

Legislative Assembly of Alberta

Title: Monday, April 27, 1998 8:00 p.m.
 Date: 98/04/27
 [The Deputy Speaker in the chair]

THE DEPUTY SPEAKER: Please be seated.

head: Government Bills and Orders
 head: Second Reading

Bill 40 Senatorial Selection Amendment Act, 1998

[Adjourned debate April 27: Ms Carlson]

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

MS CARLSON: Thank you, Mr. Speaker. Happy to continue debate on Bill 40, the Senatorial Selection Amendment Act, 1998, the dumbest bill that's hit the floor in this session certainly and, like I said before, at least in the five years that I've been here. After debate at 5:30 I went home and was making supper. My daughter, who is 12, was helping me, and we were talking about this bill.

AN HON. MEMBER: What did you have?

MS CARLSON: What was for supper? Teriyaki stir fry. It was very good. Too bad you missed it.

MR. PASZKOWSKI: And you didn't invite us?

MS CARLSON: No, I did not invite you. I'm so mad about this bill that I didn't invite anybody.

Anyway, she said: how was your day? I said: well, you wouldn't believe the bill that we had up for debate just before I left. She asked a little bit about it. She knows quite a bit about politics, of course, having grown up in a political family. So she said: tell me again what happens now with Senators. I said that they're appointed, that Alberta has for a long time believed that we should have a triple E Senate, which would be equal, elected, and effective, and that barring working hard for that, what the government has brought in this time is a bill which would hold elections for Senators-in-waiting, Senators who would be elected at large and then be ready, willing, and waiting for whenever there was an opening due to death or due to someone's retirement at the age of 75. She said to me: well, that seems really dumb; why would they waste all that money on elections and paying for people who weren't doing any work, when they could just wait until the person retired and then hold the election and just elect one person to fill the empty spot?

Well, who can figure. If a 12-year-old girl can figure out what really the crux of this bill is and what the problems with it are in less than a five-minute conversation, it seems completely inconceivable that all of these elected members on the other side of the House are defending what has to be one of the most foolish bills that we've seen in here and one that clearly spends a lot of money for absolutely no purpose.

Now, I remember people on this side of the House, Mr. Speaker, getting quite angry when they heard about what that Senator who was spending all that time down in Mexico, Senator Andrew Thompson, was doing. He was down there vacationing

and raking in his senatorial salary and doing absolutely nothing. Well, I want to ask the members on this side of the House exactly what it is that makes this different from what they're proposing to do, what they're wanting to do upfront here in this bill by setting up Senators-in-waiting, paying their salaries and whatever other kind of administration costs are surrounding that, and the guy who was in Mexico clearly vacationing. I don't see any difference. These people here can run for election and then can go right to wherever they want to go. I don't see any requirement in here that says that they even have to stay in the country. They don't have to stay in the country. They can collect a salary, whatever other perks and benefits there are there, probably transportation, probably some sort of accommodation if they're supposed to do some Senator-in-waiting training down in Ottawa.

MR. SAPERS: Senator-in-waiting training. What's that?

MS CARLSON: Well, we don't know what Senator-in-waiting training is, because it isn't laid out in this bill, I'm sorry to say. In fact, very little is laid out in this bill, except the excuse that this government has to spend unnecessary dollars one more time, like they have in the past. So they say: "Well, trust us. Trust us, because what we have in this bill is just a framework, a guideline, an outline of where we're going. Don't worry; we'll bring in those regulations later on to specify exactly what it is that we're going to be doing in this bill."

Well, you know, every time we trust this government, Mr. Speaker, it costs us lots of money. Let's take a look at NovAtel. Let's take a look at what's happening on Bovar, which is the latest fiasco, where we're going to be on the hook for not only a hazardous waste plant that's obsolete and isn't working properly but also the environmental cleanup as a result of that. Let's take a look at all the other boondoggles that have followed the history of this particular government every single time they said: trust us.

Well, Mr. Speaker, if I can't see it in writing here, if it isn't laid out clearly for me, I won't support it. I want to know why they want to do this, based on fact and based on how it will result in cost savings for Alberta down the road. I want to know how it's going to move us along on a triple E Senate basis, where we truly do have elected and effective Senators, and how this is going to move us along on the road to getting Alberta to have equal treatment in the Senate. I want to know exactly how much money these guys are going to be paid every month.

THE DEPUTY SPEAKER: The hon. Member for Little Bow is rising on a point of order. Would you share it with us?

Point of Order Questioning a Member

MR. McFARLAND: Thank you. *Beauchesne* 482. I wonder if the member would entertain a question, please.

MS CARLSON: Absolutely not, Mr. Speaker. I only have 20 minutes.

THE DEPUTY SPEAKER: Hon. member, you just have to say yes or no.

MS CARLSON: No.

THE DEPUTY SPEAKER: Thank you.

MS CARLSON: Certainly he's got a full 20 minutes available to him, in which he can elaborate in terms of any kind of detail he wants here. When we get into committee I'd be very happy to take my time then to respond to any questions he may raise on this issue.

Debate Continued

MS CARLSON: So going back to my points. I want to know what the salary is going to be for these Senators. I want to know what kind of perks they're going to get. I want to know what the benefit costs are going to be for these Senators. Generally speaking, Senators are older in nature, so there's a lot more health care costs associated with that. What kind of retirement packages are going to be associated with them? I want to know what kind of travel allowances they've got. I want to know how much their Senator-in-waiting school is going to cost. I want to know if they're going to be allowed to leave the country while they're waiting to take their spot.

I want to know how they're going to queue up in terms of who's first in line when a Senator is replaced for whatever reason. There's no discussion in here. If you hold provincewide elections like we did the last time a Senator was elected in this province, then one guy got the majority vote and off he went to Ottawa. In this instance we don't know that that's going to be the case. If you elect more than one, who's the first one go? What happens if they start to fight about it, Mr. Speaker? What happens if none of them want to go, if they just want to be Senators-in-waiting forever and not have to go down to Ottawa and do any work? I think that that's something we should consider in that regard. [interjections] I want Senators to go to Ottawa and work and be paid for work they do. I don't want them to be sitting here in Alberta lolling around, Mr. Speaker, on the dole, getting big bucks for doing absolutely nothing.

Unless they can prove to me absolutely that those people are going to be doing something that is productive in terms of output in this province, then I don't think they should be getting any dollars at all. I don't think we should be wasting any money putting together elections, which we all know are very expensive to do.

MR. SAPERS: How about the cabinet? How do you feel about them getting money if they don't do anything?

MS CARLSON: Well, my colleague wants to know how I feel about cabinet if they don't do anything. If they don't do any work, they shouldn't get any money either. Well, I agree with that statement. So there are some parallels in this bill, Mr. Speaker. It rose to the top of his mind, he said it, and I responded. Certainly I would agree with that statement.

So all of these issues I think are important. When you're talking about just a by-election in this province, Mr. Speaker, we know that it costs about 200,000 in organizational dollars to run a by-election. You've got to make sure that all your ducks are in a row, that you've got a current count of people who are eligible voters. You've got to put all the infrastructure together. You've got to do all the printing and so on and so forth. I don't know how much it costs to run an election just to elect a couple of Senators-in-waiting who really aren't going to be doing anything for the money anyway. So we would need to know what the cost factors are going to be on that. I am sure it would be substantial. I'm sure it's going to be more than a couple of hundred thousand dollars. So that's just the upfront costs to put the infrastructure in place.

What happens if, while these Senators-in-waiting are waiting, one of them gets sick and decides they have to withdraw or one of them dies or they get another job? If they're bored just sitting around doing absolutely nothing so they look for some employment where they're actually contributing members of society and they decide they don't want to be a Senator-in-waiting any longer, what are the rules around that? We don't see anything like that outlined in this bill.

I think that the people have a right to know if they're going to have to go right back to the polls again, spend some more money, and make another decision. You've got all those campaign dollars that these Senators are going to have to organize in order to run their campaigns. I can't imagine, Mr. Speaker, how many people we'd have running for an election like that.

I remember one of my colleagues saying that in one of the public school trustee elections, where you don't make very much money and you have to work quite hard and you take quite a bit of flak from the public – in one municipal election I think he said that 52 people ran that time. Well, Mr. Speaker, how many people would run for a job that pays at least \$70,000 a year where you don't have to do any work? Yeah, there you go. We've got a couple of hands going up. There are three people sitting in the gallery, Mr. Speaker, and two of them said that they're going to run. Well, what do you know? I think you're very smart. It's a great job if you can get it.

So take a look at this. How many people are going to put their hat in the ring? Well, we have 66 percent of the people who are sitting in the gallery saying that they would, Mr. Speaker. I just bet that about that proportion of the population would also like to run, because it's a heck of a job and you're not going to have get a 5 percent rollback at the whim of the Premier. In fact you're no longer going to be under the Premier's control. So that makes it even a better job. I might run myself. I think that sounds like a great job. [interjections] Did I hear some cheers? I'll take campaign contributions right now, thanks very much.

8:10

So, Mr. Speaker, I think those are the kinds of things we have to consider when we're taking a look at this bill. It just seems to be completely ill thought out. Somebody came up with a bright idea and decided that this would be the way to go, but it seems to me that that person really must have had what the Premier always calls dome disease, because certainly they didn't see beyond the parameters of this room in terms of the implications or the costs. The costs are just overwhelming when you think of what those dollars can be spent on in terms of needed and necessary funding in this province. Certainly many of my colleagues who spoke this afternoon spoke very eloquently about the needs in different areas and very colourfully as well. It was excellent.

I'd just like to add my own wish list to that, Mr. Speaker, if I may. You know, in Environmental Protection we have lots of concerns around this province, and many of them have to do with the lack of funding that is now available in Environmental Protection itself. They've cut that staff down by 50 percent and the other funding by 33 percent, so they can't do a lot of monitoring like they used to. That's really too bad, because we have a lot of industrial activity happening in this province, and there are lots of needed and necessary places where we should be having a good protective eye on the environment.

Certainly we could start with even something as small as the parks, that \$4 million that the minister just cut out recently. We've had a lot of feedback about people being unhappy about that. I bet it wouldn't take two years of these folks' salaries and

the start-up costs of the election and you'd hit that \$4 million target. Now, if you weren't going to do something that was of vital urgency, like food banks or hot lunch programs or ensuring that we didn't have any kids going to school without proper clothing and footwear or proper funding for hospitals or proper funding for prenatal care or proper funding in our schools, if you didn't want to do any of those things, well, you could do something like keep our parks open. It's the same kind of dollar value that we're taking a look at, and they're areas that we need to seriously consider. There's a big need for intervenor funding in this province at all kinds of levels: environment, social services, health care. Those dollars that are being spent here could very adequately be spent there. I think those are areas we should be taking a look at. There are all kinds of places where it's more important to spend the money than it is to elect people for a job that doesn't exist.

Mr. Speaker, it's just absolutely appalling that we would see this kind of legislation on the floor of this House, and I'd like to see a few more people from this side of the House stand up and defend it. Having heard the arguments here in this Legislature all afternoon and now tonight, we haven't heard one government member.

AN HON. MEMBER: They're ashamed of it too.

MS CARLSON: Yeah. They're ashamed of it too. That's got to be what it is. They're ashamed that we have to waste all this time and money putting forward a bill that probably will never see the light of day, and that's a problem, Mr. Speaker. I want to hear some of their arguments and how they defend this kind of a bill. I want to hear cost projections, how much money it's going to cost to get these people lined up, to pay them on an ongoing basis, and then to elect new ones as necessary. I want to know what kinds of expenses are going to be involved in their day-to-day operations. That's important information for us to know, and I think the people in the gallery would like to know that.

I didn't see any line in the budget that came forward this year for next year saying that there was going to be money for Senators-in-waiting or for the election of them. If that's the case, then clearly we're not going to see this line item in the budget until next year, until March of 1999, and with oil prices dropping and the doom and gloom that we hear from the Provincial Treasurer in terms of all the cutbacks that are so necessary for them to keep these huge surpluses in Alberta, I wonder how they're going to defend electing Senators-in-waiting. It's such a ridiculous statement that I can't even say it with a straight face, Mr. Speaker. [Ms Carlson's speaking time expired]

I'll be up in committee.

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

MR. BONNER: Thank you very much, Mr. Speaker. I enjoy this opportunity to rise this evening to speak to Bill 40, the Senatorial Selection Amendment Act, 1998. I, like so many other people in this Assembly, am having difficulty as to why we have this bill put forward at this particular time when the number one reason for it is to fill a vacancy in the Canadian Senate that at this particular time has no Senate vacancy.

Now, again, when I look at this, Mr. Speaker, is this a silent message that we are starting to get that perhaps there won't be any fall sitting of the Legislature, that if in fact before we do meet

again next year, in 1999, there could be a vacancy? So I do wonder if there is some mischief that's being prepared by this particular bill that we are not aware of.

Now, again, I do know that in previous times, when there was a vacancy, we did have Stan Waters elected to the Senate. He was elected to that position and was subsequently appointed by the federal government. One of our latest appointees to the Senate, Nick Taylor, did support this and continues to support an elected member going to the Senate. But certainly this only occurs when a position is available.

Now, I believe that our latest Senator, who was just appointed, was a distinguished person in her own community but certainly a person that didn't have the resources to run for a Senate position. She is a person who is there representing Albertans, who is doing a magnificent job for a minority group, and she has every right to be there. But if she had to depend on this bill to get there to represent her people, to represent that minority, she would not be there, because she had neither the resources in terms of money nor in terms of support, in terms of organization to get herself there. So I think we have to seriously take a look at electing people to the Senate, because the minute we do that, we restrict who has the opportunity to go there.

Now then, if we do go forward with this process, what change is it going to make? What changes are going to occur by having six people, as my colleague from Edmonton-Ellerslie mentioned, Senators-in-waiting? And what a perfect term to use. What changes are they going to make? Well, they're certainly going to make a change in the bottom line. We are going to be putting out a tremendous amount of taxpayer dollars in order to keep these Senators-in-waiting. For how long are we going to do that? If in fact we do do that, is there ever any guarantee that they will in fact make it to the Senate?

Now, it seems to me as well that one very, very important step has been missed here. We have a minister that sits over here who has done a fine job in intergovernmental affairs, yet I haven't heard of any talk between him and his counterpart in Ottawa. The last time I checked, the government in Ottawa was certainly not in favour of elected Senators. It would seem to me that if this process were to occur, we'd expect this minister to be down there setting up a process whereby everybody would agree, and we wouldn't be setting up a process that's going to be extremely expensive. We wouldn't be setting up a process where we don't know if in fact all the dollars that we spend are going to be put to good use or not.

So in looking at this particular thing, all we will have are public revenues which are wasted. These are hard-earned taxpayer dollars that won't be going where we do want them, and I think it's particularly a diversionary measure on the part of the government to introduce this bill at this particular time, especially when we have a domestic violence bill that we don't seem to be able to get passed in this particular Assembly. We don't even seem to be able to get it onto the Order Paper. [interjection] Well, right. What is this? They are ready to waste money on people who may never be Senators in this country, yet we cannot get a bill passed through this House to protect the most vulnerable members of our society. I have a great deal of problem with that.

I also have a great deal of problem when we are going to be electing Senators or electing potential Senators, yet we can't get around to electing 17 regional health authority boards, that this government supported.

MR. DICKSON: They're spending \$2.4 billion.

8:20

MR. BONNER: Correct. They do have \$2.4 billion to spend per year, and they make these decisions on where these tax dollars go. We do have regional health authorities that spend \$2.4 billion in taxpayers' money, that aren't elected, that do have the support of everybody to be elected except the government. Yet we want to go ahead and elect people for positions that don't occur. It doesn't make sense.

Mr. Speaker, as far as I can see, Bill 40 is an empty bill. This should be put on the back burner, but the back burner should be on high, because it is a waste of our time. It does not have any planning in it. This is a piggyback ride on the backs of a federal party that seems to be running out of ideas to go after the government for, so we will bring up a Senate election to try and do this.

Now then, another problem I have is: what change, what significant difference will they make by being Senators-in-waiting in order to get to Ottawa? What will be the intrinsic powers of these people? They won't have any. What will be their effect on the Senate when they get there? Well, we really don't know because this bill doesn't spell out too much at all. It is very lean. When we do have an elected Senate, Mr. Speaker, I think one of the things we have to look at as well is: how will elected people change what has happened in this country since 1867? Will an elected Senate be able to hamstring the government of Canada the way it exists today? Another thing that I don't understand is: what will they achieve that is not being achieved right now?

Mr. Speaker, why would we elect these people when, for example, we don't know on what basis these elections are going to take place? Are they going to take place by constituency? Are they going to take place as an election at large? How do we decide which one of the elected members goes? How long will they remain on that list? What happens if these people take these positions and then decide they don't want to go? They're called upon to represent us in the Senate, and they don't want to go. Do they refund our tax dollars? What a waste.

So when I do look at all these things, Mr. Speaker, I do have a lot of troubles with this particular bill. I don't see how it can possibly help Albertans at this time. I don't see how it can be a priority at this particular time when, as I said earlier, we do not elect regional health authorities. We have not dealt with the issue of family violence in this province even though it's been in front of this Assembly twice. We have an issue on VLTs in this province where municipalities certainly didn't vote to have those devices put into their communities. Yet they have been downloaded on to hold and fund elections for their removal.

We have a number of burning issues that we could be looking at which certainly are of more interest and will affect more Albertans than this particular bill on senatorial selection, an amendment so that we can have, supposedly, future Senators on the sidelines. What a beautiful role that would be. This would be like the Detroit Red Wings saying: "Gordie, come on back. We'll give you number 9 again. You can sit up there behind the bench. We'll pay you all this money just to be there." The Oilers could have used him perhaps yesterday. We needed a goal desperately, and it didn't come when we needed it. Yeah, Gordie would pull them together, whereas this bill certainly will not pull Albertans together.

Mr. Speaker, I have to say in my concluding remarks that there is absolutely no way that I can support Bill 40.

AN HON. MEMBER: That's sad.

MR. BONNER: I know it's sad, Mr. Speaker, and I'm glad that these people are agreeing with me. I certainly will look forward to any comments that they wish to make in debate. I look forward to them with a great deal of interest. I also look forward to their support, because they agree with me that it's sad that we do have this on the floor. [interjection] I certainly hope that the minister of public works will in fact debate this bill and try to convince his members over there what a waste of taxpayer dollars this is. I can't help but get the feeling that the son of a former Premier of this province is pushing this because his father never, ever became a Senator in this province.

There are just so many issues to discuss on Bill 40. Mr. Speaker, with those comments I would like to conclude my discussion on Bill 40, and I urge all other members on the other side to vote against this worthless bill.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Minister of Intergovernmental and Aboriginal Affairs to close debate.

MR. HANCOCK: Just a few remarks, Mr. Speaker, to close debate on this bill at second reading stage. It's very disappointing that with few exceptions all we've heard from members opposite is what I would characterize as fatuous hyperbole. It's been a disappointing debate. The bill has a very simple principle. Once again the government of Alberta on behalf of the people of Alberta are reaffirming our commitment to the concept of Senate reform, the concept of democratic federal institutions in this country, democratically elected institutions in this country, and particularly a democratically elected Senate. I was hoping that during the course of this debate – and we've had good debate in our own caucus; we've had good debate through SPC. I've heard from the members on my side, and I was hoping that I would get some good ideas . . . [interjections]

THE DEPUTY SPEAKER: Hon. members, you were inviting someone to debate it; they are. Please let them do so and so that we may hear the hon. Minister of Intergovernmental and Aboriginal Affairs.

MR. HANCOCK: Thank you, Mr. Speaker. I did say "with few exceptions," and I will mention that I was hopeful when I read the remarks by the Acting Leader of the Opposition that we would through the course of this debate get some good ideas. There is no lock on good ideas on this side of the House, although I have to admit that's where I've heard most of them.

Senate reform is a complex matter, and we could do well to talk about Senate reform and the different mechanisms which we could use to bring this agenda to the table, which the federal Liberal government has consistently refused to do. Bill 40 is simply one mechanism to once again draw attention to the concept of Senate reform and say: yes, Albertans are very strongly in support of the concept of Senate reform; we need to reform the Senate now. Is it the best way to do it? Well, that is a subject of debate. It's one mechanism, and I was hoping that I would hear more.

Bill 40 is an enabling bill. It doesn't say we're going to have Senate elections; it allows us to have the Senate elections. One of the problems we've faced in the past is that when there have been vacancies in the province of Alberta with respect to positions in the Senate, since the death of Stan Waters, unfortunately the federal government has moved rather quickly to fill those vacancies, not allowing us to use the Senatorial Selection Act, that

was in place to hold a democratic election of nominees. So we need to have enabling legislation in place which will allow us to elect a nominee to stand ready in the event of the next vacancy.

8:30

Now, the timing of that – and I've heard some members suggest that this bill doesn't go far enough. First of all they call it laughable, and then they say it doesn't go far enough because it doesn't build all the mechanisms in. Well, with respect, Mr. Speaker, this is one bill which should be left to well-designed regulation as to when the election should be called, if an election should be called, how many Senate nominees we should elect, and what the terms of office might be. Those are things which should be left to regulation, because it's not the purpose of the bill to ensure that we have elections for Senate nominees.

Our object, ultimately, isn't to elect Senate nominees. Our object is to reform our national institution so that we can have an elected – in fact, more than an elected – equal, and effective Senate. So the object of this bill is not to put in place a regime which will automatically force us to go to elections time after time, will force us to have in place specific criteria which must be fulfilled. In fact, the object of the bill is to have the bill become redundant as soon as possible by having the federal government do the right thing, bring the topic of Senate reform back into the national agenda. Let's have a proper discussion about reforming the Senate, and let's do it properly.

I would ask all members of this House to support this bill at second reading and in committee and in third reading so that we can send a solid message to the federal government about what actually should be done in this country in terms of democratic Senate reform.

THE DEPUTY SPEAKER: The hon. Minister of Intergovernmental and Aboriginal Affairs has moved second reading of Bill 40, Senatorial Selection Amendment Act, 1998. Does the Assembly agree to the motion for second reading?

SOME HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: The motion is carried.

