

Legislative Assembly of Alberta

Title: Wednesday, April 29, 1998 **8:00 p.m.**
Date: 98/04/29
 [Mrs. Gordon in the chair]

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

THE DEPUTY CHAIRMAN: I'd like to call the Committee of the Whole to order.

Bill 38 Public Health Amendment Act, 1998

THE DEPUTY CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to this bill? We are on amendment A1.

The hon. Member for Edmonton-Riverview.

MRS. SLOAN: Thank you, Madam Chairman. Just to confirm, we're speaking to the amendment to Bill 38, Public Health Amendment Act. Specifically, the amendment's intent is to ensure that prior to the proclamation of the amendments, the jurisdiction of the Ombudsman be expanded "to investigate and report on matters within the legislated mandate of the Regional Health Authorities, whichever shall first occur."

I think there is a great deal of prudent, reasoned judgment prevailing with respect to this amendment being proposed by the hon. Member for Calgary-Buffalo. Specifically, section 3 is suggesting that the bill as proposed provide the chief medical officer with sweeping powers. It is our opinion that, particularly in the areas of privacy and confidentiality, those powers must be tethered and that at the very minimum there be some type of overarching, broader assessment, broader monitoring maintained during the transitional period. It is our opinion, our position that the Ombudsman currently would be in the best position to be able to provide that.

Now, I have taken some time, Madam Chairman, to review some of the annual reports that were produced by the Public Health Advisory and Appeal Board prior to this bill being introduced, and while the reports, in my opinion, are not as substantive as they could be, I'd like to take the opportunity to just briefly analyze them for the purposes of the record and this debate.

The history and the mandate of the Public Health Advisory and Appeal Board as it is proposed currently is to

- (a) advise the Minister of Health on matters pertaining to the public health;
- (b) to make investigations or inquiries into, to collect information relating to, or to conduct research into, any matter relating to public health and make its report in the manner and at the time specified by the Minister of Health;
- (c) on the request of the Lieutenant-Governor in Council, to hold public hearings for the purpose of receiving submissions on matters pertaining . . . and make its report to the Minister of Health; and
- (d) to hear appeals, pursuant to Section 4 of the Public Health Act.

To carry out this mandate, the Public Health Advisory and Appeal Board comprises eight members with varied professional backgrounds who represent all parts of the province.

In the last several years the reports of this committee, as I indicated, have not been substantive. They have predominantly dealt with the appeal activities and summaries. [interjection] All right.

Madam Chairman, I've been advised to adjourn debate at this time to proceed with debate on Bill 40.

THE DEPUTY CHAIRMAN: Having heard the motion by the hon. Member for Edmonton-Riverview, are you in favour of the motion to adjourn debate? Please say aye.

HON. MEMBERS: Aye.

THE DEPUTY CHAIRMAN: Opposed? Carried.

Bill 40 Senatorial Selection Amendment Act, 1998

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

MR. MITCHELL: Thank you, Madam Chairman. I have a number of amendments, which I had to describe only briefly this afternoon in question period. Had I had a little more time to describe them this afternoon, it might be that I would have been able to take less time this evening. But as it is, I'm going to have to explain these at great length.

I have copies of the first of the four amendments, to be distributed by these young people, and I would like to begin a discussion to kick off the debate on this amendment. This amendment refers to section 5 in the Senatorial Selection Amendment Act. Section 5 amends section 29 of the act itself, and section 5 would add to that act:

- (2.1) The Lieutenant Governor in Council may make regulations . . .
 - (c) respecting the remuneration and expenses to be paid to a Senate nominee.

My amendment would delete that clause (2.1)(c), thereby excluding from the Lieutenant Governor in Council's powers any power to make regulations respecting the remuneration and expenses to be paid to a Senate nominee.

This makes a great deal of sense, Madam Chairman, for many reasons. Much criticism has been levied against Senators, who are appointed officially and actually have a job to do, on the basis that they don't have very much to do or that they do not do very much. This criticism I think would only be intensified and heightened if we actually nominated senatorial nominees, who had absolutely nothing to do until they got appointed to the Senate, at which time they might have very little to do, depending on how intense they are about doing that job.

Now, there are those that do the job very well. Nick Taylor would be one of them. Jean Forest would be another one. Thelma Chalifoux would be another one. The late Earl Hastings was a wonderful Senator. In fact, he earned every penny that he could have been paid, and one of his biggest and most important issues was his opposition to the death penalty in this country.

