

Legislative Assembly of Alberta

Title: Wednesday, May 8, 1996 **8:00 p.m.**
Date: 96/05/08
 [The Speaker in the Chair]

THE SPEAKER: Please be seated.

head: Government Bills and Orders
head: Second Reading
Bill 41
Water Act

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. It gives me a great deal of pleasure to rise this evening and move second reading of Bill 41, the Water Act.

To start off with, I would like to just reacquaint members of the Assembly with the Act, leading up to the final draft, and how the commitment was made back in 1990 that the public would be involved heavily in putting together this Act. It's really interesting to watch the progress and how it developed since that time.

I want to take this opportunity to thank the old Water Resources Commission, and the water management group that was chaired by the hon. Member for Dunvegan, who shepherded the consultation process around the province. As a matter of fact, in 1994-95 they had some 1,500 people turn up at public hearings and some 500 written submissions as well as about 3,500 people showing up at other special meetings that were called throughout the province by people that were very, very interested in this Act.

So this Act has in fact had a lot of public involvement right from the start in 1990. I want to assure the House and the people of Alberta that that consultation has not concluded. Before the Act is proclaimed and comes into force, we will have regulations that the people of Alberta will have an opportunity to study, to see how the Act and the regulations affect them. We will be taking that input before the Act is proclaimed.

As well, Mr. Speaker, I also want to make a commitment that the water management plans that are required under this Act will be developed by the people of the province. So there will be a lot of consultation yet before this Act finally comes into force.

Parts of the old Water Resources Act and how we have managed this tremendous resource in the province of Alberta are over 60 years old. As a matter of fact, some of it you can trace back to the North-West Territories Ordinances. So while that Act has served us extremely well over time, with the new management requirements and the challenges that we have lying ahead of us, it is extremely important that we review and develop an Act that in fact can meet those challenges and set out a framework for the management of the water resource that we have in this province.

This Act, Bill 41, is a very comprehensive piece of legislation. When you look at the complexity of water management within the province and what that is going to entail in the future, I think this Act reflects the importance of the water resource that we have and the importance of continuing to manage it in a very precise and protective way.

Mr. Speaker, one of the key elements in this Bill is in fact protection. We are setting out a framework where we will be protecting the resource as well as protecting the current users, the rights to that use as have been established over time. I think it is extremely important that we do in fact protect those rights, because when you look at the infrastructure that is built around

this tremendous resource and the livelihood that depends on it, people have invested a lot of money. A lot of lives depend on the uses that are currently in place and the licences that are currently in place. To accomplish that we will be in fact grandfathering the current licences as they exist today.

Now, I know that there's quite a lot of concern about the whole licensing procedure, and in fact this Act goes beyond that as well. It allows for something that is called registration. That is one of the new parts of the Bill. When we say that we're going to grandfather in, there's another mechanism that we are grandfathering in that process, and that is that the priority of those licences will again be the concept of first in time, first in right. So that will also be brought forward.

Also, when we talk about protection and licences, this Act will for the first time allow for the government to own and have a licence. This will be done to protect the aquatic environment, something that is a concept we believe very strongly in. We believe it is absolutely essential that we start looking very seriously at things like minimum in-stream flow and making sure that the aquatic life is protected.

We have also recognized the extreme importance of the right to water for household use and as a matter of fact are setting up a mechanism where a certain amount of water for household purposes will have a priority, and that will have priority over any other use. In protecting the current licences and uses, we are recognizing how important the right to water is for the agricultural community, so we are setting up another regime and calling it the traditional agricultural use. Those traditional agricultural uses will be brought forward. It will actually allow for people that didn't license to bring forward . . .

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

THE SPEAKER: The hon. Member for Fort McMurray rising on a point of order.

Point of Order Questioning a Member

MR. GERMAIN: Yes. I wonder if the hon. minister of the environment would entertain a question under *Beauchesne* 482.

MR. LUND: I would be only too delighted to because I hear this happen so many times when this side asks the question, and we get answers like: "Remember the election. You won; we lost. Therefore we won't take a question."

THE SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. Would the hon. minister explain to the House this evening why some members of his caucus have pasted blank pieces of paper over their eyes during your debate? Is it a reflection that they do not endorse the Water Act that you are introducing?

MR. LUND: Well, Mr. Speaker, I think it's more a case that those hon. members have been looking to their left, and they don't like what they see so have covered their eyes.

THE SPEAKER: The hon. minister of the environment.

MR. LUND: Okay. Thank you, Mr. Speaker. As we were talking about the traditional agricultural uses and the fact that we are grandfathering . . .

MR. DECORE: Mr. Speaker, a point of order.

THE SPEAKER: The hon. Member for Edmonton-Glengarry, rising on a point of order.

**Point of Order
Questioning a Member**

MR. DECORE: I'd like to ask the minister a question under *Beauchesne*.

THE SPEAKER: Well, that's up to the minister.

MR. LUND: Well, Mr. Speaker, I'm not an expert on *Beauchesne*, so if he's asking me a question about *Beauchesne*, I'm not prepared to answer that question.

MR. DECORE: I'd like to ask the hon. minister if he wouldn't agree that the hon. members look more intelligent with the flags on their eyes than with them off.

MR. LUND: Well, Mr. Speaker, he didn't use any kind of a citation for that question, so I don't feel compelled to follow up on that.

MR. HAVELOCK: Point of order.

THE SPEAKER: Citation.

**Point of Order
Clarification**

MR. HAVELOCK: A point of clarification, Mr. Speaker. My eyes happen to be very sensitive to light, and I need to shield them at various times of the day, which explains why I was certainly wearing some yellow sticky sunglasses. I don't know about the hon. member who had them stuck to his eyebrows; nevertheless, Mr. Speaker, that's certainly why I was wearing them.

Thank you.

MR. LUND: May I continue on Bill 41?

THE SPEAKER: Please carry on.

8:10 Debate Continued

MR. LUND: Thank you, Mr. Speaker.

SOME HON. MEMBERS: Where were we? Where were we?

MR. LUND: Yeah, where were we? We were talking about management and how important water management is in the province. To accomplish some of this management, the new Act requires that within a three-year period there will be a framework established that will set out how the water management plans for all of the various river basins will be accomplished and what those water management plans will be.

We have to recognize that this legislation is what we would refer to as enabling legislation, and that will allow different things to happen in different parts of the province. When we look at the distribution of the use of water in the province and the availability of water, it's extremely important that we have the ability to manage the various water basins in different forms, and that will be accomplished through the water management plans for each of

the river basins.

I think another very positive step – I touched on it briefly before – is the whole issue of the aquatic environment and how important that is getting to be. We recognize that some of the basins are pretty much allocated. Some of the rivers, particularly in the southern part of the province, simply cannot stand a lot more diversion from those rivers and still have the aquatic life that is in those rivers. So we will be setting out the guidelines through these management plans that will in fact accomplish that as well, Mr. Speaker.

Another thing that is a change in this Bill deals with the ability for the government to hold a licence, as I mentioned earlier. Of course in some of these basins we will in fact see the government obtaining some of the volumes that are currently allocated. That will be over time.

The Act also continues the prohibition on the export of water to the United States in bulk form. It also continues the prohibition on interbasin transfer, which has been in place for some time.

The Act continues the principle of water allocation as well as continues with the approval process for related activities. Consistent with the government's regulatory review we will be allowing for some registration that doesn't involve nearly as much as the licensing, and of course we will have the ability in some of the water management plans to exempt diversions of water and water-related activities from the regulations.

Another new concept that is key to this Act, something that we heard a lot about particularly in southern Alberta, is the ability to transfer licences. We believe and heard that in some cases the highest use of the water could be in some other area, maybe some other enterprise. We know that with the resource getting scarce in some areas, it will be really important to make the best use of water. So we will be allowing the ability to sell, transfer licences. Those will be done under very stringent kinds of activities. The reason we will be moving into it rather slowly is because it is a new concept. We think it needs to be monitored very closely to start with and the system developed over time.

I want to also mention that the Act continues with our principle of providing opportunity for Albertans to provide advice as to how the water should be managed, and part of this transfer that I just talked about and the sale will involve public hearings and the ability to get the public involved so that the people will know what is happening.

Another new concept, something that has never been here before, is the ability to appeal certain decisions of a director. Currently those decisions are not appealable, and Mr. Speaker, in keeping with this government's thrust to make things open and available to the public, we will be allowing for appeals of directors in certain areas.

So I think that pretty much covers the key elements of the Bill, the principles that we've embodied in this new water legislation. I want to once again take the opportunity to thank the public of Alberta for their participation in the consultation process, and I look forward to the debate on Bill 41.

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Mr. Speaker, thank you very much. I'm delighted to join debate for second reading on Bill 41, the Water Act. I'd start my comments picking up where the minister left off, and that is to thank the many Albertans who participated in the review process that has been ongoing actually for some time

now. This whole process of public consultation started in 1991 when there was first discussion of revision of water legislation, and in the spring of 1995 there was a great deal of public input. There was last year the forming of the Water Management Review Committee to take into account all of the submissions that had come from Albertans from virtually every corner of the province, and the Member for Dunvegan did an admirable job in chairing some of those meetings, because as that hon. member knows and the minister knows and as all members know, when you get some people in the room to talk about water, they become very interesting meetings very quickly.

We're now at a point where we have Bill 41. Of course, as you know, Mr. Speaker, last year the minister tabled Bill 51 and waited for some response to that particular Bill. It essentially died on the Order Paper, and here we are now back again with Bill 41.

Mr. Speaker, you may recall that just a few weeks ago I asked the Minister of Environmental Protection why we hadn't seen the Water Act retabled in the Legislature this spring. The minister commented that he was in the process, through his department, of developing the regulations for Bill 41. I was to be patient, and the Bill would be tabled, and lo and behold here it is. But I must say that I'm certainly disappointed that the minister did not coordinate the tabling of Bill 41 with the release and distribution of the draft regulations, as he has promised to do.

We have had the debate many times in this Assembly, Mr. Speaker, where members on my side of the House and my colleagues have asked for input through debate into the regulations. The minister has committed publicly that draft regulations will be released, that draft regulations will be distributed, and that he will receive comments back on the draft regulations. It only makes sense to me that those processes occur concurrently so that members of this Assembly can debate the legislation and at the same time have had an opportunity for review of the draft regulations.

So it's unfortunate that the minister simply says to the House this evening that we will have the draft regulations released and seek public input before we proclaim the Act in force. That tells me that what the minister intends to do is move Bill 41 through the House, have it receive third reading and potentially Royal Assent before we're going to see the regulations, and I don't think that's appropriate with a Bill that's as important to Albertans as Bill 41. I hope the minister will reconsider that approach and that agenda and that he will move the process along where he will release the draft regulations so that we can have some input into those while we are still debating Bill 41 in the Legislature.

8:20

Mr. Speaker, the essence of Bill 41, when we compare it to Bill 51, is that it has I think to some extent listened to Albertans through the public consultation process, receiving feedback on Bill 51, and has made some effort in attempting to find some common ground. One of the things I'm disappointed with in Bill 41 is that the minister had the benefit of the Water Management Review Committee, and in their report they were very careful to identify the recommendations to the minister that were unanimous, that were strongly supported, or where there was a mixed point of view. Even on those issues where the Water Management Review Committee was unanimous in its recommendation, even today in Bill 41 some of those unanimous recommendations still do not occur in the Bill, and I think that's unfortunate, because I think that process worked very well. It was a broad base of stakeholder groups that was involved in that. No doubt some of those meetings were difficult and arduous; nonetheless, they did come

forward with recommendations and did identify whether there was unanimity, and where there was, after having gone through that whole process, it's unfortunate that the minister did not see fit to bring those into the Bill.

One of the real concerns I have with the Bill is that while it does attempt to find a balance, it is unfortunate that there is no mandatory requirement in this piece of legislation for the establishment of water management plans and there is no requirement for the protection of the aquatic environment. They are in the Bill, Mr. Speaker, rather discretionary statements that have been made. I thought when I was listening to the minister's opening comments that he talked about the water management plans as being plans that are required. Well, I'm sorry to say that the water management plans are not required. They are discretionary; they are not mandatory. The minister has in the Bill indicated that there must be the establishment of a framework for water management planning in the province within three years, and that was one of the recommendations of the Water Management Review Committee, but the water management plans themselves are not a mandatory requirement of the Act. I'll refer the minister to section 10 because it says that "the Minister may establish water management planning areas" and may approve a water management plan.

One of the difficulties with Bill 41 is that there is a tremendous amount of discretion left to the minister, and there is no tangible commitment to protection of the aquatic environment through legislation. We see in many of the sections, in the beginning sections of the Bill, where the government or its designate may do something rather than shall do something, even with respect to the water management plans, Mr. Speaker. The government through the Lieutenant Governor in Council can through that process of the water management plans – once a water management plan is developed, it might approve it, it might not approve it, it might approve part of it, it might not approve some other part of it. It's very difficult to undertake a meaningful planning process when at the end of the process the political influence and the discretion of the Lieutenant Governor in Council simply defeats the whole purpose of the planning process from beginning to end. So in many cases, in terms of the development of the water management planning process in the province, there's a great deal that has been left to discretion.

I'd also point out that there is not even a requirement to consider matters relating to the protection of biological diversity in terms of the aquatic environment. Once again the government chooses in Bill 41 to use the word "may" rather than the word "shall." So the commitment that the minister speaks of in terms of the government's commitment to the protection of the aquatic environment is a little looser, Mr. Speaker, suffice it to say, than what we would have liked to see from the minister in demonstrating by this piece of legislation the government's commitment to the protection of the aquatic habitat.

I also note that the minister is not taking seriously his commitment to the development of water management plans because he has given and left unto himself the ability to delegate that responsibility to the director or to any other person or to another person.

I recall when I look at that section, Mr. Speaker, the lack of attention that the government paid to Lake Wabamun, just west of the city of Edmonton, where many of the residents of this city and certainly in my constituency of Sherwood Park use that lake for recreational purposes. There has been an ongoing controversy about the level of Lake Wabamun with many of the cottage

owners and the residents of that community very upset about the uncertainty of the lake management. The government's response to the Lake Wabamun problem was to say to TransAlta Utilities: "Well, you draw water from the lake. It's your problem. You fix the problem." The residents are saying: "Wait a minute. That's not a responsibility of TransAlta. That's a responsibility of the provincial government." The provincial government has simply said, "We're relying on TransAlta to develop the plan to bring the lake level back up."

I'm concerned, Mr. Speaker, when I look at that particular section, when the minister may require a water management plan to be developed by another person, that he'll simply say to utility companies: "This is your problem. We want you to develop a water management plan for Lake Wabamun. You figure it out. Your problem – you spend the money doing it." It is not their responsibility. It is the responsibility of the provincial government. So I have some concerns about that, because once again it appears that the minister is prepared to delegate responsibility for that and to not deal with that directly.

One of the interesting things about this Act – and I think we have to recognize that in the Water Act we're really looking at a couple of ends, well not ends of a spectrum but certainly some different interests in water and in water management. On the one side we have a very large component in the province of Alberta in the agricultural community that is very keen and very interested about water and water rights and priority to water rights, but we also have the other sector of Albertans – and I'll include those who are keenly interested in environmental protection and those who are interested in recreation and other purposes and use of water – who are looking at it from a different perspective.

We have built into Bill 41 the usual provision that the government brings in now as a result of the Government Organization Act that does not specifically define the Minister of Environmental Protection as the minister responsible for water legislation in the province of Alberta. I suspect that with the lobbying that occurs on an issue like this, it is potentially the case under this Bill, Mr. Speaker, that the minister responsible for water in the province of Alberta could conceivably be the Minister of Agriculture, Food and Rural Development because there's nothing to suggest that that couldn't happen. We know, of course, that the government has the Government Organization Act now, and they simply behind closed doors point fingers and say, "There; you're the minister responsible at this point in time," and there is nothing entrenched in legislation that says that it will indeed be the Minister of Environmental Protection who will be responsible for this important environmental resource.

The minister did make reference to a change that was made from Bill 51 last year to Bill 41 this year, and that was with respect to the protection of the first-in-time, first-in-right principle for those who have already enjoyed the benefits of water rights. Now, Mr. Speaker, I'm prepared to recognize that, and I believe the Water Management Review Committee was prepared to recognize there was some merit in maintaining the first-in-time, first-in-right principle so that those who enjoy the benefit now will continue to enjoy that benefit under the new legislation, and there will be a grandfathering, or a carrying forward, of those rights.

8:30

There is a real concern with one specific provision of the Bill, and that is one that appears to give even greater rights and even greater powers than existed or currently exist under the Water Resources Act. I want to refer the minister specifically to section 18(2)(b), and I would like him to respond to this when we move

into committee or in his closing remarks in second reading. That particular section appears to me to give tremendous rights to existing licence holders. In fact, I would submit to you, Mr. Speaker, that it gives them absolute power and unconditional rights to the use of water in the province of Alberta.

I want to direct the minister to that section. Section 18 is the section that gives the right to those individuals, to those licence holders who have the right at this point in time. Their right will be a deemed licence with the priority number under the Water Act, Bill 41. The deemed licence, then, under this section continues, and the holder of that licence can continue to divert water in accordance with their priority number and in accordance with the Act.

There is a very disturbing statement that is contained in section 18(2)(b), and that is that "if a term or condition of the deemed licence is inconsistent with this Act, that term or condition prevails over this Act." Now, as I interpret that section, Mr. Speaker, that says to me that notwithstanding the minister's powers and rights to suspend or cancel the licence, notwithstanding the minister's right to declare an emergency, notwithstanding all of the powers that are retained by the government, a licensee, using section 18(2)(b), can come forward and say: "I don't have to pay any attention to your emergency order. I don't have to pay any attention to your suspension or your cancellation. I have absolute rights because your legislation under section 18(2)(b) says that if this Act is inconsistent with my licence, I prevail and the Act loses." Now, that's the way I interpret section 18(2)(b), Mr. Minister. If you have another interpretation, if you can satisfy me that that is not the case, I am prepared to hear that, but I am very disturbed that that in fact is the case under section 18(2)(b).

I want to recognize and let hon. members know that this particular section was not in the previous Bill, Bill 51, from last year, Mr. Speaker. I know and the minister knows that the agricultural community lobbied very hard to the Minister of Environmental Protection, and they made a claim to him that they had absolute rights to water under the natural resources transfer agreement of 1930, that the minister could not change the absolute rights and the absolute power that they held. There is an opposing view to that, that if you look further into the natural resources transfer agreement, in the annex to that, the province does have the ability to create legislation that applies broadly and applies generally and potentially affects those current and existing rights.

So to my way of thinking, Mr. Speaker, the proposition that was put forward by the agricultural community was not correct, but it appears that when you read section 18(2)(b), the agricultural community, in putting forward this proposition to the minister, actually won the day. It appears from this section that the minister has agreed that yes indeed, you have absolute rights. On any of the provisions that are contained in the Bill with respect to the minister's power to suspend or cancel the licence, to declare an emergency, to withhold, and so on, it would seem to me that those licence holders would be able to say, "We prevail; the Act does not prevail."

The minister spoke, Mr. Speaker, about the government's ability now to obtain a licence. There is that ability that is contained in the Act – and I do recognize that – and there is another provision contained in the Act where the minister can reserve water that is not currently allocated. I'm not sure – and perhaps the minister can comment – how well that's going to work with the river basins that are currently overallocated. We can't reserve, as I read the Act, for those basins that are over-

allocated. Potentially, from the minister's comments, we have the ability to obtain a licence. The minister might be able to comment, then, as to whether or not the transferability provisions that are contained in the Act essentially take the government into the marketplace for the buying and selling of those particular licences. I know that the government's ability to obtain a licence is somewhat restricted. It isn't simply for the purpose of consumption; it is only for the purpose of a conservation objective. I'm not sure whether that actually puts us into the marketplace.

The issue of transferability has been a difficult topic and certainly part of the discussion that occurred with the public forums and with the Water Management Review Committee. I'll say again, Mr. Speaker, I am concerned that with the transferability provisions what we are doing is we are essentially separating the rights to water from the land on which the water exists. By the transferability provisions, we are creating a commodity in water, and that water right, that water licence can be sold separate and apart from the land that is where the water exists.

I continue to be concerned with the NAFTA provisions. I continue to be concerned that what we may be doing is opening the door for allowing our neighbour to the south to in fact challenge that under the North American free trade agreement, and I want to register that concern.

Thank you, Mr. Speaker.

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

DR. NICOL: Thank you, Mr. Speaker. It gives me great pleasure this evening also to rise and speak to second reading on Bill 41, the Water Act. I'd also like to follow previous speakers and commend the people of Alberta who have participated in the development of this Bill. I think the process that was put in place five, six, seven years ago that started the input to this process really has resulted in a lot public information collection, public debate, public give-and-take.

There are still some parts of the Bill which need to be addressed, and I think it's a matter of how the final draft gets written after all of the input is brought together that brings out the concerns. We have to look at basically how legislation is put together to deal with one of our basic resources of the natural environment that we live in. We've heard a lot of debate as we've talked about how we handle legislation that deals with something so precious as our water supply. We've had people talk about it in terms of a necessity, we've had them talk about it in terms of a commodity, we've had them talk about it in terms of a right, and all of these things have to be balanced off against each other in terms of how we manage it as a resource for the best interests of all of our competing uses. What we have to do, then, is start to look at this thing, the legislation, in terms of how it serves those competing uses and those competing goals that we have for water.