[Several members rose calling for a division. The division bell was rung at 8:31 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Amery	Haley	McClellan
Boutilier	Hancock	McFarland
Broda	Havelock	Melchin
Calahasen	Herard	Paszkowski
Coutts	Hierath	Renner
Doerksen	Hlady	Shariff
Dunford	Jacques	Smith
Evans	Laing	Stevens
Fischer	Lougheed	Tarchuk
Forsyth	Mar	Woloshyn
Fritz	Marz	Yankowsky

Against the motion:

Bonner	Mitchell	Sloan
Carlson	Olsen	Zwozdesky
Dickson	Sapers	

Totals: For - 33 Against - 8

[Motion carried; Bill 40 read a second time]

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

[Mrs. Gordon in the chair]

Bill 40
Senatorial Selection Amendment Act, 1998

THE DEPUTY CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to this bill?

The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thank you very much, Madam Chairman, and good evening. It seems like only yesterday we were addressing Bill 40. In fact, it seems like only scant hours ago we were talking about the principle of Bill 40, and finally – finally – we get a chance to deal with the detail of the bill, the bill that far from taking us to a triple E Senate takes us towards the triple H Senate.

SOME HON. MEMBERS: What's that?

MR. DICKSON: Some members ask what that might be. Helpless, hapless, and hopeless: those are the three Hs, Madam Chairman. Or if you prefer: hypocritical, hysterical, histrionic. I mean, what we've got is the bill which through the terrific . . .

MRS. McCLELLAN: Is that the present Senate or the prospective one?

MR. DICKSON: The Minister of Community Development, sharp as ever with a rapier-like wit and amazing speed, immediately focuses in and says: am I discussing the current Senate or the prospective Senate? Well, for the clarification of the Minister of Community Development and all members, I'm talking about this boneheaded, illogical, vacuous proposal in Bill 40 to elect people to a gang we call the Senators-in-waiting.

There are at least three things going through. The advantage in being able to move to committee so quickly means that the commentary and the analysis we've heard is fresh in our minds when we've listened to the impassioned plea from the minister of intergovernmental affairs, who has watched with some despair, no doubt, as speaker after speaker with absolutely unerring accuracy have identified the many, many flaws and weaknesses in Bill 40. And let's give the minister credit. The minister has stood in his place, a rarity in the House for a government sponsor, and attempted to defend the bill. So he gets nine out of 10 for passion; he gets one out of 10 for logic, Madam Chairman. I want to attempt to explain what I know. He thinks because he's wearing a red and white tie – no doubt his partners specifically picked that out today thinking that would appeal to the patriotic-spirited members of the opposition. Well, I want to tell that member that I'm colour-blind. I can't tell what's red and what

isn't, so I'm absolutely immune to the snazzy tie being worn by the minister of intergovernmental affairs.

Seriously, Madam Chairman, I wanted to identify the three issues that virtually leap off the page, leap off the – what have we got here? – four pages of Bill 40. I just want to touch on those three themes, and then I'd like to come back and augment them later.

The first one and one that gives me enormous concern. The Senate ideally should represent provincial interests, regional interests. That means the interests of the 3 million people in the province of Alberta, not the interests of the 63 government MLAs. Now, you might ask why I make that observation. Some people might say . . . [interjection] The Edmonton-Norwood member I think has suggested that that sort of thing should be self-evident. One would think so, Edmonton-Norwood, through the chair.

If one looks at section 5 on page 2, we see: "The Lieutenant Governor in Council may make regulations . . . respecting the performance and accountability of a Senate nominee." Well, when we see a government that has brought in bills as bad as 25, as bad as 26 – we've seen bill after bill stumble out of the gate and crash in flames and leave smouldering embers before we finished the committee stage of debate – we can fairly ask: what exactly in section 5 does the minister mean when he wants to be able to arrogate to the cabinet, that closed little group that's not accessible and doesn't operate in a forum like this? There's no record of proceedings, in a way that Albertans can access, "respecting the performance and accountability of a Senate nominee."

8:50

I think what's abundantly clear is that the minister of intergovernmental affairs wants to be able to appoint stooges, puppets, people who are beholden to the provincial government, people who can be manipulated . . . [interjection] Well, they may be elected by Albertans, hon. minister, through the chair, but it's your government that's going to fix performance and accountability measures. I think if Albertans have the good sense to be able to elect people, we don't need the Lieutenant Governor in Council being able to set performance criteria. The performance criteria are those that are going to be assessed by the electorate when they go to the polls, and if you don't have confidence in that, why are we going through the exercise in the first place?

I just again have to highlight the hypocrisy of a government that is frightened of regional health authority elections and trashed that promise made on March 11, 1997, because they got a little nervous about the uncertainty that comes with an election. But they're prepared to champion an election of people who are going to cool their heels waiting possibly (a) for a vacancy and then (b) for positive action on the part of the Prime Minister.

I started off saying that I had three major themes I wanted to develop in speaking against Bill 40. The first one, then, is the problem that the Senators are going to be open to different forms of coercive control and persuasive control by the provincial cabinet through section 5.

Now, the second issue is one that concerns me greatly. We know that this government has been rent with internal divisions as we've seen the provincial agenda move from debt and deficit control to deal with those other kinds of issues. We see big cleavages in the Conservative caucus. We know that with Social Credit, with people anxious to create a provincial Reform Party – we now see that this is a gambit by the provincial government to discourage Reform from supporting Social Credit or some other

party in the province that would vie with the incumbent governing party for champions on the right end, on the fringe of the political spectrum. So that's the other thing we find with Bill 40.

The other issue, Madam Chairman, the third theme I wanted to develop had to do with what is really a perverse result. Let's say that we were to elect somebody who wins the senatorial selection race, as Stan Waters did the last time we tried this under the Senatorial Selection Act, and then we find there's no vacancy. Let's say that person spends two, three, four years waiting for an appointment. We look through here to see when the term expires, and we see the act expires on December 31, 2004, by virtue of section 9, but there's no limit to how long this nominee may be sitting and waiting.

Now just consider, for example, that you have somebody who is popularly elected in a senatorial selection race. Then let's say that we pick up the *Edmonton Journal* or the *Edmonton Sun*, whichever you prefer, and discover that this person has just been convicted of embezzling money from the Canadian Western Bank or has been charged with some even more heinous crime. [interjection] The Minister of Community Development is always quick to help out a stumbling speaker, for which we're always grateful.

Madam Chairman, just think about it for a moment. We've elected a man or a woman, a person to be our candidate for Senator. A year and a half after the election the person is convicted of an indictable offence under the Criminal Code. Well, we then look to Bill 40 to find out: how do you disnominate somebody? How do you unnominate somebody once they've won one of these races? What you find is that there's absolutely no means, no vehicle to be able to do that. Now, the minister of intergovernmental affairs we hope is going to address that yet before we get to the all-important vote.

I want to identify for members that the Liberal opposition is going to bring forward a number of amendments, probably not because we think this badly, badly flawed bill can be rehabilitated, but at least if the government is resolute in passing such a flawed piece of legislation, we have an obligation to mitigate the most serious defects, the most serious shortcomings in the bill.

In that example I mentioned before – you know, if you're in the situation where you had somebody who had won the senatorial selection race and had 40 percent more votes than the other 42 candidates who ran but in fact then turns out to be convicted of incest or convicted of rape or convicted of armed robbery, wouldn't that be an absolutely preposterous position to be in? We as a province would be stuck with our nominee. We would have no vehicle to say that we're embarrassed to have this person put forward. We may have exercised our very best judgment in voting in a senatorial selection race, but we don't know what the shelf life is of somebody who's won a senatorial selection race. There is no shelf life. We're not saying: best before the election in six months, best before the election in 12 months. We could be looking at years that this person sits there.

The other thing we may find, for those of us who really want a dynamic, active, energetic Senate, is that somebody experiences a debilitating illnesses. You may have somebody who was successful in winning a senatorial selection competition and develops some sort of infirmity, some illness, some disease. That means the person who formerly had won on the basis of their high energy level, their commitment, their enthusiasm, their ability to get things done now is effectively a lame duck, literally and figuratively. So, Madam Chairman, it makes little sense that we would buy into such a preposterous sort of formula.

The minister of intergovernmental affairs may have been more candid than he had intended, because what I heard him say was that we need not look at what's in the four corners of Bill 40, that we don't have to look at the wording in the bill because this has nothing to do with electing the best man or woman as a potential Senate candidate, that what this bill has everything to do with is to try and pressure the federal government. That's effectively what I heard him say. It looks like he's hiding now behind his desk, but when that minister for intergovernmental affairs surfaces again – he's a shorter guy than I remember. In any event, as soon as the head of the ministry of intergovernmental affairs rises above the horizon of his desk, I hope he's going to share with us – if he wants to go on a bit of a propaganda campaign, he may well do that, but why do the rest of Albertans have to be complicit, basically, in a stunt engineered, contrived, and one with no genuine intention of installing somebody in a Senate position.

9:00

When I see the Member for Calgary-Glenmore sitting there, formulating his thoughts and preparing his analysis and commentary to share with members, I remember that his former partner Bill Code had been a candidate in the last senatorial selection race. I remember that Mr. Code spent a lot of time campaigning around the province. It's an enormous effort to run effectively a provincewide campaign. It's like being the leader of a political party. You have to be everywhere. It's a huge, huge challenge, and quite frankly I'm not sure it's fair or reasonable to encourage people to expend the time and effort and energy in this kind of race when we find out that in fact there's no genuine intention on the part of the government to realize what the bill says but simply to use something they can try and beat the federal government up with. Well, the federal government is more sophisticated than that.

If this is the best that our intergovernmental affairs department and minister can come up with to try and move us closer towards Senate reform, then they're bereft of any good ideas. If that's the quality of analysis and if that's the extent of the imagination we're going to be able to find, then we're in far bigger trouble than Bill 40. Maybe what we should do is have an open race. Maybe what we should be doing, Madam Chairman, is having an open, provincewide competition for the office of minister of intergovernmental affairs. Maybe that's what we should be doing, because if really what we're talking about is beating up on Ottawa, trying to package some kind of message, and this is simply a shallow vehicle to do that, I think it would be far more powerful for the minister of intergovernmental affairs to resign. We can have a by-election in Edmonton-Strathcona. [interjection] I'm sorry; what's the constituency? I want to apologize to my colleague.

THE DEPUTY CHAIRMAN: It's Whitemud.

MR. DICKSON: Madam Chairman, thank you. It's always comforting to know that there is one woman in the entire Assembly who pays attention to what's being said when we deal with important bills. [interjections] Two women. I'm offending people right, left, and centre. I should quickly bring my comments to a close, but I wanted to say that the Edmonton-Strathcona MLA is doing stellar work.

I meant the Member for Edmonton-Whitemud. If he were to resign his seat, we could have a by-election, and he could travel around his constituency talking about his role, his notion of a triple E Senate . . .

MR. PASZKOWSKI: That would give Nancy a place to run.

MR. DICKSON: Well, there are all kinds of benefits, minister of transportation, through the chair.

So it seems to me here's a chance for the minister of intergovernmental affairs, for that member to be able to say – if he wants a mandate he doesn't have, he can take that spiffy red and white tie with the big maple leaf, that great, big, gleaming maple leaf in the bottom third of that tie, and he can door-knock and say, "I'm at your door for one single issue: I think we need a triple E Senate, and the way to do it is by giving me an incredibly powerful mandate." So I'm going to challenge that member. If he wants to consult with electors, here's a meaningful way to do it.

MRS. McCLELLAN: Edmonton needs him.

MR. DICKSON: Madam Chairman, I think the Minister of Community Development is trying to distract me and divert me from the important kind of analysis we're about tonight on Bill 40. I hope that minister is going to bring a little Oyen wisdom to her consideration of Bill 40. People in Oyen recognize a sham when they see it.

MRS. McCLELLAN: It's about the only thing they like that we're doing.

MR. DICKSON: You know, you've got to love the candour of the Minister of Community Development. It clearly is true that people in Hanna and Oyen know an empty vessel when they see one, and certainly people in Drumheller know when they're being sold a bill of goods. They know that Bill 40 is just that: it's a bill of goods.

Madam Chairman, what we've got then, what we're dealing with is a bogus bill. It's tarted up, dressed up as some big move in terms of Senate reform, but when we look at the bill and hold it upside down and shake it, we find it's pretty empty. There's nothing of any substance in these four pages of text, nothing significant at all.

Just before I take my seat, I want to sum up again those three themes, because I suspect there are going to be other members that are going to want to embellish and further develop those themes, the first one being that the Senator is going to be beholden to the provincial government. [Mr. Dickson's speaking time expired] I'm going to have to come back later, Madam Chairman.

Thank you very much.

THE DEPUTY CHAIRMAN: Thank you very much, Calgary-Buffalo.

MR. SAPERS: Madam Chairman, the bill before us has been somewhat controversial in my own constituency. I've had a chance to talk to a couple of my constituents about it, and it was interesting that they kept asking me the same question. They said: will it make a difference? Will it really help? Will it reform the Senate? There are many constituents in Edmonton-Glenora who have concerns about the Senate. I should add that many of my constituents also spoke up strongly in favour of the Senate status quo. They talked about the importance of a sober second thought, a Chamber that would be responsible for that. They talked about how refreshing it would be to have people making political decisions without the pressures of election and re-election. On balance, the majority of the people I spoke to said that we should

have a reformed Senate. Now, that's not to say that they all said we should have an elected Senate, but they said we should have a reformed Senate.

They asked me for my opinion. They said: "You're in there; you're in that Chamber. You're debating this bill. You're listening to what the government has to say. Will it make a difference? Will it help?" I had to tell them that in my honest opinion it will not help. Now, it's not because the world would change. In fact, contrary to some of the stories that you'd see in the press where you'd think it was for the first time in Alberta that we were debating an elected Senate, what this bill does is amend an existing statute. [interjections]

Chairman's Ruling Decorum

THE DEPUTY CHAIRMAN: Hon. member, if I may interrupt you for just a moment. Can you hear yourself talk? Unfortunately, I can't hear you talk. I realize, folks, we are in Committee of the Whole, and I will allow some leeway, but it is getting very, very noisy in here, and I would ask those of you that wish to have a conversation to maybe take it out to the patio where it's probably 19 to 20 degrees above, a beautiful night. If you want to talk, maybe you could use the pages and send notes. Okay?

Go ahead, Edmonton-Glenora.

9:10

Debate Continued

MR. SAPERS: Thank you, Madam Chairman. I appreciate that.

As I was saying, there is a current law on the books in Alberta, the Senatorial Selection Act, which already allows for the possibility to elect Senate nominees. When I reminded my constituents about that, they said: "Well, that's interesting. When has that ever been used?" I said, "Well, in 1989 it was passed, and Stan Waters was selected that way and was eventually appointed to the Senate, but it hasn't been used since." So they asked me again, "Well, do we need this? Because we've tried to do it since then and the Prime Minister rejected Alberta's nominees." Of course the answer to that is: "No. There have been several Senate appointments since then, and Alberta has sent some fine men and women to the Senate, but never once has the provincial government tried to organize a senatorial selection election." So they said, "Well, what is this going to do that will change that?" I said, "Well, believe it or not, the guts of this bill, Bill 40, would allow the government to have the election on a standby basis." They said: "Explain that to me. How would that work?" I said, "The idea would be that for a Senate vacancy at some point in the future, we would build a list of nominees today." So my constituents asked me again: "Well, will that help? I mean, couldn't we have just done that anyway?" I said, "No, you couldn't because the law that's on the books now says . . .

Chairman's Ruling Decorum

THE DEPUTY CHAIRMAN: Excuse me, hon. member. I'm going to have to interrupt you again. During Committee of the Whole we allow some leeway, and we certainly don't mind if you change seats and wish to talk with someone, but at the present time we have three people up, standing. I would ask that you take your seats. If we could work towards that end, I would appreciate it, because I don't want for the next several hours to have to keep interrupting the speaker.

Go ahead Edmonton-Glenora.

Debate Continued

MR. SAPERS: I've lost my train of thought, and I'm going to have to start all over again.

I think the point I was building up to, Madam Chairman, was that the current law only allows Senate nominees to be elected when there is in fact a vacancy. My constituents understood that that made some sense. They don't understand why we need to have this standby list.

Now, there has been some considerable debate about that. The Member for Edmonton-Whitemud stood and said that he was looking for intelligent and reasoned debate, a process to talk about what the Senate should be and could be, and that unfortunately he didn't hear any of that debate. I would say to that member that he wasn't listening very carefully. It seems to me that if the Member for Edmonton-Whitemud had been listening, if the Minister of Intergovernmental and Aboriginal Affairs had been paying close attention to the debate, he would have heard lots of good ideas. He would have heard members of the Official Opposition talking about the need for an effective and accountable Senate, talking about the need for Senate reform, recalling that it was an Alberta Liberal who first had the political courage to broach the subject of an elected Senate here in Alberta. So I think that member would have heard much of importance had he been paying attention.

Now, John A. Macdonald, in talking about the Senate during Confederation debates, had this to say:

In order to protect local interests, and to prevent sectional jealousies . . . it was found requisite that the great divisions into which British North America is separated should be represented in the Upper House . . . on the principle of equality.

What John A. Macdonald was getting at, what he was talking about, was not defending the Senate on the basis of absolute regional equity. He was talking about the special purpose that the Senate played during Confederation and the fact that it was to be seen as a balance against the lower House, the House of Commons, and its representation-by-population basis and also, of course, was talking about the need to balance the interests between Upper and Lower Canada at that time.

So the Senate has always been this institution in transition, this institution that was born out of the need for consensus and compromise, and it should continue to be an institution that is dynamic, that will evolve to continue to meet the needs of Canada and the federation as we move into the next millennium. The Member for Edmonton-Whitemud should be paying attention to not only that history but also the potential for the future of the Senate. It's not just there for provincial governments to play politics with. It's not just an institution that should be the whipping boy of any provincial government that wants to pick a fight with Ottawa. It shouldn't be an institution that exists simply to enjoy the ridicule of governments that are trying to divert attention away from issues in their own jurisdiction.

So we need to have a reformed Senate. The Senate itself is an institution that will continue to evolve. We need to allow that Senate to evolve. We need to work towards the principles of effectiveness and accountability, but you can't do that by simply taking a page out of time and saying, "Today we'll elect a bunch of people for a vacancy that doesn't exist, and we'll call them standby Senators," and then pretend that somehow we have worked towards Senate reform, because that would not be the case.

Section 3 of Bill 40 talks about the submission of the nominees to Privy Council, and 3(1) reads:

The Government of Alberta shall submit the names of the Senate

nominees to the Queen's Privy Council for Canada as persons who may be summoned to the Senate of Canada for the purpose of filling vacancies relating to Alberta.

Well, section 3(1) of course would depend on a number of things. It would depend on there being a number of people who would allow their names to stand for the standby elections. It would count on there being a clear winner or winners. It would also rely on the goodwill of the federal government in terms of the Queen's Privy Council for accepting these names as anything meaningful or important and ultimately would presuppose that once these names were accepted, it would be one of those individuals who would in fact be appointed.

Now, none of this supposition does anything to achieve Senate reform, and in fact it makes me question whether or not there has been any discussion between the provincial government and the current federal government in regard to Senate reform. If there has been discussion, I would ask the minister responsible if he would please enlighten the Assembly as to what the nature and the content of that discussion was, because I can't imagine that Ottawa would get past section 3 of this bill before they simply just closed it up and pushed it away. It is not based on the process as we know it today. It's not based on any meaningful discussion about Senate reform as it has existed to date. The First Ministers get together, and from time to time, you know, there have been constitutional discussions in this country.

THE DEPUTY CHAIRMAN: Excuse me, hon. member. Hon. Member for Edmonton-McClung, please. I won't say what I thought you were possibly doing.

Go ahead, Edmonton-Glenora.

MR. HAVELOCK: Would you speak to the amendments, Howard?

MR. SAPERS: Oh, the amendments aren't on the table yet. The Minister of Justice was wondering if I'd speak to the amendments. We're still toying with whether or not this bill can be saved with amendments, Madam Chairman.

You know, this bill is flawed. It's based on such a flawed assumption that it would be difficult to imagine how this bill could be improved. We're working on it. As the minister of federal and intergovernmental affairs said, the government side doesn't have a monopoly on good ideas, so the hardworking, quick thinking, intellectually sound members of the Official Opposition are at this very moment at work crafting amendments that may in fact rescue this bill. As I look around, I see those members who would be crafting those amendments.

The point I was making is that this clearly wouldn't meet the test of any scrutiny of review that the federal government may want to pass this bill through.

Now, the bill goes on further in amending section 29 to talk about regulations that the Lieutenant Governor in Council may make. So the LG in Council may make regulations regarding

- (a) fixing the term of a Senate nominee;
- (b) respecting the duties and functions of a Senate nominee;
- (c) respecting the remuneration and expenses to be paid to a Senate nominee;
- (d) respecting the performance and accountability of a Senate nominee.

This is not just a framework. This is a scaffold that wouldn't pass even the Minister of Labour's occupational health and safety tests. This is an amazing set of regulations that would be made in secret, behind closed doors, by cabinet.

9:20

Let's take a look at the first one, "fixing the term of a Senate nominee." If I understand this correctly, the government wants to call for elections for positions that don't exist, to assemble a list of people who may be potentially sent to the Senate, and then they want to fix the term by regulation of how long that nominee may be valid or eligible to stand for appointment. I'm trying to imagine what that might look like. Let's say that we had an election today and the LG in Council decided that the nomination was good for three years. If there wasn't a Senate vacancy in three years, then this person's term would expire. But since you don't know when there's going to be another vacancy, what you may have to have is a whole series of elections, one after another.

Just to make sure that you didn't ever face the situation where there wasn't a vacancy without a roster of nominees, you'd have to have serial standby elections. So you'd have to have election after election after election to make sure you had a roster of people, because the term would have to be set by regulation. The regulation might mean the term would expire before there was a vacancy.

Now, the other alternative may be . . . Can you turn up my volume on this at all?

What I was saying is that the other option might be . . .

THE DEPUTY CHAIRMAN: Hon. Member for Edmonton-Glenora, what exactly is your point with that? Do you feel you cannot be heard?

MR. SAPERS: No. Exactly.

Chairman's Ruling Decorum

THE DEPUTY CHAIRMAN: Well, then I will ask everyone – I think the point is duly taken that it is very difficult. Regardless of what anyone thinks, we are in the Legislative Assembly of Alberta; we are in Committee of the Whole. I would like us to show some decorum and respect. If you don't wish to be in here, please take your conversations outside or talk to your caucus whip.

Go ahead, Edmonton-Glenora. I'm going to come down hard if I hear a lot more noise.

MR. SAPERS: Thank you.