So you could see where there would be some value in paying a Senator of that quality, that stature, that commitment. But it is difficult to believe that there would be any justification for paying somebody for being nominated to a job but who has nothing to do. I sit across from and beside some of them, in fact. They call themselves a hard-nosed, tough-minded, efficiency-oriented, cut, cut, cut, don't pay anybody more than their market value kind of government filled with the tough-minded, hard-nosed, cut, cut, cut, don't pay anybody more than their market value kind of MLAs and ministers. I am struck by the irony that that very same group - I could begin to count them, you know, Madam Chair-

man. There's not one that I would have to miss, because they all think that way. They're very proud of it: don't pay anybody what they're not worth; cut them 5 percent; do away with their jobs; make them work for less; my gosh, some of those people don't work at all out on those jobs. I guess they never acknowledged that that would be the managers managing, which would be these people.

The fact is that I was almost uncomprehending when I actually saw in this bill, under section 5, that the government was providing the powers to the Lieutenant Governor in Council to make certain that these senatorial nominees would be paid for doing nothing. Now, there are some other implications of that. I imagine that we would get perhaps some good people to run for that position. I would hope so. I'll bet you that they're very well-motivated people, and many of them would have other jobs, other businesses.

8:10

MR. SAPERS: Double-dipping.

MR. MITCHELL: You might actually get an interesting form of double-dipping. You took the words right out of my mouth, but they're good words, and I'm going to use them: double-dipping.

They would go and probably spend the first couple of weeks down in Ottawa.

AN HON. MEMBER: So your new leader is going to continue to double-dip?

MR. MITCHELL: She's not actually. She's not being paid by this place at all. Not at all. No. Absolutely not. Unlike Don Tannas, who does, Nancy won't. So if we want to use examples of that.

MR. HAVELOCK: Madam Chairman, a point of order.

THE DEPUTY CHAIRMAN: The hon. Government House Leader.

SOME HON. MEMBERS: You're not in your chair.

MR. HAVELOCK: I found it so comfortable back there.

**Point of Order
Referring to a Member by Name**

MR. HAVELOCK: I recognize that this is the last throes of the hon. member since he's no longer Leader of the Official Opposition. Nevertheless he knows, as everyone in the House knows, that you do not call members by name specifically. I know that was a slip of his tongue, and I'm sure that he won't do it again.

MR. MITCHELL: I absolutely apologize. I thought I was being spoken to from an empty chair, Madam Chairman, but that often happens from that particular member.

Debate Continued

MR. MITCHELL: Double-dipping. I can imagine they're well-motivated, highly driven, intense people. They're going to want to spend a little time in Ottawa doing nothing to see what it's like, but I'll bet after spending a couple of days sitting in the stands of the Senate listening to the proceedings – I haven't seen anybody ever sit in these stands for two consecutive days. Not that I can

remember. There are very few that would do it. Very few would actually be capable of doing it.

MR. SAPERS: Except on Bill 37.

MR. MITCHELL: On Bill 37 they sat here for a long time.

It takes a certain kind of commitment to be able to sit and watch the Senate when you have no role to play there. I guess those people might get tired of living away from home night after night when they have nothing to do where they're now living. I expect that they might get very tired of going to an office, if they're given one at great expense to the Alberta taxpayer, sitting there waiting for the phone to ring. Would it ring? Well, maybe from family wondering about when they'd be getting home. Would it actually ring? No.

MR. SAPERS: David would have to call.

MR. MITCHELL: David might call them. The minister of intergovernmental affairs might call them. He might actually have a rotation amongst his department officials: could you call these people on rotation once a day so they would actually have a reason for being in the office?

After a few weeks of that, I'll bet that those senatorial nominees are going to be quite happy to attend to their regular job, their day job as it were, and to their businesses. So we would actually be paying these people for doing nothing, which is exactly what they would do in that senatorial nominee position. They would in fact probably come back here and do something which would be their business or their job. It seems that that kind of person, I think, would be very uncomfortable accepting the money even if it were forced upon them.