I look at it, then, basically as to how does this Bill treat our water as it serves the basic need part of our allocation process? The basic need process is the human requirement for water, aside from the commercial aspects that are involved in economic activity. This Bill basically makes a very good effort at providing equity for all Albertans in terms of getting access to water for a basic need provision. Our urban licensed users through municipal access basically have water available to them. It's then provided through the local municipal authority to the user for a fee in terms of recovery of the delivery cost, but there's no charge for the water. By putting in place that basic homestead or farmstead

allocation for rural Albertans, we basically achieve the same thing for them. They have the right to that same level of water that their urban counterparts have without being subject to a charge or an administrative process as individuals.

8:40

Then we have to look at it from the perspective of how those allocations are handled in terms of the process of changing use, changing the focus of the ownership or the access. Basically that's where the Bill gets into the whole idea of licensing, the process of recognizing ownership over use of the water. This basically brings about, again, three different levels of use. In essence, the primary part is the allocation that's available for every homestead in rural Alberta or the municipal-use basis without charge for the water. Then we have the licences and the registration process. That kind of creates a hierarchy in terms of their administrative difficulty or the administrative authority, I guess, in terms of the degree to which they are controlled on behalf of all of Albertans through the director that, as I said, is set up by this Act.

We have to look at basically the process that we go through, then, in terms of transfer. How do we reallocate existing uses of water? We've heard a number of expressions this evening already that talked about, you know, the basic full allocation or possible overallocation of the water in some of the basins in southern Alberta. I guess where we've probably heard the most public debate is in the concept of the transfer. When we have to start looking at transfer, we have to start with the basis of: what are we transferring? We're not transferring the water as such; we're transferring a licence, which is a right to use or an authorization to use. A right is probably too strong a word to put in there. It's an authorization to use that water.

Mr. Speaker, I've gone through a number of lengthy discussions with my irrigation administrative units in southern Alberta as to how this allocation and transfer process can work. Once you really understand the lack of protection, I guess, that this licence concept has within the context of this Bill, I can see why they have now argued so strongly for the first-in-time, first-in-right priority provisions of the licences. The licences themselves are subject to so many provisions that they don't really create a marketable commodity as an identifiable unit, like we talk about an acre of land or a car or some other commodity that we want to try and transfer. They are basically a right to use as opposed to a property right. This creates a licence in this context which is very much like the quotas that exist for the agricultural producers who operate under a marketing board structure - dairy, poultry, et cetera - where they're basically transferring that right to access, right to use as opposed to a property piece. So that water isn't actually being transferred; it's just the right to use that water.

Many of the arguments that I've been using with my colleagues in southern Alberta were as to the transferability and the need for transferability and how we need to have the market as the dominant source or the dominant factor in terms of this allocation. Now that I see the Bill and now that I see how licences are truly defined in it, my arguments go out the window, because I was putting much more of a concrete property concept to the licence than what this Bill actually gives. They need that protection that comes with first in time, first in priority so they can maintain their access to that use concept that this licence purveys. So the transfer part then has to be looked at again in terms of how it can operate, and some of the provisions that exist within the Bill for what I saw as administrative efficiencies turn out to be potentially very detrimental, I guess, to the licence holders.

If we look at the section that deals with water transfers, it allows for amalgamation of licences if the licensee holds a series of licences that draw water from the same source and direct it to the same use. Those can be amalgamated under a series of options or directions. One of them is if the licensee wants it; the other is if the director sees it as a method of improving administrative efficiency. Now, the catch behind all of this, Mr. Speaker, is that if those licences are amalgamated, those licences achieve the highest numerical priority. When you first look at that, you say, "of the highest priority." My little tiny brain up here says that highest priority means good, but when you look at the real interpretation of this, highest priority in the context of this amalgamation means the worst possible scenario you can come up with. I would suggest that this is not what the minister was trying to achieve in this process, because as you put these licences together, amalgamate licences, what you end up with is a licence that is amalgamated to the highest numeric priority; in other words, the most recent numeric recognition or registration of a licence.

I can see a situation where some of the irrigation districts have licences that start back in – I think the earliest one was 1898 or 1896. That same district now has licences that are issued up into the late '70s, some of them now as late as the early '90s. What we're going to see is that if for an administrative purpose they want to try to bring those licences together to make it easy to administer them, because they're coming out of the same weir, they're coming out of the same river, and they're being used for the same purpose, irrigation, it would seem logical to try to amalgamate those to one licence for administrative purposes. But what we're going to end up with is that that licence is going to have the priority of the most recent date, so any other licence prior to that then gets use priority – not numeric priority but use priority – in terms of shortage considerations.

I think under the whole list of possible reasons for amalgamation that are listed in Bill 41, probably the only one that will ever be invoked is the director doing it to increase efficiency. What this leads to is a situation in a time of shortage where the minister or the director can say, "Gee, if we amalgamate these licences, we can bring the irrigation licences up to a very recent numeric priority." That puts them first in line to be subject to reduction in access because of, you know, a drought condition. This is a very serious issue, and we have to make sure that some provision is put in there which recognizes that this amalgamation has to be subject to the approval of the users of that water.

Mr. Speaker, if you take this the other way and look at it from the way I saw it at first, where I thought, gee, highest priority means the best, something that's good, what you'd then end up with is an irrigation district taking all of their licences, amalgamating them back to the original date . . .

MR. LUND: We'll make sure that never happens.

8:50

DR. NICOL: I just got an assurance from the minister that he would make sure that doesn't happen, so that solves that problem greatly. I really appreciate the minister's ability to listen and deal with that concern that I had. I'm sure the irrigation districts in southern Alberta will be very glad to hear that as well. I'll now move on to one of my other issues.

The other issue that I wanted to address in the few minutes that are left, Mr. Speaker, again deals with the issues of transfer. We look at the idea that transfer is basically done on a bid basis by people who want to use more water and people who want to sell

it. A marketplace will usually give us an equilibrium price at which a transaction will occur. The process then comes about in terms of how do we look at that kind of adjustment and whether or not it's really an open market. I look at section 83(1), I think it is, where there's a provision for the director to hold back 10 percent. Well, all of a sudden what we've now got is a licence that is subject to a 10 percent holdback by the government.

MR. LUND: Up to, Ken. Up to.

DR. NICOL: Up to. Well, a possible 10 percent. It's up to 10 percent. So what we've got, then, is basically that depending upon the date on which you're transferred, you could be subject to up to 10 percent holdback, whereas if you transfer in exactly the same conditions at a different date when the director does not foresee a shortage or a water management plan does not estimate a shortage, you transfer your full allocation. You suddenly have a licence that is worth more in terms of the marketplace because it's a full-value licence; it's not a 90 percent licence.

What we need to do, then, is look at this in relationship to transfers. Mr. Speaker, I didn't notice in the Bill any mechanism through the government on behalf of the public to expedite a transfer, I guess is a way to put it. In other words, there's no expropriation power in this Bill except for land containing headworks. Now, if we end up in a situation where in the public interest there is a need for water, there's no mechanism for the public to attract a transfer. If you have a situation where the potential sellers recognize a need by the public, they can raise their price significantly without basically giving any indication of the transferability of their licences. The public has no mechanism to get that. If the market were open, if our licences were much more fragmented, sooner or later we would have people willing to sell at a particular price and a market system would work. But as we amalgamate licences, as we get fewer and fewer licensees controlling the water, the ability of the public to achieve its end is reduced without expropriation powers.

I think the Bill needs to have some mechanism in there for the public to facilitate its access to that water, and I don't think this 10 percent holdback provision will suffice for that. Even if the government now has the power to hold a licence – in other words, they can buy a licence from a current licence holder – what you have to have, Mr. Speaker, is a situation where a current licence holder is willing to sell. When you have a set of irrigation farmers within an irrigation district, how are they going to make the decision to sell? By a vote of members, by a vote of the board, or by a decision of the general manager? The only equitable way to deal with that is to deal with it in terms of an approval for transfer based on a vote of the membership or of the water users.

Am I going to give up my water? I'm not going to vote to do it. My land is only worth its value if it has water, so these individuals would not vote to give up their licence. They put an infinite price on their licence because there's no mechanism for them as an individual to capture back any of the price paid. When the licence is sold, it goes to the irrigation district, not to the individual farmer. How are they ever going to vote to sell this? We must have a mechanism in there for the public to achieve access to their water when it's in need. Mr. Speaker, that only can occur through a public consultation process, a public hearing process or any other name you want. We've got to have processes available where this kind of access to the water resource can be obtained through objective and broad-based public

consultation. So I would suggest and I would hope that the minister works and looks at the legislation to encourage some mechanism so that we can have public access to water when we need it.

Now, the last comment I want to make is in terms of the idea that this Act basically is a vast improvement over the first draft that was circulated coming on two years ago now, before the public hearings. One of the things that's really attractive in this is the provision for the temporary licence transfers, the ability for one holder of a licence, if they're not utilizing their entire allocation at this time, to temporarily transfer it to someone else. This provides us with a real good mechanism to make sure that our water supply in Alberta is providing the greatest contribution to our province that it can, whether it's through an economic contribution or whether it's through a recreational, tourist, social contribution or just a contribution to our natural environment by maintaining it in a stream so that it can keep our ecosystems in balance.

So this is something that's very encouraging in the concept of water use. It's the kind of thing that I would hope the minister works very hard on, to build in the same kind of incentive for a high contribution use for water, as he negotiates new licences with irrigation districts or with cities or with any other potential user. Make sure those licences are issued in a way that there's an incentive there to make sure that water is being used to the greatest contribution of our province we can expect or we can achieve, because it's really an important part of what we want to do. [Mr. Nicol's speaking time expired]

Well, I guess I paused just at the right time, Mr. Speaker. I'll sit now and let someone else participate. Thank you.

THE SPEAKER: The hon. Member for Little Bow.

MR. McFARLAND: Thank you, Mr. Speaker. It's a pleasure tonight to be able to make a few comments on Bill 41. Along with the previous speakers and the minister I think it's very important to acknowledge the numbers of Albertans and the groups that have come out to make their comments known on a radically changing Bill that started a number of years ago and has seen many changes, and acknowledge the value of a public consultation process, as demonstrated by the changes from the first draft, which were tabled in the fall, to the second draft, which we now have before us.

I would also like to acknowledge that with the area I have the privilege to represent, I as well as the Member for Lethbridge-East probably see more in this Bill than many of the members throughout the rest of the province. For that reason I'm very supportive of what I have seen introduced and the amendments made from the first draft to this draft, because I think in essence it has responded to the wishes of much of the public, and along with some of the previous comments made, I don't make any apologies for the value of the water itself.

I can recall a neighbour one time, Mr. Speaker, who, although he is an elderly gentleman, along with myself resided on farms where the groundwater wells, shallow-water wells, had dried up a number of years ago. He was speculating into the future that at some point in time perhaps water would be worth the very same as oil and gas were at that time, and that was in the '70s.

Mr. Speaker, to the specifics of the Bill, I too have had numerous conversations with various water users, whether they're the irrigation districts or the communities that draw water for their own lifeblood or, as some people are aware, the rural water co-

ops within our province that for no other reason would have the pleasure of having any water available to their farm sites. For that reason, I see the flexibility that the minister has brought forward in this Bill of paramount importance.

9:00

One of the things I think we have to always remember as we debate this Bill is that this is, as the minister indicated, enabling legislation. I believe it provides an awful lot of flexibility so that we can custom fit the needs of water users throughout the province and not have a one-rule-fits-all situation in the province. Again, in the southern part of the province – I believe this might be a general statement to make; I'm not saying that it's totally accurate – I believe there's only 15 percent of the water supply of the total province, yet 85 percent of the people draw use from that 15 percent. So it doesn't take a rocket scientist to figure out that the water is pretty much allocated.

MR. LUND: Half that 15 has to leave the province.

MR. McFARLAND: As the minister has indicated, 50 percent of that has to cross the border into Saskatchewan.

So I think we have to be very vigilant of how we use the water. I commend a lot of the water users that we have presently, especially in the irrigation districts, for undertaking some of the new technology to make sure they're not just using and wasting water.

The other thing that really appealed to me, Mr. Speaker, was a comment – and it's humorous in retrospect. When the first Act came out, as some of the members will recall, there were a number of people who were quite up in arms with the powers given to the director. As it was pointed out to them, the minister under the old Bill was the ultimate authority that you could appeal a decision to, and if he had the ultimate authority, then how could he appeal his own decision. This Bill, in my mind, represents that type of flexibility that's required, because the director may make a decision that water users or individuals may not like, but the safeguard that I see now is that the director's decision is appealable and you ultimately have access to the minister or to another agency if it were to be set up, an appeal board. There's so much flexibility that it isn't a cut-and-dried decision, as it would have been before.

The final one that appealed to me was that through this appeal mechanism it allowed the ordinary Albertan who faced an issue with the director – maybe it was a personal conflict or maybe it was a misunderstanding on the allocation of the water. But rather than going to the court and hiring high-priced legal advice, he has a common man's approach to be able to appeal a decision, and for that reason I also feel it's very important.

I know the Member for Sherwood Park had made some comments about the biological diversity, but I do in fact feel that this has been responded to. There are a lot of mays in this Bill which allow, again, a lot of common sense to be able to prevail. If, as the minister has indicated, stakeholders are involved in the creation of the management plans for their own areas, then it should reflect the views of the people in that part of the province. No one has to be stuck with the same set of rules applying in northern Alberta as would apply in central or southern Alberta. The flexibility is more than enough satisfaction, in my mind, that I think every one of us should feel very comfortable in responding to the majority of our constituents who would feel that the best use of water is one where common sense does prevail.

Mr. Speaker, at this time I would like to compliment the

minister, and I look forward to being able to stand up and offer a few more comments when we get into committee.

At this time I'd like to move that we adjourn debate on Bill 41.

THE SPEAKER: The hon. Member for Little Bow has moved that debate be now adjourned on Bill 41. All those in favour of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: Carried.

Bill 43 Election Amendment Act, 1996

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

MR. HIERATH: Thank you, Mr. Speaker. I'm very pleased to open debate on second reading of Bill 43, the Election Amendment Act, 1996. This Bill makes some very necessary changes to the current Election Act that will allow us to improve and modernize the electoral process.

I would like to acknowledge that the changes proposed in Bill 43 have been developed over a number of months by the all-party Standing Committee on Legislative Offices. These amendments have been researched very carefully by the Chief Electoral Officer and Elections Canada. A thorough cost-benefit analysis has been performed, and a survey of over 20 electoral jurisdictions around the world was undertaken as well to ensure that the changes we make to the Election Act will provide for an improved election process and be in the best interests of Albertans.

The main purpose of Bill 43 is to enable the development of a permanent registry of electors that will be updated on an ongoing basis. It also enables Alberta to work with other levels of government in creating and maintaining voters lists. The cost and maintenance of this electronically compiled list can then be shared by all levels of government: municipal, federal, and provincial. The result of these changes, Mr. Speaker, will be the elimination of duplication and improved efficiency and cost savings to Albertans.

Currently in Alberta enumerations are carried out by all three levels of government. In 1993 there were three enumerations in Alberta within seven months. Mr. Speaker, that's an awful lot of time and money spent asking the same questions to the same people. By keeping a list of electors on file electronically, we can improve the accuracy of the information that is available and save ourselves some time and money in the process. It is estimated that for each enumeration that would have been held, there could be a cost savings of \$2 million. Over a period of 10 or 15 years the savings could add up to \$10 million or \$15 million. Federal officials who have to do enumerations for the whole of Canada are expected to save \$40 million in each election with this process.

Clauses governing the new enumeration process and the creation of a list of electors are also set out in Bill 43. The Bill provides for the collection of the information for a registry of electors to begin with a door-to-door enumeration across the province. What information is to be gathered and how it is to be done are also specified in this Bill. Information for the registry will be provided on a voluntary basis and may only include addresses

with postal codes, full names and middle initials, telephone numbers, gender, date of birth, and the date of residence in Alberta if a person has not resided in Alberta for six months. The initial information collected in the enumeration will become the register of electors.

At this point Bill 43 provides that this database will be updated in a number of ways. Other information may come from such sources as individuals themselves, motor vehicle registries, vital statistics, or the Department of Citizenship and Immigration.

To address privacy concerns that surface when dealing with this personal information, Bill 43 provides that the registry of electors will be a private document to be accessed only by individuals to determine if information concerning them is correct.

The next point is on how a list of electors is devised from the registry. Bill 43 specifies that the list of electors prepared from the registry would only contain the full names, addresses, and telephone numbers of electors. The other information in the database would only be used for the maintenance of the registry and would not be public.

The Bill also states that there will only be one list of electors in electronic form, and one list in printed form would be provided to political parties, Members of the Legislative Assembly, and candidates. There is also a provision in the Bill for the list of electors to be used for the purpose of campaigning and for the purpose of carrying out duties in elections. Improper use of this information could result in fines up to \$100,000 or imprisonment.

9:10

With respect to enumerations, Bill 43 allows for the enumeration process to be used at least one more time to create the database required for the register of electors.

Another change in the process is that enumerations will be carried out by only one enumerator in each polling subdivision instead of two, as currently is allowed. Exceptions can be made for security reasons, but this practice already is used in the census and municipal enumerations. This change alone is expected to save the amount of \$1 million in the next enumeration.

There are other fairly significant amendments to Bill 43 separate from those related to the enumeration process. Bill 43 will permit the sale of liquor on polling days. While the prohibition may have been necessary at one point in time, it is outdated now and therefore is repealed by this Act.

Another change proposed in this Bill is to allow for recognized party name abbreviations to appear on the ballots. This may help voters to identify candidates.

Lastly, Bill 43 will permit electors who are unable to vote at a regular poll on election day to vote by special ballot. Formerly this option was only available to those who were outside the electoral division on polling day.

The model proposed in Bill 43 that creates an electronic registry of electors is one that is being adopted by jurisdictions around the world. The technology is available to us, Mr. Speaker, and it seems only right that we would take advantage of the opportunity and the savings that are offered to us.

Overall, Mr. Speaker, the amendments contained in Bill 43 will improve the accuracy and the efficiency of the election process and at the same time save time and money.

I ask all members to support the improvements of this Bill, and I look forward to debate on Bill 43.

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

MR. DICKSON: Mr. Speaker, thank you. I certainly support the

principle of what we might describe as a universal voters list. I remember very clearly, shortly after the by-election in Calgary-Buffalo in 1992, a thoughtful constituent that sent me a three-page letter saying: why is it necessary that we as taxpayers have to pay the cost for an enumeration at the municipal level, pay the considerable cost of enumeration again at the provincial level for preparation of a second voters list, and then again a third voters list paid for at an even dearer cost for purposes of a federal election? This very thoughtful constituent had done something of an analysis. He looked at the costs involved, and his comment was: surely in 1992 we've got the technology, we've got the capability to be able to have a single voters list that would minimize cost and simplify enormously the entire election preparedness process. It was a compelling argument.

In fact, subsequent to that I made some inquiries, and I was quite delighted when the Legislative Offices Committee, I guess at least a year and a half ago or maybe even two years ago, focused some discussion on this and in fact struck a subcommittee of the Legislative Offices Committee, which was an all-party committee, to look specifically at that notion. I think it was chaired by the Member for Olds-Didsbury, and the Member for Calgary-North West was part of that subcommittee. They pulled together, aggregated a number of studies and materials that had been put together by the Chief Electoral Officer and additional materials and looked at this. I remain as convinced now, in fact more so than I was in 1992, that the time has come to move towards a single voters list, and what Bill 43 does is give us an opportunity, of course, to explore that.

Now, an interesting development happened along the way. While I am certainly very much in favour of a voters list, one that can be shared federally and provincially – the Chief Electoral Officer, after his appointment and after he had an opportunity to get his feet under him in the new position, came in front of the Legislative Offices Committee and made a number of recommendations in terms of ways of cleaning up and streamlining and modernizing our election machinery. In effect what he came forward with were three major recommendations and then a host of ancillary minor recommendations for fine-tuning the Election Act and some of the other provisions.

The three major ones were these. The first one was to have a universal voters list, which is certainly a major element of Bill 43, but there were two other major recommendations. The second recommendation was that we would have a nonpartisan appointment of returning officers. What he pointed out was something that I hadn't appreciated before. We're one, I think, of only two provinces in Canada – only two provinces in Canada – where it's the Lieutenant Governor in Council that appoints the returning officers. It was very interesting, Mr. Speaker, that province after province after province in the balance of the country recognized that when you're dealing with the key position of returning officers, those are the people that really drive the Election Act. They're the people that implement it, that make it work. Those are the people that ensure that every Albertan is able to enjoy the full benefit of section 3 of the Charter of Rights and Freedoms that says that every citizen is entitled to vote for their provincial government.

The recommendation came forward from the person that's been hired by the Legislative Assembly of Alberta on behalf of Alberta taxpayers and voters that perhaps it was time for the province of Alberta to embrace this very contemporary notion that returning officers, instead of being appointed by the Lieutenant Governor in Council, should be appointed by the Chief Electoral Officer. The

more I thought about this, Mr. Speaker, the more sensible and the more practical the solution appeared to be. One would think that was a recommendation which a government that would be anxious to demonstrate its professionalism, its confidence in the people of Alberta, and its acknowledgement of how important the process of elections is would support. So that was the second major recommendation that came forward to the Legislative Offices Committee.

