

## Legislative Assembly of Alberta

**Title:** Tuesday, August 27, 1996 1:30 p.m.  
**Date:** 96/08/27  
 [The Deputy Speaker in the Chair]

head: **Prayers**

THE DEPUTY SPEAKER: The prayer today is one that is said in the Manitoba Legislative Assembly.

Let us pray.

O eternal and almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province.

Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom and know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people.

Amen.

head: **Introduction of Visitors**

MR. ROSTAD: Mr. Speaker, it's my honour to introduce to you and through you to the members of the Assembly Mr. Takashi Tajima, the new ambassador of Japan, accompanied today by his wife, Hiroka, and Mr. and Mrs. Ise, the consul general and his wife. Mr. Tajima was appointed ambassador of Japan in January of this year. This is his first visit to Alberta. I'm sure we all wish him a warm welcome. Mr. Tajima has had a long and prestigious career serving with the Japanese ministry of foreign affairs in posts such as Myanmar, Bulgaria, New York, Australia, Thailand, and virtually around the world.

Japan continues to be Alberta's number one offshore trading partner, and the government of Alberta places a high priority on its relations with Japan. We look forward to working with His Excellency in continuing to build Alberta/Japan relations. I would ask His Excellency and his party to rise and receive the traditional warm welcome of the Assembly.

THE DEPUTY SPEAKER: The hon. Minister of Education.

MR. MAR: Thank you, Mr. Speaker. I wish to introduce to you and through you to members of this Assembly His Excellency Abdel-Majid Kamil, the ambassador of the Islamic Republic of Mauritania to Canada, who is accompanied by his spouse, Mrs. Kamil. In addition, I've heard that the ambassador and his wife are expecting an addition to their family, and I would like to extend our congratulations to them and a welcome to the province as well to their yet unnamed boy or girl.

Mr. Speaker, this is the ambassador's first visit to this province. I had the pleasure of entertaining him at lunch today. I can advise members of the House that he's already toured a livestock farm near Camrose, and I was happy to tell him that agriculture is our future and not our past here in the province of Alberta. His Excellency will be traveling to Calgary tomorrow to meet with a number of oil and gas companies and telecommunications companies. While in the past relations between the province of Alberta and Mauritania have not been extensive, we're certainly hoping that as a result of the ambassador's meetings, this will soon change. He advised me that he views this trip to Alberta as one of the most important trips that he's made during his time in Canada. I'd ask that our honoured guests please rise and accept the warm welcome of this Assembly.

head: **Presenting Petitions**

THE DEPUTY SPEAKER: The hon. Member for Calgary-Mountain View.

MR. HLADY: Thank you, Mr. Speaker. I have a petition of 136 names of Calgarians who would not like to see the General hospital closed in Calgary.

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

MR. HENRY: Okay, Mr. Speaker. I would beg leave as well to present a petition signed by people from various parts of Alberta. The essence of the petition is petitioning the Legislative Assembly "to urge the government to support the continued provision of an affordable, high quality post-secondary education system" in our province.

head: **Reading and Receiving Petitions**

MRS. HEWES: Mr. Speaker, may I request on behalf of the Member for Calgary-Buffalo that the petitions that he presented on the 19th and the 20th of this month be now read and received.

THE CLERK ASSISTANT:

We the undersigned, petition the Legislative Assembly to urge the Government of Alberta to suspend hospital closures in Calgary, and immediately hold an independent public inquiry on health facilities in the city.

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to maintain a full complement of health services for veterans at the Colonel Belcher Hospital.

head: **Presenting Reports by  
 Standing and Special Committees**

THE DEPUTY SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. As chairman of the Standing Committee on Private Bills I have the following report to make concerning a Bill the committee has considered. The committee recommends that Bill Pr. 2, the Covenant Bible College Tax Exemption Act, proceed with some amendments. The committee has recommended substantial amendments to the Bill so that it would, if passed, no longer grant tax exemptions but would incorporate the college in the same manner as other private colleges. One of the amendments is to change the title of the Bill so that the reference to tax exemption would be removed.

Mr. Speaker, I am tabling the amendments recommended by the committee and seek the concurrence of the House in this report.

THE DEPUTY SPEAKER: Having heard the report by the hon. Member for Medicine Hat, does the Assembly concur in this report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: **Notices of Motions**

MRS. BLACK: Mr. Speaker, pursuant to Standing Order 34(2)(a) I give notice that tomorrow I'll move that written questions stand and retain their places on the Order Paper with the exception of 206, 207, 208, and 211.

I also give notice that tomorrow I'll move that motions for returns stand and retain their places with the exception of motions for returns 209 and 210.

MR. DAY: Mr. Speaker, I'd like to give oral notice today of a motion which may – which may – be moved tomorrow during Committee of the Whole, which reads as follows:

Be it resolved that further consideration of any or all of the resolutions, clauses, sections, or titles of Bill 41, the Water Act, shall be the first business of the committee and shall not be further postponed.

head: **Tabling Returns and Reports**

THE DEPUTY SPEAKER: The hon. Premier.

MR. KLEIN: Thank you, Mr. Speaker. It gives me great pleasure today to table three letters: one to the Alberta Cerebral Palsy Association, to the Alberta Sports and Recreation Association for the Blind, and to the Alberta Section, Canadian Wheelchair Sports Association. These letters say basically the same thing. They point out the achievements of various individuals. I'll just read the first paragraph, if you will allow me. Basically the letter says:

It is with great pleasure that I extend my congratulations on behalf of the Government of Alberta to the Canadian Paralympic athletes on their outstanding performance in Atlanta. These 132 athletes are some of the world's finest and confirmed their international reputation by winning 69 medals and placing Canada 7th overall.

THE DEPUTY SPEAKER: I would remind all hon. members that we've had considerable discussion on this very topic of tabling and having details given. What's for one side should also be true for the other side.

The hon. Member for Edmonton-Glenora.

1:40

MR. SAPERS: Thank you, Mr. Speaker. I hope that you'll permit a moment's indulgence, because this is a tabling of a report on the sixth anniversary of the craniofacial osseointegration and maxillofacial prosthetic rehabilitation unit, better known as COMPRU. COMPRU is an outstanding program. It is hosted at the Misericordia community health centre by the Caritas Health Group. It is an example of something that in spite of overwhelming odds has gone right. COMPRU is involved in the application of innovative biotechnology and is really helping not just Albertans but people around the world, because it is a world reference site for the kind of work that they do. It's my pleasure to table four copies on their sixth anniversary and to extend my congratulations to Dr. Wolfaardt and Dr. Wilkes.

Mr. Speaker, I have two further tablings. However, not all of the news in health care is good news. The first tabling is from Mr. Lawrence Noel, who asks that this letter to the Premier be tabled in the Assembly. He cautions the Premier that there are political consequences for what he is doing to our health care system.

Mr. Speaker, the second letter that I have to table today is from a Dr. Jan Adam from Calgary, who also asked that I table his correspondence in the Legislature. It's a letter to me regarding the solicitations for funding and what he believes to be a policy of imposing user fees after the fact on Calgarians who receive health care services.

THE DEPUTY SPEAKER: The hon. Minister of Public Works,

Supply and Services, followed by the hon. minister for economic development.

MR. WOLOSHYN: Thank you, Mr. Speaker. It's my pleasure to table three annual reports with the Assembly. The first one, in accordance with chapter A-44.1, section 6 of the Architects Act, is the 1995 annual report of the Alberta Association of Architects.

The second, in accordance with chapter E-11.1, section 12 of the Engineering, Geological and Geophysical Professions Act, is the 1995-96 annual report of the Association of Professional Engineers, Geologists and Geophysicists of Alberta.

The third is the 1995-96 annual report of the Consulting Engineers of Alberta.

Should any of the members wish to review these reports, additional copies are available through my office.

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

DR. WEST: Yes, Mr. Speaker. I'd like to table two annual reports, the first the 72nd annual report for the fiscal year ended March 31, 1996, for the Alberta Liquor Control Board, and the 1995-96 annual report of Alberta Lotteries, both required by statute. I'd like to note the significance today of the new format of these tablings, which is commonsense and to the point and fiscally responsible.

MR. JONSON: Mr. Speaker, I am pleased to table with the Assembly four copies of the annual reports for the year ended March 31, 1996, for the following health authorities: Capital health authority, Mistahia regional health authority, Northwestern regional health authority, Keeweenok Lakes regional health authority, Calgary regional health authority, Northern Lights regional health authority, Aspen regional health authority, Lakeland regional health authority, and Headwaters health authority. Additional copies can be obtained through my office.

In addition, Mr. Speaker, I would like to table four copies of a letter dated August 27 that I wrote to the Member for Calgary-Buffalo in reply to his question in the House on August 20, 1996. This letter provides clarification regarding private room fees at the Colonel Belcher hospital.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. I'd like to table four copies of a letter to the Minister of Health outlining Christine Campbell's concern about a family member who was unable to get tests done in the hospital, causing unnecessary, life-threatening health problems and subsequently costing the health care system major additional dollars over what would have been necessary in the first place.

head: **Introduction of Guests**

THE DEPUTY SPEAKER: The hon. Minister of Federal and Intergovernmental Affairs, followed by the hon. Minister of Municipal Affairs.

MR. ROSTAD: Thank you, Mr. Speaker. I would like to introduce to you and through you to the Assembly today two constituents from the Wetaskiwin-Camrose constituency. The first

is the mayor of Wetaskiwin, Gary Johnson, and with him is Diane Roth, who is the president of the Wetaskiwin/Ashoro Friendship Society, which is the twinning of the town of Ashoro and the city of Wetaskiwin. They're in the members' gallery. I'd ask that they rise and receive the warm welcome of the Assembly.

THE DEPUTY SPEAKER: The hon. Minister of Municipal Affairs, followed by the hon. Leader of the Opposition.

MR. THURBER: Thank you, Mr. Speaker. It gives me a great deal of pleasure to introduce for the second time in this House the mother of one of the pages, the page Rob Nichols, and I see that this time he didn't abandon the House when I was going to introduce his mother. His mother was so impressed the last time she was here, and I'm not sure if it was with our activities during question period or the excellent job that these young pages do. I suspect it's the latter. Audrey Nichols has come back for a second visit, and this time she is accompanied by her two other sons, Brett and Chris. They are in your gallery, Mr. Speaker, and I would ask that they rise and receive the warm welcome of this House.

MR. MITCHELL: Mr. Speaker, it's with great pleasure that I introduce to the Members of the Legislative Assembly Sue Olsen. She is a longtime constable in the Edmonton Police Service, and she is the Liberal candidate in Edmonton-Norwood for the next election. I'd ask that the members join me in welcoming her to the Assembly today.

head:

### Oral Question Period

#### Health Care

MR. MITCHELL: Mr. Speaker, 345 people waiting more than a year for home care in Calgary, five-month waiting lists for urgent heart surgery in this province, eight-day waits for urgent cancer test results, hospital infection rates skyrocketing, doctors and nurses fleeing this health care system, and what's the Premier's response? He picks a cheap political battle with Ottawa so that he can distract people from the real health care issue in this province, which is the chaos and the crisis that his health care policies have created in this province. Well, he's picked the wrong fight. Albertans support the Canada Health Act, and they support universally accessible public health care. Isn't it true that the Premier wants to push the federal government out of health care so that he can create private clinics, Hotels de Health, and privatized, two-tiered, Americanized health care in this province?

MR. KLEIN: First of all, Mr. Speaker, I would suggest that the leader of the Liberal opposition read the communiqués that came out of the Premiers' Conference. Secondly, the answer to his question is no.

MR. MITCHELL: Why, Mr. Speaker, does the Premier keep saying that Alberta's health care problems are Ottawa's fault when it's this Premier who's sitting on a \$1 billion surplus and it's this Premier who cut the \$650 million from health care in this province?

MR. KLEIN: Mr. Speaker, obviously the leader of the Liberal opposition hasn't been paying attention. It's the law in this province that we have to apply the surplus to the pay-down of the debt. The money that we have to spend and to reinvest in the

future of this province is real money, and it comes from the savings on interest. If he doesn't know the law by now, perhaps I'll have the Provincial Treasurer send him over the law as it now exists. We must by law apply that surplus he refers to to the debt.

MR. MITCHELL: Talking about law, why should Albertans believe that the Premier is going to protect the Canada Health Act when his government voted against the Liberal Bill to include the five principles of the Canada Health Act in Alberta law? Where was he then?

MR. KLEIN: Mr. Speaker, our support for the Canada Health Act is clear. We support the Canada Health Act. We support the Canada Health Act and all the principles of the Canada Health Act.

Mr. Speaker, like his predecessor Mrs. Marleau – I've never met her – I've never met Mr. Dingwall. I am not picking a fight with him. What Mr. Dingwall and what the leader of the Liberal opposition fail to understand is that this is not the Premier of Alberta speaking. These are four Liberal Premiers from the Atlantic provinces, three Conservative Premiers, two ND Premiers, and two territorial leaders saying the same thing. Saying the same thing. It's in the communiqué.

1:50

MR. MITCHELL: Why is the Premier misleading the people of this province right here and right now that somehow it's provinces other than Ontario and Alberta who are the ones that want to gut . . .

#### Speaker's Ruling

#### Parliamentary Language

THE DEPUTY SPEAKER: The hon. Leader of the Official Opposition knows from his long standing in this House that when the Speaker stands, it's a call for order and you're to sit down and stop talking.

Secondly, I think that when we get into name calling and calling things dishonest or misleading, we begin to break the whole issue of parliamentary courtesies and treating one another with respect. I think in rather recent time I asked the leader of the government to reconsider a phrase, and I will now do the same for the hon. Leader of the Opposition.

MR. MITCHELL: Can I rephrase it? This is my fourth question. I'll rephrase it then.

THE DEPUTY SPEAKER: Really I didn't say it properly. The Chair did not say that properly. I should have said to reconsider it and then presumably withdraw it.

MR. MITCHELL: You're right, Mr. Speaker. He wasn't misleading. He was sinfully describing the situation with respect to other provinces and how they feel about national standards in health care. It's the Conservatives in Ontario and the Conservative government in Alberta who want to gut federal health care.

#### Health Care

(continued)

MR. MITCHELL: How can Albertans believe that the Premier will defend universal public health care when even this morning he's in the news saying that he believes in private clinic facility fees?

MR. KLEIN: Mr. Speaker, I believe that what has been in existence in this province for the last 10 years or more was acceptable. It was a unilateral and an arbitrary ruling by the Minister of Health at the time, Mrs. Marleau, who said: what you are doing is wrong. There was no process to have that matter adjudicated other than perhaps go to the Supreme Court of Canada on constitutional grounds, which would have cost, I would suspect, millions of dollars and just a tremendous amount of time.

What I'm saying and what the four Liberal Premiers from the Atlantic provinces are saying and what the three Conservative Premiers are saying and what the two ND Premiers are saying and what the two territorial leaders are saying is that there is no room within the context of the Canadian spirit, the spirit of nationalism, for this kind of arbitrary and unilateral action on behalf of the federal government. What we are saying is that, yes, there should be national standards. There should be put in place a mechanism for compliance, but this word "enforcement" is an abhorrent word. It is not in the spirit of nationalism at all. What we are saying is that national standards over a period of time have evolved into federal standards where the minister is the enforcer and the judge and the jury. That is wrong.

MR. MITCHELL: Mr. Speaker, what exactly can the Premier not do under the Canada Health Act to restructure this health care system if it isn't simply that he can't bring in private clinics, can't bring in Hotel de Health, and he can't create a privatized, Americanized health care system? Thank heavens we have a federal government that believes in universal public health care, because this Premier doesn't.

MR. KLEIN: The Leader of the Opposition has just demonstrated very, very sufficiently just how myopic he is, how narrow focused and perhaps narrow minded he is. This doesn't only pertain to health, Mr. Speaker. It pertains to all areas in which the provinces have constitutional authority.

I'll point to another, and maybe I'll pose this question. He might ponder this question, and he might want to answer this question. Does he think it's acceptable in B.C. that the federal government arbitrarily and unilaterally would fine the British Columbia government \$40 million a year because they have a three-month residency requirement for people coming to that province and seeking welfare? Does he think that is right?

MR. MITCHELL: Mr. Speaker, what does it take for the Premier of this province to understand that it isn't the Canada Health Act and it isn't the federal government and it isn't Ottawa and it isn't some other province that have created the problems in the health care system here. It's this Premier, his caucus, his government, and his unplanned cutbacks. [interjections] When is he going to take the responsibility for that and stop picking a cheap fight with Ottawa? [interjections]

MR. KLEIN: Mr. Speaker, over the noise and the phony thumping over there I didn't hear the question. [interjections] I didn't, and that's the truth.

MR. MITCHELL: What does it take for this Premier to understand . . . [interjections]

THE DEPUTY SPEAKER: Order. I quite agree with the Premier that it was difficult to hear the question. There seemed to be a lot more verbiage in there and then, of course, all of the ambient

noise that is occurring. Could we have a succinct final supplemental, hon. Leader of the Opposition?

MR. MITCHELL: What does it take, Mr. Speaker, for the Premier to accept his responsibility for the chaos and the crisis in health care? Rather than saying that it's somebody else's fault – Ottawa, some other province, the Canada Health Act – why won't he simply take responsibility for the problems he's created in health care?

MR. KLEIN: Mr. Speaker, I will concede there are problems as they relate to some regional health authorities, but change doesn't come without its problems. That is the challenge of change: to overcome those problems. That's why we're in a period now of assessing and evaluating, and hopefully we'll have this all ironed out in due course. It takes time, but I'll tell you that had this government continued spending the way it was spending on health care in particular, we wouldn't have a system five years down the road. We had to challenge the health care system to find new and better and more effective and more efficient ways of doing things.

Mr. Speaker, I would appeal to the Liberal opposition. Instead of being obstructionists, instead of being out there and stirring up the community, instead of the fear mongering that they know how to do so very, very well, perhaps they can work with the government to see us through this very, very difficult situation.