Nevertheless, it just doesn't make sense. If the government wants to make this political point – I would say cheap political point; it won't be cheap with the kind of money that they want to spend on these people – a cynical political point, then they don't need to pay them. They just have to have them elected. They don't need to pay them to do nothing. I think it debases and is actually quite a cynical message to send to good, decent public servants who work their guts out day after day at reduced pay, with far more to do and far fewer people to help them do it, to see people absolutely being paid for doing nothing. I don't believe that anybody here who is reasonable in their appreciation of that circumstance can possibly in their heart of hearts justify paying that kind of money under those circumstances.

I have spent a good deal of time trying to think what a senatorial nominee would actually do, and it is beyond my comprehension to conclude that there would be any kind of concrete initiatives that they could undertake. I suppose they could report back to us about what went on in the Senate. But as my colleague the Acting Leader of the Official Opposition said several days ago, surely the minister of intergovernmental affairs has people who can do that and have the expertise to analyze and assess the workings of parliament. There are in fact Conservative Senators in parliament who undoubtedly would be happy to report back to that half of this government caucus which actually are federal Conservatives.

So there are many avenues which would be less expensive than paying people doing nothing to report back. I suppose they could be charged somehow with taking the government's message to Ottawa to various venues. But I wonder under what official capacity they would approach a cabinet minister in Ottawa or the

Prime Minister or what access they might have that, say, the minister of intergovernmental affairs doesn't have or that the respective ministers don't have for approaching their counterparts in Ottawa or that the Premier doesn't have for making contact with the Prime Minister.

I don't see that this would be a particularly useful service they could provide, these senatorial nominees. At best, even if they could, it would be very redundant to the work and the initiative that should be and I'm sure is undertaken by members of cabinet, including the Premier. In fact, if they were to be charged with doing that, I think you'd find quite a bit of crosscurrent. Not only that, but surely Senators couldn't be expected to speak for the government of Alberta with any kind of effect. They could speak – that's another thing.

If they wanted to get a message out, could they call a press conference and receive press attention and media attention for what it was that they had to say? I doubt very much that that would work. I can't remember the last time I saw an official Senator actually giving or getting coverage for a press conference or a speech or some kind of communiqué. They themselves, the appointed and official ones, backed by the Constitution, in fact, get very little exposure. To imagine that paying senatorial nominees to provide communications one step even further removed is to believe in a world view that's held by Pollyanna herself.

The question of fiscal responsibility, of course, arises in this context. I come back to my comments concerning the hard-nosed, right-wing, don't pay 'em what you don't have to government that I've observed for a number of years now. I think there must be a sense of embarrassment amongst some of the more reasonable members in contemplating that they would be party to paying senatorial appointees any kind of remuneration for this work.

What would you pay them? Let me think. I don't know what a Senator makes now. What would it be? Perhaps \$75,000. Then you'd have to pay some sort of living allowance, it seems to me; otherwise, it would be difficult for them to really live and work. Let's say that's \$20,000. That's \$95,000. I guess they'd have to have a good deal of travel back and forth because they're going to need boredom breaks. There's no doubt about that. That might be once a week to see their families, support their business while they're bothering to be in Ottawa. I don't know. If you were traveling 52 times a year to Ottawa and back, Madam Chairman, what would that be? A thousand dollars for a return ticket, let's say.

8:20

MRS. McCLELLAN: A little more.

MR. MITCHELL: It's more than that? [interjections] Seventeen hundred dollars for a return ticket. Let's say 50 weeks of the year. That's \$85,000. What am I at now? I'm at \$180,000 just for that. Now we have office space for them in Ottawa. In Ottawa I bet you the space is pretty expensive, Minister of Community Development. Don't you think? So we're looking at maybe \$8,000 a month to run an office, if we're lucky, for both of them. That would be \$96,000, so that's \$48,000 for one of them. So now we're at \$228,000 a year per person for not doing anything.

MR. SAPERS: You could have two general practitioners.

MR. MITCHELL: Yeah. You could actually have two general practitioners in Rocky Mountain House.

MR. SAPERS: Or Oyen.

MR. MITCHELL: Or even Oyen, to work in the hospital.

AN HON. MEMBER: What have you got to here?

MR. MITCHELL: Well, I'm only at \$228,000, member. I'm not finished. We might be able to get a lot more than just – I'm not saying just – two doctors. We could even get a nurse.

