

Legislative Assembly of Alberta

Title: Tuesday, May 21, 1996 1:30 p.m.
Date: 96/05/21
 [The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

Our Father, we thank You for Your abundant blessings to our province and ourselves.

We ask You to ensure to us Your guidance and the will to follow it.

Amen.

Please be seated.

head: **Notices of Motions**

MR. DAY: Mr. Speaker, pursuant to Standing Order 34(2)(a) I'm giving notice that tomorrow I will move that written questions stand and retain their places.

I also give notice that I will move that motions for returns appearing on the Order Paper stand and retain their places with the exception of 195, 196, 197, 198, and 202.

head: **Introduction of Bills**

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

Bill 45 Miscellaneous Statutes Amendment Act, 1996

MR. EVANS: Thank you Mr. Speaker. I request leave to introduce Bill 45, the Miscellaneous Statutes Amendment Act, 1996.

[Leave granted; Bill 45 read a first time]

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. Member for Grande Prairie-Wapiti.

MR. JACQUES: Thanks, Mr. Speaker. I'd like to file four copies of a letter dated May 17 from the hon. Member for Calgary-Buffalo to myself.

THE SPEAKER: The hon. Minister of Community Development.

MR. MAR: Thank you, Mr. Speaker. I'd like to table a letter to JoAnne James, producer of the Calgary International Children's Festival, on the occasion of their 10th anniversary. This educational festival enriches the lives of our children through the performing arts of many different countries and cultures. On behalf of the government of Alberta a very happy 10th anniversary and best wishes for a successful year.

MR. MITCHELL: Mr. Speaker, I'd like to table four copies of a form called form 27, which is required when a company makes material changes under the Securities Commission regulations in Ontario. It is a form that's been submitted on November 30, 1995, by Trac Industries, which is the major owner of Hotel de

Health, and outlines that Trac Industries in fact is establishing a two-tiered, Americanized health care system in Alberta.

Mr. Speaker, I have a fifth copy where I've highlighted the sections which reveal very clearly what in fact Hotel de Health is about. I'm asking the page to take that copy directly to the Minister of Health so that perhaps for the first time she'll actually admit that she's seen a proposal from Hotel de Health.

head: **Introduction of Guests**

MR. JONSON: Mr. Speaker, it's my pleasure today to introduce to you and through you to members of the Assembly 20 students from the Ermineskin elementary and junior high school located in my constituency. They are accompanied by teachers and group leaders Mrs. Shirley Mikalson, Mr. Scott Shimp, and Mr. Gerald Paskemin. They're seated in the members' gallery. I would like to welcome them to the Assembly and ask them to stand and receive the traditional warm welcome of the Assembly.

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

MR. ADY: Thank you, Mr. Speaker. It is with pleasure that I introduce to you and to members of the Assembly a group of physicians from Ukraine participating in a medical project, Osvita, a postgraduate training program. This is the sixth group of Ukrainian physicians who have studied in Canada under the auspices of Osvita, bringing the total number of participants to 58.

The mission of the project is to enhance the training of Ukrainian physicians in order to improve health care for mothers and children in Ukraine. Osvita is an extension of Chernobyl's children's project, which was initiated in 1992. The medical education program operates under the Faculty of Medicine and Oral Health Sciences at the University of Alberta and is funded by the government of Canada.

I would ask these physicians to please stand as I call their names: Dr. Galina Guivan, Dr. Svitlana Komar, Dr. Olga Kostyuk, Dr. Ihor Livshuts, Dr. Volodymyr Podilski, Dr. Tatyana Vihovska. Also accompanying these physicians are Dr. Ehor Gauk, chairman of the medical project Osvita and director of Osvita's pediatric program, and Ms Larissa Talpash, executive administrator of the medical project Osvita. I'd ask all those I've named to please stand and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. It gives me a great deal of pleasure to introduce to you and through you to members of the Assembly Frank and Wilma Mole from Cheltenham, Ontario. They're in the province to experience firsthand the Alberta advantage. I would ask that they rise and receive the warm welcome of the Assembly.

MR. WICKMAN: Mr. Speaker, it's my pleasure to introduce to you and through you to Members of the Legislative Assembly on behalf of the Member for Edmonton-Strathcona visitors from the Cross Cancer Institute. There are 13 adults that are here today. The information that I've been provided is that as part of their Legislature tour they are in the facility or in this Assembly, although I'm not certain. Whether they are here or not, I certainly do welcome them and ask all members to give them a warm welcome.

head: **Oral Question Period**
Hotel de Health Inc.

MR. MITCHELL: Mr. Speaker, the Minister of Health has created a spawning ground for two-tiered, Americanized health care here in Alberta. It's called Hotel de Health. It's clear from documents filed with the Ontario Securities Commission that Hotel de Health plans on marketing complete medical services to Canadians, and I quote from that document: "Hotel de Health facilities will offer individuals complete medical services without having to go through the current referral system." To the Minister of Health: what does she think this statement, this policy will lead to in Alberta if it isn't two-tiered, Americanized health care?

MRS. McCLELLAN: Mr. Speaker, the one thing I can reiterate to the hon. Leader of the Opposition is that the Premier and the Minister of Health have made it very clear – and I will say it one more time – that there will be nothing offered here that is in contravention of the Canada Health Act. I believe that selective readings out of this document may be putting a wrong impression out. As I read it, I read a sentence that said "elective" services, and that is not clear at all. They could be noninsured services, other services, which is quite within the Canada Health Act. No one will set up an operation here that is in contravention of the Canada Health Act.

MR. MITCHELL: How can the Minister of Health continually plead ignorance of this Hotel de Health plan when she could easily pick up that document, form 27, from the Ontario Securities Commission and look at what they are planning to do, and that's two-tiered, Americanized health care in this province?

1:40

MRS. McCLELLAN: Mr. Speaker, as I've pointed out to the hon. member and to this House before, the regional health authorities are reviewing these things and I am sure this document as well. What is different is that I believe the regional health authorities have capable boards, have capable management who have legal advice, and they are quite capable and competent to review these. I would remind the hon. member that not one regional health authority has submitted a proposal from this group to the minister for approval. Not one.

MR. MITCHELL: How can this minister de facto fire the Capital health authority when it asked for some more money to do its job and then turn around here and say that it's business as usual when the Leduc regional health authority wants to get us into Hotel de Health two-tiered, Americanized health care, Mr. Speaker?

MRS. McCLELLAN: I have not received any proposal from the Crossroads regional health authority on the use of the Leduc hospital. Mr. Speaker, what they are doing is responsible. They are reviewing this proposal that they have, and they will decide there whether it should be forwarded to the Minister of Health. Saying that somebody is going to do something is quite different than doing it. That is something that they haven't caught onto over there.

MR. MITCHELL: Mr. Speaker, why has the Minister of Health allowed health regions in this province to become so underfunded that they become vulnerable to the two-tiered scheme such as has been proposed by Hotel de Health?

MRS. McCLELLAN: Mr. Speaker, I would debate and have debated with those of the opposition caucus who came during estimates the funding of the health system in Alberta. I would point out to them that this year we are committing 3.7 billion – billion – dollars to the health system. Three point seven billion dollars. What the Minister of Health is asking is that we use those dollars effectively, responsibly, and ensure that people are receiving the services. I believe that is happening.

Again I have to say that there's been a lot of saying that somebody is going to do something. I have yet to receive from any health authority in this province a proposal to utilize the services of Hotel de Health. Until I receive that proposal, Mr. Speaker, frankly I don't think it would be responsible for a minister to rule on it.

MR. MITCHELL: Is the Minister of Health going to sustain the lowest per capita funding for health care in this province, in the entire country, by allowing Hotel de Health and schemes like that to take over our health care system, Mr. Speaker?

MRS. McCLELLAN: What the Minister of Health and this government will do is ensure that we are utilizing the dollars that Albertans entrust to us in the best way, not simply throwing money at problems: spend, spend, spend. We've heard a lot of wonderful thoughts or musings coming from the opposition, but never, never, Mr. Speaker, have I seen them have the courage to put a price tag on it.

MR. MITCHELL: Is the Minister of Health refusing to stop the funding of private clinics in this province for eight months and \$3 million worth of penalties because she wants to keep the door open so that Hotel de Health can come in and broaden private clinics in this province?

MRS. McCLELLAN: Alberta has been a partner in the Canada Health Act for about as many years as it's been in existence. The interpretation of that Act was changed in January of 1995. We made a commitment to Health Canada that we would review our delivery. I have to remind the hon. members opposite that many of these clinics were in operation in this province, provided valuable services under rules they clearly understood, that we understood, that the federal government seemed to understand because they were there for a lot of years. But they were changed, Mr. Speaker. We have said that we will comply with the Canada Health Act, but we have also said that we have to ensure that as we change how we deliver those services, we do it in a responsible way.

I have said to the hon. Leader of the Opposition that I've had two meetings with the Minister of Health for Canada. We are both, he and I, optimistic that we will have this resolved to mutual satisfaction in the very near future. I can tell you, Mr. Speaker, that the Minister of Health for Canada is interested in ensuring that Canadians have a good health system, and he is interested in working productively and proactively with the provinces. I wish the Liberal opposition in this province would act in a similar manner.

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

Hospital Fatality Investigation

MR. SAPERS: Thank you, Mr. Speaker. Jennifer Fortier was a 16-year-old girl who required specialized physiotherapy, and she

could only breathe with the help of a respirator. While she was a resident of the Edmonton Good Samaritan hospital this past February, she was left unattended for over 40 minutes, and tragically she suffocated to death. My questions are to the Minister of Health. Will the minister commit to a full and open disclosure of the circumstances surrounding this tragedy and order a public inquiry into this event?

MRS. McCLELLAN: Mr. Speaker, this certainly is an unfortunate occurrence, and there is an investigation under way. Until that investigation is concluded, I don't think that it would be appropriate for me to have any further comment on it.

THE SPEAKER: Supplemental question, hon. member.

MR. SAPERS: Yes, Mr. Speaker. Thank you. The question is regarding the independence of that investigation. What independent evaluation will in fact be made of the claims by Jennifer's family that her death is linked to government funding cutbacks in health care?

MRS. McCLELLAN: Mr. Speaker, there is a process that is under way now. One investigation involves the medical examiner, one involves the operator of the facility, and one involves the managers of the system. Until we receive the findings of those investigations, I think it would be premature to guess what process might follow that.

MR. SAPERS: Will the minister's investigation, which won't be independent, determine why Jennifer was at the Good Samaritan centre and not at the Glenrose hospital as originally planned?

MRS. McCLELLAN: Mr. Speaker, I have outlined to the hon. member the processes under way now. I can assure the hon. member that I will review the findings of those investigations and determine what action if any needs to be carried out. Until those reviews are completed, I don't think it's appropriate to judge what process we might follow.

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

Child Welfare

MR. DUNFORD: Thank you, Mr. Speaker. My questions today are to the Minister of Family and Social Services. The children's services initiative is very important to the constituents of Lethbridge-West, and I know that 300 or 400 Albertans in that particular city have worked with 7,000 Albertans over the past few years to try to bring forward positive changes to the Child and Family Services Authorities Act. Now, this legislation was introduced months ago and has not been passed. Why has the minister not pushed hard to ensure that this legislation is completed?

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

MR. CARDINAL: Thank you very much, Mr. Speaker. That's a good question. Of course children's services is one part of the welfare reforms we introduced back in '92-93. It is a very important part of the overall restructuring of my department. It's a most sensitive area. As part of the process of restructuring children's services, of course, in good faith and in a consultative

process I believe I brought forward some initiatives through the proposed legislation. As you're aware, the Liberal opposition has made it very clear that they are not going to allow some of this legislation to go through. Regardless of how important the legislation is, how sensitive the legislation is, it seems that they want to filibuster the whole process, which is very unfortunate.

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

1:50

THE SPEAKER: Hon. member, supplemental question.

MR. DUNFORD: Yes. Thank you, Mr. Speaker. Has the minister given a commitment to Albertans being hurt by these Liberal delay tactics that this legislation will be passed this session?

MR. CARDINAL: Of course, Mr. Speaker, the member questioning is right. There are a lot of delays that go on in this House that are not necessary, and a lot more work can be done. I guess that is the role of the opposition: to delay the process. I guess that is their role. Certainly I would hope that this legislation will go through. However, you know, if the opposition continues their strategy of delaying the process, no doubt if the House has to adjourn – and it will have to adjourn – of course we will not be able to move forward with some of the legislation that's on the floor.

Children's services of course are very, very important. In fact, hundreds of volunteers out there are already in place. Over 7,000 volunteers are participating to assist in moving forward with this very, very, very important process, Mr. Speaker. Of course this issue could be delayed over a year if this process continues.

THE SPEAKER: Final supplemental.

MR. DUNFORD: Yes, Mr. Speaker. Has the minister taken the time to discuss this legislation with the opposition critic? [interjections]

MR. CARDINAL: Of course that's a very important question. The Liberals may not think it's important, but most ministers have the opportunity to consult with the opposition critics. I know I've done that in a number of areas.

As we move forward in redesigning the Department of Family and Social Services, Mr. Speaker, all phases of it allow us to consult with the opposition members, and we do that. In this particular case not only did I do that with the members opposite that are my critics, but the Member for Calgary-McCall also consulted with the member. They did agree on a number of amendments, and we accepted those amendments. Credit should go to the Member for Edmonton-Highlands-Beverly because she did make some good recommendations. We accepted those recommendations, but there are other members in her caucus that are still delaying the process, and that is very, very unfortunate.

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

Alberta Research Council

MR. BRUSEKER: Thank you, Mr. Speaker. Despite opposition from private firms in the seismic industry, three and a half years ago the cabinet approved \$10 million in funding for the High Performance Computing Centre to purchase a Fujitsu super-

computer. In the words of one of the seismic operators: in the world of supercomputers, it wasn't much of one. An American company has now got that computer for scrap for a few thousand dollars, so our \$10 million is gone and so is the Fujitsu. My questions are to the minister responsible for science and technology. Madam Minister, why did cabinet proceed with the funding for this supercomputer given the expert predictions of obsolescence and private-sector objections over having to face competition with subsidized tax dollars yet again?

MRS. MIROSH: Mr. Speaker, this is under the auspices of the Alberta Research Council. We did not spend \$10 million to purchase this equipment. In fact, we are looking at doing a business deal with these computers. It was not money that was spent through this portfolio.

MR. BRUSEKER: Well, then, if it's not through that portfolio, to whomever is responsible my supplementary question is: if the project was viable from a business perspective, why didn't the other partners, like Bull HN Information Systems, Motorola, and Fujitsu Canada, pay for it themselves?

MRS. MIROSH: Mr. Speaker, this is a question that the member would have to ask those companies. It's a business deal that is currently being examined as we sit.

MR. BRUSEKER: My final supplemental to the same minister: how much additional public money was funneled into this project through ACTC Technologies, that was overseeing this, which has on its board of directors Fred Stewart, the former minister of technology, research, and telecommunications?

MRS. MIROSH: Well, Mr. Speaker, there has been no government money that has been funneled through this portfolio since I've been the minister.

THE SPEAKER: The hon. Member for Medicine Hat.

Loans and Loan Guarantees

MR. RENNER: Thank you, Mr. Speaker. The Provincial Treasurer is constantly uttering the phrase that this government is out of the business of being in business. Yet despite the Provincial Treasurer's reassurances I continue to receive calls from constituents concerned that the government could resume unwise loans and loan guarantees within this province. I have assured my constituents that legislation that we have would prohibit such loans and loan guarantees from taking place. Can the minister – this is the Provincial Treasurer – tell us, since he has not yet proclaimed this legislation, how the taxpayers are being protected from this practice being resumed?

MR. DINNING: Well, Mr. Speaker, members know that there is legislation that is in place. It has unfortunately not gotten through all of the stages of the Legislative Assembly process. Tragically enough it's held up. It's been held up after lengthy debate – I think the Government House Leader could probably tell me – upwards of five hours of debate on a very straightforward, simple Bill that effectively ties the hands of the government, doesn't allow them to do any more backroom loan guarantees or loans in private. They would be stopped from doing that, but in fact we're not stopped from doing it because the members across the way, the opposition Liberals, want to stop this Bill, implicitly saying

that they think government should be in this kind of a business. We're trying to get out. We want it to become law to make sure that we stay out. It's the Liberals across the way who are filibustering the debate on this Bill and will not allow it to become the law of this province.

THE SPEAKER: Supplemental question.

MR. RENNER: Thank you, Mr. Speaker. Can the Provincial Treasurer give his commitment to Albertans who are concerned about government loans and loan guarantees that despite the Liberal delay tactics this legislation will pass this session?

MR. DINNING: It clearly is our intention, Mr. Speaker, to put this legislation before the Assembly, to ask the Committee of the Whole Assembly to adopt this legislation, to allow the debate to unfold at third reading, and to then have His Honour come in and give his seal of approval, that it gets Royal Assent. You know, my colleague from Medicine Hat is effectively asking: how do you spell the word Liberal? You spell it f-i-l-i-b-u-s-t-e-r.

MR. RENNER: Mr. Speaker, I would ask the Treasurer: has the Treasurer taken the time to consult with his opposition critic on this legislation?

MR. DINNING: Mr. Speaker, have I? I sat with the opposition critic, and he was one who made some very good suggestions as we prepared this legislation. I know that some members across the way want to see this legislation become law, but no, there are members like those from Fort McMurray or from Calgary-Buffalo or from Sherwood Park, who want to talk, and talk expensively, so that this legislation is delayed. Albertans have said to us: get out of that business. We want to get out of that business, but the members across the way are stopping the government from getting out of that business, and I think it's shameful. [interjections]

THE SPEAKER: Order please, hon. members. [interjections] Hon. members, please. The hon. Member for Lethbridge-East would like to ask a question.