Debate Continued

MR. SAPERS: Now, what I was saying is that the other option might be this. The other option might be that because the term is to be fixed by the LG in Council, the term might be a revolving or a rotating or a nonfixed one. They may say: well, we'll have the term for two years. Then if there's not a vacancy and one of those nominees is sent forward, they might say: okay; well, we'll extend the term. Then we might extend the term again, and we might extend the term again. But would you extend the term for everybody or just for those that weren't elected or just for those that were still interested? How would you expect voters to react if they were told: "What we want you to do is to vote for somebody whose term is unknowable, whose prospects of actually fulfilling the job that you've given the mandate to do are unknowable; we don't know when and if they ever do get a chance to go and fulfill that job, and we really can't tell you when that may or may not happen"? How fair is that to the electors?

You know, I've heard so many members of the government and their supporters talk about how we need less government, less interference, and that we should have term limits. I've heard that. I've heard that we should have fixed dates for elections. I've heard that we should have recall and just a whole host of other controls on politicians. I find it ironical, to say the least, that the same government that presents that sentiment comes back and says: let's have elections without fixed terms for jobs that don't really exist or may never materialize, and let's do it in such a way that we can't really be accountable as a government to the electors for the election that we've just paid for and asked them to become involved with. This seems to me to be an irony.

MR. HAVELOCK: A what?

MR. SAPERS: An irony. [interjection] That's why it was ironical, because it's an irony.

That takes me to the second function under the amended section 29, "respecting the duties and functions of a Senate nominee." So what the drafters of this legislation are contemplating, Madam Chairman, is that these individuals would actually have a function beyond being a name on a list, that they would actually have something to do. That's a good thing. If you're going to elect somebody, they should be elected to do something. But since these people don't really have a job to do, the LG in Council wants to call upon these good-natured, big-hearted Albertans to do something for the privilege of being on a list that may have no other value than something interesting to put on their CV. So the cabinet wants to talk about their duties and their functions, and heaven knows what they may be.

It's been suggested that we would send these people to Ottawa to observe and monitor the Senate and report back. Well, the last time I looked, we had a government department called the Department of Intergovernmental and Aboriginal Affairs. That department has a minister, a deputy minister, assistant deputy ministers – more than one – has a staff, has a budget, has a business plan.

I looked at that business plan, and in that business plan it talks about how we're going to be responsible for intergovernmental, interjurisdictional things, including, one would imagine, heading off to Ottawa every now and then or at least reading the *Globe and Mail* or Canada's other national newspapers or watching *Newsworld* or *News1* and getting that information from Ottawa and about Ottawa and then analyzing what it means in Alberta and then reporting back to the people of Alberta either in cabinet or in caucus or, heaven forbid, on the floor of the Assembly, talking about those issues which have relevance to the people of Alberta that come from our federal government.

So you would expect that that would be the case. But I guess that the government must know something the rest of the people of Alberta don't know and that that job simply isn't being done, and that's why cabinet wants to reserve for itself the ability to create duties and functions for these Senate nominee people. I'm a little puzzled as to what they would really do, but I'm willing to give the government the benefit of the doubt that they would be able to think up some duties for these people. The reason why I'm willing to give them the benefit of the doubt is because of what they contemplate in section (c): "respecting the remuneration and expenses to be paid to a Senate nominee."

Well, you know if there's one thing this government recognizes, it's that you should be given a fair day's pay for a fair day's work, and that's why I know the Minister of Labour is so anxious

to increase the minimum wage. Because this government understands and recognizes that there should be fair payment for a fair day's work. The fact that they're contemplating setting the remuneration level – how much money is going to be paid and the expenses that can be claimed – indicates to me that they must be expecting them to do a fair day's work.

THE DEPUTY CHAIRMAN: I hate to interrupt you, hon. member.

MR. SAPERS: Did you take out all that time?

THE DEPUTY CHAIRMAN: We certainly did.
The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Madam Chairman.

THE DEPUTY CHAIRMAN: Edmonton-Meadowlark, I'm very sorry. Edmonton-Strathcona was up ahead of you. I will recognize you after the hon. Member for Edmonton-Strathcona. It's the bifocal thing, you know.

DR. PANNU: Thank you, Madam Chairman, and thank you, hon. Member for Edmonton-Meadowlark. I'd like to speak to Bill 40, the Senatorial Selection Amendment Act, 1998. Perhaps I should start on a positive note. I want to certainly thank the minister for making the bill as short as he has. It's easy to read, and there's very little in it. It's simple. I'm impressed by the hon. minister's first attempt at bringing in a piece of legislation which reads so easily, which is so simple to understand, and which will take so little time to dispose of. So for all these three reasons I do thank him.

The bill, Madam Chairman, in this discussion in the Committee of the Whole deserves rather close attention nonetheless. In spite of its lightweightedness, in spite of its oversimplicity, it does have potential consequences which merit serious consideration.

9:30

The bill obviously manifests an aspiration of this government to move toward some sort of a meaningful reform of the Senate, our second most senior House of legislative authority and action in this country. When I look at section 3 and the amendment that is proposed here, the bill obviously will enable this government to call for election of what's called in this bill "a Senate nominee." Section 3(2) refers to this.

A person remains as a Senate nominee until

- (a) the person is appointed to the Senate of Canada,
- (b) the person resigns as a Senate nominee by submitting a resignation in writing to the Minister of Intergovernmental and Aboriginal Affairs.

Now, this is the unique feature of this bill. We will have, if this bill comes into force, the Senate nominees of this province who'll really be in Ottawa at the wish and behest of the cabinet of this province and in fact at the pleasure, interestingly enough, of the Minister of Intergovernmental and Aboriginal Affairs. This I find a feature that is noteworthy. It should be noted that the Senate nominees, even when they become Senators, will remain beholden to the provincial government. They will not be able to exercise autonomous judgment.

I think the fundamental principle of representative democracy is that once elected, the elected representatives of the people must use their own best judgment, not serve simply as mouthpieces of the constituents. That's what distinguishes representative democ-

racy from some other forms of radical democracies. The bill in its very inception, the way it conceives the reality of representative democracy, offends this basic principle of representative constitutional democracy. So I'm quite puzzled by it.

[Mr. Shariff in the chair]

Then you go to section 29, which is amended on page 2 of the proposed bill, empowering the Lieutenant Governor in Council with

- (a) fixing the term of a Senate nominee;
- (b) respecting the duties and functions of a Senate nominee;
- (c) respecting the remuneration and expenses to be paid to a Senate nominee.

Again it is clear that the position of the Senator, as conceived here, is one of a puppet who will dance to the orders . . . [interjection] No. It's clearly the case, Mr. Minister. I seriously ask you to look at it. Look at the language of the draft that's before us. I invite your serious attention. I know that you are a serious legislator. You have legal expertise. I'm serious when I call upon you to look at the implications of the language of the provisions of your bill. So I implore you to listen to me carefully. I take your legislative initiative seriously. I'm drawing attention to the flaws as I see those flaws in the bill and call on you to consider what I have to say and take it seriously.

You represent one of the most highly educated constituencies in this province, I bet you, and you would have, I'm sure, the figures on it. You represent a most highly educated set of constituents. You should have consulted them at least as to what they think about it.

My proposal to you is that the bill is so important because it really, as I say, aspires to in fact transform the Senate ultimately. Ultimately, it aspires to reform the Senate in a radical way. If that is the case, if you agree with my interpretation of it and that's in fact what the bill is intending to do, then I respectfully submit to the House, Mr. Chairman, that what this bill aspires to accomplish should be put to a summit for public examination in this province. If you can have a summit on gambling, if you can have a summit on economic development and justice – you're trying to change the Constitution of the country without consulting Albertans about whether or not you should proceed with it. I really ask you: why would you not take this to a summit? It is a constitutional change you're aspiring to do. Don't do it through the back door. Don't do it by virtue of the authority of Executive Council. Seek the authority of the people of this province if you want to make such radical change.

All revolutions, Mr. Chairman, have a radical edge. The Klein revolution is no exception. Some revolutions engage in wholesale transformations. I just want to draw the attention of this House to one such revolutionary attempt made in the late '50s, early '60s in a land far away from here called China. That revolution produced the Red Guards. What did the Red Guards do? What they did was dismantle every institution that existed in that country. They called it a cultural revolution. They wanted to rebuild, break down everything and then reconstruct it in their own image. Ayatollah Khomeini's revolutionary guards were not called Red Guards. They were called revolutionary guards. They have attempted the same thing without success. Now, Ralph's revolutionaries in this province are no less inspired than those other two groups to remake history.

This Treasurer of the day, who made himself the whistling stock of this House on Thursday, reminded us. He said: you guys are reactionaries. He pointed at the opposition. I remember this

distinctly, and we can go back to *Hansard* and check what he said. He said: you guys are reactionaries; we are trying to change; we are trying to create a new future. I suppose this bill in a sense is part of such a revolutionary aspiration, to remake history in their own image. Every revolution, of course, aspires to that, and this set of revolutionaries sitting here – can you imagine this set of revolutionaries? They're trying to do the same. They're trying to change one of the fundamental institutions of this country through the back door. They wouldn't even allow Albertans to speak on this issue.

It's a bill that intrigues me. It makes me think about all kinds of historic instances where other such attempts might have been made without proper consultation, without seeking proper consent from the citizens. This one is no less arbitrary in the way in which it is proposed to proceed than those other revolutionary activities I've just referred to.

9:40

So I ask the minister to consider a summit on Senate reform in this province. Then if it gets amended from that summit – and they know what happens with summits. Mr. Chairman, it has been just discovered in this province that summits cannot be controlled even when you appoint your own people to them. They tend to get out of hand. So that's no longer, it seems, an acceptable course of action. But I say in the name of democracy, in the name of achieving senatorial change, if this change is to be acceptable to a least a majority of the population, then consider my proposal to bring this matter to a summit before bringing it back to this House.

Mr. Chairman, the cabinet's role in the selection of the nominee, in determining the term, the conditions under which a nominee will live his or her life, what he or she will be paid, for how long is all reflective of the inordinate powers that this cabinet wants to see for itself. I don't think it's appropriate. I don't think it's prudent to do that. I think democracy is not well served by putting these powers in the hands of a few cabinet ministers. Furthermore, this rather half-baked proposal about selecting nominees for the Senate has fairly serious financial implications which could involve millions and millions of dollars without ever being able to put a Senator in the Senate, even though Senate nominees have been identified and selected and elected and what have you. So potential waste of public revenues is certainly a serious possibility if we proceed with this bill.

I for one will not vote for a bill that commits the taxpayers of this province to wasteful expenditures of public money on electing a nominee who may never see the inside of the Senate. I will not do that. My constituents will not approve if I did that, so I won't do this. Public revenues are not to be trivialized and not to be thrown away on half-baked proposals to revolutionize the Senate or the democratic structures of this country.

I agree the Senate needs reform. That's why I say: let us stick together. Let's talk about Senate reform. The Senate is an antiquated body. I would want to have an opportunity to participate in a public event where we can as citizens, as concerned democrats sit together and debate in public view what kind of changes we want. Do we want to retain the Senate? Do we want to abolish it? If we want to retain it, in what form? Whether or not selecting only two Senators will change the Senate: all of these questions are important questions, and they need to be considered.

More than anything else, Mr. Chairman, I'm really surprised that we are talking about electing Senate nominees when there's no position to do the electing to. This is one of the most interesting pieces of legislation in the sense that it purports to seek

powers for the cabinet to ask us to undertake elections for something that doesn't even exist. This is the most interesting part. If we are really that committed to the principle of elected bodies, then let's start at home. Let's start with those institutions and agencies that operate here in the province and have the responsibility to run and operate one of the most critically important institutions in this country. That's the health care system.

RHAs are a good example. Let's start with those. For this government to be able to call for a senatorial election and have its call be respected and believed, it should start with RHAs. Let it proceed with the elections of regional health authorities. I hope the Minister of Intergovernmental and Aboriginal Affairs will be a leader in his caucus, demanding immediate election to RHAs so that he can make his bill credible to Albertans. Certainly I'm hoping. I'm not giving up on him. He's a member from this beautiful city of mine.

MR. DICKSON: He can be rehabilitated.

DR. PANNU: And I think we will try to rehabilitate him if he does, in fact, as I'm suggesting he should.

Mr. Chairman, I'm really asking the minister to propose some amendments. The bill is so flawed. If I start putting forward amendments, I simply wouldn't be able to change . . .

MR. DICKSON: You can help him with it.

DR. PANNU: It would help him with it. But I'm hoping that the minister will in fact initiate some major modifications to the proposed bill so that we can give it serious consideration in this House. In the meanwhile I'll sit here and wait.

Thank you.

SOME HON. MEMBERS: Question.

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

MS LEIBOVICI: Thank you. Well, it is a good question. I hear the word "question" from the opposite side, and I thought that after the eloquent speeches that we made this afternoon on this side of the House the minister would have taken the two and a half hours, gone back to his department and said: "You know, these are good points that the opposition members have made. We need to look at what their points are. In fact, we should not bring this back to the Assembly at this point in time." I can't think of more cogent arguments, and I know the minister is agreeing with me. He must be because he keeps talking to me across the floor here. All you have to do is pick it up. It's not very long. It's four pages long. It's not even the length of time that it takes to draw on a good cigar to take a look at this particular bill and say that there are some major, major problems with it.

I keep hearing that there's an ultra right wing in the Conservative Party, and perhaps the ultra right wing in the Conservative Party on the Conservative side of the Legislative Assembly needs to feel that they need to bring something back to their constituents over the summer break. But the reality is that if you bring this back – and your constituents will know what this is about – what you have done is, I believe, put another nail in the coffin of the Tory government. You've done it slowly over these last three

months in the Legislative Assembly by your actions on a number of issues. This is just another nail.

You know, I'm wondering if we shouldn't perhaps – Member for Calgary-Buffalo, what do you think? – rename this bill to the Liberal election act, because I think that's what it is. It's the Liberal election act for the year 2001 to ensure that we become government. It's as plain as that on the face of it.

We've pointed out a number of issues, and I'm sure the minister thinks that they aren't problems, but the Conservative caucus especially knows what happens when the courts get involved in determining interpretations of legislation. What happens when or if someone dies while they're in office? What happens when or if someone decides that they don't want to really perform their functions as a Senator? What happens if or when there is someone who's elected who has a criminal record?

9:50

None of that has been addressed in this bill. None of that has been addressed in the Election Act. None of that – and you can look it up, if you so wish – has been addressed in the Senatorial Selection Act, that we're amending. Absolutely none of it. I'm not making this up, fellow MLAs. That's what it is. I suggest that the minister of intergovernmental affairs has got some reckoning to do to appease the concerns that have been brought forward not only by us but the concerns that are going to be brought forward by your constituents.

The plan, I understand, is to have an election occur in October, especially to do that, because there won't be time to make amendments to that act. There will not be time between now and October to make amendments to this act unless we come back in August or unless we come back in September. My understanding is that we will not come back until November, which is a shame. [interjection] I agree with you, Member for Edmonton-McClung. We of course have lots of business to do, but as we know, this government doesn't really like to sit in the Legislative Assembly. It has something to do with the fact that they like to undermine democracy at any point that they can, but with this particular act the undermining of the democratic institution is unbelievable.

We heard from the learned colleague from the New Democrat opposition. Though I don't always agree with what he puts forward, I believe that his statements with regards to democracy and the institution of democracy and constitutional representation were right on, that these are major issues that need to be addressed, and you can't deal with the issue of Senate reform by four pages amending an act without really looking at what the impact of those amendments is and what's needed and what's meant.

Now, I'd like to think that I have a little bit of an understanding of what goes on in a Conservative member's mind. It's very little. But what I do know is that the members stand for ensuring that taxpayers' money is not wasted. Is there any member of the Conservative caucus that would disagree with that? No. I do know that the members of the Conservative caucus believe that the Senators should fulfill their responsibilities and functions in a manner that's honourable. Do I hear any opposition to that? No. And I do know that there are certain members of the Conservative caucus that believe that there should be fixed terms for elections.

Now, when we look at section 29, which amends the regulations in respect to Senate nominees, we see that those regulations fly in the face of the those beliefs of the Conservative caucus. We see that "the Lieutenant Governor in Council may make regulations . . . respecting the duties and functions of a Senate nominee." Well, we don't quite know whether there's a job

description that's involved in that, whether there's any disciplinary action as a result of a Senate nominee not performing their duties. We see that there may be regulations "respecting the remuneration and expenses to be paid to a Senate nominee." Well, now you've got the Lieutenant Governor making that decision. It's not an independent body. And what is that decision going to be based on? Is it going to be based on the current salary of Senators? Is it going to be based on having – how many trips do Senators get? Does anyone know? Perhaps the chair can tell me.

MR. DICKSON: It's probably unlimited.

MS LEIBOVICI: Unlimited trips? Let's say 52 trips a year. Does that mean that our Senate nominees will get 52 trips a year? Somehow those decisions are going to be made. If you're a Senator-in-waiting, chances are you should be getting the same remuneration as a Senator, because as a Senator-in-waiting are you not going to be doing the same duties? If you're not going to be doing the same duties, then what are you going to be doing while you're waiting to become a Senator? Are you going to be sitting at home once in a while answering the telephone? Are you going to be sitting at home after having spent \$100,000 on an election? Because that's how much the election will cost. It'd be interesting to know how much the election for the Hon. Stan Waters was. My guess: it was probably in the neighbourhood of \$100,000. When an individual has spent that kind of money to get elected, are they going to be sitting in one spot? Unlikely. So there are going to be some requirements for the fulfillment of the duties of the pseudo-Senators.

The Lieutenant Governor is going to make some regulations "respecting the performance and accountability of a Senate nominee." Let's say we have two Senators-in-waiting that are elected. We don't know how many it will be, whether it will be two or three or four or five, whether that's going to be a fixed number that has to be filled at all times, because that's not in this particular bill. We just know that there are going to be elected Senators-in-waiting for a fixed period of time. So what could happen is – let's say there are two elected Senators and they decide that they're going to be spending their time in Mexico. That's a good place to be a Senator-in-waiting, is in Mexico. Well, the Lieutenant Governor could perhaps have made a regulation saying: well, if you're not in the Senate, in the balconies, every time that the Senate is sitting, then you forfeit your Senate-in-waiting position.

Well, let's follow that through. You forfeit your Senate-in-waiting position. We need to have, let's say, two elected Senators-in-waiting all the time on a wait list, so what then happens? Logic says what then happens is you have another election. So rather than avoiding elections, what you may by this act be doing is ensuring that you have elections on a continual basis as opposed to on a need-only basis.

So what you now have is not only taxpayers' dollars being spent on individuals who, though elected, have no powers, have no legislative authority, have no ability to represent, and have no ability to make representation in an elected body such as the Legislative Assembly, but you also have the potential of having elections on an ongoing basis. Because if there's the amendment that says that if a Senator dies or decides that he doesn't like sitting up in the balcony and he resigns, then you need to have a replacement. That's the intent of this bill, to always have a certain number of Senators-in-waiting. Otherwise why have the bill? If you didn't want that, if that wasn't the intent of the bill,

then you could stay with the current Senatorial Selection Act, but no, the intent of the bill is to have a waiting list.

You know what it is? They're so used to waiting lists in our hospital system. If there isn't a waiting list, it's no good. I finally figured out the reason for this bill. Well, you know, you don't need a waiting list here, and you shouldn't have waiting lists for health care services in hospitals either.

The reality is that you don't need this bill. This is perhaps a feel-good bill so certain elements of the Conservative caucus can go back to their constituents and say: aw, we've satisfied the demands of our Reform counterparts, and we're now going to have elected Senators. That's not the case. That's not the case. This is a fallacy. This is window dressing. This is like the emperor with no clothes. This doesn't work. What it will create is more and more problems, because between now and October those regulations are going to have to be worked out. Those regulations are going to have to be worked out, and the duties are going to have to be spelled out, all the qualifications, all the penalties, as it were, for not performing your duties, and the dollars have to be worked out. This has all got to be done.

Now, perhaps the minister has already done this, and if he has, then it behooves him to inform the Legislative Assembly as to what those regulations are. If he hasn't worked it out, then in good conscience he should shelve this bill until he has. To do otherwise, to pass this bill as it sits right now is a contravention of everything that we hold true in terms of a democratic system.

The issues that this particular bill brings up are enormous. Do we know whether the election finances are reportable? Do we know who is going to be putting forward nominees for the Senate election? Is there anything in the act that provides for ensuring that the election is fair? Is there anything that indicates that the election is one that is indeed going to have its desired effect? My guess is that the answers to that are no, that in fact what this particular amendment does is it makes a mockery of the election process. It ensures that what we're going to see is taxpayers' dollars being wasted.

10:00

Now, I believe it was the colleague from Edmonton-Strathcona who put forward the suggestion of a summit, to have a senatorial election summit. You know, that might not be a bad idea, to shelve the bill and have a summit, because the reality is that whenever this government has a summit, nothing happens. I think that's the best thing that could in fact happen with this particular bill, that it's shelved and it's put on the side so there's some sober second thought, which I know the Minister of Intergovernmental and Aboriginal Affairs is capable of, so there's some sober second thought, which I believe the Minister of Justice might be capable of, so there's some sober second thought from the Treasurer and various other members on this committee. You know, it amazes me, when I think of what the impact of this particular bill can be, that a minister such as the Minister of Energy, who professes himself to be very careful with the public purse, could be supporting a bill that basically leaves it wide open.

I'd like for the Minister of Intergovernmental and Aboriginal Affairs to tell us how many senatorial nominees there are going to be. Is it one? Is it two? Is it three?

MR. HANCOCK: Two. It's two.

MS LEIBOVICI: It's two, unless that's a victory or a peace sign.

So the minister is saying two. If it's two, then why isn't that in the act?

Now, the next question that I have for the Minister of Intergovernmental and Aboriginal Affairs is: if one of those two members drops out sometime during an unspecified term, is there going to be another election?

Yes. The minister indicates yes. So that means, in fact, that we could have an election. Take a worst case scenario. We have two individuals that are elected in October. In January of the following year one of those individuals is in a car accident and dies or is incapable of performing his functions. Does that then mean in January, in February we will have another Senate election? Because if it does, you know what the costs of that are. So this gets more and more and more bizarre.

