there's an open accountability, not only by the government but by all members in this House. By this minister's action, that indeed puts the whole question of accountability and integrity under question.

When you look at half a billion dollars of taxpayers' money that we have seen go because of mismanagement, one would have to question: is it purely mismanagement, or indeed has there been some underhand way that friends of government have got money? I would think that the government would want to show to Albertans that there was nothing wrong in the manner in which we lost this money, other than pure mismanagement. One has to question: if it wasn't just purely bad management, well, where did the money go? Did certain people benefit from it?

It's not just the Alberta Special Waste Management Corporation or the whole Swan Hills mismanagement that's under question here. It's all the other dollars that this government and past Progressive Conservative governments have misused. They have abused that privilege, seeing money in essence either squandered or indeed falling into the hands of parties. We still have to question: who were these parties? Where did the money go? Did the money go south of the border? Did it stay in Canada? There are so many questions that are left unanswered. You know, when you don't have answers to questions, you run the risk of seeing these things being repeated again. You see favoritism. You see partisan politics at its worst level. You know, Mr. Speaker, it really concerns me.

Actually today, when I was driving to the Legislative Assembly, I heard on the radio something that really concerned me, that gave me grave concern. It was that the city of Edmonton council had voted – and I believe it was unanimous – against public disclosure if indeed they were given gifts. How quickly we seem to forget in public office that we're in a position of trust and that there should be full disclosure on everything. Now here in 1996 we're hearing a leading municipal government voting not to go for full disclosure. In fact, it was stated over the air that two seats to the Pavarotti concert that cost a thousand dollars and that were a gift to the mayor weren't seen to be a problem and shouldn't be disclosed.

Well, Mr. Speaker, I would suggest that what's happening is that people realize that this Assembly has never been held accountable for the moneys that were lost on behalf of the taxpayers of Alberta. That's a very dangerous message that we are giving to people across the province of Alberta.

DR. TAYLOR: We were accountable at the last election, Muriel, and we won.

MRS. ABDURAHMAN: I know the Member for Cypress-Medicine Hat knows as well as I do that you have to be trusted, that you have to be open, that you have to be accountable. I'm sure that hon. member wants to know where that half billion dollars went, why it was mismanaged. I can't believe he doesn't want to know that. So I would say that if there are other hon. members like the Member for Cypress-Medicine Hat that also want to know the answers to these questions, they should be up here speaking to this motion and telling this minister: do your job, release this information, and table it in this House.

You can't have it two ways, Mr. Speaker. You can't sit here silently and go back to your constituency and say to Albertans: well, I agree with you; we really should get to the bottom of this. But at the same time, when they come and sit in this House,

they're silent. That's wrong. That isn't open, accountable, or trustworthy government. It's not doing your job.

Thank you.

3:30

THE SPEAKER: The hon. Member for Edmonton-Whitemud wishes to close debate?

DR. PERCY: Yes. I wish to close debate and urge all hon. members to vote to accept this motion for a return. Again let me put it in context, Mr. Speaker, as to why this information is so critical to understanding the process by which we lost close to half a billion dollars.

If you read page 28 of the Auditor General's report for 1994-95, it sets out very clearly a sequence of negotiating issues that had come to the fore in September of 1992. In particular, the corporation had reached this juncture where the negotiations with the private-sector partner were very contentious over the issue of who would bear the risk as to the cost of the proposed expansion. There was serious consideration given to invoking section 1302 of the joint venture agreement. Had section 1302 of the joint venture agreement been invoked at that time, what would have happened is that the cost then would have been approximately \$40 million. As we subsequently know, the cost is well in excess of that, and it's in excess of that because the expansion went ahead, because the volumes that had been projected were not forthcoming. Yet the cost of those errors in calculation of course were borne by the taxpayer because the joint venture agreement had set out a guaranteed rate of return.

As well, the private-sector partner was also backstopped in this by a loan guarantee. So Bovar was getting a guaranteed rate of return on money that they had borrowed from a bank which was guaranteed by the taxpayer of the province. If you look at the financial statements of Bovar, it's very, very clear that they earned an exceptional return because of their participation in this joint venture agreement.

What is of critical importance, then, when you look at this particular page is that in September of 1992 the board members were aware that this was a sweetheart deal and were contemplating then invoking section 1302. The board meeting of October 5 clearly set out, at least according to the statements of the Auditor General, that the board had proposed to invoke 1302 if the joint venture agreement could not be negotiated in a way that they thought was favourable. The inference one gets from reading page 28 is that the conditions dealt with the rate of return and the proposed expansion.

Yet notwithstanding the concerns that evidently arose on October 5 and which were communicated – and this is the important element with regards to ministerial responsibility. I would like just to make sure that this is read into the record. On page 28 of the Auditor General's report, the fifth paragraph near the bottom states:

The minutes of the Corporation's October 7, 1992 Board meeting indicate that the Minister agreed to support the resolution passed at the Board's October 5, 1992 meeting. A redrafted interim agreement was forwarded to Bovar. However, the changes called for in the redrafted agreement addressed few of the major concerns outlined by the President in his June 1992 letter to the Minister.

All of these issues related to the concerns that were broached by the president in his June 1992 letter. The friction that had evidently emerged by September of 1992 and the contentious board meeting of October 5, 1992, are critically important in

understanding the process by which we lost a half billion dollars. Again, the Auditor General clearly sets out that had we invoked section 1302, the cost then of buying out the private-sector partner would have been approximately \$40 million.

As we know from the contentious, tedious negotiations that have been under way – and in fact phase 2 has not been concluded – the cost turned out to be \$147 million subsequent to the expansion. That \$147 million, which is, again, \$107 million more than we could have paid in October of 1992, doesn't include the extra costs associated with the subsidy paid to the private-sector participant, Bovar. So you're looking, Mr. Speaker, at approximately a couple of hundred million dollars in extra costs that taxpayers ended up paying as a result of not following through on the concerns that had been raised throughout the first half of 1992, that were crystallized in the board meeting of October 5, 1992, that were discussed again on October 7, 1992, and upon which the minister of the environment was then given direction. Subsequently the minister of the environment became the Premier of this province. So the issue really is: what were the concerns raised on October 5, 1992? What were the concerns raised on October 7, 1992, as opposed to the amendments to the agreement?

I would also just call to the hon. Speaker's attention that not only does it appear that many of the concerns raised in these two October board meetings were not addressed in the amended joint venture agreement, but other equally obscene provisions were then introduced into the amended joint venture agreement, one of which was the fact that the province would be responsible entirely for site remediation. Of course, we now find that site remediation can range anywhere from \$30 million to \$70 million. That previously was to be split pro rata between the public participant and the private-sector participant. So for our understanding of the process by which we lost half a billion dollars and in particular how we came to lose at least an extra \$200 million that we need not have lost, these minutes are of extraordinary importance.

I, too, must regret that the hon. Minister of Environmental Protection had not sought out the permission of the private-sector participant, Bovar, prior to the motion coming forward in this House. Now, I think it's pretty clear that the private-sector participant doesn't want this information to be released, because justifiably they would be embarrassed at the sweetheart deal they managed to hold onto and the fact that what was a sweetheart deal was further enriched because of the failure to pursue the concerns raised on October 5 and October 7 of 1992.

So I would ask all members in this House to support acceptance of Motion for a Return 183 that stands on the Order Paper under my name.

THE SPEAKER: The hon. Member for Edmonton-Whitemud has moved Motion for a Return 183. All those in favour of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

[Several members rose calling for a division. The division bell was rung at 3:38 p.m.]