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

#### Confidentiality of Private Records

MRS. HEWES: Mr. Speaker, Alberta seniors, in fact all Albertans, are concerned about the protection of their personal privacy and their vital information. As talk continues about health smart cards and as information about Albertans is handed out to commercial companies, that concern grows. Now a senior citizen has contacted my office very worried about this government accessing her confidential information, income tax files, without her permission. I want to table today a document dated July 16, '96, from the office of the Information and Privacy Commissioner acknowledging that this senior's privacy has in fact been breached by this government and also indicating – and I quote from the Privacy Commissioner – that this "was not the only case in which this happened." My questions are to the Minister of Community Development, responsible for seniors. Mr. Minister, just how many seniors' income tax files has your government accessed without permission?

2:00

MRS. McCLELLAN: Mr. Speaker, I will acknowledge, as the hon. member has pointed out, that unfortunately and regrettably three senior citizens' files were accessed without their permission. Now, I will remind hon. members that there are over 250,000 seniors in this province. That does not in any way vindicate this error being made. However, I can tell the hon. member that each one of those seniors has been contacted. I can also assure the hon. member, because I believe her concern is extremely genuine in this instance, that the Privacy Commissioner has been involved in this. I will quote to the hon. member a short line from the Privacy Commissioner's letter that states that Alberta seniors' benefit staff show "a high level of concern for protection of privacy and for careful handling of sensitive information."

Further to that, I can assure the hon. member that further

safeguards have been put in place to ensure as much as we possibly can that this will not happen again and also assure the hon. member that any information that is accessed on any senior's behalf from those files is handled with the utmost competence and confidentiality.

We will continue to ensure that we do everything we can to improve that system while we continue to try to operate this program, which is a benefit to seniors of this province, with the greatest degree of efficiency and expediency so that seniors get the assistance that they require from that.

I appreciate the hon. member raising the issue, and I hope my explanation covers her concerns.

MRS. HEWES: I thank the minister for her comments.

My supplementary is to the Premier. Mr. Premier, as your government hands the management of sensitive, personal information over to private companies, what safeguards do you have in place so that this won't continue to happen?

MR. KLEIN: Well, again, Mr. Speaker, I would perhaps defer this to the minister responsible for the Freedom of Information and Protection of Privacy Act, the hon. Minister of Public Works, Supply and Services.

MR. WOLOSHYN: Mr. Speaker, we are very, very aware of the sensitivity of private information, and as we're going through the process of implementing the Freedom of Information and Protection of Privacy Act, we're ensuring that every possible safeguard will be in place to make it impossible for unauthorized people to access information that they're not entitled to. So I would say that this hon. member can rest assured that every possible precaution is being taken to ensure that we don't have any problems in the future with this.

MRS. HEWES: Mr. Speaker, that does somewhat allay concerns, but not completely.

Back to the minister responsible for seniors: Madam Minister, could the original policy and the policy currently in place be tabled and made public so that seniors and all Albertans have it in their hands and have a clear understanding of the government's intentions in this regard?

MRS. McCLELLAN: Certainly I would see no problem, Mr. Speaker, in tabling with the Legislature the procedures that are followed in handling Alberta seniors' benefit claims and also including in that tabling the further safeguards that have been put in place to upgrade our computer system to ensure that this indeed doesn't happen again and also including any recommendations that have come from the Privacy Commissioner, who has been extremely helpful to us in trying to resolve this difficulty.

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

### Child Welfare

MR. SHARIFF: Thank you, Mr. Speaker. My question is to the hon. Minister of Family and Social Services. Recent media reports indicate that child welfare caseloads have risen considerably over the past few years. Could the hon. minister confirm for the House what the exact figures are?

MR. DAY: Mr. Speaker, the numbers were made public a month

or so ago. In tracking the information systems, it became clear that there has indeed been an increase in child welfare caseloads over about the last 18 months. I think it could be called significant. Two years ago those caseload numbers were about 7,700, last year they were about 8,800, and in June of this year they're up over 9,000, actually about 9,900. There's a similar trend that we notice across the country. It is significant. It requires a real heartfelt look, and that is going on at the present time.

MR. SHARIFF: Again to the Minister of Family and Social Services: why are we experiencing this increase in child welfare cases?

MR. DAY: Well, Mr. Speaker, that's a question that I've been asking as I go around and visit the various regional offices, district offices, community agencies that are dealing with the difficulty. What I'm hearing from people working in the field is a couple of different things. First of all, with the whole initiative to moving social services to the community and the redesign that's going on, certainly the awareness of services is becoming much more prevalent to people in the community. So they are accessing those.

Hearing from workers, Mr. Speaker, I think the fact is also that families who are in need of help are realizing that actually there's probably no family that doesn't have some problem or another at some time and that it's not a negative thing to reach out a hand to ask for somebody to help them when they're dealing with problems. So I think there's more of an openness in the public in general for people to reach out and say that they need some help.

I can tell you, Mr. Speaker, that as the increase has happened, the resources have followed the increase that we've seen. From approximately \$179 million being committed to child welfare, that is \$205 million now, and there's been an increase of over 70 child welfare workers in the field to address the problem. We're also asking the communities, the families, the churches, the synagogues, the people agencies of our province to pull together and address some of these issues.

When we talk about intervention, Mr. Speaker, it's important to make it clear that we try as far as possible to stay away from actually removing children from families when in fact more and more of the trend that we're finding successful is having workers go right into the home, spend time in the home as is required. That's a direction more and more that is being seen as successful when it can be done.

MR. SHARIFF: Mr. Speaker, my final supplementary question is to the minister responsible for children's services. Could the hon. minister tell this House specifically what is being done to address the increase in child welfare numbers?

THE DEPUTY SPEAKER: The hon. minister responsible for children's services.

MS CALAHASEN: Thank you. As the hon. Minister of Family and Social Services has indicated, more funding is being made available for child welfare services for families in need. However, Mr. Speaker, spending more money is not the only answer. We also need to look at how we ensure that local communities will become more involved in providing support for families and children in need.

Mr. Speaker, under the redesign of children's and family services local communities are becoming more and more involved.

With that, we have allocated \$50 million over three years through the early intervention program. I think that by helping to address problems with families before they reach a crisis point, we will start to address the needs of families in need, and that really makes a difference when we're talking about building communities.

The increase in child welfare numbers is certainly a major concern. However, I believe our efforts at encouraging early intervention programming will go a long way to reducing these numbers and to keeping Alberta's families healthy.

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

### 2:10 Superior Furniture Systems Mfg. Inc.

MR. BRUSEKER: Thank you, Mr. Speaker. This government lost in excess of \$200 million of taxpayers' money in its involvement with Gainers Inc. and affiliated companies. One of those affiliated companies is Pocklington Financial Corporation, which is 100 percent owner of a company called Superior Furniture. Superior Furniture is in bankruptcy, with \$9 million in liabilities and only \$4 million in assets. My questions are to the Provincial Treasurer. Given that the Treasury Branches have loaned 2 and a half million dollars to Superior Furniture, how many of these taxpayer dollars do you expect to get back for Albertans?

MR. DINNING: Mr. Speaker, as I understand it, the member is asking for a comment about a banking arrangement that exists between Alberta Treasury Branches and one of its clients. As members well know, that is not a matter that I will discuss on the floor of this Assembly, that I would want to cross that magical Percy line that would draw me into running in breach of the regulations, which simply say that the Treasurer should not be releasing any client information.

We just had a question here about protection of privacy. Now the Liberals want us to invade that privacy and put that information on the floor of the Assembly. Which side of their mouth are they going to speak out of next, Mr. Speaker? We will not, I will not, the Treasurer of this province will not engage in a debate about specific clients of Alberta Treasury Branches on the floor of the Assembly.

THE DEPUTY SPEAKER: First supplemental, Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I'm sure the way *Hansard* will record the minister's response will be prevention of privacy, not protection.

My supplementary question to the Premier: is the reason that the government purchased \$6.3 million worth of furniture from this company an attempt to keep this company solvent and prevent showing yet another loss on the government's books?

MR. KLEIN: Mr. Speaker, I have no knowledge of the transaction to which the member alludes, but perhaps the hon. Minister of Public Works, Supply and Services can shed some light on this matter.

MR. WOLOSHYN: Mr. Speaker, we do have a variety of sources, suppliers that we deal with, and I'll be glad to look into it and see just what we have to deal with here.

MR. BRUSEKER: Well, my final supplemental: given the track record of Pocklington Financial Corporation, why is it that in May of '94, July of '94, March of '96 this government allowed the Treasury Branches to provide financing to Coliseum Management Inc., yet another company owned by Pocklington Financial? When are you going to learn?

MR. DINNING: Mr. Speaker, again, the member is asking me to comment on a banking relationship that exists between Alberta Treasury Branches and one of its clients. I don't think that's an appropriate matter to be discussing in the Assembly. Where would the hon. member want me to stop?

Mr. Speaker, I would pose a question to the member across the way. Why is the Liberal Party the only party that is in receipt of political contributions from Pocklington Financial Corporation?

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

### Special Education

MRS. FORSYTH: Thank you, Mr. Speaker. Our schools in every community and to an unprecedented degree are being expected to cope with physically handicapped and special-needs children. Dealing with these children is not a curriculum choice; it is a curriculum necessity. After door-knocking extensively this summer, parents in Calgary-Fish Creek are concerned about the funding and why it is not reaching the classroom. My questions today are to the Minister of Education. Given the integration of students with special needs, what actions will you take to assure parents and teachers that the resources and supports required with integration will reach the classroom?

MR. MAR: Well, in my short tenure as Minister of Education I have certainly heard a great deal about the issue of special education. Accordingly, Mr. Speaker, one of the reinvestment areas for this government, as was announced on June 24 of this year, is an additional \$34 million to go into special education commencing in the next provincial government fiscal year, which will apply to the current school year that is starting in just a few days.

Alberta Education provides funding to special-needs students on a per capita basis of \$8,910. That is over and above the basic instructional grant. Those dollars, those grants are subject to a 4 percent administrative cap, but at the end of the day, Mr. Speaker, it is the school boards that make decisions in cooperation with of course parents and teachers and principals and other professionals on how those dollars are used. It's felt that those are the most appropriate places for those decisions to be made because those are the people who are closest to the students.

THE DEPUTY SPEAKER: Supplemental, the hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Thank you, Mr. Speaker. My second question is: how is the student/teacher ratio determined, and are special-needs children considered in this count?

MR. MAR: Mr. Speaker, student/teacher ratios are determined at the local level. They do differ from school to school and from region to region. Those teacher ratios and teaching assistants for students with special needs are determined in accordance with the needs of the student.

THE DEPUTY SPEAKER: Final supplemental, Calgary-Fish Creek.

MRS. FORSYTH: Thank you, Mr. Speaker. My third question is: is your no-fail policy a direct result of integrating special-needs students?

MR. MAR: Mr. Speaker, I think I want to make one thing very clear at the outset, and that is that the Department of Education for the province does not have a no-fail policy.

The second thing that I'd like to mention is that the two issues are not really related. The decision on whether a student will advance or be retained in a particular grade is a decision that's made at the school level, individual schools in consultation with the parents of the student. Those decisions are made on the basis of the individual needs of the student, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Leduc.

#### **Career Designs Inc.**

MR. KIRKLAND: Thank you, Mr. Speaker. Finally the Auditor General has been requested to investigate Advanced Education and Career Development's business dealings with Career Designs Inc. Two of the owners of Career Designs Inc. also have an interest in a company called M & M Careers, as does the Alberta Treasury Branch. M & M Careers Ltd. is one of those several vocational service providers who meet WCB standards. My first question this afternoon would be to the hon. Minister of Labour, responsible for the WCB. Mr. Minister, will the Auditor General's investigation into M & M be expanded to examine all WCB contracts in addition to advanced education contracts?

THE DEPUTY SPEAKER: The hon. Minister of Labour.

MR. SMITH: Thank you, Mr. Speaker. In fact, M & M Careers has been under contract to the WCB for five years providing job search and training to WCB clients. The contract expired in June of '96. The WCB had been using M & M on a case-by-case basis. They had been once affiliated with Career Designs, and the only affiliation now is that they share two directors. The WCB has informed me that they have temporarily stopped referring clients to M & M. They have no reason at this time to be concerned about the work of M & M, but they will be doing a review of the company.

THE DEPUTY SPEAKER: First supplemental, Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. My second question would be to the hon. Treasurer this afternoon. Has the Provincial Treasurer taken steps to suspend contract payments to Career Designs Inc. pending the outcome of the Auditor General's investigation?

2:20

MR. DINNING: Mr. Speaker, I think that's a matter that could be more appropriately answered by the minister of advanced education.

MR. ADY: Mr. Speaker, I think we need to bear in mind that there have been some allegations made against Career Designs by certain people, and those allegations have been referred to the Auditor General to deal with. Career Designs and M & M have

been notified that there will be no further intake of students into their programs until the Auditor General has come forward with the findings of his investigation.

I think Albertans should feel secure in the fact that it is in the hands of the Auditor General of the province and that he will be moving as expeditiously as possible to conclude that investigation. When he does, I certainly expect that we'll be abiding by his recommendations.

THE DEPUTY SPEAKER: Hon. Member for Leduc, final supplemental.

MR. KIRKLAND: Thanks, Mr. Speaker. The final question to the minister of advanced education: will the minister ensure full public disclosure of the investigation results of Career Designs?

MR. ADY: Mr. Speaker, I certainly would see no reason why we would not be willing to be public with the Auditor General's report. All Auditor General's reports, to my understanding, are very public, and when that one is forthcoming, I would expect that it would be public.

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

#### **Provincial Fiscal Policies**

MR. YANKOWSKY: Thank you, Mr. Speaker. The Toronto-Dominion Bank released its annual report yesterday, where it is encouraging the federal Liberal government and the provinces to keep cutting their deficits as well as the debt. The report goes on to talk about eventual rewards for those diligent in doing so. This seems to be contrary to all of the doom and gloom that we are hearing from the other side of the House about this government's fiscal policies. Some are even painting visions of Armageddon just over the hill. My questions are all to the hon. Provincial Treasurer. Mr. Treasurer, it's been six months since you presented us with the province's fiscal plan for the next three years. What independent assessment, if any, has been done to judge our budget, its effectiveness, and how we compare to other provinces?

MR. DINNING: Well, Mr. Speaker, the hon. member raises a question as to not what we say about ourselves and certainly not what the Liberals might say about the provincial government; it's more important what others outside of our province perhaps might have to say. As recently as yesterday the Toronto-Dominion Bank's report on provincial government finances acknowledged that the top group ranked by overall fiscal performance has Alberta at the top of the list. It says that Alberta stands out as not only having the lowest debt burden among the provinces at 18 percent of GDP but also for enacting very strict, balanced budget and debt retirement legislation.

Mr. Speaker, I could also comment that the likes of the Bank of Montreal has recently said that "Alberta will lead the national forecasts for growth in 1996." The Scotia Bank predicts that Alberta will top provincial growth charts this year and next year, and again the Royal Bank forecast says that "Alberta will lead growth" in the Canadian economy.

What I find interesting, too, is a report done by Professor Chambers of the Western Centre for Economic Research at the University of Alberta, which also happens to be the academic home of our own Liberal Member for Edmonton-Whitemud,

where they acknowledge that Alberta's export shipments reached 26 and a half billion dollars, up 15 percent since '94, and that since 1988 Alberta's exports to the United States have grown 126 and a half percent, almost 12 percent per year. That's an acknowledgement from the associates, the colleagues, of our learned Member for Edmonton-Whitemud, the Liberal Member for Edmonton-Whitemud.

THE DEPUTY SPEAKER: First supplemental, Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Speaker. Could the hon. Provincial Treasurer tell this Assembly what impact, if any, these independent assessments have on our goal of improving the Alberta advantage?

MR. DINNING: Mr. Speaker, the hon. member raises the question: what do these assessments mean to people who are considering where they might invest their dollars, not just in Canada but across the globe? Clearly, as I mentioned on the export side and as my colleague the minister of economic development has often talked to us about, we are an export-based economy. We are part of the global economy, and investment is absolutely essential. What's more important is that when investors look at a place to invest their dollars, they say, "Can we be confident that we're going to not only get our money back but that we're going to make a little extra as well as we make this kind of an investment?" So they look at reports like this. They look at comments by people about our economic performance, not what we have to say and certainly not what the Liberals have to say, and then make their investment decisions.

I'm reminded of what Ontario Premier Mike Harris said after CP Rail decided to move its head office to Calgary. He's reported to have said that one of the most disturbing lessons about that head office move was that CP never, never even took a whiff at Toronto, which in the past would not have been the case.

So as I said, Mr. Speaker, the Toronto-Dominion Bank, the Canadian Imperial Bank of Commerce, the Royal Bank, the Scotia Bank all are saying that Alberta is the place to invest their dollars because we're getting our fiscal act together.

THE DEPUTY SPEAKER: Final supplemental, Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Speaker. That's well and good, Mr. Treasurer, but can you explain what this benefit really is to the Albertans who live in my constituency and the businesses that they operate? [interjections]

MR. DINNING: The Liberal members, especially the Liberal members in Edmonton, can laugh about job prospects for Edmontonians and northern Alberta, but at least this member is willing to stand up and talk about what the opportunities are for his and their constituents too. He's the only one talking about it, and *Hansard* should note that, Mr. Speaker.

I would point out, Mr. Speaker, that when you consider the number of jobs created in this province in the last three, three and a half, almost four years, over 140,000 new jobs were created. Our unemployment rate is the lowest in the country at 6.8 percent, and it means investment dollars coming into this province.

As my colleague the Minister of Labour reminded me this

morning, especially as banks released their third quarter reports on profits this morning, the Scotia Bank and the Bank of Montreal are both saying that their incomes had gone up, by almost 22 percent in the case of the Bank of Montreal. These banks are the partners in growing the Alberta advantage today. It isn't the provincial government that's in the business of financing or guaranteeing. They are the partners for economic development in the province. [interjections]

### Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Hon. members, it is the right of all private members in this House to ask question and to have them answered. If we don't like the answers that are given to another hon. private member's question, we should keep that dislike to ourselves instead of making all of the noise.

Hon. Provincial Treasurer, have you finished responding?

### Provincial Fiscal Policies (continued)

MR. DINNING: I will be brief, Mr. Speaker. I would make one more comment to the banks, who have reported an increase in their profits again today. The Alberta government is not in the business of financing and providing guarantees any longer. It is the banks who are the key financing partner to grow this economy. As they laud Albertans for their successful fiscal performance, I say to them: please look again at the economic prospects here; look at farms; look at rural Alberta; look at small business; look at big business. This is the place to invest those bank dollars.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Highlands-Beverly.