The hon. Member for Lethbridge-East.

2:00

Métis Settlements

DR. NICOL: Thank you, Mr. Speaker. The Metis Settlements Act has a provision in it to allow for appeal when disputes arise between members or members in the council. Unfortunately some of the powers of this appeal process are limited. When a person wants to have a dispute heard, it has to have the approval of both sides of the dispute before it can be referred to the appeal tribunal. My question is to the minister responsible for aboriginal affairs. Mr. Minister, what course is open to ordinary settlement members when they want to appeal a decision to this tribunal?

MR. CARDINAL: The Métis settlement process itself I think, just to clarify for Albertans, is a complicated process, and no doubt the government will be involved in the process for a long period of time. Alberta is the only province in Canada in fact that recognized the Métis people and provided legislation back I believe in 1989, 1990 and a transfer of over 1.25 million acres of land along with the processes to be able to administer and eventually become self-sufficient and independent.

Mr. Speaker, one of the processes, of course, that is a concern at times of members and also of some of the leadership is: how do

you determine Métis membership? The process was set up for all Métis people in Alberta, and since then of course there have been changes take place in the process where some Métis have become Bill C-31 members now under the federal legislation, which gives them full treaty entitlement without land base. That process is creating some difficulties out there for the members, but there are processes in place.

In fact, the tribunal itself reports to me, and I've delegated the authority for the tribunal to make certain decisions. In the case where there is concern that the process is not working as well as the membership expects it to work, of course they have an opportunity to write to the minister also personally and appeal the process, and I will look into the matter.

THE SPEAKER: Supplemental question.

DR. NICOL: Mr. Speaker, thank you. With the reference that the minister made to the status of different members on the Métis councils, one of the big questions is: can regular members of the settlement obtain that same information in terms of who constitutes legal membership and get a copy of the membership list?

MR. CARDINAL: Mr. Speaker, I don't see a problem in it. All the people would have to do is write to me and request the information, and no doubt it would be made available.

DR. NICOL: Mr. Speaker, my final question is to the same minister. What would the minister propose to do to make sure that those people who feel disadvantaged in this appeal process have a fair chance to have their case heard before the tribunal when it has to have approval of both parties before it can advance to the tribunal?

MR. CARDINAL: Mr. Speaker, along with of course the eight Métis settlements and their 5,000 members we do have ongoing involvement and ongoing review not only of the policies but also an ongoing financial review. In fact, we're doing that right now. Along with that of course there's always a continued review of policies of this nature, and this ministry of course is open to make sure that we assist or facilitate the process of the Métis people becoming self-sufficient and independent eventually without too much government involvement and interference.

On the other hand, Mr. Speaker, as we move forward, as we propose new amendments possibly to some of the legislation and the regulations that are in place, we have to be fair also to the membership to make sure the membership's issues are addressed along with the overall plan of the Métis settlement process. So we are open to any good recommendation that may work better than what we have out there now.

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

Employment Standards Code

MR. HERARD: Thank you, Mr. Speaker. My questions are to the Minister of Labour. I've had a number of calls from workers in Calgary-Egmont who continue to face confusion regarding such basic elements as what constitutes a statutory holiday, when overtime should be paid, and how vacation pay should be calculated. What is the minister doing to address the confusion surrounding these issues?

MR. DAY: Mr. Speaker, the issues just articulated by the

member indeed are accurate. Albertans for some period of time now have asked that these particular definitions be cleared up. They want the confusion taken care of on these areas that are vital to their working life. In fact after considerable consultation around the province and an in-depth analysis, legislation has been tabled in this Legislature that will clearly deal with those areas of confusion so that every working woman, every working man in this province and their employers would clearly know what's expected of both sides. Unfortunately, that legislation is being delayed in the Legislature by the Liberals at this time. [interjections]

MR. HERARD: Yeah, I guess your responsibility catches up sooner or later.

Has the minister given a commitment to Albertans being affected by these unfortunate Liberal delay tactics that this legislation will pass this session? [interjections]

MR. DAY: Mr. Speaker, with all due respect, the Liberals are shrieking so loudly I couldn't hear the question. Could I have it repeated, please?

THE SPEAKER: Order. [interjections] Order, hon. members. Supplemental question.

MR. HERARD: Thank you, Mr. Speaker. Has the minister given a commitment to Albertans being affected by these unfortunate Liberal delay tactics that this legislation will pass in this session?

MR. DAY: Mr. Speaker, I can't give an ironclad guarantee to people who want this legislation through that it will go through. Legitimate debate is one thing, but constant babbling as we're hearing from the members opposite where there are delays - it's costing the taxpayer about \$15,000 a day. We have to weigh these out. [interjections]

Mr. Speaker, we have already heard, if they would listen for a minute, the Liberals say that they're going to delay things so that we're here until the middle of the summer. So I cannot say to Albertans who want to see this legislation dealt with that I will hold hostage the taxpayers of this province until the middle of the summer. I can't give the guarantee to Albertans wanting these areas cleared up by legislation that we would sit here at a cost of \$15,000 a day until the middle of the summer.

MR. HERARD: What has the minister done to involve the opposition in doing their job and working on this legislation? [interjections]

MR. DAY: Mr. Speaker, I'm really not trying to drag this out. The opposition are shouting so loudly that I couldn't hear the question. Could I get it repeated?

THE SPEAKER: Hon. member.

MR. HERARD: Thank you, Mr. Speaker. What has the minister done to involve the opposition in doing their job and working on passing this legislation?

2:10

MR. DAY: Mr. Speaker, not only on this legislation but with other legislation I try to work closely with the Labour critic. This particular legislation was made available to the Labour critic. Also, an official from my department sat down with the Labour

critic to go over it thoroughly. The Labour critic then shared certain areas of disagreement and certain amendments, which obviously is appropriate. Since that, other members of her caucus have tabled amendments that go into the dozens, as I recall, which would again signify not only the justifiable amendments of the critic but of other members who have sort of hijacked the process and taken it on. So I have no idea how long the delay will be.

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

School Superintendents

MR. HENRY: Thank you very much. Enough of the justification for the government bringing in closure. Let's get on with some real issues that affect Albertans here. The government's yelling about filibuster; they haven't seen one yet in this House. [interjections] They're testy today, Mr. Speaker.

I'd like to raise an issue today that I've been asked to raise in this Legislature. Section 94.1 of . . . [interjection] Not in your lifetime.

Mr. Speaker, the School Act, section 94.1(1), as amended in 1994 with Bill 19, requires that the superintendent of school contract renewals, that happen every three years, be approved by the Minister of Education. Now, some superintendents are concerned that this might leave the appointment of superintendents open to partisan political interference, so I'd like to ask the minister a couple of questions. First, to allay these fears, would the minister outline the criteria used to determine whether a contract will be approved or not by the minister, and would he table those criteria in the Legislature?

MR. JONSON: Mr. Speaker, there are basically three criteria. First of all, we expect the school board to have in place an evaluation policy with respect to their superintendent of schools, it being a very important position. We expect that that is being followed by the school boards. They will judge, of course, the performance in that particular area.

I apologize that I cannot quote the exact clause of the School Act, Mr. Speaker, but we do check – and this is more to do with the initial hiring of the superintendent – that they meet the qualifications that are outlined in the School Act. The other requirement which is outlined in the School Act is that certain requirements with respect to reporting on the specific activities of the school jurisdiction be complied with.

Mr. Speaker, this is a very neutral process in my view. There is no partisan politics involved, and I know of no case where there has been.

MR. HENRY: I thank the minister for that answer.

I'd like to further ask the minister if he would outline a situation which would lead him to not approve the renewal of a contract that has been recommended to him by a local school board.

THE SPEAKER: That's sort of hypothetical.

MR. JONSON: Well, Mr. Speaker, one example might be – this is actually really not an appropriate question because it's kind of hypothetical. In general terms, it would be a situation where there was no evidence that there was a process in place for the evaluation of the performance of the superintendent. As we would be expecting with respect to teachers, there should be an evaluation process in place, and that should be followed.

THE SPEAKER: Final supplemental?

The hon. Member for Calgary-North Hill.

Iraqi Oil Sales

MR. MAGNUS: Thank you, Mr. Speaker. In the last few days a deal has been announced involving Iraq and the United Nations that will allow an exchange of Iraqi oil for humanitarian supplies. I understand from this report that the Iraqi will be able to sell up to a billion dollars in oil every 90 days. Can the Provincial Treasurer tell this Assembly what impact this development will have on Alberta's oil and gas sector, the engine of growth for our economy of course?

MR. DINNING: Well, I know the hon. Minister of Energy would want to supplement my answer, and I'm sure she will when she has an opportunity.

I think that the energy industry in this province has shown its resilience over the last number of years, especially through any number of ups and downs, including the Liberal government imposed national energy program. I think they should be able to handle whatever fallout comes from the introduction of Iraqi oil back onto the market.

It's funny. I was looking in the budget where we listed about 18 forecasters' expectations with respect to oil price for 1996, and it ranges anywhere from \$16.75 to as high as \$19.50. So here we are today with Iraqi possibly coming back onto the market, and oil went up \$2. At lunch time today it was at \$22.48 U.S. It's hard to know exactly how the market is going to respond. Clearly, if it's in the \$20, \$22 region, our budget is protected in that we forecasted an \$18.50 oil price, but in fact, as members know, because of the formula that's spelled out in the legislation, our budget will come true if oil in fact averages \$16.65 U.S. for the year.

THE SPEAKER: Supplemental question.

MR. MAGNUS: Thank you, Mr. Speaker. Does the Treasurer plan to revise Budget '96 oil and gas assumptions, and what effect will there be on the government debt retirement plan?

MR. DINNING: Well, Mr. Speaker, no, we do not plan to revise the revenue estimate in the short term. We'll have a chance to look at that in the summertime, when we review the first quarter, which of course ends June 30, 1996.

I have to tell the hon. member and all members that during my 40-odd months serving as Provincial Treasurer, we've seen oil go as low as under \$14 and as high as \$25. I was looking at some charts over lunch. You can see the up and down nature of oil prices, indeed gas prices as well: as high as \$2.20 Canadian per mcf down to as low as almost \$1 per mcf. That has a significant impact on our oil and gas revenues.

We realize that it has become virtually a fool's game to predict oil and gas prices, so we've stuck with our conservative revenue assumptions. How we may estimate and forecast the price of oil for fiscal purposes is actually spelled out in legislation. We're locked in; we're fixed. I think that what we're able to do is meet our debt repayment plan by any amount that comes in over and above our forecasted price. We're not going to plan to spend that money because we don't know for sure that it's going to be there. We don't have it in the bank. So anything that comes in over and above our forecasted price will go to the bottom line, and all of those dollars will go to pay down debt.

THE SPEAKER: Final supplemental.

MR. MAGNUS: Thank you, Mr. Speaker. Will the Provincial Treasurer tell this Assembly what the government does specifically to protect Albertans from changes in oil prices?

MR. DINNING: It's an opportunity for me to again reiterate that in fact today oil prices on international markets are about \$22.48. In the last few days they've ranged anywhere from \$20 to as high as \$25. In fact, our budget estimates that oil will be \$18.50 this year, but because we've said that we're going to accept 90 percent of that forecast and assume revenue only from 90 percent of that oil price, that means our oil price effectively for fiscal purposes is \$16.65.

We're only planning to spend as much money as \$16.65 will generate. Any amount over and above that will be surplus to our needs, in fact will go to the bottom line. As the member's constituents and many, many Albertans have told us: don't spend more than you can count on, and any amount that comes in over and above that should go to pay down debt. That's what we're doing, Mr. Speaker.

We haven't got a plan from the Liberals. They won't tell us what their fiscal plan is other than they've shown us how they would spend a billion and a half more dollars than they're planning to take in. Their debt repayment plan contemplates deficits. It contemplates selling off the heritage fund. It contemplates a billion and a half dollars of spending that we in this province simply could not afford.

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

2:20

Sikome Lake

MR. DALLA-LONGA: Thank you, Mr. Speaker. The Minister of Economic Development and Tourism has been complaining about the increased park fees for national parks. Well, this government's solution is to just shut the parks down. It's a well-known fact that many Calgarians enjoy a visit to Sikome Lake, especially those who can't afford or don't have the time to go farther afield for their recreation, and they are very disappointed that due to provincial budget cutbacks the lake will be closed for an additional five weeks. My first question is to the Minister of Environmental Protection. Does the minister consider all those who benefit from a facility or park when deciding where to make budget cuts or close facilities?

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. Well, it's not an easy decision to make, where to cut, but I can tell the hon. member that in fact those areas that have a very high use have seen less cuts than areas with low use. We've prioritized in order to try to accommodate as many people as possible.

The fact is that this particular park requires a lot of dollars to operate. In fact, the water that's used in this lake is treated water. The plant to supply that water is a plant that would supply a city of 15,000 people. So of course the costs are very high. We also require lifeguards on staff when the park is being used, once again a very high cost. Mr. Speaker, it's regrettable that we've found that we're unable to open the park as early as usual, but the fact is that the costs of operating are very, very high for this particular facility.

THE SPEAKER: Supplemental question.

MR. DALLA-LONGA: Thank you, Mr. Speaker. Well, will the minister then investigate other ways to finance the park, perhaps in association with the city of Calgary?

THE SPEAKER: The hon. minister.

MR. LUND: Thanks, Mr. Speaker. Certainly we're open to any suggestions, but I think we have to remember that there is only one taxpayer. Whether they're paying the dollars to the city of Calgary or to the province of Alberta, it's still only one taxpayer. So we're certainly open to any suggestion from the city of Calgary, and we are pursuing those kinds of options.

THE SPEAKER: Final supplemental?

The hon. Member for Little Bow. [interjections] The hon. Member for Bow Valley.

DR. OBERG: That's the bigger side of the Bow, Mr. Speaker.

Special Education

DR. OBERG: Mr. Speaker, over the weekend I met with two parents of handicapped children concerned about their respective children's inability to access enough funds to supply a full-time aide in school. They are allocated \$7,000, which would supply about a .4 full-time-equivalent aide. They stated, and rightfully so, that an investment in an autistic child early leads to greater cost savings down the road. To the Minister of Education: is there an appeal mechanism in place to change the allocated \$7,000 in exceptional circumstances?

MR. JONSON: Mr. Speaker, there is an appeal mechanism with respect to high special needs students whereby a parent can appeal the program if they feel it is not satisfactory in terms of what is offered in the local school jurisdiction. There is not an appeal with respect to the particular area of funding.

In terms of funding for high special needs students, school boards are provided with a grant designated for that pupil of \$8,910. In addition, every student in the province has \$3,686 allocated to him or her as a student. So with that amount of money available to a jurisdiction, they design the best program possible with respect to individual students.

THE SPEAKER: Supplemental question.

DR. OBERG: Thank you, Mr. Speaker. Does the Grasslands school division have the flexibility to move special-needs funding from one student to another when economies of scale occur?

MR. JONSON: Well, the very succinct answer is yes. I would like to also point out, Mr. Speaker, that there is a grant which is now rolled in with the overall instructional grant which was designated for students in the general mild to moderate handicapped area. It's my understanding that that amount would probably be \$800,000 or \$900,000 that is provided to the Grasslands school division, which is there for their allocation in a flexible manner for the overall special needs of their students.

THE SPEAKER: Final supplemental.

DR. OBERG: Thank you, Mr. Speaker. What other avenues are

open to these parents to obtain a full-time aide for their children if the school division doesn't come through?

MR. JONSON: Mr. Speaker, I'm not aware of any additional avenues with respect to providing for a full-time aide. There may be some assistance for out-of-school support and care, and although we are working among the departments involved, Family and Social Services and Health, on a more co-ordinated effort in this area, I regret that I'm not able to identify any additional sources of funding.

Gambling Addiction

MR. WICKMAN: Mr. Speaker, the minister responsible for lotteries continues to promote what he calls the positive, economic impacts of gambling, as witnessed in his latest response to me. However, he totally ignores the social cost of increasing addictions: 125,000 problem gamblers and no idea at what cost to the taxpayer. To the minister responsible for lotteries: why does this government continue to promote slot machines when it has no idea how much taxpayers are forced to pay in order to deal with the 125,000 problem gamblers?

DR. WEST: Well, the lead-in to that question is quite amazing, because I do not stand and promote gambling in this province. In the response to his questions I tried to point out that gambling revenues over the years in this province have done a lot of good in our communities. You have to understand that the Wild Rose Foundation, the Sport, Recreation, Parks and Wildlife Foundation, medical equipment, some of the dollars that went into our schools – are you going to put those off to the side and say that they haven't been positive, that they definitely haven't done some good?

Now, on the other hand, we do have addictions, and that is a problem. We are putting several millions of dollars into gambling addictions, and we have pointed out to AADAC that if there's a need for more dollars in the future and they can identify programs that will address people with addictions, we will fund them. We made that indication when the Judy Gordon report came down and have stood behind that.

I don't accept the negative innuendoes put out by this member on the floor of this Assembly, and it would be nice if he would retract those.

MR. WICKMAN: Mr. Speaker, again to the same minister: then will the minister commit to conducting a comprehensive study on the negative impacts and the costs associated with the lax gambling policy?

DR. WEST: Mr. Speaker, there have been hundreds of studies done in areas that have a lot more gambling than the province of Alberta. One has to understand that in the province of Alberta we have a unique model where a vast majority of the gambling is sponsored and done by charities and nonprofit volunteer organizations.