[The Deputy Speaker in the Chair]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Kirkland	Vasseur
Beniuk	Nicol	White
Bracko	Percy	Zariwny
Hanson	Sekulic	Zwozdesky
Hewes		

3:50

Against the motion:

Ady	Forsyth	Mirosh
Amery	Friedel	Oberg
Black	Gordon	Pham
Brassard	Haley	Renner
Burgener	Hierath	Rostad
Calahasen	Hlady	Severtson
Cardinal	Jacques	Shariff
Clegg	Jonson	Smith
Coutts	Kowalski	Stelmach
Day	Langevin	Taylor
Dinning	Lund	Thurber
Doerksen	Magnus	Trynchy
Dunford	Mar	West
Evans	McClellan	Woloshyn
Fischer	McFarland	Yankowsky

Totals: For - 13 Against - 45

[Motion lost]

Special Waste Management Corporation

M188. Dr. Percy moved that an order of the Assembly do issue for a return showing a copy of the 1984 memorandum of intent between the Alberta Special Waste Management Corporation and Chem-Security Ltd. as noted on page 22 of the annual report of the Auditor General of Alberta, 1994-95.

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

DR. PERCY: Thank you, Mr. Speaker. Let me just précis briefly the reasons why all hon. members would want to sign this agreement. If we look at the \$500 million plus that was lost with the Swan Hills venture, much of it dates from day one from a sweetheart agreement that was reached with Chem-Security, an agreement that almost from its initiation provided for a guaranteed rate of return. Yet part of the whole rationale for the government wanting a private-sector member was because they wanted the virtues of the market and the discipline of the market. They wanted a private-sector firm that would be cost-efficient.

So what did the government do, Mr. Speaker? They designed a memorandum that put every conceivable disincentive for efficiency in place. It provided for a rate of return regardless of whether or not the operation was being run efficiently. In fact, the greater the cost the more money the private-sector participant got. This was seen as being so obscene that members of the board spoke out against it, and the environment minister of the day then fired the board members because they did not want to proceed with the joint-venture agreement or sign the letter of intent. So what we would like to see is the initial rock that started rolling down the slope and as it rolled down the slope acquired more and more taxpayer dollars until in fact it ended up as a \$500

million lump of coal, that the taxpayer has been forced to swallow.

So, Mr. Speaker, I would urge all members to vote in favour of accepting our request that will give us additional information on the initial memorandum of intent signed between the government and Chem-Security.

THE DEPUTY SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. Well, after having listened to all of those speeches on the last motion – they've completely revisited the entire issue, brought in some stuff that was totally unrelated – now I know they've run out of arguments. Mr. Speaker, it even got to the point where I'm sure the hon. Member for Edmonton-Gold Bar would probably be only too anxious to tell you how many millions of taxpayers' dollars were lost when she was chairman of CN. We don't know where that money went either.

MRS. HEWES: Point of order.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Gold Bar is rising on a point of order.

Point of Order
Factual Accuracy

MRS. HEWES: Twenty-three something or other. Mr. Speaker, the year I was chairman of CN the corporation made money, and that's a known fact.

THE DEPUTY SPEAKER: Hon. minister, did you wish to talk about the point for clarification, or do you wish to continue your discussion on the motion?

MR. LUND: Well, Mr. Speaker, we could continue a long time on the point. I would only suggest that if they made any money, I wonder: why did the federal government have to give them over \$700 million?

Anyway, continuing on, Mr. Speaker, with the . . .

THE DEPUTY SPEAKER: I think, hon. member, we really would like to be on Motion for a Return 188 and deal with that.

Debate Continued

MR. LUND: Mr. Speaker, I appreciate your guidance, and I was only leading up to the reasons that I would be accepting Motion for a Return 188.

[Motion carried]

head: **Public Bills and Orders Other than**
head: **Government Bills and Orders**
head: **Committee of the Whole**

[Mr. Tannas in the Chair]

Bill 208
Highway Traffic Amendment Act, 1996

THE CHAIRMAN: We've had some debate already. I believe it was the Member for Edmonton-Roper who adjourned debate.

In any event, to continue debate, the hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you. Before we close debate, Mr. Chairman, there are just a couple of things. Both the hon. members for Edmonton-Glengarry and Edmonton-Mill Woods asked several questions in the debate yesterday, and I would ask them to refer to the debate and my opening remarks in the March 20 copy of *Hansard* because I think the answers will be found there.

Also, the Member for Edmonton-Rutherford yesterday asked how we could prevent the misuse or abuse of the green light. As I indicated in the earlier debate, in section 2 a municipal bylaw must approve and authorize any such use, and within that bylaw of course it can be spelled out what would be the ramifications for the abuse. As well, firefighters must answer to the fire chief, and the fire chief of course reports to the municipality.

So on that note, Mr. Speaker, I would move acceptance of Bill 208.

[The clauses of Bill 208 agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the Bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

4:00

MR. ROSTAD: I'd move that the committee rise and report.

[Motion carried]

[The Deputy Speaker in the Chair]

MRS. FORSYTH: Mr. Speaker, the Committee of the Whole has had under consideration a certain Bill. The committee reports Bill 208.

Thank you.

THE DEPUTY SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: **Public Bills and Orders Other than**
head: **Government Bills and Orders**
head: **Second Reading**

Bill 210
Citizen's Initiative Act

[Adjourned debate March 27: Mr. Henry]

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

THE DEPUTY SPEAKER: Okay. The hon. Member for Olds-Didsbury is rising on a point of order.

Point of Order
Seeking Unanimous Consent

MR. BRASSARD: Before we commence debate on this Bill, Mr. Speaker, I would request unanimous consent of the Assembly to

allow the true mover of the Bill, the Member for Cypress-Medicine Hat, the final five minutes of debate. As you'll recall, the other day I introduced this Bill on the member's behalf because he was forced to be out of town. Normally I would wrap up the five minutes, but in light of his presence I would prefer that he did the final wrap-up on that Bill. I'd like the general consent of the Assembly.

THE DEPUTY SPEAKER: May we have unanimous consent for this request? All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed, please say no.

AN HON. MEMBER: No. [interjections]

THE DEPUTY SPEAKER: Please. Unanimous consent is not the right of any member to request.

Debate Continued

THE DEPUTY SPEAKER: So we are on Bill 210, and anyone who wishes to debate may do so now.

The hon. Member for Cypress-Medicine Hat.

DR. TAYLOR: I'll just get control here, Mr. Speaker, before I throttle somebody.

Anyway, I'm pleased to stand and address this Bill. I'd first like to thank the member for Olds-Brassard for introducing it for me.

THE DEPUTY SPEAKER: Olds-Didsbury, hon. member.

DR. TAYLOR: Oh, I'm sorry; Olds-Didsbury.

I unfortunately had to be absent during that time. I had a public commitment which I had to attend to in Medicine Hat, and I unfortunately couldn't be here. So once again, public thanks to the Member for Olds-Didsbury.

Mr. Speaker, Bill 210 is about returning to our democratic roots. This country and this province are firmly built on democracy. You know, this was done by the Legislatures that have come before us; there's a long history of honest democracy in this province. In fact, there have been citizens' initiatives and a Bill like this in the history of this province in the past. That's because the people of Alberta in the past have wanted it. The people of Canada and Alberta have demanded this democratic tradition and should not receive anything less.