### Child Poverty

MS HANSON: Thank you, Mr. Speaker. During question period of April 1, 1996, the Premier said:

We will always look after the children because they're deemed to be the people who cannot look after themselves . . . But if the children are going to suffer, we will make sure that we look after the children.

The latest Edmonton Food Bank statistics show that 50 percent of those it feeds are children. That's 8,500 hungry children a month in Edmonton alone. The Calgary Inter-faith Food Bank says that 45 percent of its clients are children and in June they helped feed 3,000 youngsters. My questions are to the Minister of Family and Social Services. Mr. Minister, given the positive economic forecast that the hon. Treasurer just gave us, how can you allow this to happen in Alberta, and what are you going to do about it?

2:30

MR. DAY: Well, Mr. Speaker, I don't have the power to stop somebody from going to a food bank. I can tell you, in the light of the remarks just made in terms of economic forecast, that in fact more people are working in the province than were even three years ago. Actually, when that starts happening, that helps people who previously had been in need.

Further to that, the job corps program, which is used to assist those people who have been on assistance and are now out in the workforce and working, has a success rate of about 70 percent. That means a lot of people, thousands of people working, gainfully employed, who previously were simply receiving their



cheques. That means a lot of children are sharing in the confidence that their parents now have because they're working.

Now, with the existence of food banks, which we will always have in the province because there's always a need, people somewhere for some reason need to access that food bank. That will continue to happen. I congratulate the people who work at those food banks for their good work. We also do have an open invitation to people who work at the food banks to get in touch with us through our social workers if there are children who are actually not being fed. There's no reason for that to happen in this province. We would then be happy to work with the parents who are involved with those children to make sure that all children indeed are being fed.

MS HANSON: Mr. Speaker, the economic forecast and the future plans probably are fine, but something needs to be done now. The action is up to the government. Could you tell me what action you're willing to take?

MR. DAY: Well, Mr. Speaker, perhaps the member was focusing on something else a few moments ago when I addressed some of the things that are being done related to child services. When the minister responsible for the redesign of children's initiatives was speaking, she also commented at some length on the initiatives that are in place right now in terms of early intervention. As the minister responsible for the redesign of children's initiatives just said and should be underlined, pouring money at a problem simply is not an answer. We do say and indicate very clearly that with increased need there have been increased resources in place. The resources will continue to be there.

Again the word of appeal from my perspective to people, especially as it relates to the question on food banks, is that if there are children in this province that are going to food banks and there's a problem that they're not getting fed, we need to know about that because that does not have to happen in Alberta. We want to work with parents to make sure that problem does not exist.

THE DEPUTY SPEAKER: Final supplemental, Edmonton-Highlands-Beverly.

MS HANSON: Thank you, Mr. Speaker. My question is to the minister without portfolio responsible for children's services. Madam Minister, how can your government ignore hungry children when your own children's services working groups say that hunger and poverty is issue number one across the province for families?

THE DEPUTY SPEAKER: The hon. minister responsible for children's services.

MS CALAHASEN: Thank you, Mr. Speaker. First of all, to correct that notion of ignoring, we certainly don't ignore children in need. As a matter of fact, I believe that the best way to fight child poverty is to get parents off welfare and get them back to work or training. I believe that that's one way for us to be able to deal with that, through our reforms, through the job corps, as the Minister of Family and Social Services indicated.

Mr. Speaker, I believe that with this initiative we're going to have more people involved in the process to look at all the concerns that have been identified by local communities. I believe that's one area that we must look at and see how we can include

it in the process as we go through the process. I'd encourage more of those people to become more involved as we go through the initiative, because this is the only way that we can hear from the local communities to be able to address the need of child poverty or those in need in terms of the food bank.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Little Bow.

### Grain Marketing

MR. McFARLAND: Thank you, Mr. Speaker. Sunny skies, beautiful harvest weather, good crops, some of the highest prices internationally for grain. But some of the constituents seem to feel that our provincial minister of agriculture is advocating the demise of the Canadian Wheat Board. My question to the minister of agriculture today: what is this government going to do in terms of developing a policy environment that rewards farmers with the highest possible farm gate produce price?

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

MR. PASZKOWSKI: Thank you, Mr. Speaker, and thank you to the hon. Member for Little Bow. Obviously agriculture has been mentioned earlier as our future and will continue to be our future, and we have to build on that.

It's a role and a responsibility for us in the Alberta government to see that every Alberta producer, no matter what the product is that they are producing, is allowed to maximize the highest possible return for the product that he produces. It is the role and the responsibility of this government to work with the producers to see that that opportunity is indeed achievable and achieved. Therefore, we're working closely with the producers and the producer organizations to see that market opportunities are made available to them in all commodities, not just one or two or several but in all the commodities that they produce.

It seems to me that one of the ways that you achieve the highest possible return is through the competitive nature of the free enterprise process. It seems to me that when you have options, you are the one that can determine the highest possible return for the product that you are trying to market. It is quite evident that if there are options, indeed the producer will be the one that will have the opportunity to choose the highest possible return for the product that he has produced.

THE DEPUTY SPEAKER: Little Bow, first supplemental.

MR. McFARLAND: Thank you, Mr. Speaker. The federal Liberal minister's own hand-picked, blue-ribbon panel took nearly a year to study the grain marketing, and they advocated free market. What is the minister's reaction to their recommendation?

MR. PASZKOWSKI: Generally, the provincial position on the panel report is support. The panel traveled throughout the provinces, not only the province of Alberta but all of the western Canadian provinces, heard what the producers were wanting, heard the producers firsthand and indeed had the opportunity to dialogue with the producers of both wheat and barley and had the opportunity to ultimately make recommendations to the federal Liberal minister.

The minister has procrastinated. He has taken the results of the panel, has conducted a letter to all the producers on his own since

that time. This is over a year in the making. He now is conducting a telephone poll.

AN HON. MEMBER: He's consulting.

MR. PASZKOWSKI: He's consulting and consulting and consulting over a period of three years, and it's unfortunate. We've had the opportunity of the highest grain prices we have ever had, and in the process of consulting, grain prices are going to start deteriorating, and we will still be consulting. This seems to be the Liberal way. This seems to be the Liberal process. What we're really asking for is action on the process. There were recommendations. We've written to the federal Liberal minister and suggested to him that he should act on the report.

THE DEPUTY SPEAKER: Final supplemental, Little Bow. [interjections]

MR. McFARLAND: Thank you, Mr. Speaker. Could the minister explain how a marketing choice, or dual marketing, could allow for a strong role for the Canadian Wheat Board?

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

THE DEPUTY SPEAKER: The hon. minister may have had some difficulty hearing the question. Certainly the Chair did. I wonder if hon. members that seem to be onto a lively discussion here could postpone that discussion until after question period and presumably out in the lounge.

Hon. Member for Little Bow, would you repeat the question.

#### **Grain Marketing (continued)**

MR. McFARLAND: Mr. Speaker, I asked the minister if he could explain how marketing choice, or dual marketing, another name, could allow for a strong role for the Canadian Wheat Board.

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

MR. PASZKOWSKI: Thank you, Mr. Speaker. First of all, I want to make it very clear that we support the Wheat Board. We support the principles of the Wheat Board, and we support the work that the Wheat Board has done. Indeed the Wheat Board has a long and historic record, one that we feel should be allowed to continue.

**2:40**

Having said that, we're living in changing times, and part of changing times, of course, means that we have to change the way that institutions operate. It's critical indeed that institutions are there to serve the people, not the people to be there to serve the institutions. In the process it's critical that we allow for the changes that are required. The day of the iceman has passed. We have to make changes to accommodate that, and we have to do that with the whole process of marketing grain.

It's interesting, Mr. Speaker, in the changing times how rapidly things can change. I'd like to table some statements that have been made by our Liberal counterparts across the way on how rapidly these times have changed. I'd just like to quote very quickly.

[The Alberta] Liberal parliamentarians have been lending their support to pro-Wheat Board rallies and speaking in favour of the [Wheat Board] monopoly. First to make an appearance were Alberta MLA Ken Nicol [the agriculture critic] . . .

Then Senator Taylor, who has recently been anointed to the sainthood of the Senate, has been touring the province, and he's made a statement.

We live in a democracy, and that means that once a majority has expressed a position, it is the responsibility of government to make sure the minority comes in line.

That's *Alberta Report*, August 26, 1996.

On August 2 in Grande Prairie, which is my home constituency, in the Grande Prairie paper: "When we have a government which undertakes to subvert democracy through marginally legal processes . . ."

THE DEPUTY SPEAKER: Order, hon. minister.

MR. PASZKOWSKI: The last thing here . . .

THE DEPUTY SPEAKER: No, no last thing. Hon. minister, I think you more than answered the hon. member's question, and since the time for question period has now ended, we'll move on with the next item of business. Thank you.

MR. PASZKOWSKI: Mr. Speaker, I'd like to table this.

THE DEPUTY SPEAKER: We assumed that that's what you were doing.

head: **Members' Statements**

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

#### **Dutch Elm Disease**

MR. HENRY: Thank you very much, Mr. Speaker. I daresay I won't be quoting from the *Alberta Report*.

Mr. Speaker, I'd like to speak about a very important issue in my constituency. The province of Alberta has invested tens of millions of dollars in urban parks, including Edmonton's own Capital City park system. These urban parks not only enrich the quality of life for Edmontonians but also have a significant economic benefit and increase tourism as well as increase property values.

Unfortunately, this government is prepared to sit by with its valuable resources threatened by the arrival of the European elm bark beetle, one of the carriers of Dutch elm disease. Since 1992, four years now, the Liberal opposition has been telling this government that this disease was a threat to Alberta's cities. Sure enough, for the last two years the beetle responsible for spreading this disease has been found in Edmonton and Calgary.

Earlier this year I wrote to the minister responsible, and his response is simply that his department is developing a proposal under Alberta's critical pest infestation response plan. This isn't good enough. We need action now to stop this threat before irreversible damage is done.

The questions that my constituents have asked me to pose to the minister include: since the government has known that the beetle has reached Edmonton and Calgary for the last two years, why are they developing a response now instead of doing something concrete? Since it's likely that the beetle entered Alberta from Montana or Saskatchewan by individuals bringing in firewood for

campfires, has the minister responsible communicated to the minister responsible for parks that the arrival of this beetle happened at the same time as the province started charging for firewood in provincial campsites? What compensation program for individuals is this government prepared to put into place to repair the damage that could occur if Dutch elm disease spreads through the cities of this province because of this government's negligence? And since it will cost upwards of \$1.5 million in each of Edmonton and Calgary to control this disease, what assistance will this government provide to the urban areas of this province, given that this problem is a problem now because this government wouldn't act?

Thank you.

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

### Health Care

MRS. LAING: Thank you, Mr. Speaker. I would like to speak today on the alleged crisis in our health care system. Recently I have had several occasions to visit friends and relatives in the Foothills hospital. I was very impressed by what I observed. I didn't see any beds in the halls. People were actually receiving three good, nourishing meals a day. The staff were pleasant to visitors and very caring with patients. The floors were clean, and the sheets were fresh. Furthermore, I even saw a call bell answered in five minutes.

My relatives and friends have received excellent care. They speak very highly of the staff and the treatment they received in the Foothills hospital. Many times when we are subjected to the opposition victim of the day story, there is a very apparent implied criticism of health care workers. I have a problem with this wide-ranging finger-pointing done by our colleagues across the way.

I would like to salute the health care professionals who have met the challenges of rapid changes and continue, with care and dedication, to do a stellar job in meeting the needs of their clients. Some examples I would like to mention are the pharmacists who have made a dedicated commitment to health promotion and to counseling clients on medication and lifestyle, the lab technicians who come to the house to collect samples from the elderly or the ill, the doctors and the dentists who donate their time and their expertise to disadvantaged clients at the CUPS clinic in Calgary, the Salvation Army Grace Women's Health Centre, another notable example of the new health system with a focus on wellness and a holistic approach to health.

I could continue giving examples for at least another two hours, but with our very limited time I would like to close by saying that there are many fine professionals in the health system who have made the commitment to put their clients first, and Mr. Speaker, it shows.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

### Vehicle Inspections

MRS. SOETAERT: Thank you, Mr. Speaker. Downsizing and deregulation seem to be this government's buzzwords of the year, but responsible legislators must be wary of deregulation and downsizing that could cost lives. I would like to specifically refer to the foolish moves that the department of transportation will

have completed by the end of September. At that time there will be only three vehicle safety inspectors left working in the department of transportation.

In order to be a vehicle safety inspector, one must have two mechanics' licences, both auto and heavy duty, as well as a background in a managerial position. These people used to travel areas of the province doing mechanical checks on all kinds of commercial vehicles and school buses. They also trained people to be CVSA certified. That's the Commercial Vehicle Safety Alliance. This certification is a four-day training course consisting of one day of logbooks, one day of load securement, and two days of basic mechanical fitness.

With the new regulations from this government, heavy commercial vehicles and school buses will now be road inspected by transport field officers who are only CVSA certified, not qualified mechanics. Who will oversee the repair shops? Who will inspect them? Three people to cover the entire province is not enough. What about our schoolchildren? What about children on propane-powered buses? Who is left that is qualified to inspect them? There is virtually no one.

Mr. Speaker, in 1982 regulation 235/82 was included in the Highway Traffic Act. Since that time there has not been one mechanical defect accident in the school bus industry. Obviously, things were working well.

Members of the Conservative caucus and minister of transportation, if one child gets hurt because of a mechanical failure on a school bus, Albertans will hold every one of you responsible.

THE DEPUTY SPEAKER: We're now at the stage where we ask for the points of order. I believe the hon. Member for Spruce Grove-Sturgeon-St. Albert called a point of order.

### Point of Order Imputing Motives

MRS. SOETAERT: Thank you, Mr. Speaker. My citation is Standing Orders 23(h) and (i). The minister of agriculture was implying here, from an article in the *Alberta Report* no less, that the Member for Lethbridge-East – and he quoted things that this member has not a chance to say. When you're quoting the *Alberta Report*, you've got to really check out your sources. I know for a fact that the Member for Lethbridge-East has always said that if we're going to look at the Wheat Board marketing situation and if it's going to be a dual system, it's only fair if the farmers truly understand what that will mean, and that the survey the government sent out did not fully inform the farmers of what a dual marketing system would mean, that the farmers should be entirely educated on this issue, and that they should make the decision. The Member for Lethbridge-East has always, always endorsed that he would back what the majority of the farmers decide about the marketing board. So for the minister to imply that he has said anything else is imputing false motives to that member, and that should be retracted.

Thank you.

2:50

THE DEPUTY SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert has referred to a number of sections within Standing Order 23. Rather than debate the issue of the Wheat Board and the monopoly, I wonder if both sides could address the point of order of the allegation. The hon. minister.

MR. PASZKOWSKI: Yes. Thank you, Mr. Speaker. I'm very pleased to respond, and had the hon. member allowed me the

opportunity, I would have quoted Dr. Nicol directly from *Hansard*:

The minister is correct that we basically have a situation now where the federal government has kind of procrastinated or refused to act in terms of its response to the farmers in Alberta when they asked by a two-thirds majority vote to have some kind of a change in the way they market their grain.

I consider that a pretty profound statement, and I quoted from *Hansard*, April 23, the hon. Dr. Nicol.

AN HON. MEMBER: Why were you quoting from *Alberta Report*?

MR. PASZKOWSKI: I was planning on quoting from *Hansard* as well; however, I did not have the opportunity.

However, I have tabled this report, and it is in the hands of the Speaker. I would suggest that indeed in future the Liberal Party become more responsible for the statements they make.

THE DEPUTY SPEAKER: On the point of order.

MR. PASZKOWSKI: Mr. Speaker, I have quoted the hon. member who has made the statement. I leave that in your hands.

THE DEPUTY SPEAKER: On the point of order we definitely have a difference of opinion between hon. members, and therefore I hold that there is no point of order.

Now, I think the hon. Member for Edmonton-Rutherford had a point of order.

#### Point of Order Brevity

MR. WICKMAN: Thank you, Mr. Speaker. My point of order relates to *Beauchesne* 417, and let me just refresh everybody's memory as to what *Beauchesne* 417 is. "Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate." We've seen several occasions this afternoon like many, many afternoons where government backbenchers ask a puffball question, and rather than answering the question, we get a ministerial statement. I believe the comments made by the minister responsible for agriculture must have gone on 10 or 12 minutes and would have gone on longer. Despite the fact you were standing there, he continued to ramble and ramble away. It's one thing that he's firing shots at the most respected agriculturist in western Canada, Lethbridge-East, but to abuse a very, very fine privilege, the privilege of question period, is wrong.

THE DEPUTY SPEAKER: Hon. member, rather than getting into the debate that's provoked your comment, we'll stay to the point of order, 417. Did the Government House Leader wish to reply?

The Chair is already in agreement with the hon. member that several of the answers this afternoon were unduly long and certainly, as the Chair interceded in the case of one of the ministers, began treading on being a prolonged speech.

The comment that was made by the hon. Member for Edmonton-Rutherford, though, is one that I want to clarify. I did indicate earlier on in the tumult of question period that all private members in this House, whether they're to the right of the Speaker or to the left of the Speaker, are entitled to ask their questions. They're entitled also to determine what it is that's important, and the Chair was obliged to speak to that issue before. Whether they are puffballs or not is for others to judge, but it is

their right to ask the questions and to receive, hopefully, a brief and to the point answer.

So in a sense your point of order is well taken and was commented on, and I'm sure all hon. ministers will take that under advisement in future question periods.

I think that was all we had, hon members; was it?

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

#### Bill 217 Law of Property Amendment Act, 1996

[Adjourned debate August 21: Mr. Jacques]

MRS. GORDON: On behalf of the hon. Member for Grande Prairie-Wapiti I wish to continue debate.

Mr. Speaker, all Albertans have the right to equal access to the judicial system. Unfortunately for Albertans residing in small judicial districts across this province, this is not always the case. People living outside the two major urban areas of the province have been campaigning for years for increased access to the justice system, and I empathize with their predicament, as it is both inconvenient and financially difficult for people living in rural parts of the province to have to travel to Edmonton or Calgary to attend court proceedings.