On the other side, there have been studies done. Would I sponsor yet another study at this time? No, but AADAC is constantly reviewing along with others that are working in this field the need for treatment of addiction. The other night the Slim Thorpe association in Lloydminster had their annual meeting, and they are looking at extensive programs for treatment of gambling addictions.

So in response once again to this member's question, no, I am

not going to go out and sponsor one more study on gambling addiction. We know very well that there's a percentage of our society that does become addicted. We see the same relationship with gambling as we do with alcohol or with some other things in life, and we don't need to study it to death in order to get on to treating it.

2:30

MR. WICKMAN: My final question to the minister: well, then, will the minister do what's right by Albertans and rid the province of these money-grabbing machines?

THE SPEAKER: The time for question period has expired.

Members' Statements

THE SPEAKER: The hon. Member for Leduc.

Workers' Compensation Board

MR. KIRKLAND: Thank you, Mr. Speaker. There are two sides to every story. I've listened to the Labour minister speak at length about the good things the WCB is achieving. I along with all my colleagues deal with the other side of the issue: the things the WCB is not dealing with satisfactorily. When my office is besieged by unsatisfied injured workers and constituency offices such as Edmonton-Avonmore or Edmonton-Ellerslie or Edmonton-Mill Woods are overwhelmed with injured workers that have not received fair treatment from the WCB, this is clear indication the WCB is not meeting the needs of the injured workers, more often than not the chronically injured.

When workers are denied WCB benefits due to degenerative disk disease or pre-existing injury, conditions covered by the Act, clearly all is not as it should be at the WCB. When I encounter previously injured workers that are required to sign a waiver foregoing their right to be covered by the WCB Act before they will be employed, clearly all is not as it should be at the WCB. When the WCB rehabilitation program consists of job hunting clubs, work hardening, and physical assessment capabilities, you know they have forgotten an integral aspect of returning injured workers to productive lives.

When I request the names of companies that received refunds under the VIP program and am denied that information, one can only assume that they are not as proud of their highly touted program as they claim to be. When I encounter workers that are intimidated by employers into not filling out an accident report and the WCB ignores such tactics, clearly the WCB is not fulfilling its mandate. When I encounter workers that protest loudly and suddenly find themselves under the WCB investigative team, delaying a timely appeal, then we know bullying tactics are still employed by the WCB.

When the Alberta Court of Appeal admonishes the WCB medical department and the general legal counsel for intruding into the Appeals Commission, it is obvious the autonomy of the commission is being challenged.

These examples are but the tip of the iceberg. Contrary to the Labour minister's often repeated claims, all is not well at the WCB, and it's time to have an independent public review.

Aga Khan Partnership Walk

MR. SHARIFF: Mr. Speaker, on Sunday, May 26, 1996, the Aga Khan Foundation will host its 12th annual partnership walk in Edmonton, Calgary, and many other cities in Canada. The

partnership walk is Canada's largest event in support of people in developing countries. Hundreds of committed volunteers from coast to coast help to organize this event, and in 1995 some 60,000 Canadians took part either as walkers or sponsors.

Aga Khan Foundation Canada is a nonprofit international development agency that supports projects designed to assist the poor in Africa and Asia without regard to race, religion, or political persuasion. The foundation seeks practical and inexpensive ways to improve the quality of health care and education, protect the environment, increase incomes, and create new opportunities for women. Aga Khan Foundation Canada is an affiliate of the Aga Khan Foundation, established by His Highness the Aga Khan, 49th Imam of the Ismaili Muslims, and it has evolved into a unique and dynamic north/south partnership with affiliated foundations on four continents.

The foundation works closely with other members of Aga Khan development network, particularly the Aga Khan University and the Aga Khan health and education services, both of which are nonprofit institutions that operate hundreds of schools, hospitals, and clinics in Africa and Asia. Aga Khan Foundation Canada also collaborates with CIDA and the Wild Rose Foundation in Alberta on many of its projects.

I encourage all Albertans to participate in this noble cause, and on behalf of my colleagues I congratulate the organizing committees in Calgary and Edmonton headed by Dr. Kherani and Mubarak Alidina respectively for a truly Albertan pioneering spirit of generosity and concern for the welfare of the less fortunate.

Thank you.

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

National Access Awareness Week

MR. WICKMAN: Thank you, Mr. Speaker. National Access Awareness Week comes shortly. In 1965, when I left the hospital to re-enter the community, it was a very unwelcome community at the time for somebody like myself. But we have come a long way. There is no question about that.

One of the successful mechanisms we had when we chose to take our lifestyles in our own hands and push for change was the establishment of a joint committee which consisted of five Members of the Legislative Assembly and five persons with disabilities. The five Members of the Legislative Assembly included the deputy Premier, two other cabinet ministers, and the leader of the Social Credit Party and the leader of the New Democratic Party of that day. We were successful in presenting proposals for the assured income, for Aids to Daily Living, for a building code, and on and on. Most of them were warmly received, and we now see those programs in place.

However, in recent times we seem to have stalled out somewhat; AISH, for example. I've pressed the minister on a number of occasions. It's time to look at AISH. It has not increased for a period of time. The home adaptation program fortunately has been given another three years of life. We need more employment opportunities within the provincial service.

I've talked to the minister or written the minister about handicapped parking. There are 10,000 placards throughout the province, but I swear I find them all at Superstore in one morning. I don't know if there are illegal placards being handed out or what. The availability of housing with barrier-free design is not as sufficient as it should be. So there are other things that can be done.

The private sector can do a great deal, and in many instances

they have. I visited the new Cinemark over the weekend in the northeast part of the city, an ideal facility, designed for persons with disabilities, plenty of parking, buttons, and plenty of good seating.

My message today is that as National Access Awareness Week arrives upon us, each of us has to be aware of improvements that are needed and work towards those improvements.

Thank you.

Privilege Freedom of Speech

THE SPEAKER: The hon. Member for Grande Prairie-Wapiti gave notice to the Chair earlier today that he wished to raise a question of privilege. It relates to the documents tabled by the hon. member earlier this afternoon. Perhaps the hon. member could briefly state his point in order to meet the requirements of our rules, and then the matter could be properly deferred for him to put his complete case until the hon. Member for Calgary-Buffalo is able to respond.

The hon. Member for Grande Prairie-Wapiti.

MR. JACQUES: Thank you, Mr. Speaker. Bearing in mind your direction, I'm rising pursuant to section 15 of Standing Orders, particularly section 15(1), where it says: "A breach of the rights of the Assembly or of the parliamentary rights of any member constitutes a question of privilege."

Very briefly, the background, Mr. Speaker, is that on Thursday last, May 16, I raised a question to the Minister of Justice during question period. In fact, there were three questions, and following the conclusion of question period the hon. Member for Calgary-Buffalo rose on a point of order, which you subsequently ruled on and indicated that it was an issue of debate and not a point of order.

At approximately 10:30 this morning, after I traveled from Grande Prairie to my Edmonton office, there was a copy of a letter which has been distributed to members of the Assembly dated May 17, which was last Friday. According to the code on the top, it was transmitted on or about 5:40 p.m. on Friday. As a result of that, nobody was, I guess, basically aware of it until this morning because of the long weekend. So when I got the letter at 10:30 or thereabouts when I came in, I read it very carefully and took the liberty of discussing it with some of my colleagues as I was somewhat taken aback by some of the language that was used in the letter. Following that, I filed a written notice with the Speaker at approximately 11:45, and at about 12:15 I faxed a copy of that written notice to the hon. member.

2:40

In essence, Mr. Speaker, if I can go to the quick of the entire issue, which is one of freedom of speech, specifically referring to paragraph 5 in his letter, if I may quote, he said:

I respect your right of free speech but I cannot ignore your outrageous comments. I request that you forthwith apologize for the defamatory statements you made on May 16, 1996.

Then he goes on to say, which is perhaps the heart of the matter, "Failure to do so will result in further action without notice to you. Please govern yourself accordingly." With regard to the latter issue, I believe I am governing myself accordingly by raising it as a matter of privilege.

Mr. Speaker, I could go on at some length – and I will not – but that is in essence the point. Thank you.

Point of Order

Oral Question Period Rules

THE SPEAKER: The hon. Member for Fort McMurray and the hon. Member for Edmonton-Meadowlark have given notice that they wish to pursue a point of order. The Chair assumes it's pretty well the same point of order with regard to three different questions. Perhaps they could both make their positions and wrap these things up into one point of order. Is that possible, hon. Member for Fort McMurray?

MR. GERMAIN: I believe so, sir, with the exception of some specifics, so if the Chair will allow me latitude to develop the point of order thoroughly, then I will compromise and restrict it to one point of order rather than three points of order. [interjections]

THE SPEAKER: Order please, hon. members. If we can deal with this as one point of order, the Chair would like it.

MR. GERMAIN: Yes. Thank you, sir.

First of all, from a technical point, the point of order is under our Standing Orders 23(h), (i), and (j). Also, there are numerous comparable sections in *Beauchesne*, and in addition there are several of your own Speaker's rulings that you have made over the last few months, Mr. Speaker, that I want to use likewise in developing my points of order.

One of your very standard Speaker's rulings is that a question should not be asked that is outside the expertise of the minister. I think you would agree that you've made that ruling in various nuances and various forms in the past. A second of your own Speaker's rulings, sir, is that you have indicated that there should be no questions in anticipation of debate that is then before the Legislative Assembly. You've made that ruling and its various nuances from time to time. Thirdly, you have from time to time made the ruling and in fact made a ruling adverse to myself last week, Mr. Speaker, that questions should deal only with facts and not start with inflammatory opinion because of the attendant discord that flows in this Legislative Assembly.

So both on those three Standing Orders and your own Speaker's rulings I suggest that three of the questions today, Mr. Speaker, necessitated that I rise three times on three points of order and on one question on two points of order and breached all of those citations that I have referred you to – that is, 23(h), (i), and (j) – and those Speaker's rulings that I have previously referred to you today. Some of the members may forget what 23(h), (i), and (j) stand for, so I will simply point out that (h) is making false allegations against the members, (i) is “imputes false or unavowed motives to another member,” and (j) is “uses abusive or insulting language of a nature likely to create disorder.”

Now, the first quick answer that you might have to deal with is: do general reflections on an opposition itself, as opposed to singling out or fingering a single member, fall within those imputing false motives? That's an interesting debate, but you don't have to answer it in this particular question because the hon. Provincial Treasurer in one of the questions even identified the Member for Fort McMurray in some fashion, I believe, trying to allege that time was being wasted or that delays were occurring in the Legislative Assembly in advancing good amendments.

Now, let me talk about the substance of the three points of order. Mr. Speaker, I think it would be fair to assess and I think the three people who asked the questions would clearly have to admit and *Hansard* will clearly show that there was a routine

timing and methodology to three of the questions asked in that with the exception of changing the name of the Bill and an appropriate few words to make sense of that change and directing them to a different minister, they in fact asked the same question and they asked the same question three times.

Now, what was the essence of the three questions? First of all, my point of order raised against the hon. Member for Lethbridge-West was the first point of order. He spoke of Bill 26, and he asked about delays in this Legislative Assembly. Well, Bill 26 is before the Assembly on third reading. It has already passed committee. It has already passed second reading, and it is before this Assembly on third reading. Since we do not control as an Official Opposition the order with which these Bills come forward, it hardly seems to me how a question which suggests delay through Liberal opposition filibustering or, to use his words, “Liberal delay tactics” could hardly be anything other than language that would incite and offend this particular Legislative Assembly.

DR. TAYLOR: It's just the truth, Adam. The truth.

MR. GERMAIN: My point of order is further reinforced, Mr. Speaker, by the hon. Member for Cypress-Medicine Hat hollering out during my point of order that it is the truth. I do not know how, when we do not control the agenda, we can refer to “Liberal delay tactics” in relation to Bill 26.

Now, I also want to comment on the minister's response there that the purpose of the opposition was “to delay” or “to filibuster.” Well, with respect to the minister, the purpose of the opposition is in fact to focus on weaknesses or perceived weaknesses in the legislation. When you have legislation that is debated in such a hurry-up fashion, thrown before the Assembly in such a haphazard fashion, and in fact subject to many weaknesses, holes, and missing observations, you cannot help but raise quality debate, and quality debate often, unfortunately, takes time.

I want to also comment on the questions from the hon. Member for Medicine Hat. The hon. Member for Medicine Hat raised questions on Bill 31, the Business Financial Assistance Limitation Statutes Amendment Act, 1996. Now, this is in fact a Bill, Mr. Speaker, that allows the government the ability to make loan guarantees and loans to businesses. It is legitimate for the opposition in this province to oppose that Bill, a Bill that in fact enshrines this government's ability to make loans and loan guarantees. So for us to be accused of delaying that Bill, Mr. Speaker, which is also at third reading, is in fact an inappropriate use of the question period and in fact does offend that particular rule, 23(j), which is basically: “uses abusive or insulting language of a nature likely to create disorder.”

Now, on the points raised by Calgary-Egmont I have another issue that I want to pursue in addition to these. The hon. Member for Calgary-Egmont takes his position in the Chair as Chairman of Committees, and it would be my respectful request that the hon. member now declare himself in conflict, because if he has prejudged debate at committee stage as being, in his words, wasteful and hijacking the process, then it's my respectful estimation that that particular member ought not to sit any further as Chairman of Committees, because that type of inflammatory action coming from a chairman who fills the role as Chairman of Committees is in fact indeed specifically using “abusive or insulting language.”

So for all of those reasons, those three Standing Orders plus your previous Speaker's rulings, I would ask that you rule that

each of the questions asked today were in fact out of order for any one of the six citations that I have given you.

Thank you, Mr. Speaker.

2:50

THE SPEAKER: Order please. Hon. Government House Leader, in order to get the full case to meet, perhaps you could hear the hon. Member for Edmonton-Meadowlark, which is related to this.

MS LEIBOVICI: Thank you, Mr. Speaker. I won't repeat the comments that were made by the hon. Member for Fort McMurray, but I would like to speak specifically to the answers that were made by the hon. Minister of Labour in response to the questions that were put forward as justification. When we look at 23(h), (i), and (j), even the answers from the particular minister I think were designed to create a disturbance in the House.

The Minister of Labour indicated that Bill 29 had considerable consultation with many groups. That was one of the questions that we had in fact asked, and to this date we are still waiting for the list of people that have been consulted with regards to Bill 29. It is true that there was a representative that did meet with myself and the researcher from the Liberal opposition around Bill 29, but we had asked for the concordance agreement, as I understand other individuals have as well, and that's still to be forthcoming from the minister. So when the minister says that in fact there has been consultation, that in fact there have been numerous attempts made, there is a stretching of the facts that unfortunately goes on in this House.

We have in fact provided the amendments to the Minister of Labour. There has been no hijacking by this caucus with regards to any of the amendments. In fact, I have not received any response from the minister with regards to the amendments that were provided probably somewhere between a month to two weeks ago. I am not a mind reader. It is this minister as House leader who actually sets the agenda, so for there to be an implication that it is the Liberal opposition that is delaying and using delaying tactics when in fact Bill 29 has not been on the agenda for at least a week to two weeks I think is an erroneous point of view that's been put forward by the minister, and I am requesting that that be corrected.

There are two further points with regard to the fact that there have been numerous phone calls on Bill 29. If in fact that Bill was in plain language, if in fact that Bill did have changes to the legislation such as minimum wage reviews on an annual basis, I could well see a majority of Albertans saying, "This is something that we desperately want." The reality is that there have been very minor changes in language being done to the Bill and there has not been an outcry from the public on this particular Bill.

The third issue that I have is the figure that the Minister of Labour in his House leader capacity throws around on a daily basis, it seems, the \$15,000 a day that it costs to run this Legislative Assembly. I would like to see the breakdown of those costs, because my guess is that other than the pages who are in the Legislative Assembly and the security guards that are on, there are no additional costs to keeping this Assembly running.

Thank you.

MR. DAY: I'll try in the order in which they were raised, Mr. Speaker. I would suggest, as far as the Member for Fort McMurray, that the illegitimacy of his points is only exceeded by your good graces in listening to them, and I will try to be somewhat briefer in replying.

As far as the issues related to administrative competence, as I

vaguely recall the questions coming forward, one had to do with regionalization. None of the questions, by the way, specifically in the main questions, dealt with legislation; they dealt with issues facing Albertans. The first one dealt with regionalization. That went to the minister of social services; I would suggest that's within his competence. Another went to me regarding . . . [interjections] You know, we listened quietly; we didn't interrupt. They just can't hack the truth. It makes them hurt and squirm.

Mr. Speaker, the other question related to calls and complaints about employment standards. That main question did not talk about the legislation. It talked about complaints about confusion around employment standards directed to me in my position as Minister of Labour, within my area of administrative competence. I know members opposite and maybe even on this side would argue about the competence issue; however, technically it falls within that. There was another question from Medicine Hat related to Albertans being protected from loan guarantees being made by the government to businesses. Again he did not make any reference to legislation. Now, in the responses, as we look to *Hansard*, there was probably some oblique references to legislation, but the questions certainly did not have them.

Then there's the question of false allegations related to delay tactics. Well, Mr. Speaker, it is recorded in this House, outside of the House, and in the media that members opposite have said they will make this House sit at least until the middle of September. The Member for Edmonton-Centre went beyond that. He said that we haven't even yet begun to understand what filibuster is all about. That's what he said. The Member for Edmonton-Glenora said we'd be here till Labour Day. These aren't false allegations; these are enunciations coming from their own mouths saying that we'll be here that long. To suggest that we'd be here until the middle of summer just on Bill 24 alone, which wasn't even raised today, and now add these other ones that they're talking about, his supposed point about false allegations, in effect then the Member for Fort McMurray is saying that his own colleagues are lying, because they are the ones saying that we'll be here till Labour Day, till the middle of summer, that we haven't even understood what filibuster is yet. He needs to talk to his own colleagues and please ask them to stop lying, because they are the ones who are making those statements.