It is in this democratic tradition that Bill 210 comes forward. This Bill, if passed, would give power back to the average men and women of this province. It can enhance Albertans' confidence in our democratic system, because they can then have a more direct and positive role, and it can help all of us in this Assembly to listen more closely to the people of Alberta. We have an election approximately every four years in Alberta, but this would give the people of Alberta a chance to intervene during that four-year process. I believe, Mr. Speaker, that this is why we are here. We are here to listen to the people of Alberta. I was elected to represent my constituency. I believe I've done a good job of representing their viewpoints here, but the more I can hear from my constituents the more accurately I can represent their viewpoints. So one of the things we try to do in our constituency is constantly door-knock. We constantly do phone

surveys and try and hear what people in my constituency are saying. I think it's important that all members do this.

This provides another opportunity, another way for Albertans to express their will to their elected members. Bill 210 proposes a minor but important change in our method of government. It would allow any elector in the province – any elector – to propose and vote on legislation. It does not create – and I want to be very clear on this – any additional obligation on behalf of the elected representatives of the province to accept the legislation, but it does give electors a special opportunity that Albertans have not known for a number of years.

That's the beauty of our democratic system. It's flexible. It is possible to create, repeal, or alter any law within our jurisdiction. But who should that power belong to, Mr. Speaker? That is what we are debating here today: the fundamentals. Who has the right? The elected representatives? Certainly. Or the average electors, the average voters out there? I would say both. I think both have the right to do exactly that, but if we do not have a Bill like this in place, we only have the elected representatives making these decisions. If we have a Bill like this in place, it allows the electors to help the elected representatives.

Elected representatives are necessary in a province with a substantial population like ours has, but I don't believe that's where democracy should end. I think we all know and would all recognize that the input of average Albertans is important to any decision that we make in this House and should be taken into consideration before legislation is passed. Now, as a government we've done hours and hours and weeks and days, if you want, of consultation. We have gone out and consulted Albertans, and this is undoubtedly the reason that we have some impressive legislation, and I believe it has to do with our high approval rating in the polls, Mr. Speaker. That's because we have been a government that has consulted people. Albertans like a government that listens. They like a government that allows Albertans to have input into the process.

That is what Bill 210 is all about. It gives Albertans an even greater input into the legislative process. I see this as being very progressive and open-minded, much like myself, I must say, Mr. Speaker. None of us would pretend to know all of the answers, but Bill 210 helps legislators find the answers and implement some of these answers. It builds on the foundations of democracy, the people of Alberta.

We have done, as I've said, a lot of consultation, but this consultation has been at the behest of the government. That is, we as a government have basically determined what we will consult the people on, and then we've gone out and done an excellent job. But a Bill like this starts at the other end. It allows Albertans to tell the government in a very direct way what the important issues are to them. In other words, instead of top-down democracy it's bottom-up democracy. It's grassroots democracy. It starts at the bottom, works through the population, and filters up to the Legislature. I think to have an effective democratic system, we need democracy that works both ways. We need democracy in which the government starts a consultation, carries it out, listens to Albertans. We also need the opportunity for Albertans to start the consultation, work through the system, work with other Albertans in other parts of the province, and then have the government consider what the people of Alberta want. That's what the first part of this Bill does: it allows any electorate to propose an initiative petition.

This initiative petition is subject to four qualifications. It may not propose any matter outside the jurisdiction of the province.

The hon. member for – I'll say the hon. member for Edmonton-Henry because I'm not quite sure where he's from.

4:10

MRS. ABDURAHMAN: Edmonton-Centre.

DR. TAYLOR: Edmonton-Centre raised this in his comments. One of the issues he raised was the concern that this Bill may in fact allow the people of Alberta to have referendums or citizens' initiatives on issues that are outside the jurisdiction. The Bill quite clearly states this. In reference to Edmonton-Centre, then, I would say: yeah, you know, I share your concern; we do not want Albertans involved in issues that don't concern them or are outside the jurisdiction of the province, such as capital punishment. I mean, that's a federal issue. Now, we can urge the federal government to take action, but it is clearly outside the jurisdiction of the province. Therefore, we would not have a referendum on an issue such as this.

Now, there are many other issues that people can suggest that could be outside the jurisdiction of the province, but they're quite clearly excluded. Another example might be National Defence policy. I mean, it certainly is not in Alberta's jurisdiction to change National Defence policy. One wonders, you know, the way it's being run: if you watch the news these days about what's happening with the Somalia affair. I'm sure that if they'd turn it over to the government of Alberta, we'd do a much better job of it. We couldn't have a referendum on National Defence policy because it's outside our area of jurisdiction.

The second issue, Mr. Speaker, that's quite clear in the Bill – and some people have raised it, including the Minister of Justice – is that a citizen's initiative cannot violate the Charter of Rights and Freedoms. In other words, it in no way can impose any hardships on minorities, violate their rights as guaranteed in the Charter. We want to be very clear on this: we would not want to do anything that would violate the rights of minorities, and the citizen's initiative could in no way, shape, or form do anything like that.

The third and fourth, Mr. Speaker: the proposal may not require the imposition of a tax or require the expenditure of public funds. That, as you know, is the prerogative of the Crown under the Constitution, so the initiative cannot require the government to spend funds. If there's some group that would want the government to impose a tax, a sales tax for instance, you could not have an initiative on that because that's quite clearly the prerogative of the Crown.

Let me just walk briefly through the process of a citizen's initiative so that all members will be familiar with what the Bill proposes and know exactly the way it would happen. Anyone in Alberta who has been a resident of Alberta for the last six months, is 18 years old or older, and is a Canadian citizen can submit an application for an initiative petition. The application must include the applicant's name, address, and a \$200 application fee, an affidavit swearing that the applicant is an elector, and a draft Bill which is clear and unambiguous. So you can see initially there are quite a few requirements right there, Mr. Speaker. Anybody that's going to submit an initiative is going to have to do a fair bit of thinking about it, so there won't be some kind of frivolous things that people may suggest.

In addition, the proposal for the wording of a petition must be 25 words or less and written in such a way that it could form the basis for a successful initiative vote. An additional restriction is that the application "must not relate to a matter that is the same or substantially the same as any other initiative petition" issued in

the last six months, the subject of a successful petition which has not yet been put to a vote, or the subject of a vote that was held within the last three years.

What's happening there, Mr. Speaker – we cannot simply have the same old issue coming up over and over again, and I think it's common sense. We don't want to have a bunch of unneeded paperwork or an issue being debated in society and discussed through initiatives in a continuous fashion, that just goes on and on and on. Once an issue has been dealt with, it's time to move on, and I think most Albertans would agree with that. They want a decision on an issue. "Okay, that's the decision. Let's go on to the next issue." They want to see government get on with the business of government, not continuously debating a particular issue.

Now, within 45 days of receiving the application, the Chief Electoral Officer must inform the applicant or sponsor if the application is successful. That is, does it meet the requirements? If it is successful, then the Chief Electoral Officer will issue an initiative petition. If the application is rejected, the applicant will be informed why, and the Chief Electoral Officer may make suggestions as to how a new application might be successful. He simply won't say no, you know, with no reasons. He as the Chief Electoral Officer is there to advise and help in these situations. Perhaps some Albertans aren't as sophisticated as others in terms of writing tentative Bills, writing the appropriate wording, so what the Chief Electoral Officer will do is advise the sponsor or sponsors on how and ways in which their application might be successful. I think he can be a useful educational tool for this process.

Now, I think also important is that there's been some concern raised that you may have, as you have in the U.S., ballots that are six inches thick with hundreds of initiatives or hundreds of petitions on them. It's very clear in this Bill that you can only have five at one time. In any period of three years you can only have five – no more – so we will not be faced with a ballot that's six inches thick. In other words, there can't be an indefinite number of petitions and propositions, as they're called. I think in the last election in California they had something like a hundred and some propositions, all attached to the ballot. Well, of course that would be extremely confusing, and I'm not sure but I would suspect that many people wouldn't even vote on all of them because it's just too confusing for them. What we have done is tried to be aware of that to make sure that that does not happen here in Alberta, saying that in any particular time frame, a three-year time frame, we can only have five petitions. I think it's important to note that.