There was a third recommendation, and the recommendation was this, Mr. Speaker. When it comes to returning officers, instead of appointing them before each election and then having their appointment lapse and not having returning officers between elections, it would be better to do what a number of other provinces do. They in effect have what we might call standing returning officers. You're appointed as a returning officer. You obviously aren't busy working between elections, but when the Chief Electoral Officer, who's responsible for the efficient administration of elections, says: "I think we're going to have to start doing some training here. I think we're going to have to start getting people ready to ensure that each one of the electors we have in this population of 2 and a half million Albertans . . ." – that you have a cadre, you have a list of people who are standing by ready to act as returning officers. So the Chief Electoral Officer then is able to do some training of those people.

The reality now is that we have very much a situation where people are appointed before an election, and as we saw in 1993 in the city of Calgary, we had some major problems. People who'd never been a returning officer before went in, and we had a near state of crisis in at least two constituencies where they had to bring in the old returning officer to basically baby-sit the new returning officer. I think that demonstrated, Mr. Speaker, that if we're going to hold the Chief Electoral Officer responsible for the efficient administration of elections, why wouldn't we also give that officer control over the appointment of the people he has to depend on to make sure he pulls an election off fairly and smoothly and efficiently?

So that was the third recommendation, that we'd have a form of tenure for returning officers.

9:20

Now, what I found curious as a member of the Legislative Offices Committee is that after we had those major recommendations and the host of ancillary recommendations come forward, somewhere along the way the Conservative members on the committee, as I recall, decided that there would be no support in their caucus for recommendations 2 or 3, and the only recommendation that would go forward would be recommendation 1 for a universal voters list.

The difficulty I had when this came up at the Legislative Offices Committee and I continue to have is that if we're trying to reform our election law and ensure that it's fair, ensure that it's professional, ensure that it's run as competently as is possible to do, why wouldn't we at least be discussing in this Assembly all three of those major recommendations? In fact what happened is the government majority on the Legislative Offices Committee decided that, no, we would only bring forward the single recommendation. Now, I have great respect for those Conservative members that I've worked with on that committee and that I respect as competent people, but it was clear, Mr. Speaker, that they were reflecting the sense they had expressed or implied from their own caucus that would be adverse to these other two major recommendations.

I wanted to put that on the floor at second reading on Bill 43.

If we saw those other items come forward as a comprehensive package, that would be one thing, but I'm offended when you have those kinds of recommendations coming forward from an objective, independent person not beholden to either party in the Legislature and the government, using their numbers, deciding that only one of the major recommendations will see the light of day in Bill 43. It sticks in my craw, frankly, Mr. Speaker, that the government can pick and choose like that, and they pick and choose at a committee stage so it doesn't even come forward in the form of legislation.

When that happens, then I find myself in a difficult position. I like a universal voters list. I think it's progressive. I think it's contemporary. I think it's efficient. But I have considerable difficulty with this I think very fundamental process issue. It's one thing for the government to use and abuse, I guess, on occasion their plurality in the Legislative Assembly, but I find it particularly offensive when that's exploited at the committee stage, and that's what we see evident in Bill 43 and the antecedent developments. That's the concern I've got.

Moving on, there are some specific concerns in the Bill, and I wanted to flag them now. One of the things that had been identified by the Privacy Commissioner, Mr. Clark, was a provision on page 4, section 5. The new section number, just for members' reference, would be section 11(5), where "the register may . . . contain the following information," and (c) is "the telephone number of the person."

Let me step back and just mention the background of this. People regard telephone numbers as personal information. Many people are prepared to share that personal information by listing it in a telephone directory or with directory assistance. Some people choose not to do that, Mr. Speaker, and that's their right. By providing this reference for telephone numbers as being one of the items that can be contained on the register, the suggestion has been made by the Information and Privacy Commissioner that maybe there ought to be a privacy impact assessment by the commissioner of that specific requirement of the telephone number. In fact that had been raised with the committee, and I wanted to share it with members this evening.

Now, the response, I think, when we discussed this at the committee meeting, was that an Albertan that doesn't want to give their telephone number doesn't have to give their telephone number. I think that was the consideration at the committee stage. So then it becomes a question of whether it's unfair or unreasonable to ask Albertans for a telephone number and put the onus on them to say: "Hold on. That's a personal matter, and I don't choose to share it," or whether people will feel in some fashion they're obliged to provide a telephone number.

It raises what I think is such an awkward situation when a group of MLAs sit around with their unique ability to be able to make the law whereby they may get a job again. It's very much like setting your own pay in the sense that we have . . . [interjections] Mr. Speaker, we have this unique privilege as Members of the Legislative Assembly to write and revise the rules by which we get a job. There aren't very many people that have that kind of opportunity, and I think that imports a sort of responsibility. We have to ask not whether Bill 43 conveniences us, not whether it makes it easier for us to fight an election or seek re-election but whether it's somehow going to advantage the people who are calling the shots and paying the freight, the citizens and voters of Alberta.

MRS. McCLELLAN: Gary, are you on that committee?

MR. DICKSON: The Minister of Health hadn't, I think, been listening keenly when I made the observation before. I am a member of that committee, Minister of Health, the Legislative Offices Committee. It's a fascinating committee to be on. Just in the event that the Minister of Health because she's so busy dealing with inner-city health care in Calgary-Buffalo might not have had occasion to read the *Hansard* from the four or five committee meetings when we dealt with this, I was hoping in précis fashion to give her something of a summary and a bit of a flavour of what went on at the committee stage.

In any event I just wanted to raise that very general concern. There will be many speakers who will be talking to this Bill. There will be much to say to it, but I do feel this kind of responsibility to keep on asking myself as we look at these things: does it advantage Albertans or does it simply advantage us? If there's a differential advantage, then I have to ask myself whether in fact we're using or abusing that unique privilege we have to basically write and revise the rules by which we stand for election and maybe are fortunate enough to return to this place for more stimulation like we've had the last three months.

Mr. Speaker, there is another concern that has been brought to my attention, and that has to do with student residence rules, the concern being that in the past there's been some flexibility in terms of university students in particular and where they vote. We've had the situation in the past where a student at the University of Alberta would have in effect an option in terms of where that student would vote. Now, the proposal is to change that and to attribute the vote to the family residence, if I can call it that. That, I think, creates some problems.

[The Deputy Speaker in the Chair]

I remember that when I came to the University of Alberta from Drumheller, I appreciated the fact that I had that option in terms of where I was going to vote, because students living away from home, their circumstances are varied, are different. You can't pick up in the middle of an exam period, Mr. Speaker, and travel back to your residence. There may be good reason why you don't want your vote attributed to your family residence and why you'd like it to count in the place where the institution exists.

9:30

Well, it seems to me that we have to ask those kinds of questions because we're embracing a change. This appears, hon. members, on page 2, section 2(k). I expect that university students are people who have perhaps a keener interest in what goes on in this Assembly, particularly with all of the interest in the budget for advanced education and changes to same over the last two years. I'm not cynical enough, Mr. Speaker, to suggest that that would be any part of the motivation for this change in the way we deal with student voters lists, but one might at least ask the question. I didn't hear the sponsoring Member for Taber-Warner address that. Maybe he intends to do that, or maybe another member of his caucus will address it at a later stage.

Frankly, I don't recall this being addressed at the Legislative Offices Committee. I went back and I skimmed the *Hansard* to look at this business of student voting, and maybe the Member for Olds-Didsbury or some of the other members from that committee may be able to refresh my memory or point me to the reference where that was discussed. My recollection is that that was not discussed, and I think it warrants consideration. At the University of Alberta we must have – how many? – close to 30,000 students. The University of Calgary must have something in the order of

20,000 students, I think, probably full-time and some part-time students. And never mind the other universities, the University of Lethbridge. It's not just universities. It would be colleges, I guess, whether it's Fairview or any of these other colleges. How many students are we talking about? Probably a significant number. Are we doing right by those students, Mr. Speaker?

I hope others can continue this since I've run out of time, Mr. Speaker.

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

MR. BRASSARD: Thank you, Mr. Speaker. It's a pleasure to get up and speak to this Bill. I don't know if I could cover the content of the Bill and some of the issues any better than the Member for Taber-Warner or Calgary-Buffalo did, but I would like to just bring us back to the intent of this particular Bill itself.

What this Bill represents is the establishment of a universal voters list, and from that standpoint I think it is critical that if indeed we want to act on this, we act on it now. As we all know, there are enumerations coming up both with the federal government and the provincial government because we're both in the not too distant future looking at an election here. So we have a window of opportunity to collaborate with the federal government to establish this universal voters list. Not only that, Mr. Speaker, but they've offered to help share the costs and the cost of some of the software as well as hardware and expertise to bring this about. As my learned friend mentioned, the savings are going to be in the millions literally. There is a very, very significant cost saving to the people of Alberta.

In this day and age, Mr. Speaker, when I can go into a bank anywhere in the world and draw \$200 out of my account, if I've got \$200 in there, in the exchange of the day and know what my bank balance is all within about 20 seconds, it seems idiotic that we wouldn't take advantage of this kind of technology to help reduce our costs in our voters list. It's a proven fact that the efficiency that can be established through a universal voters list is equal to or better than the existing efficiency. So we're not compromising the integrity of the voters list in any way; in fact, we expect to improve it. We can draw on all kinds of sources of information to make sure that our voters list is current and up to date at all times.

There was one comment made that I must take exception with, and I have to rely solely on my memory. In the discussion of this issue at the committee stage the indication was given that the government majority dominated the vote. Well, Mr. Speaker, that's not quite right. As I recall, some of the opposition members that were in that committee also voted for this. So it wasn't solely a government domination of this issue at all. The member that spoke earlier, the Member for Calgary-Buffalo, happened to be in the minority, and I guess that's the way these things work. But it wasn't dominated solely by the government. I must say that.

Mr. Speaker, I suppose there are all kinds of things we can address in this Bill. We've heard talk about the nonpartisan appointment of returning officers, the tenure for returning officers. We could talk about how university students get to vote. Heavens, we could bring in whether criminals have a right to vote and on and on. The list is endless. But I bring us back to this window of opportunity that we're looking at right now. I believe that we can put in place a universal voters list that is going to save this province literally millions of dollars, and I think it would be wrong if we didn't take advantage of that.

There is perhaps a danger in rewriting the rules of how we politicians get a job, as was pointed out by the Member for

Calgary-Buffalo, and maybe we need to look at that and study it very carefully. But there is a very fine window of opportunity, a time line that we're operating on here. I would urge every member in the Assembly to support this Bill in its present form, and perhaps we can put aside some of these peripheral issues for another day.

Mr. Speaker, I encourage all to support this Bill 43. Thank you.

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

MR. GERMAIN: Thank you very much, Mr. Speaker. The hon. member opposite last speaking on this Bill made a proposition to the Legislative Assembly, and that was that we should put the issues aside and pass the Bill and save some money. I would like to make another proposition to all hon. members. They may find this to be a novel proposition, but I want to put it out for consideration and debate. Why don't we go through the Bill in a rational, calm, dedicated manner, remembering that section 3 of the Canadian Charter guarantees every Albertan, every Canadian "the right to vote," and why don't we solve the problems? Let's do it once and for all and solve the problems. Then we can pass this Bill, and we can use the window of opportunity. You know, every time the space shuttle launches, they have a window of opportunity to launch, but they don't use their window of opportunity to launch with oxygen and explosive propulsion material leaking out of the side of the cylinders because of defects.

So let's talk about the Bill. Let's talk and get an affirmative consensus to move forward at committee stage and deal with this Bill in a proper and appropriate way.

MRS. GORDON: Well, then, let's vote on it.

MR. GERMAIN: The hon. Member for Lacombe-Stettler wants to enter the debate by commenting and encouraging the direction that my speech should take, but I am on the Bill, as all members will note, answering the proposition of the previous member.

Now, this is another Bill that has within it some of the age-old concerns about patronage. Since patronage is a very important word in politics, I asked some of my learned colleagues sitting around me: how do you spell patronage? I don't know how to spell that word.

MR. SAPERS: T-o-r-y.

MR. GERMAIN: No, no. We won't be inflammatory.

The word "patronage" is a red flag in the eyes of the Canadian public. So let's talk about patronage for a moment. Let's talk about patronage by focusing on page 8 of the Bill. What do we find on page 8 of the Bill? What I suggest to all Members of this Legislative Assembly, not intending to be unduly inflammatory this evening, Mr. Speaker, is that I think we find a section on page 8 of this Bill that should be struck out and that we should have speakers now in second reading reconfirming their dedication against the principle that's enshrined in this section of the Bill.

9:40

What does this section of the Bill say? By golly, it says:

During the period determined by the Chief Electoral Officer, each returning officer shall, by registered letter, communicate a request to the executive of . . .

- (a) the registered constituency association within his electoral division of the registered political party forming the Government.

Now, that is how we're going to hire enumerators in the province of Alberta.

I see now I have the attention of the hon. Member for Barrhead-Westlock, and I ask him this hypothetical question. I ask that senior Member of this Legislative Assembly, the most senior member in this Legislative Assembly, a man who has the ear of the Alberta public, a hypothetical question. Would it not be better to simply allow each returning officer to put an ad in the local paper of each riding association: wanted, good honest people with a pair of running shoes to be enumerators? Now, wouldn't that be the way to handle it?

MR. CARDINAL: How about moccasins?

MR. GERMAIN: Well, the hon. Minister of Family and Social Services says, "How about moccasins?" He's right. Any footwear they want to wear. What we're looking for is good, honest people who will go door to door and do the enumeration.

Frankly, I want to say to the hon. Member for Lacombe-Stettler that writing to a riding association for job applicants is not in my respectful estimation the way that we instill public respect in the institution of the government. Politicians bemoan the fact . . .

MRS. GORDON: Nobody's complaining in my constituency, Adam.

MR. BRACKO: Everybody else gets laid off, and yours get the jobs. If that isn't patronage, you tell me what is.

THE DEPUTY SPEAKER: Order, St. Albert. Your member has the floor.

DR. TAYLOR: Len, you're too dumb to spell patronage. You don't even know what it means.

MR. GERMAIN: Now, that is a very, very rude comment that the House had to . . .

MR. BRACKO: A point of order.

THE DEPUTY SPEAKER: The hon. Member for St. Albert is rising on a point of order.

Point of Order Imputing Motives

MR. BRACKO: Imputing false motives. I can't believe the comments coming out of that person's mouth there. I'm asking that he retract that statement.

THE DEPUTY SPEAKER: Do you wish to rise and retract the statement?

DR. TAYLOR: No.

THE DEPUTY SPEAKER: Then you may remain there.

I think that we're getting a breakdown in parliamentary etiquette here. We had the hon. Member for Fort McMurray speaking. Suddenly we had the hon. Member for St. Albert interrupting his own colleague, and then we had uncalled for remarks by the hon. Member for Cypress-Medicine Hat. The Chair has now asked the

hon. Member for Cypress-Medicine Hat if he is going to rise to retract the remarks. He has indicated what?

DR. TAYLOR: I'd like to read the Blues to see what it says, to see if there was any unparliamentary language used. I'm just wondering: can I see the Blues to see what was said? I don't understand what the procedure is.

THE DEPUTY SPEAKER: Cypress-Medicine Hat, I'm not really sure that when you make an outburst that is audible to the Chair if not to *Hansard*, you can negotiate whether you're going to see the Blues. Either you retract or take the consequences of not retracting.

DR. TAYLOR: Seeing as you put it that way, then I'll retract.

THE DEPUTY SPEAKER: Right.

We'll now invite the hon. Member for Fort McMurray to continue his speech on Bill 43.

Debate Continued

MR. GERMAIN: Following along, Mr. Speaker, I was discussing patronage and the patronage provisions found in the Bill. Some hon. members suggest that there is in fact an opportunity for opposition patronage in this Bill as well. It's my understanding that the members on this side of the Legislative Assembly would be glad to forgo and in fact not utilize that form of patronage and would be very happy to co-sponsor with the mover of this Bill an amendment that indicated that the Chief Electoral Officer shall hire based on advertising for those people that he wants to do the job based on the one criteria of ability and not on a political recommendation. I'm very sensitive about this.

Now, some hon. members may say: "Oh, this is a small thing. It goes on at the federal level, and it goes on at the provincial level. Perhaps it goes on at the municipal level in some form." But, you know, this is a simple thing. We can improve the esteem in which the public holds elected officials if we simply say: "Yeah, we're going to give everybody a fair chance at these jobs. We're going to hire for these jobs exactly the same way you hire for any other job in this particular province."

The hon. Member for Calgary-Buffalo was absolutely right a few minutes ago, Mr. Speaker, when he sounded a bugle call for this Assembly to take the high road. We are setting up the rules and conditions upon which people get a job, and the people who are getting the job and who have the job and who want to retain the job are making the rules on the basis on which they will reapply and be reselected for that job. We should distance ourselves in this electoral process from any suggestion or allegation of patronage. Further, because this is a Bill that reduces the number of times in which there will be enumerations because we're going to use repetitive methods, borrowing from other institutions that conduct enumerations, using other sources of information, we will be reducing the number of times that there is actually a door-to-door enumeration. It is important, therefore, that that limited number of times be scrupulously clean and on the high road.

You know, it always troubles me, Mr. Speaker, with respect, when I'm sitting on a plane flying home to Fort McMurray and people want to talk about Calgary politicians or Medicine Hat politicians or Fort McMurray politicians. They want to talk about, "Ah, you're getting those big committee fees and you're getting those big salaries and you're getting those big pensions and

you're getting those cars and you're getting those perks and those benefits." You go through the education process time and time and time again, but they're not really talking about those committee fees and those salaries and those perks and those pensions. What they're really talking about and expressing is an attitude, an attitude of distrust, an attitude of concern. In this Assembly we can take a giant step forward, in my respectful estimation, with this Bill by looking at those kinds of irritants that exist in this particular legislation. Let's create an independence of the elective process.

Now, because we are tinkering with the definition in this Bill of the electoral boundary, I suggest to all Members of the Legislative Assembly that it is neither too late nor impractical nor improbable to talk about those things that this Bill is missing. One of the things that this Bill is missing is a review, a very important and necessary review of the number of electoral boundaries that there are in the province of Alberta, the number of electoral ridings. The Premier recently has commented about these electoral ridings by musing out loud that maybe Edmonton and Calgary don't need additional ridings, and some members of the Conservative supporters at one of their conventions spoke quite aggressively about the reduction . . .

9:50

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

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

Point of Order Relevance

MR. BRASSARD: Under 23(b) of Standing Orders. The discussion that is taking place right now has nothing to do with the Bill at hand, which is talking about a perpetual list of enumerated voters. I would suggest that he return to the topic and the subject of the Bill and forget all of this peripheral debate.

THE DEPUTY SPEAKER: The hon. Member for Fort McMurray on the purported point of order.

MR. GERMAIN: Thank you very much. Once again, this is a Bill that amends other Bills, and the Speakers have ruled in this Legislative Assembly and others that it is very hard to deal with a focused principle when you have numerous section amendments. I only want to point out to the hon. member who raised his point of order and expressed it so eloquently that if he will look at page 1 of the Bill, amendment 2 of this Bill amends section 1 of the Election Act. It amends it by redefining the phrase:

- (g) "electoral division" means an area in Alberta established as an electoral division under the Electoral Divisions Act.

As a result, because of that amendment I think it is important for us to talk about whether the purpose of this Bill, which further defines electoral division, should perhaps review the issue of the numerical definition of electoral division.

THE DEPUTY SPEAKER: Thank you, hon. members. The Chair would first of all confess that just at the last few moments of the hon. Member for Fort McMurray's speech another hon. member was trying to engage me in lively conversation, which I requested him to put in writing and then I would be able to pay attention to Fort McMurray, wondering at the time whether he might stray, not that he ever would, I'm sure. Earlier on I think

the hon. member was using for illustrative purposes section 20 on page 8, and that's about where I began engaging my mind in some other things that didn't permit me to pay as close attention as I properly ought to. So what I would say is that for the moment we'll have to give the hon. member the benefit of the doubt but with the admonition that if he could stay within the precincts of Bill 43, then we would all be happier.

Hon. member, please continue.

Debate Continued

MR. GERMAIN: Thank you very much. The point that I was making is that we have another opportunity yet presented, another golden opportunity, a glorious opportunity, in fact a window of opportunity, to use the phrase of the hon. Member for Olds-Didsbury. What we have in fact is the golden opportunity to again review whether the number of electoral boundaries in the province of Alberta are right – right sized, right numbered – and deal with it now in the definition of electoral boundary. I hope that when an amendment comes forward again to deal with that issue, members will review the situation carefully with their constituents and vote according to their conscience.

Now, the hon. Member for Calgary-Buffalo also raised the very important issue of adult university students studying away from home. It seems to me that we disenfranchise adult university students studying away from home. I look at the large ridings that we have in this province. I look at the riding of Athabasca-Wabasca, served by the hon. Minister of Family and Social Services, the largest land area in the entire province, representing, I think, about an eighth of the size of the whole province, one riding. Now, this hon. member has in his constituency many far-flung communities, and in the concept that education is useful, many young adults in his communities have to go to Calgary, Lethbridge, other centres for educational pursuits. Even though they're only at university for eight or nine months of the year and living in a school residence, why is it that they've lost the right to deem themselves and declare themselves a resident of that riding? We only ask them to vote once. They can only vote once. They can't vote in the one riding in the morning . . .