Now, maybe the minister can tell us what the term of a Senate nominee is. Is the term three years, four years, six years? So we're going to have Senate nominees elected for six years; that is, I guess, until the act ends, which is December 31, 2004. Let's say that in that time period we find out that this process doesn't work. Do we then recall those Senators? There's nothing in here that talks about recall. What happens if, again, we find that the process doesn't work? We're stuck footing the bill for two Senators for six years for what purpose? For what purpose?

Perhaps the minister can tell us some more. Is there going to be actual office space dedicated to the Senators? If there is, will it be in this building? Will it be in the Annex? Will it be in Ottawa? What kinds of arrangements are going to be made?

AN HON. MEMBER: How about your offices?

MS LEIBOVICI: My office is full. Thank you. But I know the ministers' offices have got lots of space, so perhaps we could hive off some of the ministers' offices and find spots for the Senators-in-waiting.

The questions go on and on. Obviously some of them have been thought out and some haven't, but in order for us to make a decision on this particular bill, we need to know the ramifications. We need to know how in fact this is going to occur. We need to know what the implications are. Right now we don't know. I know that the hon. Member for Calgary-Buffalo does have some amendments. What I would like to see, however, is that this bill is not put forward and is not read any further, that this bill is put aside so in fact we can have the discussions around how we can perhaps select or elect a Senator as the need arises.

Right now we have a bill. The reality is that in the last Senate elections the Premier did not utilize the bill. Though he could have, the Premier made a decision not to. It's my understanding that the Premier has indicated that we are going to pass this bill and this is why we're here tonight. Perhaps if the Premier were made aware of the pitfalls of this particular piece of legislation, perhaps if the Premier were made aware of the costs of this particular piece of legislation, the Premier might, as he has on many an occasion, realize that there is a better way, there is a better method, and retract or ask the minister of intergovernmental affairs to put this legislation on the side and to wait until these issues can be looked at.

I don't think anybody wants to see Senators, like we saw with Senator Thompson, who do not fulfill their duties. I don't think anyone in this House wants to see individuals who do not perform their legislative functions. To put forward pseudo-Senators just makes no sense. I know that if the members were to take an informal poll in their constituency, they would find that their constituents would agree with them as well.

Thank you.

THE ACTING CHAIRMAN: The hon. Member for Calgary-Bow.

MRS. LAING: Thank you, Mr. Chairman. I'm very pleased to speak a little bit this evening on Bill 40. We've heard many concerns, we've heard many evil things that are happening, we've heard all the horrors that are going to come upon us, but really that's not what this is about. This is the time to be reminded that when the first Senate election was done, there was an all-party committee of this Assembly who went out and surveyed the opinions of Albertans, and Albertans said they wanted an elected Senate. That has not changed. There have been recent surveys done that have been reported in the newspapers which indicate that over 90 percent of Albertans still want an elected Senate. So nothing has changed. This is one of the first steps to an elected, equal, and effective Senate.

We've heard how the members opposite feel that an elected Senator would not have the accountability to the voters that an appointed Senator does. Who does the appointed Senator account to? He accounts to the party that appoints him, he accounts to the Prime Minister, but do the electors of Alberta even know who most of the Senators are? Where is the accountability of an appointed Senator? An elected Senator has to respond to the voters who put him or her in the Senate. There is accountability with an elected Senator. They have to respond, they have to be accountable, just as we are.

There comes up also the problems of what do you pay them, how long is their term, what are their hours, what are the clothes they wear, and all these ridiculous kinds of questions.

Perhaps a Senator doesn't have to be paid while he's waiting. There are many very dignified and refined Albertans who have a lot of respect from their peers and the community who might be pleased to be nominated, who would be pleased to continue their careers or whatever their lifestyle is at that particular point in time until such time that the Prime Minister would see fit to accept their nomination. They would not have to give up their careers. They would not have to sit in Ottawa. They could continue on with their lives right here in Alberta until such time as that was confirmed. Perhaps the next non-Liberal PM would be quicker to listen to Alberta's requests and put the nominee in very quickly.

The road to a democratic triple E Senate will be won one step at a time. This is the first step, I think it's a very important one, and I think the time to take it is now. Thank you.

10:10

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

MR. BONNER: Thank you very much, Mr. Chairman. I rise again this evening to speak to Bill 40 and to discuss the details of this particular bill, and I look forward to that opportunity.

I was very appreciative of the debate supplied by the other side. It is refreshing when we hear members from the government speak to a bill. She did a very good job, and I wish to commend her on that.

One thing that I have to clarify in speaking to Bill 40 and particularly the issues of the bill: we are not against elected Senators; we are against this bill and what it proposes to do. In so many ways this bill is too simple. There are four pages here. Yes, we do have major concerns, and that is what we are here tonight to discuss and to bring up. The big picture, elected Senators, we don't have a problem with.

Now then, in looking at an elected Senate, we definitely want it to be representative, and in looking at a representative Senate – and I certainly know who the Senators are in this province. We have, of course, three of the very new ones: Jean Forest, Thelma Chalifoux, and Nick Taylor, three excellent choices. Perhaps two of the three would not be there, Mr. Chairman, if they had to run for this position, particularly Thelma Chalifoux, who in her own words has said that if she did have to mount a campaign and run, she would have never been able to get into that position. So I do have some concerns from the other side when I look at someone in this position.

I also look here at our other three Senators. We have Ron Ghitter, Dan Hays, and Joyce Fairbairn, again three excellent selections to the Senate and people who work very hard for Albertans, so we are well represented. These are people that do touch our communities, that keep in contact, that inform us what is happening in Ottawa, and we should feel very fortunate that we have people of this quality who are speaking on our behalf. I'm sure many of these people, if there were an election, certainly wouldn't have any trouble running and certainly wouldn't have any trouble winning in this province because they are so highly respected and regarded by the electorate.

[Mrs. Gordon in the chair]

So, yes, I do agree with the member that the majority of Albertans do want elected Senators. I certainly do agree with you that we should have and could have elected Senators, but not in this framework. I'm sorry; Bill 40 does not do the job for us when it comes to electing Senators, again for a number of different reasons. The first one, of course, when we look at that is that the Senate should represent regional interests. We would certainly appreciate that very much. We would look forward to it.

In looking at this particular bill, Madam Chairman, and looking at some of the issues here, I do want to look at section 5(2.1), that "The Lieutenant Governor in Council may make regulations . . . fixing the term of a Senate nominee." Again this is part of the problem. This is one of the issues that we are having a great deal of difficulty with. Why would we have a nominee when there is no position? How long does it take to set up an election to replace somebody in the Senate? If we cannot set up an election for regional health authorities when those have been requested over and over again and we have a commitment that this is going to happen, then maybe this is what's frightening the government. They want this done ahead of time because they could not run an election on short time to fill any vacancies. So perhaps maybe that is the difficulty with this particular bill.

Another issue that is very, very lacking in Bill 40 is that it certainly doesn't talk about any performance and accountability criteria except by the Lieutenant Governor in Council. Elected people should be responsible to the people that elect them, not to the Lieutenant Governor in Council. Again, putting these people responsible to the Lieutenant Governor in Council has so many bad visions of how we constantly hear in this Assembly how the WCB operates at arm's length. So if we have the Lieutenant Governor in Council defining what is acceptable performance and accountability, making this criteria, does that mean that this is another one of those arm's-length bodies that we have to be concerned about in this province? It does bring major concerns when these people are not responsible to the very people that put them there.

Again, I can't help but think in looking at this bill, Madam Chairman, that this is the peace agreement. This is a peace offering to particularly some of the cousins that are now making up the Official Opposition in Ottawa. I can't help but think that maybe this is a peace offering to those people in Ottawa to try and deflect major issues around the floor, not only in Ottawa but also in Alberta.

As the hon. Member for Calgary-Buffalo mentioned, we don't know if we can make enough amendments to this particular bill to rehabilitate it. It would be extremely tough, and for that very reason, I think that this bill should be put to rest. We should not see it until adequate work has been done on it, until so many of these flaws that we see in it are taken out. They could bring this back at some other time when these necessary corrections have been done.

I look in here as well at section 29 as amended in section 5 of this particular bill, and we look at again this term of a Senate nominee. Now, in fixing that term, we have had the what-if clauses spoken to by so many members here. What happens if that person does get sick and can no longer carry on the duties of a Senator? What happens if this particular person falls off the good behaviour that allowed him to be elected and does commit some sort of an indictable crime? Do we leave this person in? Is there any mechanism that says that this person is no longer the quality person we want to be a Senator from Alberta, and we would remove this person? Do we allow a person who, once they've been nominated, perhaps down the road is charged and convicted of some form of family violence – do we allow a person like that to represent us because an opening comes forward down the road? The bill in this particular area, Madam Chairman, is extremely thin.

10:20

Again, you know, we've talked about what happens if a person does get a debilitating illness or disease? Do we put that person back on the shelf until such time as they are better? Do we leave them there in hopes that they would get better? Do we send them anyway because they have won an elected position, and they do retain that right? Do we pay them even though they cannot do the job that they have won the election for? We have absolutely no procedure in this particular bill which will address those particular issues.

The third part of section 5 that I have a great difficulty with is (2.1): "the remuneration and expenses to be paid to" a Senator-in-waiting. Now, we have preached and heard the preaching about fiscal responsibility in this particular House for the last five years. How can we be fiscally responsible for paying these people for doing nothing, paying these people to be nominees? I would think that the next step would be to pay all the people who win a nomination to sit in this particular House and allow them to be members-in-waiting of the provincial Legislative Assembly. That doesn't make much sense either, so I think both should be turfed at this particular time.

Again in subsection (2.1):

The Lieutenant Governor in Council may make regulations . . .

(d) respecting the performance and accountability of a Senate nominee.

Now, again we have elected people who are not responsible to the people who have elected them but to the Lieutenant Governor in Council. This just does not work. I do really think as well that this is some type of propaganda campaign that we are being forced to fight here in the province of Alberta on behalf of somebody else. This is not our fight. If they want to pull in all

the favours and whatever from our federal cousins, please do it, but please don't do it at the expense of the Members of this Legislative Assembly. Please don't do it at the expense of the taxpayers of Alberta. Please don't do it at the expense of so many other good pieces of legislation that are going to be left on the books when we are spending an enormous amount of time debating a bill that really shouldn't have even got this far, a bill that is flawed, a bill that requires a great amount of work.

You know, we are asked to vote on Bill 40, and in so many cases in this bill we're asked to vote on blind faith. Could you imagine having a cabinet minister that has no job description, no fixed term, no dollars specified for what they're going to do or the remuneration they're going to be paid, and you would say: trust me? There is something wrong with this type of legislation. This is not responsible legislation. This is not responsible legislation that has been . . .

AN HON. MEMBER: It's the Mirosh model.

MR. BONNER: That was before my time in the House.

AN HON. MEMBER: Trust us.

MR. BONNER: I will trust you that the Mirosh model is not the way to go. Just as, Madam Chairman, even though not as experienced as a number of members of this Assembly, I am certain that Bill 40 is not the way to go.

What happens when we get legislation that is not well planned, that has not been well researched, that really is following the whim of another group is that then we wander aimlessly around trying to figure out what they wanted us to do. That is why I would certainly love to see a postponement of this bill, so that hon. members will have an opportunity to take it to the constituents, to take it to the people that we wish to decide who's going to represent us in the Senate, to take this bill and clarify and do the homework on all the issues that have been expressed. There are many, and I know that I've only touched on a few here this evening. If this particular bill would have been presented and opposition members would have had a lot of time to look at it and study it, we could have given the minister even more good ideas on what to do here.

Now, when I ran down the list of our present Senators that are working hard for Albertans in Ottawa, I also noticed that as far as a male/female ratio goes, here in Alberta we have very good representation. We have 50 percent of them are women and the other 50 percent are males. In this particular bill I don't see any mention of equality as to whether you have a man or a woman or if there are any ratios that we should be looking at when we deal with this type of issue. I would think that for a government that wishes equality, that speaks for equality, it is certainly a step in the right direction to put this type of legislation in, because we have so many qualified people, males and females, that we certainly wouldn't have any trouble finding three males and three females to fit these particular positions if they did become available.

Now then, the bill does have many pitfalls, and certainly one of those pitfalls is the hidden dollar value. We certainly don't go and purchase a car without knowing what it's going to cost. We don't purchase a home without finding out what it's going to cost. In fact, we have had major bills in this House pass this particular session which have dealt with the protection of the consumer. Yet here we are going to be sending somebody in an elected form to

Ottawa and there is absolutely no protection for us, absolutely none spelled out in this particular bill.

Again, Madam Chairman, there are just too many pitfalls in this particular bill at this time for me to give my support to it. There definitely is a better way to do this. The basic principle of senatorial selection is a very good process, and it certainly is something that we could definitely look at, particularly reform down the way if we wish, but under this particular bill we certainly cannot.

With those comments, Madam Chairman, I would like to take my seat, and I look forward to hearing the debate of the rest of the hon. members in here. I certainly do invite debate from the other side. I was very happy to hear debate from one of the members and certainly some of her good points, and I look forward to many positive comments about how we can make this a very good piece of legislation, a piece of legislation that all Albertans will feel comfortable with, a piece of legislation that all Albertans will be more than happy to participate in and proudly participate in.

With those comments, Madam Chairman, I will take my seat and listen to further debate on Bill 40. Thank you very much.

10:30

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

MR. McFARLAND: Thank you, Madam Chairman. I'm happy to stand tonight and make a few comments on the Senatorial Selection Amendment Act. This afternoon I meant to ask a question, and I realized I could have made comments tonight when we got into committee. When I asked the Member for Edmonton-Ellerslie, actually I was interested in hearing what her response was to her daughter who asked her a question. I fully expected to hear that, but I didn't. Then when the Member for Edmonton-Glengarry made a few comments, it caused me to write down a couple of points that I would like to share with the Assembly here.

First of all, there was mention made that this isn't our fight; it's something that's being forced on Albertans. I've yet to run across too many people, at least in our constituency, who have ever really been satisfied with appointed Senators. I think a lot of our constituencies, probably a lot of Albertans aren't satisfied with the status quo, and by having Alberta move forward with this bill, by electing their own Senators, they at least see this as some change to something they're not happy with, and that's the present form of appointments. I also heard a few references to Stan Waters, who was the first elected member, and I think even the members opposite could agree that the then Conservative Prime Minister of Canada even gave into the public will and appointed that Senator.

We also heard, specifically from Edmonton-Glengarry, a lot of comments about what if. What if they don't show up? What if they can't get to work? What if they've got a debilitating disease? Well, maybe we should look within our own caucuses. From time to time different events take place that prevent some of us from being at work. Does that mean you're going to turf your own members of caucus when they can't make it to work? I'm not saying that in the case of a Senator who chooses to reside in Mexico on a taxpayer-paid holiday, that's any good. But maybe we should reflect on a former Member for Redwater who was the leader of your Liberal house for some time, who in his own way was always fighting for triple E. Yet I gather that maybe the tune has changed a little bit since he's become an appointed Senator himself.

We heard reference about the expenses, about remuneration.

I believe it's the same Senator that you used to work with who had one of the highest traveling expenses of a Senator. So is that a good reason to maintain the status quo? I think not. Perhaps if people have the ability to elect their own choice of people, there would be some form of accountability.

[Mr. Zwozdesky in the chair]

I also wasn't too sure when I heard the Member for Edmonton-Glengarry talk about the son of a former Premier of this province who was probably pushing this bill because he didn't become a Senator. The only person I can figure that was pointed at would be the federal Leader of the Official Opposition, whose father used to be Premier of this province but was a Senator from 1970 to 1983. So I hope the member opposite simply made an error, unless it was somebody else in here that I'm unaware of whose father was a Premier. I believe it was former Prime Minister Trudeau who had actually asked then former Premier Manning to take an appointed seat, even though he didn't have a political allegiance to either the Conservatives or the Liberals.

I've got two other comments here. One would be dealing with the taxes that are paid to keep our Senators in place. I believe we've got a piece of legislation that was in existence before – we're simply amending previous legislation. Perhaps some of the comments I've heard that say there are shortfalls are shortfalls in this amendment that we have before us, but they're covered off in the bill that's already been in place since 1989.

If you could bear with me for just one minute, we could talk to the issue of the other provinces getting outside. I believe that if a province such as Alberta doesn't take the initiative to try to change the status quo and allow people to have a democratic right in electing Senators of their choice to represent them, that if we all sit around and wait for the rest of the provinces to do it, nothing will get done.

With that, Mr. Chairman, I take my place. Thank you very much.

THE ACTING CHAIRMAN: Thank you, hon. Member for Little Bow.

The hon. Member for Edmonton-Riverview.

MRS. SLOAN: Thank you, Mr. Chairman. I must say you're certainly looking great in the chair this evening. I'm pleased to rise to speak at third reading to Bill 40, the Senatorial Selection Amendment Act.

MR. WHITE: Third reading? How did we get out of committee?

MRS. SLOAN: In committee. Pardon me. Sorry. I might have to resuscitate the hon. Member for Edmonton-Calder.

I need to begin this evening by indicating my respect for the process of bill formation and the process for debating legislation in this House. However, I have to respectfully also offer to my electorate that I am not in a position to be able to seriously debate this bill because it is a bill of anticipation. It is frivolous and wasteful. It in essence puts a process in place that could lead to the election of a dead criminal for appointment to the Senate, and that is not something in my professional opinion that is a good use of this House, a good use of our time, a good use of taxpayers' dollars. There is only one purpose being served by this bill, and that is a political, partisan, point-making purpose. It is not respectful of the purpose of this Assembly.

So we have this anticipatory bill that embarks us on a process of electing Senators-in-waiting. It's caused me to, I guess, confirm once again in my mind that it's another example of this government's flat-lining. That is nursing terminology for an arrest of sorts: an arrest of no ideas, brain dead. It doesn't reflect good thought or prudent process.

It's also caused me to think, in the consideration of this bill, of how many positions we have within our good public service that could be afforded a position-in-waiting. I wonder if the LPNs in this province, the physicians in this province, the laundry workers in this province, the nurses in this province would appreciate the opportunity to have a position-in-waiting where they're paid to stand by, to fill a position that has not yet been created. We don't follow that principle for the essential servants. Why would we follow it for the Senate?

It also caused me to think of the thousands of university students in this province that are currently burdened with growing thousands of dollars in student debt. Perhaps we should afford those students the opportunity to serve in an anticipatory way in these positions-in-waiting, and why not? They will be elected to do what? Well, we're not really sure.

Section 29 indicates the Lieutenant Governor in Council may make regulations that would respect their duties and functions, that would respect their performance and accountability, that would respect their remuneration and expenses. I'm sure we could find a good university student out there that would be happy to fulfill this position. Maybe we might even find a doctor or a nurse that would be happy to assume the responsibilities and give it a go. While it's offered in jest, it speaks to the ridiculousness of this bill.

10:40

However, in light of the fact that the government has brought it forward and is insisting on taking this bill to its full fruition, we have no choice but to debate it. We have to provide, as is our duty as an opposition, comments that point out the bill's flaws, its omissions, as my good colleagues have done on a number of occasions this afternoon. We've pointed out the fact that a criminal could be elected as a nominee. We've pointed out that a dead person could stand as a nominee. We don't see the government responding to that, and it seems to be totally ridiculous.

We also have asked questions with respect to the fact that these people will be paid. Their remuneration is yet to be determined. Their expense coverage is yet to be determined. What benefit plan, even if they're eligible for pension, is yet to be determined. That would be an interesting debate to be had. We have Senators-in-waiting eligible for pension, but as members of the Legislature we're not afforded the same privileges. It would be very interesting to have that discussion. In fact, by regulation these people could be afforded those privileges and benefits, and the common taxpayer and citizen of this province might not even be any the wiser.

The point has to be reinforced again about the fact that this government is governing by regulation, specifically when we look at the types of things about the Senators-in-waiting that will be determined: fixing of the term, their duties and functions, their remuneration and expenses, their performance and accountability, all by regulation. Totally by regulation. So no debate, no public disclosure, no consultation, just government decorum by . . . [interjection] I'm wondering if the hon. Member for Drumheller-Chinook needs a nurse or at least a glass of water.

I would like to seriously debate some legislation in this House, but I find this one extremely difficult to debate.

MR. MITCHELL: Seriously?

MRS. SLOAN: Seriously.

MR. MITCHELL: Yeah. You can't take it seriously.

MRS. SLOAN: It's not serious. It's frivolous. I look at all the other areas that are in crisis – our health care system so obviously so; our education system struggling to recover from a near strike here within the city of Edmonton; an increasing number of people coming to my constituency office needing support with respect to social assistance, appealing decisions; the state of the environment – and we have a government that brings forward a bill to elect Senators-in-waiting and take precious time within the one legislative sitting we have per year to do that. It's not something that I'm supportive of.

I offer my comments with due respect. As I conclude, I'm hopeful that the hon. Minister of Intergovernmental and Aboriginal Affairs will see fit to pull the bill or to propose substantive amendments to this bill at some point in the near future. I think, as my colleague had indicated earlier, that if he chooses not to, it will give us more than an adequate platform to run the next election on. I would look forward to that opportunity.

I appreciate, Mr. Chairman, the opportunity to offer those further comments on Bill 40, and with that I would conclude my remarks.

Thank you very much.

THE ACTING CHAIRMAN: Thank you, hon. member.

The Member for Edmonton-Ellerslie, please.

MS CARLSON: Thank you, Mr. Chairman. Nice to see you in the seat. I'm happy to stand in committee for the first time this evening at this stage to debate this bill.

MR. DAY: Oh, good. There'll be more?

MS CARLSON: You bet. There's going to be lots more, as much as you have time for. There's no doubt about that.

MR. DAY: We have all the time in the world.

MS CARLSON: That's good, because we do too. We'll be happy to be here for however long it takes.

First of all, I have some comments with regard to the remarks that the Member for Calgary-Bow shared with us about half an hour ago. She made the statement that some of the questions that she heard here in the House this evening and this afternoon were ridiculous. Those were questions with regard to how much the Senators-in-waiting would be paid, what kinds of expense allowances they would have, and some technical details like that. I would think she misused a word and what she really intended to say there was "responsible," because in fact this member, being part of the government, understands that knowing the dollars and cents of what something you're proposing costs is a part of being a responsible government. For sure it is a part of being a responsible opposition when we take a look at the costs that are being projected in any kind of legislation that is brought to this floor.