I think that if some persons would consider five too many, if I can encourage members to get this Bill into committee, that's something that could be perhaps amended. We debated, when I was writing this Bill, whether the number should be three or five, and I'm certainly prepared to listen in committee to arguments on this basis and get the feeling and the sense in which the House would like to go. As I've said, with just five it simplifies the process by not forcing voters to focus on more than five initiatives, and it allows for informed choices. Once again, it's necessary for people to be informed and educated on these initiatives, because as I indicated in the case of California, there's no way citizens can be educated and aware of all those different issues. By limiting the number, it allows for much more informed choices.

Once the petition has been issued by the Chief Electoral Officer, the sponsor has 180 days to collect the required number

of signatures. Once again, we're putting a limit of basically six months, Mr. Speaker, and that's to prevent an issue from being dragged on in perpetuity. We're saying quite clearly: you've got 180 days to get enough signatures, and if you can't get your signatures in that time, then your initiative is not valid. So you're going to have to be well organized as an initiator or sponsor of a petition. You're going to have to be ready to go, and you're going to have to be able to get your signatures.

Now, to be a successful petition, the number of signatures must meet several important criteria. First, the signature total must meet or exceed "10% of the total votes cast" in the last general election. So that is not an insignificant number, Mr. Speaker, not an insignificant number at all.

If I could just divert for one minute and ask the Speaker a question. I'm going to run out of time here, so can I get up after another speaker has spoken, or can I only debate this issue once?

4:20

SOME HON. MEMBERS: In committee you can come back.

DR. TAYLOR: Oh, in committee I can come back. Thank you.

I think it's important to recognize that you need a significant number of voters. Now, it's a significant number, but it's not unattainable. You must have approximately 99,000 voters. Not only that. You must have "10% of the total votes cast in . . . 2/3 of the electoral divisions." That means it must be a provincial issue. It can't be just an issue that concerns southern Alberta or rural Alberta or urban Alberta. These issues have to be relevant to all of Alberta, because you've got to have 10 percent of the voters in two-thirds, or 55, of our 83 constituencies. Then if the Chief Electoral Officer declares the petition to be successful, say you get the required number, he will report the same to the Lieutenant Governor in Council; that is, once you've got all your signatures. Within six months the Lieutenant Governor in Council must indicate a date when that referendum or initiative is to be held.

Now, there are a number of possible times. I want to be very clear: it doesn't have to be held at a provincial election. Sometimes there's some concern that the issues on an initiative may dominate the election. So it could be held at a municipal election. If it's a provincial issue and these people are concerned about the issue at a provincial election, it could be held at a municipal election. It could be held independently.

Once we have the election, to be successful it must be carried by 60 percent of the electorate in two-thirds of the constituencies. Why we put that in is because we felt that 50 percent plus one is not a substantial majority to indicate the feeling of the majority of Albertans in the true sense. So what we're saying is, "Let's go with 60 percent." If we have 60 percent of Albertans agreeing with an initiative, then I think it's fair to implement that. Once again, if we get the 60 percent, what happens is that the government must bring forward a Bill. [Dr. Taylor's speaking time expired]

Mr. Speaker, could I request consent to continue? I've just got a few minutes left.

THE DEPUTY SPEAKER: The hon. member has asked if the House would give consent to allow him to complete his speech. All those in favour of that request, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed, please say no.
You have your consent.

DR. TAYLOR: I would like to thank all the members, especially the members of the opposition, for allowing me this chance.

AN HON. MEMBER: Just don't forget it.

DR. TAYLOR: No, I won't forget it, and I will be brief.

A successful initiative compels the government to introduce a Bill. It does not compel the government to pass a Bill. So the Bill comes up for debate in the Legislature, and if the Legislature defeats the Bill, it does so of its own free will. I don't think any government would just introduce a Bill and let it die on the Order Paper, because I think certainly you would have to face the wrath of the electorate if you did do this. The other thing, I think, is that if the government does introduce a Bill and defeats it with 60 percent or more of the population of Alberta in favour of it, I think government needs to be very aware and be able to explain their case. If 60 percent of Albertans favour some particular issue, then I'm sure that government has to be very, very careful. I wouldn't understand the reason why a government could defeat the Bill.

So this is a comprehensive Bill, Mr. Speaker. It's not perfect in every way, but I believe it does go a long way in enhancing the integrity of our democratic system. It does give Albertans the additional tools they deserve to influence the legislation they must live under. I think it's an important Bill because it ensures that Albertans will continue to have a strong say in our province.

I'd like to just close with a quote from a Nova Scotian priest who in 1938 said: if we are to build a real democracy, our most serious attention will have to be given to the foundation; we must build from the bottom up and not from the top down; we must, in other words, build on the foundation of the average man. Mr. Speaker and members, that's what this Bill is about. It's about building on the foundation of the average man. It's about building on the foundation from the bottom up. I think we need to do this for the integrity of the Assembly.

You know, one of my favourite hymns is the *Battle-Hymn of the Republic*, and there's one verse in it that says, "He has sounded forth the trumpet that shall never call retreat." I believe our government has sounded forth the trumpet of democracy. I believe our government has sounded forth a trumpet of consultation. I would encourage all members: do not retreat from that trumpet; go forward. We've been given the call. Don't retreat.

Thank you.

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

MR. DICKSON: Thanks very much, Mr. Speaker. This is one of these times in the Legislature when I say with some trepidation: I'm standing in support of Bill 210. Up until the concluding remarks of the mover of the Bill, I found myself trying to find something that I could disagree with and really could find nothing, because I think the arguments have been laid out very effectively and very persuasively by the Member for Cypress-Medicine Hat. I'll pick a different favourite hymn, but other than that, I thought he made the points well in terms of the value in Bill 210.

Also, in standing in support of it, I wanted to dissociate myself from the comments made by the Member for Olds-Didsbury on March 27 when he went into a discussion at some length about the responsiveness and so on of this government. I think we have to agree to disagree on that. I think that's quite aside from what's in the Bill, because really what we're talking about is another one

of those devices that's part of what we might call a direct democracy package, which is a means of trying to curb some of the power of Executive Council, some of the power of the Legislature, and restore a greater sense of power in the hands of Alberta voters, Alberta electors.

I think that was the reason why I had been keen on introducing the recall Bill that first came in in the fall of 1993. It's the same reason I'd supported the initial Citizen's Initiative Act that had been reintroduced by Calgary-Shaw. That was Bill 203 back in 1994. I think, frankly, this is a good companion to the Recall Act. I'm disappointed that the Recall Act wasn't been passed either when I had introduced it a couple of years ago or, more recently, when my colleague for Lethbridge-East had introduced a Bill in this current session. Nonetheless, that's been done; that's been determined. We have an opportunity with this Bill, Mr. Speaker and hon. members, to put a useful curb on the power of the Legislature and to attempt to give Albertans and Alberta electors, again, an opportunity to exercise some clout in a way that they have few opportunities to do currently.

Now, a couple of things I was frankly pleasantly surprised to find in the Bill introduced by Cypress-Medicine Hat. I was surprised and pleased to see on page 2 in section 2(2)(c) a provision that the Canadian Charter of Rights and Freedoms will be respected. I think it's an important acknowledgment that basic freedoms which are guaranteed by the Charter in fact are respected.