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

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

Point of Order Relevance

MR. BRASSARD: Standing Order 23(b). There is absolutely nothing in this Bill that refers to university students voting or electoral boundaries or any other of the issues that are being raised by this member. Could we stick with the contents of this Bill and debate the principle that's at hand?

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Fort McMurray on the point of order.

MR. GERMAIN: Yes. Thank you very much, Mr. Speaker. I'm astounded by the point of order because as I read it, page 2 of the Bill serves to define a person's residence. It says:

- a student who
(i) is in attendance at an educational institution within or outside Alberta,

- (ii) temporarily rents accommodation for the purpose of attending an educational institution, and
 - (iii) has family members who are ordinarily resident in Alberta and with whom he ordinarily resides when not in attendance at an educational institution
- is deemed to reside with those family members.

I wonder if the hon. member would stand up and apologize to this member for suggesting that I didn't read the Bill.

THE DEPUTY SPEAKER: Are you finished on the point of order, Fort McMurray?

MR. GERMAIN: Yes, sir.

THE DEPUTY SPEAKER: Well, the Chair would say, as the Chair has on occasion, that when you have a Bill that does some amendments, it's hard to find the principles, but the particulars you've been dealing with in second reading, in spite of what the hon. Member for Olds-Didsbury has said, the quotations clearly say that what he was objecting was not in the Bill in fact is in the Bill. So the Chair finds it rather difficult to rule that the hon. member is out of order.

MR. BRASSARD: Can I withdraw that last point of order, Mr. Speaker?

THE DEPUTY SPEAKER: I'm sure you can.
Fort McMurray.

Debate Continued

MR. GERMAIN: Thank you very much, sir. Now, returning to Athabasca-Wabasca, that sprawling riding in northern Alberta, those students who leave their homes to go to Calgary or Edmonton to go to university cannot on election day, which is often a Tuesday, in the middle of the week, return to their own riding to vote. If they don't go home the weekends preceding to vote in advance polls, what we have done is disenfranchised the young. It is from the young that good ideas come. It is when they're young that good habits to vote all of their lives are formed. We are going to put roadblocks and logs in front of young Albertans, preventing them from voting, and we're going to do it supposedly to expedite and save a little bit of money.

[Mr. Herard in the Chair]

I want to save money too, Mr. Speaker. All of the members of the opposition caucus want to save money in the manner in which names are collected for allowing people to vote, but we do not want to do that at the expense of somebody's fundamental right to vote as contained in section 3 of the Charter. I know that some hon. members are prepared to squeeze and scrunch section 3 of the Charter a little bit. This member is not.

I want to direct all members' attention as well to some other concerns in this particular Bill that were raised relating to freedom of information. Irrespective of how the list is created, we also deal in this Bill with the nature of the information that will be provided: first names and addresses and phone numbers. I want to suggest that there should be certain numbers of people in the province who should have by valid reason the right to leave themselves off the voters list and still get a chance to vote. We should have a conscientious objection provision allowing people to decline to be listed on an enumerative list if they are prepared to take a statutory declaration for the right to vote. I am talking about people who might be single women living alone and who

might not want their first names identified on a voters list showing only one person at a residence and that is a Sally Smith. We should allow them to identify themselves as S. Smith or we should allow them to identify themselves as householder or we should allow them to be off the list completely. I am very concerned about the protection of people who are vulnerable, who are alone, and who are single. I would be very concerned about that, and I think that this Legislative Assembly could do something about that.

The other concern that we have is the issue relating to the phone number and the like. There should be manners and ways in which people can have their phone number, if they wish it to be, left off the voters list. It is simply too easy to get a voters list and have access to phone numbers and addresses, to phone people for telephone solicitations and the like, and to use the information inappropriately.

10:00

Now, what we now come to, Mr. Speaker, if I might in the time remaining, is the issue set out in section 21 of the Bill – because it also deals with the broad-ranged principle of this Bill – and that is: who will get excluded from the enumerator's list? If you look at section 21 of the Bill, my friends, you will see that section 21 indicates that certain persons are ineligible to act as enumerators, and they list, of course, the MLAs. That would make sense to you, that an MLA wouldn't go out and enumerate for his own voters list. But you will notice there, with some, I'm sure, apprehension, hon. members, that members' wives, spouses, children, significant others are not removed from that list.

So why don't we deal with this section and this portion of the Bill as well in the objects of the Bill by saying that is a bad objective, that is a bad object. We have a situation where we not only encourage patronage, but we encourage patronage at the closest familial level. I would urge all members that when the appropriate time comes in this debate in second reading, they should stand up, Mr. Speaker, with the greatest of respect, and repudiate that section and indicate that it's not right for a Member of this Legislative Assembly to have their spouse out there collecting enumerated names. It's simply not right, and it should be nipped in the bud right now in second reading of this particular Bill by perhaps comments from other members that they will not tolerate that.

Now, we also, Mr. Speaker, want to talk about some of the issues that relate to the enumeration and the procedures for revision in this particular Bill. They are narrowly construed. They do not allow people full and open access to revisions of the lists and to review the lists, and I want to urge all members to deal with those issues and speak against those issues.

With that, Mr. Speaker, I will conclude my remarks. I know that there are numerous other people waiting to speak to this particular Bill indeed on both sides of the Legislative Assembly, so I will take my place and urge all members that, when they have a chance to speak to this Bill, they speak up against patronage and they speak up in favour of taking the high road on this Bill.

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

MR. DECORE: Thank you, Mr. Speaker. I want to deal with two issues that the hon. Member for Fort McMurray talked about. The first is the use of the lists. I'd like to refer hon. members to the amendment Act and specifically to part 2, 11(5). It talks here about how the register – that is, the register of the list of electors – is going to be prepared. It says that the enumerators will obtain

“the residential address” – no problem there – “including the postal code of the residence of the person, and the mailing address” and so on. It says that the enumerator shall obtain “the surname, given name and middle initial of the person.” It says that the enumerator shall obtain “the telephone number of the person.” It says that the enumerator shall obtain “the gender of the person.” It says that the enumerators will obtain “the day, month and year of birth of the person.” It also says that the Chief Electoral Officer and the returning officer can use any other database or any other information that they can access. I suppose they could go to a telephone company and get data from them. I suppose they could go to a municipal authority and get data from them.

So we have this electoral list that's crafted, that gives no option to a woman who perhaps is living in a residence that she doesn't want her estranged partner to know about, that she doesn't want her estranged partner to know the telephone number of or any other pertinent information.

What's interesting is that if you look at the portion of the Election Act that we're repealing, section 26 of that Act talks about preparing the list of the electors. Here's the interesting point: this was debated and there was purpose in putting this particular section in the old Elections Act. It says under section 26(2), “First names and the prefixes Mr., Mrs., Miss or Ms. shall be recorded only if specifically requested by the elector.” Now, there's a purpose for putting that in. The purpose is that there are some people that don't want their identity easily accessed.

We've had a lot of debate in this Assembly in the last few weeks about violence against women, about women's shelters, about how we deal with men who abuse women, how men are able to stalk women. Here's a situation where this Assembly in previous debates has addressed this issue, and now we have a new amendment that says, “You go out, enumerators, and you get the gender and you get the telephone numbers and you get all of the pertinent data,” and there's no ability for the person that you're enumerating to say: “No, I don't want that included in the record. I don't want that included in the record.” I think it's a problem.

Now, the lists, according to the amendment Act, are given over to registered political parties, are given over to people who are members of the Assembly that aren't part of registered parties. I can remember from my involvement over a number of years now with my political party that photocopies of lists seem to find their way around. I remember once we even accessed a Conservative list that was floating around somewhere in central Alberta and got somehow sent in a brown envelope to us.

AN HON. MEMBER: Well, that's called Torygate.

MR. DECORE: Torygate.

The point is, Mr. Speaker, that even if you have a provision as we have in this amendment Act that says there can be a fine of up to \$100,000, you still have lists floating around, you still have the ability to access information that shouldn't be accessed.

Then to add to the difficulty, it says – and this is in the spirit of saving money – under section 11(7) that the Chief Electoral Officer can give these lists to people in the federal government or give the data to people in the federal government. There's no control in these amendments that say: “You know, you have to use this for a specific purpose. You've got to sign a nondisclosure or you've got to sign a confidentiality or you've got to agree to only provide this information or that.” It's given willy-nilly to the Chief Electoral Officer of Canada. How do we know that

information isn't going to find its way, be routed some other way to some people who are going to take advantage of this information?

No. I think it's easy to say that we want to save money and we want to open up the process, but sometimes, Mr. Speaker, we've got to protect people and we've got to protect their privacy, and I don't think this section in this Act is good enough.

Now, Mr. Speaker, the other issue that I wish to speak to is the issue – and I'm surprised that the hon. Member for Olds-Didsbury rose on this point, because it was my understanding – perhaps I'm wrong – that he sat on the committee. [interjection] He was rather forceful. The Member for Olds-Didsbury stood and said that the university provisions weren't included in these amendments. I learn now that he's a member of the committee, and I'm surprised at what else he doesn't know is in this Bill. Maybe he doesn't know the provisions of how this elections list works.

Mr. Speaker, I have a daughter that's been living in Calgary for the last three years, has graduated from law school this month, and I'm very proud of my daughter. I don't know how this could have happened, but she has chosen to live in Calgary hereafter. The point is that there was a purpose under the old Election Act where we gave an option to students to say, “I'm going to choose to vote in Calgary, or I'm going to choose to vote in Edmonton or in Red Deer or in Lethbridge.”

10:10

Students like my daughter went to Calgary. Even though her family was here and we considered, you know, that her residence was Edmonton, she participated in politics at the municipal level and politics at the provincial level and politics at the federal level in Calgary, even though there was this belief that some day she may return to Edmonton. Now, Mr. Speaker, I think it's a dreadful error not to have a provision that allows for an option to be given to students. What's the point in taking that option away? Is the government afraid of students and how they're going to choose that option? What's the danger here?

Well, the hon. Member for Olds-Didsbury just came back. This is the hon. member who sat on the committee who seems to know everything there is to know about this Bill. I'd like this hon. member to stand up and give us the reason why this provision has been changed. What are you afraid of, hon. member? What's the reason that this has to be changed? Are you afraid as a government that you're going to lose votes or seats in areas where universities or colleges are located? Is that the reason? I'd like the hon. member to stand up right now and tell us that.

Mr. Speaker, there are two serious problems in this Bill – two serious problems – and I'd like the hon. Member for Olds-Didsbury or anybody else, including the sponsor of the Bill, to stand and to give us some justification and to allay my fears that information isn't going to be floating around out there in never-never land that's going to be somehow used to the detriment of women or of families or of businesses or anything else.

Mr. Speaker, I see a lot of danger in opening this thing up in the way it's being suggested, and saving money just isn't a good enough reason when we're talking about protecting lives or privacy.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. It gives me great pleasure to stand up this evening and speak on Bill 43, the Election Amendment Act. This is a Bill that is probably a very good contribution to the process of elections in the sense that it creates a common voters list. What we basically have to do is look at kind of the reason behind putting together an election list, and that is to provide an identification process for people who choose to vote in our democratic society, and as we move through the process of doing this, we've got to make sure that's done effectively.

I think the primary consideration that we have to look at has to be the issue of access of every individual in Alberta to the right to vote. It's a matter of keeping the integrity of that list. We've heard a lot of discussion already this evening in terms of what should be included in the list, whether or not we're putting too much information in it, whether or not we've got enough information in it. It's a matter of keeping the integrity of that list within the framework of our Charter of Rights, which allows us and provides us with the opportunity to participate in that democratic process; in other words, it allows us to vote.

What we're doing here is looking at a section which deals with the definition of ordinary residence and the concept of whether or not a student's residence in the ordinary residence definition is at the parent's home or at their place of residence when they're in school.

Mr. Speaker, let's look at the issue of my schooling when I was in university. I left the first fall after grade 12 with the idea that, okay, I'm going up to school in Edmonton, and I plan to return the next summer to Lethbridge to work on the farm. Okay, now that means, according to this, that my intended residence still stays in Lethbridge, or at the farm outside, at Kipp. Well, what happens if I stay in Edmonton? Does that mean my deemed residence is Lethbridge, at Kipp, or is it in Edmonton? I'm still a student. My parents are there. For the effect of that I still see . . . [interjections] The principle is the right to vote and the identification of the people who can vote. That's the principle I'm talking to.

Anyway, this is the basic: how do you get them to make the vote? Very few times are elections ever held on weekends. In fact, I'd like to hear of a case when it has happened on a weekend in Canada. I know a lot of other countries in the world do run them on weekends because they go to extremes to facilitate people getting out to vote. People are not in a position where they can work and go to vote, so they hold them on a Sunday or a Saturday, when people have access to the voting poll. What we need to do here is make sure that we provide that access for our voters as well.

Mr. Speaker, if we wanted to have . . .

MRS. GORDON: A point of order.

THE ACTING SPEAKER: The hon. Member for Lacombe-Stettler is rising on a point of order.

Point of Order Questioning a Member

MRS. GORDON: Yes, Mr. Speaker, *Beauchesne* 482. Would the hon. member entertain a question?

DR. NICOL: Yes.

Debate Continued

MRS. GORDON: If these provisions in this Bill are as you

identify, why are we debating them in second reading? Why aren't you bringing through amendments in Committee of the Whole?

DR. NICOL: Mr. Speaker, we're talking to the principle and the right to vote and the access and identification of who can vote. We have to look at this Bill and how it fits within the principle of access to vote, and this Bill fails.

THE ACTING SPEAKER: Hon. member, the point of order was whether or not you would entertain a question. You've entertained it, so you can continue with your debate.

DR. NICOL: Thank you. Mr. Speaker, I think that we've dealt with the issue, then, of the integrity of the voters list as it relates to students. It also has to look at, you know, the basic idea of access to that voters list. People should be able to come to a polling booth, say "I haven't voted somewhere else," swear that they haven't, and be allowed to vote. This is the basic principle of access to the power of democracy.

We have to also look at how the process of getting our voters list is put in place. We've heard the discussions from some of the members this evening, and I concur with those discussions, that we have to make sure the integrity of that list is maintained by having people who are totally independent of the process involved in creating that list. I don't think it's right that we have a situation in sections 20 and 22, where they talk about how these appointments are made through the recommendation of people involved in the political process.

Mr. Speaker, why isn't it possible for us just to say: instead of "appointing" these people, "recruit" them. Just recruit them. Give the Chief Electoral Officer the power to recruit these people. Put an ad in the paper, as one of the members has already suggested, and deal with other mechanisms of recruiting qualified people who are willing to participate in this activity and who are capable of it. That gets away from any concept of having to deal with the issue of suggested or recommended people being put into this process in a position where they won't have an indication of nonobjectivity.

The public perception of the integrity of the voting list has to be maintained. It has to be honest, it has to be open, and it has to be done without question. Having appointees put into that position creates a perception of the concept of integrity. How much question are we willing to accept in terms of how we deal with our voters lists? So this is basically the issue that we're looking at.

10:20

In terms of the creation of the polling subdivisions – this is in section 12 of the Bill – there's a principle here that talks in terms of the magnitudes, the size of the polling subdivisions. There's a suggestion in the particular part of it that 450 electors is sufficient for a poll. Mr. Speaker, I would suggest that needs to be left up to the discretion of the electoral officers, allowing them to pick a size that fits the technology that's being used in the poll. If we have modern voting machines in a poll, 450 in a high-density area creates too much duplication. If we have paper ballots with a lot of work associated with identifying voters, then 450 may be reasonable. But I think this should be left to their discretion. So we should make sure that the process works efficiently rather than putting in artificial constraints like we've done in section 12 in terms of the maximum size that we can have on the electors.

Mr. Speaker, I think most of the other issues that I wanted to address have been talked about very well by some of the others, and I'll give other people in the Assembly the chance to express their opinions. I just want to reiterate the idea that we've got to make sure that this gives access for everybody to vote, and we also have to make sure that the integrity of that voting list is maintained by not having the opportunity for political patronage in the development of it.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. I would indicate in my opening comments that the principle of the Bill certainly is one that I could support, because it's a Bill that's proposing to capture some efficiency and some cost-effectiveness. Certainly I can support that, and I understand that this Bill really is intended to create one voting list. At initial glance when I looked at this particular Bill, I thought it was quite worthy of my support. I have listened to the debate that has come forth since the discussion has opened. The clause that I was troubled by is the clause that most of the members here have spoken to, and that was section (2), referring to the students and the fact that they would be deprived of the opportunity to vote unless they returned to their home or residence. There are probably some pages in this Assembly that would fall into that particular category, and it would strike me that some students as close to the democratic process as these individuals are should not have that opportunity denied them. As we know, and as I heard the hon. Member for Calgary-*Buffalo* or the hon. Member for Fort McMurray indicate, there are times when students are into their exam phase or their part-time work commitments prevent them from going home to vote, so they really would be disenfranchised or disadvantaged by this Bill. They are the future leaders of our province and probably our country, so I think it's extremely important to provide them with the privilege and the honour to ensure that they can exercise their free democratic right and vote. This Bill, as we have come to learn, certainly will prevent that.

Now the Member for Olds-Didsbury made a persuasive argument that based on the efficiency and the critical timing, we should move ahead with this Bill. I wouldn't argue with those two points that he brought forth; however, now that we've pointed out at least one deficiency on page 2, perhaps it's incumbent upon the Member for Olds-Didsbury to bring forth an amendment to that effect and ensure that the students of Alberta are not disenfranchised from their particular democratic right to vote, as many would be, knowing full well that if he brought that amendment forth, in all probability it would be successfully passed in this House. If we're going to change the Election Act with Bill 43, then we might just as well do it correctly and properly when the opportunity comes and the time comes.

Now, as I listened to the debate, some of the points that were brought out in regards to the registration list itself and what information must be contained on that list, I think the hon. members made an excellent point when they indicated that in fact a first name had to be included. Now, the hon. Member for Fort McMurray spoke of this causing a security risk or problem to a single woman having her name on a list. Unfortunately, society has those individuals out there that would prey upon such individuals. I think we have to ensure that they have the opportunity to retain some autonomy as opposed to disclosing their vulnerability. Now, when I read that clause it says, "may only

contain the following." I view that as being somewhat permissive. If someone can bring clarity to that or can indicate that that certainly would give me the opportunity to deny offering a first name so the person's gender can be identified, then I could have some comfort from that.

Also, in that list – and the hon. Member for Edmonton-Glenarry spoke of it – was a telephone number of a person. As members in this Assembly know, there are some individuals that have for their own specific purposes and reasons chosen to have their telephone number unlisted or to have a silent number. I think this Bill oversteps its bounds of being a good Bill when you expect people to disclose that sort of information. We as politicians should expect people to overturn a decision that they have made in that particular sense. Now, once again the opening words "the register may only contain the following": perhaps that's the permissiveness that's required. Perhaps that gives those individuals concerned about disclosing their gender the option not to do so or to not disclose their phone number if in fact that's a concern to them.

So, Mr. Speaker, when I looked at the Bill, those clauses that I spoke of, particularly the last clause – and that was clause (5) – perhaps it's not quite as rigid as it appears at first reading or as some of the discussion has indicated. However, it bears clarification, and I think it may put at rest some of the minds that are concerned about the issues that clause causes to rise.

Now, the Member for Calgary-*Buffalo* spoke about section 20(2). As some members have termed it, it is one of patronage. Again, I would comment, Mr. Speaker, that if we're going to amend this Bill, we might just as well make it the best Bill this Legislative Assembly can offer to the public of Alberta. I would suggest that when Calgary-*Buffalo* made the suggestion that selection of returning officers should be done based on merit, that is a very sound principle. It's a principle nobody in this Legislative Assembly can argue against. You always look and seek the very best individuals to accomplish and do a job, and you will get the best result as a result of selecting those individuals. So I would suggest that section 20(2) again could be amended to eliminate that. I would suggest to all members that an election has not been won or lost because a returning officer has been associated with one particular constituency association, so it is something that is not going to determine the outcome of an election. It's something that I would suggest can be changed without hurting the intent of the Bill or without destroying the efficiency of the Bill or without hampering the cost efficiency of the Bill.

Mr. Speaker, I would be wholeheartedly in favour of this particular Bill if those few small amendments that have been brought out are forthcoming and supported. The principle, as I indicated, is a sound principle. It's to create a single voters list. It's an attempt to capture cost efficiency and also to capture some cost savings. When the hon. member introduced the Bill – I forget the figures he spoke of – in the long term, if I recall his conversation correctly, there is potential to have \$15 million savings over the years here. In today's technology there's no reason we shouldn't embrace a large percentage of what this Bill is attempting to do. However, there are some windows here, and I guess it would be the window of opportunity that the Member for Olds-Didsbury spoke of. There's a window of opportunity to improve this Bill, and it is not going to detract from the intention or the principle. It is only going to make it a more solid Bill and a Bill that will serve Albertans in a far better and a cleaner, unfettered environment.