You know, we're not talking about hurrying up legislation. The Member for Fort McMurray raised the issue of legislation regarding protection of Albertans from indiscriminate business loans made by the government. That is something that is so resoundingly, overwhelmingly demanded by the people of Alberta that in fact it was one of the key election platforms in 1993. Virtually 100 percent – rarely do you see a specific item going out to the people of Alberta that is so emphatically and resoundingly supported in such an overwhelming way, yet we have sat here on different days accumulating just short of five hours of debate on that particular item alone. We're not talking and nobody here has ever talked about limiting debate, but when the members opposite themselves, the opposition, are saying that it's a filibuster, when the opposition are saying they're going to drag it out till mid-September or till Labour Day, that's then when we reflect and say: I guess they're beyond legitimate debate; they themselves are talking about filibustering. So it goes on.

Just in closing and trying to be briefer than the members opposite, the Member for Edmonton-Meadowlark said that my answers were designed to create disorder. All I did in my answers was to compliment the member on being a tough critic. Yes, that's right; some of my own members, when they heard me

articulate that, became rather disorderly. They were quite upset to hear me congratulating an opposition member for their good work. So I'll try and watch that in the future. But those were my comments related to the Member for Edmonton-Meadowlark. I can go on to say that she herself said that the Employment Standards Code has very minor changes to it – very minor changes – yet after some debate, some good debate, I might add, at second reading, I'm informed not by the critic but in fact again by the Member for Fort McMurray, who, for reasons we can all speculate on, loves to be on his feet as often as possible, said: never mind just the amendments from Edmonton-Meadowlark; we've got so many more on that one you wouldn't believe it. So I have to say: where is the solid debate coming from on these particular issues?

The same with the Member for Calgary-McCall, who just presented an excellent member's statement, a good example of co-operation between opposition members: the Member for Calgary-McCall working with the Member for Edmonton-Highlands-Beverly. A good example of cooperation, somewhat rare. The Member for Edmonton-Highlands-Beverly did not agree with most of the amendments. As a matter of fact, only two were agreed upon. But let's give credit where credit is due. Because of the involvement and discussion from the Member for Edmonton-Highlands-Beverly, the critic, at least two amendments that she brought forward were accepted and in fact will become part of law. Now, how they conduct themselves is totally up to them as a caucus. At that point she was informed by other members in the caucus supposedly more expert than she, even though she's the critic: oh no; there would be a lot more amendments coming on this one. So again and again we question and we wonder whether we're seeing legitimate debate or whether in fact we are just seeing a fulfillment of their threat to keep us here until the middle of summer, to keep us here until Labour Day. As the Member for Edmonton-Centre said, we haven't even seen real filibustering yet. So they're just kind of getting warmed up, I guess.

Mr. Speaker, unfortunately, most of what I've said is not related to a point of order because I don't believe there is a point of order. It's just in response to the points raised mainly by the Member for Fort McMurray and somewhat by the Member for Edmonton-Meadowlark.

3:00

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

MR. HERARD: Yes. Thank you, Mr. Speaker. I think it's important that I respond to the comments made by the hon. Member for Fort McMurray with respect to the fact that this member periodically takes the Chair in proceedings in this Legislature. I consider the times that I do sit in the Chair to be an honour, and I do so very seriously in an effort to promote debate within the rules in a fair and unbiased way, and I think the record will show that I do it in a fair and unbiased way.

It's interesting, though, that when you look at all the times there are points of order and so on raised in the House, they always seem to deal with relevance and staying within the rules of whatever we are in, second reading or third reading. The rules are a little bit different in terms of latitude. Every time there is a comment made by the Chairman or the Speaker, whoever it is, it always seems to be in that area.

Mr. Speaker, I've looked through all of the Standing Orders, I've looked through *Beauchesne*, I've looked through *Erskine May*, and I haven't found any yet that deal with telling the truth. So there's nothing in the rules that says that you can't stand here

as a member and tell the truth. There is one little-known rule, perhaps, that the hon. Member for Fort McMurray should learn, and that is: when you're in a hole, you should stop digging.

THE SPEAKER: The Chair has listened with interest to the presentations this afternoon with regard to what boils down to the business of the Assembly and how it's going to be dealt with in the ensuing period of time. The Chair does not feel that the questions complained about were out of order on the basis of the subject matter, particularly with regard to anticipation, because two of them, for sure the questions with regard to the matters at third reading, are not anticipated to be dealt with today, as far as the Chair was advised or informed. The other question with regard to Bill 29 was not directed towards that Bill being debated later today; it had to do with the final disposition or the government's agenda.

As far as making false or unavowed motives to members, there were no individuals mentioned. There may have been two or three mentioned, but the Chair does not feel that the tone of the questions or the answers were out of order, and . . .

MR. WHITE: Competence?

THE SPEAKER: Well, certainly the questions were directed to the ministers who had the . . . [interjection]

MS LEIBOVICI: The impartiality of the Chair.

THE SPEAKER: No. The Chair does not believe that the hon. Member for Calgary-Egmont by his occasional occupation of the Chair in committee or the Chair in the Assembly compromised his ability to do that by the questions that he asked today.

All in all, the Chair does not feel that those questions referred to were out of order.

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

Bill 215

Crown Grazing Lease Statutes Amendment Act, 1996

[Adjourned debate May 15: Mr. Severtson]

THE SPEAKER: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Speaker. First off I must say that this Bill is very difficult because it deals with an issue that has merits on both sides of the argument, but there are a few misconceptions to clear up before we debate the merits of this Bill in the House. I must say first of all that it is wrong for anyone to assume that agricultural interests are adverse to conservation interests. Agriculture must also rely on a healthy environment if it is to remain sustainable.

We must also remember that the Alberta government has a mandate to protect Alberta's ecosystem. We have emphasized sustainable development, which ensures a healthy economy and a healthy environment. We also have a comprehensive system working right now to protect endangered places in this province called Special Places 2000. We just got Canada's most improved grade from the World Wildlife Fund as a direct result of that program. We also must remember that it is in our best interests

to ensure the ecological integrity of the land rented out under grazing lease statutes. The land is not good to anyone if it is overutilized or improperly managed. That is a loss to the agricultural community and the environment and the economy.

In Alberta we have 5 million acres rented out under various grazing leases. Those 5 million acres represent only 3 percent of Alberta's over 163 million acres of land. Of the 163 million acres of land a total of 10 million acres are considered public land under the jurisdiction of Alberta Agriculture, Food and Rural Development. Another 100 million acres are Crown land under the jurisdiction of the federal government and other provincial departments like Environmental Protection. It would be foolish to say that 3 percent represents a serious threat to Alberta's environment.

Even if you do subscribe to this theory that the land under grazing leases is in danger of destruction from overgrazing, I have to say that I don't feel that that is true. Grazing is a good part of land management. Grazing animals are vital to the health of the ecosystem, and Ducks Unlimited can tell you that. It's not just the ranchers. DU found that they had to bring in grazing animals to ensure that their protected wetlands survived to house the waterfowl and other animals they attempt to protect.

It is not that I don't feel that the issue of grazing leases needs to be addressed; I think it does. Alberta Agriculture, Food and Rural Development is committed to a review of its policies and programs on public land management. I feel that the best way to deal with this issue is as a package that includes a variety of issues related to leased land and also includes getting out and hearing what Albertans have to say to this very important issue of access. I have faith that the agriculture department can come to a wise and equitable solution on this contentious issue because they have shown in the past that they are serious about meeting a spectrum of different needs, not just the cattle industry but hunters and hikers and others. They have the Use Respect program in place right now, which encourages landowners and leaseholders to allow public access. The program also urges the public to follow the rules because they are generally set for a reason.

3:10

How do we meet the needs of the public who feel that they should be allowed access to Alberta's public land with the needs of the leaseholder who has made an investment in the grass and other improvements, like fencing, to the leased land? That is a good question. I would like to hear from a lot of people throughout Alberta before I make my decision.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. Bill 215, the Crown Grazing Lease Statutes Amendment Act, clearly a mouthful, that was introduced by my colleague from Sherwood Park, tries to grapple with the subject of public access to public lands under grazing lease disposition. That is specifically the topic.

I was listening intently to the Member for Innisfail-Sylvan Lake, who mentioned various things that I have not found in the Bill. I don't think it speaks at all about the problem of overgrazing, nor does it really refer to any adverse effect of agriculture on the environment, specifically. The member I think also said that he's calling for yet again another task force or something to ask Albertans what they think of that particular problem.

You see, the difficulty is that this problem has been looked at

now for quite a few years, as the Minister of Environmental Protection well knows. I think it was in 1987 that a task force was established by one of his predecessors, a minister of the department which then went by a different name. I'm not sure what the name was. Anyway that task force was specifically charged with traveling around the province and canvassing opinions as to how the topic of public access to Crown land under grazing leases should be dealt with. On that task force were about seven members: five government MLAs and two members of the public. They came out with recommendations that are more or less holus-bolus embodied in Bill 215. So what my colleague from Sherwood Park is trying to do is speed up this lengthy process, that has been in place for about 10 years I guess to find out what people think.

This is, I think, a very modest attempt at least at providing an initial solution to this problem. It's no more than that. I hope my colleague doesn't mind me saying that. Bill 215 embodies those central recommendations that that task force came out with; namely, that pedestrians should have unlimited access to grazing leases and that vehicles should have restricted access only, restricted to established roads and designated trails, unless they have permission from the leaseholder. The definition of those roads and trails was to be established by the Lieutenant Governor in Council because of course that could lead to problems otherwise. So the Bill seems to attempt to at least arrive at a compromise between the extreme positions of grazing lease holders – probably the extreme position would be that they don't want any access or at least access only after asking permission – and on the other side, the extreme public position, which is to have access without any restrictions. It seemed to sort of arrive at a happy medium, and in that sense I thought it was a good beginning. Hence I'm firmly in favour of this Bill, and I hope that members on the other side will see their way clear to at least allow this beginning to take place in terms of attempting to establish a solution.

Now, the Bill also deals with the subject of liability of the leaseholder, and it attempts to really put that fairly clearly, I think, under the aegis of gross negligence in discharging the common duty of care. In other words, only if that happens, if the leaseholder is grossly negligent in discharging the common duty of care, would he or she be liable, and under normal circumstances that would certainly not be the case.

The Bill attempts to deal further with the complex issue of recognition that leaseholders need security of tenure. That is the element that I think is clearly recognized in the Bill, that the leaseholder does have tremendous interest in security of tenure and he or she should be able to practise his or her business there. The public, though, must have the right of access. I think that must be accepted, and the solution that is embodied in Bill 215 more or less is a multi-use solution of grazing lands.

Mr. Speaker, I really don't have much further to say about this Bill, but I'd just like to urge all members to recognize that this issue has been simmering for almost 10 years, if not longer, and has been looked at by various task forces and studies. If we do not want to waste much time – and I'm very cognizant of that, having heard today many arguments that time is being wasted. In the arguments the onus was clearly placed on the opposition, but I tend to think that the government, too, could take a major step here in curtailing studies, task forces, arguments, and debate and just find themselves in favour and in support of this Bill.

Thank you very much.

THE SPEAKER: The hon. Member for Little Bow.

DR. TAYLOR: Excuse me.

THE SPEAKER: Oh, the hon. Member for Cypress-Medicine Hat.

DR. TAYLOR: Thank you, Mr. Speaker. I'm pleased to rise and speak regarding this Bill. I'll just give the Member for Little Bow a little more time to get his thoughts together. [interjections] Well, it will only take him a second or two, hon. members.

Just a bit of background, Mr. Speaker. Grazing leases, as we all know, fall under the Public Lands Act, which is administered by Alberta Agriculture, Food and Rural Development. An individual or a company can negotiate a lease agreement with the government, and there are presently about 5 million acres under such agreements. The leaseholder – and this is important to point out – is then responsible for the management, and Alberta Agriculture, Food and Rural Development goes as lease inspectors, which are out there making sure that the lease is managed in an appropriate way. It's not like Agriculture, Food and Rural Development is not paying attention to what's happened. These leaseholders are monitored very, very closely. They are monitored very closely as to how they manage the grass, quite frankly. Anybody that suggests differently simply has no idea what's happening out there. I would suggest that most of these urban members opposite have no idea what's happening with leased land out there. That is why this member, who is so concerned about his Bill that he's not even here today, brought this Bill forward. It's brought forward by a largely urban caucus that doesn't understand the issues.

So what I intend to do is try and educate the members of the caucus opposite as to some of the implications of this Bill. I'm sure that once they understand the implications of the Bill, Mr. Speaker, they will not vote in favour of this Bill. I mean, simply, it wouldn't be logical to vote in favour of this Bill. However, I suppose one might argue that they've done some illogical things in the past, but I wouldn't be one that would make that argument.

3:20

The issue of access is contentious, Mr. Speaker. What's happening with this is that the public is demanding they have unlimited access to public lands. They feel that these lands are public and they should have unlimited access, and this is what this Bill in fact provides. It provides unlimited foot access to all public lands; it gives the public just the ability to wander onto those lands. I would compare this, to help the urban members understand it a little better, to the idea of public housing. Certainly across this province we have a number of public housing units. Now, I'm sure these urban members from Edmonton, Edmonton-Centre, would not argue that I can drive my four-wheel drive vehicle across these lawns in these public housing units, tear up their lawns with my four-wheel drive, three-quarter tonne truck.

MR. DINNING: That's what Laurence Decore does. Laurence did it.

DR. TAYLOR: I know the ex-Leader of the Opposition drove his four-wheel drive vehicle and tore up some public lands.

MS LEIBOVICI: Point of order.

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

Point of Order Inflammatory Language

MS LEIBOVICI: Standing Order 23(h), (i), and (j), definitely insulting and inflammatory language. To set the record straight, the former Leader of the Opposition was not driving, it was not his vehicle, and at least he didn't park in handicapped parking, as the Premier does.

DR. TAYLOR: I'll make the ruling myself, Mr. Speaker. There's no point of order, hon. member.

Debate Continued

DR. TAYLOR: To go on further, Mr. Speaker, I would not drive my four-wheel drive vehicle across these public housing lands. I would not try and enter this public housing project without first knocking on the door and saying: "May I see your public housing project here? Can I come and inspect your project? Can I come and inspect your house?" That's exactly what these members opposite are asking. They're asking that people be allowed to go on public lands, tear up the property without asking any kind of permission.

Now, these members certainly do not recognize what our grassland is like in the far southeast corner of Alberta. The natural prairie wool, as it's called – prairie wool – if you haven't heard that term, is a very sensitive grassland.

MR. DALLA-LONGA: Prairie oysters.

DR. TAYLOR: Yes, I've heard of prairie oysters too, hon. member, and they're quite tasty to eat on occasion. In fact, I could tell you a story about prairie oysters and eating them. It was an urban member just like himself that I took out on a bit of a tour through my constituency. We were out in the country, and we stopped at a ranch. We had this barbecue right there at branding time. It was on the Q ranch, down in the far southeast corner, just before you cross the border. As we were leaving, this fellow, the urbanite, said to me: "My those were good. What were we eating there?" I informed him that we were eating prairie oysters, not quite in those terms, but that was the general message, Mr. Speaker.

MS LEIBOVICI: Point of order.

THE SPEAKER: The hon. Member for Edmonton-Meadowlark is rising on the question of relevance?

Point of Order Relevance

MS LEIBOVICI: Yes, definitely, as the Speaker has astutely thought, 459. Though the story is more than entertaining, it has very little relevance to Crown grazing leases.

DR. TAYLOR: Actually the Q ranch is a huge area of leased land in southeastern Alberta, so it certainly is relevant.

Debate Continued

DR. TAYLOR: It'll be just very short. As we were leaving, Mr. Speaker, this urbanite asked me what we were eating and I told

him prairie oysters. You know, we were riding in a vehicle and I was in the backseat. He suddenly felt upset to his stomach although he'd enjoyed them and had to ride in the front seat with the windows open for the next hour or hour and a half while we were out there. So that's a little bit of a story there for the member from Calgary-Dalla Longa in regards to prairie oysters.

Anyway back to my comments on the Bill, Mr. Speaker, if the members of the opposition will allow me to proceed. Just as we wouldn't expect in an urban area to be allowed free access to public housing, nor do I think these members want this free access in a rural area as well. The land is very sensitive. The ecology is very sensitive, and the person renting that, the leaseholder, needs to control that access to protect his land, to protect this sensitive grassland ecology. Not only does he need to protect his land, but he needs to protect the improvements on his land. For instance, we have dugouts in southern Alberta, which are manmade holes that hold water for us because water is in very short supply. Because they're made with Euclids, the sides of these dugouts are very sensitive. Once again they need to be protected in terms of access and not allowing people to run up and down the sides. What happens is that it pushes the dirt into the water. It fouls the water, and then the cattle will not drink the water. So we're dealing with a very sensitive environment here, and the land leaseholder must be allowed to control access. So I'm concerned about that aspect of the Bill, and I think that members that have familiarity with southern Alberta and perhaps have family in southern Alberta will be voting against this Bill as well on just simply that basis.