4:30

A couple of concerns that I would raise are more in the detail department. These are things, if this gets to committee stage, that I think warrant serious scrutiny by way of amendment. One of the provisions is section 3(3)(i): you can't get a petition if it relates to a matter that's "substantially the same as . . . any other initiative petition" issued "within the 6 months preceding." I think this could be more restrictive. You have a concern in terms of how many of these things you have going concurrently and how many would be out in circulation. I think I might suggest that it would be a year, 12 months, rather than six months.

In terms of the third part, which says that you wouldn't be able to get an initiative petition if the same subject had been dealt with in an initiative election "within the preceding 3 years," the problem with that, Mr. Speaker, is: why would you allow more than one issue to go to petition in the life of a single government? It seems to me that what you'd want to do is allow one opportunity between elections, and if we say elections are traditionally on a four-year cycle, not a three-year cycle, wouldn't it make more sense to change that three years and say, "within the preceding four years"? So I think that's something that could be usefully addressed.

I guess the other concern is when I look at section 12 and the provision there that an initiative vote is successful if "60% of the electors . . . vote in favour." That's fine, but then there's a provision of: in "at least 2/3 of the electoral divisions." I guess my problem there is that we know the kind of imbalance we have in this province. We have about 60 percent of Albertans living in the major centres, but they only have something like 47 percent of the voting clout in this Assembly because of what I submit is a skewed distribution of boundaries and electoral seats. That's, of course, the thing that has received the concern and attention of the Alberta Court of Appeal and Charter challenges under section 3 of the Charter of Rights and Freedoms. It seems to me that you'd have two-thirds of the electoral divisions, and because of the imbalance between rural and urban constituencies in this

Assembly, you could actually have, I think, an initiative coming forward that didn't have significantly substantial support in the major population centres. So that gives me some concern.

I guess the other concern is that rather than section 13, I thought that a better way of doing it, if an initiative is successful, is to have a provision for a Bill being introduced. I understand the constitutional constraints with a Bill coming in independent of the government, but it seems to me that you undermine the usefulness and the impact of a citizen's initiative if in fact you have section 13 there. I've got some thoughts in terms of how that might be changed that I'll communicate to the sponsoring member before this matter gets finally resolved at the committee stage.

[Mr. Clegg in the Chair]

Otherwise, I think the Bill is useful. I think there's been some excellent work done by the Canada West Foundation and Professor Peter McCormick of the University of Lethbridge and David Elton and people involved with the Canada West Foundation looking at a number of these things. I'm mindful that in British Columbia there is such a model. It's been used in a number of American states I think with a measure of success. I think it allows for more direct democracy in Alberta.

For all of those reasons, I'm happy to support the Bill. I'm just signaling my intention to the Member for Cypress-Medicine Hat that I think there are some amendments that warrant attention that I intend on introducing when and if this gets to the committee stage. I hope indeed that it does get to the committee stage because I think Albertans would be advantaged if members in this Assembly, all members, had the courage to give up some of the control that we tend to guard too jealously and let Albertans into the lawmaking process in a way that's significant and meaningful.

Thanks very much, Mr. Speaker.

THE ACTING SPEAKER: The hon. Member for Taber-Warner.

MR. HIERATH: Thank you, Mr. Speaker. I rise today to address Bill 210. Bill 210 deals with an important subject: direct citizen involvement in legislating. It's important because I believe it touches on the foundations of our democracy. It goes back to the earliest days of democracy in Greece as well as the early days of democracy in Canada and Alberta.

As we think about the importance of this issue, I think we first need to try to put some definition on the word "democracy." We often take the term for granted. The other day when I was reading Bill 210, I looked in the dictionary for the definition of the word "democracy." Although the definition will only give us a basic meaning for the word, I believe it is a good starting point. The dictionary defined democracy as a form of "government in which the supreme power is vested in the people and exercised by them directly" and their elected agents. It also defined it as "the common people" with respect to their political power. Terms like "common people" and "exercised directly" are the ones that jumped out at me when I first read that.

These terms that are fundamental to the democratic process are yet to be reinforced. In Canada and many other democracies people elect representatives to voice their concerns and to craft the laws they want. It is not a perfect system, but it can be improved upon with the right concepts and the right tools. I am confident that we can make the system work better for Albertans if we just open ourselves to a bold idea which would seek to improve and

enhance the democratic system. Bill 210 contains such a bold idea. With Bill 210 we can preserve what is good about our current system while changing and improving it.

That is why I support this Bill. It is important that we involve our citizens to a greater extent than our current system allows. We need to provide Albertans with a mechanism to bypass their MLAs when he or she fails to represent the wishes of the majority of the constituents. Our present system lacks that ability, and accordingly, I believe that we as legislators are obligated to try to find a way to compensate for that deficiency.

By returning to the fundamentals of our democratic system, we can attempt to eliminate such problems, and we can search for ideals that we ought to incorporate into our present democratic system. The basis for our modern democracy is the firm belief that every adult person's judgment about the conduct of public affairs is entitled to be given equal weight with each other person's. It does not matter how much money these individuals have, how long they went to school, or where they live. All Albertans have the right to say how they wish to be governed. It's that basic and that fundamental.

In its present form democracy restricts the ability of average Albertans to voice that opinion. Our democracy allows Albertans to make limited decisions on how they wish to be governed every four or five years at election time, but that's where the decision-making ends. To me and to a number of Albertans, that seems to be lacking. You wouldn't let a CEO of a company you own not involve you regularly on decisions. So why do we allow it to occur in something as influential in the lives of Albertans as politics?

For the shareholders of this province, some 2 and a half million, it is important that they have a tool with which to make decisions during those years between elections. At present Albertans have no such tool. The problem is that the representative will make most of the decisions with as little or as much input from their constituency as time and pressure from the party discipline allows. So while our present system of democracy has its benefits, it also has its flaws. That alone is reason enough to want to change our system for the better.

4:40

There are other reasons as well. I believe that Bill 210 is important because we need to recognize and respond to the demands for reform of our political systems. Times are changing rapidly, Mr. Speaker, and our democratic institutions are obligated to follow. Fiscal crises that have come to a head in the last five years or so have the public feeling that politicians don't make quality decisions. We have a federal government in debt up to its eyeballs and seemingly unconcerned about getting its deficit under control, let alone its outrageous debt level. Until recently, we had a provincial government which was spending more than it could afford. Someone was eventually going to have to pay off the huge amount owed, and the longer we waited, the worse it would get. The average guy in the street knows he can't spend more money than he takes in, but governments did it anyway for a number of years. No wonder the general feeling was that politicians just weren't listening. After all, if they were, they wouldn't have gotten into this fiscal mess.

This has been a driving force behind efforts to bring direct democracy back into our political system. Albertans know that the decisions they make will likely be as good or better than those of politicians. So I believe it is important that we give them direct input and direct say in the legislation of this province. Here in Alberta we are fortunate. We have a well-informed

electorate who know what's right and what's not, and they are certainly not satisfied with taking a backseat to decision-making. Voters increasingly asserting their direct participation will lead to better decisions. It is in that vein that I believe Bill 210 was born.

Mr. Speaker, there is nothing new. History tells us that Albertans and western Canadians favour a more democratic system. In the early part of the century all four western provinces passed legislation allowing for the citizen's initiative and other forms of direct democracy. Alberta has already had a version of direct democracy similar to Bill 210 on its books. The Direct Legislation Act allowed for an initiative to come about by a petition of voters, and like Bill 210 it could not expend public funds or go beyond the legislative jurisdiction of the province. If 20 percent of the electors petitioned the Legislature to pass a proposed law, the Legislature was supposed to pass the law in the session in which it was presented. If it was not enacted, the proposed legislation would then be put to a vote. If a majority of 60 percent plus one approved the Act, the Act would have been enacted in the next session of the Legislature.