So I would hardly suggest that it is ridiculous to ask questions of that nature. In fact, that is the kind of scrutiny that is expected, certainly of us in the House, and it's very surprising that

you on your side didn't do this before this legislation hit the ground. I would have thought that somebody, of the number of speakers who have spoken from the government side, would have stood up here and stated, laid out a game plan for us so that we had some understanding of the kinds of expenses we're taking a look at here.

You made the comment that these people would be elected and then just do whatever their other job was before and carry on until the point in time when they are called to the Senate. But in fact the Member for Calgary-Bow isn't thinking that thought out very well when she makes it, because there are many instances where people will not be able to carry on as before. There are many employers who will not let employees just stand there until the day they get called to the Senate, knowing that could be tomorrow, that could be two years, or that could be six years down the road. People could be fired; absolutely. What you're talking about is a very exclusive group of people who have the kind of flexibility in their lives and in their jobs to be able to do this, to just drop everything at the snap of a finger and go to Ottawa and be Senators. It isn't the case for a lot of people who may choose to run for election. What you're doing, in fact, by making that suggestion is discriminating against a lot of people in this province who may want to have that kind of option. So I'm wondering if that member could reconsider those remarks and this evening would stand and speak to that issue. Who is it that she would like to exclude from participation in this process that you're talking about?

Also, we've heard lots of comments about this side of the House not wanting a triple E Senate. Well, nothing could be further from the truth. There is no doubt that we have talked many times, in the Legislature and outside the Legislature, on how important it is to have an equal, elected, and effective Senate. But I have to tell you, Mr. Chairman, that I do not see where this bill gets us any farther down the road than where we are right now. Yes, we'll have Senators-in-waiting so they will be elected, but the kind of bill that is proposed is so flawed that anyone looking at it just starts to laugh. Certainly you can't expect this kind of legislation to hold under any kind of scrutiny.

So if in fact your intent here is to move this bill forward in terms of working towards a triple E Senate, then why not have done the work properly? Why not have brought in a responsible bill, something that's truly substantive, that puts us down the road to a triple E Senate, something that could be a role model for all provinces to copy? This isn't. This will be laughed out of the House in Ottawa. Any other provincial Legislature that takes a look at it is going to say: what are those country bumpkins in Alberta doing by bringing forward this kind of legislation?

This is Bill 40. That means there has been lots of time to properly address this issue and to bring forward something really well-developed and substantive, something that if it addressed the triple E Senate question in that manner, we wouldn't have had any problem on this side of the House supporting. But you bring in something that's once again half-baked, not thought through, not costed out, that really doesn't move us any farther down the road in terms of achieving the objectives. How could you expect us to support it? It's just not possible to do so.

10:50

Sitting here listening to the debate tonight, I had an opportunity to try and think of what these Senators-in-waiting could do for jobs while they're waiting, and I came up with a top 10 job list for Senators-in-waiting. I'd like to share it with you tonight.

The first one is something that would help out the minister of

social services. Senators-in-waiting could be fund-raising for hot lunch programs. There are any number of schools across this province that desperately need hot lunch programs. There's one just by the Commonwealth Stadium. I was talking to the principal the other day, and wouldn't you know it? He's just outside of the boundary of those schools in inner-city Edmonton that have hot lunch programs. He's on the list, but he's saying that it's four or five years down the road before they get that in their school. He says that every single day in his school there are many children coming that are hungry. They don't get breakfast, they don't get lunch, and they don't get supper. How can you expect children to learn in those circumstances? So given that the government is not prepared to put money into hot lunch programs, perhaps the Senators-in-waiting could spend their spare time between being elected and going to the Senate in fund-raising for hot lunch programs.

The second of the top 10 jobs for Senators-in-waiting deals with environmental protection. I think those Senators could be testing the water quality downstream from intensive livestock operations. We have all kinds of problems with water quality in this province, clearly because the Minister of Environmental Protection has not assigned this particular duty to anyone. It's not a fun duty to test that water downstream from these intensive livestock operations, but it's definitely something that's required. So these guys have nothing else to do; this might be a good job for them.

The third of the top 10 job list for Senators-in-waiting would be to help out the minister of transportation. We could have these Senators-in-waiting doing the mechanical repairs on the 60 percent of school buses in the province that have failed inspections. Don't you think that's a good idea? I think it's something that's needed and necessary. Definitely it's been addressed as an issue in this House many times this session, and somebody's got to make those repairs. Clearly the bus operators can't do it, because they don't have the funding to do it. Clearly the minister isn't going to give any more funding. Clearly his buddy the Minister of Education is also not going to give any funding to upgrading these buses so that our children can travel safely to school. So maybe it's a job for Senators-in-waiting.

The fourth top 10 job for Senators-in-waiting goes to the Minister of Education. Perhaps they could provide relief for teachers who are out on stress relief, because not only are their class sizes too large, but they get no support for the high-needs children in their classroom. We, once again, have addressed this issue many, many times in this House during this Legislative Assembly session. The Minister of Education has given more money to private schools, but he will not give adequate funding to public schools so that (a) we have classroom sizes that are manageable, (b) we don't have teachers out on stress leave because there are too many pressures on them trying to meet the demands of everyone in the classroom, and (c) he won't give any money for kids who have learning disabilities or other kinds of behaviour problems that are very disruptive in the classroom, that are very hard for the teachers to cope with but also put a huge degree of stress on the students in the classroom and, according to many of the constituents in my constituency, are the number one reason for parents putting their kids into private schools.

THE ACTING CHAIRMAN: I'm sorry to interrupt the hon. Member for Edmonton-Ellerslie, but the hon. Member for Airdrie-Rocky View has risen on a point of order.

Point of Order Relevance

MS HALEY: *Beauchesne* 459. I was wondering what the

relevance – I've been listening carefully to the speaker, and I'm afraid that I'm kind of at a loss to understand what teachers have to do with the Senatorial election bill. I'd appreciate it if we could just stay on the bill somewhere.

MS CARLSON: Well, Mr. Chairman, I would say that this particular topic couldn't be more relevant. What we're talking about is a lack of job descriptions in this particular bill for these Senators-in-waiting, and what I am suggesting here is a top 10 job list. I could have done a lot more. I could have done about 300 or 400 that would have just started to begin to address the needs in this province. Instead, I just narrowed the field down to 10, and that's what I'm talking about.

And when we get into *Beauchesne*, let's go to 459 under Relevance and Repetition, where it says that "wide discretion is used by the Speaker and the rule is not rigidly enforced." So I would have to say that according to *Beauchesne*, I'm certainly within the realm of relevance.

THE ACTING CHAIRMAN: Thank you, hon. member. The chair also has been listening very carefully to the debate ever since he took over the chair. I appreciate the latitude that is given during second reading, but I think I would just make a point for all members of the House to refresh everyone's memory of what the purpose of the committee stage is. It says under *Beauchesne* 688:

The function of a committee on a bill is to go through the text of the bill clause by clause and, if necessary, word by word, with a view to making such amendments in it as may seem likely to render it more generally acceptable.

Now, having said that, I am following the clauses of the bill here, and I do see where clause 5 does in fact talk about the duties and functions of Senate nominees, so I would ask the hon. Member for Edmonton-Ellerslie to just be reminded of the duties and functions as they fall within that definition. I've been listening very carefully to the job descriptions that you're suggesting, and while they are extending the latitudes perhaps normally given, I will allow it to continue provided that we zero in clause by clause as is intended at this stage.

Thank you.

MS CARLSON: Thank you, Mr. Chairman. In fact, you've pinpointed the exact point of relevance. I am talking about duties. In this case, since they are not particularly assigned in the bill, I am taking the latitude of assigning them.

Debate Continued

MS CARLSON: So now we get to number 5 of the top 10 jobs for Senators-in-waiting. This would help out the Minister of Municipal Affairs: tour the province telling municipalities why they are not getting the infrastructure dollars they need to address their hidden deficits. Well, Mr. Chairman, we know from having toured the province. We just did Transportation. You just missed it. I'll recap for you because you missed it.

MRS. SOETAERT: Yeah, I'd like to hear.

MS CARLSON: See, there you go.

So what I said for the minister of transportation – that was number 3 on the top 10 job list for Senators-in-waiting – was doing the mechanical repairs on the 60 percent of school buses in the province that have failed inspection. I think that's an excellent idea.

Okay; Municipal Affairs. We know from touring the province that municipalities have a huge hidden deficit in terms of infrastructure, and that's both hard and soft infrastructure. While a committee has been put forward to address . . .

MR. DICKSON: Particularly Calgary.

MS CARLSON: Particularly Calgary, my colleague says. But I'll tell you, the greater Edmonton area is facing the same kind of problems.

While there has been a committee put together, there has been no one to really go out one-on-one and address all the concerns with the municipalities. I know that, because just in the last couple of months I've been in Fairview, Grimshaw, Peace River, Grande Prairie, Grande Cache, Hinton, and Calgary, and all of those local politicians have had a big concern about this. So I would suggest that a very good use of these two Senators-in-waiting we would have is to travel around the province and explain the government's position in terms of exactly why they're not getting any money.

Okay. Number 6 of the top 10 jobs for Senators-in-waiting would be in health care. This minister seriously needs to develop a single, consolidated complaint base for health care concerns, to in fact become a health care Ombudsman. With two people in this job, we know the complaints would come in fast and furious. They would have a chance to hear them, consolidate them, and direct concerns where needed. So that would probably be the busiest job of all these listed here and certainly one that would be helping the people in this province. I don't think if they had that kind of job, Mr. Chairman, anybody would be concerned about their early election or about how much money they were being paid.

Okay. Number 7 of the top 10 jobs for Senators-in-waiting is for the Provincial Treasurer. These Senators-in-waiting could process their own expense accounts, determine how much this foolish bill we're passing here is costing Albertans in terms of salaries, benefits, and expenses, and report those said costs on a regular basis. That way they would be number crunchers but would be performing a function, so at least they wouldn't be going to Mexico or doing nothing at all. That would be of special benefit for the Provincial Treasurer.

Number 8. Oh, yes. This one's for the Minister of Energy. These two Senators-in-waiting could help the Minister of Energy from browning out and short-circuiting while we go through the deregulation process. There's no doubt that he's going to be having some problems in this area, and these two people could provide some support for him. So I think that's something they should take a look at in terms of their jobs.

Number 9. You'll like number 9 though. It's once again for the Provincial Treasurer. This is an issue that we've heard about several times in this House, sometimes formally in debate, sometimes informally across the floor, and once in a while it pops up in his speeches out in the community.

11:00

I think that these two Senators could be out there counting how many moral prisoners are going to vote. Don't you think that's a good idea? That would be a very big job, and you never know. The morality of these prisoners might change from day to day, so they might have to start all over again. But we would leave that up to the Provincial Treasurer's discretion, because certainly that's his issue, and we hear enough about it.

Number 10, the final one of the top 10 list of jobs for Senators-

in-waiting. This one, colleagues, helps every minister in the front bench. Don't you think that's a good idea? I think it's a great idea. They could help cabinet ministers write bills that are well written, substantive, and air free in contrast to the ones we've seen this session. Don't you think that's a great idea? It's a great idea.

So if you want any of these suggestions, I'd be happy to write them out in good with some sort of plan to put them in place. I think that those would be reasonable suggestions. They are certainly a lot better than any of the suggestions that we have heard from the other side of the House and give us some food for thought in terms of where we're going on this issue.

[Mrs. Gordon in the chair]

I think there are many other avenues that we could explore with regard to these Senators-in-waiting. We could do a top 10 list for what their salary range should be and what kind of transportation expenses they get. [interjection] I think that's a good idea. You could do that one.

There's another list that we could devise. We could devise the top 10 list of how to run this election. Now, that would be good idea. You know, in my own caucus I've heard very many different variations on the process of how you could do this, how you could find people who would be willing to run. Well, we know this evening that we had three people sitting up in the gallery listening to us, and do you know that two out those three people put their hands up when I said: would you like to run to be a Senator-in-waiting when you get paid a nice juicy salary and don't have to do anything? Two out of the three, 66 percent of those people, said that they would like to run. So once again we're going to have to have some strict criteria or this is going to become an election that is absolutely too large to organize and very, very costly.

I wonder if some of those rural MLAs who are particularly interested in having this bill passed this time, who are particularly interested in going back to their constituencies and saying, "Not only can the Reform people meet your needs, but we, too, as Conservative MLAs can," would tell us how they would find the dollars for funding the kind of election where you may have 200 or 300 people or 2,000 or 3,000 people running for two jobs in this province. How are you going to manage that? What year are we going to see this written into the official budget of this province? It wasn't there this time. So if you think that this is one that you can come back for additional money on, I would expect that it's going to take a very long time for that particular bill to be passed in this House. If you've got those kinds of plans, they should be something not brought up at the last minute but something that is once again substantive, which is a word that does not seem to be in the vocabulary of this current government, and well thought out, well planned, and a framework developed around it.

Chairman's Ruling Committee of the Whole Debate

THE DEPUTY CHAIRMAN: Hon. Member for Edmonton-Ellerslie, the function of the committee stage is to go through the bill word by word and clause by clause. We have various stages to a bill that we debate in this Assembly. There is a reason for each and every stage. I have over the last couple of hours heard persistent repetition in speaking. I haven't heard a lot of people going through this word by word and clause by clause. Can we

please try to stick to that? Please. David Letterman, I believe, comes on at 12 o'clock at night and does the top 10 every night. It's not nearly 12 o'clock, and this isn't David Letterman. Okay?

MS CARLSON: Well, Madam Chairman, with all due respect, the job list was specific to the duties, and that is in the bill. So all of that could be dealt with under that. If you take a look at *Beauchesne* 459, it says that when in doubt, the doubt goes to the member that's speaking. I'm just discussing the duties that are involved in here, and a top 10 list is a concise list, as I discussed, in terms of the kinds of options that could have been included in here. They're not included in here.

THE DEPUTY CHAIRMAN: Hon. member, number one, I hope you're not challenging the chair. Part of committee stage, if someone doesn't like a particular section of the bill – this is why in committee stage amendments come forward, not persistent repetition.

MS CARLSON: Well, with all due respect, I haven't seen anybody come up with a list of duties. So I'm not talking about repetition. I'm discussing duties. It's in the bill. I think that's well within the mandate of committee, and that's what I was discussing.

THE DEPUTY CHAIRMAN: If you wish to suggest duties, do so through an amendment or a series of amendments.

MS CARLSON: Well, then, I need a ruling.

THE DEPUTY CHAIRMAN: I am not going to argue with you, hon. member. Now, please carry on with Committee of the Whole as stated in *Beauchesne*, word by word, section by section. You're making a mockery of this Assembly.

MR. MITCHELL: Point of order.

THE DEPUTY CHAIRMAN: Yes, hon. member.

Point of Order Relevance

MR. MITCHELL: Madam Chairman, I believe that your caucus' interpretation of 459 – and the Justice Minister, we know, is always so technically good when it comes to legal matters – is wrong. The fact is that the tradition in this House allows us to speak about matters that affect any bill at committee, and if we choose to do an amendment after we hear some of the debate in this House and generally about committee matters, then we can do an amendment. So we could talk about this in general terms until we choose to do amendments. I'll tell you right now that we're happy to do amendments. They're right here. This is the beginning. But we're not doing them until we feel like doing them, and we're going to talk about this bill in the way we want to talk about this bill, as has been the tradition in this House, until we get to amendments.

Thank you.

THE DEPUTY CHAIRMAN: Hon. member, I don't believe you have a point of order. I believe you're challenging what I have just said. I'm going to have Edmonton-Ellerslie carry on, but we are – and you have been reminded tonight – in Committee of the Whole. Please check in *Beauchesne* for the various stages of a

bill and what transpires during those various stages. If someone were to walk in here, I don't know at some point in time whether they'd know what stage of the bill we're at. We are at Committee of the Whole.

Debate Continued

MS CARLSON: In Committee of the Whole, Madam Chairman, I am dealing with point 5: "Section 29 is amended by adding the following after subsection (2): (2.1) . . ." Then we go down: "(b) respecting the duties and functions of a Senate nominee." I am specifically talking about the duties and functions of a Senate nominee. We don't know what the functions of a Senate nominee are in this instance because they're not listed in the bill, and what we've been told by the minister who introduced this bill is that we can look forward to seeing regulations brought in at some time in the future. That isn't good enough for my constituents. They want to know before we go forward with this kind of a bill what exactly is outlined in terms of duties and functions of a Senate nominee, and that's what we need to know here.

I have given some suggestions. The minister has every opportunity to stand up here and refute them, to add different ones if he likes, to discuss them in any kind of format that he wants. When he gets up here and debates this matter with me, if I don't like what he's saying, Madam Chairman, then we're going to bring in an amendment on this bill. There is no doubt about that. But we want to make sure that he has a full breadth of knowledge in terms of what it is that we're talking about and the kind of range of activities that we're looking at so that he has the benefit of that and every possible opportunity to stand here and give his interpretation of what this bill means.

Now, having finished that one, I'm going to move down to, once again, point 5.

- Section 29 is amended by added the following after subsection (2) . . .
- (c) respecting the remuneration and expenses to be paid to a Senate nominee.

We have heard the Member for Calgary-Bow say that her interpretation of this is that there is no remuneration, but in fact then I would ask the question: why is it in the bill? Remuneration and expenses to me means that there's going to be some kind of a salary, some kind of taxable benefits, and some kind of an expense allowance made here.

Now, once again, the minister has stood up twice today to speak to this bill, yet he doesn't give any kind of description on this. Each time he gets up, Madam Chairman, I expect it to come forward, but it doesn't. So I'm asking him once again: please let us know what kind of remuneration we're talking about, what kind of taxable benefits we're talking about, at what point in time we start paying that money, whose tax pocket those dollars come out of, what kind of expenses there are. Does this include a carte blanche of expenses? Are they going to get cars? Are they going to get four cars like the Premier gets? Are they going to get some other kind of expense? Are they going to have expenses for traveling just within Alberta? [interjection] Airplanes. Well, are they going to have access to the provincial airplanes?

11:10

We're talking about a federal job here, Madam Chairman, so it's going to be very important to the people of Alberta to know that it's their provincial tax dollars that are paying for this function. Are the expenses going to be limited to Alberta or are they going to be expanded to Ontario? I think that's an absolutely new topic. I can't remember anyone in the debate that I read

previously or those speaking today – and I listened attentively to every single person who spoke today – talk about that specific provision.

I think it's important for us to know, because when I go back to my constituents with this debate, they're going to want to know details.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Norwood.

MS OLSEN: Thank you, Madam Chairman. Just so there's no question about how I'm going to proceed, I'm going to proceed word by word, clause by clause. So I'm going to start out with acknowledging the fact that I'm speaking to the Senatorial Selection Amendment Act, 1998, and "Her Majesty, by and with the advice and consent of the Legislative Assembly of Alberta enacts as follows."

We look at the first section, section 1: "The Senatorial Selection Act is amended by this Act." This act is an amendment act. Then we go to section 2. Well, we have to make sure that we refer to the old section here: "1 Amends chapter S-11.5 of the Statutes of Alberta, 1989." In the new amendment act section 2 amends section 1 by adding the following after clause (e):

- (f) "Senate nominee" means a person declared elected under this Act.

So it's a definition of the Senate nominee.

"Section 3 is repealed and the following is substituted." Well, first, the old section 3 stated that

persons declared elected under this Act shall have their names submitted by the Government of Alberta to the Queen's Privy Council for Canada as persons who may be summoned to the Senate of Canada for the purpose of filling vacancies relating to Alberta.

Well, we now have that section repealed, and the new section 3(1) states:

The Government of Alberta shall submit the names of the Senate nominees to the . . . Privy Council for Canada as persons who may be summoned to the Senate of Canada for the purpose of filling vacancies relating to Alberta.

Now, previously the act applied only if there was a vacancy available, but we now have a new section here, subsection (2), and that says:

- A person remains as a Senate nominee until
- the person is appointed to the Senate of Canada,
 - the person resigns as a Senate nominee by submitting a resignation in writing to the Minister of Intergovernmental and Aboriginal Affairs, or
 - the person's term as a Senate nominee expires.

In my interpretation of that, that means that the nominee elected may not have a seat in the Senate for an undetermined amount of time and that at that time he may in fact resign because his time limit is up, but we don't know what that time limit is yet. So we go through the expense of the election and end up with the nominee never making it to the Senate. We've gone through that process. We've spent a phenomenal amount of taxpayers' dollars supporting the Senator-in-waiting, and there's no return to the public. So I wonder how that particular section can be reconciled with the government's value-added philosophy and how that particular section aligns with that.

I think the other thing as well is that statutes should provide for a definition of term, so it's not determined by regulations without an all-party consensus. This means that the government of the day, by going by regulation, can change the definition of "term" on a whim. We don't want that to happen, so it's best to have

that statute. I think that's a better way. It's more accountable, the process is cleaner, and we don't have government by regulation, as we seem to always do with this government.

So now I'd like to turn to look at section 5 as amended. Section 5(1) currently reads:

If there are one or more vacancies in the Senate of Canada relating to Alberta, an election may be commenced at any time by the passing of an order of the Lieutenant Governor in Council.

Subsection (a) of that says:

setting out whether the election under this Act is to be held

- in conjunction with a general election under the Election Act,
- separately on a date provided for in the order, or
- in conjunction with the general elections under the Local Authorities Election Act.

Then we go to 5(1):

- authorizing the Lieutenant Governor to issue a writ of election in the prescribed form addressed to the Chief Electoral Officer and prescribing the date of the writ;
- setting out the number of persons to be elected;
- appointing nomination day;
- appointing the day on which voting is to take place if voting is necessary.

Well, we also see that we have another section.

- Where an election under this Act is to be held in conjunction with a general election under the Local Authorities Election Act, the order under subsection (1)
 - shall be made not later than the 2nd Monday in September,
 - shall appoint the 4th Monday in September as nomination day, and
 - shall appoint the 3rd Monday in October as election day, if voting is necessary.

Now, that's the old section.

The new section is section 5 as amended, and this is how it reads now:

- in subsection (1) by striking out "If there are one or more vacancies in the Senate of Canada relating to Alberta, an election" and substituting "An election under this Act";
- by repealing subsection (4) and substituting the following:
 - Where an election under this Act is to be held in conjunction with a general election under the Local Authorities Election Act, the order under subsection (1)
 - shall be made not later than 14 days before nomination day,
 - shall appoint nomination day as the day determined in accordance with section 25 of the Local Authorities Election Act, and
 - shall appoint election day as the day set out in section 10(1)(a) of the Local Authorities Election Act, if voting is necessary.