As well, we have environmental groups demanding access to these public lands, but they're doing so on a very different issue. They feel that the grazing leases are being overgrazed. They feel that ecologically the land is endangered, Mr. Speaker. I can't think of anything further from the truth. It's really just hysteria and typical paranoia fueled by these groups, because the best stewards of the land are the people that utilize the land. If they don't look after the land, they won't make a living off it next year. They have to look after the land this year so their children will be able to make a living.

I can show you ranches all over southern Alberta – mention one ranch, the Hargrave ranch. It's a huge ranch in southern Alberta. That same family has been on that ranch for a hundred years, and the grass is in better shape now than it probably was a hundred years ago because they recognize the fact that they want their grandchildren to be there. I can tell you about another ranch, the Norman Bauer ranch, in southeastern Alberta. Now, it's not as old as the Hargrave ranch, but Norman's father started the ranch. Norman is on the ranch now, and he's got two sons, both highly educated, both with master's degrees, Mr. Speaker, living and working that ranch with him. They want that ranch to be there, and they're the best stewards of the ranch. That's the way it is. Farmers and ranchers across this province are the best stewards of the land. They take pride in their property, they take pride in their land, and they quite frankly do not need these environmental groups running around telling them . . .

THE SPEAKER: I sincerely regret having to interrupt the hon. member, but pursuant to Standing Order 8(2)(b) we are required to move to the next order of business.

head: **Motions Other than Government Motions**

Health Care System

512. Mr. Doerksen moved:

Be it resolved that the Legislative Assembly urge the

government to implement strategies aimed at reducing the overutilization of and therefore the demand on the health care system, giving consideration to the following: increasing public awareness of the costs of the system, providing incentives through the health insurance plan to encourage responsible utilization of the system, using the health care premium as a deductible, and allowing for the rebate of any portion of the health insurance premium that is not used through access to the health care system.

[Debate adjourned May 14: Mr. Dunford speaking]

MR. DUNFORD: I was raising some points last week on the motion, on how comfortable I felt with the initiative being raised by my colleague from Red Deer-South, and I got so comfortable with it, Mr. Speaker, that it seems I tucked it under my pillow, and I'm having a little bit of . . .

MR. DINNING: Is that with your teddy bear?

3:30

MR. DUNFORD: Yeah, along with my Huggy Bear. I noticed though – didn't you? – that the Liberal opposition today wasn't too happy with that title, but I hope that they will excuse that for just a second here.

Mr. Speaker, we were looking at some of the impacts that it would have on reducing overutilization by some of these methods that were put forward by the member, and we really, I think, need to start focusing on how we'd increase the public awareness of the costs of this system. I've started to use in some of the speeches that I make in public – I don't often speak at very much length, but when it gets into health, we need to be vigilant about health costs and we need to find some way in which to get that information over to the public. When we look at the situation, and if we want to start to try to identify the problems in the area, we only really need to look at the mirror, because every Albertan when looking at the mirror, with the possible exception of the Member for Edmonton-Glenora, understands that it really is us that are causing the overutilization. Most of us have enough common sense to know, when we're being asked to come back either to a doctor or a chiropractor or some other practising physician, if it at all happens, when we're being asked to come in for perhaps some frivolous thing. I think it's more the other way. We get a pain in our foot, in our finger, in our head, and what do we do? We head, then, for the physician.

So how would we try and do this? Well, there was a fantastic device, as far as I'm concerned, that was in place sometime ago, and that was that we received a yearly billing. Actually it wasn't a billing. It wasn't really an invoice, but it was a summarization of how myself and my family had used the health care system that previous year. We were then able to take a look at some of those numbers, and I can recall being quite shocked at how I felt a relatively healthy family had actually cost the taxpayers of Alberta a rather significant sum. It happened really, you know, almost unobtrusively, but it did bring home the point that there are significant dollars every time one visits a medical facility.

The experience, though, does provide other opportunities as well. I remember being in the office of the then Member for Lethbridge-West, the hon. John Gogo. I happened to be there when the phone rang, and it was an irate person from Coaldale, as a matter of fact, who had opened this information invoice and had noticed a couple of procedures that were charged against his wife. I hope I have this story correct because I don't want to cast any aspersions on anybody. I don't know the doctors' names in

particular, nor do I recall the family from Coaldale, but the story goes like this.

The wife happened to be a nurse at the hospital in Coaldale. She was putting away some information, sheets of paper anyway, into a desk and managed to pinch her finger. So she's sucking on her finger to relieve the pain. She's seen by a doctor who comes along and he says, "Oh, gee, I think you should have a band-aid on that." So he put a band-aid on the finger. Later in the afternoon she's working away, and another doctor sees her, sees the bandage and says, "Oh, what happened to you?" She said, "Oh, I caught my finger in my desk, and Doctor Such-and-such put a band-aid on it." He said, "Well, let's have a look at that." So he undid the bandage, took a look at it, and said: "Oh, no, I don't think you need a band-aid. I think we need the air to get at that."

Well, what happened of course was that there were two procedures that were billed through Alberta health care for this activity during this day. You can just imagine what the nurse felt like, and of course her husband, he's gone up 10 feet and turned left. He's really irate. Even though he was from Coaldale at the time, the only MLA's name that he could remember was Gogo's. He wanted to phone the guy he could first think of and raise some stink about this, and he certainly did.

So this is anecdotal in that sense. It comes from a time when it just seemed like all you had to do was make some sort of artificial budget for Health. Then you just spent the money, and at the end of the year whoever the Minister of Health would happen to be – maybe it was the Member for Calgary-Shaw. I don't know whether he was ever Minister of Health. Maybe it was the representative from Calgary-Lougheed. I don't know if he was ever the Minister of Health. But all that would happen, the situation at the time, was that you'd just simply write a cheque. You'd write a cheque to cover the costs. It was perfectly acceptable at the time.

Hey, we're here now in 1996. We were elected in 1993 to put a cap on some of this business. We put a cap on the budget itself, and really if one wants to take a minute for thought about major reforms in health care, Mr. Speaker, probably the most major reform that anyone has made, whether it be in Alberta or any other province in this nation – we did an amazing thing. What a concept. We put a cap on a budget. My goodness. Hey, this is reform stuff. This is the last decade in any kind of century, and this is when all the revolutions take place, Mr. Speaker. This is where all this upheaval is. This is when the sky starts to fall. Well, give me a break, please. To put a cap on a budget.

Anyway that leads us then to the point where we have done that, but what we're still seeing, Mr. Speaker, is a tremendous pressure on individuals such as physicians and other health care people to try to preserve, you know, some limitation to this budget.

MR. SAPERS: Can you spell supplementary estimates?

MR. DUNFORD: I hear the hon. colleague from Edmonton-Glenora ask me if I can spell supplementary estimates. Yes, I can. To me a supplementary estimate is a lot better than a warrant. You can face it; you can do whatever you want. At least a supplementary estimate gets talked about in this House, and that is something that the class of '93 has brought to this Legislature, and it's a good point, I have to indicate. [interjections] Well, we're getting folks a little nervous over there. We've already found out today through points of order how they can dish it out, but they can't take it. We particularly like that aspect.

THE SPEAKER: I regret to advise the hon. member that his time has elapsed. For the information of other hon. members there's one minute left before the question must be called. Would the Assembly like the question called now? Is the Assembly ready for the question?

HON. MEMBERS: Agreed.

[Motion carried]

Young Offenders

513. Mr. Sapers moved on behalf of Mr. Dickson:
Be it resolved that the Legislative Assembly urge the government to implement the suggestions contained in reports tabled in the House by the government and by the Official Opposition concerning improvements to the handling of young offenders in Alberta.

THE SPEAKER: The hon. Member for Edmonton-Glenora on behalf of the hon. Member for Calgary-Buffalo.

MR. SAPERS: Thank you, Mr. Speaker. This is a motion that I think has a tremendous amount of importance attached to it. The Premier himself decided that the young offenders situation in Alberta was so important that back in April of 1994, the 28th of April in fact, the Premier commissioned a committee, a task force, to study young offenders, but that committee had some limitations. Given that it was an important issue, it still had some limitations. It was, first of all, a committee that was staffed entirely of Conservative members. The Premier refused to make it an all-party committee in spite of the success of the all-party committee which studied the freedom of information legislation.

3:40

The second major limitation at that time, again given the context that it was an issue of tremendous importance to all Albertans, was that the mandate of the committee unfortunately focused on matters primarily to do with federal jurisdiction. The committee looked almost specifically at means in which the Young Offenders Act itself could be changed, which was the federal Young Offenders Act, not the Alberta Young Offenders Act. If you'll look at any of the 43 recommendations that were eventually tabled by the government, many of them, the majority of them actually, have to do with the Act.

Notwithstanding, the report did canvass Albertans around the province. I believe there were 16 public forums over the months of June and July of 1994. Albertans from right across the province did have a chance to speak on the young offenders issue, and it's a little unfortunate that the government of the day added to the confusion in the minds of many Albertans about what could and should be done about young offenders by not making careful distinction between what was provincial and what was federal jurisdiction. In any case, Albertans did have an opportunity to tell government MLAs what it was they were concerned about regarding young offenders.

Well, to deal with some of those limitations, after being refused participation on the government-initiated panel, after that being refused by the Premier, the Official Opposition decided that a consultation that focused on provincial matters should be undertaken, that Albertans should have an opportunity to talk about those areas over which the province had specific mandate and authority. So the Liberal opposition formed a panel headed by my

colleague from Calgary-Buffalo and assisted by both myself and the hon. Member for Clover Bar-Fort Saskatchewan which began its work in May and concluded its work in September and also met with Albertans and, I should add, Mr. Speaker, at considerably less cost than the government's panel. We managed to advertise through community networks and get around the province and get our work done and hold meetings in 12 communities. Given, it wasn't the 16 that the government went to, but the government seemed to pick their communities by which ones had airports big enough take the government plane. We drove into some rather small ones. We had 12 public consultations. We met with literally thousands of Albertans and heard from them. The Liberal opposition developed 49 recommendations, and that report was also tabled in this Legislative Assembly in October.

So in October of 1994 all Members of this Legislative Assembly had the ability to review nearly 100 recommendations dealing with the administration of justice as it relates to young offenders: 49 recommendations brought forward by the Liberal opposition – and those recommendations almost exclusively focused on matters of provincial jurisdiction – and some 43 recommendations brought forward by the government. Unfortunately most of those recommendations focused on the Young Offenders Act. In any case, nearly 100 recommendations. The recommendations brought forward by the Liberal opposition, Mr. Speaker, included recommendations that brought an emphasis on crime prevention programming that could be implemented by government departments within matters of provincial jurisdiction: the departments of Education, social services, of course Justice, and others as well. Certainly the Department of Health has a role to play.

We urged stronger consequences for serious and habitual offenders, and within that context a more careful differentiation between habitual offenders and those more casual offenders who perhaps could be dealt with in a different way other than the full court process.

That led us to our next set of recommendations which involved the better use of alternative measures programming and the establishment of youth justice committees. Mr. Speaker, youth justice committees are permissible under the Young Offenders Act under section 69. Alternative measures are permissible under the Young Offenders Act under section 4. One of the unfortunate legacies of this government in its response to youth crime has been a real hesitancy to embrace alternative measures to their full extent under section 4 and youth justice committees to their full extent under section 69. In fact, I can remember dealing with a previous Minister of Justice who dismissed the notion of youth justice committees by saying: "Why in the world would we want to not go to court? Why would we want to deal with these problems in the community?" as though that minister didn't trust communities. It certainly has taken some time for this government to understand the power and the importance of the community being responsible for finding resolutions to some of these youth justice problems through the venue of youth justice committees.

Now that the government has been brought kicking and screaming to the realization that youth justice committees can indeed be a powerful deterrent and agent when it comes to dealing with youth crime, we are seeing, luckily, some movement, most of it in aboriginal communities and most of it actually, Mr. Speaker, interestingly enough, led by those aboriginal communities. We have much to learn from many of the bands who have taken it upon themselves in spite of the government's roadblocks to establish youth court committees and sentencing circles and

really force the government to pay attention to an alternative means of administering justice when it comes to young offenders within their own communities.

Other recommendations went on to include a flexible youth court schedule. We heard from parents that felt that their children who were brought before the court were often treated very harshly as a result of the parents not being able to participate fully in the court process. We had parents explain to us that if they had to travel considerable distances and if they had to in fact put their own employment in jeopardy, then it made it very difficult for them to always attend in youth court, particularly in youth court proceedings that may be adjourned – it may not go ahead as scheduled – and were somewhat unpredictable. So we heard many calls for more flexibility and sensitivity in terms of youth court scheduling.

Recommendations put forward by the Liberal opposition included a greater use of victim impact statements in sentencing and a greater recognition of the impact of youth crime on victims.

So, Mr. Speaker, this should not be confused with what you will see sort of threaded through the government report, which is that there seems to be two classes of victims: those victims who deserve government support and those victims who don't deserve government support. It is our belief in the Liberal caucus that you shouldn't rank victims as more deserving or less deserving. By the same token, you shouldn't pit victim services and victim needs against those programs and services which will be beneficial to the whole of the community by providing supports or treatment or programming for offenders. It's not a matter of either/or. You should never be in a situation where you're simply dealing with one group of needs at the expense of another. Certainly what justice is all about is balance, and what we see and what we recommended is that there needs to be a balance involved in terms of meeting victim needs and providing victim services but not to the exclusion of those necessary programs for offenders, particularly young offenders and specifically first-time young offenders.

Mr. Speaker, the Liberal opposition recommendations also dealt with the need for more co-ordination for children and youth services from the provincial government. The former Children's Advocate I think recommended that there should be a super-ministry created for children. We heard from many frontline service providers and many families of young offenders and many young offenders themselves that they felt that there was no one place that had responsibility, that they were being buffeted around, that they went from resource to resource, from group home to jail to school to group home to foster parent, back to jail, and that there didn't seem to be any co-ordination or any concerted effort to understand what the interaction effect was between all of these government departments that had a piece of their lives. So certainly there was a call for more co-ordination.

Another highlight of the Liberal report included effective performance measures to ensure that safer communities and rehabilitation are the ultimate goals of the youth justice budget. If you take a look at *A Better Way* – I believe that's the euphemistic title of the budget – and you look at the business plan for the Department of Justice, what you'll see is that there are in fact some performance indicators, but none of those performance indicators are really hard-and-fast performance indicators. They don't really tell us that if we spend this amount of money on this kind of program, we will get a certain quantity of result.

3:50

I think for far too long that when it's come to youth justice, what this government has been content to do is to simply find

somebody to blame, and once they find somebody to blame, the government would have us all believe that it's the problem solved. We know that's not the case in justice. We know that simply finding somebody to blame or having a young person found guilty in court nowhere near addresses the problem. It doesn't address the problem in terms of the loss, the victimization, the community that may have been impacted, or the circumstances that contributed to that young person's delinquency to begin with. So what we need to do is to make sure that performance measures are built in to determine whether or not we have the right kind of outcome – I suppose the vernacular would be the bang for the buck – to make sure that we have the right kind of consequence for the young person, the right kind of benefit for society, and the right kind of return on investment in terms of tax dollars spent for correctional services.

Now, none of these recommendations, particularly in the Liberal opposition report, are novel in the sense that they have not been brought to the government's attention before. Several of the recommendations in the government's own report are also not novel in the sense that they are original. In fact, the government's report actually looks like about a decade old, the federal report that I'm familiar with and that I'm sure you are too, Mr. Speaker, from your previous history. The reason why I mention the fact that these reports and these recommendations are not entirely unique or brand-new is because what this motion specifically urges the government to do is to take action "to implement" these recommendations. It's about time.

Let's take a look at what we've learned, let's take a look at what we know, and let's implement these recommendations. Let's go through the recommendations carefully, and let's have a full accounting for them. If the Minister of Justice says that his department has in fact dealt with these recommendations, then let's take a look at them one by one. Let's take a look at the nearly 100 recommendations, let's put them on some kind of a chart, and let's take a look at what the recommendation says, what it would hope to accomplish, and what the government says they've done about it. Then this Assembly can make the determination whether we can take the Minister of Justice at his word and his department at their word in their business plan for accomplishing what they said they've accomplished.

I've heard the Minister of Justice say that they've made tremendous progress when it comes to young offenders. Well, I would like to see the evidence of it. I would like to know with just what degree of diligence the minister has instructed his department to review these recommendations. Where is the report? Where is the analysis that these recommendations would or would not have a net positive benefit? On what basis can we assess what the minister says unless we have that kind of report and that kind of an analysis?

So the motion is really a very straightforward motion. It's not a partisan motion in the sense that we're saying simply implement the Official Opposition's recommendations, even though they are of course those recommendations which most pertain to provincial jurisdiction, but the motion also says: let's implement the recommendations in the government's own report. You'd have to question why this government wouldn't want to do that.

Of course, we've seen the government turn its back on its own reports from its handpicked committees before, so it wouldn't be the first time in this government's mandate that they've asked for a committee to do a study they've paid for, spent tens of thousands of dollars on, and then ignored it because it doesn't fit with their agenda. In fact, we're on the eve of seeing that happen

again, much to the Provincial Treasurer's consternation. When Albertans were asked if they wanted a tax cut and they overwhelmingly said no, we still hear the Provincial Treasurer talking about the fact that that's his preference. And by Jiminy, Mr. Speaker, I guess we're probably going to see a tax cut in spite of what it is that Albertans have told the Treasurer.