That Act was much more binding on the Legislature than the current Bill up for debate. Under Bill 210, if an initiative petition and subsequent initiative election were successful, then all the government is required to do is introduce a Bill addressing the issue, not enact it. That is all. That is where the obligation ends. I believe that this strikes an even balance between the Legislature and the electorate. Bill 210 does not infringe upon the rights of the government, or the Lieutenant Governor in Council, while it gives tools to the electorate to have a consistent means at their disposal to voice their opinion and inform the government on what it desires in legislation.

Some might say that the plebiscite provision under the current Election Act provides for this balance already. The problem is that these provisions allow the Lieutenant Governor in Council the ability to hold a general plebiscite when it wishes, but the opinion of the electorate about amending existing legislation or introducing new legislation is twofold: firstly, it only asks the opinion of the electorate; secondly, it is initiated by the government, not the people. It does not come from the grassroots but from the government of the day. That's backwards. Governing is best when the ideas come from the people, those who are affected by the laws of the province every single day, not from 83 people under the dome. Bill 210 puts things right side up again, where the people have direct say in the legislation of the province.

Mr. Speaker, the desire of many western Canadians to have more direct democracy in government still prevails. Saskatchewan passed new legislation in '91 allowing for referenda. British Columbia held a referendum during the last provincial election on the issue of recall and initiative, and an all-party committee on the issue completed its report in November of '93. The 1994 Recall and Initiative Act presently in force in B.C. used the recommendations of the committee as its basis. The B.C. Act is quite similar to Bill 210 with a few minor exceptions. As you can tell, increased access to the lawmaking process is very much an issue and one which all MLAs would be wise to pay attention to.

There are other examples of jurisdictions which use direct democracy tools in their political systems as well, Mr. Speaker. Many jurisdictions in the United States have instituted one or another of the direct democracies. The initiative was introduced into American political culture in 1715 and is now used in over half the states in the U.S. Switzerland also uses the direct democracy initiative quite often. So the process and the use of

direct democracy is by no means a new idea. It is one which right-thinking men and women have high regard for and use on a regular basis. A growing sense of inadequacy in the representative form of democracy in dealing with people's concerns has led to the past initiatives, past legislation, and present initiatives and legislation. Albertans are demanding that they be given the mechanism to override the system and bring an important issue to the table.

One of the main arguments leveled against the mechanism of direct democracy such as the citizen's initiative is the one of ignorance of the electorate. There may have once been a time when those holding elected office represented levels of education not found in the average man in society and were therefore in a better position to make informed decisions. Today such arguments are invalid. There is no longer a difference in education between the voters and their representatives. If people have enough intelligence to vote for whomever they wish, they should have enough intelligence to be able to propose and vote on a citizen's initiative.

To perpetuate the myth of informed and enlightened MLAs versus the ignorant and uneducated constituents would be wrong. Albertans are in as good a position to pass judgment on proposed legislation as we are, if not better. To limit their participation to once every four or five years is a great tragedy. As such, we must ensure that Albertans do have an opportunity to participate more, and Bill 210 allows that. Albertans deserve and demand the right to have direct access to the legislative process. The time for the citizen's initiative has come to the province of Alberta.

Thank you.

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I rise to speak and support Bill 210, the Citizen's Initiative Act. In fact, I think it's fair to say that many members in the Assembly took this as a policy position or a political position when they were seeking election to this House. It certainly crosses party lines. When you see this initiative taken by the Member for Cypress-Medicine Hat, it starts to demonstrate what I firmly believe has been lacking, and that is where we use the best talents that we have in society, whether they're sitting in this House as Members of the Legislative Assembly or whether they're the views of our grassroots Albertans. Too often what happens in Legislatures or in the House of Commons is that you get into this adversarial, partisan politics, and it doesn't serve society as a whole in a positive way.

4:50

In fact, Mr. Speaker, when you look at taking the concerns of the grassroots into the Assembly through the election process, in times of crisis – and I would suggest that the debt that has faced most of the western world, which politicians have accumulated on behalf of their citizens, could have been dealt with in a more meaningful way if in fact we had coalition governments, like we saw during the Second World War. We took the best of the talents in the House of Commons during the Second World War and worked for the good of the country, worked for freedom and worked for the democratic process. Bill 210 is certainly a step in the right direction. I also would acknowledge my colleague from Calgary-*Buffalo* when he was talking about recall. These are all part and parcel of making our society more democratic.

I learned a hard lesson, Mr. Speaker, when I was running for

the position of mayor of the city of Fort Saskatchewan. Most of the candidates that were running for election at that time were supporting what was an innovative idea of a wave pool in the city of Fort Saskatchewan. In fact, the only other wave pool that was under construction at that time was in the city of Calgary. All the research that we did showed that if we indeed moved ahead and had this indoor swimming pool built in the city of Fort Saskatchewan – the wave mode was the way to go – from an economic standpoint its revenue generation would be much greater than any other type of indoor swimming pool. Interestingly, I got elected with part of that as my platform, supporting the wave mode pool, and all the candidates running for alderman that supported the wave pool also got elected. The members of the community who had opposed this wave pool mode were defeated at the polls. So there I was as mayor with six aldermen that supported this innovative swimming pool with the wave mode in it.

Well, you know, Mr. Speaker, surprise, surprise. Us politicians – and I'm using it collectively because there was a lesson to be learned for us all through this – believed that because we laid out a platform and we got voted on that platform, everybody supported that platform. Well, they didn't support it a hundred percent. What evolved in the city of Fort Saskatchewan – and I say it was a hard lesson that I learned because it was. We saw a citizen's initiative taking place, and we were forced into a plebiscite within six months of the municipal election on that wave pool.

It went down to resounding defeat. There wasn't the support of the majority for this innovative swimming pool that showed it probably would cost the taxpayers less money. The bottom line was that for some reason the citizens of Fort Saskatchewan didn't buy into the information that was being shared, and they felt that it was the wrong direction we were going in. I learned through that process that even though I had been elected as mayor of the city of Fort Saskatchewan on a very concise platform, it wasn't necessarily all supported. So to this day the indoor swimming pool in Fort Saskatchewan does not have a wave mode operating in it, although it has the ability to do that, because it's never been the wish of the citizens to have that move forward.

I've listened to the members for Cypress-Medicine Hat and Taber-Warner, and I want to commend the Member for Cypress-Medicine Hat for bringing forward this Bill. But, you know, this government should also hear the message that I'm communicating about our indoor swimming pool in the city of Fort Saskatchewan, and I'll use the example of the Grey Nuns hospital. You've got to realize that you're not in the driver's seat when we go to Bill 210, and I support that because it is direct democracy. It's making us a more democratic society. I hear continually from the Provincial Treasurer: we were elected, and they gave us the mandate to do it; you lost. The bottom line, Mr. Speaker, is that with this Bill, the closure of a facility or the changing of the role of a facility may not be supported by the majority of Albertans out there. This Citizen's Initiative Act would indeed be telling our government to rethink its policy stand, and I hope that every member realizes that. I respect it, and I think we'll start to get better government from that.

The other was that, you know, we talked about the provincial government and the federal government and this debt and it looks as though they're not taking it seriously. That's when we allow partisan politics to creep in. I don't care who the government was, what party they represented. They all had the same disease: they were not living within their means, and they created that debt. It didn't matter whether it was Liberal, whether it was

Progressive Conservative, or whether it was NDP. They created debt, and unfortunately the average Albertan has to pay the price for that. Now, I would suggest and I would hope that with the kind of information that I had, I could have gone and used Bill 210 to get a message across to government that they were not allowed to hide the kind of deficit budgets they had in the past in the province of Alberta. I think we would be really advancing the democratic process in holding governments fully accountable.