So with those comments, Mr. Speaker, I will close by stating that I look forward to seeing some amendments that will make the Bill acceptable to one and all so that we can speed it through this House, as the government side would like to see that particular feat accomplished.

10:30

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'll pick up where my colleague from Leduc left off, and that is to recognize that the Member for Olds-Didsbury suggested to this Assembly this evening that there is now out there a window of opportunity to bring about the changes that are contemplated in Bill 43, that that window of opportunity may close for us because of the time we're in right now, that the time to act is now, and the time to move this legislation through is now. I think the Member for Olds-Didsbury has heard from members of this side of the House that they are in support of the universal register for a list of electors in Alberta. If that were the beginning and end of this debate, I daresay that this Bill would have moved through more quickly and we would have been able to take advantage of the window of opportunity.

Once again, Mr. Speaker, what the government does is it brings in a Bill that requires members of the opposition to raise issues that have not been appropriately or adequately dealt with in the Bill, and that tends to essentially slow the process down. It's our obligation to raise those issues, to debate them in this House, to encourage the government to give it a second thought – that's what we do in second reading – and in committee stage to come back and address some of those concerns and some of those issues. So here we are again. My comment to the government is that what ought to have happened is that the government should have ensured that it came back with the very best Bill possible in moving us toward the universal registry of electors in the province of Alberta.

The three issues have been discussed. Certainly the first issue is the integrity of the list. We've described that in a number of ways, Mr. Speaker, but for myself it is to provide residents with an opportunity to have some say and some flexibility in how information that is personal information is contained on that list.

Now, I recognize that there are two sections that we're dealing with. My colleague from Calgary-Buffalo was referring specifically to the register of electors, which is found at a new section, 11(5), with the information that is to be contained there: residential address; postal code; mailing address if different from the residential address; surname; given name, middle initial; telephone number; gender; the day, month, and year of birth of the person. Now, the way the legislation is worded, Mr. Speaker, it is saying that "the register may only contain the following information."

If you then look at section 15 of the new part 2, again in terms of the list of electors for the province of Alberta,

only the first names, middle initials and surnames, the addresses, including postal codes, and the telephone numbers . . . may be contained in the list of electors.

Well, we have had some discussion about the necessity of some of that information to appear on the list, some of the concerns as to why that information should appear on the list, the lack of options for residents of Alberta because of their particular circumstances. Whether or not they are single, whether or not they are elderly, whether or not they are vulnerable, whether or not they are estranged from their spouses, whatever circumstance they're in, they may not want all of that information to be contained on that list of electors.

My colleague from Edmonton-Glengarry described how we all know in this Legislative Assembly that there is leakage of information, so we cannot guarantee in this Assembly that there will be 100 percent integrity of the information that's contained on the list. There are those Albertans who will have no difficulty with the disclosure of that information whatsoever; that's fine. There will be those Albertans who are more reluctant at the release of that kind of information, and their needs as opposed to their wishes ought to be accommodated.

There's nothing in the Bill, Mr. Speaker, to indicate that the government is prepared for that accommodation of those Albertans through the enumeration process to be able to give Albertans the opportunity to have some say in what personal information about them is contained in the list of electors. That could have been done. That could have been one of the issues that was dealt with initially, coming forward in the Bill. In second reading we would be able to stand up and say: "Good for you, government. You've recognized the need for flexibility. You've recognized the need for protection of personal information. You've recognized that there are needs of Albertans that are different from the needs of other Albertans." That didn't happen, and we end up raising that issue in debate.

I want to deal with a section that is to be added to section 1. So I'm now referring to section (2), and this will be the section that deals with the residency requirements under the Election Act. Now, what I want to point out, Mr. Speaker – and there seems to be something missing in this scenario – is that what's happening with this particular Bill is that the new subsection (2), which is identified in section 1(k) of Bill 43, already exists in the Act at section 24. It is already in the Act in section 24, but the Bill repeals part 2 and creates a new part 2. So rather than having that section in the new part 2, the government is now moving that section into the old part 1 as a new part to the old part 1. So now we're clear.

As we understand it, there is currently the opportunity for students who attend universities and colleges in the province of Alberta to have the ability to use that as their area of residence. Now, the Bill is worded at section 24 the same as it is worded under the new section, sub (2), but this was the opportunity, Mr. Speaker, the perfect opportunity to give recognition to that situation so that for those students who may find themselves in a situation where they cannot return, whether to an advance poll or on election day, to the residence of their parents, they still have the opportunity to participate in the general election in the province of Alberta.

This continues if not creates the disenfranchisement of those particular students, whether they are attending the University of Alberta, the University of Calgary, the University of Lethbridge, Concordia College, Fairview College, Red Deer College, Olds College, Camrose college, Grande Prairie college. We encourage our young people to attend those postsecondary institutions to further their education. We also encourage them to participate in the political process in the province of Alberta, and the government by this process is saying: "Well, if we encourage one, we can't encourage the other. We'll make no accommodation for you, the young people of Alberta, with the difficulties that you face in moving away from home, in dealing with your studies, in living in rental accommodation or residence. We'll make no provision, we'll make no accommodation for you at the time of an election in the province of Alberta." This was the perfect opportunity to come in with a change to the wording of that section so that it clearly recognizes that that option is available.

We make provision in the Election Act for employees of the government of Alberta who are not resident in the province of

Alberta. We make provision and we accommodate Senators to the House of Commons. We make provision and accommodation for Members of Parliament. But do we make accommodation or provision for the students of Alberta to try and accommodate them in a general election? No, we don't, Mr. Speaker. Members of the government have decided in their wisdom that they will only give special privileges and special accommodation to politicians or employees of the government of Alberta but will not make accommodation for the students of Alberta.

10:40

I think, once again, Mr. Speaker, that issue that has been debated this evening could have been dealt with in a much better way by having actually come in with some statement in the legislation that says: "We're going to deal with that. We in fact are going to ensure and demonstrate by clear wording in the legislation that we are going to give some accommodation to the young people of Alberta who are enrolled in postsecondary institutions."

The last point I want to raise, Mr. Speaker, in terms of the problems with the Bill that could have been resolved is in the new section 20 of Bill 43, which also currently exists in the existing Election Act at section 16. There is already provision in the Act for the returning officer to be required to communicate with constituency associations to receive recommendations of qualified and available persons to act as enumerators. This again was a perfect opportunity to make the change that was necessary.

In my constituency, Mr. Speaker, and in every constituency in the province of Alberta I think that every member of this Assembly has had residents, constituents come to them looking for any opportunity that we or any of us can pass on about the prospect for employment of any kind anywhere. Anything that we can do to assist them in finding some level of employment would be greatly appreciated. Now, does that mean that I have to add that person's name to a list so that when the returning officer calls me I say, "Yes, I've got a list of people"? I shouldn't have to do that. The returning officer should simply say that this employment opportunity is available, that it's available fairly, that it's available broadly, that it's available to every person in the province of Alberta regardless of whether or not those residents in my community have any association or affiliation with my constituency association, with another constituency association, with any political party. It just ought not to matter.

It ought not to matter if I've even ever met that individual who lives in my constituency. They should have the same right and the same entitlement to the eligibility for a position of part-time employment as an enumerator in the province of Alberta. This is an entirely inappropriate approach to recruiting enumerators in the late 1990s, Mr. Speaker. It may have been fine in the past, but it is no longer fine given the current climate of job prospects for many Albertans in the province of Alberta.

This, again, was a perfect opportunity to open the doors wide and to say to Albertans: "Here is another opportunity for you. We are extending the opportunity to you on a fair and broad basis. We are not simply restricting this to communication with the member for the government or the candidate with the highest votes who doesn't form the government," and so on with all of the permutations, combinations, and machinations that are contained in there.

The section is very, very clear, Mr. Speaker. It says that "the returning officer shall appoint enumerators from the names provided to him under subsection (2)." The only way that you can be employed in the role as an enumerator, what it boils down

to, is that it's not what you know; it's who you know. It has nothing to do with whether or not you have vitality and energy and initiative and drive and integrity. It doesn't matter, because the government is saying in this section, "This has nothing to do with what you know; this has to do with who you know."

That simple message has to be stricken. That kind of message, to my way of thinking, Mr. Speaker, is not appropriate any longer. We have to say to Albertans: "We appreciate you for your merit. We appreciate you for your integrity and your drive and your spirit and your willingness to participate." If that individual discovers section 20 of the Election Act, he is going to say: "Well, wait a minute. I thought the government of Alberta and the people who represent us in the Legislature are looking for fairness." But now we know. Now we know that we ought to be cynical of the Members of the Legislative Assembly because they promote – they outright promote – that it's not what you know, it's who you know, and if you have friends in high places, there's something in it for you. That is the essence of patronage, Mr. Speaker, as my colleague for Fort McMurray has so eloquently indicated this evening. This is the perfect opportunity to eradicate that kind of wording from the Election Act and to make the opportunity available for all Albertans.

Without that, Mr. Speaker, here we are in debate looking at these deficiencies in the Bill and not moving forward. In terms of the principle of the Bill, to move to a process of greater efficiency and a cost-saving measure in going to a universal registry system, yes, on principle I agree, but because of these deficiencies, it's very difficult to simply accept the Bill in its present form and to move it along.

So those are my comments, Mr. Speaker. I'm disappointed that the government did not address those issues front on, did not deal with those, and is unable to engage us in debate and defend the position. We've heard none of that from the government. We've heard no defence of why these provisions continue to remain in the Act. While one component of the Act, the universal registry, is progressive, many of the others are simply status quo, passé, old, and not at all progressive. So why, hon. members, give us some component of this as progressive yet hold the whole thing back with sections that are not?

Mr. Speaker, those are my comments. I know other members want to engage in debate, and I will now take my seat.

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

MR. BRACKO: Thank you, Mr. Speaker. It is indeed an honour to rise and speak to Bill 43, the Election Amendment Act, 1996, at 12 minutes to 11 on May 8, 1996. My constituents want me to stand up and address this Bill for a couple of reasons: one, fairness, fairness to all Albertans; secondly, that we get rid of patronage.

MR. DECORE: What was that time again, hon. member?

MR. BRACKO: Oh, the time is 12 minutes to 11 on May 8, 1996. This debate will go down in history tonight in the archives of *Hansard* where we stand up for fairness, stand up for integrity, stand up for ending patronage in this situation so that all voters across this province will know that this will become a transparent Bill, that they can see through it.

I want to congratulate the committee to begin with for presenting a Bill that combines municipal, provincial, and federal lists. That's very important. Back in 1988 within a year there were

three elections: provincial, municipal, federal. Again in 1989 it came again, three elections.

MRS. BLACK: So what is your point?

MR. BRACKO: Three different lists is my point. Instead of having three lists, it's one, so I'm reiterating that it's an important move forward.

As we look forward to the elections coming up, again within a year, a year and a half we will be having two or three elections: federal, provincial, in whatever order, provincial, federal maybe. Within a year and a half we'll be looking . . . [interjections]

Bring the Member for Barrhead-Westlock back, yes. Yes, bring him back. You know, at least when he was in the front bench, we had some excitement debating. He brought out the best in us. It's like a good tennis player playing against a poor one: you don't improve. So bring him back to the front bench so we can have better competition and improve our debating skills.

THE ACTING SPEAKER: To the principle of the Bill, please.

10:50

MR. BRACKO: Yes.

So we move forward here. Within the last six years we have had nine elections. As the Member for Olds-Didsbury mentioned, it's a window of opportunity. It's a step forward, again, by having one list. It's very important that we move forward. We save money here, millions of dollars.

Also, what hasn't been brought forward in speaking to the principle is, in this window of opportunity, using the same equipment. Maybe they should get together. Instead of each municipal, provincial, and federal jurisdiction buying their own equipment, get together and buy good equipment that all three can use. A step forward again. With one list and 450 or so voters we can see that the polls can even be the same. We have the electronic and the computer technology to go forward on this, to make it.

As we look at the GIS system, the geographic information system, it has taken . . .

MRS. BLACK: Point of order, Mr. Speaker.

THE ACTING SPEAKER: The hon. Deputy Government House Leader is rising on a point of order.

Point of Order Relevance

MRS. BLACK: *Beauchesne* 665. This is an amending Bill, and I would ask the hon. member to focus on the amendments that are put forward to the Bill on the Election Act.

THE ACTING SPEAKER: On the point of order.

MR. BRACKO: Thank you, Mr. Speaker. I am. I also want to add amendments that would include equipment, that again with the universal list you have equipment. It would save money. It would save tax dollars.

THE ACTING SPEAKER: Hon. member, on the point of order, please.

MR. BRACKO: There's no point of order, Mr. Speaker.

THE ACTING SPEAKER: I guess the frustration is that we are in second reading, and we are to give latitude with respect to the principles of the Bill. Part of the frustration is that member after member gets up and deals with exactly the same perceived deficiencies as the member before, and it gets to be a little bit, I guess, difficult to tell whether or not there's any new content there. Certainly we should be speaking to the principles of the Bill and not all sorts of different technologies and so on that I'm starting to hear. So please stick to the principles.

Debate Continued

MR. BRACKO: Thank you, Mr. Speaker. As we do the polls, it's important to look at the way we've done it in the past and to look at a way that we could do it in the future that would save money. Again we have them going door-to-door. We can maybe change that to phoning, getting the information by phone, move into a new era, the window of opportunity. I'm speaking to the principle of it, same as the Member for Olds-Didsbury was saying. I'm illustrating this by making amendments to include equipment, other things in this. It's very important.

In my own constituency between 9 and 5 most people may not be home in one area, so this again means it's a waste of money because they go back a second time, whereas if we look at a new way of doing things, a new way of getting the enumeration done, we can move forward and save money. Maybe there's a way of phoning in the enumeration to the enumerators. Why should they have to go from door-to-door? There are new ways of doing things. I know that when we do this with the blood donors, if everybody had an answering machine, it would speed up the process. You'd leave a message, this again to make it more efficient. This is an area where we can do it.

In amending it, we should make sure if we have referendums or questions that could be put to the electorate – you know, they need to know. We should look ahead and thereby be proactive instead of reactive, always reacting, behind. Again, our party here is a party that deals with tomorrow's issues today, not like the Tories, who deal with yesterday's issues tomorrow. This is the point I'm making here. So we need to do this.

Again, a point was made here for names being contained. I don't want to go over this. I just want to illustrate the fact that in the phone book when women have used their first name, they have gotten obscene phone calls from weirdos many times, at all hours of the day and night. So we have to protect these people, as other members and colleagues have said. Unbelievable, the type of people that are out there and the abuse that goes on when they put their first name only in the phone book. They only do it once, but it takes a whole year of these calls sometimes to put only their initials in so they won't get these calls. [interjections] It may be funny for the members on the opposite side, but if you're a woman involved in this, you would not think it's funny. You would be very upset with the Member for Vegreville-Viking laughing at this situation.

Again, the student option's a very important one. I look back at my own experience. When I was away from home at college in Lethbridge – that great community – if I would've had to return to my home in Edmonton, I couldn't have afforded it. I would not have been able to vote. So the option to vote in either place has to remain in there. It's very important. The tuition fees have gone up to – what? – 40 percent of the costs, from 8 percent when I went. It's much more costly to go to school today than it used to be. So it's important that that option's there.

AN HON. MEMBER: It's not 40 percent, Len, you goofy.

MR. GERMAIN: *Hansard* will report that as your contribution to the debate.

MR. BRACKO: Yes. You know, it's always interesting. Members are quick to criticize but don't get up and speak. You know, it's just unbelievable. You'd at least think they'd squeak up.

THE ACTING SPEAKER: Through the Chair, please.

MR. BRACKO: Again, just commenting. My constituents want fairness. They do not want patronage as shown in section 22(4)(a) and (b). They want fairness. They want to know that their children have the same opportunities as any other ones, not if they have connections to a particular party, whether it be Tory, Liberal, or NDP. So that's important that we make sure that the change is here so that it's fair, it's done in the right way, and we eliminate patronage in Bill 43 at this level.

Mr. Speaker, again fairness in returning officers, how they're selected. The best should be picked so the best job is done. I know constituencies where the returning officer did a great job and then was told at the last minute they'd be replaced by another returning officer after assuming or being led to believe that they were going to be the returning officer for the next election. Even within the party there was hostility between the two because of the unfairness that took place in my own constituency in the last election. So we have to eliminate that type of patronage and move forward so people in this province can look up to the government and say: "Yes, it was done fairly. There was no patronage involved. Everyone had the same opportunity: the same opportunity to vote, for jobs, and so on."

With that, I will conclude, Mr. Speaker.

THE ACTING SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I think that many remarks have been made on the subject of this Bill – on the subject of the principle of this Bill, let me hasten to add. But I think a few things have still been left unsaid, amazingly enough, and I intend to say them.

First of all, in speaking to Bill 43, which purports to amend the Election Act, I've very carefully tried to ascertain the principle of the amending Bill and the Bill which is being amended. Mr. Speaker, it took quite a bit of doing of course to isolate that principle to which I intended to speak, but I've succeeded, I think.

11:00

It seems to me that the purpose of the original Bill, which is now being amended, was to structure the electoral process, the way in which Albertans are able to vote, and it seems to me that Bill 43 amends that process but with a view to facilitating it, smoothing out the electoral process, if you wish, which is that most basic of all democratic rights that we hold so dear.

Now, in testing this Bill against that principle, Mr. Speaker, I'd like to make a few remarks. First of all, perhaps this is just more in the way of a housekeeping remark, to use one of the House leader's most favourite expressions, but I really mean that it is a minor detail. There's the word "elector." It kind of hurts me somewhat that in this Bill, by the use of this word the government is in fact offending over 50 percent of the electorate. I hope it's understood that the word "elector" is absolutely and unadulter-

ately masculine. The feminine part of that word is "electrix", and I think it ought to be noted that if one wants to use the proper Latin word, this ought to be noted in such an important item as legislation. Mr. Speaker, even the lawyers in our caucus missed that one.

Let me carry on here with my testing process of the principle of this Bill. Once again, I'm applying these items against that guiding basic principle. Now, the criteria have not been trampled, and that pleases me greatly, the criteria for being an elector or electrix. They still stand at being a Canadian citizen 18 years of age or older and having resided for at least the six months preceding the election in the province of Alberta. I think that's it. [interjection] And being a Canadian citizen, yes. That's important.

Now, I momentarily misread the expression here which states: "ordinarily resident in Alberta." I read for the moment: ordinary resident. I thought that was in line with the Premier's currently favourite expression when he refers to normal Albertans. I thought this was just ordinary Albertans. I'm pleased that that has remained unchanged.

Getting back, Mr. Speaker, to the next item. This has been mentioned before, but it needs to be iterated again, or reiterated, if I may put it that way. That is the inherent discrimination against students. In that sense, I think this Bill fails miserably. What it does is not facilitate the process of voting for students; it makes it tougher. Therefore, it fails on the basis of that guiding principle. If we just think back to the election, that very fateful election of March 20, 1989, when the then Premier was in fact punished for calling that early election and hastily by losing his own seat. That election took place right smack during the university school year and the college school year. So at that particular moment lots of students from all over the province found themselves confined to Edmonton, Calgary, and other places that had postsecondary institutions and were unable to get back to their home ridings.

Now, Mr. Speaker, I object to that. I object to the fact that the mere act of voting, which is so central to our system, was made tougher for those people. I object not only on the fact that it negatively affected these people, these students who are an important part of our electorate, but also, it negatively affected the politicians, if I may refer to them, in rural ridings. I happen to be one of them, and I'm proud of it too. It so happened, of course, that all of a sudden, with an election taking place for instance in March, scads of my potential voters were not and will not be able to come back and cast their vote for me. Now, that bothers me greatly.

Mr. Speaker, I can point this out. I can underscore this with a few numbers here. I'd like to remind you that in 1993 when the election in fact took place in June – and that could well be during spring session for a lot of students, by the way – I did go to the trouble of trying to find out how many students in my old school were 18 years or older. To my great surprise I found there were 110. Well, the next year, out of the 110, 60 attended postsecondary institutions. If the next election had taken place the year after and it had been called during the height of the postsecondary school year, I would have been out a whole lot of those votes. On that basis I strongly disagree not just for selfish reasons. First and foremost, because it impedes those students; it prevents them from voting. Secondly, because it affects me negatively.

Mr. Speaker, I've stated my case, so I thank you very much.

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

MR. SEKULIC: Thank you, Mr. Speaker. I rise to speak to Bill 43 at second reading. I will attempt to speak to the principle of Bill 43. However, it's important to recognize that the principle is the amendment of an election Act. Therefore, it's not one isolated theme that flows throughout this but rather a series of changes that constitute the principle. In fact, at some point in this Assembly I'd appreciate clarification in terms of the differentiation of debating and participating in debates to Bills which truly have principles and Bills which are in fact amending Bills, because I don't believe that's been clearly put forward.

Mr. Speaker, nonetheless, speaking then to the principle of this amending piece of legislation – and I won't go on for a long time because I know that my hon. colleagues across the way . . .

MRS. McCLELLAN: We like to hear from you.

MR. SEKULIC: Okay. In that case, Mr. Speaker, I will . . . [interjections] The hon. Minister of Health would like to hear the debate on this, and I will be specific in my comments.

The area that I had some concern with – and I won't cover those areas that my hon. colleagues have covered so articulately, so intelligently, and so insightfully because those are the very reasons I don't need to revisit that. I think that it's been sealed tight.