The issue at hand is that of a preferential treatment offered to residents of urban areas in the matter of foreclosure proceedings. Mr. Speaker, this preferential treatment is essentially the result of current legislation which stipulates that defendants in a foreclosure action are required to attend court proceedings in the location chosen by the plaintiff. The location for these proceedings often ends up being Edmonton or Calgary, as the major financial institutions involved in mortgage lending have their head offices located in these cities. This means that the mortgagor must hire a lawyer or travel to that city to attend the proceedings themselves. This places many Albertans who live in smaller jurisdictions at a definite disadvantage.

[Mr. Herard in the Chair]

Mr. Speaker, seldom do foreclosure actions go to trial. In fact, most often these proceedings are settled by interlocutory applications during the stages before an actual trial. In the first application of a foreclosure proceeding the plaintiff files a statement of claim and the defendant is given the opportunity to explain why payments have not been made. At this point the judge is able to set a redemption period to allow the defendant a chance to make the payments. This grace period can be up to a maximum of one year for land in rural areas and six months for land in urban centres. Some defendants may not take advantage of this opportunity to explain their situation and to get an extension on their payments because of the difficulty of hiring a lawyer or the inconvenience of traveling at a time when their resources are limited.

Mr. Speaker, in order to eliminate any disparity between the treatment received by rural citizens and that received by urban citizens, these procedures must take place in the district in which the land is situated. This would increase the ability of defendants to participate in the proceedings.

In addition, Mr. Speaker, this Bill reflects another vital issue

for Albertans, that of the exodus of rural professionals to urban centres. Indeed, if civil actions such as foreclosure proceedings are traditionally dealt with outside of rural areas, there will be an unequal distribution of workload between rural and urban locations. This could create a domino effect whereby lawyers and court personnel will be compelled for economic reasons to leave their rural areas in search of more lucrative employment opportunities. As well, if we provide for more foreclosure proceedings to be heard in smaller districts, this will consequently redistribute the work that has been overloaded on the urban districts and will lessen the wait for court dates.

With that said, we can catalogue the beneficial elements outlined in this aspect of Bill 217 into two categories. Firstly, the Bill would help to ensure that the smaller judicial districts retain the services of local lawyers and of court personnel. Secondly and perhaps most importantly, it would help to improve the overall efficiency of the justice system in Alberta.

3:00

For these reasons it becomes apparent upon examining this Bill that its purpose not only favours the individual living in a rural community but the community as a whole. By ensuring that all mortgage foreclosure proceedings are held in the judicial district in which the mortgage property is situated or as close to that judicial district as possible, Bill 217 increases the accessibility of the judicial system for all Alberta residents.

It has been argued that if the foreclosure proceedings are not commenced in the correct judicial district, the procedure could be declared invalid based on this technicality. Now, I find it highly unlikely, Mr. Speaker, that a proceeding could be declared invalid because of the fact that it was commenced in the wrong judicial district for the obvious reason that the lawyers handling the case as well as the judge presiding over the case would surely pick up on such an elementary mistake.

As well, it has been mentioned that the judicial district in which the land is situated in a foreclosure proceeding may be a district in which neither the defendant nor the plaintiff reside. By changing the legislation, we would be tying the court's hands and hindering its flexibility. Let me state that this claim is unfounded, given the fact that this eventually can be rectified by means of a court order. Indeed, Mr. Speaker, once the plaintiff and defendant agree upon a more ideal location, they simply have to address the courts and obtain an order allowing them to change locations.

Providing for actions involving foreclosures to be held in the judicial district in which the land is located is a change that is long overdue in Alberta, one that my constituents want. Mr. Speaker, our rural citizens are weary of this drawn out debate, and such weariness can only foster mistrust and resignation towards the judicial system as a whole. In order to alleviate such feelings, it is important that this problem be addressed. Bill 217 will improve access to the justice system for people living outside the two main judicial jurisdictions of the province. This Bill will also be a step forward in helping citizens who are facing the loss of their property due to foreclosure actions.

For these reasons, Mr. Speaker, I support the principle of Bill 217 and encourage all Members of the Legislative Assembly to join with me in voting for this Bill to pass second reading.

Thank you.

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

MR. GERMAIN: Mr. Speaker, thank you very much. I'm heartened by the positive comments in support of rural Alberta in connection with Bill 217. Let me make my position on this Bill absolutely clear. This is a Bill I will support. It is a Bill that is long overdue. The hon. Member for Lacombe-Stettler and the hon. sponsor of this Bill come to this Assembly with absolutely clean hands, because last year, you'll recall, I sponsored a similar Bill called the Commencement of Actions Act, and both of those hon. members who have sponsored the Bill and who have spoken in favour of this Bill also stood in this Assembly and were counted among those few that were prepared to support rural Alberta by voting in favour of that Bill. I am delighted that the hon. sponsor of this Bill had the courage to bring forward the Bill again, even though many of his caucus voted against this very important issue for rural Alberta. In the year or two that he has been here, as we all have, he has matured in both his eloquence and in his persuasive powers, and it is my hope that this time when the vote is called, this Bill will pass.

Indeed, Mr. Speaker, there are other issues that are equally problematic involving litigation in rural Alberta. The hon. Member for Lacombe-Stettler talked about the interests of professionals involved in this equation. While I sympathize with her interest in professionals, I put this Bill on a much more basic plane: it is a factor of common, basic decency that if you're going to take a man or woman's home or farm away from them, you have the courage to go face them face to face in their own community in rural Alberta. You don't hide behind some legal procedure.

We have seen in this province the paradox of financial institutions often courting and seducing this business in rural Alberta. The loans officer comes from rural Alberta; the farmer comes from rural Alberta. At the first sign of distress they will race to the larger cities in an effort to put distance between themselves, and they're now litigating a rural individual, often a rural farmer.

The hon. Member for Lacombe-Stettler might well be legally trained, with her clear and perceptive analysis of the procedure. In fact, before any order taking away a man or woman's farm or home must be made, the court must be satisfied that there is no possible ability for that person to redeem himself or herself. How can you hear and entertain arguments about redemption when you put 300 or 400 or 500 miles between that person who wishes to go with his cap in his hand and beg for mercy in the courts and that judge who will dispense that mercy, if he or she sees fit?

Accordingly, Mr. Speaker, I have only a passing disappointment that this Bill was not passed two years ago when it was called the commencement of proceedings Act. My passing disappointment will rapidly evaporate, however, if people have now seen the right way and vote positively today for this particular Bill, which is so important to rural Alberta and is both symbolic of our respect for rural Alberta and in fact the right thing to do, the genuinely right thing to do.

We heard here several comments this afternoon from the minister of agriculture, Mr. Speaker, about how agriculture is the future of this province and not its past. While I would like to lump energy in with the future of Alberta, I am not prepared to disagree that agriculture is part of the future of this province. We cannot ensure a good future if we are cutting the knees off those people who are farming in the province of Alberta by preventing them access to the courts.

I would urge all members of this Assembly to pass this particular Bill. I would urge all members to pass it unanimously so that all those who read the *Hansard* debates and all those who

see and hear of the Bill will know that in the province of Alberta we protect those people who live in rural Alberta.

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

MRS. BURGNER: Thank you, Mr. Speaker. I, too, would like to take a few minutes to speak in support of Bill 217. I think it is imperative that we address – and this gives us a wonderful context to do that – the unequal financial burden placed on the residents of Alberta's rural regions in regards to foreclosure proceedings. This unequal financial burden imposed on residents of rural regions stems from the very nature of our current legislation concerning foreclosure procedures. As Albertans we are entitled to the same treatment before the law. Whether this treatment consists of undue financial burdens or whether it be unequal access to the judicial system, it is unacceptable to allow such disparities to persist in our province.

It is both unjust and unfair to have rural Albertans pay more for a service than their urban counterparts. As I mentioned earlier, Mr. Speaker, this added burden is the result of our actual Rules of Court. Indeed, the present Rules of Court do not require the location of court proceedings to be held in any particular judicial district. However, according to these same rules, it is the plaintiff's prerogative to suggest a jurisdiction in which he would like the proceedings to be held. Given that for the most part the major financial institutions involved in mortgage lending have their head offices in Calgary or Edmonton, mortgagors from rural areas are at a disadvantage compared to their urban counterparts. Those from rural areas have to hire a lawyer or travel to that jurisdiction themselves in order to attend court proceedings.

The foreclosure applications usually deal with families' homes and farms. Now, at a time when the mortgagor is in a particularly difficult financial situation, the additional expense of traveling a long distance and forcing defendants to hire lawyers cannot be justified. Mr. Speaker, these people are defending their homes and their livelihoods. Consequently, faced with the prospect of hiring a lawyer or traveling to Edmonton or Calgary, a defendant in dire financial straits may simply throw up his hands and do nothing when all that might be required to save his or her home or farm is for them to attend the court hearing personally. The bank, on the other hand, must instruct counsel in any event, and it would appear not to impose a hardship on it to instruct counsel in a smaller judicial district.

As well, all additional inquiries pertaining to foreclosure properties must be made at the clerk's office at the courthouse where the suit was started. Having the place of inquiry in a different jurisdiction than where the property is located may serve as an additional deterrent for interested parties who would potentially be interested in this information.

Mr. Speaker, the objection by the Rules of Court Committee that such a change would tie the hands of the court and prevent it from choosing the most suitable location can be answered simply. Indeed, any party to an action where the possession of the land is claimed may make an application to change that place at which the interlocutory applications are made and the trial is to be held. Under Bill 217 this application would be made, in the first instance, in the judicial district in which the land is situated. This would therefore eliminate the need for the defendant to hire a lawyer or travel these distances.

### 3:10

It has been brought forward, Mr. Speaker, that costs may be awarded against a plaintiff who selects an inappropriate judicial

district. However, these costs are always discretionary. It has also been stated that telephone applications may be made and that documents may be filed and served by fax machines. All of these assume that a defendant will hire a lawyer. In reality, however, most defendants cannot afford to do so. They should simply be able to walk into a court in the judicial district in which they reside and explain their personal circumstances to ensure that their rights are protected.

This simple amendment proposed to the Law of Property Act could have the desired effect of ensuring that all Albertans have equal rights and access to the courts regardless of whether they reside in a smaller judicial district or not. Mr. Speaker, I don't think there's anyone in this Assembly who would argue against the principle of all Albertans having equal access to the law in our judicial system.

Another beneficial aspect of the proposed amendment is that the change would result in a redistribution of the workload from Edmonton and Calgary to our rural communities. Given the overload and delays that typically characterize the urban judicial district, it would be most advantageous for all concerned to have the backlog redistributed more equitably. As well as from an economic and demographic standpoint, it is imperative that our rural lawyers continue to practise in their jurisdictions in order to prevent a massive conglomeration in the cities.

Mr. Speaker, as I have explained, it is absurd that any Albertan residing in a rural area should suffer undue hardship by sheer virtue of their geographical location. For this reason and those previously stated, I support Bill 217 and commend the Member for Medicine Hat for bringing it forward again. I encourage all the members of this Assembly to support this Bill and the principle of ensuring that all Albertans have equal access to the judicial system regardless of where they reside.

Thank you.

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

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I, too, would like to express my support for Bill 217, the Law of Property Amendment Act, and commend the sponsor, the Member for Medicine Hat, for having authored this document. I think it goes a long way towards redressing the present imbalance between rural and urban Albertans in the sense that out in our faraway regions – that is to say far away from the big cities – we are often forced to trek, in my case and in the case of my constituents, to Edmonton, a distance of almost 300 kilometres, in order to be involved in suits to deal with foreclosure cases or other cases as well. I think it's therefore proper to have this kind of law instituted, which allows us to be able to begin those proceedings and to deal with those proceedings much closer to home.

I'm a little – the word “disappointed” is perhaps too strong. I would like to have seen the inclusion of other types of proceedings, not just foreclosures, because I think the same argument applies to them. I'm thinking of filing for divorce or dealing with land actions, building liens, torts, cases that involve motor vehicle accidents, and so on: all the kinds of things, by the way, that the Member for Fort McMurray introduced in his Bill two years ago, and of course it was duly voted down. To me that would have been an even better expression of trying to redress this imbalance between urban and rural Albertans.

Mr. Speaker, it is as with the electoral boundaries Act; one is never able to get perfection in this world, and politics is the art of compromise. Therefore, I go along with the Bill in its present

state, and we hope to bring, perhaps at the Committee of the Whole stage, some amendments to the floor that might just deal with some technical flaws in this.

Thank you very much.

THE ACTING SPEAKER: The hon. Member for Peace River.

MR. FRIEDEL: Yes, Mr. Speaker. I'd like to take the opportunity to add a few words to this debate in favour of Bill 217, the Law of Property Amendment Act. All Albertans have the right to equal access to the judicial system. Unfortunately, for many people residing in small judicial districts across the province, this is not always the case, since our geography and the logistics of the distribution of our population make the physical achievement of equal a near impossibility. We have to look at ways of delivering a more practical alternative, and I would call that equitable access.

Mr. Speaker, under our current legislation defendants in a foreclosure action are required to attend court proceedings in a judicial district chosen by the plaintiff. Often the central office of the bank or mortgage company foreclosing is located in Edmonton or Calgary, so the proceedings are generally initiated there. This means that the mortgagor must hire a lawyer or travel to the city to attend the proceedings themselves, and it places people residing in rural areas of the province at a decided disadvantage. Not only is this inconvenient, but it's also unfair to require these people to cover the additional expenses for lawyers and travel that those living in Edmonton and Calgary are not required to pay.

People facing foreclosures are obviously already having difficulties meeting their financial obligations and likely have limited resources. To require them to travel or hire a lawyer during that difficult time places an undue burden on the defendant. Mr. Speaker, these people are trying to hold on to their property. Why make a desperate situation any more difficult? If a financial institution is willing to do business in the judicial district in which the land is situated, should it not be reasonable to bring its court applications there as well? This would seem to be a fair thing to do in my opinion.

The majority of foreclosure actions do not go to trial. Instead, they are settled by interlocutory applications during the stages before an actual trial period. To clarify, the foreclosure actions are commenced by issuing and serving a statement of claim on the defendant, and the defendant is then given an opportunity to explain why the mortgage payments have not been made or why some other breach of the mortgage contract may have occurred. At this point the judge is able to decide upon a redemption period, which is sort of a grace period given to the defendant to redeem the mortgage.

The court can look at a number of circumstances when setting the redemption period including the ability of the debtor to pay, the earning capacity of the debtor, whether the debtor's failure to pay was due to temporary or permanent unemployment, the value of the land, whether the land has been abandoned, the nature and extent of the value of the security, whether the failure to pay was due to something like hail, frost, drought, agricultural pests, or any other conditions beyond the control of the debtor. Often all that is required is that the defendant attend court at the designated hearing time and inform the judge as to the circumstances which led to the missed or late payments to successfully counter a financial institution's application for a shortened redemption period.

Unfortunately, Mr. Speaker, the defendants may not take

advantage of this opportunity to explain their situation because of the cost of hiring a lawyer or the difficulty of traveling at a time when resources may be extremely limited and will miss out on the opportunity to be granted a grace period or to allow time to make the payment. It seems unfair that Albertans living in small judicial districts will miss out on the opportunity to redeem their property when there may be a tenable reason for the default. If the foreclosure proceedings were to take place in the judicial district in which the land is situated, it would increase the ability of the defendants to participate in those proceedings. People would be able to go to their local courthouses and speak to the judge there. This would seem fairer and a more equal access to the judicial system all across the province.

3:20

The resolution of this issue is long overdue, and I would like to commend the Member for Medicine Hat for bringing forward this Bill which proposes, in my opinion, a workable and objective solution. Presently all Albertans do not have equal access to the judicial system in the province. In fact, people living outside of the major urban centres are clearly disadvantaged, and I don't think we should allow this to continue.

Mr. Speaker, if Bill 217 were to pass, it would ensure that mortgage foreclosure proceedings were held in the most appropriate judicial district, the one in which the mortgaged property is situated or as close to that district as possible. If there is more than one judicial district in which the action may be commenced, the action could be tried in any one of those. An action could also be transferred to any judicial district in the event that both parties agree to such a transfer. If either the defendant or the plaintiff resides in the same judicial district as the mortgaged property, they may have to agree to change the location of the proceedings. The parties to an action may, by agreement filed in the office of the clerk of the court in which the action was commenced, agree to transfer the action to another judicial district.

Bill 217 will not only benefit people in small judicial districts but also the entire judicial system. There are court services available in small districts across the province, and a redistribution of workload from the two larger urban centres to the smaller judicial districts could improve the overall efficiency of the court system. It could lessen the waiting period for a court date in the two major urban centres of the province as well. It could also help to ensure that smaller districts maintain their court services. An increase in workload could ensure the continued availability of the services of a master and lawyers for those living in the smaller districts.

For those reasons, Mr. Speaker, I support Bill 217, and I would encourage all the members of this Assembly to support it as well and the principles it stands for. Thank you.

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

MR. BRACKO: Thank you, Mr. Speaker. I also want to rise and speak in support of Bill 217, the Law of Property Amendment Act, 1996, a very important Act that makes for more equality for all Albertans. I want to thank the Member for Medicine Hat for bringing it forward.

However, it's two years after the Member for Fort McMurray brought in a similar Act, the Commencement of Actions Act, which not only included this but also included petitions for divorce proceedings or marriage conflict, also torts and motor vehicles. He had three big issues, concerns, there that could be set out in

the districts where they live, not having to go to the cities. You could imagine someone from Fort Chip having to come to Edmonton to have a dispute settled. In Fort Chip there are no summer roads; you have to fly there. If you're in a situation like this, you're probably in need of money. You don't have the resources to do so, so you're penalized for this type of thing.

The member two years ago brought this forward. It was defeated by the government. Unbelievable. It's the Alberta Liberals and the Member for Fort McMurray that have to stand up and fight for rural Alberta. Not the Tories but the Liberals, the Alberta Liberals. Unbelievable. You know, two years later, after what should have been in force and would have protected others. Two years later.

So, Mr. Speaker, I want to commend the member for following up on the Member for Fort McMurray's action two years ago. We need the other two parts of the Bill in here too, the torts and the matrimonial disputes, to make this a sound, solid Bill so you could resolve the issues in the district where you live.

Thank you.