Mr. Speaker, I found it a little bit ironic and to some degree very comforting that the Member for Cypress-Medicine Hat used the terms of a world-renowned poet, and that was the "common man and woman." The poet that used that terminology continually was Robbie Burns. You know, Robbie Burns is one of the most respected people from the western world. He was respected by Russians, by a Communist society. I find it really ironic. Why I'm pointing this out is that we tend to look at people and label them – you're a lefty or you're a righty – but the bottom line is that when we start to look for the good of society and I hear the member from Cypress-Medicine Hat using the terminology "common man and woman," I find it gratifying. I find it reassuring. There's a sensitivity there that too often people who use that terminology are accused of being lefties. As I say, Krushchev thought that Robbie Burns was the most wonderful person going, and he truly understood what we as a society needed to do to make sure that the common man and woman were cared for and that their viewpoints were listened to. So I'm actually feeling a great amount of reward hearing government members acknowledging this, that they do care and they do listen.

As I say, there's a downside to it. Quite frankly, if Bill 210 becomes a very useful piece of legislation, if this government has the courage to pass it and proclaim it – then indeed when I am debating across the way and I'm hearing from the Provincial Treasurer, "You lost and we won," he'll suddenly realize that, no, we didn't win and you didn't lose, that it's the people of Alberta we're here to represent, and they'll decide whether what we do in this House is truly representing the viewpoint out there in the community, that we're really doing their job.

You know, I listened today about the concerns out there in the community about jobs. Over a thousand people have come through the Job Action Team in the city of Fort Saskatchewan. That appalls me. I wouldn't have believed that there were so many people looking for work in the city of Fort Saskatchewan and Strathcona county with all the petrochemical industry. But, you know, when you start to look closely at it, money that's invested doesn't necessarily equate to jobs. We're realizing in 1996 that when you invest billions of dollars, the end result isn't all of these jobs. In fact, when you look at the \$800 million in the hydrocarbons project and another \$200 million in expansion for Dow Chemical, what's happening is that Dow Chemical is now downsizing their workforce. So we've seen billions of dollars in investment, but it hasn't resulted in jobs.

5:00

Now, I'm telling you, Mr. Speaker, that the reason I got involved in the Job Action Team and facilitated it was because the people that were coming into my constituency office were saying: "What are you going to do for me? I don't have work. I've got job-ready skills." Well, I didn't want to just leave it like that. We're here to be responsive to our constituents. You look at positive ways to deal with the concerns of your constituents, so we facilitated it. You know, what happened was the government actually came on board, whether they realized it or not, through social services and advanced education, and I want to commend

the minister of advanced education. I don't know whether he realizes that some funding has assisted us in matching Albertans with job opportunities. That is a home-grown remedy to make sure that we can find employment for people.

If I hadn't been able to get a response from the government to do something that's proactive, whether it be the federal government or the provincial government, I would be using a Bill 210, quite frankly, Mr. Speaker, to say to those people: you have job-ready skills; you're between the age of 35 and 60 – they'll range from engineers, lawyers, accountants to home domestics. They're there ready to work. What are we as politicians going to do? You know what I would do if I didn't get a response from government? I would encourage them to use a Bill 210 to get the message across to government that you have a role to facilitate the job market, because government has to play a role. We're hearing from the big multinationals, whether it's Dow Chemical or Amoco or Safeway, that they are in there to represent their investors. The bottom line is the profit margin. If that means they've got to downsize, they will downsize. So we still haven't addressed the problem of job generation, finding meaningful employment for people.

Now, I would suggest that if we do not do something seriously in that area, you will see people, if it isn't through a Bill 210, marching on Legislatures all across this country. You'll see them doing exactly what happened in Europe, whether it be in France or whether it be in Britain, saying: "We expect our governments to be responsible with our taxpayers' dollars. We expect them to create the environment that allows economic growth."

I just want to say to the Member for Cypress-Medicine Hat that I admire his political courage, because when you do this and you go to direct democracy – and I've shared this with students in the classroom – you make an awful lot of politicians very uncomfortable.

The other side of it is that through direct democracy – and I shared this in the classroom as well – you can use the argument that when you're in government, whether it's municipal or provincial or federal, you're elected to do a job; you're elected to make decisions. When you go to direct democracy, that can indeed change the reality that you are not going to be allowed to make that decision on your own or you're not going to allow an Executive Council to make that decision on their own and leave the private members out of that decision-making process.

I would think that if the Executive Council had shared with the past Progressive Conservative private members the true financial picture, I honestly don't think we would have over a \$30 billion debt today. I think there would've been a revolt. You know, I see the Member for Stony Plain shaking his hand at me, that it's a bunch of nonsense.

MR. TRYNCHY: Well, it is.

MRS. ABDURAHMAN: It's not a bunch of nonsense because the reality is – and the member who said it actually was a member of the cabinet at the time when we created this \$30 billion debt – that if they're saying that it's a lot of nonsense, they're saying that every MLA that was on the government side of the Progressive Conservative government knew that that budget that was presented to them indeed was a cover-up, that it was a deficit budget. That's what the Member for Whitecourt-Ste. Anne is saying. I have got to give the Members of the Legislative Assembly that sat here under Progressive Conservative governments the benefit of the doubt and believe it was the Executive Council that did it to

those MLAs.

Now, I firmly believe that if Bill 210 had been in place, MLAs, the private members, would have been out there in their constituencies saying, "We've got to do something about it; we've got to stop that all-powerful Executive Council." Because in the province of Alberta it's not this Assembly that runs government; it's Executive Council. I respect the fact that Bill 210 is a courageous Bill. You know, I hope through this debate that I've not had a negative impact on some members over there supporting this Bill. I hope they're courageous. I hope they'll stand up and be counted and that this is a Bill where the Whip will not be on. It's a private member's Bill, and I hope that people will vote with their conscience, that they'll come into this Assembly and say, "I'm here to represent my constituents, and I want the ability to allow my constituents . . ." If they believe that the government of Alberta is not truly representing their wishes, they'll have the ability to take their initiative to a vote to ensure that the democratic process is truly represented in the province of Alberta and that indeed direct democracy begins to evolve within the province of Alberta.

Mr. Speaker, I could say much more about this Bill, but I think I'll leave it until Committee of the Whole. I would say: stand up and be counted, members of the government, particularly private members, and take the Whips off and make Executive Council not indeed be the government of Alberta. Let's open it up. To my own colleagues of the Official Opposition I would say likewise, only we're not in power, as the Provincial Treasurer continues to remind me.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The hon. Member for Red Deer-South.

MR. DOERKSEN: Thank you, Mr. Speaker. I rise today to address Bill 210, sponsored by the Member for Cypress-Medicine Hat. It is indeed a pleasure to address this Bill, as it recognizes the traditional principles of direct democracy while responding to a changing political landscape.

I must point out right at the beginning that this is a Bill similar to Bill 203, which was introduced by the Member for Calgary-Shaw back in February of 1994, and I am on record in *Hansard* at that time as not supporting his Bill. Today, Mr. Speaker, I'm going to say that over the past number of years in reflection of my duties as a member of this House and maybe the influence of the right-thinking members here, in fact there are some very good things about this particular Bill, and I do rise today in support of it.