So what in essence we have here is that there doesn't have to be a vacancy for an election to be called.

The other thing that really confuses me is that if this government likes to work in conjunction with or get the support of, say, the federal government for reform or city councils – it would be really, really good for them to work with, say, municipalities. We know that on March 17, 1998, Edmonton city council unanimously passed a motion opposing Senate elections at the same time as municipal elections. Now, it's not too hard for me to figure out why they don't want to do that. That really indicates to me that this government doesn't care about other levels of government, that they're only interested in pushing forward their own agenda.

The other thing that concerns me is that we're going to have this on the ballot or have the Senate election at the same time that

we have a school board election, at the same time we have the municipal election, so that we now have voters confused and we now have too many names on ballots. The other aspect of that is that we're getting to look like an American initiative voting system. That, quite frankly, is not democratic either.

So I'm quite concerned about the approach that the government has taken, given that city council doesn't want to share their election day with Senate elections. I think that if you want to work co-operatively, we have to look at other alternatives. The thing that I think would be really helpful for other alternatives – and if there's one time in this House that I believe that a summit would be helpful, it would be now. If we had some public debate and public consultation, if we could maybe use the deliberative democracy process, if we could use that forum and that tool to have public debate, we would have well-informed voters. We would have voters who are aware of all the issues on all sides, and then we would have good debate and good feedback. We would have feedback that we could really count on. So I think the government should look at that.

11:20

What I'd like to move on to now is point 5 on page 2. That says that section 29 is amended by adding the following after subsection (2):

- (2.1) The Lieutenant Governor in Council may make regulations
- (a) fixing the term of a Senate nominee;
 - (b) respecting the duties and functions of a Senate nominee;
 - (c) respecting the remuneration and expenses to be paid to a Senate nominee;
 - (d) respecting the performance and accountability of a Senate nominee.

The next thing I want to say about that is that, again, we have government by regulation. Let's get cracking here and look at the Standing Committee on Law and Regulations, that I happen to be a member of. Apparently 1985 was the last time that this particular committee met, so I think that it's time to reform that committee and have that committee meet so that we can discuss some of these really important regulations.

“Fixing the term of a Senate nominee.” Why should that not be debated in this House? In this Legislative Assembly why should there not be public input on that particular issue?

“Respecting the duties and functions of a Senate nominee.” Why should we not have this Legislature responsible for agreeing to those duties and functions?

Of course, we talk about pay, and we are talking about pay, because I don't think that these Senators should be paid. I think they should be good volunteers like all the many volunteers out there in this province that this government runs by. So why shouldn't they be volunteers as well, just like everybody on every other board? That would be great, outstanding. Shirley, it could go to your department. It could. Madam Chairman, it could go to the Community Development minister's responsibility. She would be good at that.

The last point in that is “respecting the performance and accountability of a Senate nominee.” My concern there is that, again, we lack all-party consultation on that. We lack public consultation on that. If the Minister of Intergovernmental and Aboriginal Affairs is concerned, the Minister of Justice had come up with some really great performance mechanisms in his department, and I bet he could be very helpful in setting out performance and accountability of a Senate nominee. I know I asked him last year to be accountable and show us some foresight

with performance measurements, and he's done that. He's done not a bad job. You know, in that one particular area the Minister of Justice has done not a bad job. I won't go any further than that but certainly in that area. So we know that he's able to do that. He could help out. That would be great, and maybe he would want to take responsibility for that.

Now, I know my time is running short, and I've got page 3 and page 4 to go to speak specifically to the clauses and specifically to the sections of this bill. I think I'll have to get up again, because this is Committee of the Whole and I am able to do that. So I would like the chair to know that I have to stand up again and that I have to read this clause by clause and section by section.

I don't know. How much time do you think I have? A couple of minutes? Could I get started?

THE DEPUTY CHAIRMAN: Keep going.

MS OLSEN: Okay.

All right. We're going to go to page 3, and we're going to go to item 6. This is where section 31(2) is amended. Now, we're going to talk about what the previous section 31.2 presently reads. You'll have to listen carefully to this. It says:

- (2) For the purposes of this Part, sections 36, 37, 51, 52, 53 to 61, 78, 79, 97, 108(5)(a), 122 to 128, 136(5) and (6), 137, 137.1, 147 and 149.1 of the Election Act do not apply.

We have some amendments over here: “Section 31(2) is amended by striking out “122 to 128” and substituting “123 to 128.” So we're really just moving one number here.

We have another section, section 39, and section 39 is amended. It presently reads:

- 39(1) Except as provided in this Part, sections 4, 12 to 20, 35(2), 35(3), Parts 2 and 3 and sections 152 to 159 of the Local Authorities Election Act apply to an election under this Act held in conjunction with the general elections under the Local Authorities Election Act as if it were a general election under the Local Authorities Election Act.

Now, subsection 39(2):

- For the purposes of this Part, sections 41 to 44, 47(2) and (3), 49, 50, 62, 63, 70, 71, 73, 88(2) and 95 to 99 of the Local Authorities Election Act do not apply.

And notwithstanding – don't forget that word:

- Notwithstanding section 1(3) of this Act, words and phrases used in this Part have the meanings given to them in the Local Authorities Election Act.

Again section 39 is amended

- (a) in subsection (1) by striking out “sections 152” and substituting “sections 153”;
- (b) in subsection (2) by striking out “47(2) and (3).”

Now, really what this does is this aligns this legislation with all other provincial statutes in relation to the elections.

I'm hoping that by the time I've done this, all of those members across the way that haven't read this bill will really have a good understanding of what's going on now. [interjection] So I'm going to continue on. Yes, the hon. minister of intergovernmental affairs advises me that they've all read it, but 25 and 26 bring some haunting memories back, so I'm wondering if that's the same kind of review that this particular bill has received.

Madam Chairman, how many more minutes do I have? I have two minutes. Well, I really don't want to get cut off in mid-sentence here. I would really hope that I am going to come back and speak to this, and I am going to conclude now and let you know I am coming back to speak to this clause by clause and

section by section. Hopefully, we'll be able to flush out the real meaning of this piece of legislation.

With that, I'll take my place, and my colleague will continue.

MR. MITCHELL: You know, Madam Chairman, I have waited all evening to get a chance to speak to this bill, but there's such an intensity in this caucus about this bill that I've had to wait in line, and I'm the critic in this area. I didn't realize it was so tough being a critic. I'd forgotten, you know. Being the leader, you could sort of speak when you wanted, and now you've got to wait. You've got to get back in line. You know what? It doesn't matter, because I've listened to some pretty powerful speeches here.

11:30

MRS. SOETAERT: Especially those top 10 ones.

MR. MITCHELL: Yeah.

AN HON. MEMBER: You've forgotten what a powerful speech is.

MR. MITCHELL: Well, I haven't heard anything from that side of the House, I'll tell you. If I depended upon them to give us an example of a powerful speech, it would be an awfully long wait. I'd just like to see the minister get up and defend this bill in some kind of adequate way.

AN HON. MEMBER: He did. You missed it.

MR. MITCHELL: Well, I listened to it, but what kept flashing through my mind was the fact that this was the same minister who said that the notwithstanding clause, which is every bit as constitutional as this bill, was a technical legal matter.

MRS. SOETAERT: Oh, no. I can't believe that.

MR. MITCHELL: Yeah. I wish there were one lawyer over there in whom I could have some confidence in having an understanding of the scope of the law and the importance of the law and its relationship to the rights, the freedoms, the democratic values of the people in this province and this country. I don't see that.

So I have a number of things to say, and I'm going to start at the top. This is the Senatorial Selection Amendment Act, 1998, and it will be assented to eventually, although we're going to do everything we can to prevent that, by "Her Majesty, by and with the advice and consent of the Legislative Assembly of Alberta." That's what's in question here, because we're not going to give it consent. Why? Because it ranks amongst the worst, the most ill-conceived bills that I have ever seen in the 11 years, 11 months, and one week I have spent in this Legislative Assembly. I'm three weeks away from 12 years, and I'm still waiting for one that makes sense. But I'll tell you that this is right down there as the worst possible bill with the property rights amendment. Is that the proper . . .

MRS. SOETAERT: Yeah. That one's bad too.

MR. MITCHELL: Yeah. We're having a really intense debate in our caucus – and I will admit that there isn't agreement about this – as to which is in fact the worst. I know that the Member for

Calgary-*Buffalo* was talking about cleavage over there and differences, but in our caucus we're just trying to decide which was the worst. This one's right up there.

I am concerned at the lack of scope, the lack of breadth of specifics – of words, if you will, Madam Chairman, because I know that's what's on your mind – of section 3. Section 3(2) says that "a person remains as a Senate nominee until," and then it lists three specific instances under which they would no longer remain a nominee. That would be when

- (a) the person is appointed to the Senate of Canada,
- (b) the person resigns as a Senate nominee by submitting a resignation in writing to the Minister of Intergovernmental and Aboriginal Affairs, or
- (c) the person's term as a Senate nominee expires.

What is remarkable about this particular clause isn't what's in it but what is not in it. This clause should have quite an exhaustive list of reasons why a Senate nominee as defined by this bill would no longer be a Senate nominee. For example, it would be important that this person would be prepared to take an oath or a declaration or an acknowledgment of allegiance, of obedience, of adherence to our Constitution and to our country. But if they don't, if instead they were to take an oath or declare or acknowledge allegiance, obedience, or adherence to a foreign power, then they would no longer be eligible for . . .

MR. HANCOCK: Bring in an amendment.

MR. MITCHELL: We're going to bring in an amendment. And now I'm glad I raised this matter, because the minister is asking me to bring in an amendment. So I will, eventually.

It's also important to note that this person should probably no longer be a nominee if they're adjudged to be bankrupt or to be insolvent or if they apply for the benefit of any law relating to insolvent debtors or become a public defaulter. That would be a pretty important reason to no longer be a nominee.

If they were convicted of a criminal act . . .

THE DEPUTY CHAIRMAN: Hon. member, you're not talking about an amendment that you haven't brought forward yet, are you?

MR. MITCHELL: No. I'm speaking to notes.

THE DEPUTY CHAIRMAN: Okay.

MR. MITCHELL: I know that doesn't happen all that often, but I'm trying to be focused, clause by clause, word by word. Being as I'm a critic, I've had time to think about these things and write a few things down.

We wouldn't want a criminal to be a nominee, and once they were a nominee and then they were convicted of being a criminal, we wouldn't want them, I would think, to be a nominee for the Senate. It doesn't say that in this list of reasons why a Senate nominee would no longer be a Senate nominee. There are some real hard-nosed members across there. They don't want to have criminals be voters, but by virtue of this bill, they'd have criminals be Senators. They could vote on anything they wanted to vote on, I guess, once they eventually, if they ever did, get into the Senate. [interjection] You know, the minister allowed my colleagues to speak. Why is he picking on me? Jeez.

If he or she ceases to be qualified in respect of property or of residence. Now that may be an unfortunate requirement for a Senator nominee.

AN HON. MEMBER: There's no sexual orientation clause to this.

MR. MITCHELL: Well, that's true too, and I'll mention that. But the fact is that that's the Constitution. My colleagues here are pointing out that there's no sexual orientation clause. I know that's going to cause problems in the future. I know a number of members already are starting to perk up on that one. You know, regardless . . .

THE DEPUTY CHAIRMAN: Hon. member, can we stay focused here?

MR. MITCHELL: Well, I'm just raising matters that are neglected in this bill.

So I think that particular clause 3(2) is deficient in the ways that I have listed very specifically in accordance with the direction of the chair.

Moving on, I would like to talk about section 4(a) amending section 5 as it presently reads:

- (a) in subsection (1) by striking out "If there are one or more vacancies in the Senate of Canada relating to Alberta, an election" and substituting "An election under this Act."

Well, this really renders the bill quite hypothetical, because if "If there are one or more vacancies in the Senate" is being crossed out, presumably the section would read: even if there is no vacancy in the Senate, this election will proceed. There is precedent in this Legislature on the question of the hypothetical. It's very hypothetical to have an election for which there is no particular reason. If the election is a communications tactic, a political posturing tactic, then it certainly doesn't qualify for what we would normally consider in a democracy the reason for an election.

On the other hand, we could talk about elections to the regional health authority. If this is a well-intended act – that is to say, it wants to promote democracy – then surely it could be broadened to consider the question of the Regional Health Authorities Act, and we could press the federal government to . . .

MR. SAPERS: There's real vacancies there.

MR. MITCHELL: There's real vacancies there. In fact, it's not as though those positions are insignificant; they're significant. You don't have to spend a lot of money. These Senator nominees will only spend expense money for which they're really doing nothing.

So I'm concerned about the hypothetical nature of this piece of legislation, which I think begins to erode any evidence that it might come from the right place; that is, a place designed to promote democracy.

Section 4(b) amends section 5 of the original act by repealing subsection (4) and substituting the following:

- (4) Where an election under this Act is to be held in conjunction with a general election under the Local Authorities Election Act, the order under subsection (1)
 - (a) shall be made not later than 14 days before nomination day,
 - (b) shall appoint nomination day as the day determined in accordance with section 25 of the Local Authorities Election Act, and
 - (c) shall appoint election day as the day set out in section 10(1)(a) of the Local Authorities Election Act, if voting is necessary.

11:40

What is remarkable about this section, Madam Chairman, is that it does address in some detail certain features of how an election would be structured. It is remarkable, however, once again by how limited it is in its scope in addressing these particular matters, because in specifying these particular three procedural, technical matters as to how an election might be constructed, it is glaring in its lack of mention of other technical matters that would of course be important to consider in this legislation if it were properly thought out and if it had made some kind of legitimate effort to consider all the eventualities and all the implications. For example, there is no reference here whatsoever to election expenditures. Now, how could they overlook that?

MR. HANCOCK: Read your information. It's in there.

MR. MITCHELL: Well, we would like to see it specified in this act so that the Justice minister among others doesn't forget it.

MR. HANCOCK: This amends the main act.

MR. SAPERS: Okay. We give on that.

MR. MITCHELL: Do I have to give on that point?

MRS. SOETAERT: We have to give on that point.

MR. MITCHELL: Okay. Thank you. It's a good thing I raised that, you know. This is co-operative Legislature effort.

MR. HANCOCK: That was Nick Taylor's amendment in 1989.

MR. MITCHELL: You know, I'm reminded by that. For any of these members that would suggest that we're not in favour of senatorial elections, we absolutely are. In fact, it was Nick Taylor, the previous leader, who actually proposed the motion to elect a Senator, who eventually became Senator Stan Waters.

MR. HANCOCK: He'll probably want to resign if this election is called, and run.

MR. MITCHELL: No, I'm not interested.

MR. HANCOCK: No, I mean him.

MR. MITCHELL: Oh, Nick. Yeah, I'd like to talk about this Senator. He is proof positive how effective a Senator can be.

THE DEPUTY CHAIRMAN: Hon. member, I certainly will allow the minister in right after you're finished your debate.

MR. MITCHELL: Yes. He should really stop provoking me. I'm finding he's distracting me. Madam Chairman, he's actually distracting me from my notes.

THE DEPUTY CHAIRMAN: If you don't provoke him, he won't provoke you, and we can focus.

MR. MITCHELL: So I just talk to you?

THE DEPUTY CHAIRMAN: Please.

MR. MITCHELL: Sometimes I provoke you though.

THE DEPUTY CHAIRMAN: Never.

MR. MITCHELL: I'm going to make an effort not to do that.

Nick Taylor comes to mind in the context of this discussion, in fact in the context of section 4(b). Nick Taylor is proof positive of just how effective a Senator can be. You know, I already felt that he almost didn't miss a beat when he left the Legislature and went to become a Senator. He still fights extremely hard for western interests, for Albertans' interests. He isn't sitting there doing nothing and being paid for it as could be provided for under this piece of legislation. He doesn't make a mockery of what the Senate is and what it can be as this bill does, as ill conceived as it is. It is a very, very poorly conceived bill. It's a stunt. It's a stunt.

In section 5 section 29 is amended by adding the following after subsection (2):

- (2.1) The Lieutenant Governor in Council may make regulations
- (a) fixing the term of a Senate nominee;
 - (b) respecting the duties and functions of a Senate nominee;
 - (c) respecting the remuneration and expenses to be paid to a Senate nominee;
 - (d) respecting the performance and accountability of a Senate nominee.

Now, I think we need to be more specific, because we have seen so many times this government hold itself up for performance evaluation and then it doesn't happen. That's the point. In fact, a very basic step would be a business plan for the whole program of Senate nominees, but it is very hard to justify. Imagine if you were a regional health authority, direct or appointed as you were, watching a Senate nominee who does nothing get paid for it while you're getting paid nothing for spending 25 percent of the entire provincial budget.

MRS. SOETAERT: Except mileage.

MR. MITCHELL: Do they get mileage?

MRS. SOETAERT: I think so.

MR. MITCHELL: I would think, Madam Chairman, that this is really an affront to the many good volunteers who have made an effort to work on those regional health authorities. They would be looking at these Senate nominees, who will do absolutely nothing and be paid for it.

If I were a teacher in this province who had had their pay rolled back and barely acknowledged in this last agreement and I looked at somebody doing nothing and getting paid for it, I would find that quite offensive. I would find it very offensive. If I were an LPN, for example, who had a rollback, if I were somebody earning minimum wage and this person who does nothing is getting paid more than minimum wage, I would be offended by that. I think apart from everything else, this bill raises some pretty serious questions of fairness. [interjection] Yes. How could the Senate nominees be expected to do this job of supervision in Ottawa if they weren't being paid? Why isn't it specified what they will be paid? How could people be expected to run for this without knowing what the remuneration would be?

MRS. SOETAERT: Maybe they would run all the way to Ottawa. They're marathoners.

MR. MITCHELL: They might just want to be in Ottawa, or maybe it would just be rich people who would be able to do this. That's another question.

With respect to performance and accountability, why is it that we couldn't specify what that might be? For example, a report to the Legislative Assembly perhaps once a year or a report to the minister of intergovernmental affairs, maybe in the fall session or in a spring session. But I guess they would really only have the one chance to do it.

MRS. SOETAERT: Yeah. Probably in Alberta. All the others, twice, but in Alberta once.

MR. MITCHELL: Yeah.

That would make it very difficult to report adequately, because of course the spring session is really the beginning of the year for them too.

Fixing the term of a Senate nominee. Why don't we specify that in this bill? That clearly is important. What is the length of time for a Senate nominee to remain relevant in the context of issues in this province? The Premier and the Treasurer for sure are always talking about change. One thing's for sure. We've heard it before: normal doesn't live here anymore. That would imply change. So how long, how much change, what volume of change would render a Senate nominee's nomination, as it were, obsolete?

For example, if serious issues changed from oil and gas pricing, perhaps, to questions of western Canadian agricultural policy, maybe those questions become relevant four years after these people have been nominated or elected. So are they the people that Albertans would have elected at that time? If the nomination period is six years, which is awfully American, which makes me suspicious, then they could go five years and 364 days and be nominated. Then when would they stop? Would it be when they turn 75? Well, how relevant would they be if we're concerned about accountability and responsiveness to an electorate? If they were 35 on the sixth year and they're nominated until they're 75, that would be 46 years without being held accountable through a re-election effort by the people of Alberta.

Has the minister given any consideration to requiring these people to step down once they've been appointed, not once they've been nominated, within a certain period of time so they would be required to resign? But then, of course, what if they don't? What if you have one Senator who refuses to resign and maybe is even in, heaven forbid, Mexico. Does it say that they have to live in Canada? Maybe we should specify that. Do they have to actually have a residence here, or could the nominees themselves before they're even in the Senate just go to Mexico or go to Cuba and be paid for that? Who's going to be their manager? Who's going to be their boss? If they don't have to run for re-election, then they have no sense of accountability or pressure to do what's right. What government in its right mind . . . [Mr. Mitchell's speaking time expired] I can't stop. Can I just sit down and start again?

THE DEPUTY CHAIRMAN: No, you can't, hon. member.
Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Madam Chairman. It's a pleasure to rise this evening and speak on Bill 40. I've listened with a great deal of interest to this debate in Committee of the Whole this evening. Back in February, I understand, or when-

ever, the poll came out from Environics regarding senatorial elections. This bill has proven to me beyond doubt that we are now governing by poll. I can go through this section by section.

11:50

Governing by poll: 91 percent of Albertans favour electing Senators. So what do we do? We come up with this.

MRS. SOETAERT: Yes. Shoddy work.

MR. MacDONALD: This is a very, very shoddy piece of legislation. I can't understand why it was drafted. I'm reading here section by section. We've got the standard regulations. We're going to govern by regulations. It fits the bill with everything else.

I know that Albertans and this party, the Alberta Liberal Party – we can go back to 1987, and we were advocating Senate reform. I look at this, and I would have to say, Madam Chairman: what would Bert Brown think of this? I really think it was a very proud moment in Alberta history whenever Mr. Brown caught the eye of the national newspapers and the national reporters as they were flying into the Calgary airport with his triple E chiselled into his wheat field. You could see that for miles and miles and miles. That was the start of Senate reform in this province and the whole idea that has come forward. But I don't know what Mr. Brown would have to say about this. It's a shame that this wasn't brought forward in some formal way that perhaps he could have his say in this. Maybe he has, through another political party, but I would like to see what he has to say about these popularity contests or "let's draft a senator." Let's elect a senator and see what goes on. But there are more important issues before this province than this bill.

The Senators-in-waiting. I don't know, Madam Chairman, whether we should call this section by section Senators-in-waiting or not, but instead of worrying about this, I think we should worry about the 130,000 working poor in Calgary that are trying to get by. We should talk about perhaps increasing their wage levels or their disposable income, not the disposable income of some mythical elected Senator. We may even have two of them, you know. This is utterly ridiculous. To think that we have hospital waiting lists that are increasing. Maybe one of these two new senators could go to the Royal Alex and see how long the waiting there is in emergency; the other one could go to the University hospital. Then they could get together, perhaps here, and compare waiting lists.

AN HON. MEMBER: Then they could go to the Foothills.

MR. MacDONALD: Of course they could visit Calgary.

THE DEPUTY CHAIRMAN: Word by word, clause by clause, section by section, Committee of the Whole.

MR. MacDONALD: Yes. Now, we're expecting . . . [interjection] Well, they couldn't take their horses to Ottawa, because they wouldn't get paid for them. They can get paid for a car. I'm sure they'd want to get a car in the deal. It's hard to say, but all this is going to be made by regulations.