Mr. Speaker, the one area that I had some interest and concern with was the area with regards to the restricted use of the list of electors. The part that immediately alerted me, then, was given that we've now stipulated the specific use of this information which is collected – and I think quite rightfully so. We do need to have information on those who are going to vote to ensure they're legitimately and rightfully eligible to vote. However, the restriction – and I agree with the restriction of the use of that data because I believe that data to be of a personal and very sensitive nature. As one of my colleagues earlier alluded to, many people nowadays choose to have unlisted numbers because they want to avoid telephone solicitation, and they want to prevent those people they don't know from calling them. So, Mr. Speaker, my concern when I first read section 17 was: well, we've stipulated the restriction on the use of the information, but what if that restriction is violated? What happens?

MR. WOLOSHYN: What if the sky falls?

11:10

MR. SEKULIC: The hon. Member for Stony Plain isn't correct on this. The sky is not falling. In fact, in this legislation there is an amendment which does stipulate what will occur in the event that section 17 is violated, and that is put forward in section 159.1 which indicates "Offence re use of information." So the government – and I have to commend them – have gone a little distance here to ensure that this personal and confidential information given for one specific purpose isn't abused. In fact, I was quite surprised and pleasantly so to see that the potential abuse of this information can result in up to a \$100,000 fine, because as I've said in so many of the debates in this Assembly and particularly with regards to Bill 204 and Bill 212, private members' Bills regarding protection of personal information and consumer protection, I think this is a fine example that if there is a violation in the use of this information, it will be properly and harshly dealt with, Mr. Speaker.

My question my specific concern with regards to this is how in fact the government or, for that matter, any office acting to implement this Election Amendment Act would be able to monitor

and enforce the specific clause. We know that once this data is provided – and the Act quite clearly states who this information can be provided to – to political organizations, then I'm not sure what measures are in place to protect that that information is not abused and in fact after the election is not used by those political organizations. Now, there is a fine for using that information after the election. But how will that be implemented? What are the measures that are in place to prevent such from occurring?

So, Mr. Speaker, with those few comments I think we've now fully put forward all the concerns that need to be addressed by the government, and hopefully when this Bill takes the next step and goes into Committee of the Whole, the hon. member who introduced this Bill will step forward with the needed amendments to address the concerns that have been put forward.

Thank you, Mr. Speaker.

MRS. BLACK: Mr. Speaker, I wasn't going to enter into the debate at this point, but I do believe there has to be some clarification. I agree with the hon. Member for Edmonton-Manning that the lawyers have indeed missed a number of issues in this amendment to the Election Act. The three or four lawyers from the opposite side talked about disclosure of information, and I would ask them to refer to section 15 which clearly says:

Only the first names, middle initials and surnames, the addresses, including postal codes, and the telephone numbers of electors may be contained in the list of electors.

Just for some information, that kind of data can be obtained through the telephone company today.

MR. SEKULIC: No, it can't, Pat.

MRS. BLACK: You can buy lists through a reverse postal code listing. You can go and draw that out today.

THE ACTING SPEAKER: The hon. Member for Edmonton-Manning is rising on a point of order.

Point of Order Questioning a Member

MR. SEKULIC: Thank you, Mr. Speaker. Respectfully, I'd request of the minister whether she would entertain a question.

MRS. BLACK: Well, I don't mind taking a question, but I'd like to finish my discussion first. Then I will take the question.

Debate Continued

MRS. BLACK: You can obtain that. Where there are private phone numbers that are unlisted, that does not show up, and they don't have to show up on this list. It says: "may be contained." It's unfortunate that the honourable lawyers from the opposite side went on about personal information being disclosed that would be detrimental to particularly the females within the community because that certainly is not the intent of the amendments that are here within this Act. I believe that is wrong.

Also if there's a misuse of elector lists, Mr. Speaker, there is a fine that would be imposed on people that would use those lists inappropriately. I believe the lists have always been made available to candidates, agents, et cetera, at appropriate times by the Chief Electoral Officer, and they have been handled very, very diligently by the electoral officers in all ridings, and I don't think that should be up to question.

One of the hon. members talked about there not being a

sensitivity towards the use of "elector." I was surprised he was a school teacher formerly, but if he had read the original Act, he would have clearly been able to identify that it did refer to a person as opposed to a male or female. It is gender neutral and in fact is a noun which is gender neutral. So I don't believe, in all fairness, that the lawyers did miss that one. I think they recognized that it was not a masculine or feminine form, so I will give them credit for that.

However, I wish they had not missed section 15 of this Act. I think they focused a great deal of attention on something that is not an issue, that seems to have created a lot of hype in it, and I do believe that the penalties involved on the amendments in this Act – clearly it would be detrimental for people to misuse the information coming forward. I would hope that hon. members would support second reading so we can in fact move this Bill forward to committee for further debate by the House.

THE ACTING SPEAKER: The hon. Member for Edmonton-Manning wishes to ask a question.

MR. SEKULIC: Thank you, Mr. Speaker, and I thank the minister for accepting the question. Madam Minister, would you agree or confirm that in fact the only data that's available currently, particularly through the telephone directories, is the surname, perhaps the first name, maybe the initial, the address, and the telephone number of only the individual in the household who has registered the telephone and not all that are eligible to vote?

MRS. BLACK: That is in fact correct, but you can identify that information. But the point is: if it's an unlisted phone number, it will not show up there or on this list because this Bill says the word "may" contain that information. It may not.

SOME HON. MEMBERS: Question.

THE ACTING SPEAKER: The question has been called.
The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Speaker. I thought there would be a more prolonged exchange. I appreciate you recognizing me at this point. I can assure all members of the House that my comments will be brief, but I could not let the opportunity pass at second reading to have it noted my very strong opposition to the sections of this Bill that really formalize in a way that I think is most unbecoming of a government, opportunities for patronage. I know that other members of my caucus have spoken on this point, but I don't think it can be repeated often enough that Albertans expect that their government will deal with them fairly.

Now, recently the Premier of the province has taken it upon himself to start picking winners and losers not just in the business field, as has been his wont in the past, but winners and losers in other ways as well.

THE ACTING SPEAKER: On the principles of the Bill, please.

MR. SAPERS: Mr. Speaker, of course on the principles of the Bill.

If I can reflect for a moment on the current debate surrounding health care funding, you will see that the Premier . . .

MRS. BLACK: Point of order, Mr. Speaker.

THE ACTING SPEAKER: The hon. Minister of Energy is rising on a point of order.

Point of Order Second Reading Debate

MRS. BLACK: Mr. Speaker, I'd refer you to *Beauchesne* 659 and 665. It clearly says:

On the second reading of an amending bill it is the principle of the amending bill, not the principle of the Act, which is the "business under consideration". Debate and proposed amendments must therefore relate exclusively to the principle of the amending bill.

The hon. member is diverting off into an area that is not pertaining to this amendment to the Election Act, and I would ask, Mr. Speaker, that you ask him to focus on the amendment to the Election Act.

THE ACTING SPEAKER: On the point of order.

11:20

MR. SAPERS: Yes. Mr. Speaker, I'm speaking directly on the principle of the Bill, and I won't reiterate the arguments about it being a multiple amending Bill and it's hard to find the exact principle. I'm referring to a section of the Bill that deals with the appointment of enumerators. It's section 20(1), and it goes on to subsection (2)(a) and (b), which talk specifically about opportunities for patronage. I am simply relating these opportunities for patronage by comparing them to this government's penchant for picking winners and losers. In this case it would be winners and losers based on their political affiliation. In other circumstances, even winners and losers.

THE ACTING SPEAKER: With respect to the point of order, I think that the hon. Minister of Energy makes the point that on an amending Bill we must stick to the principles that are being amended, not the whole Bill. The point is that the hon. member was straying far afield, particularly far at 11:20 at night, to get into health care funding and structuring and all this sort of stuff. So please stick to the principles that are being amended.

MR. SAPERS: I will try to enumerate the principles, Mr. Speaker, and of course I respect your ruling, and I hope you have the opportunity to issue many more.

Debate Continued

MR. SAPERS: The principle of this Bill as I see it is one which extends the hand of this government more directly politically into interfering with the electoral process than has perhaps ever been the experience of this province before. It's not good enough for this government to mess up the way that business operates or to mess up the way health care operates, but they want to mess up the way elections operate as well. That should come as no surprise to us, Mr. Speaker, because this is the government that has taken some pride in redrawing electoral boundaries at their whim and in a way which of course suits their purposes. So we shouldn't be surprised that they would introduce into this Assembly a Bill that would specify that by registered letter a registered constituency association within an electoral division will be informed by the government as to the selection of enumerators.

Mr. Speaker, this is I think a distortion of anything that could be considered fair. Bill 43 was introduced as a Bill which was to simply make the process more fair. I believe it was explained as a Bill that would see the process streamlined and that it was being

discussed by the government as a Bill which we shouldn't really pay very much attention to, and I now know why. I think they would like very much for Albertans not to pay much attention to this, except of course those few Albertans who wear little bits of cutlery on their lapels who will benefit directly from this Bill.

AN HON. MEMBER: The fork.

MR. SAPERS: Yeah, you know, the fork, hon. member, the fork-wearers of the province.

Mr. Speaker, given that you have already admonished me for trying to compare this to what I perceive as a pattern of contemptible behaviour on the part of this government, I won't mention again how I believe it relates to their political interference in other things, such as the disparity in health care funding, and I will simply conclude my comments at this time on second reading of Bill 43 by urging all members of this Assembly to do the right thing: vote for fairness; vote against this Bill.

[Motion carried; Bill 43 read a second time]

Bill 44

Motor Vehicle Accident Claims Amendment Act, 1996

[Adjourned debate May 6: Mr. Stelmach]

SOME HON. MEMBERS: Question.

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

MR. DICKSON: Mr. Speaker, before you recognized me, I heard a number of government members indicating that they, too, have questions with respect to this Bill, Bill 44.

MR. SEVERTSON: Do you have all the answers?

MR. DICKSON: Mr. Speaker, I wouldn't presume to have all the answers, but I've got some additional questions. [interjections] This is a pretty quizzical group. We're all apparently stumbling around trying to discern the meaning of the hon. Minister of Justice when he brings forward Bill 44.

Mr. Speaker, let me deal right off the bat with a question of principle, because we've been averaging about four points of order per speaker in terms of relevance and the question of what the principles are. Let me first state that I've read Bill 44 from the first page to the eighth page attempting to determine what the principle of the Bill is.

MR. COLLINGWOOD: Inclusive.

MR. DICKSON: Inclusive.

I've looked through and I see sections amending the notice to the administrator, and there are sections dealing with the process for advancing a claim after judgment, and there are some sections deleted. We have on page 4 some other things deleted dealing with property damage. On page 5 we've got some provisions dealing with what comes out of the general revenue fund or what goes into the general revenue fund. Page 6: I looked for a principle there, and I see some reference to a provision repealed. Page 7: we've got some substitutions, some deletions. On page 9 we've got a proclamation provision. So not only is there no object clause, there's nothing that would come close to setting out

a single principle, never mind a series of principles.

Mr. Speaker, we are dealing with one of those Bills that is a hob-globin of patchwork, ostensibly remedial provisions. There are no objects, there are no principles to this Bill, and I trust that if and when you get those kinds of objections in terms of speaking to the principles, you'll be cognizant of the fact that there are no principles at all in this Bill.

[The Deputy Speaker in the Chair]

Now, since there's no object clause in the Bill and there are no principles in Bill 44 and we're left to sort of deal with the basket of issues and so on, Mr. Speaker, I went back to see what the hon. Minister of Justice had to say when he introduced this in second reading. What was interesting is he said – well, he said a couple of things. His rationale for the Bill is basically one of saving money, and he goes on to say that “the major component is to eliminate property damage claims from coverage under the Act.” That appears on page 1604 from the May 6, 1996, *Hansard*. Then he goes on to talk about why we're going to eliminate property damage claims from coverage under the Act. He talks about estimated savings. He talks about “\$1.4 million on an annualized basis,” but he says that there are so many problems with the motor vehicle accident fund that even if you could recapture the \$1.4 million, “that won't bring us to a zero position in terms of our expenses and income; we're still going to be running a deficit.”

My first thought when I listened to the hon. Minister of Justice make those observations was: are we looking at the entire program? If we've got this kind of hemorrhaging from the provincial Treasury, surely that warrants a more comprehensive review. How can we be losing so much money from a government program? He proposes to come in and sort of patch one hole that he sees, but this is a little bit like a colander. The bottom is pierced full of multiple holes, and it would seem that the minister would come forward and have us patch up or fill in one of the holes in the colander. I'm interested in all of the other leaks. This thing looks more like a sieve to me, Mr. Speaker. Why wouldn't we start out by the minister coming forward and saying, “We've got to review insurance protection on a more general basis, and we're not only going to deal with the uninsured motorist, but we're going to look at the other aspects of motor vehicle insurance.”

11:30

That, then, puts me in mind of the famous or perhaps infamous Black report on no-fault insurance. I don't know whether you were present in the House the other day when I raised this. The Provincial Treasurer immediately snapped his head up so quickly that I think he woke up both members on opposite sides of him, and I think what he said at that point, Mr. Speaker, was that the Black report on insurance reform in fact had been published. The Treasurer went on to assert that it was in the library. Well, I was surprised I'd missed that, because I'd been waiting for it for the last four and a half or five years. I had my researcher go to the library to find the Black report on insurance reform. My researcher, who's an extremely capable young woman with a law degree and a good sense for diligent pursuit, came back to advise me that the Legislature Library had never heard of the Black report on insurance reform. So she then went to the University of Alberta law library, she went to the law library at the Law Courts Building in downtown Edmonton, and then she phoned the Provincial Treasurer's office because she thought it might be in

the departmental library. In none of those places has the infamous Black report on insurance reform surfaced. Why would the Provincial Treasurer tell me and tell the members of this Assembly that we should look at the report that's been published? We've called his office.

Now, the Minister of Energy had authored that report, and what was interesting about it is that after the report on insurance had been done, many of us thought it seemed to have fallen off the table. We know that it was presented to the Conservative caucus perhaps in 1992 or 1993.

MRS. BLACK: A point of order, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader is rising on a point of order.

Point of Order Relevance

MRS. BLACK: *Beauchesne* 659 and 665, Mr. Speaker, again on the principles of the amendment to the Motor Vehicle Accident Claims Act. I did hear the comments from the hon. member, and he's referring to something that is not part of this Act. That report is not part of the Bill, and I would ask him to focus on the amendments to the Motor Vehicle Accident Claims Act, that is being amended here tonight, and not go into something that is not part of Bill 44.

THE DEPUTY SPEAKER: The hon. Member for Calgary-*Buffalo* on the purported point of order.

MR. DICKSON: Mr. Speaker, on the point of order, I regret that the minister didn't hear the comments that I made when I first started speaking, but I'm happy to go through and review those points again. There is no object clause; there is no purpose clause. You can go through each one of the pages in the Bill and we've got a series of changes to the way that insurance coverage applies. While it's true it deals with uninsured motorists, the hon. Minister of Justice surely set the frame of reference for the debate. If one looks at his comments, which appear at page 1604, on May 6, 1996, it was the Minister of Justice who invoked the entire field of auto insurance. He's the one who talked about reform in this area. I took my direction from the hon. Minister of Justice. I thought if that very competent minister felt that this impacted on the field of insurance protection in a general way, then I took some licence from that. I thought I could respond in the same fashion.

It would be a strange thing if one were to follow the logic of the Minister of Energy that somehow the minister introducing the Bill can talk about things, but members of the opposition can only talk about some of those things. I wouldn't expect, Mr. Speaker, that you'd be prepared to countenance that kind of inequality.

On that basis, Mr. Speaker, I'd say that the point of order has no basis, has no foundation, and I'd ask you to rule accordingly.

THE DEPUTY SPEAKER: Well, certainly the hon. Deputy Government House Leader is quite right. *Beauchesne* 665 says:

On the second reading of an amendment bill it is the principle of the amending bill, not the principle of the Act, which is the "business under consideration." Debate and proposed amendments must therefore relate exclusively to the principle of the amending bill.

So then you look to the amending Bill and look for the principle, and I can't find it either. It would seem to me that if one is going

to adhere to that rule, we have to have some principles enunciated in the amending Bill for us to stick to. So that becomes a problem for anybody attempting to debate such a Bill.

MR. HAVELOCK: I'm signing so they understand what you're saying, Mr. Speaker.

THE DEPUTY SPEAKER: I can deal without that.

The issue then is: how can someone debate the Bill if they don't deal with the general part of it? You've moved from one thing to another. I can't see that we can call relevance strictly on that when we've already had the minister who has moved this deal in general terms with it. So in favour of debate I would say that I've not heard sufficient argument to impose 665.

Now, the issue of relevance, then, presumes an intimate knowledge of a Bill, and if the hon. member would cite specifically what was said that is not relevant, then the Chair would be prepared to rule on that. Otherwise, if we haven't anything specific – I mean, just calling relevance is not sufficient. Let's hear what it is that the member is talking about at length that's not relevant. Otherwise, we'll hear from Calgary-*Buffalo*.

The hon. Member for Calgary-*Buffalo*.

Debate Continued

MR. DICKSON: Thanks, Mr. Speaker. Getting back to Bill 44, I thought it was instructive when the hon. Minister of Justice talked about the purpose and the original philosophy of the Bill having to deal with whether there should be coverage through collision coverage available to all insured in the province. I think where I was going was that I understood that the hon. Minister of Energy had chaired a caucus committee that looked generally at not only no-fault insurance but various elements of insurance coverage in the province of Alberta, had done a report which had been torpedoed, absolutely buried, after she took it to her caucus and the cabinet and they determined this was a minefield. I'd like to see a copy of that report. I was saying that I'd asked the hon. Provincial Treasurer about it the other day, and he had insisted that the report has been published. What I was recounting were the steps I had taken and my researcher had taken to find the report.

Now, what's interesting is that we now have the Minister of Energy here, the chairman of that caucus task force that looked at that review of the insurance program, and perhaps she can tell us, Mr. Speaker, what happened to the report, when it was published, and where it's available. It's not available in the Legislature Library, the library of the Treasury Department, the law library in the University of Alberta, the Castell library, the University of Calgary law library, the library at the courthouse in Medicine Hat, the library in the courthouse in Red Deer, the library in the courthouse in downtown Drumheller. Where's the report, Mr. Speaker?

Now, what's interesting is: how could it be that the Provincial Treasurer, whom Albertans are relying on for his veracity and his competence, told me that the report had been published when we have the Minister of Energy here shrugging her shoulders and saying she doesn't know where the report is either? We know the work had been done. As an outsider not able to know what the contents are, my question is: did that comprehensive review of no-fault insurance also address the question of what we do with uninsured motorists? Did we deal with the motor vehicle accident claims fund? Because the Minister of Justice clearly made that connection on May 6, 1996, when he talked about the impact of

this element of that bigger puzzle in that bigger context of insurance coverage. It's difficult to deal with Bill 44 without having the benefit of all of that research that has been done, paid for by Alberta taxpayers, under the chairmanship of the Minister of Energy. She still hasn't signaled me that she's going to send over a copy of the report.

11:40

MRS. BLACK: I don't have one.

MR. DICKSON: The Minister of Energy keeps on insisting that she doesn't have the report. How is it the Provincial Treasurer can say a mere couple of days ago that the report has been published and the author of the report, the chairman of the committee that did the report, says she hasn't seen the report? Well, maybe the Provincial Treasurer should spend some time chatting with his colleague before he makes that kind of representation.

MR. COLLINGWOOD: I wonder why the Treasurer would have said that in the first place.

MR. DICKSON: Well, it's being speculated, Mr. Speaker, in terms of why the Provincial Treasurer would say that sort of thing. Certainly it wouldn't be to mislead me or to mislead any other member. It may be that there are some very embarrassing things in the report that the hon. Provincial Treasurer, to be fair to him, remembers dealing with at some kind of secret meeting of the Conservative caucus members or Conservative cabinet ministers and presumes, as sometimes his colleagues are wont to do, that if they've seen it, they're the only people that have to see it, or if they see it, that's publication to Albertans in general. We'll have time to come back to that. I'm sure the Minister of Energy will have a chance to talk to her colleague the Provincial Treasurer, and maybe between the two of them they'll find out where that missing report is. Maybe we'll be able to identify it. Maybe we can even share it with members in the Assembly here so when we talk about insurance reform, we can have all of the facts on the table and we can ferret out these secret reports that are paid for by taxpayers but never see the light of day.

DR. TAYLOR: We're going to keep you like mushrooms.

MR. DICKSON: Mr. Speaker, this is indeed a psychedelic experience, talking to Bill 44 at 11:45 with the active encouragement of the Conservative members to your immediate left.

Mr. Speaker, there's another concern I've got with Bill 44. What we're talking about is that in a very fundamental way we're going to prejudice a lot of Albertans who no longer are going to have recourse for property damage claims to the motor vehicle accident claims fund. Now, the minister said at page 1604, on May 6, "After passage of this Bill we'll leave a reasonable . . . time before implementation to give people that opportunity to get collision coverage." Well, I'd like to invite the Minister of Justice to step into the real world. If he thinks that a couple of months is going to allow Albertans who have come to believe for a very long time that we had some basic insurance protection which meant that if you're struck by an uninsured motorist, you have some basic coverage, whether it was property damage or a personal injury claim – there was some support there. That was one of those things, like universal access to health care, that we took as being one of those kinds of basic protections Albertans could enjoy.