I think it would not be the first time that the government has ignored its own studies and its own reports and committees, but in this case they should at least go through the report. They should pick out those few recommendations from the government's own work that are truly within their mandate and control to do something about, and they should implement them or they should at least tell us why not. I think the Albertans who participated in those consultations, both the government's and the opposition's consultations, deserve that. I think that all the taxpayers, who paid for the government members to fly around the province and collect their input, deserve that kind of an accounting. I think that all Members of the Legislative Assembly, since these reports are really the property of the Assembly now – they were tabled in this Chamber, and all members had an opportunity to review them and to discuss them with their own constituents, as I know I did – deserve that degree of accounting for what has happened to these recommendations, many of which, I sincerely believe, would streamline the administration of justice, would make young people more accountable for their behaviours, and would involve communities in a way that they felt they had more control. Ultimately, that would result in safer communities and I suppose a higher regard for the state of the youth justice system in this province.

Mr. Speaker, I would like to encourage all members of the Assembly to recognize the importance of this motion, to understand from whence it came, the motivation on the part of my colleague for bringing this motion forward, and the genuine desire to have the recommendations finally be given their due by the government and by the Minister of Justice.

In closing, I'll simply ask that my colleagues on both sides of the House support this motion. Thank you.

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

MRS. FORSYTH: Thank you, Mr. Speaker. In April 1994 the Premier asked me to chair a task force to look into Albertan's concerns about the Young Offenders Act. Along with my colleagues the Member for Vegreville-Viking, the Member for Pincher Creek-Macleod, the Member for Calgary-Montrose, and the Member for Red Deer-South we toured the province hearing Albertans' concerns about the federal legislation called the Young Offenders Act. What we heard from Albertans made up the recommendations we sent to the federal government regarding changes to the Act. We also found Albertans had some very good ideas on the provincial administration of the Young Offenders Act. We focused on these recommendations in a separate report, which went to the Minister of Justice and Attorney General. We tabled two reports, one for the feds and one for the provincial.

After all the hearings and the wonderful cross section of Albertans we talked to, we believe the recommendations to be a very good representation of the views of this province. We also feel they represent very forward and fresh thinking, but these issues are not simple. Dealing with youth crime is as much a matter of prevention as it is correction, and that idea is represented in the recommendations we presented to the Justice minister. That also means that the recommendations cannot simply be implemented right away.

Mr. Speaker, I have to reiterate this. I've kept up with this and I've talked to people, people who have had children in a young offenders centre, people who are concerned about where we're going with youth, and they keep saying to me, "Don't rush it; make sure it's right." They need careful consideration of the impact and their role in the Alberta youth justice system as a whole, but it would be wrong to suggest the government has forgotten about these recommendations and has done nothing regarding the recommendations we made.

On May 1 of this year the Justice minister tabled a report outlining his department's progress with the recommendations. Again, Mr. Speaker, I'll emphasize the word "progress." Let's get it right the first time. The report detailed the department's response to the recommendations and showed just how committed the government is to improving the youth justice system in Alberta. For example, the recommendation that the young offenders legal aid pilot project be evaluated and be expanded when feasible has been accepted. The minister reported that an independent evaluation of the project is scheduled for some time this year, and the continuation and/or expansion of this project will be based on that evaluation. We also recommended that Alberta Justice make sure court officers such as prosecutors and defence lawyers were aware of all the up-to-date alternative services available to young offenders.

The correctional service division has created a resource guide called Guide to Sentencing Resources, which has information about aboriginal programs and initiatives and young offenders community and central-based programs provided by the province. The Justice minister also reported that an evaluation of in-custody rehab programs has been undertaken as per our recommendations, which has resulted in a number of improvements. These include increased resources for the Grande Prairie and Calgary young offender centres, implementation of specialized behaviour management units, and the creation of another new work camp for young offenders. As well, a substance abuse program has been started here in Edmonton.

Beyond policy and procedure changes, this government has also recognized some legislative changes to deal with youth crime. Our effort in regards to child prostitution will be a good example. I believe the government is making appropriate efforts to handle the recommendations our task force presented. While there are no quick and easy solutions to a societal problem such as youth crime, I feel the Justice department has been more than willing to listen to our recommendations and consider them. I also understand that many of the recommendations will be implemented in the next while.

[The Deputy Speaker in the Chair]

Mr. Speaker, as someone who's been involved with youths since 1990, with many organizations in dealing with young offenders, I'm really having difficulty supporting this motion. I'm very proud to say that I was chair of the task force, and I'm also very proud to see what the minister has done in implementing our recommendations from this report.

Thank you, Mr. Speaker.

4:00

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

MR. GERMAIN: Thank you very much, Mr. Speaker. The issues surrounding young offenders in the province of Alberta are

of extreme interest to me both in my role as the elected representative from the community of Fort McMurray and also in my role as an active member of the Law Society of Alberta, often having firsthand experience as to how this particular Act works or doesn't work and how the matters relating to young offenders cause a tremendous social problem, tremendous social difficulties. We are skirting around the edge of the problem. We are not confronting and we are not dealing with the problem in a head-on way.

Now, if you go back and analyze the study of all of this, this government committee was triggered as a direct result of community anxiety concerning highly profiled and highly publicized serious crime involving young offenders. The Attorney General of the province of Alberta was reacting badly to criticisms and concerns that he was soft on youth crime and disinterested in issues as to youth crime. So he created a young offenders committee composed of Conservative government members to basically diffuse the concern that people had about this particular Attorney General being soft on youth crime.

The mandate of that particular young offenders panel was to deal with issues primarily that did not relate to the mandate of the province of Alberta; that is, legislative change to the federal legislation, the Young Offenders Act. The reality, Mr. Speaker, in Alberta is that all of the social structure that can divert behaviour from being inappropriate and improper behaviour into behaviour that is proper and decent rests completely with the government of the province of Alberta.

Since we are here in the provincial Legislature, I think it is important that we – and I say this to all Members of the Legislative Assembly – hold the government's feet to the fire in terms of solving young offender problems, because there are not enough police officers to put on every street corner to prevent young offender vandalism. There are not enough social workers to deal with every single problem. There are not enough secure treatment facilities to deal with all of the problems. If you listen to police forces, you will see that they seem to feel the young offender is getting younger and more aggressive each and every year.

Mr. Speaker, in the community that I represent, when I travel the community I see that for every potential young offender there are 99 or more good children who are basically struggling with all of the bleakness and all of the baggage that their parents struggle with, the concern about future jobs, the concern about whether they're going to get a nice place in a high school or in a college, all of the concerns about whether they're going to find a suitable part-time job to allow them perhaps to pick up that odd little luxury item that they want. They are concerned about the disruption of their parents. All of these young people are basically going to be the people that provide us the stability of our future. They are going to be the people that contribute to the Canada pension plan in the future. They are going to be the people who contribute to the work of our society collectively.

Now, you might say: how do we affect all of this here in the Legislative Assembly? We often in an unknowing or blundering or clumsy way affect the outcome and the predictability of the outcomes for young offenders by things that are completely innocuous from the government's point of view. A perfect example was the reduction of kindergarten hours in the province of Alberta. We know that very often children who misbehave in school are rejected from school. Their self-image and self-worth diminishes and decreases. They immediately find a group or social structure that will accept their reduced self-worth or their diminished self-esteem as being a positive. They will, as parents

have referred to it for generations, Mr. Speaker, drift into the, quote, unquote, wrong crowd.

So this particular government can do much to alter and change and channel behaviours, but all we have to do is have a collective will to do it. That's why the hon. Member from Calgary-Fish Creek I believe was speaking in favour of this motion, although she was commenting in a positive way that the government is doing some things about youth crime and youth justice issues in the province of Alberta.

The hon. mover of this motion on behalf of the Member for Calgary-*Buffalo* correctly points out that there is no reason for this Legislative Assembly not to approve this particular motion. I want to ensure that everything that possibly can be done for young offenders is being done to improve their opportunity for rehabilitation, to improve the opportunity to be diverted completely from the system, to improve the opportunities for people who are seriously troubled and seriously dangerous young offenders to get the kind of care and the help they need, because we cannot continue to say that simply jailing all levels of criminal activity is going to be the answer. We know that the province of Alberta has one of the highest levels of incarceration in all of Canada, with no real improvement in the crime statistics over other provinces.

So the reality is that the recommendations that came forward in both the government's Young Offenders Act Provincial Review, which was a document filed in this particular Legislative Assembly in 1994 as document 1179, and also in the independent but concurrently operating review of the Alberta Liberal caucus on youth justice consultation – the heading of that report, Mr. Speaker, is very fairly and appropriately named *Taking Responsibility*. It has been far too easy in this country when you feel overwhelmed, when you feel a sense of inadequacy, when you feel things aren't being solved properly to simply blame the other level of government. I say that as a nonpartisan comment. The federal government blames the provincial government. The provincial government blames the federal government. Municipal governments blame both the federal and the provincial governments. It is natural that we do that, but in these two reports that were filed were some solid, hard recommendations, and all of them should be endorsed by this Legislative Assembly.

Voting for this motion does not mean you agree with all of them. Voting for this motion simply means that you recognize, in my respectful estimation, that we have to continue our vigilance on matters relating to youth crime in this province. We have to continue our vigilance with a view to being strong and tough where strength and toughness is required but also being compassionate, caring, and rehabilitative when those attributes are required. The recommendations contained in this particular program, both of these reports, are very useful and should be adopted by this Legislative Assembly.

So to vote for this motion is not to suggest or vote for a criticism of what the government has been doing to date on this particular motion. To vote for this motion is to simply express once again in this Legislative Assembly that there are serious concerns about youth crime in this society, that we have reasonable differences and disagreements as to what the root causes are but we all want to work on every possible root cause. Even if I'm wrong on what I think the root causes are, I'd just as soon a little bit of work and attention be put on those anyway just on the off-chance, Mr. Speaker, that I'm right, and by working on those root causes, we will in fact work to solve some of the problem.

Every time I get up to speak on young offenders activity and

the youth justice issue, I don't want my comments to be interpreted in any way as maligning youth in general. It is indeed, I think, clear and clearly recognized by all Members of this Legislative Assembly that it is the smallest percentage of youth that cause the young offender problems, that are involved in young offender situations. I would like personally, as one Member of this Legislative Assembly, to reduce that percentage. I would like to reduce that percentage for several reasons, one of which is that it's good economy to reduce that percentage and the second of which is that it increases the safety of myself, my family, and my constituents and likewise, Mr. Speaker, of yourself, your family, and your constituents. So those are two very practical reasons: cost and safety will both be enhanced if we can move forward to try to solve some of the root causes of why there are young offenders.

We will not solve all of them. I accept the theory that there are some people who are pathologically bad. For those people the compass must swing 180 degrees, and our focus must be on compassionate incarceration that prevents those pathologically bad people from hurting others. But for many, many of the other offenders there are solutions, and we have to work on them. So I would urge all Members of this Legislative Assembly to simply vote in support of this particular motion.

4:10

Now, in my own community we do not share completely the rosy view of the hon. Member for Calgary-Fish Creek. In fact, in our community the youth assessment centre has closed down. In our community the facilities and treatment opportunities for young offenders are being reduced. In our community and perhaps indeed elsewhere in the province, Mr. Speaker, in the old days if you were a single mother on social assistance, you used to be able to go and get a small stipend of money every year to allow your young child to participate in community activities such as an organized sporting event or an organized intramural sport. Over the years I've scratched on my skates a little bit and coached some minor hockey in my leaner days, and I must say that there were in those groups some young men and women who would not have been able to play hockey were it not for the compassion and the social conscience of the government of the day of this province in providing them a certain small honorarium so that they would be able to play hockey.

Now, some hon. members opposite might say "parental responsibility." I accept that to a point, but when the chips are down and there is no possibility for the parent to make that contribution, are we better off as a society showing that compassion and having that young man or woman play in a structured sport? Or are we better off to have them sit at home alone or wander the street looking for similarly situated companions who have nothing constructive to do but wander the street? I often wonder what the payback was on those few thousands of dollars that went into that type of organized sporting event, when you would sometimes see a young man or a young woman who had a very, very low self-esteem because they were in difficult times financially, with perhaps no father figure in the family, in perhaps a situation where there was a lot of strife in the family, and you would see that young person make a rehabilitative improvement over the course of one season. It's not possible in a loosely structured organization like minor sports to track and see whatever became of those students, but I daresay that if you were a betting person, Mr. Speaker, you would bet that the ability to participate in that sport could not have hurt and may well have helped. That would be the bet you would make if you had a chance to bet.

So I urge all Members of this Legislative Assembly to vote positively for this particular motion. Show once again to Albertans that you care very deeply and that you are very sensitive to the issues of youth crime, and also show to all Albertans that even though it appears that the recommendations may not be moving forward, this Legislative Assembly wishes they do move forward.

I hope that the hon. Member for Calgary-Fish Creek was not saying to vote against this motion because the government wants to go slow and get it right the first time, because that would be inconsistent, Mr. Speaker, with the government's other activities on other Bills and their approach to other legislation. The Municipal Government Act is a perfect example. We're amending it this session, and it has previously undergone two major amendments, each over a hundred pages, all in the effort to get it right. When the Minister of Health first introduced her Regional Health Authorities Act, the Bill itself was about 17 pages long and the amendments were 38 pages. How could it be said that we are delaying to get it right? The hon. Minister of Family and Social Services introduced a Bill in this Legislative Assembly this year that incorporated by reference amendments that had previously been put forward by the hon. Member for Edmonton-Highlands-Beverly. All of that indicates that speed, just like quality of debate, is in the eye of the beholder, and there is no reason for us to reject these two reports simply because the government is pondering about getting it right.

I would urge all Members of the Legislative Assembly to vote positively for this motion. Keep the Minister of Justice's feet to the fire in terms of looking for constructive solutions to deal with the issue of youth crime rather than just looking at the superficial anxiety caused by any one act of criminal misbehaviour and simply saying, "Well, we've got to get tougher on youth crime." Let's try and find out what it is that we can do to reduce youth crime, not just how high we can turn the blowtorches when we are emotionally disturbed about something we have seen that troubles us greatly in the media from time to time.

So in the collective second thought that this Legislative Assembly offers, Mr. Speaker, I urge all members to vote for this motion, Motion 513.

Thank you.

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

MR. COUTTS: Thank you very much, Mr. Speaker. It indeed gives me a great deal of pleasure to stand here today and speak to this Motion 513, particularly because . . .

MR. HERARD: Then how come you're not smiling?

MR. COUTTS: Well, I will be smiling in a bit, hon. member, because I think I've got a good-news story to tell about some of the things that came out of the consultation of the task force as it went around the province. Particularly, a little bit later I'll be telling you about some initiatives that have taken place in my constituency, as the hon. Member for Fort McMurray has just asked us to do, to try to find some new ways of keeping our youth out of the court system rather than putting them through the burden and expense of being in our court system. We've developed some of those, and I'll be glad to share them with the hon. member in a few minutes.

I don't think I would have gained any appreciation for the

amount of youth crime in the province if I hadn't been on the task force, going around the province and finding out that certainly in the urban centres, in the inner core of cities, there are some major problems quite similar to but also to a great degree different than what they would be in, say, downtown Crownsnest Pass or Pincher Creek or Bow Island or wherever. I was able to get a better appreciation for the diversity of some of the problems that are around the province, so it was a real pleasure to go around the province at the request of the Premier and talk to Albertans about the Young Offenders Act. I think the other thing I enjoyed about talking to people was the parents' participation in some ways, having had some problems with their children, and also the parents' lack of participation in some instances and some cases. You could really see how some youth were led astray sometimes by the lack of parenting and the admissions of not only adults but of youth as it centred around the issues about parenting.

So it is a very, very difficult question that we present ourselves with about serious and violent crime. It's a very, very difficult question to know how to handle the not so violent and the not so serious. The individual who goes into the candy store and takes a couple of chocolate bars, conveniently forgets to pay for them, and gets their name on the judicial rolls because of that is something that has to be grappled with.

4:20

When we did talk to Albertans, we found that there were many, many Albertans who had some great ideas about improving the system, not only for habitual offenders but for offenders that were just first-time offenders or not so serious offenders. As my colleague the Member for Calgary-Fish Creek has mentioned, it's a societal problem that needs to be dealt with in many areas. It's not just simply a justice or a Justice department problem; it's a societal problem that we need to grapple with. We noticed this as we went around and talked with various people in various locations. And I have to say that if it hadn't been for the good co-operation and the honest to goodness - I will have to put it this way - heartfelt concern for the youth of Alberta, we would not have been able to come forward with the recommendations that we did.

We took a tremendous amount of time as a task force to listen to each and every Albertan: youths; adults; grandmas and grandpas; some young offenders who had been put in an incarceration situation and realized what they had done, realized where they were going, the path they were going on; some youth who admitted they had made a mistake. Overall, what we found was that by dealing with and talking with each and every one of them, we were able to come up with a good, sound consensus for our task force, quite unlike some of the participation that was done by the Liberal Party opposite. When we were at our public meetings, we would find that they would come in . . .

MRS. FORSYTH: On our coattails.

MR. COUTTS: Yes, on our coattails. On the coattails of our budget also.

They would come into our meeting, listen to one or two presentations, go out and interview those people, and wouldn't stick around for the other four hours to listen to all of the other presentations that came along. That was . . .

DR. TAYLOR: Shameful. Shameful behaviour.

MR. COUTTS: Yes. It was sad to see that they would not take

a full four hours and listen to all of the people.

Beyond that, I can tell the House that the reports of the task force . . . [interjection] You bet; maybe it took a little bit longer to put together than the few quotes that the Liberal opposition put together, but it was a detailed accounting and has received the endorsement of not only our Minister of Justice but has received strong recommendation by the federal Minister of Justice too.