THE ACTING SPEAKER: The hon. Member for Medicine Hat to close debate.

MR. RENNER: Thank you, Mr. Speaker. It's a pleasure for me to rise to close debate on this Bill. I would like to thank all members who spoke in support of this Bill.

There's just one brief issue that I would like to acknowledge, and that was the comments from the Member for Calgary-Buffalo when he indicated that the Rules of Court Committee was already considering changes and that this Bill to some degree was not required. Well, I'd like to remind all hon. members that the Rules of Court Committee has been considering this very issue for many years. The fact that they are considering it quite frankly does not give me a lot of faith that they will bring it to a successful conclusion. And I do think this legislation is important. This is a vote of confidence in rural Alberta.

I also would like to remind the Member for St. Albert that while it's true that the Member for Fort McMurray brought forward similar legislation, as did I - I have had a Bill under my name on the Order Paper that unfortunately didn't come up for discussion. I also had a motion under my name. So I have been pursuing this matter since I was elected as well. I certainly acknowledge the helpful comments that were made by the Member for Fort McMurray. I spoke at some length in support of his legislation last time around.

I would just at this point encourage all members to support this legislation. I understand that there are some individuals who have some suggestions for improvement at the committee stage, and I look forward to that discussion should this Legislature vote to take this to committee.

At this point, Mr. Speaker, I would call the question.

THE ACTING SPEAKER: The hon. Member for Medicine Hat has moved second reading of Bill 217, Law of Property Amendment Act, 1996. All those in favour, please say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Those opposed, please say no. Let the record show unanimous.

[Bill 217 read a second time]

THE ACTING SPEAKER: Hon. members, could we have unanimous consent to proceed to the next order of business. All those in favour, please say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed? Carried.

head: **Motions Other than Government Motions**

#### **Legal Services Ombudsman**

514. Mr. Havelock moved:

Be it resolved that the Legislative Assembly urge the government to examine the feasibility of establishing a legal services ombudsman to investigate how complaints about lawyers have been handled.

[Debate adjourned August 20: Mr. Dickson speaking]

[Motion lost]

#### **Election of Judges**

515. Mr. Hlady moved:

Be it resolved that the Legislative Assembly urge the government to initiate an immediate study to examine the feasibility of electing judges.

MR. HLADY: Mr. Speaker, firstly I would like to state that I have personally never had a problem with our judicial system or a judge. I have a great deal of respect for what they stand for. They are a crucial part to making our society fair to all who live here.

[The Deputy Speaker in the Chair]

Bringing this motion forward is about the fundamental right of an Albertan or Canadian to have input into the decision-makers that rule them. I have brought forward this motion due to the fact that Albertans have been telling me that the question of judicial accountability in this province needs to be examined. There is a feeling out there in the coffee shops and on the doorsteps that the judiciary is accountable to no one.

We are currently operating in a legal system designed 100 years ago and put into place by legislators. The people, Mr. Speaker, have had no direct input, and from the growing undercurrent in our society today, people are not happy with the direction that they see their judiciary going.

In 1985 the Canadian Bar Association criticized the process for selecting judges as being too selective. The public has little knowledge of the method by which judges are chosen and consequently has no say as to the types of candidates it wants. There could be no doubt that the decisions of judges reflect to some extent their personal values. They follow common law within the scope of their own values and beliefs. As humans they cannot but have opinions and sometimes prejudices. Through an open election the public would know what kinds of values or biases a judge would have ahead of time. Not only would it be an open system, but it would be one where judges are accountable.

3:30

In 1981 the Charter of Rights and Freedoms was introduced, and with it came an increased level of activism inside the



judiciary. The Charter entrenched individual rights and freedoms within the Constitution, and as a result judges were given increased powers in terms of maintaining those rights and freedoms. Individual rights and freedoms were important, but their preservation was a matter of tradition and the will of the people through their elected Legislatures. Prior to the Charter, Legislatures were free to limit or open individual rights and freedoms as they saw fit. Alberta traditionally has maintained a high level of freedom for its citizens and to this day believes in a little government interference in the lives of Albertans as possible.

There are three levels of lawmaking in our country. Ones that we are particularly concerned with are judge-made law and laws made here in the Legislature. Judge-made law is quite a lengthy process, literally taking years. This is due to the fact that the judiciary has to wait for cases to come to them, and it cannot anticipate cases. This is the oldest form of lawmaking, based on precedents or following the decisions of judges in similar cases. If a case currently before the courts is similar to one that has been tried previously, say 200 years ago, the outcome of the case will be similar to that of the older one. However, there needs to be a conflict before there can be found a solution, which is why this form of law takes decades to evolve.

The direct election of judges was adopted in a majority of the American states. This system emerged since judges were recognized there as having a great deal of power. It was felt that this power would only be legitimate when exercised by persons directly elected by the people. Therefore, judges should be elected. A majority of the states still elect their judges, although often with substantial modifications designed to overcome the inadequacies of the electoral system.

One of these is the partisan election, which consists of a nomination process through party conventions, primaries, followed by a popular election. This is used in 18 states and is not particularly effective in a lot of people's views. Nonpartisan elections are regarded as an improvement over the partisan process. In a nonpartisan election someone wishing to be a candidate circulates a petition, and if they get a certain amount of support, their name is placed on the election ballot without any party designation. This is used in 20 states in the U.S. The emphasis on insulating judicial selection from partisan politics is premised on the assumption that judges and judging are not political in the way that legislators and legislating are, and therefore judges need not be politically accountable.

The best known of these modifications is sometimes known as the Missouri plan. Missouri has a system of selecting judges independent of politics. A nonpartisan nominating committee considers applications for vacancies in all of the courts. They submit a shortlist of three to the state governor, who has 60 days to appoint one of them. The successful applicant is then placed on probation for a year. After that time their name is placed on a ballot and put to an election. If elected, they are placed on retention for a 12-year term, after which point they are up for re-election. The elections are based on the candidate's record, not on a party. The Missouri plan is a practical compromise between the goals of judicial independence and public accountability.

Two years ago a study in the States found that 86.5 percent of the judges surveyed were in favour of retention of elections. The judges felt that this was the best possible method of judicial selection. It removes judges from partisan politics, it gives the public a way to remove bad judges, it increases accountability, and it gives the judges some independence from public opinion.

The Canadian system of selecting and appointing judges is

based on the practice developed in England and now followed in much of the common law world. The majority of Canadian judges are appointed by the governments of the 10 provinces and the territories. Although the courts presided over by these judges are sometimes referred to as lower courts or inferior courts, they are the courts in which most Canadians will have their only firsthand encounter with the justice system. In all the provinces the appointing authority is the Lieutenant Governor in Council, and in nine common law provinces, including Alberta, the Minister of Justice and Attorney General has the responsibility of bringing recommendations for judicial appointments before the provincial cabinet.

Control of judicial appointments by the provincial cabinets has meant that there has been known to be some political patronage. In a study done by Peter McCormick and Ian Greene it was noted that one-third of the judges in Ontario and Alberta accepted an appointment to the bench because of unpleasant aspects of the career they were leaving. Their practice had become boring: almost half of the provincial court judges cited this as the reason for leaving. Others just felt burnt out. Some said that they were attracted by the security and the pension. Over a third of the judges accepted the appointment as a new challenge. Others saw it as the crowning pinnacle of a legal career. What is the kind of motivation we want to see in our appointed officials? How many people do we know who get themselves appointed to a position like that because they are bored with their present career? Is this acceptable or is it unacceptable to the people of Alberta?

This summer the Canadian Judicial Council released its annual report for 1994-1995, and in it they described a record number of public complaints against judges. This year there were 174. This was the seventh year in a row that complaints were at an all-time high. This says to me, if nothing else, that the judiciary and its role needs to be reviewed. For this reason I would like to propose an amendment to Motion 515 which would expand its scope accordingly.

In the amendment that I'm putting forward, I would like to change the motion as it stands to:

Be it resolved that the Legislative Assembly urge the government to initiate an immediate public review of the judiciary, including a study into the feasibility of electing judges.

I have copies of this right now that I would like to have passed out to everyone in the House. Should I let them pass that out, or should I just keep going?

THE DEPUTY SPEAKER: Well, it's the cart and the horse.

The hon. Member for Calgary-Mountain View wishes to make a substantive amendment to his motion. This would require unanimous consent of the Assembly. Are you ready for the question? The question then is: may we have unanimous consent for the hon. Member for Calgary-Mountain View to make an amendment to his motion? All those in support, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed? You have unanimous consent. You may now propose it.

MR. HLADY: Thank you, Mr. Speaker. The motion would now call for a public review . . . [interjection] We haven't voted on it.

#### **Speaker's Ruling Admissibility of Amendment**

THE DEPUTY SPEAKER: Just a moment. Just so the Chair

explains it. When you're making a substantive amendment to a motion, the hon. member is required to have unanimous consent. Otherwise, it would fall to the bottom of the Order Paper. We did not vote on the amendment because we haven't seen it, and we can't see it until you get unanimous consent, so it's a cart-and-horse sort of arrangement. Now he's going to speak to it, and it's going to be handed out.

Hon. Member for Calgary-Mountain View, on your amendment.

### Debate Continued

MR. HLADY: Thank you, Mr. Speaker. The motion would now call for a public review of the judiciary, including looking into the election of judges as a means of increasing judicial accountability. This motion, once amended, would more adequately move towards addressing Albertans' concerns about the state of the judiciary, its appointment, and how it exercises its powers.

The people of this province have told me such a review is long overdue, and I agree with them. As the power and discretion of judges comes to be more broadly recognized, a deeper democratic urge for more openness and accountability in their selection arises.

With that, Mr. Speaker, I would like to just allow the amendment to continue to be distributed.

I'll speak a little bit more in regards to why I felt that this should happen. I believe by expanding the motion from strictly electing judges and moving it to a review of the judiciary – I know there have been numerous complaints that I have heard. I'm sure many of my fellow members here in the House have seen and have received from their constituents in many different areas and different ways complaints about the judiciary and not just re judges. I think some of those other areas would be the courts themselves. It could be how the processing is working, particular sentencings. It could be our parole system. I think there are many pieces that are out there that people want to have input on, and I think this process and doing a public study would allow the people of Alberta to say what they really believe and what they think. I think it is a natural way for us to allow the people to say the most important things about the people that govern them. That is why I put it forward, Mr. Speaker.

With that, I will ask for that unanimous consent. Or is that done at the end?

3:40

THE DEPUTY SPEAKER: To move it now, you're moving your amendment.

MR. HLADY: Yes, I am.

THE DEPUTY SPEAKER: The hon. Member for Fort McMurray on the amendment.

MR. GERMAIN: Thank you very much, Mr. Speaker. I want to first of all say that when this Legislative Assembly granted the hon. member unanimous consent to discuss his amendment, it is part of the charity of this Assembly that we allow members to be able to speak their minds freely and fairly and be able to clearly articulate what message they are trying to convey. With the greatest of respect to this hon. member, I suggest that he is trying to convey a message of disregard to the judiciary of the province of Alberta and indeed the Canadian judiciary. He is trying to convey a suggestion that there are problems and things amiss with

the judiciary, and he is trying to convey some possible concern that the members of the judiciary are not now properly appointed, properly screened, and properly analyzed for their competence.

I want to take issue, in the clearest possible terms, with all of those suggestions. I want to suggest that the judiciary in this particular country has served the country well for many years. It is another one of these problems where we could use that street-fort analogy that if it ain't broke, why are we fixing it?

Let me now discuss some of the issues raised by this hon. member's Motion 515 as amended. With the greatest of respect I found, frankly, the original motion to be odious to the extreme, and now I find his amendment to be even worse. The original motion was nonjudgmental in that it seemed to indicate that there would be a feasibility study of electing judges. That in itself might be something you could take a reasonable approach to and say, "Well, why don't we study the issue?" Even though we come to the forefront with an acknowledgement that there's nothing wrong with the way in which judges are today selected, we could study the issue. I mean, heaven help us, Mr. Speaker, it wouldn't be the first time the government has frittered away tax dollars on inconsequential studies and feasibility reports. The history of governments across Canada in fact is that they have libraries full of the littered carcasses of studies on various issues.

However, in his amendment to this motion this member moves further. His amended motion would now read:

Be it resolved that the Legislative Assembly urge the government to initiate an immediate public review of the judiciary.

Who is calling for an immediate public review of the judiciary, Mr. Speaker? Who, other than this hon. member?

This particular motion was first discussed widely in the Calgary press about the time that there was issue as to whether judicial salaries could be rolled back in the province of Alberta. This is a very mischievous motion, mischievous as printed on the Order Paper and made more so by the member's amendment. He wants an immediate public review of the judiciary, and I urge all Members of this Legislative Assembly to unanimously reject this motion and show the confidence that we have in this province for an independent judiciary. If anybody could criticize about the appointments of the judiciary, we could, for example, suggest as opposition members that numerous judges at the provincial level with Conservative leanings get appointed to the judiciary. We do not take that position, because we as an Official Opposition look at judicial appointments in two ways. Mr. Speaker, we say this.

MR. DUNFORD: You want the federal ones. You want the federal appointments, Adam.

MR. GERMAIN: Well, all right. Some hon. members are saying, well, let's talk about federal appointments too. Okay; we're going to talk about federal appointments in a moment and the deep-rooted screening process and the thorough analysis of those competent men and women that accept federal appointments, often at great personal sacrifice to themselves, for the purpose of providing a necessary and essential service in this province and indeed across the country. [interjection]

You know, it is the hon. Member for Lethbridge-West who wants to find great humour and great amusement in the fact that honourable women and honourable men from an honourable profession that has been around since before the time of Christ would be in fact prepared to make self-sacrifice by accepting a judicial appointment. I can only say to the hon. member that I know many such men and women who have made great personal sacrifice to become members of the judiciary, and because of it

you sleep better at night, hon. member. You should be grateful to them, and they should receive the gratitude of a grateful nation.

I want to go on to say that the hon. member says that there should be a study into the feasibility of electing judges. This being a provincial Alberta motion, it could only go into the feasibility of electing provincial court judges. Is there any member of the government who wants to stand up in their place and say that the way in which you've been appointing judges in this province since this government came to power 25 years ago is wrong? Does any Member of this Legislative Assembly want to stand up and say that the concept is flawed, that the concept is inappropriate? While you can take – and it is easy to take – political shots at the process, the two questions that must always be asked, Mr. Speaker, are these. Do we in the present system get a good selection and a good cross section of men and women from the bar who want to put their names forward to be judges? If your answer to that is yes, then the only other issue, the only other possible issue could be: do we select appropriately the best men and women for those positions?

Frankly, having observed this process, Mr. Speaker, from near and afar for many years, I am not prepared to stand in my place and say that we do not get a good selection of people applying for the judiciary. I am certainly not prepared to say that we have a selection process which, whether by poor politics or good politics or good luck or bad luck or good research, does not appoint good judges. Because I think in the main it can be said, and fairly said, that the men and women who accept judicial appointments in the province of Alberta themselves prove that they deserve those appointments in most cases.

Now, if the system, Mr. Speaker, is working, then let's talk about the proposition for change. This hon. member says that we are going to put a political overtone to the election of judges. Let's put aside partisan politics here today, ladies and gentlemen. Is there anybody in this Legislative Assembly who is not prepared to admit that the political process we have now for the election of ourselves discourages good men and women from running?

MR. DINNING: Well, obviously.

MR. GERMAIN: It discourages good men and women from running. The Provincial Treasurer agrees. The press picks at you; self-interest groups will pick at you. Some politicians find that they have to promise anything to anybody to get elected. We have career politicians, Mr. Speaker, who will say anything, do anything, and be anything to get elected time and time again. We want to import all that we find upsetting about the electoral process for politicians into the appointment, by a voting process, of the judiciary.

Ladies and gentlemen, all of us here in this Assembly for the most part have children. We all have children. Do you want somebody who lives in a primarily adult community to campaign on the basis that he or she thinks that children cause crime and that those children have to be prevented from causing crime? Do you want somebody who lives in a primarily Caucasian area to campaign on the basis that it is ethnic minorities that cause crime and that crime is going wild because of immigration to the country? Do you want that type of person, making those kinds of campaign statements, getting elected to be a judge? Or do we want people who are sensitive of thought, competent in their intellectual processes, properly trained in the law, people who are compassionate, people who are respectful, people who are not part of the political harangue of elected politics? I say to you that the

political elective process discourages certain types of people from seeking political office, and it would discourage them from seeking judicial office. Mr. Speaker, those people who are sensitive, those people who are shy, those people who are compassionate would find that they do not want to run and campaign for elected office of the judiciary, particularly when they are taking on these jobs in many cases at great personal sacrifice.

3:50

I urge all Members of this Legislative Assembly to kill this motion as amended unequivocally and unanimously and in so doing show our respect for the judiciary of this country at all levels and put aside partisan politics of how judges are appointed.

You know, Mr. Speaker, last week in this Legislative Assembly we paused in the daily routine for a moment to express our condolences and respect to the memory of a fine example of all of the attributes that a judge should be, the late hon. Tevie Miller of our Alberta Court of Queen's Bench, retired. Now, that particular judge was an appointment. Anybody that knew that sensitive, caring judge and all of his attributes would possibly sense that while he was prepared to run for elected office, he would not be prepared to run for judicial office, to do what is considered a service to your community and a service to mankind.

Now, the hon. member in supporting his Bill indicated that there had been a survey taken of provincial judges and that some provincial judges accepted the job because they were tired of practice or, if I could paraphrase the member's words, they were burnt out or the practice had lost its challenge. Well, that is not the test. If that were the test, many people in this Assembly went into politics because they felt they had lost the challenge of teaching or presenting economic papers or the practice of law or the practice of accountancy or the practice of veterinary medicine. It is nature, Mr. Speaker, that people want to do other things, and when they want to do other things that help mankind, I say: God bless them. Don't tear them down because they say they want to do other things. The test is not whether people take judicial appointments because they want another challenge or they're tired of the practice. The test, when they accept a judicial appointment, is whether or not they have the stamina, the energy, the courage, the intellect, the sensitivity, and the decency to discharge their judicial functions.