Now the Minister of Justice wants to eliminate that, and he simply says that he will give us some period of time of notice that the rug is being pulled out from Albertans who may otherwise have a claim against the motor vehicle claims fund. He doesn't tell us how long. What does the minister consider a reasonable time? A month? Six months? A year? Two years? Three years? If he wants support for his Bill, he's got to be an awful lot more specific than that. He's got to come forward and not only make the case for the Bill – and he hasn't done that – but he's got to be able to demonstrate how Albertans are going to be informed that a basic kind of protection they have taken perhaps for granted as one of the virtues, one of attributes of living in this wonderful province is being done away with just like that.

It seems to me that the minister has got to be a lot more specific in terms of the backup plan. I think it's a poor second. I can't support the Bill in principle anyway, but it would have been helpful if he'd particularized that commitment.

How is he going to publicize this fundamental change? How is he going to tell Alberta motorists? A letter to the Alberta Motor Association? Maybe billboards on the Banff-Jasper highway or between Canmore and Banff? Is it going to be a newspaper advertisement? We've seen this government, when they want to, do very extensive media campaigns. We've also seen consultations that have been virtually secret consultations because nobody could find out about them. What model are we going to follow with this fundamental change in Bill 44?

My very real concern with this is that we're going to have damaged vehicles that go unrepaired, because the reality, Mr. Speaker, is that there will be a lot of people who will not have the kind of collision coverage to fill the gap that's created if Bill 44 becomes law. I'm not sure; the minister talked about this potential saving of \$1.4 million without giving any analysis of how that amount has been calculated. I would have thought that to do an adequate analysis, he would have come forward and estimated what the cost is going to be of having vehicles in a poor state of repair, vehicles that have been involved in collisions and not repaired, continuing to operate on Alberta highways. Is there not a cost associated with that? I would think that clearly there is such a cost.

Mr. Speaker, the other concern I've got has to do with moving the claim limits from statute to regulation. Now, this is having to do with PI, or personal injury, claims. [interjection] The Member for Calgary-Shaw likes to pretend he's got no legal training. Maybe that gives him a little easier ride in his caucus, but he has to fess up, as frightening as the prospect may be, that he does have an LLB behind his name and a QC too.

AN HON. MEMBER: He's an active member.

MR. DICKSON: An active member.

THE DEPUTY SPEAKER: On the Bill.

MR. DICKSON: Mr. Speaker, thanks very much. What I wanted to bring to your attention was the provision on page 5. This is section 8(c). This would be the new section 4. So very specifically on the statutory provision, it says:

No payment may be made out of the General Revenue Fund with respect to all claims arising out of one accident that is greater than the amount prescribed by the regulations.

Now, it used to be, Mr. Speaker, that there was a provision in terms of what the maximum amount would be out of the general revenue fund, and it was set out very clearly: different time

periods, different amounts. Just on principle I want to see more material dealt with in the statute rather than in the regulation. For that reason, I think that's a poor provision. It's a step backwards.

Let's deal with it in the statute. If the statute has to be revised and amended from time to time, that's not particularly onerous. That's something that we can readily do. You know, we're working on a miscellaneous statutes amendment Act. The last time I looked at it – it now must be about 48 pages long, and the government keeps on sending more pages. Most of that material we agree with. We've rejected some of those things, but there are some very positive things in there. So there's no argument that if section 8(c) were replaced with a provision that would particularize what the ceilings are and what the thresholds are for claims against the general revenue fund, that would somehow limit the flexibility of government. That just doesn't make sense.

I've run out of time, Mr. Speaker, so I'll leave it to others to carry on. Thanks very much.

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

MR. COLLINGWOOD: Mr. Speaker, thank you. I'm delighted to be entering into debate on Bill 44, the Motor Vehicle Accident Claims Amendment Act, 1996. I appreciate your earlier ruling. I was listening intently once again to a broad amending Bill. With no objects clause and with no purpose clause, it's very difficult to establish precisely what the principle of the Bill is.

11:50

Mr. Speaker, for the benefit of debate I will take the view that the purpose of this particular Bill is to remove from the motor vehicle accident claims fund legislation the ability of Albertans to access the fund for property damage. The essence of all of the amendments contained in Bill 44 is to simply restrict access to the motor vehicle accident claims fund to personal damages and no longer for property damage.

Now, it's very inconsistent, Mr. Speaker, if we are talking about the principle of the Bill. The principle of the Bill is that Albertans are essentially, by virtue of the Motor Vehicle Accident Claims Act, in the same position as they would have been in terms of recovery for damage had it not been for an uninsured motorist or a hit-and-run driver. When Albertans are involved in motor vehicle accidents, insurance companies are generally involved. Litigation is pursued by subrogated claims. Settlements arise or trials occur, and judgment is issued on behalf of the successful plaintiff. Well, if you have an individual who is an uninsured motorist or if you have no idea who your defendant is, what position are you in? The position you're in is that you have the ability and the opportunity to make the claim through the motor vehicle accident claims fund.

Now, it's ironic, Mr. Speaker, that in this particular Bill the government has said: we continue to agree that Albertans ought to be in the same position relative to personal damage, but we no longer agree that Albertans ought to be in the same position with respect to property damage. Well, that's entirely inconsistent. In terms of the principle of having a motor vehicle accident claims fund, how can it have merit for personal injury claims and have no merit for property damage claims? The essence of a motor vehicle accident claims fund is that Albertans are protected through that plan and through that scheme from being victimized by uninsured motorists.

Somehow, Mr. Speaker, according to the Minister of Justice, it makes a difference in principle with the kind of damage that

occurs as to whether or not it's appropriate to access that fund. From my perspective, that makes absolutely no sense whatsoever. It's either appropriate or it's inappropriate, but a motor vehicle accident claims fund cannot be half appropriate and half inappropriate.

So in terms of the principle of the Bill I think the minister's comments have spoken volumes about what the principle of the Bill is. The principle of the Bill is that in the scheme of insurance and protection that we offer Albertans in the province of Alberta, there ought to be the ability to access the fund. But because we're running a deficit and because the issue was money and money only and not the protection of Albertans, you can no longer by virtue of Bill 44 access the motor vehicle accident claims fund for property damage. Entirely inconsistent, Mr. Speaker. The minister cannot have it both ways. It either has to have merit or it doesn't have merit. It can't be half and half.

Now, I think it's important that we recognize that it is in fact the Minister of Justice, as the Minister of Justice and Attorney General, who oversees the Motor Vehicle Administration Act, who administers the Highway Traffic Act and so on, where the laws of the province of Alberta require that a motorist is insured. Who are we dealing with when we talk about the motor vehicle accident claims fund? We're talking about situations that involve uninsured motorists. Those motorists are not to be on the road, Mr. Speaker, because the Minister of Justice has said that those individuals are not to be on the road. We all know that to a very, very large extent there are many uninsured motorists who are on the roads of Alberta today.

That is a deficiency of the Minister of Justice and his department in terms of enforcement. The frequency of these kinds of accidents must be relatively high if the Minister of Justice is telling us that he's running a deficit in the motor vehicle accident claims fund, that he's paying out too much money. Well, if he's paying out too much money, then there must be a whole heck of a lot of uninsured motorists or there must be a whole heck of a lot of hit-and-run accidents that are occurring out there. The responsibility because of that, Mr. Speaker, does not fall to Albertans; the responsibility falls to the Minister of Justice to reduce the number of uninsured motorists on the highways in the province of Alberta.

What the minister has done is that he's simply abdicated his responsibility and said: we are going to pass this cost, the cost of your unfortunate circumstance, on to you personally, and we are not going to take responsibility for that. That is again, as I say, inconsistent with the principle that we deal with, and that is that Albertans should not be any worse off because they've been victimized by uninsured motorists or by hit-and-run drivers.

The essence, Mr. Speaker, of the insurance schemes that we have in the province of Alberta is that we as motorists and we as Albertans who buy and pay for insurance buy and pay for third-party liability. We protect ourselves and our assets from damage that we do to others. That's the essence of an insurance scheme in the province of Alberta. What the amendments to Bill 44 are telling Albertans is that they now have to insure and protect themselves from others. So we've done a complete about-face.

I insure to protect my assets. If I hurt or damage someone, then I am insured for that and protect my assets. Now what I have to do if I'm hit by a hit-and-run driver is I have to go to my insurance company and say: you have to fix my car. What that's going to mean ultimately, Mr. Speaker, is that certainly from the insurance point of view, as my colleague from Calgary-*Buffalo* pointed out, we will have to be informing Albertans that we're

taking a whole new perspective and a whole new paradigm in insurance in the province of Alberta. Now, there's no doubt that the insurance brokers in the province of Alberta will see this as a tremendous opportunity to sell each and every one of us a new rider to our insurance policy so that we can protect ourselves from uninsured motorists or protect ourselves from hit-and-run drivers.

Mr. Speaker, I just have to recount a very quick story. What is interesting is that the day Bill 44 was introduced for first reading in the Legislature, many of the Members of the Legislative Assembly had a dinner function with members of the Insurance Bureau of Canada. I got to talking with the individuals that I was sitting with around the table, and I asked them what they thought of Bill 44. The gentleman that I was sitting with said, "Well, what's Bill 44?" I said, "Well, it's amendments to the motor vehicle accident claims fund." He said, "Oh, I don't know anything about it." So I said, "Well, I'm very happy to send you a copy of the Bill." We've been collaborating about this. I found it somewhat surprising that representatives of the Insurance Bureau of Canada had no knowledge that Bill 44 had been tabled or was coming forward to the Legislative Assembly.

As I say, Mr. Speaker, what it's going to mean is that it's going to mean further opportunities for insurance brokers in the province of Alberta to collect more premiums for yet another aspect or another rider for our insurance policies. I am persuaded by the comments from my colleague from Calgary-Buffalo, who has a concern that vehicle or property damage – and I'm thinking particularly of vehicles that have been damaged by uninsured motorists or by hit-and-run. There will be many vehicles on the roads that those particular drivers will not necessarily fix for a number of reasons. We had debate, Mr. Speaker, in this Assembly, you will recall, with respect to putting motor vehicles that had been declared as write-offs back on the road. Well, there are many older vehicles on the road that are sound vehicles, but because of their age, with even the smallest damage to those vehicles, they are designated as write-offs and can no longer be placed on the road.

Now, I know that in discussions with my constituents we talked about that whole issue. There was some grave concern by my constituents that they were going to be relying on a vehicle that was essentially their lifeblood to their job and so on, a vehicle that, if they took it to get repaired, was going to be declared a write-off and would not be repaired. That legislation has not been proclaimed in force, so we don't have that situation, but I'm obviously concerned for a number of reasons, as my colleague from Calgary-Buffalo is, that vehicles that are damaged and there is no recourse for property damage to the motor vehicle accident claims fund, even though I have a judgment, which is a hollow piece of paper, are unlikely going to be repaired.

12:00

Number one, there will be many motorists in the province of Alberta who will choose not to buy that rider or to pay that premium. If damage occurs to the vehicle, they'll simply live with it rather than pay the cost. We all know, Mr. Speaker, that even if you have a rider like that on your policy, anytime you make a claim against your insurance company, guess what happens to your premium? Up it goes. So now we're going to have Albertans through no fault of their own, whether their car is parked in a parking lot at the Safeway store or whether they are struck by a motorist who passes through a stop sign or a red light, through no fault to that particular Albertan who is minding his own business traveling on our highways, they are now going to have property damage to their vehicles as a result, and by virtue

of being a victim they'll end up paying more premiums because they'll have had to make a claim to their insurance company for repair of that property damage.

That's the kind of thing, Mr. Speaker, at least from my perspective when I'm dealing with my constituents, that makes people very, very angry, when they're victimized and it's costly to them. They believe, as do all Albertans at this point in time, that there is recourse to the motor vehicle accident claims fund. It will now be up to the Minister of Justice to come forward and say: "Well, that used to be the way it was, but that's not going to be the way it is anymore. I'm sorry, Mr. and Mrs. Albertan, that's just your tough luck now at this point in time."

Mr. Speaker, I think the minister, as I've said, can't have it both ways. I'm not prepared to support Bill 44, where the minister does make an attempt to have his cake and eat it too. The motor vehicle accident claims fund scheme is either substantive, either has merit, or it doesn't have merit. My view is that in the kind of insurance scheme that we have in the province of Alberta, the motor vehicle accident claims fund does have merit, and I think the program has to remain intact.

That is not to say, Mr. Speaker, that there may not be problems in the administration of that fund; nonetheless, that is the responsibility of the Minister of Justice to look at to find ways to make the operation and the application of that fund more efficient. We have heard on many occasions from many constituents that there is a tremendous amount of inconsistency in the way the fund is applied and in the way clients of the motor vehicle accident claims fund are dealt with. That is an important and serious issue. It is the responsibility of the Minister of Justice to deal with that, to find much greater certainty in the application of the fund and in dealing with Albertans who make a claim to that fund. But that's far different than what we're dealing with in this Bill, where the minister's solution is to simply eliminate it, wash his hands of it, and then pretend that there's no problem anymore with that fund.

As my colleague from Calgary-Buffalo indicated, the minister was not clear in tabling and introducing for second reading Bill 44 whether or not the deficit he spoke of was just in relation to the property damage component of the fund or whether it was in relation to the entire fund. Until the Minister of Justice is prepared to come forward and give a greater explanation as to the reasons for the deficit, what component of that is the property damage, what component of that is the personal injury damage, what component of that is uninsured motorists, what component of that is hit-and-run drivers where the defendant is unknown to the plaintiff – some kind of breakdown that is obviously relevant and is obviously important to this particular debate so that we can have a better sense and an understanding of why the minister has decided to take the route he's taking where he simply eliminates the property damage component from this particular fund.

Those are the kinds of things the minister has to do in terms of Bill 44. The kinds of things the minister has to do with respect to the administration of the fund is to clean it up, make it clear, make it consistent, make it work appropriately for the people of Alberta. That is his challenge outside of Bill 44. His challenge within Bill 44 is to give a much greater explanation as to why he thinks he can have it both ways, that he can have his cake and eat it too.

Mr. Speaker, with those comments I'm obviously indicating to my colleagues and members of the Assembly that at this point I'm not prepared to support Bill 44, and we will want to hear further from the Minister of Justice about his explanation on bringing Bill 44 forward to eliminate the property side of the motor vehicle accident claims fund.

THE DEPUTY SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. A few brief comments on Bill 44, the Motor Vehicle Accident Claims Amendment Act, 1996. I will speak against the Bill, and I'll speak against the Bill from a practical viewpoint. Now, as I listened to the member speak, the rationale as provided by the Justice minister was that it was to save \$1.4 million. Perhaps a saving of \$1.4 million is laudable, but I would suggest that there's a bit of a false economy here, and I'll use an example to illustrate why I would make that statement.

[Mr. Clegg in the Chair]

I know a young man who was a former neighbour of mine in Leduc that happened to be riding his bicycle down a highway when he was struck by a driver doing some 115 kilometres per hour. Now, this driver left the scene, of course, and it was only through the good fortune of the young man who was hit and left in essence to die that a farmer heard the brakes just prior to the collision and went into the darkness of the night to investigate. On investigation he found a shoe and ultimately he found a young Warren lying in the ditch in a very critically injured way. Of course, when you get schmucked at 115K, serious injury is a natural result of that, and this young man still struggles today as a result of some of that brain trauma. Now, I don't want to be tracked, but I think that you have to follow me through on this story, Mr. Speaker.

Of course, the young man who was injured, Warren, sought recourse through the courts. The offending driver initially, it would appear, had insurance. However, the insurance he carried on his car, which was registered in his mother's name, was also in his mother's name. The insurance company, as they will in these matters, decided that he wasn't a principal driver, and as a consequence they disqualified his insurance. So young Warren, of course, at that particular point, in conjunction with his lawyers, realized that a lawsuit was not going to provide anything in the way of a financial gain so that he might put his life back in order – because the young man who hit him certainly didn't have any assets and wasn't employed – and had no choice but to actually look for redress from the unsatisfied judgment fund.

Now, when that decision was finally awarded, young Warren was actually successful in securing a \$200,000 payment from the unsatisfied judgment fund. This is where I say the false economy comes in, Mr. Speaker, because that \$200,000 enabled this young man to put himself back into a productive state through education and through having the ability to pay just to live from day to day while he recovered from that brain trauma. He still struggles with that today, but had he not been able to secure any funds whatsoever from that particular accident, he would have fallen into the care of the state, and at that particular point we would be into diminishing returns.

I suggest that the Minister of Justice had in this particular case looked at the situation and not taken the entire situation into effect, because in cases like the young man that I spoke of, certainly those dollars that came from the unsatisfied judgment fund enabled him to retrain, enabled him to live, enabled him to heal, and enabled him to become a productive individual and not a drain upon society.

12:10

When we look at the unsatisfied judgment fund, most in the Assembly would be aware that it is financed through fees levied on the purchase of or the renewal of drivers' licences. I can

relate, Mr. Speaker, that when I renewed my driver's licence this spring – previously, I believe, in 1995 I paid \$32; this year I paid \$44, so there's over a 30 percent increase in the fees of drivers' licences in the province of Alberta. The unsatisfied judgment fund, I would suggest, is a sound fund, and some of the 30 percent increase in the licences should have been dedicated, perhaps an increased amount, to the unsatisfied judgment fund.

We have in this example that I provided to you an innocent individual that had his life ripped apart and changed forever. If it had not been for that unsatisfied judgment fund, he would really have had no opportunity to come back as a productive individual, he would have had no opportunity to perhaps put away a few dollars for his future if in fact his health were to deteriorate.

So I would suggest that the fund is a sound fund. It has been funded by Albertans generally throughout for the common good of Albertans who are innocent individuals that are involved in a hit and run or in fact can't hold anybody responsible or can't force anybody to make financial retribution for damage that they themselves received or their property received.

We have all probably been aware of individuals that have had their car hit. I know I certainly experienced that with one car I was driving; there was some \$1,400 damage done to it as it sat in a parking lot. Now, I was an innocent victim in that particular situation as well, and ultimately I was awarded funds from the unsatisfied judgment fund to repair that particular car. I would say that when we look at some of the benefits of some of the programs that governments provide, this is a good one.

It's not unlike me, Mr. Speaker, who has no children in the education system today, paying education tax. You do that because it's for the betterment of all of society. I would suggest that the unsatisfied judgment fund has served a very useful purpose. It's not a fund that's been abused in the past. It's not a fund that you can easily access dollars from simply because you have been involved in an accident where you're an innocent victim. It has served Albertans well. It is, as far as I can determine, a fund that has a dedicated revenue coming in that you and I and all members in this House pay for, and we pay for it quite willingly, as we know that in fact it will bring some satisfaction and some productivity back to people's lives.

Mr. Speaker, I would speak against the Bill. The \$1.4 million, as I indicated in my opening comments, perhaps might be laudable in principle, but I think we lose sight of how much that is positive this unsatisfied judgment fund actually achieves. It's not simply a case of having your bent fender banged out at the expense of the government. In a lot of cases, such as the one that I gave you, it's a case where you can take an individual and ensure that he's productive as a result of payment from that fund. If the perpetrator of the accident that ran over young Warren had insurance, then certainly that's where the costs rightly belong. I would suggest that he would have received a lot more and been a lot more comfortable in his life as he moves on in years, because he will have some difficulties I'm sure.

So with those brief comments, Mr. Speaker, I would ask all members to give thought to that fund, and whether it really is that much of a success or that much of a savings. When we look at it on paper, the \$1.4 million, perhaps that looks like a tremendous amount, but there are other sides to that particular fund, and you can't lose sight of those other sides. If it's not being properly managed or in fact if there's not enough revenue in there, as I indicated, the 30 percent increase in drivers' licences last year would make up part of that.

I heard the hon. Member for Sherwood Park indicate that

enforcement is another area that could be improved upon. When I look at the legislation that we passed in this House in the last 18 months, there is a considerable increase in the fine for driving without insurance. I would suggest, Mr. Speaker, that that new legislation has not had a chance to work itself through the system, and if we give it a chance to work through the system, we may find that there isn't the deficit the Justice minister has spoken to or identified.

Mr. Speaker, I see lots of room to improve the unsatisfied judgment fund, which this Bill dismantles. There's lots of room to improve that fund and make sure that it works for the benefit of all Albertans. They say it's not a fund that is abused. More often than not you have to have a lawyer involved somewhere along the line to secure funds from that. It's not a fund that has served Albertans badly, and I would suggest that with the proper enforcement and perhaps by rededicating some of the increased fees this government has brought to Albertans, it can continue to remain a very viable fund and it can continue to serve Albertans as it should.

Thank you.

THE ACTING SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you. I would just like to go on record as opposing Bill 44, and as usual, I will be the essence of brevity as I make a few remarks. [interjections] Mr. Speaker, could you maintain a little order perhaps here so that I can state my piece. Thank you.