Prior to discussing the provisions of the Bill, Mr. Speaker, I would like to review the historical precedents upon which Bill 210 rests in the context of our present political environment in Alberta and indeed the rest of Canada. I will be repeating some of the points that were brought out by the Member for Calgary-Shaw in his earlier speech on his Bill back in February of 1994 and commend him for the work that he did in this area, but it bears repeating in review this afternoon.

5:10

Parliamentary reform has generated substantial interest in recent years. I attribute this to a combination of the traditional populist culture of Alberta and the recent financial problems of the various levels of government. Albertans have always been skeptical of organized power and government activities in general. Our constituents have traditionally wanted government to intervene as

little as possible in their lives, and government initiatives tend to be viewed with a high degree of skepticism. Fueling this sentiment are such things as western alienation and the political elite ignoring the views of what has been affectionately referred to several times in this Assembly as the severely normal elector.

In addition, Mr. Speaker, the fiscal situation of governments has contributed to this sentiment. Throughout the '70s and into the '80s Canadian and Alberta government revenues were fairly high. This encouraged centralized decision-making and allowed governments to spend substantial amounts on public services. Although the level of public spending was not sustainable, it has continued. The fruit of such financial policy is evident today. The Canadian government has a debt of nearly \$600 million. Alberta has gone from being a net creditor to a net debtor. The consequence of all this? Taxpayers have lost confidence in the ability of politicians to make right decisions for them.

I'd like to say, Mr. Speaker, that I think the Alberta government over the past three years has hopefully reversed that trend and that we have been responsible to our taxpayers and to the electors in the way we have handled the fiscal elements of this province.

Many Albertans and Canadians want to change this pattern and have served notice of the same on their elected officials. The political agenda has become increasingly saturated with topics such as fiscal accountability, reduced public spending, and lower taxes. This is evidenced by the rise of the Reform Party, taxpayer associations, and the general acceptance by the Alberta electorate of this government's fiscal policies, which I alluded to earlier. People are well informed and not content to occupy a passive role in the politics of their province and country. What Albertans and Canadians alike have been saying is that increased involvement of the public will result in better decisions, not decisions guided by public opinion polls but based on the direct and effective participation of the general public.

The principles of direct democracy are not at all new to western Canadians, Mr. Speaker. All four western provinces have had some form of direct democracy legislation in place at one point in time.

Manitoba is a good example. In 1916 the Manitoba Legislature enacted a statute which allowed for citizen initiative. The signatures of not less than 8 percent of the number of votes cast in the last election were required on a petition in order to propose a law. Assuming their proposal was not enacted, it would then be referred to a direct vote at the next general election. The proposal could not be ultra vires the jurisdiction of the province, nor could it be a measure relating to appropriation. This Act was eventually challenged in the courts. The judicial committee of the Privy Council in London, which at that time was the highest judicial authority in Canada, ruled the law unenforceable because it impinged on the powers of the Lieutenant Governor and therefore was unconstitutional. This decision ultimately affected the legislation in Alberta.

The Alberta Legislature in 1913 passed the Direct Legislation Act, which provided the means for submitting legislation to electors for their approval as well as the initiation of legislation by electors. An initiative under this Act could come about by a petition of voters but could not extend public funds or go beyond the legislative jurisdiction of the province. Under the Act if 20 percent of the electors petitioned the Legislature to pass a proposed law, it was to be enacted during the session of the Legislature in which it had been presented. If it was not enacted, the matter was legally required to be submitted for a direct vote

to the Alberta electorate. If approved by the voters in a simple majority, the Act would be enacted in the next session of the Legislature without any amendment which could change the meaning or intent of the legislation.

The Act also permitted the Legislature to submit particular pieces of legislation to the will of the electors. It allowed the Legislature to declare that an Act, once passed, would not come into force for 90 days. During that period, if a petition signed by at least 10 percent of the total votes cast in the last provincial election was presented to the cabinet, the Act in question could be further deferred until voted on by Albertans.

In 1958 legal advice claiming that the Manitoba decision would likely apply to Alberta law as well led to the eventual repeal of the Direct Legislation Act. Saskatchewan has also enacted and subsequently repealed similar legislation, and in British Columbia there is currently a law titled the Recall and Initiative Act. Many of its provisions are similar to those proposed in Bill 210.

As is evident by the foregoing, Mr. Speaker, this is not a new idea. The ideals of direct democracy have existed in Canada for quite some time, and having related to the House some of the historical context pertaining to Bill 210, I would now like to turn to the citizen initiative process set forth in this Bill.

Essentially there are three steps involved in the initiative process. First, an elector must propose a petition. There are several limits on what can and cannot constitute the basis for a proposal. The proposal cannot violate any section of the Charter of Rights and Freedoms, nor can it go outside the jurisdiction of the province. Neither can it impose a tax or expropriate any part of the public purse. It is the duty of the Chief Electoral Officer to determine this. In addition, the officer must also ensure that the proposal does not deal with any matter which was the subject of an initiative in the preceding three years or the subject of another petition currently issued. The sponsor of the petition, once it is approved, has 180 days to collect signatures on the petition and submit them to the Chief Electoral Officer for his verification.

There is a double requirement for the petition to succeed. First, signatures must total 10 percent of the ballots cast in the last general election and 10 percent of the ballots cast in the last election in at least two-thirds of all constituencies. If this Bill were law today, 99,000 people would have to sign the petition, and 10 percent of the ballots cast in no less than 55 constituencies in the last election would also have to be in favour of the initiative.

Once these two tests are satisfied, the Chief Electoral Officer must inform the Lieutenant Governor in Council of the same. A date is then established for the initiative election. The date can be during a general provincial election, local general election, or otherwise. On the election date the initiative will only pass if it again meets two tests: 60 percent of the electorate must vote in favour, and 60 percent of the votes cast by the electors must have the support of two-thirds of all the constituencies.

An important point to note is that if the initiative meets these tests, the government is then required to only introduce the Bill at the next session of the Legislature. The government does not have to vote for the initiative, but rather the Legislature is free to pass or defeat the Bill. This is particularly important in light of the history of direct democracy I described earlier. The Act does not impinge on the rights of the Lieutenant Governor or the Legislature, so it would not be unconstitutional.

Other parts of the Bill provide for additional safeguards, Mr. Speaker. Measures are proposed to reduce the influence of

special interest groups via the disclosure of financing information. In addition, the offences section of the Bill provides for substantial penalties.

5:20

I realize that this is not an easy issue for this Legislature to address, Mr. Speaker. This Bill impacts directly on our political institutions. I recognize that there is potential for problems for the governments which undertake important though unfavourable actions. Nonetheless, we are supposed to represent our constituents and advocate on their behalf. As the hon. Member for Calgary-Shaw stated in 1994, when discussing this Bill's predecessor:

It is not, nor should it be, our objective to maintain the status quo and prevent our existing political system from evolving to better reflect voter opinions.

In conclusion, Mr. Speaker, the recent economic and fiscal change we have witnessed in this province necessitates changing our political system to ensure our continued progress. While I understand that there are some difficulties in making this kind of change, I would suggest to all members of this Assembly that Albertans are watching and that many would consider acceptance of the Citizen's Initiative Act at least at this second reading an important step towards greater citizen involvement. I would urge all members of the Assembly to support the principles of Bill 210.

Mr. Speaker, I've been getting a number of notes at my desk that are suggesting that it is time to adjourn debate. I had that idea already in my own mind and did not need the reminders of the members of the Legislature. So at this time I would request that we adjourn debate on Bill 210.

THE ACTING SPEAKER: The hon. Member for Red Deer-South has moved adjournment on Bill 210. All those in favour, say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any? Carried.

[The Assembly adjourned at 5:23 p.m.]