Mr. Speaker, after 20 years or more of observing members of the judiciary at all levels of the court in this country, from the Supreme Court of Canada through all of the other levels of the court and the federal court structure, I am prepared to say to you today and to the Members of this Legislative Assembly that despite the odd criticism you hear of the judiciary, this is clearly a system that is not broke. Let us not fix it. Let us always remember that to have a good democracy, you need the executive branch, the legislative branch, and the judicial branch, and they all must be separate and apart.

Government members, do not be discouraged by the fact that you have suffered in the courts recently in the province of Alberta and indeed elsewhere in the dominion of Canada. That is how it goes. Anybody who has ever practised law will tell you that every hand's a winner and every hand's a loser. That has nothing to do with the judiciary; it has to do with the strength or weakness of the case at that given time. Do not interpret any judicial pronouncements as a personal slight to this Legislative Assembly, and let us not in turn personally slight our judiciary.

This particular motion calls for an immediate public review of the judiciary. There is nobody, except the hon. member, that says

that this is due, necessary, or even appropriate, and I would urge all members of this Assembly to reject in the strongest possible terms this particular motion.

MR. SAPERS: I'm rising on a point of order, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. member has concluded debate. The Chair actually was on two occasions going to intervene for clarification on two different points. One, we have an amendment to the motion, so we're speaking on that, and I think the hon. Member for Fort McMurray confined himself to that. Secondly, on a couple of occasions it appeared that he was ascribing to this motion that it was somehow a government motion, which of course it is not.

In the give-and-take of debate we would go to the other side, and the hon. Minister of Energy would be recognized. Now, you've got a point of order. Let's hear the point of order then, Edmonton-Glenora.

#### **Point of Order Admissibility of Amendments**

MR. SAPERS: Thank you, Mr. Speaker. The way this motion has come forward is of course confusing. My point of order is pursuant to *Beauchesne* 579(2), dealing with inadmissible amendments. The original motion reads:

Be it resolved that the Legislative Assembly urge the government to initiate an immediate study to examine the feasibility of electing judges.

So the substance of the motion has to do with a study on electing judges. The so-called amendment is:

Be it resolved that the Legislative Assembly urge the government to initiate an immediate public review of the judiciary, including a study into the feasibility of electing judges.

Therefore, the substantive part of the amendment is "an immediate public review of the judiciary."

Now, if you read 579(2), it says, "An amendment may not raise a new question which can only be considered as a distinct motion after proper notice." I submit, Mr. Speaker, that this is in fact a brand-new motion. It is not an amendment. In substance it is a completely different motion, and therefore it is inappropriate and out of order.

THE DEPUTY SPEAKER: On the point of order, I'm just hesitating to see who's going to speak to it.

The hon. Deputy Government House Leader, on the point of order as raised by Edmonton-Glenora.

MRS. BLACK: Mr. Speaker, I believe the House has already asked the question on the procedure of accepting the amendment, and I believe the Chair accepted the House unanimously voting for that amendment to be entered into this Legislature and debated.

MR. SAPERS: Mr. Speaker, the question put to the House was whether or not we gave unanimous consent to allow for an amendment to the motion, to which this House gave unanimous consent in good will, assuming that the amendment would be in the right form and would be in order and a legal amendment. So the unanimous consent was limited simply to the permission that this Assembly gave to that member to introduce an amendment, not on the substance of the amendment. Now that we have seen the amendment, it's clear that it is an inappropriate amendment.

THE DEPUTY SPEAKER: The Chair would observe – and that's

what the Chair attempted to explain – that the amendment has been reviewed by Parliamentary Counsel, and they have agreed that it's appropriate if unanimous consent is given to hear it. We can still vote one way or the other. So for the limited period of time that we have, then, and given those points, the point of order can be taken under advisement but for the moment is not going to prevail.

The hon. Deputy Government House Leader and Minister of Energy is rising to speak on the amendment to the motion.

#### **4:00 Debate Continued**

MRS. BLACK: Yes. Mr. Speaker, I listened carefully to the previous member, the Member for Fort McMurray, go on about the motion as amended as presented by the Member for Calgary-Mountain View, and I disagree with him. I think it's a shame that he did not catch the drift of what this private member has brought forward, a question that I think is in fact out there and is being asked by people.

We do indeed have a judicial system in this country that has served Canada very well. It's one that was adopted from the British system and has placed checks and balances within our judicial system.

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

#### **Point of Order Admissibility of Amendments**

MRS. ABDURAHMAN: Yes. On a point of order, using *Beauchesne* 579, Mr. Speaker, I certainly do not feel comfortable in questioning the Chair's or legal counsel's decision, but I'm concerned that we may be setting a precedent here and that indeed the opinion of legal counsel takes precedence over Standing Orders. If you read *Beauchesne* 579, "an amendment setting forth a proposition dealing with a matter which is foreign to the proposition involved," I would suggest that the amendment that was brought forward is indeed foreign. Now, if indeed legal counsel can make that decision before we enter into debate in this House, that concerns me as well.

THE DEPUTY SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan has raised the same point of order that was raised by Edmonton-Glenora, with some changes. What the Chair was indicating to you is that Parliamentary Counsel looked at the amendment and that it was in order. We here have decided whether it's in order. If you want to go into the fine points of whether it's foreign to the original motion, we could argue for a long time how foreign or how little foreign it is. This is a private member's motion, and the Chair felt that it was a substantive change to the original motion.

The point is that we have very little time to debate the issue. The issue only is given, if I remember correctly, 55 minutes, and well over half of that has already expired. The unanimous consent was to bring it forward. We still have within this body the right to defeat the amendment. The Chair has ruled on it not being so foreign that it can't go forward. That's the end of it.

The hon. Minister of Energy to continue her debate.

#### **Debate Continued**

MRS. BLACK: Thank you, Mr. Speaker. What I was starting to say was that we have had a system in place that has served us

well. However, I do believe that there is a lot of questioning that has gone on as to what the actual role of the judiciary is evolving into, should it be acceptable or not. Clearly this motion as amended simply asks that a public committee review the judiciary and include the feasibility of electing judges.

I think when you look at our system, Mr. Speaker, and you realize that judges are appointed at different levels of government, one on a provincial basis and one on a federal basis, then there would have to be some form of a review that would encompass the entire country. The public, I believe, has the right to ask for that type of review, and I don't believe it jeopardizes the integrity of the judicial system. I for one would not be in favour of our judicial system being prejudiced by such a review. In fact, it may be something that would be helpful to the judiciary, to have that kind of review and have the confidence come into the public's eyes that the judicial system in fact is working.

There are a number of situations, Mr. Speaker, that I believe have led to some of the uncertainty and the questioning of the system, and it has been focused back on whether the process for appointment of judges is as appropriate today as it has been in the past. I think a lot of that comes from the change in the Constitution, the introduction of the Charter of Rights and Freedoms, that came into play in 1982 in Canada. I remember reading one of the judicial rulings that came out of the Supreme Court that said that the Charter of Rights and Freedoms was designed to protect the minority against the willful destruction of the majority. In a democratic society that's a direct contradiction of the basic principles of the Constitution. What it did was it left an awful lot up to interpretation by the judiciary as to what in fact were the constitutional rights or the rights that were there within the Charter of Rights and Freedoms, that were really put in place supposedly to protect Canadians. So there was a lot of interpretive leeway that was left to question.

As a result, we've had some uncertainty that has come forward because of the Charter of Rights and Freedoms and the changes in our Constitution. We didn't review everything within our Constitution, such as those elements that the hon. Member for Fort McMurray talked about. One of those elements clearly was the judicial system: is the method of selection as appropriate today as it had been before the advent of the Charter of Rights and Freedoms?

I don't know that it would be a negative to have a review done by the public so that the public could feel that the judicial system was in fact working for their protection and for their benefit as opposed to feeling that that wasn't always the case. It was my understanding – and I'm sure the hon. Member for Fort McMurray would correct me if I'm incorrect – that it was the responsibility of the courts to enforce the laws of the land, not to create the laws. That is the responsibility of the Legislatures and the House of Commons, to create laws, and judges were to interpret those and put them in place.

I think this has had a lot of press on it because of some of the rulings that have come out of late. It's caused some concern with the public as to how a ruling can come forward that is, again, an interpretation by the judiciary and has caused some problems. I can tell you of one that occurred this weekend in the city of Calgary. There was a terrible assault that occurred in Calgary a few weeks back. There was a gang rape that occurred. The accused were gathered together and went to a court hearing, and the three people that were accused of the crime were let out on \$4,000 bail. Well, that leads to questioning. What was the judge thinking? What was happening? Unfortunately, somewhere along

the line, as was reported, the other inmates had roughed up one of the people who had been accused of the crime, so there was a violation of their human rights. But the fact remained. The question – and I don't think it's a poor question, quite frankly – that came from the public was: what were they thinking to have that human rights scenario come in and overshadow the fact that there was a young person in the city of Calgary who was gang-raped and that these people are out on bail for \$4,000 walking the streets of Calgary?

Now, the rationale of that kind of thought, an interpretation of the laws and human rights and the Charter of Rights and Freedoms, is what leads to the question of the selection process of the judiciary today. We can go through a lot of situations where those questions come up. How did they ever get to that interpretation? How did they ever get to that decision? Who are they accountable to? What happens if there's another situation or another case?

I notice that the Clifford Olson scenario is coming up again for a parole hearing. Well, you know, this kind of thing should have been decided by the courts in a final way and not have come back. People question the judiciary process and say: "Why does that happen? Why do we have judges who are not firm in their stand carrying out the will of the people and protecting the public interest?" So a public review won't hurt.

I don't know whether electing judges is the answer or not, quite frankly, and I can't tell you that. I can't support the election of judges, and I do not support it. I think a review of the process by the public won't hurt. I think we need that review. I think the review by the public is very important, and I think it should go forward. If in the end they review electing judges, I think that's a good thing to do. Maybe they'll come up and say: "That wasn't the best option. Maybe we shouldn't be electing judges." But the review and putting in there the election of judges I think are very important to follow through on.

#### 4:10

I think it has to be even broadened so that it not only looks at the provincial level but looks at the federal court level. With some of the options that have come forward, quite frankly, from the Supreme Court, I really wonder in whose interests, the public's interest or what interests, they are making those decisions. How did they determine that? I mean, when you consider how our Supreme Court is appointed – we all know that a lot of it is political; some of it is geographical. Does that make sense today? I don't know. I don't believe there's any system that isn't subject to review and shouldn't be reviewed. I think you have to do that on an ongoing basis. I don't think we should be afraid of that kind of review, and I don't think it should be deemed to be questioning the judicial system as we've known it. It doesn't hurt to review the system and determine: is it working in the public interest? Is it satisfying the needs of Canadians? If it isn't, is there a better methodology that can be employed, that we can put in as Canadians to make sure that we are protected with the law against crime, against things that we don't want to see happen?

I wouldn't be afraid of this motion going forward. I don't know what the answer will be, and I'm not going to presuppose that answer, because anytime you put out a public review, you have to give it the option to come back with recommendations. I doubt very much, quite frankly, that it will come back with the idea to elect judges, and I guess I would say that because I believe that a good part of the problem that we have within our judicial system doesn't stem from the people that we've put on the benches, both at the provincial and federal levels. I think we have

hampered them by tying them to a Charter of Rights and Freedoms that hasn't given them the ability to make decisive rulings in the courtroom, that has left them so they have had to deal with the exception as opposed to the norm, that has left them without the ability to stand up and make a firm decision and make it stick.

I don't think we've dealt with them fairly, and I think that's what the review would come back and say. If someone came up and showed me a scheme that would work with electing judges – and I have a list of some of the jurisdictions that have gone forward to elect judges – I would say that I would look at it with an open mind. But so far I haven't seen another system that works as well as the system that we could in fact have. I think we have hurt our judicial system with the Charter of Rights and Freedoms. I really believe that part of the public review should not only look at that but look at the ability that we have left our judges with, make sure that we in fact aren't always dealing with a system that is protecting the minority against the willful destruction of the majority, because that's not democracy. That isn't what we had our Constitution developed to do. We said that the majority must rule, and I don't believe we're doing that.

I guess when I look at some of the rulings that have come forward, the Charles Ng situation, et cetera, where we argue for years and years over rules and regulations and protecting rights, whose rights are we really protecting? That hasn't got to do with anybody sitting on the bench. That has to do with the Constitution, which we've told our judges to deal with. So maybe we have to look at that. I can't tell you whether an elected judge would make a better ruling than the one that was appointed, but I think the review is critically important.

The decision on Charles Ng, as an example, was just an abysmal effort at looking after and protecting the public of this country and dealing with someone who was known and wanted for murder in the United States. It dragged on for years and years and cost the system and the taxpayers of this country millions and millions of dollars in processes to finally come to a ruling. That to me was not necessarily the fact of the judge but the review of the judiciary and whether that process was appropriate or not. That's why I say that when you review the judiciary and include a study of electing judges, then I say we need to do that. I think that when we brought our Constitution to Canada, we dealt with all the elements, but we did not deal with the judiciary system within this country.

I would be supportive of this motion going forward and would welcome a public review of the judiciary and include in there the potentiality of electing judges, because I can't see what it would hurt. But I want it made perfectly clear that I would never be in favour of anything that would jeopardize our judicial system in this country, because I believe it has worked very well. It maybe can be improved. I don't think the hon. Member for Fort McMurray would object to any kind of improvement that can come forward.

So I would support this amendment, and I think the public should go forward with it.

THE DEPUTY SPEAKER: On the amendment, Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. On the amendment, we are being asked this afternoon as members of this Assembly to “urge the Government to initiate an immediate public review of the judiciary, including a study into the feasibility of electing judges,” which is of course a substantive change from the original motion as put forward by the Member for Calgary-

Mountain View, that simply asked for a “study to examine the feasibility of electing judges.”

I would take a contrary view to that of the Minister of Energy. The Minister of Energy, as I heard her debate, suggested that it was a review of the process for how judges in the dominion of Canada are selected for positions on the bench. It appears to me, Mr. Speaker, that the Member for Calgary-Mountain View was very clear in his intention of this amendment. He does not want a public review of the process as to how we select judges. He is interested in a public review of the men and women who currently sit on the bench. It is clear in its wording: “an immediate public review of the judiciary.”

The judiciary, Mr. Speaker, are men and women of this country who serve this country in the capacity of independent servants of the people of Canada, who have the very difficult task of adjudicating over issues that deal with their lives and their freedom. That is what the Member for Calgary-Mountain View wants reviewed. I suspect that he wants that review because there are some decisions that are made by the men and women of the judiciary that the Member for Calgary-Mountain View doesn't like.

The Minister of Energy also said that a public review of the judiciary, of the men and women who now serve on our courts and on our benches, would not jeopardize the judiciary as it currently stands, that simply having a review would not jeopardize the system. Again I take the contrary view to the Minister of Energy. The whole purpose of the review is to study the feasibility of electing judges. To my way of thinking, as I interpret the amendment put forward by the Member for Calgary-Mountain View, that is exactly what the review is intended to do. It is intended to describe the weaknesses with the judicial system with the purpose of promoting the concept of electing judges in Canada, much as they do in the United States in states like Alabama and so on. I think, Mr. Speaker, that is the intent of the amendment as put forward by the Member for Calgary-Mountain View.

It is impossible, I think, for any member of this Assembly to stand up and say that there are not cases that come before the courts of this land, whether it is at the provincial court level or at the Queen's Bench level, where some decisions cannot be agreed with, where we and our families sitting around the table just simply can't agree with the decision that the judge came to and will often state around our kitchen tables rhetorically: how in the world could a judge come to that decision? The Minister of Energy in her debate referred to a specific case that she was aware of in Calgary and, I daresay, at their home asked the question: how in the world could the judge have come up with that decision?

The difficulty of course, Mr. Speaker, is that we are not in the courtroom. We are not there to hear the submissions that are made to those judges so that by weighing all of the evidence they have in front of them, the judges can come up with the best and the fairest decision, keeping in mind all of the factors before them and all of the parties that are before them. While there may in fact be decisions that we do not agree with, the decision is based on the fundamental nature of their independence from the other branches in a democracy: the executive branch and the legislative branch. If it moves into the political realm, without that independence their judgment on any issue, whether we agree or disagree, is going to be clouded by other factors that they have to take into consideration that go well beyond the factors that play in their decision currently.

4:20

There are a number of elements of the judiciary's independence and impartiality that are going to be clouded and affected by a suggestion that judges be elected. Judges must then become candidates. Judges must then solicit campaign funds. Judges seeking to be elected will not be discriminatory in the campaign funds that they are going to receive. They will receive money from lawyers who appear in front of them and hope to curry favour as a result. They in fact may receive campaign contributions from those known in the criminal world on the hope and the prayer that, "Someday I'll be appearing before that judge, and I may have some influence." Their money is just as good as anybody else's.

Campaign contributions add a very difficult concern about the idea of electing judges. Mr. Speaker, we're now seeing on our televisions a lot of the campaigning that's happening in the United States, and I'm noticing more and more that all of those men and women who are running for public office in the United States are using their television campaign funds to have screaming posters that say: "We're going to be tough on crime. Vote for Bob Whoever. I'm going to be tough on crime." What's going to happen with elected judges is that the judicial candidates are going to be out there soliciting your vote and saying: "I'm going to get tough on crime. We're going to go back to hanging. We know that people like hanging. We're going to go back to hanging in this province." They are going to be making those kinds of statements. My colleague from Fort McMurray indicated, Mr. Speaker, that there are going to be statements made by judicial candidates. They'll say whatever they have to say, they'll promise whatever they have to promise, they'll do whatever they have to do to become elected.

I recall seeing an article once, Mr. Speaker, about a particular individual who was elected to the bench in the state of Texas, as I recall, and it came to light after the election that much of what appeared on that particular candidate's résumé was a complete fabrication. It was a complete fabrication. But you see, of course, as with elected judges, as with Members of the Legislative Assembly or the House of Commons, there's no recall. Once you're in, you're in, and the consequence of your actions is not known for a period of years. Without some check or balance of a recall, which I don't think has ever been suggested, a judge can get elected on false pretences. But he or she is now secure in his or her position on the bench, and it doesn't matter what information was stated prior to the election.

We don't just see that in that particular case. We've seen that in recent history in Canada, where a Member of Parliament was exposed for having indicated false credentials to gain support, to garner support from his community.

AN HON. MEMBER: A Liberal.