Mr. Speaker, it's very clear that the guiding spirit behind this Bill has been the notion: how can we once again nail those unsuspecting, normal, ordinary Albertans? I've really done some digging here in order to isolate the principle. The only constant principle we've seen from this government is that of making sure that any fee known to man or woman is going to be raised. Now, I think members on this side of the House have done their best with the scarce resources that are available to them in the way of researchers. Nevertheless, they have isolated some 284 fees and premiums that have suffered from that particular guiding principle.

Now, most prominent of course amongst those fees that got hit, so to speak, was about a 50 percent increase in health care premiums. Those are the things that everybody needs, everybody has to pay into, that look like a tax, smell like a tax, hurt like a tax, et cetera, et cetera. But it is not a tax, says this government. Nevertheless, it hurts like one. We've seen increases in fees that you pay when you want to get your licence to be able to drive a car, when you get married. We've seen that. Almost every activity of man and woman is affected by these fee increases. If we have kids – first, maybe I should start by if we get married. Our marriage licence has increased. Just going to a church and getting yourself married in the church I've been told already costs considerably more than it used to in the olden days when I got married. They almost paid us to get married. Then after that, to have a child and have your child registered has suffered an increase once again. Mr. Speaker, to just simply go to a park costs more, to camp costs more; I think to get firewood. Every activity known to man and woman, as I said. The only thing that has not yet suffered that fate I think is mating and dating. There's no fee on these yet levied, but I'm sure I've heard that this is being pondered within the confines of the government.

MRS. McCLELLAN: Mr. Speaker, a point of order.

12:20

THE ACTING SPEAKER: The hon. Minister of Health.

Point of Order Relevance

MRS. McCLELLAN: I would use, I think, 659 in *Beauchesne*. This is very entertaining. I will admit that the hour is probably appropriate for bedtime stories and one's meanderings, but I really would like to take the time that we have here to debate this Bill, and I would just ask that the hon. member return to the Bill so that we can listen carefully to his very constructive comments on this very important issue.

THE ACTING SPEAKER: Would you like to try and defend yourself, hon. Member for West Yellowhead?

MR. VAN BINSBERGEN: Mr. Speaker, am I not allowed to defend myself against this allegation? I am deeply hurt by that false allegation. I'm irked. I'm rankled. After enormous deliberation . . .

THE ACTING SPEAKER: You're going to be a lot more irked if you don't get on the Bill. The fact is that you're into firewood and everything except what's in the Bill. Now, if you don't get on to the principle of the Bill, you will lose your turn immediately.

MR. VAN BINSBERGEN: Mr. Speaker, I was just hitting my stride in defence against this dastardly point of order here. Nevertheless, I'll try to find my space again and get my mind out of the firewood.

Debate Continued

MR. VAN BINSBERGEN: The point of it, Mr. Speaker: Bill 44 singles out one group of Albertans. It is that group that is unfortunate enough to incur property damage in a vehicle accident if and when the perpetrator of that accident, if I can call it that, does not have any insurance. In that particular case that group of Albertans, that small core of victims that is victimized like that by this Bill, ends up, if they're unlucky enough to have insurance, either facing an increase in their premium or, if they're not lucky enough, not wealthy enough to have collision insurance, then they're – I was going to say SOL, but I can't use that in this Chamber – they are totally out of luck. They're toast. That is the main reason – what it does is tilt that much vaunted playing field that this government always brags and boasts about. It tilts it unfairly against that group of victims, and I object to that. Therefore, I will oppose it with all my might.

Thank you.

AN HON. MEMBER: St. Albert.

THE ACTING SPEAKER: Yes, I know that, sir. The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. Sometimes you call it Saint Albert in French. Thank you. It's a privilege to get up and speak to Bill 44, the Motor Vehicle Accident Claims Amendment Act, 1996.

MR. KOWALSKI: It's 12:25; don't forget that.

MR. BRACKO: It's 12:25? Thank you. The Member for Barrhead-Westlock and future Premier has informed me – anyway we have 20 minutes to speak to this Bill. Again, it's a simple principle, one that we've been describing all night. The constituents who are upset by having to be victims of violence through accidents through vehicles or some other means – it could be a horse or something running through the house, a deer or a moose; that happens.

MR. KOWALSKI: Only cars.

MR. BRACKO: Oh, cars only? Okay. Motor vehicles. So I will withdraw those statements about animals, about moose going through windows. I got carried away. It must be the lateness of the hour.

AN HON. MEMBER: What about horse and buggies?

MR. BRACKO: But I did see a program about the horse and buggy in one of the towns in the states where they are not allowing them to be in the town and it cost a fortune.

Getting back to the Bill here, we can see that many vehicles are stolen by young adults, not always young but others, and they go joyriding. In some places it's the thing to do on a Friday or Saturday night. I know that in the part of Edmonton where I lived when I was a teenager, there were over a hundred cars stolen on a weekend. There used to be competitions between different groups, and of course they used to speed. Sometimes they would damage the vehicles.

Again, we're talking here about where property is not protected, as it used to be in the old Act. It's important that we look at this carefully, that we see what the consequences will be. Many times it's those who cannot afford it that get hit. They're the ones that will suffer. It's not only them but their children too. Of course, our most valuable resource, our children: we want to give them the best advantage possible. So we need to make sure that there's fairness, that we continue with the way it has been in the past and not penalize the victims, the victims, again, of property damage. This could happen of course anywhere in the province. So with this, it's important that we look at removing that part from it, and that there's a fairness to all Albertans, that it does not occur in this Act. Again, they are penalized in two ways: property damage; and if they have a high deductible, it may cost them \$2,000, \$5,000, \$10,000, depending on their deductible. That can be a fortune for some, because in the first place they probably got that type of insurance because they could not afford a better insurance with a lower deductible because it was too costly. So you can see that it would be very unfair to these constituents, to Albertans of course.

With that, I will take my place and fight against this Bill, fight for fairness, fight for Albertans. Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. I was reviewing all of the *Hansard* debate for Bill 44 up until this point, and I've been listening attentively to all of the arguments. I'm left with one question. When it comes to removing the support for the unsatisfied judgment fund, in fact when it comes to the whole

intent behind this Bill, I'm just left wondering who it is that asked for it. Who wanted this change? Who is it that came to the government and demanded that this protection be taken away from the people of the province? Who was it that came to the Minister of Justice, who introduced the Bill at second reading, and said: "We don't want this anymore. We don't think that it's necessary."?

Mr. Speaker, I haven't been able to find anybody who asked for it. I recall going to a banquet put together by the political action wing of the Insurance Bureau and had a wonderful discussion with representatives of the insurance industry. At the particular table I was sitting, they were almost all representing independent brokers. Some of them were company agents. They all sold automobile policies. I asked them. Not one of them had said, "Yes, this is a Bill that the industry wants." Not one of them said, "This is something that our customers have come to us in droves and demanded." Not one of them. So I can't help but wonder: who is it that came to the government and said, "We don't want this anymore; we don't want this."?

Now, the Minister of Justice says: well, the reason we have to do this is because it will save us \$1.4 million. Now, I have a couple of comments about that. Number one, I'm not sure that \$1.4 million pays the interest on a monthly basis on the money that was wasted on Bovar. Now, I'm not sure that that \$1.4 million represents in fact a true savings, because what this government forgets in their very high-handed, autocratic way is that it's not their money. It's Albertans' money. They're not talking about saving the government money. They should be talking about what is going to be in the best interests of Albertans, Mr. Speaker.

12:30

This \$1.4 million that the government says it can save – and Lord only knows what they would rather spend it on – is not going to be saved at all. It's going to come directly out of the pockets of those hardworking Albertans that have given the money to the government in the first place, that have entrusted this government to make wise decisions with their money in the first place. This \$1.4 million is going to be passed along directly to those hardworking Albertans, many of whom have to have automobile insurance even to earn a living, all of those people that drive and require automobile insurance to earn a living.

How is it going to be passed along? It's not going to be passed along in a way that will represent any kind of fairness. It's not going to be passed along in a way that you could say equates to any kind of social justice. It's going to be passed along in one of the most regressive forms possible. It's going to be passed along in the form of increased car insurance premiums, premiums that are going to go up because of this government's insensitivity to the needs of working Albertans. These premiums are going to go up because claims are going to go up, and we all know that insurance companies like to do one thing: they like to make a profit. How do insurance companies make a profit? They make a profit by making sure they collect more in premiums than goes out in claims. There's nothing wrong with that. [interjections] Were you going to make an intervention about Bow Valley, Mr. Speaker? Because I could wait. All right, then.

The fact that these insurance companies make a profit isn't the issue. It's that the government is somehow complicit in their making this profit because they want to save a couple of dollars on a fund that most Albertans would otherwise support. So, Mr. Speaker, the fact that insurance companies are going to have to raise their premiums becomes doubly offensive – doubly offensive

– because of what this government has done on another Bill. Before the Minister of Health or somebody else rises under 459, I'm not going to stay on this point for long, Mr. Speaker, but it does make sense to remind this Assembly that we have debated Bill 15. Now, Bill 15 is also going to have the net effect, by the government's own admission, of raising car insurance premiums. The Insurance Bureau estimates that it could be anywhere between \$5 and \$9, I think it was, on everybody's automobile insurance premium. This is also a form of a hidden tax. It's taxation, and again, it's regressive taxation. It's the worst kind because we don't even have a choice. Those Albertans who drive for a living and must be insured don't even have a choice.

So here we have a government that says that it wants to come to the assistance of – what does the Premier say? Is it severely normal Albertans? Of course, that's a shrinking number of Albertans, because it's not those Albertans who support the United Way, obviously, and it's not those Albertans who support multiculturalism, and it's not those Albertans who support heritage languages or the chamber of commerce; it's just some severely normal Albertans who the Premier, I guess, has sitting around his kitchen table or kitchen cabinet or whatever it is he has them sitting around, who talk about, “Well, I guess we don't really care about how much car insurance premiums go up.”

I care about how much car insurance premiums go up, and my constituents care about how much car insurance premiums go up. Mr. Speaker, why is it that this government not once but twice in this session of the Legislature raises car insurance premiums?

THE ACTING SPEAKER: The hon. Member for Calgary-Egmont on a point of order.

Point of Order Imputing Motives

MR. HERARD: Yes, Mr. Speaker, under Standing Order 23(i): “imputes false or unavowed motives to another member.” Now, when you're speaking collectively it's one thing, but when you start putting unavowed motives to our Premier, then that is against the rules, sir.

THE ACTING SPEAKER: On the point of order.

MR. SAPERS: Well, was there one, Mr. Speaker? I'm not sure which words the hon. member takes offence to on behalf of the hon. Premier.

MRS. McCLELLAN: Almost all of them.

MR. SAPERS: Almost all of them, the Minister of Health advises. That, I suppose, is a matter of debate; isn't it, Mr. Speaker?

THE ACTING SPEAKER: Well, you know, hon. Member for Edmonton-Glenora, you are again really getting away from the principle of the Bill when you start making those kinds of comments. It's very, very good that you would show examples of why this Bill shouldn't be passed. That's fine. That's fair debate. But when you get to talking about the Premier sitting around the kitchen table, what has that really got to do with the Bill? Get on the Bill and stay there, hon. member.

MRS. BURGNER: If you can't stand the heat, get out of the kitchen.

MR. SAPERS: Mr. Speaker, I'll ignore that from Calgary-Currie. I hope *Hansard* got it, but I'll ignore it.

I was trying to make the point that somebody must have come to the Premier and convinced him that Albertans want their car insurance premiums to go up. I know it didn't happen through the Insurance Bureau, and I know it hasn't happened in debate in the Legislature, so I was just speculating that it was happening when he meets around his kitchen table or kitchen cabinet or whatever. If the Premier is offended by those words, then, Mr. Speaker, I'm sorry. I'm sure the Premier will express his displeasure to me when we next have a chance to talk.

Debate Continued

MR. SAPERS: Mr. Speaker, the fact is that we don't know how much car insurance premiums are going to go up as a result of Bill 44, but we can rest assured that they will.

Now, I want to make a couple of other comments. The impact that this Bill will have on hardworking, taxpaying Albertans. Mr. Speaker, I want to give one example, a potential of how this Bill might affect a normal Albertan. Let's say it's a senior Albertan who's living on a fixed income but in spite of this government's attack on seniors' benefits has been able to maintain their ownership of their own personal vehicle. Now, let's say it's a vehicle that's a good 10 or 12 years old, but they've been able to scrape together enough money out of their decreased support that they've been able to keep that vehicle on the road and in relatively good operating condition. Then let's say that one of the young offenders that the government members like to talk about so much happens to steal another vehicle. He steals a vehicle – it's known to happen in Alberta from time to time – takes that stolen car joyriding, smashes into this senior's car parked innocently on a street corner, and causes significant damage to it.

Now, if the senior in question had just enough money to keep that car on the road but didn't have enough money to pay for the collision portion of her insurance – and chances are the reason she couldn't afford the collision portion of her insurance is as a result of Bill 15, where her car insurance premiums went up beyond her ability to pay for them – then this senior will now be denied the use of her vehicle. Why? Because the government has taken away the protection for this hardworking senior Albertan by passing this Bill. Now, that would be unacceptable, and I'm sure that's not the government's intent. In fact, I see the Minister of Health agreeing with me, shaking her head – nodding, in fact – that this would be a horrible consequence of the passage of this Bill, Mr. Speaker. Given so, it is obvious that when this Bill was brought forward, it was brought forward in a cavalier and thoughtless manner, not the way you would expect a minister of the Crown to bring forward legislation.

If the Minister of Justice really believed that this was a Bill that would be supported, I'm surprised he didn't commission a poll on it. I recall that when the Minister of Justice was looking for support for one of his ideas, he commissioned a poll. That was on gun control; wasn't it?

AN HON. MEMBER: It was on federal issues.

MR. SAPERS: Oh, it was only on federal issues. That's right, Mr. Speaker. The Minister of Justice only surveys Albertans on federal issues.

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

THE ACTING SPEAKER: A point of order by the hon. Government House Leader.

**Point of Order
Relevance**

MR. DAY: I would suggest clearly on relevance. Taking polls has nothing to do with this particular Bill. If he could bring the remarks and address them to the Bill, Mr. Speaker. [interjection]

THE ACTING SPEAKER: Hon. Member for Calgary-Buffalo, I don't think he needs any more suggestions. He's got plenty of his own.

Hon. Member for Edmonton-Glenora.

12:40

MR. SAPERS: Simply consulting with counsel, Mr. Speaker.

THE ACTING SPEAKER: On the point of order.

MR. SAPERS: On the point of order. The point is that if the Government House Leader was paying attention to the earlier part of debate, he would have realized that I began my comments with wondering out loud: who was it that asked for this Bill? My conclusion is: nobody. Mr. Speaker, I'm convinced that in fact the Minister of Justice didn't even ask. Hence, I'm suggesting that if he had done a poll, we would know. So I can't understand the Government House Leader's point of order, and I daresay that he doesn't have one.

THE ACTING SPEAKER: Well, he has a slight point of order, obviously. You know, hon. Member for Edmonton-Glenora, you were quite good for about three minutes there, and then you totally started off on another path away from the Bill. You know, taking polls is not really part of this Bill. Now, that might be a suggestion that you're giving to the House, that polls should be taken on everything, but that's not in the Bill. So do stick with the Bill.

MR. SAPERS: Mr. Speaker, I appreciate your guidance in bringing me back on track there.

Debate Continued

MR. SAPERS: You know, the Minister of Justice really introduced this whole line of reasoning because of the comments that he made when he introduced the Bill. Those comments suggested, of course, that this was going to be of benefit to the people of the province. I guess I'm trying to establish at this second reading stage that it won't be, can't be, will not be, and should not be passed. But enough about the speculation about what may or may not be found in a poll, because again I'll remind the Assembly that the Minister of Justice surveys Albertans only on issues outside of his jurisdiction.

Let me move on to another difficulty I have with Bill 44. That's section 31(2), I guess, of the existing Motor Vehicle Accident Claims Act. I'm trying to be specific to the Bill just to forestall another interruption. This is section 11 of the amending Bill, and it's the section, of course, that deals with regulations. Mr. Speaker, the regulations amongst other things list by regulation the limits on payments.

Now, the Assembly has enjoyed several times several excellent and, I would say, eloquent speeches made by members of the Official Opposition respecting our concerns about this government's tendency to regulate rather than legislate. We have all

heard so many times the arguments that would compel the Assembly to refer regulations, once they are deemed to be appropriate, to the Standing Committee on Law and Regulations chaired so ably – well, of course, we don't know that because it never meets – but chaired in any case by the Member for Calgary-Shaw.

Now, I'm tempted to enter into all of those points of discussion again, but it is late, and I'm sure that the members can refresh their memories by referring to *Hansard* on any of a number of the government Bills where the government has refused to do the right thing and be fair to Albertans and have their true legislative and regulatory agenda exposed to the light of day. They'd much rather keep it behind closed doors and do it all by order in council.

So I won't rehash those arguments, but I will ask why it is that even on something where there can be no disagreement – and that is something as significant as the portion of the legislation which would prescribe the limitations on payments – why that can't be in law, why that can't be legislated, why that can't be something that would be fair and reasonable for us to debate on the floor of this Legislature, to do the kind of work that our constituents expect us to do, to be able to look our constituents in the eye and say: "That's right. This is what we decided to do, and it was on purpose, and it was based on sound judgment." Why would you not want to do that? You know, we can't do that now, Mr. Speaker. We all have to sort of avoid the question.

When my constituents, the people of Edmonton-Glenora, come to me now and say, "Why are these limitations there," you know what I'm going to have to say to them? And this is really going to disturb me, Mr. Speaker. I'm going to have to say, "You know, it's because the Premier wanted to keep it a secret." The Premier, who says that he's open and accountable, wanted to keep it a secret. Now, Mr. Speaker, that is just a shame. That is just a shame. I know that the Premier can't be happy with that.

So why would this government continue down this path of regulating in secret what should be legislated in public? You know, Mr. Speaker, this Bill is such a prime example of how this government approaches legislation and in fact how this government approaches the whole legislative process. I would say that it's an example because it demonstrates the contempt, really, for that process and for the openness that I think most Albertans would expect to be evidenced by their government.

Mr. Speaker, when you go through this Bill and make a list of the merits and the demerits and look at the pros and the cons, you say: who asked for it? What good will it do? What will it cost? Will it really save money? Is there harm that'll be done to the people of this province? Is it something that is fair? Is it reasonable? Is it done in the light of day? If you can answer all of those questions in the negative and you know it's a bad deal and you know that it's bad legislation, then how can you ever support it? Well, you can't; you simply can't.

It doesn't matter whether it's a quarter to 1 in the afternoon or a quarter to 1 in the morning; anytime that it's necessary, members of this caucus will stand tall and will defend the rights of the really ordinary Albertans out there, the ones who do support the United Way and multiculturalism and heritage languages, all of those Albertans who don't want to see their car insurance being raised, who don't want to be treated with a lack of fairness and respect. They don't want this Bill to pass, and neither do I.

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

MR. SEKULIC: Thank you, Mr. Speaker.

MR. McFARLAND: Your wife just phoned, Peter.

MR. SEKULIC: There's a beeper here. The hon. Member for Little Bow is fully aware that I'm expecting my wife to have our next child at any moment now. So if I'm interrupted by a beeper, you'll know. I will adjourn debate.

MR. SAPERS: Peter, is it true that she hasn't delivered yet but that she's already been discharged?

MR. SEKULIC: The hon. Member for Edmonton-Glenora, Mr. Speaker, raises a good question. He asked whether it's true that my wife hasn't delivered yet but has been discharged already. Very clever.

Nonetheless, in speaking to Bill 44 – and I do have an intention of keeping it concise, Mr. Speaker, so hopefully without interruption I will. In speaking to the principle of Bill 44, the Motor Vehicle Accident Claims Amendment Act, I would be remiss if I didn't stand to speak in opposition to this Bill on behalf of my constituents. The reason is that the principle of this Bill is to eliminate property damage coverage. Thus, if the vehicle of one of my constituents is hit by a hit-and-run driver or by an uninsured driver, my constituent in Edmonton-Manning can no longer apply to the fund for compensation for the amount of the property damage incurred. I think I would have a bit of difficulty in trying to understand how every member of this Assembly, regardless of which constituency they represent, wouldn't stand in defence of their constituents.

Just leaving the Legislature the other day after a vote, my vehicle was hit by a motorist who wasn't insured. [interjection] I'm insured, Mr. Speaker; it's the individual who hit me that isn't insured. So now I'm seeing some of the potential difficulty individuals can run into – no pun intended – if they do have an accident with an uninsured motorist.

12:50

As stated by my colleagues before me, the question has to be asked: what is the motivation for bringing this Bill forward? I can't see any reasoning. This is just simply the second reading of this Bill. I anticipate that the government at the Committee of the Whole stage will come forward and describe which stakeholders came to them and requested that these amendments be introduced, because I am to this date unaware of any Albertan who would have asked for this type of amendment to be introduced in this Assembly.

Mr. Speaker, with those few comments, I would encourage all members to act responsibly on behalf of their constituents and vote against this Bill at second reading.

THE ACTING SPEAKER: Before I call the question, there are a couple of members in the House that have their feet on the desk, which is totally against the House rules.

[Motion carried; Bill 44 read a second time]

MRS. BLACK: Mr. Speaker, it's been a very interesting evening.

[At 12:53 a.m. on Thursday the Assembly adjourned to 1:30 p.m.]