THE DEPUTY CHAIRMAN: Hon. member, focus please.

MR. MacDONALD: I am.

In section 29 "the Lieutenant Governor in Council may make

regulations." We're going to fix the term of this Senate nominee. Now, these nominees, from what I can understand from going back to the Senatorial Selection Act, have to go around and collect 1,500 names of willing Albertans before they can run for this office, before they can win their election. When they make these regulations, we're going to talk about fixing the term of the Senate nominee. So this may be for two months; this may be two years; this may be for four years. We don't know. Perhaps they will say something like: I believe in free speech as long as you say the right thing. Is their nomination then going to be pulled? We don't know this. At least, I do not see it in section 29.

Now, maybe we're going to have a regulation about that. We're going to be governed by the mythical fax machine again, Madam Chairman. In Alberta, as I said before, we're going to have to have special rolls of fax paper just for constituency offices because so much of the governing that's done in this province is done by Friday afternoon fax, by fax machine. Regulation after regulation after regulation. In the absence of accountability and openness in this Assembly, we have more regulations. We're going to have more regulations about hospitals, about education, and about elected Senators. We're going to fix the term, but maybe we'll change a little later. We don't know how we will do this, but we're just going to go ahead and do it.

Another regulation that can be made is "respecting the duties and functions of a Senate nominee." Madam Chairman, as I said before, are we going to have one nominee in Calgary and one in Edmonton? As the hon. colleague from Calgary-*Buffalo* said, maybe one of the duties and functions of that person can be to go around and check the waiting lists in the emergency wards at the local hospitals. Maybe this would be a good thing, because if he or she was lucky enough to get to Ottawa, then they could make a good contribution to the debate on public health care in this entire country. They could represent the view of Albertans, take it to the Senate in Ottawa, and maybe say something that is very, very worthy of the people of this province.

In the duties and functions of this Senate nominee they could also talk about the growing housing shortage. This is not an issue that seems to be of any concern to this government. Affordable, quality housing for the working poor of this province: if the Lieutenant Governor in Council was going to make regulations respecting the duties and functions of the Senate nominees, that's a good place for them to start. They could also talk about having the lowest per capita funding of health care in Canada. There's an ever increasing length in the list of issues relating to us in this province becoming a province of haves and have-nots. There's the fortunate few, and then there's everyone else. As this gap widens, one of the trends we're beginning to see is the growth in the number of walled communities. This is an unacceptable social measure. These senators, these elected senators . . .

THE DEPUTY CHAIRMAN: Hon. member, I'm going to have to interrupt you. Pursuant to Standing Order 60 it is necessary that the committee now rise and report progress, after which the table can call Committee of the Whole again.

Everyone, we are rising and reporting progress. You will have to put your suit jackets on.

MR. MITCHELL: We need a motion to do that.

THE DEPUTY CHAIRMAN: No, it's within Standing Order 60. We must do it.

[Mrs. Laing in the chair]

12:00

THE ACTING SPEAKER: The Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Madam Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports progress on the following: Bill 40.

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

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? So ordered.

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

[Mrs. Laing in the chair]

Bill 40
Senatorial Selection Amendment Act, 1998
(continued)

THE ACTING CHAIRMAN: Order please. The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Madam Chairman, and good morning. I would like to continue my remarks regarding section 29 of Bill 40 regarding setting up regulations that are going to control or govern the duties and functions of the Senate nominee once this individual collects the 1,500 names on a petition and is successfully elected. We discussed earlier some of the regulations that possibly could govern the duties and functions of this person. While they're waiting, before they're selected by the Prime Minister of the day to take up a seat in the Senate, what exactly is the Lieutenant Governor in Council in this regulation going to permit these people to do? Well, we talked about being an advocate for publicly funded health care. We talked about some sort of traveling across this province, talking about education, perhaps talking about agriculture-related industries.

AN HON. MEMBER: What about infrastructure?

MR. MacDONALD: They could certainly go around and talk about infrastructure. That is a very good idea. We all know that the highways of this province and the municipal streets certainly need some attention. Now, I'm not saying that these Senators-in-waiting could be on a road crew. I'm not saying that, Madam Chairman. But they could certainly go around the province and get a good handle on the transportation problems. They could go everywhere. They could look at the twinning of the highway from Grande Prairie to Edmonton and then on to Coumts. The north/south trade corridor: they could take this. Whenever the Prime Minister puts them in Ottawa . . .

THE ACTING CHAIRMAN: Hon. member, I can't find the clause that you're referring to.

MR. MacDONALD: Section 29, "respecting the duties and functions of a Senate nominee." "The Lieutenant Governor in Council may make regulations". What regulations is the Lieutenant Governor in Council going to make? What are these people going to do?

THE ACTING CHAIRMAN: Well, we are sort of stretching it a little bit. Could you try and focus it a little closer please?

MR. MacDONALD: Okay. Very well.

THE ACTING CHAIRMAN: Thank you.

MR. MacDONALD: Madam Chairman, if we're going to have a concise definition of the duties of these individuals, it should be in the bill. It should not be made by regulation. This is where I believe this government has a major flaw: so much of its direction comes from regulation. This Bill 40, this section 29 is another example of that. We can go on and on and on here for every piece of legislation. This is Bill 40. We've got regulations for them all. We just can't be definitive in our drafting of the legislation. We've got to leave the loophole. We've got to leave a regulation.

Now, subsection (c), Madam Chairman, "respecting the remuneration and expenses to be paid to a Senate nominee." Well, that is another issue. Not only are we going to have a job description that is governed by regulation; we're going to have a compensation package that is governed by regulation. I don't know where this is going to stop. The public has a suspicion about the Senate, and it's a suspicion that in a lot of ways is unwarranted. This is a very, very esteemed body. Everyone affectionately states that it is the chamber of sober second thought regarding federal legislation, and it certainly has its purpose. But Senate reform is not something that we shouldn't talk about; we certainly should talk about Senate reform. It is a good idea, but this bill with these particular regulations that the Lieutenant Governor in Council can make is not a sound bill. As I said before, it is another example of this fixation with regulation.

Now, the money that we're going to pay this person while they're in waiting is going to be from every taxpayer's pocket in this province. We don't know what sort of expenses. Earlier I talked about these Senate nominees, Madam Chairman, going around and collecting information that's for the public good, and I wonder if they can collect expenses while they're in the conduct of their duties. Are the taxpayers going to pay for this? The Lieutenant Governor in Council is going to make a regulation, the Friday afternoon fax. Here we go again. These two people are going to be going about doing their business. The public is going to become aware of this at some time, and they're going to have more suspicions, more grave suspicions of the Senate, Madam Chairman.

In section (d) we're going to make regulations "respecting the performance and accountability of a Senate nominee." There are going to be duties and functions; there's no doubt about that. Who is going to be holding them accountable? Is there going to be a key performance measure for this elected Senator?

MRS. SOETAERT: Oh, a new section in the budget.

MR. MacDONALD: A new section in the budget: a key performance measure for the two new Senators-in-waiting. I can imagine where it's going to start. "Did you travel this far? Did you have an expense account that had this much money?" It could go on and on and on. As I go through this more and more, this is sad. This is not very, very, very sound legislation.

We're going to have a key performance measure, and then we're going to have the accountability. This is another entire section. These Senate nominees are going to have accountability.

This government has no accountability except for Her Majesty's Loyal Opposition, and we're doing a very good job. The accountability for the Senate nominees: we have no idea what kind of regulation this will be, whether they even should be accountable. Is this regulation that the Lieutenant Governor in Council is going to make going to continue after they go to Ottawa and become in the employ of the Senate, or is it going to stop? We have no idea. This is legislation.

12:10

Then of course we're going to have the election. It can become a popularity contest. We're going to have fixed terms. We're talking here, Madam Chairman, about fixed terms for this, but as the hon. Member for Edmonton-McClung talked about earlier, there's going to be unlimited campaign funds. From what I can gather, I can see nothing in this legislation, nothing in here in section after section. I went through the Senatorial Selection Act, and there's nothing in there regarding that.

Who's to say that one of these nominees for the Senate seat couldn't turn out to be a spokesperson for private, for-profit health care? What would happen then? This would be a popularity contest. There would be billboards everywhere. Suddenly this person is elected, and this is what we would get. I think that if there's going to be any sort of legislation of this nature, campaign funding should be restricted, it should be limited as to what a person can afford. These are very, very important issues that have to be dealt with in this bill.

With those remarks, Madam Chairman, I shall cede the floor to my colleague from Edmonton-Mill Woods.

THE ACTING CHAIRMAN: Sorry.

The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Madam Chairman. I would like to just spend a brief amount of time discussing this bill. I'm really getting quite concerned with the discussion and the debate that's coming from the opposition, because I think they have missed entirely the point of this legislation. We're talking about a whole bunch of what ifs and what will be and presuppositions, and frankly the bill is very straightforward.

If I could just remind all members one more time that we currently have a Senatorial Selection Act in this province of Alberta. That act was in place so that the province of Alberta could conduct an election to submit a name to the Prime Minister for appointment to the Senate. That act has two basic limitations in it that really do not apply at this point in time. Actually, the most critical of the limitations in that act is that it has a sunset clause, and that sunset clause is 1999. So one of the things that we need to do in this Legislature if we're going to reaffirm our commitment to elect Senators in this province and in fact in this country is to extend the sunset clause, which this amendment act does.

The other thing that we need to do. As the federal Prime Minister has proven as of late, he has no intention of allowing a vacancy to remain vacant long enough for the province to use the legislation we have to select a nominee by the electoral route. The Prime Minister has been adamant that as soon as a vacancy has occurred, within days or weeks that vacancy has been filled. Obviously there's no opportunity for the provisions in this act.

MR. WHITE: Where was that said?

MR. RENNER: Hon. member, I've been listening to you all night

long. I never said one word to you all night long, so I'd appreciate it if you'd listen to what I have to say.

The current legislation that we have does not allow for the election of a Senate nominee unless there is a vacancy. If the Prime Minister continues with his current practice of appointing new Senators immediately after a vacancy occurs, then it's impossible for Alberta to use the existing legislation to go through the process of electing a Senator.

This bill is very, very simple. It extends the period . . .

MS CARLSON: Point of order, Madam Chairman.

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

Point of Order Questioning a Member

MS CARLSON: Madam Chairman, under *Beauchesne* 333 I wonder if the member would entertain a question?

MR. RENNER: No. I think I've heard quite enough. I think the member has made her point of view very clear. I'm just trying to make our point of view clear.

Debate Continued

MR. RENNER: Madam Chairman, the bill does two things. It extends the sunset period, and it allows for the province of Alberta to conduct a senatorial election before a vacancy occurs so that the individual can be ready and have a name in place when the Prime Minister is considering appointments for vacancies to the Senate. That's all the bill does. It's so simple that I cannot believe that we've spent the entire day discussing this bill.

Madam Chairman, for that reason I've had just about enough discussion on this bill for today, and I'm going to move that we adjourn debate at this point.

THE ACTING CHAIRMAN: The hon. Member for Medicine Hat has moved adjournment on the bill. All in favour?

SOME HON. MEMBERS: Aye.

THE ACTING CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE ACTING CHAIRMAN: Carried.

Bill 38 Public Health Amendment Act, 1998

[Adjourned debate April 23: Mr. Hancock]

THE ACTING CHAIRMAN: The Member for Calgary-Buffalo.

MR. DICKSON: Thank you very much, Madam Chairman. Some of us I think were feeling a little apprehensive that we wouldn't get a chance tonight to move to a bill which has caused many of us great concern. So I'm glad it's come forward and we have a chance now to be able to focus on many of the issues that were raised in second reading and now to deal with some specificity with the elements of the bill that cause difficulty.

I have a number of amendments, and I just want to flag for the

interest of members that copies of the amendments were provided to the office of the Minister of Health, in fact to the deputy minister, this afternoon so that that deputy minister would have a chance to review each of the amendments and determine if that deputy or Alberta Health had difficulty with them. I invited the Minister of Environmental Protection specifically. What I wanted to indicate, though, was that there's no surprise with the amendments. They've been furnished to Alberta Health. These are amendments that I think remedy many of the concerns that have been identified and described in second reading.

Because the amendments will be coming sequentially, I want to . . .

THE ACTING CHAIRMAN: We can hardly hear the hon. member, so could we please have it quiet. Thank you. [interjection] Would you like to go out to the lounge and debate all you wish?

Okay, Calgary-Buffalo. Sorry.

MR. DICKSON: Thanks, Madam Chairman. I can speak a little louder too.

What I'm proposing to do, Madam Chairman, is to quickly survey the amendments so that those members that are paying attention can appreciate how these things fit together.

12:20

The first one that cries out for amendment is section 5 of the bill. The reason this requires amendment is this. I'm surveying all of the amendments now, and then we'll put them in sequentially. It's important, Madam Chairman, that people have a sense in terms of the amendments that are coming forward. If I pass them out, Madam Chairman, my concern would be that people would be too busy reading to listen to the survey of all the amendments, and I want to make sure people have that kind of context.

Section 5 creates a real problem, so one of the things that is going to be required is a new section 5.1. The effect of the new amendment would be to do this. When this bill goes into force, we lose – and the Member for Edmonton-Glenora has spoken to this, I think, with conviction and in a very persuasive style.

MRS. SOETAERT: With passion.

MR. DICKSON: With passion as well, hon. member.

Right now the Provincial Health Council has no legislative mandate. The Provincial Health Council does a report, but it's based simply on a ministerial order. The issue is that right now the Public Health Advisory and Appeal Board is one of the few statutorily mandated agencies that can survey what's going on in the health field. We're going to lose that with the passage of Bill 38. So the proposed amendment would do this. It would say that section 3 shall come into Force January 31, 2003 or the proclamation date . . .

I'll go slowly because this is a bit cumbersome.

. . . of amendments to the Ombudsman Act which expand the jurisdiction of the Ombudsman to investigate and report on matters within the legislated mandate of the Regional Health Authorities, whichever shall first occur.

Now, Madam Chairman, the purpose of the amendment is to say that before we lose the investigative powers of the Public Health Advisory and Appeal Board, there has to be an alternate mechanism in place. That's really what it does. I just want to say: why is that important? I'm referring members specifically to section 3. Here's what happens without an amendment to this. If you

look at the 1995-96 report of the Public Health Advisory and Appeal Board, the thing that's so frightening is that in 1995-96 that board heard 43 appeals. In 21 they found they had no jurisdiction, in 14 the hearing was scheduled, and in seven the appeal was withdrawn. In 1996-97 there were 16 appeals: 10 hearings, three withdrawn, two rescinded, and one request for appeal.

So what's happening in terms of the advisory role? This is the role that's going to be eliminated pursuant to section 3. What it says in the 1995-96 report – and I refer members to page 5 – under advisory activities is:

Under section 3 of the Public Health Act, PHAAB has an advisory role on matters pertaining to public health.

Activities were carried out by the Board in this capacity during the reporting period.

It doesn't say what activities. It gives absolutely no flavour and no detail on that, so it has not been well exercised. Until the jurisdiction of the Ombudsman is expanded, we're simply making no progress. So that's the first amendment that I'm going to be putting forward.

The second amendment is one that relates to the proposed section 22.01. There's a provision there that the chief medical officer can submit reports, but there's no appropriate check and balance. Just while I find my copy of the bill here, this would be in section 8 on page 4 of the bill. We have provision that the chief medical officer has some brand-new powers, and in fact in 22.01 on page 4 the chief medical officer can do a wide range of things. But there's no kind of accountability. So the amendment would require the chief medical officer to submit a report to the minister every year, reporting on what that officer had undertaken in the preceding year. There has to be some provision that if the report refers to personally identifiable information, that information has to be excised, has to be removed to respect privacy. I think that's an important amendment.

A further amendment would be in . . . [interjection] Well, excellent. Thanks, hon. member. Let me tell you what's next. This may be even more exciting to speak to.

If you look at section 12 of the bill – this is on page 6 – section 12 imports a new section immediately before section 31, 30.2, and there's a subsection (1) and a subsection (2). But what we've got is that the medical officer of health is having this hugely expanded jurisdiction without any sort of limits. So once again what we're proposing is that the medical officer must provide a copy of any notice pursuant to the section to the Information and Privacy Commissioner. What we talk about with section 12: there's no limit on there to protect the privacy, the confidentiality of someone's health information that may be used or misused. So that's the reason why an amendment is warranted there.

The other specific provision. I'll refer members to section 18, subsection (a)(1). What we have there is provision for regulations to be made. Madam Chairman, one of the problems with that is that we have regulations according to the bill dealing with who must keep records, what information must be kept in the records, confidentiality provisions. Well, absent the personal Health Information Protection Act, which surfaced briefly last year and is now undergoing review by a group chaired by the Member for Calgary-Glenmore, we're some months away from having that resolved. I don't think it's adequate to simply leave the privacy protection in the hands of the Lieutenant Governor in Council, so my specific suggestion is going to be that we at least require that regulations made pursuant to this section must reflect fair information practices, must meet or exceed the privacy protection afforded records which are subject to part 2 of the FOIP Act.

[Mrs. Gordon in the chair]

The other amendment which I'm going to suggest is necessary appears at section 14. What this section does is take the proposed section 39(1.2) and add after that two additional provisions. Now, this is where

a medical officer of health . . . knows of or has reason to suspect the existence of a communicable disease within the boundaries of the health region.

The new 39(1) allows the medical officer of health to initiate an investigation to determine whether any action is necessary to protect the public health.

Then it goes on to say that he has broad, broad powers including, on page 7, this medical officer of health can take "whatever steps" he or she deems necessary to "break the chain of transmission," to suppress disease, et cetera. "By order," consider some of the things that this person can do:

- (A) prohibit a person from attending a school,
- (B) prohibit a person from engaging in the person's occupation, or
- (C) prohibit a person from having contact with other persons . . .

for any period and subject to any conditions that the medical officer of health considers appropriate.

This is hugely broad.

12:30

Now, I don't think it's appropriate to say that there would never be reasons to use such a broad power, but where's the accountability? So I'm going to propose an amendment that says that an action under this provision would only be in effect for 72 hours, after which time it would lapse unless it's been confirmed by the Court of Queen's Bench after an application by the medical officer of health. So what it allows the medical officer to do in a genuine emergency is to step in and for a period of 72 hours exercise this incredibly broad power. But beyond 72 hours it lapses, unless in the meantime he or she has gone to court, made their case, and persuaded a Court of Queen's Bench Justice that it's appropriate that it be extended for a longer time period. So all we're doing is building in a check that wouldn't otherwise be provided.

The further amendment I want to introduce this evening, if time permits, is an amendment – and this is in respect to section 10. What we have there is "the medical officer of health [must] within the time specified in the notice" provide a copy of the notice to the Information and Privacy Commissioner for advice and consent. What section 10 does is create a brand-new power on the part of a medical officer of health to demand information. There are no checks, no balances, no rules that try to balance either the confidentiality or privacy of health information. So the provision would be that within the time provided, it doesn't stop the medical officer of health from requiring the information, but it would just mean that there would have to be notice to the Information and Privacy Commissioner, who would be able to offer commentary, and then the requirement that the minister must table in the Legislative Assembly at the earliest opportunity copies of the notice issued by the medical officer of health and any written advice from the Privacy Commissioner deleting personally identifiable information. So once again, each of these amendments is, in my respectful view, a constructive proposal to build in some checks and balances to address what's missing.

With that, I'm going to prevail, Madam Chairman. I think members are anxious to participate in perhaps some voting on amendments. If I can recruit one of my colleagues to deliver the amendments to the table.

MS OLSEN: Mr. Dickson, I'll do that for you.

MR. DICKSON: Thanks. Bless you. Thank you very much. Here, you'd better keep a copy of this. All right.

We've got a real team effort going, Madam Chairman. We've got one of the amendments being distributed. I thought what we'd start with first is to get right into the amendment. I hope I'm not cutting off members who were anxious to speak more generally than the detail. I'll assure them if we get this amendment forward, people will be able to offer their commentary, and then we'll see where we stand after that.

The amendment being distributed now is one that ensures that there's no hiatus, no gap, and if you lose the advisory jurisdiction, that won't happen until the Ombudsman has his new mandate. The reason for this is that I have the privilege, with the Member for Calgary-Cross and some others, to sit on the Legislative Offices Committee. The Ombudsman came in front of us when we were dealing with the budget – and I know the Member for St. Albert is also privy to this – and the proposal had been made, and we were advised that there's a proposal under way whereby the Ombudsman would be given an expanded mandate to deal with issues and complaints in the area of health information.

I've asked the Minister of Health about this outside the House, and his indication is that it's in the works, it's in process. I don't know when we're going to see that, but in the meantime, Madam Chairman, I was anxious that we have some bridging mechanism. I also wanted to thank and acknowledge the sharp eye of my colleague from Edmonton-Glenora because he was the one who raised this and brought it to my attention. I salute his alertness in raising it.

So the amendment I'm moving, Madam Chairman, is this. I'm going to ask that it be identified as A1. It's written out. It's my sloppy handwriting. We couldn't find a computer terminal handy this evening. What it provides is that Bill 38 be amended in section 5 by adding the following after proposed section 3. We hope we're not keeping the Provincial Treasurer awake. It's probably past his bedtime, Madam Chairman.

3.1 Section 3 shall come into force January 31, 2003, or the proclamation date of amendments to the Ombudsman Act which expand the jurisdiction of the Ombudsman to investigate and report on matters within the legislated mandate of the regional health authorities, whichever shall first occur.

Madam Chairman, I'll attempt to explain it as best I can. Let me back up if I can and put some context to the amendment. What Bill 38 does is take an existing statute which deals with the Public Health Advisory and Appeal Board. What Bill 38, without this amendment, does is chop down the mandate and cut out the advisory board part so it becomes simply an appeal tribunal.

MRS. SOETAERT: That's not good enough, is it? It needs to be more.

MR. DICKSON: Well, no, there is some merit in doing that, but it creates a lacuna, a gap until the Ombudsman Act is changed.

AN HON. MEMBER: Creates a what?

MR. DICKSON: It's an Italian sports car, low-slung. It's something like a Lamborghini. No, Madam Chairman.

In any event the Public Health Advisory . . . [Mr. Dickson's speaking time expired] Oh, somebody else is going to have to carry on. Thanks very much, Madam Chairman.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-McClung.

MR. MITCHELL: I'm inspired by the preceding speaker, Madam Chairman, because he's really addressed the core of the issue that's captured in the . . .