MR. COLLINGWOOD: Indeed, hon. member. It was a Liberal. This is not a partisan issue that we're talking about here. We're talking about what people will do to fulfill a position as an elected representative.

The Minister of Energy in her comments made reference to the Constitution and how that has changed the nature of the judiciary in this country. My proposition to the Minister of Energy and to other members is that much of the common law that was the judge-made law has now been entrenched into legislation. We have on many, many, many occasions codified the common law. We've taken the lawmaking power away from the judges, and we

in this Assembly and other Assemblies like this across Canada have made the law.

In terms of the Constitution, it is not the fault of the judiciary that elected officials in this country at some point in time moved to bring home the Constitution in the form that it's in. If there is concern with that, the reaction and the response is not to elect judges so that we can put political influence on them. The responsibility lies with the elected officials through Legislatures and the House of Commons in Canada to deal with it at the legislative branch level. It is not to be dealt with at the judicial level; it's to be dealt with at this level.

The public says that we're not tough enough on crime, that the judges aren't tough enough on crime. Judges apply the law; legislators make the law. Listen to what is being said out there, Mr. Speaker, and respond accordingly. The response is not to say, "Let's elect the judges so that they can go out to the public and say, 'Elect me, and I'll hang 'em high.'" The response is for us to deal with those issues.

On the doors we are always hearing about the Young Offenders Act. The public perception is that the Young Offenders Act is too lenient on the criminal element in our youth population.

MRS. BLACK: Well, it is.

MR. COLLINGWOOD: Then let's deal with it, hon. minister. Let's not say that the solution to the problem is to allow judicial candidates, whether it be you or me, to go to the public, on the doors, and say, "Elect me; I'll hang them high." The response is for legislators, whether provincially or federally within their jurisdictional realm, to deal with the problem at the legislative branch, not to deal with it through the election of judges. The Minister of Energy made some reference to the Clifford Olsons of the world. Well, that has absolutely nothing to do with judges.

I would also wonder, Mr. Speaker – and I know my time is almost up – what would happen in a circumstance where a judge, potentially of a political party, is elected and then a government of the same political party comes before him in court on a civil matter. I can think of an example like the Paddle River dam trial. What would have happened if it had been an elected judge sitting there listening to the government of the same political party? Would they have come to the same conclusion? What it will do – and it's the point that I made originally – is it will cloud the decision of the judiciary. They are independent; they must remain independent.

As my final point, I know that the Member for Calgary-Mountain View really does not want a review to study the feasibility of elected judges. He wants it now, as shown by Bill 218 on the Order Paper. He doesn't want a study at all, Mr. Speaker. He's prepared right now to introduce Bill 218 and to have that matter come to a vote.

THE DEPUTY SPEAKER: The time for this item of business has now elapsed. We have before us, then, two things to determine. The first one is the amendment to Motion 515 as moved by the hon. Member for Calgary-Mountain View. If I can get all my pieces of paper right, the amendment in effect amends the original motion by inserting . . .

MRS. BURGNER: Point of order. Can I have a clarification?

THE DEPUTY SPEAKER: The hon. Member for Calgary-Currie has a point of order after the time has elapsed for this item of business?

**Point of Order  
Clarification**

MRS. BURGNER: Mr. Speaker, with all due respect, I'm concerned about the amount of time that was given to the debate, and I'm wondering if we could have a clarification from the Table officers as to the amount of time in debate on this motion prior to your ruling, sir.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Currie has asked for an accurate timing of the amount of time for the debate. Fifty-five minutes, hon. member. Points of order were taken out. Normally the speaker would be interrupted by the Chair and the matter would be given over to the next day. However, we commenced that before the hour of 4:30, so we were going to go through the motions.

MRS. BURGNER: I just want it on the record that we debated this motion for 55 minutes.

Thank you, Mr. Speaker.

**4:30 Debate Continued**

THE DEPUTY SPEAKER: Okay. Let's go back to where it was before we were interrupted by the purported point of order.

We have under consideration an amendment to Motion 515 as moved by the hon. Member for Calgary-Mountain View. This amendment in effect takes the original motion and adds the following words after the word "immediate" in the original motion: "public review of the judiciary, including." That's the way it reads. Now, for the purpose of better understanding, the whole new motion, if everything is approved, would be here in the amendment, but the amendment really in effect is to add the words "public review of the judiciary, including."

[Motion on amendment lost]

[Motion lost]

MR. JONSON: Mr. Speaker, it's come to my attention that there is an understanding between our House leader and the House leader of the opposition that it would be perhaps acceptable to move waiver of Standing Order 8(2)(c) in order that we might move forward to address Bill Pr. 2 at this time.

THE DEPUTY SPEAKER: The hon. Minister of Health has moved that we waive the Standing Orders in order to permit the private Bill to proceed. All those in favour of that motion, please say aye.

HON. MEMBERS: Aye.

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

head: **Private Bills**  
head: **Second Reading**  
**Bill Pr. 2**  
**Covenant Bible College Tax Exemption Act**

MR. BRASSARD: Mr. Speaker, I move second reading of Bill Pr. 2, Covenant Bible College Tax Exemption Act.

There have been significant amendments to this Bill to conform

with the current changes to the Municipal Government Act, and the House has concurred, I think, or will concur in that report. If indeed the amendments are passed, the college will not receive special tax exemptions but will be incorporated like many other private colleges. In fact, the words "tax exemption" will no longer appear in the title of this Bill.

Thank you, Mr. Speaker.

[Motion carried; Bill Pr. 2 read a second time]

head: **Private Bills**  
head: **Committee of the Whole**

[Mr. Clegg in the Chair]

THE DEPUTY CHAIRMAN: I'd like to call the committee to order. I'd like to have unanimous consent to make an introduction.

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any? Carried.

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

MR. ROSTAD: Mr. Chairman, it's my pleasure to introduce a member of the Punjab Vidhan Sobha Legislature. Mr. Ranjit Singh is seated in your gallery. He represents the constituency of Khadoor Schib, India. I apologize for my pronunciation. I'm probably not doing very well in that. I would ask Mr. Singh if he would rise and receive the cordial welcome of our Assembly.

head: **Private Bills**  
head: **Committee of the Whole**  
(*continued*)

**Bill Pr. 2**  
**Covenant Bible College Tax Exemption Act**

THE DEPUTY CHAIRMAN: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Chairman. I would like to move the amendments to this Bill, circulated to members, and all members should now have a copy of these amendments.

As I mentioned in my report earlier this afternoon, the Private Bills Committee considered Bill Pr. 2 in the spring session. The intent of Bill Pr. 2, I think on behalf of the petitioners, was to allow them to take advantage of the concessions that would be available to them through the Municipal Government Act. Unfortunately, at that time the Bill as it was drafted really did not accomplish what they had set out to accomplish, so these amendments substantially amend Bill Pr. 2. The net effect is that the title of the Bill will become the Covenant Bible College Act. The balance of the amendments essentially incorporate the Covenant Bible College as a private bible college. Mr. Chairman, this Legislature passed two other Bills in the spring session that were virtually the same as this Bill, those being the Bethesda Bible College Act and the Evangel Bible College Act.

Mr. Chairman, I would encourage all members to support this amendment.

[The clauses of Bill Pr. 2 as amended agreed to]



[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Carried.

MR. BRASSARD: Mr. Chairman, I move that this Bill be reported when we rise.

THE DEPUTY CHAIRMAN: The hon. Member for Olds-Didsbury has moved that the Bill be reported when the committee rises and reports. All those in favour, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY CHAIRMAN: Opposed, if any? Carried.

Hon. members, I did accept the motion, but we had already done that when I said: "Shall the Bill be reported? Are you agreed?" We don't have to do that anymore, but I knew that the Member for Olds-Didsbury wanted it on the record. It's happened many times that way, but we do not need that motion.

**head: Government Bills and Orders**  
**head: Committee of the Whole**  
4:40

**Bill 41**  
**Water Act**

THE DEPUTY CHAIRMAN: When we adjourned last, whenever it was, the hon. Member for Sherwood Park had, I believe, introduced these amendments and was speaking.

The hon. Member for Sherwood Park.

MR. TRYNCHY: Question.

MR. COLLINGWOOD: Thank you, Mr. Chairman. I hear the Member for Whitecourt-St. Anne saying that he doesn't want to debate the water Bill. Nonetheless, we will continue the debate of the Water Act.

I guess I should also recall, Mr. Chairman, that the Government House Leader this afternoon indicated that he was going to bring in closure on the Water Act. He's getting a little . . . [interjection] I said he might, hon. Treasurer. I used the word "might." If you'd been paying attention, you'd have heard me say that. The Government House Leader said that he might bring in a closure motion.

Now, we've had in committee stage on the Water Act the Minister of Environmental Protection introduce his amendments for flaws contained in the Bill that were missed the first time through. So he introduced a number of editorial changes, and they sailed right on through this Legislature. That took - oh, I don't know - approximately 15 minutes. I think I've spoken for maybe five minutes on my amendments. You recalled quite correctly, Mr. Chairman, that I hadn't moved the amendments yet. So we actually haven't even started debate in Committee of the Whole on Bill 41, and already the Government House Leader is threatening to introduce a closure motion, because, you know, five minutes of debate at this point in time is just far too much debate for the government on the new Water Act, and they'll have to wield the club to prevent debate from continuing and taking place on Bill 41.

Now, Mr. Chairman, notwithstanding that the Government House Leader wants to wield his club of closure over Bill 41, I will say what I have to say on my amendments, I will debate what I have to debate on the amendments, I will speak on the issues that need to be spoken on, and if the Government House Leader chooses to take exception to that and bring in a closure motion, so be it. It's not going to prevent me from continuing the debate as I think necessary.

MR. DINNING: Question.

MR. COLLINGWOOD: Now the Provincial Treasurer wants to call the question.

So I'm going to start, Mr. Chairman. As I indicated to you last day, I'm going to introduce each of these amendments individually and speak to them individually and make my points known on each of them.

I'll start with section 2 of the Water Act. Again, just for the benefit of members, the Water Act that comes to us in the form of Bill 41 is the product of a tremendous amount of public consultation that took place starting actually in 1991 right through 1993 and '94 and '95. Last year, 1995, we had Bill 51 in this Legislative Assembly. That particular Bill died on the Order Paper pending further consultation by the minister.

One of the real flaws with Bill 41 is that with all of that public consultation - a group of stakeholders known as the Water Management Review Committee sat down and went through all of the public responses and all the public consultation and came up with recommendations to the Minister of Environmental Protection about the form of a new water Bill. Mr. Chairman, you of course know all about that as chairman of the water commission that conducted those hearings around the province.

One of the real flaws of this particular Bill is it fails time and time and time again to adopt the unanimous recommendations of the Water Management Review Committee, which was made up of stakeholders from an entire cross section of Albertans, including Albertans from the agricultural communities, the industrial communities, and the environmental communities. They all had input into that process and through painstaking work over many hours came up with their report to the minister, which contained many unanimous recommendations, some recommendations that were strongly supported and others where there was more of a mixed feeling. Nonetheless, even of the unanimous recommendations that came to the Minister of Environmental Protection, he rejected a significant number of those unanimous recommendations.

To date, Mr. Chairman, the minister I don't think has adequately explained to the members of the Water Management Review Committee or to the people of Alberta why he has failed to adopt the unanimous recommendations of that stakeholder group. So we will all continue to await the minister at some point in time coming forward and giving us an explanation as to why those particular recommendations were rejected.

One of the areas the review committee looked at was the area of water management planning. What they said in a number of their recommendations was that the legislation, in whatever form it takes, coming to us in Bill 41, should require the government to establish a "provincial framework for water management planning." So we must have the framework for water management planning in effect. The recommendation was that that should be in place within a time period of two to four years. Now, indeed, Mr. Chairman, the Bill reflects that particular

recommendation in section 7. It does require that the Minister must establish a framework for water management planning for the Province [of Alberta] within 3 years after the coming into force of this Act.

This is a mandatory statement, that the government must establish "a framework for water management planning." With that section, section 7(1) of the Bill, Mr. Chairman, recognizing the unanimous recommendation of the Water Management Review Committee, I have absolutely no difficulty.

It goes on in section 7(2), and now the words become a little bit more wishy-washy. Section 7(1) is in fact a mandatory requirement of the government once this becomes law. But what was also recommended by the Water Management Review Committee is that the legislation should require the government . . . [interjection] Sorry, Mr. Chairman, I lost my concentration from the rabble behind me.

The Water Management Review Committee also recommended that the legislation require the government to establish water management plans for each basin once the provincial framework is in place. It does not. It suggests that the legislation require the government to develop a process for cabinet approval of water management plans. It does not. There is a recommendation that the legislation require the "Government to follow an approved management plan in making decisions under the new . . . legislation." It does not.

What happens when we move forward in the planning and environmental assessment provisions of this particular Act is that the government now goes to that word that it relies on time and time again, and that word is "may." One of the constant criticisms of this particular Bill and of this particular government is that there is too much discretion left to the government, too much discretion left to the Minister of Environmental Protection.

#### 4:50

It says, Mr. Chairman, in section 7(2) that the framework "must include a strategy for the protection of the aquatic environment" and "may include" a number of elements. Well, yes, okay. It "must include a strategy for the protection of the aquatic environment." That's section 8, and I'll get to that later. But then it goes on to describe a number of elements that would be part of the framework for water management planning. Well, those are all critical.

Now, Mr. Chairman, when you use the word "may" in legislation, that doesn't mean that they are excluded. The problem with using the word "may" in legislation is that the corollary is "may not." So if I look at the legislation and ask the Minister of Environmental Protection whether we have the best possible water legislation in the province with Bill 41, I look at section 7(2), and it can read that the framework for water management planning may not include all of the elements that are set out in sections (a) through (f) of subsection (2).

The (a) to (f) provisions should be mandatory in the creation of the framework. There's no reason why they should be excluded. There's no reason why the legislation should continue to allow for the minister to read "may" as "may not" so that he specifically excludes any of the elements that are listed in (a) to (f).

- (a) water management principles,
- (b) the geographical limits or boundaries within which water management planning is to be carried out . . .
- (c) criteria for establishing the order in which water management plans are to be developed.

Well, of course that has to be mandatory, Mr. Chairman. That has got to be included in the framework for developing water

policy in the province of Alberta. How can you possibly develop a meaningful framework if those elements are not specifically included? How can you develop a proper framework for water management planning in the province of Alberta if the minimum elements that have to be considered in that framework development are not those that are listed in section 7(2)?

"An outline of the processes for developing, implementing, reviewing and revising water management plans." Of course you need the outline. It may be included; it may not. "Matters relating to the integration of water management planning with land and other resources." That's pretty critical for a water management framework. "Matters relating to the development of water conservation objectives." Of course those have to be included in the development of a meaningful framework for water management planning in the province of Alberta.

The change is simple. The change in fact should not be offensive to any Minister of Environmental Protection who is prepared to stand up and defend the Bill and say, "It is the best water Bill that we have developed based on the public consultation throughout the province of Alberta in the last five years." "We are prepared," the minister ought to say, "to agree that the word 'may' contained in section 7(2) should become the word 'must,' because we would do no less in the development of the water management framework for the province of Alberta, we would do no less than include all of the criteria that are mentioned in (a) through (f) of section 7(2)." If the minister is prepared to stand up and say, "We would do no less than include every one of those elements that we are legislating in Bill 41," then the minister will not be offended and will not recoil from an amendment that says that the word "may" should be changed to be the word "must."

If the minister does recoil from the amendment and the minister is not prepared to support the amendment, the minister is sending the message that this minister or any other minister of this particular government is not prepared to develop the best water management framework for the province of Alberta that it could. So I'm going to assume, Mr. Chairman, that the minister is going to stand in support of this amendment and say: "We will do no less than what the elements are that are contained in this. That's why the elements are contained in the Bill, because we recognize the importance of these particular elements of a water management framework, and we indeed intend to include these elements in a water management framework."

So on the first amendment, Mr. Chairman, recognizing that the whole Bill is constructed under section 2, "the purpose of this Act is to support and promote the conservation and management of water," the way to do that and the starting point for doing that is in the planning of the water management framework for the province of Alberta with the inclusion of every single one of those elements, and the minister ought not to be and should not be afraid of the word "must" in the development of that particular plan.

So, Mr. Chairman, if I've not put it on the record, I am now indeed moving the first amendment, the first amendment being that section 7(2) be amended by striking out "may" and substituting "must," an amendment I know that the Minister of Environmental Protection is going to embrace wholeheartedly.

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

MR. LUND: Thank you, Mr. Chairman. You know, there's a whole other side to this argument. The fact is that in the public

consultation that is going to be used to develop these water management plans, if we put in the word “must” and the public out there wants to deal with other issues that are not listed, you’ve now all of a sudden narrowed yourself down to just the issues that are mentioned here. I think it’s much better to leave the word “may” in. That gives a guideline to the discussion, but it certainly doesn’t restrict the discussion. I believe that changing it in fact is basically saying to the public: “Oh well. Here are the only issues you can talk about.” Mind you, that’s the true Liberal way of doing things: you restrict what the public can discuss and look at. We believe in the wide-open process, where all of the issues can be dealt with.

As a matter of fact, the comments that the hon. member made on section 7(1), while it’s not part of the amendments, we are going to use public consultation to develop the framework. In fact, to say that it has to include each basin or each sub-basin, well maybe that’s not what the public wants. So why would we put it in the Bill? This leaves the ability for us to go out and discuss with the public, develop what the public wants, and follow forward with it.

As a matter of fact, I have said on many occasions that I believe what we need to do is have a water management plan for each basin. But in the areas where we have problems, near allocation or shortage or an excess demand on the water, we maybe have got to even go beyond that and deal with the sub-basin. So I think we should leave it as it is currently written and we should reject the amendment.

Mr. Chairman, so I don’t have to repeat the same thing again, the hon. member will be going through the same rhetoric as it applies to his amendment to section 8(3). Once again he’ll be into the same rhetoric, so I think we should reject the argument. I won’t respond to his comments on 8(3), but we should reject it when the time comes.

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

MR. COLLINGWOOD: Thank you, Mr. Chairman. I won’t belabour the debate on this, but I do have a couple of comments arising from the minister’s comments.