I think the other thing, too, is that we took time, not only from the public's perception, to listen to the public, but we also listened to what stakeholders had to say. We listened to native communities. We listened to RCMP. We listened to all those stakeholders that deal with young offenders. We visited those young offender facilities in both Edmonton and Calgary and in some of the native communities too. We looked at some of the problems that are associated with those. I'm really glad to see that the recommendations from all of that consultation were endorsed by the minister and are being dealt with by the minister here in this Assembly. Therefore, I don't see any reason why we should be taking this motion and duplicating what's already been done by a very, very good report and which is being followed up on by our Minister of Justice.

Let me tell you what has come out of some of the consultation. We didn't always go to the main centres of Edmonton, Calgary, and Red Deer and spend the time talking to people there about young offenders. I fondly remember going into a little community – and, yes, it did have an airport, a very good airport, an airport that was put there many, many years ago during World War II, and it's still utilized today. So we went into the very small community of Claresholm, with some 3,200 people, and although we didn't have a large contingent of people to make presentations that day, there was certainly enough interest in the conversation around the table and in the conversation that was put forward to the task force for the people of the community to say that they wanted to get involved with something that we threw out to them about youth justice committees.

What happened from that meeting of our task force visiting there was that some citizens in the Claresholm and the Fort Macleod area got together, and along with the assistance of the Alberta correctional services, the RCMP, and Justice Wood, the youth justice committees were approved by the Attorney General's office and are now up and operating. The first one was started in Fort Macleod, and it was just months later that we got one going in Claresholm. It's interesting to note that the youth justice committee in Claresholm has had over 32 youth presented in front of it and that none of them have returned. Absolutely none of them have returned. It's because of the success of this particular youth justice committee that another one is being set up as we speak in Pincher Creek, and the citizens of Crowsnest Pass and the Peigan reserve are now looking at setting up their own youth justice committees.

The youth justice committees, as we know, are sanctioned under the Young Offenders Act and deal with first-time offenders of a less serious crime. The RCMP lay the charges as a result of an investigation, and they may suggest that the youth be dealt with by the youth justice committee. The Crown prosecutor must approve the plan before the alleged offender is referred to the committee. Members of the committee, who are all volunteers and interested people from within the community, listen to the charges, they question the alleged offender, and they determine suitable punishment. The youth is supervised by one or more of the committee members, who ensures that the prescribed punishment is adhered to and that any community work, reimbursement,

or apology to victims is done as per the agreement.

When the youth justice committee agreement is completed, the youth is no longer required to attend court on that charge and no record is registered. The committee is required to maintain a record of the proceedings for two years after completion of the punishment. Pressure on the overburdened court system in my constituency is reduced, and costs are reduced as there is no remuneration for the committee members. Sentencing by the youth justice committee is generally harsher than what is meted out by the court, and members of the community take a continuing interest in the youth.

THE DEPUTY SPEAKER: I hesitate to interrupt the hon. Member for Pincher Creek-Macleod, but the time limit for consideration of this item of business has concluded for this afternoon.

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

[Mr. Tannas in the Chair]

THE CHAIRMAN: I'd call the committee to order.

4:30

Bill 43
Election Amendment Act, 1996

MR. HIERATH: Mr. Chairman, I would like to make a few comments as Bill 43 moves into debate in Committee of the Whole. Some of the comments in second reading need to be clarified, firstly with regards to the appointment and tenure of returning officers. The Legislative Offices Committee has not completed discussions on this issue. This matter will be revisited later by the committee and be determined by the committee before it's brought up for discussion in the Legislature.

The Member for Calgary-Buffalo made some comments in second reading that I would like to maybe clarify. One of the questions was with respect to telephone numbers and privacy. There is no doubt that telephone numbers are personal data, and it needs to be made perfectly clear that telephone numbers and all information will be given to enumerators on a voluntary basis. No one is required to be on the list of electors at all.

A question was raised by the Member for Calgary-Buffalo with concern for student voting. It should be immediately noted that the amendment Act contains the same rules with respect to student residence as the present Act. There is no change at all with regards to students. Students do not lose their right to vote if they are unable to return to their residence to vote in the appropriate polling station; they may vote by special ballot. This is a mail-in ballot used by Albertans who are away from their ordinary residence at the time of an election. Also, the amendment with regards to students was never discussed in the Legislative Offices Committee, and therefore no amendment was brought forth to our committee.

The Member for Fort McMurray discussed the patronage of appointments of enumerators. The truth is that both parties put forth names for enumerators. There is always a balance between both parties with regards to enumerators, and that's the check and balance in the system. Most political parties are unable to provide the required number of enumerators. The end result is that the returning officer selects and appoints most enumerators on his own anyway. The other aspect to the enumerators is that if this amendment goes through and is passed into law, this will be the last enumeration.

The Member for Fort McMurray also referred to persons ineligible to act as enumerators and spouses. This section has not been changed, and it reflects the present election provision.

The Member for Edmonton-Glengarry raised the issue of the danger of first names, that it may lead to harassment or stalking of females. Mr. Chairman, all provinces in Canada contain the full names of electors with the exception of Ontario and Alberta. There is no evidence to indicate that the list of electors has enabled malicious persons to torment anyone, and I would challenge any member of the Legislature to indicate circumstances where persons have been harassed or stalked from data from the list of electors in the past.

The Member for Lethbridge-East talked about the number of electors in a poll. Four hundred and fifty electors is a number that is ordinarily considered manageable for a poll. That is polled for federal elections. The number of 450 is not arbitrarily or artificially drawn to; it is a number that has been determined by experience in Canadian and Alberta electoral offices. There are no changes to that aspect of this Election Amendment Act either.

With regards to security, no one can guarantee that a breach of security with respect to the list of electors shall not occur. It is like suggesting that a bank teller will never steal from the bank, Mr. Chairman. We all know that these things occasionally occur, but for the most part enforcement of the law is the major practice deterring the issues of any law.

In conclusion, I would urge the members to have a positive debate on these amendments, which have been basically agreed to by the members of the Legislative Offices. I'll take my seat, and I'll be interested in the debate during committee.

THE CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much. Mr. Chairman, at the committee stage of this Bill we should ask ourselves not what the Bill is but what the Bill could be, what we could do with creatively looking over some of the obvious flaws and aberrations contained in the Bill and some suggested area for amendments.

Now, we have raised the issue of the students. The hon. member has dealt with and has answered that issue, and basically I understood that he was giving an undertaking to this Legislative Assembly that students in this province would be able to vote either where they go to school or at home, as they wish. I don't hear him objecting to my paraphrasing of that particular issue, so I presume that the students issue has been concluded.

I do want to raise again that there are concerns, first of all, about the patronage appointments that are found in this particular Bill, which will be the subject matter of more debate in the future and before this session and this particular Bill is finally put to rest.

I think it is also important, Mr. Chairman, for us to note and to recognize that we have growing concerns amongst members of society concerning their own personal safety, and for the hon. member to say that no information from a voters list has ever led to a stalking or a harassment is in my respectful estimation not the test. The test should be: is it possible that a voters list could lead to harassment or stalking? The answer is yes, and if we conclude that the answer is yes, what we should do is we should deal with the issue in terms of determining how it is that we can make matters more safe for all individuals and still preserve their right to be documented on a voters list and notified.

One of the obvious answers that comes to mind is that for valid reasons an individual should be able to exclude their phone

number from the voters list. They also should be able to indicate that they want their name to be referred to by initial only as opposed to a full first name. Now, those are all very important issues. I think the hon. sponsor of this Bill is trying to indicate that perhaps they can ask that their phone number be excluded, and if that indeed is the case, I will certainly sit in my place and allow him to confirm that particular matter on the record. If you look at page 6 of the particular Bill, it does say in section 15:

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.

There does not seem to be any procedure by which somebody can have their phone number removed or not put on that particular list.

Now, I know there are other hon. members of this Assembly that want to speak to this particular Bill, so I will take my place now, Mr. Chairman, and allow them to do so. I will advise the House that after the general debate on this particular Bill at committee stage has expired, I will rise again and present some amendments to the Legislative Assembly.

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

MR. BRUSEKER: Thank you, Mr. Chairman. I just want to make a few comments on Bill 43. I intend to vote in support of Bill 43 at committee stage. The Bill I think goes some distance towards improving the mechanism by which a voters list will be produced within the province of Alberta.

Mr. Chairman, I just want to go back a little bit in history and reflect in part sort of on how we got here, to the stage where we have this Bill before us today. Over the course of discussions with the Member for Olds-Didsbury, he and I were chatting about the whole issue of enumeration lists and how they could be better compiled and so on, and that ultimately led to a subcommittee of the Legislative Offices Committee being struck, of which the Member for Olds-Didsbury and myself were two of the three members. The third member was the Member for Peace River.

4:40

I want to say and I want to put on the record that I particularly enjoyed working with the Member for Olds-Didsbury on the subcommittee – he was certainly a pleasure to work with – and sharing the information that we gathered, not only from the province of Alberta but also federally and from other jurisdictions.

I also want to acknowledge the work of the Chief Electoral Officer and his office as well, Mr. Chairman, in doing some research and collecting data from around the province, the provinces plural, and of course also the federal Chief Electoral Officer.

Mr. Chairman, the proposal we have before us today is to streamline the process and indeed to adopt and put to better use the technology that we have available within the province of Alberta. The benefits that I think would result from this Election Amendment Act I think are well known. I guess there are a couple of important issues. The primary one, of course, is the saving of money to the taxpayers within the province of Alberta, approximately \$1 million per year on average. I stress the “on average” part because in some years when we have an enumeration, the cost is significantly higher, and when there is no enumeration, of course the cost is significantly lower. By implementing the procedures put in place using a computer-based system, as outlined in various sections of this Bill, I think we will see over the long haul a reduction in cost. I think that is one significant step in the right direction.

There's another important factor from this piece of legislation, Mr. Chairman. In discussions of both our subcommittee of the Legislative Offices Committee and the entire Legislative Offices Committee with the Chief Electoral Officer, he's assured us that in the total information list, the accuracy of the list can be maintained at least at a level that we had before, if not even better, because of the increased accuracy using a variety of sources of data that the provincial government already holds: drivers' licences for example, health care cards, and similar information which the provincial government has in its variety of different departments.

I think the key here, of course, is that the only information that should be included is that which is required for an election. Therefore, we see on the list of registers the types of information that will be included on the list of electors. I think, indeed, there are some steps that are going in the right direction that include things as simple as including the postal code. In previous election campaigns we would have to go out and find a reverse directory or find a postal code directory and have people go through and add postal codes onto each of the addresses should we want to conduct a mailing. We also had to look through and find phone numbers. Well, that's now included in this Bill as well, that phone numbers will be included. The first name of the individual will also be included rather than just an initial. It gives you a bit of an idea of who it is that you're speaking to. So, Mr. Chairman, I think the moves are a step in the right direction.

The chairman of the Legislative Offices Committee also provided to members of the subcommittee a copy of a federal document produced by Elections Canada entitled *The Register of Electors Project: A Report on Research and Feasibility*. What we're looking at with this whole process is joining with the federal government in working with a system that would help us here in the province of Alberta, but of course the federal government is also looking at making the same kind of joint arrangement with the other nine provinces across the country as well.

When I read through that document that had been prepared by Elections Canada, Mr. Chairman, I was surprised to learn that once we get the initial list of electors prepared, for subsequent electoral events we'll see savings at the federal level in the neighbourhood of \$40 million. Now, the cost savings that I've been talking about at the provincial level on average are a million dollars per year and at the federal level on average are \$10 million per year. If you start translating that across the entire country, you can see that the cost savings would be significant to the taxpayer at both the provincial and the federal levels and across all of the nine other provincial jurisdictions that we have in this country.

So, Mr. Chairman, I think the proposal is a good proposal. What we will have down the road is both a national and a provincial register that would allow the Chief Electoral Officer in the appropriate jurisdiction to maintain a list that is accurate and complete, or as accurate as it can be.

Interestingly, Elections Canada has even done some analysis on what are the causes of error creeping into the situation. They've even done an analysis. They say that on average 16 percent of the population moves in any particular year, which of course requires updating. We have on an annual basis approximately 2 percent of the population turning 18. Those would be new electors coming onto the list all the time. New citizens, immigrants that have come in or immigrants that have become Canadian citizens, adds 1 percent onto the population each year. So you can translate those figures to the Alberta situation, Mr.

Chairman. Then at the other end of the spectrum, of course, there is the issue that we all will face at some point, and that is the issue of death. They say that 1 percent of the population dies on an annual basis, so those names need to be deleted from the list. All of that can be worked through with the provincial government working hand in hand with the federal government and the Chief Electoral Officers in those respective jurisdictions.

Mr. Chairman, the list of positives, when one reviews the benefits that will be gained from this, I think far outweighs the negatives that could possibly arise from such a move. When one looks at, as they put it in their document, the business case, the federal government puts it very succinctly: \$9.3 million start-up costs but over subsequent electoral events approximately \$40 million. Of course, you have to remember that that's at current dollar values. That doesn't take into consideration increased effects through inflation and what have you.

So, Mr. Chairman, with those few comments I do want to say that I support the process. I did enjoy in particular working with the Member for Olds-Didsbury on the subcommittee that I guess really got the ball rolling on this. I think this is bringing our electoral process, at least the enumerations process, into the 1990s and getting us ready for the next millennium, when we'll see more and more use of computers. I think it's a step in the right direction, and I think all members should be pleased to support Bill 43 at committee stage.

Thank you.

THE CHAIRMAN: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Chairman. I, too, want to add my support for Bill 43, the Election Amendment Act. I have had the privilege of taking part in some of the deliberations of the subcommittee and am pleased that the Bill is before us.

I think the sections that will mean most to the people in this Assembly are section 5 and section 16(1). Those are the sections that people involved in enumerating and in polls and poll information have had some difficulties with in the past. This Act I think goes a long way to resolving those difficulties.

In particular, the information that we'll gather from the enumerators, the information in the proposal here, will be as complete as I think anyone could possibly want it. It will tell you exactly who the residents are and give the telephone number, which has been a huge, huge task for groups who are interested in trying to contact electors, trying to work from reverse directories to fill those in. It seems such an unnecessary piece of work to be duplicated at least 83 times across the province when if the enumeration was done correctly in the first place, we would have that at our disposal.

4:50

So I think those interested in poll information will be delighted with section 5 and the new information that's there. I think the kinds of reservations that were raised in the subcommittee about that information have been answered. If people want to keep telephone numbers private, if they want to have their gender kept anonymous, I think those opportunities are there. The fact is that the information is available in other places, in other forms, and it seems foolish not to make it as complete as we can when we go to all the trouble and expense of enumerating across the province.

The other section, of course, is section 16(1). I think this is a great leap forward in terms of having the information available not only in printed form. The previous lists, I think if you recall, were printed and had alternating sections on the list, so it was

almost impossible to photocopy the lists and have them come out accurately, particularly if your photocopier wasn't the best in the world. There seemed to be a deliberate attempt to prevent duplication of the materials in the past, and the new move, where it'll be both in print form but particularly where it's going to be in electronic form, is really a great stride forward and long overdue.

So I think those two sections, Mr. Chairman, along with the fears that I raised in the committee – not I alone but other committee members – about personal security and the possible misuses of the list have been addressed. I'm delighted that the Bill is here and that it's proceeding as it is.

Thank you very much.

THE CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Chairman. I now want to focus, if I might, the Legislative Assembly's attention on what I will refer to generally as the patronage irritation in this particular Bill, and with that I'm going to be filing two amendments. Again utilizing the basic rules of paper conservation, I advise the Assembly that they're found on one sheet of paper, but I am moving them individually and will be asking that they be voted on and discussed and debated on an individual basis.

I recognize that it will take a few minutes for the Assembly to receive copies, so rather than waste the House's time, Mr. Chairman, let me continue, if I might, describing in general terms what the amendments are all about and what we intend to do with the amendments.

If Members of the Legislative Assembly will look at this particular piece of legislation, they will find on page 8 of the Bill as presented to us for discussion and debate a section entitled section 20(1), (2), and (3). Now, it is intended in the first amendment that I will be moving, Mr. Chairman, to delete subsections (2) and (3) in their entirety and replace them with a more usual employment section that will basically allow the enumerator to hire whomever it is that he thinks is qualified for the job and will spare the enumerator from the obligation of contacting political parties to get names put forward for the purpose of conducting this enumeration.

[Mr. Herard in the Chair]

I think most fair-minded individuals would recognize that the process of elected office is basically a process where politicians are asking people for a job. I think that if the list of the people who are going to create the references for that job, if I could use that euphemism for the voters list, is prepared by direction from those politicians that are in fact seeking the job, it creates an aura or it creates an impression of patronage in a very important area underlining our democratic process.

So what we are proposing in this particular amendment is to delete completely the enumerator's obligation to consult with riding associations and political parties, and instead we are asking the enumerator to do this: we are asking the returning officer to advertise in a newspaper of local circulation for enumerators. In other words, we're going to ask people to apply for the job like they would for any other job. Then we are going to indicate that only qualified individuals who have applied for the position of enumerator under subsection (2) shall be appointed by the returning officer. If members look at the amendment, this will in effect remove any of the appearance of patronage in the creation

of these jobs for the purpose of formulating the voters list.

Now, the hon. sponsor of the Bill indicates that this is perhaps the one last time that there will be an enumeration. That is not completely so, hon. members, because the returning officer reserves unto himself the right to enumerate in unique or peculiar situations, such as when the residential environment is rapidly changing and there's been an inflow of new people. The returning officer can always do an old-fashioned enumeration the way they used to. So it may be in fact the practical result that there will not be very many more enumerations, but there will at least be one more, and perhaps there will be spot enumerations elsewhere from time to time. You can find that in the legislation that indicates what the returning officer's authority is.