MRS. SOETAERT: What is it, Grant?

MR. MITCHELL: Well, I'm going to get to that.

. . . that's captured in the weakness of this particular section of the act. This section of the act really could be put in the context of the question of your philosophy of government. It's difficult to disagree with a government that at one level wants less government. I think we all want less of the wrong kind of government. But as I said the other day in debate, this government makes the mistake between understanding the technical, obvious measures of less government: fewer people, less money spent – which in one sense is really a very small and insignificant measure of the size of government because the significant measure of the size of government is the degree to which it intervenes in people's lives in ways that are unnecessary.

What we need to be very certain about, Madam Chairman, is that this bill is not allowed to create a process where there is less reason or less expertise than would reasonably be required or expected to be brought to bear on the activities of the Public Health Advisory and Appeal Board. In fact, it'll just be the public health appeal board. There will be no investigative or advisory capacity captured by this board. Therefore, we need to compensate for that failure. The Ombudsman, when that position is accorded the powers that it's supposed to receive on January 31, 2003, could be significant in counteracting the weaknesses that this bill will create in the Public Health Advisory and Appeal Board. So what we need to see are measures – a measure such as this one proposed by my colleague from Calgary-Buffalo – that will fill the gap that is left by this bill otherwise.

12:40

I'd like to pursue further the extent to which this particular section addresses the broad philosophical issue of the nature of government and its role in society. The fact is that this bill will create very powerful structures, a very powerful chief medical officer who will have very, very few restraints or balances or checks on his or her power. Once again . . .

DR. WEST: So? So?

MR. MITCHELL: Well, I know that the Minister of Energy is inclined to see . . .

DR. WEST: You let the Supreme Court handle it.

MR. MITCHELL: Well, you know, if you want to get into going beyond the philosophy of government and its relationship to society, we could certainly talk about how all judges do nothing but interpret laws, and the Constitution happens to be a law. So it would be a stretch to say that they're policy makers and the very judges that this Minister of Justice appoints aren't. So if the Minister of Energy is inclined to pursue that debate, I'd be very, very happy to do it, because it only underlines once again the reason why we need this particular amendment. This government doesn't understand structure and its relationship to the purview and the level of . . .

AN HON. MEMBER: Where did you get a copy of this?

MR. MITCHELL: It was actually handed out. We'll be happy to give you one. We'll get you a copy.

MRS. McCLELLAN: I got it.

MR. MITCHELL: I wonder, Madam Chairman, have they got copies now?

THE DEPUTY CHAIRMAN: Yes. The copies were handed out.

MR. MITCHELL: It's handwritten. It's sincere. It comes from the heart. It just underlines more and more – it's really a symptom of the same problem. That's what I'm trying to say here. The problem is that the government doesn't understand, it can't understand the subtleties. It uses a sledgehammer where a tack hammer would be useful. The fact is that we're talking about structure and about the relationship of structure to intervention in people's lives and about the philosophy of government and whether we want less government in a significant way, which is less intervention in people's lives, or just less government by having a few fewer people on a public health advisory board.

What is more significant? The ability of a government structure to intervene in an unfettered way in people's lives, which should concern true Conservatives – it doesn't concern Reformers. Well, maybe it does. They want to do away with all structure. But it should concern true Conservatives, who believe that there is a role for government and it is to limit the purview of how government affects people's lives but at the same time to regulate in a way that promotes better quality of life and protects people. That's exactly what this amendment does. This amendment, Madam Chairman . . .

DR. WEST: This is terrible. It's not even good English. What is this, a grade 3 class?

MR. MITCHELL: I'm having an awful time. I'm having an awful time with him. I don't think I have ever, ever experienced a member over my 11 years, 11 months, and one week in this Legislature who is so disruptive as the Minister of Energy. If you wanted to define the word “bully,” you'd spell it W-E-S-T. But I've been distracted.

THE DEPUTY CHAIRMAN: Hon. member, just keep focused.

DR. WEST: Madam Chairman, I have a point of order.

THE DEPUTY CHAIRMAN: Point of order.

Point of Order Inflammatory Language

DR. WEST: Well, under 23(h), (i), and (j), he just used language to infuriate an opposite member that would create disorder in the House. I want him to retract the statement he just made about my personality.

THE DEPUTY CHAIRMAN: Thank you, hon. member.

DR. WEST: That's not parliamentary. I'd like that also checked. Is “bully” parliamentary?

MR. MITCHELL: I will withdraw it, Madam Chairman. Although I feel that he bullied me into doing it, because it sure wasn't the power and force of his argument that would do it. It was uncalled for, and I'm sorry.

THE DEPUTY CHAIRMAN: Possibly we can move on.

MR. MITCHELL: Could I use the word "intimidate"? Would that be more appropriate?

THE DEPUTY CHAIRMAN: Hon. member, we're dealing with amendment A1. It's 12:45. Maybe we can get on with this.

Debate Continued

MR. MITCHELL: I know. It's late. What I'm trying to say and the point I'm trying to make here is that citizens in a democratic society need protection from an overbearing, unfettered government. That's what should be at the base of the concern of conservatives philosophically. They don't want government to intervene in an unnecessary, destructive way in their lives. That's exactly what this amendment will ensure. It will ensure that the Ombudsman has powers independent of this government to protect citizens from unnecessary, inordinate, inappropriate exercise of power by a non-elected body, the public health – they're very limited in what they can do. They don't have unfettered power.

This is what is so frightening. Again they just demonstrate how little they know about the institutions of government in this country. If they were only educated in those kinds of things, they would know that judges interpret laws. They are extremely limited in what they can do. Madam Chairman . . .

THE DEPUTY CHAIRMAN: Hon. member, please stay focused.

MR. MITCHELL: I will. Could you ask them to speak to you too, because they're speaking to me, and it's bothering me.

Chairman's Ruling Decorum

THE DEPUTY CHAIRMAN: I really can't talk about the calibre of relief that's sent into the late shift.

Hon. members on this side. Hon. members, it's now 12:50. Actually the first shift was really well-behaved. Some of the shift hasn't changed, and they're really well behaved. But the latest recruits are a little noisy.

Hon. member, go ahead. You have the floor.

Debate Continued

MR. MITCHELL: I'm going to keep speaking in the hope, Madam Chairman, that that member doesn't get up and rip up this amendment. I saw that happen in this House once. A member stood up and proudly ripped up an amendment.

AN HON. MEMBER: What's wrong with that?

MR. MITCHELL: Oh, he ripped it up now?

AN HON. MEMBER: Yes.

MR. MITCHELL: Well, it's an affront to democracy. That's why we should have the Ombudsman with powers to rule on this Treasurer once in a while. It's terrifying.

So I'm back to the philosophy of government here. The problem with having a public health authority that will no longer get advice, will no longer have investigative powers when there are critical issues at stake here. In the last debate the Minister of Family and Social Services raised the question of Ebola and said: what would happen if there was an Ebola outbreak right now and this person came into the Legislative Assembly and nobody had any powers? I thought to myself, "Well, it's terrifying to think that before this bill is passed – I guess that could happen, if he's saying it will happen without this bill." So there is no protection now.

The point I'm trying to make in that regard is that people need to be protected against that kind of thing. And they need to be protected against something in a philosophical sense with respect to their place in their society and their relationship to government, and that is that they can't have unelected authorities having unfettered power and not having any advice from experts. In fact it's compounded now because one of the international experts in communicable diseases was literally fired by this government, and her contract wasn't renewed.

I think also what underlines this is a philosophy of the Ombudsman, the need to have an Ombudsman who actually has powers that aren't limited in the way that this government has limited those powers. That Ombudsman should be able to undertake to investigate areas that affect people's lives and to do that without having to respond to a complaint. I think by the year 2003 it's going to be quite interesting to note that the Ombudsman will be extremely busy looking into health care problems and places where this government's policy, which amounts to the erosion of the public health system, will really have had an impact.

12:50

One of the critical areas in that of course is the public health issue and the public health authority who, as a result of this bill, will lose, among other things, the ability to be advised by the minister to conduct research and investigations into public health and to hold public hearings on matters related to public health. Who will do those important things if the Public Health Advisory and Appeal Board won't do those things? Who will do them? Are those functions that simply are not called for any longer, have no place or no reason? Were we expending unnecessary energy over all these years by giving the Public Health Advisory and Appeal Board those powers or were we not? I think there was a reason for those powers, and in their absence, which will be brought on by this bill, those powers should at the very least be accorded to the Ombudsman by this amendment. This amendment would ensure that the proclamation of this bill would not occur until the Ombudsman, under the current schedule of the improvement of the Ombudsman's powers, would receive the powers necessary to offset the weaknesses created by this bill with respect to public health.

I am, of course, concerned more generally with the role of the chief medical officer in this. The chief medical officer, of course . . . Don't rip it up. We already had it ripped up once. We need another copy actually to keep it up to standards.

DR. WEST: There's a spelling mistake in here.

MR. MITCHELL: Yeah? Well, which one? Where's the spelling mistake?

THE DEPUTY CHAIRMAN: Maybe, hon. member, for the benefit of those that are having trouble with it, would you wish to read it to them again?

MR. MITCHELL: I would read it; thank you.

Gary Dickson to move that Bill 38 be amended in section 5 by adding the following after proposed section 3:
3.1 . . .

MRS. McCLELLAN: Is that slowing down for emphasis?

MR. MITCHELL: I'm getting tired. That's proposed, p-r-o-p-o-s-e-d.

3.1 Section 3 shall come into force January 31, 2003, or the proclamation date of amendments to the Ombudsman Act which expand the jurisdiction of the Ombudsman . . .

DR. WEST: No, you missed it. There's no "s."

MR. MITCHELL: There is no "s" in expand.

DR. WEST: No, it's "expands."

MR. MITCHELL: In this "expand" there's no "s." You're right.

DR. WEST: "Which expand." That sounds good.

MR. MITCHELL: Well, I would like to read an "s" into this amendment.

MS LEIBOVICI: Will you vote in favour?

MR. MITCHELL: That gives us a chance for a further amendment, actually. We're happy to talk about that. Thanks for pointing that out. We'll talk about it.

. . . expand the jurisdiction of the Ombudsman to investigate and report on matters within the legislated mandate of the Regional Health Authorities, whichever shall first occur.

So what this says, Minister of Community Development, is that either this will come into force on January 31, 2003, or . . .

MRS. McCLELLAN: Well, I like "legislated" better than "dislocated," which is what I thought it said.

MR. MITCHELL: Did you? Well, it's not. There's no "g" in "dislocated."

MRS. McCLELLAN: Well, I didn't think there was a "d" in "legislated."

MR. MITCHELL: It's nice to know we're mutually confused.

MR. DAY: Well, it's quite an admission while you are taking up time here in the Legislature.

MR. MITCHELL: Yeah, we are.

THE DEPUTY CHAIRMAN: The chair is wondering if there is a full moon tonight or exactly what. Can we get back to the debate on . . .

MR. MITCHELL: He is quite touchy, but he did rip up an amendment, and it's not the first time he did that.

MR. DAY: Point of order, Madam Chairman.

THE DEPUTY CHAIRMAN: Yes, hon. Provincial Treasurer.

Point of Order Allegations against Members

MR. DAY: Twenty-three (i) under allegations. I didn't rip up any amendment. Not that that would be some great affront to democracy if I had, but I didn't. The member has just stood in his place and admitted that he's confused, that he doesn't know what he's talking about, but he's taking up legislative time. I think that's quite an admission.

MR. MITCHELL: Madam Chairman, would that be like the Minister of Justice bringing in Bill 26 with the notwithstanding clause and then saying, "I'm sorry; I'm confused," having spent thousands of dollars of legislative money, thousands of dollars of Legislature and other money to bring in a bill which clearly he was confused about? Would that be like the Treasurer on the one hand giving us information about certain loans like Millar Western but not revealing information about other loans? Would that be that he's confused? Would it be that he rips up an amendment and then says he doesn't rip up an amendment? Would that be that he's confused, Madam Chairman? Let's talk about confused.

MR. DAY: Point of order, Madam Chairman.

THE DEPUTY CHAIRMAN: I'm still dealing with the original point of order, Provincial Treasurer.

I do believe that I am not going to make a ruling at all. I think maybe this has something to do with the lateness of the hour. I do believe, hon. member, you have mentioned several times about this amendment and somebody ripping it up. I do believe in your 12 years in the House, I'm sure you've seen amendments ripped up before. I don't think at 1 o'clock on April 28 that . . .

MR. MITCHELL: Twice. This guy here.

MR. DAY: You're lying. Don't lie, Grant. [interjections]

MR. MITCHELL: Madam Chairman, that's got to stop.

THE DEPUTY CHAIRMAN: Order. I would like to call the committee to order. I would like to see some relevance here. Hon. Member for Edmonton-McClung, if you brought forward a . . .

MR. MITCHELL: Madam Chairman, I would like to have "lie" withdrawn. I think that's uncalled for. It's unparliamentary, and he said it. You'd better fix this up.

THE DEPUTY CHAIRMAN: Hon. Provincial Treasurer, it is unparliamentary. Can we please get back to the task at hand. May I remind all hon. members that all of this is in an official transcript of *Hansard*. I would ask you to think about the decorum in this Assembly and the respect for tradition. Please.

Now, would you withdraw it, and let's move on?

MR. DAY: Madam Chairman, I will withdraw the word "lie," but he has perpetrated a falsehood. I have twice corrected him and said I did not rip up an amendment. Not that it would have bothered me to do it, but I did not. He goes on repeating things which aren't true. Does he have no moral conscience at all? Was his time at Principal so searing of his conscience that he can no longer speak the truth? What is his problem?

THE DEPUTY CHAIRMAN: We will acknowledge that there has been an apology made. We will carry on. We will not make any more reference to this piece of paper.

MR. DAY: There was no apology. There was no apology, Madam Chairman. I withdrew the word "lie." I replaced it with "perpetrating a falsehood," and he's not man enough to stand up and say, sorry, I was wrong.

THE DEPUTY CHAIRMAN: All right. It's been duly noted that it has been withdrawn.

Go ahead, Edmonton-McClung.

MR. MITCHELL: Madam Chairman, I'm going to let it pass, but I think . . .

MR. DAY: Is he a man or is he not?

MR. MITCHELL: Now I think you have to deal with this. I really do. I think that's very uncalled for.

THE DEPUTY CHAIRMAN: Hon. members, it is 1 o'clock in the morning. There are a few tempers, and people have been sitting here for several hours. I have acknowledged that that will be deleted. The hon. member said he will not pursue it. Can we not carry on?

We have before us an amendment. Let's deal with the amendment, and let's move on. I'd just as soon there not be any more reference made to tearing up the amendment or whatever. Let's just deal with the amendment. You read it into *Hansard*. Let's proceed.

MR. MITCHELL: I just want to believe that there are 90 copies of this amendment still intact.

Madam Chairperson, this kind of display is exactly why we need this amendment, because we have people who . . .

THE ACTING CHAIRMAN: The chair is going to call a 10-minute recess, and it will be duly noted in *Hansard*. Now, I'm asking us to get back to the seriousness of this Legislature, this Assembly, and this committee. It is 1 o'clock. I'm speaking to the whole committee. It's a 10-minute recess.

[The committee adjourned from 1 a.m. to 1:10 a.m.]

THE DEPUTY CHAIRMAN: Okay. The hon. Member for Edmonton-McClung has the floor. You have three minutes remaining.

MR. MITCHELL: I'm going to enjoy those three minutes.

Debate Continued

MR. MITCHELL: Thank you, Madam Chairman. I appreciate you taking steps to deheat the debate. I am very concerned, and I find it a great irony that a Conservative government that says it believes in less government brings in a piece of legislation like this that actually gives rampant authority, almost autocratic authority to unelected officials. It would be bad enough that they were elected. Being unelected makes for a government that clearly disregards the democratic process. That's why we need this Ombudsman amendment. [interjections] I'm not allowed to laugh? Is that unparliamentary? If it is, I'll stop. You know me. If it is, I'll even apologize to the Treasurer for laughing.

MR. HAVELOCK: I liked it more when you two were yelling at each other.

MR. MITCHELL: That was uncalled for.

The whole point of the Ombudsman is to create a bridge to a more democratic process and to ensure that the citizen who feels wronged by a government has a chance to appeal that issue to an independent authority, an authority that doesn't report simply to the government but reports to the Legislative Assembly as a whole. That is a tremendously powerful mechanism in the parliamentary process which allows for a safety valve. It is the entire process of safety valves that are woven into the parliamentary process that has made it so successful.

At this time in the development of the democratic process in Alberta I believe very strongly that we simply have to strengthen this bill by strengthening the Public Health Advisory and Appeal Board mechanism with a supplementary authority, the Ombudsman, who will not be able to fulfill all of the roles of the current board which are being dismissed by this legislation but will at least be able to after the fact recommend where mistakes were made, where process and structural, where decision-making mistakes were made, in a way that just might lead to better policy in the future.

This has a philosophical implication about the role of government. It has an implication about the intervention of government in people's lives. It has the implication as to how we would . . . [Mr. Mitchell's speaking time expired] Thank you. I feel kind of cut off by that.

THE DEPUTY CHAIRMAN: The hon. Government House Leader.

MR. HAVELOCK: Thank you. It gives me great, great pleasure to adjourn debate on Bill 38.

THE DEPUTY CHAIRMAN: Having heard the motion by the hon. Government House Leader, are you agreed?

SOME HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Carried.

The hon. Government House Leader.

MR. HAVELOCK: Thank you, Madam Chairman. I move that we rise and report progress.

[Motion carried]

[Mr. Shariff in the chair]

MRS. GORDON: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports progress on the following: bills 38 and 40. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

THE ACTING SPEAKER: Does the Assembly concur in the report?

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? So ordered.

head: **Government Bills and Orders**
head: **Third Reading**

Bill 36
Credit Union Amendment Act, 1998

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

MR. RENNER: Thank you, Mr. Speaker. I'm pleased to move third reading of Bill 36, the Credit Union Amendment Act.

Mr. Speaker, this bill received support from all members at both second reading and committee stage. I believe that I adequately answered the questions of the opposition during committee, and I look forward to the support of all members at this third reading stage.

THE ACTING SPEAKER: The hon. Member for Edmonton-Mill Creek.

MR. ZWOZDESKY: Thank you, Mr. Speaker. This is our last look at Bill 36 before it gets passed into law. It is a bill that we have expressed a number of concerns about in a few areas during the second stage of debate, second reading, and also during the stage known as Committee of the Whole. That having been said, we as a caucus are pleased that this bill does have the objective of creating a more level playing field for the credit unions across this province. It puts them on a par with other banking institutions and allows them to have increased business powers and also to offer ancillary services, which we feel are important to the banking community as a whole, not just to credit unions but in this case specifically to credit unions. It does give them that greater flexibility to perform services that will keep them competitive.

There were a few additional concerns that were expressed with respect to areas of powers that were not granted, were not addressed in this bill. I think *Hansard* would bear out the record on what those concerns specifically are.

Mr. Speaker, there are probably a number of issues that could be repeated and re-emphasized, but suffice it to say that they are all in *Hansard*, and at this stage we're pleased to see this legislation move along. It may not be totally perfect, but it seems to be good enough to accomplish most of the objectives that the credit unions themselves want.

So with that, I'm going to close off debate on Bill 36 from our side. Thank you.

[Motion carried; Bill 36 read a third time]

1:20 **Bill 39**
Financial Administration Amendment Act, 1998

MR. DAY: Mr. Speaker, I move Bill 39 for third reading.

THE ACTING SPEAKER: The hon. Member for Edmonton-Mill Creek.

MR. ZWOZDESKY: Thank you. I'm being prompted to go the full 20, and this would be easily enough done.

Once again, Mr. Speaker, the concerns that we had, including

some suggestions for amendments, have been presented, discussed and debated and unfortunately not accepted. But the thrust of the bill, which serves to extend the life span of a number of provincial agencies, is certainly in concurrence with what we find necessary to move the course of government along. That having been said, we are still concerned with the large number of ministerial advisory committees which do exist that are not accounted for in this legislation, that do not appear here under some of the sunset clauses. In other instances, we noted a number of committees or provincial agencies, boards, foundations, what have you, that were unfortunately curtailed that we might otherwise have liked not to have seen curtailed. But the government has seen in its wisdom the necessity to curtail their actions, so we'll have to abide by their decision and hope that history doesn't prove them wrong and woeful for having done so.

That having been said, Mr. Speaker, we are going to conclude debate from our side and would ask anybody who's following *Hansard* at third reading to simply refer to the many comments, the many suggestions and observations that were made during second reading of Bill 39 as well as during the committee stage of Bill 39, where the suggested amendments were presented.

Thank you.

[Motion carried; Bill 39 read a third time]

Bill 41
Agriculture Statutes (Livestock Identification)
Amendment Act, 1998

THE ACTING SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. It gives me pleasure to move on behalf of the minister of agriculture third reading of Bill 41, the Agriculture Statutes (Livestock Identification) Amendment Act, 1998.

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

DR. NICOL: Thank you, Mr. Speaker. I'd just like to congratulate the government on putting together a bill here that's going to help the livestock industry move into the next century in terms of keeping track of animals, making sure that the product quality gets to the consumer the best that it can.

As I look across the floor tonight, Mr. Speaker, I see a bunch of the members wearing name tags over there, and I was wondering if this is the start of the identification. When they're that interested in applying it, I think we should all vote for it and get this bill on the record for them.

Thank you, Mr. Speaker.

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

MRS. SOETAERT: Thank you, Mr. Speaker. You know, I was going to let my hon. colleague from Lethbridge-East close the debate, but since I was the one who started the debate on this side – and of course Edmonton-Gold Bar may want to join in, because we want to hear the end of the salsa commercial. But aside from that, the hon. Member for Wainwright encouraged me to speak this one last time to this agriculture bill.

I've spoken to many people in the industry, and most are welcoming it. Some were a little surprised, hadn't been informed

about it, but I'm sure they will be by the time the regulations are in place. The minister has committed to letting us know about those regulations in time, which I've always figured is the cart before the horse. Nonetheless, we do look forward to those.

With those few words, I am pleased to support Bill 41.

[Motion carried; Bill 41 read a third time]

THE ACTING SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. In light of the progress this evening I move that the House do now stand adjourned until 1:30 p.m. today.

[At 1:26 a.m. on Tuesday the Assembly adjourned to 1:30 p.m.]