First of all, the minister says that we’re going to be out consulting with the public on the development of the framework for water management planning. In fact, that is contemplated in the legislation in section 7(3). But of course in typical manner the government leaves it to the discretion of the minister as to what that consultation process is going to be. So the minister has just again confirmed for me that the discretion that the public takes exception to, the minister hangs on to for dear life. He must have the power. He must retain the discretion in every phase, in every element, in every aspect of the new water legislation in the province of Alberta. “The Minister must, in a form and manner that the Minister considers appropriate, consult with the public.” Well, that might be some phone calls. It might be dinner a couple of nights. It might be a tour in a particular area of the province. It’s up to the minister of course to decide what he thinks is appropriate public consultation. Of course the problem with that particular section is that it leaves far too much discretion to the minister.

5:00

Now, with respect to the minister’s generous comment about how my suggestion is liberal, the minister should spend a little bit of time thinking about the way legislation is interpreted. If I am

to change the word “may” to “must”, I have not indeed restricted, Mr. Chairman, what is debated, what is discussed in the development of the water management framework. I have left open the full expanse of all other issues that anyone wants to discuss in the development of the water management framework. What I do by adding the word “must” instead of the word “may” is insist that at least these elements be discussed in the development of the water management framework. I don’t exclude; I don’t restrict.

The minister is suggesting that my change is somehow going to restrict the debate on the development of the water management framework planning process. Well, the minister, with due respect, Mr. Chairman, is dead wrong. “Must” means that these must be debated. It does not prevent any other element that wants to be discussed from being debated or being included. It doesn’t prevent that. The minister, ironically, is being far more liberal than I am. The minister wants to be wishy-washy and willy-nilly, and nothing tangible will the minister ever commit to in the water management planning process. The minister is saying in his comments: “I will never commit to having anything specifically dealt with in the water management planning framework process. Yes, there are minimum elements that you have to take into consideration if you’re going to develop a meaningful plan, but I won’t do that. I will give consideration to the minimal critical elements that have to be included, because if I would like to exclude one of (a) through (f), I’m going to leave unto myself the power to exclude any of the elements from (a) to (f). If I get a water management framework that is less than what is optimal by including those, so be it. The power is mine, and I will use that power in whatever way I want.”

Mr. Chairman, I appreciate the Minister of Environmental Protection offering us his perspective on this particular one. He’s absolutely wrong in his interpretation of the legislation of course. It is not restrictive. It is entirely inclusive, and it simply says that the minister has the courage to use these and has the courage to have a stronger mandatory word go into the legislation than the wishy-washy, I-retain-all-the-power word “may” instead of the word “must,” which says I am committed to a water management planning framework in the province of Alberta.

[Motion on amendment A2 lost]

THE DEPUTY CHAIRMAN: Hon. Member for Sherwood Park, I have the list here, and it’ll be just A3. Okay? Fine.

MR. COLLINGWOOD: Thank you, Mr. Chairman. We are on amendment A3 to Bill 41, the Water Act. The minister has indicated to you that he expects that I’m going to stand up and spout further rhetoric about the change that I am proposing for section 8 of the particular legislation.

Now, section 8 is a section that talks about the “strategy for the protection of the aquatic environment as part of the framework.” It in essence says – and it falls back to section 7, as I referenced to you earlier, Mr. Chairman – that section 8 requires the minister to “establish a strategy for the protection of the aquatic environment as part of the framework,” and that the strategy referred to in that particular section may include a number of criteria. Well, again I think that it’s reasonable to suggest that those are the minimum elements that must be included in a strategy for the protection of the aquatic environment. In fact, if the Minister of Environmental Protection were committed to the protection of the aquatic environment, which is the new approach for this particular Bill, the whole change in our water resource legislation in the

province of Alberta at this point, recognizing that we have a Bill that is decades and generations old, is that the current water resources legislation does not recognize the protection that's necessary for the aquatic environment. The current legislation that we have essentially talks about the consumption of water by people for whatever purposes they require.

This Bill recognizes that that source of water must be protected and that the use of water must be a sustainable management of water so that we do not degrade the quality or the quantity of water so that we have certainty of supply and certainty of quality in the future. Once again the minister uses the weasel word "may" and fails to make a commitment to the word "must."

MRS. McCLELLAN: "Weasel word" is not parliamentary.

MR. COLLINGWOOD: Oh, is it unparliamentary, Madam Minister? Well, all right. So the minister suggests that I'm using an unparliamentary word if I suggest that the legislation contains the word "may" and that that would be a weasel word. Now, Mr. Chairman, I don't know if anybody's rising on a point of order. I see you shaking your head, saying: no, that's okay; you go ahead and say that. So I'll just press on and say that. In fact, I just did.

So the minister is demonstrating once again his lack of commitment to the fundamental nature of this particular piece of legislation. The whole notion of this legislation is to protect the aquatic environment. The basic elements to do that are set out in section 8(3) of this particular Bill. The minister accepts the mandatory requirement to establish a strategy for the protection of the aquatic environment as part of the framework, but he will not commit to the elements that are identified in section 8(3).

What's the first one? The first one is the "identification of criteria to determine the order in which water bodies or classes of water bodies are to be dealt with." Well, if you don't do that, Mr. Chairman, then you are not going to be able to identify the bodies of water or the basins that are in most urgent need of water management planning to protect the aquatic environment. Those should be identified first. Those should be given a priority in the water management planning process that's going to take place. If you fail to identify the criteria to determine the order in which water bodies are to be dealt with, then you are not addressing an immediate concern that must be addressed.

Let's remember that it is not necessary for the Minister of Environmental Protection, whoever that may be, to in fact develop a water management framework; in other words, build the frame. Don't even build the house. You just have to build the frame within three years. So you end up getting a frame or a framework. Well, you don't know what the guts of that thing are going to be. All you're going to get is the framework within three years. So from the time that this Bill passes into law, the minister and his department have three years before they have to finalize whatever framework they're going to finalize for water management planning in the province of Alberta.

The minister has already indicated how he's going to do that in terms of the public consultation, the public discussion. He's going to leave it wide open to deal with absolutely everything, and he's not going to deal with the elements that are contained in section 7(2). Part of what he has to do in developing that framework is develop a strategy for the protection of the aquatic environment and those elements there. I've identified the first one. The minister will not commit to the "identification of criteria to determine the order in which water bodies . . . are to

be dealt with." If he were committed to that, he would agree to adding the word "must" in section 8(3) rather than leaving in the word "may."

5:10

"Guidelines for establishing water conservation objectives." The water conservation objectives are something that are – I don't know – a little difficult to get a good handle on when you read through this entire piece of legislation. A water conservation objective, Mr. Chairman, I mean, just from a commonsense perspective, is that you are going to promote the conservation of water wherever you possibly can as a proper and as an appropriate response and promotion by a government to the people to conserve every resource that you possibly can. Water being one of the most precious and in parts of this province one of the scarcest resources that we have, you obviously want to promote water conservation objectives. Well, when will we or will we ever have guidelines for establishing water conservation objectives if the minister refuses to commit to doing that as he develops the framework and as he develops the strategy for the protection of the aquatic environment?

"Matters relating to the protection of biological diversity." Well, again, how do you develop a strategy for the protection of the aquatic environment if you do not commit to matters relating to the protection of biological diversity? Biological diversity is the essence of the protection of the aquatic environment. What the minister is saying is, "We'll develop a strategy for the protection of the aquatic environment, but we may not even bother considering the protection of biological diversity." How is it even possible to develop anything meaningful if you are going to leave the door open to avoid those kinds of considerations in the development of the strategy? I guess the best word, Mr. Chairman, is that it is inconceivable. It is inconceivable that the minister could come forward and say, "We are developing a meaningful strategy for the protection of the aquatic environment," and fail entirely in dealing with the protection of biological diversity.

"Guidelines and mechanisms for implementing the strategy." Well, okay, so we're now on a time line that does not require the minister to even develop the framework for another three years and no requirement for the development of the strategy after that point in time. Well, how are you going to then develop a meaningful strategy if you don't give consideration in the whole planning process to the way that those are going to be implemented or what mechanisms are going to be used for the implementation of those particular ones?

The minister may consider it to be irrelevant rhetoric, but there are many Albertans who have their sweat equity built into Bill 41, who think and who have followed the unanimous recommendations of the Water Management Review Committee, who think that a mandatory statement for those elements to be contained in the strategy for the protection of the aquatic environment is absolutely essential and is an absolute must, and it is the only way that the government can come forward and be accepted as recognizing, be accepted as being committed to proper water management planning through this piece of legislation in the future.

Again, the minister says that it's nothing but rhetoric. Nonetheless, where the minister fails to accept the word "must" and instead recoils from the word "must" and instead retains for himself the power to do whatever he wants in the development of that strategy without accepting the necessary elements coming

through the unanimous recommendations of the Water Management Review Committee, the minister is saying, "I am less than fully committed to the development of water management planning in the province of Alberta, and I am going to retain the power unto myself." That is not acceptable, Mr. Chairman. He knows that from what he heard through the public consultation. He knows that from what he received from the Water Management Review Committee. He knows that his commitment through the word "must" in section 8(3) will clearly be a signal that there is full commitment to the protection of the aquatic environment in the province of Alberta. Anything less is less than a full commitment to the protection of the aquatic environment.

[Motion on amendment A3 lost]

THE DEPUTY CHAIRMAN: The hon. Member for Bow Valley.

MRS. SOETAERT: Oh, point of order on that tie.

MR. COLLINGWOOD: His shirt. Forget the tie. [interjections]

DR. OBERG: Thank you. I really do appreciate all these accolades on my dress.

Mr. Chairman, in talking to these amendments, I would like to bring something forward, and I think it's something that's extremely important. Often when we get into the Legislature, we tend to forget the people that are out there. We tend to forget what the actual people who have worked on the Water Act in this case have said and what they have done.

In southern Alberta and specifically in Brooks and the Eastern irrigation district we are absolutely 100 percent dependent on irrigation and water. In speaking to these amendments, I would like to bring forward a message from the Eastern irrigation district, which, as you know, number one, is the largest user of water, the largest water licensee in the province and, number two, the largest single private landholder in Canada.

Mr. Chairman, I'd just like to bring forward a couple of messages from them. This message is directed toward Mr. Grant Mitchell, Leader of the Official Opposition.

The tone of your public information, and its underlying inaccuracies, suggest that the Liberal Party is resorting to playing "politics" with the lives of Albertans and with their communities and environment. The proposed legislation is well-suited to meeting new water needs and encouraging more integration of water management practices. It includes the tools to meet current demands, to bring protection of aquatic ecosystems into the development of water management plans and regional objectives. We encourage you and your caucus to re-evaluate your approach and to adopt a more proactive, positive and cooperative approach to this legislation. Meeting the needs of Albertans requires our combined efforts and goodwill – no one is served by simply playing cheap politics with people's futures.

AN HON. MEMBER: Who was it signed by?

DR. OBERG: Signed by Jim Webber, Eastern irrigation district, general manager, with a cc to the board of directors of the Eastern irrigation district, the largest one in Alberta, and the Alberta Irrigation Projects Association.

Mr. Chairman, I would also like to refer to the answer back dated July 3 from someone called Grant Mitchell, Leader of the Official Opposition.

The Alberta Liberal caucus supports much of Bill 41, but there is one important exception. Bruce Collingwood, MLA, Alberta

Liberal spokesperson for Environmental Protection, has drawn our attention to the implications of 18(2)(b).

MR. COLLINGWOOD: Point of order, Mr. Chairman.

THE DEPUTY CHAIRMAN: On a point of order, the hon. Member for Sherwood Park.

#### Point of Order Relevance

MR. COLLINGWOOD: Mr. Chairman, there are several points of order, but I will simply cite *Beauchesne* 459. We are dealing with the body of Bill 41. We are not dealing with this member's opinion. We are not dealing with correspondence. If the member wants to get into flinging correspondence, I have a stack that I can do as well. I can speak to all of that discussion that I had with the irrigation districts.

I'd be happy to do that, but I'd suggest that it is out of order at this point in the proceedings, with the Government House Leader wielding the club of closure over this particular Bill, to have that particular member stand up and prattle on about letters that he has received about playing politics. He suggested that we ought not to play politics, and what is he doing in this Assembly but standing up and playing politics with this Act when I'm trying to deal specifically with the amendments to this Bill with the Minister of Environmental Protection.

So I hope you will tell that member that he is out of order so that we can get back to the business of this House.

THE DEPUTY CHAIRMAN: On the point of order, hon. member.

#### 5:20

DR. OBERG: What I am trying to get across is that we have before us 16 amendments. What they have said is that they have one problem with this legislation – yet we have 16 amendments that come forward – that they have sent to the irrigation districts and said that. Mr. Chairman, that's a gross misrepresentation on their part to bring forward 16 amendments when they tell the stakeholders that they only have one problem.

THE DEPUTY CHAIRMAN: On the point of order, the hon. Member for Sherwood Park does bring up a point. However, we have no amendments in front of us, so everybody in the House has the right to speak their mind on the body or principle of this Bill totally.

The hon. Member for Sherwood Park does bring up a point. I don't believe that the hon. Member for Bow Valley should continually read letters in committee. However, to have some quotations out of a letter I think is probably in order. I'm sure that the hon. member is very concerned with this, being from southern Alberta, and I think we should allow him to continue debate in committee.

#### Debate Continued

DR. OBERG: Thank you very much, Mr. Chairman. I apologize if I have spoken too much verbatim from this, but there is a point to that. I think the point and what I'm trying to get across is that we as representatives have to listen to the people out there. It's the people out there who are using the water who are telling us this. We're there but to represent them. We have to bring that forward.

This is a critical, critical issue for southern Alberta. It's a critical issue for my constituency. I represent the people there. They are the experts in water. The Eastern irrigation district is the expert in water in Alberta. There is no doubt about that. They come forward and say that they support this legislation. They urge me as a representative from that constituency to come forward and speak on this Bill, speak against this, and to urge the Official Opposition to stop playing party politics, cheap party politics, when it comes to water.

Mr. Chairman, this is a critical issue in my constituency. The people in southern Alberta want this Bill. The people in southern Alberta must have this Bill. If we have to put closure in on this because they won't vote for it, then that's what we have to do.

Thank you, Mr. Chairman.

**THE DEPUTY CHAIRMAN:** The hon. Member for Sherwood Park.

**MR. COLLINGWOOD:** Thank you, Mr. Chairman. I, too, represent a constituency of individuals who use water, and my colleague from Fort McMurray represents individuals who consume water and are faced with a river that is polluted and a northern river basins study that the minister still has done nothing about, and my colleague from Clover Bar-Fort Saskatchewan, with many industries that consume and use water, and my colleagues from Edmonton. So I have no idea what the member across the way is talking about, other than that he chooses in this Assembly this afternoon to pay cheap political tricks with the Water Act when we are trying to deal with specific amendments.

I notice that the Member for Bow Valley didn't stand to make that statement and those comments when the minister rose with his amendments and said: well, you know, the Bill was perfect, but, gee, now it's maybe not quite as perfect as it ought to have been in the first place. He didn't make that statement then.

We have been debating amendments on this Bill for what, Mr. Chairman? Maybe 45, 50 minutes? Now this member is standing up and prattling on about cheap political tricks. The only cheap political trick in this Assembly the entire afternoon is that particular member and those ridiculous comments.

**THE DEPUTY CHAIRMAN:** On a point of order, hon. member.

**Point of Order  
Imputing Motives**

**DR. OBERG:** Thank you, Mr. Chairman. Under Standing Order 23(h), (i), and (j). There has been an imputed motive of playing cheap political tricks when it's really easy for everyone in the Legislature to see that the only one playing cheap political tricks is on the other side.

**MR. COLLINGWOOD:** Mr. Chairman, I don't know if it is the intention of the Member for Bow Valley to hold up debate for a separate political agenda, so that the Government House Leader can bring closure in on the Bill, which they've already indicated, hon. member, in case you weren't paying attention, is what they're going to do. So whether or not we deal with all of the amendments or not, that member's Government House Leader is going to kill debate on this Bill anyway.

I'm trying to deal with amendments that are substantive. Many of them deal with the same issue and deal specifically with sections of the Bill, but this particular member isn't paying the slightest bit of attention to the debate. He has no idea what we're doing. I would like to just continue, Mr. Chairman, with what we were dealing with before we were so rudely interrupted by that hon. member.

**THE DEPUTY CHAIRMAN:** The hon. Member for Bow Valley certainly has a point. I'm not too sure if it's a point of order. Hon. Member for Sherwood Park, the last three minutes of your statement was doing nothing but causing a disturbance. Obviously the Member for Bow Valley absolutely has the right to speak in this House regardless of who likes it or who doesn't like it. Let's get on with the business. We had no amendments in front of us.

Hon. member, I don't think it's either side of the House's position to try and get political benefits for either side of the House. So I think we should just go on with the business.

The hon. Member for Sherwood Park on the main Bill.

**Debate Continued**

**MR. COLLINGWOOD:** Thank you, Mr. Chairman. That's exactly what I was doing before being provoked by the Member for Bow Valley with his cheap political tricks.

**THE DEPUTY CHAIRMAN:** The hon. Member for Bow Valley on a point of order.

**Point of Order  
Imputing Motives**

**DR. OBERG:** Again, Mr. Chairman, 23(h), (i), and (j). The member across the way has imputed a motive to me representing my constituents and calls it cheap political tricks. The reference that I made to cheap political tricks was not spouted by me, such as in this case, but was brought forward in a letter to the Leader of the Official Opposition. He did it again.

**MR. COLLINGWOOD:** Mr. Chairman, on the point of order, as I'm entitled to do, I'd like to explain to the Member for Bow Valley that what we do in the committee stage in this Legislature and what we've been doing in the committee stage in this Legislature for a number of years now is dealing specifically with sections of the Bill. Now, I have no idea what a letter addressed to the member has to do with specific sections of the Bill.

What you might do, Mr. Chairman, is explain to the Member for Bow Valley how the procedures in the Legislature work, what it is we do in second reading stage, what it is we do in committee stage, what it is we do in third reading stage so that that member can then actually participate in the debate in a meaningful way and actually make a contribution to the debate that's taking place rather than using cheap political tricks.

**THE DEPUTY CHAIRMAN:** Hon. members, there's total disagreement in the House. I've dealt with this, and I'm not going to again take sides.

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