So I would urge all Members of this Legislative Assembly to in effect vote for this amendment. When they vote for this amendment, what they are saying is: we are against patronage, we want the returning officer to employ the people that he wants to employ to do the enumeration, and we will not be bound by political interference or by political suggestion in the appointing of names for these jobs as enumerators.

I know that by now, Mr. Chairman, all of the members will have received their amendment sheet, so I will with your kind permission move as amendment A1 to this particular Bill that section 5 be amended in proposed section 20 by striking out subsections (2) and (3) and substituting the following. The replacement subsection (2) will read, "Each returning officer shall advertise in a newspaper of local circulation for enumerators," and subsection (3) will now read,

"Only qualified individuals who have applied for the position of enumerator under subsection (2) shall be appointed by the returning officer."

This amendment goes to integrity, it is an amendment that goes to fairness, and it is an amendment that goes to the way in which business is conducted by the Legislative Assembly of Alberta. By voting yes for this amendment, Mr. Chairman, all Members of the Legislative Assembly are basically saying that when it comes to determining who it is that will decide who will create the voters list from which they will seek elected office, they will be far removed from it. We will have removed the political process from that enumeration opportunity as far as we possibly can.

Now, Mr. Chairman, I know that there are other people who want to stand up and speak on this particular amendment, so I will take my chair and others will speak on this amendment.

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Chairman. I'm happy to rise and support this amendment. There's no doubt, when we take a look at the Bill, that there isn't a person in this House who wouldn't be supporting increased efficiency in the system and certainly cost-effectiveness. But there is a little problem with this Bill in my estimation, and that is the patronage appointments for enumerators.

The Member for Taber-Warner talked about both parties being invited to invite candidates and therefore there always being a balance. Well, in the history of my political involvement in the province, that certainly has not been the case. The party who has the majority of seats here in the Legislature has the majority of control and therefore the majority of power to appoint whomever they want, whenever they want, and as far back as I can remember has taken advantage of that privilege. Therefore, I would

challenge the member to speak to this amendment and prove to us beyond a shadow of a doubt that patronage is the right way to go in this province on an ongoing basis and that it is a fair opportunity for people to get involved. I ask: in this very important kind of a role in the province, what about those people who are not involved with any political party, who are not involved with a political party that holds seats in the Legislature? Will they also have equal opportunity and access to apply for these kinds of positions? I think not, Mr. Chairman.

Therefore, I'm happy to support this amendment where the returning officer is obliged to advertise and where qualified individuals can write a test, as they do at the federal level, go through a series of interviews, and then be available to adequately train in an efficient manner to perform this task. So, Mr. Chairman, I readily support this particular amendment.

5:00

MR. WHITE: Mr. Chairman, I too rise to speak in favour of this particular amendment, more to the perception. Others have spoken to the reality of dealing with patronage appointments, if you will, or party appointments. This amendment does away with party mention, and I think that goes a long way to the perception of dealing with the never-ending problem of one party's advantage over another, which we've seen. We see it in the Senate all the time; our nose is continually rubbed in it. We as Canadians certainly don't need that at any level.

At this particular level, though, at the basic level of deliverance of democracy, it's really quite important to get away from that. Yes, it could be that in some places simply by lack of interest there may be only a certain number of people that are interested in doing the job because it's certainly not a glory job, but it is one of relative import.

I just have to point to the recent happenings of a vote and returning officers and the like and the alleged misconduct of those people in Quebec on a very emotionally charged item. The facts are that if these people are selected on the basis of competence and are advertised on that basis, in looking for people that are in fact independent, it could do nothing but help enhance the perception of politics being clean and above that kind of influence, particularly when you get down to the most important, the singly most important act that an individual does as it relates to politics, and that's cast the vote. That is very, very important, and I believe it should be maintained clear and open and away from as much as possible – it's not possible to totally and completely deal with it, but it is as much as possible.

Thank you, Mr. Chairman.

[Motion on amendment A1 lost]

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

MR. GERMAIN: Thank you very much, Mr. Chairman. Of course, if I'm never successful on these amendments, I'm always persistent, so again I rise to move the second amendment to Bill 43. Now, this is a particularly interesting amendment, and I must say, to use the words of the hon. Member for Grande Prairie-Wapiti, that I think I will be shocked and dismayed if the Legislative Assembly votes against this particular amendment, because this also goes to basically the appearance of fairness.

You will see that this particular amendment, Mr. Chairman, would further expand the prohibited groups of people who could not be appointed or act as enumerators. The members will look

at page 9 of the Bill and will see that section 21 indicates that certain "persons may not be appointed or act as enumerators." Of course it starts the list with "persons who are not electors," and it goes all the way down to end the list with "persons who have . . . been convicted of an indictable offence."

Now, it is the proposal that the group of people identified in section 21(b) to (f) also have their immediate family members and spouses excluded from being able to participate in enumeration. What that means, Mr. Chairman, is that a Member of this Legislative Assembly could not have his wife or son or daughter come forward and be an enumerator. That to me makes perfectly good sense. In no other field of endeavour or industry would there be that close a familial tie allowed in the creation of something as important as a voters list.

So too with "members of the Parliament of Canada," because of course this voters list is going to be shared with both levels of government. "Candidates" of course: I don't know how good the Conservative candidate in Fort McMurray would feel if he or she later found out that my spouse, for example, was out doing an enumeration. I mean, that does not make sense, so we should have that prohibition.

We have "official agents." If an individual is an official agent for a candidate that is running, surely there should be some discreteness in who gets to sit and make these enumerated lists. So we would urge that.

Finally, we have "judges of federal or provincial courts," because of course if there is a dispute along the way in some or all of the procedures, it is those same judges that have to referee those disputes.

This second amendment that I now move, Mr. Chairman, indicates that there be added to section 21, found on page 9 of the Bill, "The following persons may not be appointed or act as enumerators," this following additional subsection, which is the "spouses and immediate family members of those persons identified in clauses (b) to (f)." It seems to me that it is contrary to the basic principles of democracy and the basic principles of fairness for an MLA to have his wife or her husband out there doing an enumerated list.

Now, surely we can on this particular amendment see the wisdom of approving this particular amendment, so I recommend it to all Members of the Legislative Assembly, and I move it now.

MS LEIBOVICI: I, too, would like to add to the debate on this particular issue. I'd like to talk from a personal experience that occurred to me when I ran in I believe it was the '89 election. When I entered one polling station on election day, lo and behold, who was there but the mother of one of the candidates, and at another polling station was the father of another one of the candidates. They in fact were the poll captains. That seemed to me to be patently unfair as these individuals were well known within the community and might in fact have ended up having an effect on voters who were entering the polling booths. Now, in an election that is not close, that might not be an issue, but in an election that is close, that indeed is an issue where you have subtle forms of persuading voters to remember who to vote for.

I think that when we look at the regulations and rules on election day where the scrutineers for the Liberal Party are not even in reality allowed to wear red or the scrutineers for the Conservative Party to wear blue as you go into a polling station, then how much more blatant can you get than the mother or father of an individual, who has lived in the community for many years, being there staring you in the face as you're taking your ballot

and entering the ballot booth? I think that from that perspective alone this is an amendment that is good.

We have numerous examples where there is potential conflict of interest: when you look at school board trustees, when you look at Members of the Legislative Assembly as to what spouses and immediate family members can and cannot do. One would think that something as basic as ensuring that the enumeration process is fair and that it remains confidential, which is part of what needs to happen with the enumeration prior to the publishing of lists, is one manner of ensuring that.

5:10

Again I was astonished at the unanimous no that arose from the government members' side with regards to the last amendment that the hon. Member for Fort McMurray put forward, that indicated that qualified individuals are the only ones that should be able to apply for a position of enumeration. What we have in fact within the Act is not only patronage in a sense in terms of going to the political parties to ask for names but a discrimination against those individuals who are not affiliated with a political party.

Now, my understanding of the Conservative caucus is that they are against any form of discrimination in hiring and that this in fact does provide for there to be discrimination. If your name isn't put forward by a registered constituency association, then in fact you do not get first dibs at a job. It's not necessarily the most qualified individual that wins the battle to become an enumerator. So you can imagine my surprise when in fact the members of the governing party decided that they were not going to support this amendment. I would hope that they will have taken another look at this particular amendment that's been put forward by the Member for Fort McMurray and will support this amendment.

Thank you.

THE ACTING CHAIRMAN: The hon. Member for Cypress-Medicine Hat.

DR. TAYLOR: Thank you, Mr. Chairman. I'm afraid I have to speak against this amendment, and I do so on the basis of human rights in our province. I refer to this Bill 24, our proposed Bill. All through this Bill we say that you cannot discriminate on the basis of family status. I'll give you a couple of examples: "No person shall publish, issue or display or cause to be published, issued or displayed . . . or other," and it goes on that you cannot discriminate on the basis of "race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status or family status." This amendment quite clearly is asking for people to be discriminated against on the basis of family status. If you happen to be married to somebody – that is one of these categories – then you cannot be an enumerator. Well, that is a discrimination based on family status. I would have thought that these members opposite would respect and be opposed to discrimination based on family status.

If you read Bill 24, there are a number of examples throughout this Bill where it talks about discrimination on the basis of family or marital status and that it will be disallowed. So it seemed to me that this amendment put forward by the hon. member quite clearly contradicts the good intentions of this Bill. Now, assuming this Bill gets passed at some time, it will then quite clearly be opposed to the Individual's Rights Protection Amendment Act, 1996. So what he's doing is proposing an amendment where if this Bill is passed – and we can probably sometime assume, even if we're here till the middle of July, that we will get this Bill

passed – this amendment would be contrary to this Act. It makes no sense to me, Mr. Chairman, or to anybody in this House now that I've raised the question with them how they could propose and sponsor an amendment that would be contrary to this Act.

I would encourage all members of the House to vote against this.

MS LEIBOVICI: If I might remind the member that in the Individual's Rights Protection Act . . .

THE ACTING CHAIRMAN: Excuse me. The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you. I was just quick to jump to my feet to educate the member who's just spoken. In the Individual's Rights Protection Act there is an exemption called the bona fide occupational requirement, that if there is a reason for an exclusion under the Act, then it is not discriminatory. The member should have known that. As in many instances there is the ability, if we want to call it that, to discriminate against family members. For instance, the Member for Edmonton-Ellerslie just so aptly pointed out that any contests that are entered usually exclude family members and employees. Even in our own conflict of interest legislation there are certain things that family members of elected MLAs are not allowed to participate in. For instance, we have an example with the Premier and Multi-Corp and some of the problems that have come about as a result of questionable dealings by a member of the Premier's family. So if I can, just for the member's education, BFOQ does allow for that form of discrimination, and in a case such as the Election Act I think it is incumbent on everyone to ensure that there is no hint of any kind of dealings that could make an election questionable.

DR. TAYLOR: I really must disagree with the hon. member. If we take a look at one of the issues – and she spoke so quickly I couldn't get them all down – she compared this to a contest like on a cereal box or a box of cornflakes. I would suggest this is substantially different than a contest, a game of chance, where you might or might not win, you know, a picture of Wayne Gretzky or somebody in a box of cornflakes. We're talking about something substantially more important here. We're talking about the possibility of somebody's spouse making some income, and you're asking that this Act discriminate against some spouse or some other relationship that could earn that person some income. I would point out to you that it's substantially more important than a chance cornflakes contest.

MR. WHITE: Mr. Chairman, I rise to deal with some of the frivolous arguments that we've heard in the last couple of minutes and just deal with a substantive issue here. Is there a lack of people to find in this province for this kind of employment? Certainly not. I mean, you don't have to go very far in any constituency. Put up a notice, help wanted, for this kind of temporary work or an ad in the local weekly, and you'll be inundated with people. We all know that. It's not likely to change judging from the statistics we read, and the futurists say that it's not likely to change. There are so many qualified people out there that not only appear to be unbiased in the performance of this very, very important duty but in fact are. They do not have any political affiliation. They do not have any wish to skew the results one way or another.

Now, anything one can do to guarantee that, the appearance of a completely pure and unadulterated democracy, then I would think one would go a long ways to do. I know for a fact that I

would clearly discourage my wife and my immediate family. I wouldn't want to put them through the embarrassment of having to be in a room when votes are counted. Surely it would appear to her to be a conflict just for no other reason than simply the appearance of it, the same reason that we do it every single time at even the local club. For appearance's sake we send some people that are unaffected by the election into a room to count the ballots. Yes, it's unlikely that anybody will cheat, but that's the case of it.

[Mr. Tannas in the Chair]

Here we have a blatant case of potential discrimination on the basis of for something or for something else, and to bring in sections of the Individual's Rights Protection Act when clearly if you look at the Act, these are rulings that will be made and precedents set by a body that in fact would rule this. To bring that kind of argument in is absolutely ludicrous. This is plain and simple. It need not be complicated a great deal. This is dealing with friends that you're related to by blood. These are the most important friends, those that have something to gain from this and just for a minor fiduciary interest may appear to affect the outcome of an election and certainly should not be allowed to make those, and legislation would clearly set that out.

Therefore, sir, I do expect that this Legislature would give this amendment some serious consideration. Thank you for your time, sir.

MS CARLSON: Mr. Chairman, I rise to respond to the Member for Cypress-Medicine Hat's comments, which I agree with my colleague were completely frivolous. If we're talking about wasting the time of this House and getting on with the business, then he certainly should not stand up not once but twice in this House and engage in frivolous comments such as he does.

We're not talking about cornflakes here; we're talking about people prejudicing the results of elections. I wonder if the Member for Cypress-Medicine Hat would stand up and say that it would also be okay in his estimation for a candidate to become an enumerator. If the spouse of that candidate is not going to prejudice the results, then would the candidate in fact do so?

I think that he certainly has contributed to a wasting of time in this House.

5:20

DR. TAYLOR: They're just collecting names. You don't understand what an enumerator is. I'll get up and explain it to you in my next speech.

MS CARLSON: Clearly I understand what an enumerator is, the role and responsibility, Mr. Chairman. Clearly I understand that an enumerator has many opportunities to prejudice results, and clearly I understand that they should be excluded from anything that could taint an election, the gathering of information or the results therefrom. So from that perspective I strongly endorse this amendment that my colleague from Fort McMurray has brought into place and would ask that all members of this House support that.

THE CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much. The hon. Member for Cypress-Medicine Hat confuses a specific prohibition because of a perception of conflict with a general prohibition proposed in the government's own Bill on protection of individual rights. If an

individual were rejected from being an enumerator simply because they were married, that would be a prohibition under that Bill, but if they are excluded because they are married to a sitting Member of the Legislative Assembly, that is a limitation that comes with the title of the job which their spouse holds. The two Bills are not in conflict.

The amendment is not in conflict with those who favour the protection of individual rights in the province of Alberta, and I would urge all members of the Assembly to support the amendment.

[Motion on amendment A2 lost]

THE CHAIRMAN: I think that's a bit long. [interjections] Hon. Member for Edmonton-Ellerslie, I thought you were rising.

MS CARLSON: We were rising for the call of the question.

THE CHAIRMAN: The Chair saw two members. Then there was a lot of shouting and finally a third one came up. [interjections]

It's the call of the referee, and I saw two members. I'd call it defeated. I saw only two members. We've had for a considerable length of time two members standing and then the hon. Member for Fort McMurray often waving the other to go forward. You wanted a standing vote for this? [interjections]

I guess what the Chair would say is that if we're going to use the idea of three members standing, then they should be doing it relatively soon rather than taking a period of time to do it. I did not see more than two rising. I thought Edmonton-Ellerslie was going to be speaking, and we eventually had the hon. Member for Edmonton-Highlands-Beverly and the hon. Member for Calgary-West.

MR. DALLA-LONGA: You didn't even look over here.

THE CHAIRMAN: No. I eventually did see you. I think that's just for this moment too slow.

[The clauses of Bill 43 agreed to]

[Title and preamble agreed to]

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

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

Bill 39
Environmental Protection and Enhancement
Amendment Act, 1996

THE CHAIRMAN: Just before you call for the question, we do have a number of amendments before us. I believe that we have an amendment known as A2 as proposed by the hon. Member for Sherwood Park. The hon. Member for Calgary-Mountain View adjourned debate on amendment A2.

Are you speaking to it, hon. member, or were you finished?

MR. HLADY: I wasn't speaking to it.

THE CHAIRMAN: The hon. Member for Fort McMurray, then, on amendment A2.

MR. GERMAIN: Yes. As I understand the amendment from Thursday on this particular Bill, Mr. Chairman – and I must confess that I don't have the amendment sheet in front of me right now – it seems to me that this is the amendment that wants to install in the Bill the mandatory words when informal nonmandatory words are being used. I wonder if I could have the assistance of the Assembly by having one of the pages bring me a copy of the amendment so that I can focus specifically on what this amendment is all about.

Mr. Chairman, I understand that what we are doing is moving that section 2 be amended by adding (a.1) after clause (a), which would add (q.1) after clause (q): “‘directly affected’ includes having a legitimate concern.” I think that that is what we are speaking about now.

This looks like it is perhaps insignificant phraseology, but it is extremely important phraseology that makes opportunities to

express legitimate concerns on this particular Bill by members of the public to the government.

Mr. Chairman, in light of the hour I would move that we adjourn debate on this amendment now.

THE CHAIRMAN: It's a nondebatabable motion. In about three seconds I was going to get up anyway.

The hon. Member for Fort McMurray has moved that we now adjourn debate on Bill 39 in committee. All those in favour of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Defeated.

Pursuant to Standing Order 4(3) I'm now leaving the Chair.

[The committee adjourned at 5:30 p.m.]