Then I'm assuming that they're going to have somewhere to sit, receive calls, write whatever they're going to write here in Edmonton or in another location in Alberta, because legitimately they'd have to spend some time here to be in touch with the people whom they're not really representing but are aspiring to represent one day. The price is a little cheaper here. Well, not in Calgary. I bet it's \$8,000 a month easily to run offices for each of them in two different places, which perhaps they would be. So that's \$228,000 plus another \$46,000. It's about \$274,000 we're at now. We're pushing \$300,000.

You know, we have to think about GST. Would they pay GST? I guess they would, because they're not really official in any way. We'd even have to pay GST on them, Madam Chairman.

AN HON. MEMBER: You can buy them a car.

MR. MITCHELL: Of course they could get a car. I think they'd have to get a car.

MR. SAPERS: Well, the Premier has got some extra Buicks.

MR. MITCHELL: The Premier has got some Buicks kicking around. He'd loan them a car or two. I wouldn't want to have a car if I were from the government.

AN HON. MEMBER: A driver.

MR. MITCHELL: They might need a driver because they're going to fall asleep. They're so bored, they're probably going to fall asleep. But which two cars would it actually be? Whatever two cars it would be, we're talking \$300,000 a year now per senatorial nominee to do nothing.

I can think of better ways to spend \$300,000. If you've followed me to this point that I've been dying to make, I can think of better ways to spend \$300,000. This wouldn't be my party. But surely the government might want to put it into the debt. They might want to put it into lowering taxes in another minuscule, futile way. They could give it to Millar Western or to Al-Pac. They could set up another standing policy committee. You know what they could do? They could actually resurrect the Committee on Law and Regulations, a standing committee of this Legislature. They could put 4,000 or 5,000 bucks into that. My gosh. In fact, that group could actually review the regulations that are being set up in this bill where it says everything is going to be left to regulation. I mean, it's almost a perfect solution. What a web it weaves.

MRS. SLOAN: We need a minister without portfolio.

MR. MITCHELL: Oh. Then we'd even have to have a minister without portfolio – perhaps it would be a parliamentary secretary – to be the liaison. That parliamentary secretary could report to

this minister. They get paid \$25,000; don't they? Or \$19,000? So that's another \$8,500 per senatorial nominee. I'll tell you, man.

SOME HON. MEMBERS: Do they get a car?

MR. MITCHELL: I've already added the car in.

AN HON. MEMBER: No. The parliamentary secretary. Then the parliamentary secretary would get a car.

MR. SAPERS: Well, Heather gets a car. They would have to have one.

MR. MITCHELL: Heather gets a car. Sorry; I don't know who that is. So now we're up to at least \$334,000 a year. Now, let me see. What would that cover? That would cover one senatorial nominee doing nothing. That sounds like a real bargain.

The point I'm trying to make here, Madam Chairman, is that as embarrassing as this senatorial election act is for the government in its poor conception and really a diminished cheap shot political stunt kind of manoeuvre, it would be slightly less embarrassing for all of us concerned, certainly Albertans, who will bear the brunt of this kind of public relations on the part of the government, if we just did away with section 29(2.1)(c) in section 5.

AN HON. MEMBER: You better put your glasses on.

MR. MITCHELL: It's big; it's bolded. So I could sort of see it.

But that would be another thing. These senators could be old. We might have to provide them with reading glasses. Jeez. [interjection] Yeah, but they hurt your eyes. You've got to get prescription ultimately, or you'll probably have a more and more difficult time to read. Otherwise, you would have read this bill and you'd be agreeing with me.

Thank you very much, Madam Chairman.

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

MS OLSEN: Thank you, Madam Chairman. It's going to be tough to follow that analysis. That was outstanding. I do have a few words, however, that I'd like to add to this. We're speaking to the amendment that the hon. Member for Edmonton-McClung has put forward, and that is to strike section (c) from section 29 of the Senatorial Selection Amendment Act. That's respecting the remuneration and expenses to be paid to a Senate nominee.

Now, I think the hon. Member for Edmonton-McClung did a great job in his analysis, because he really did talk about not just the salary that might be paid; he talked about all of the other expenses. That's an office in Ottawa. That's long-distance telephone calls. That's all of those real things that Senators have now, and that's expensive.

I would say that this particular section doesn't fit all that well with this government's notion that they're fiscally responsible. I question that, you know. We have to remember that the Senate is to exercise a sober second thought by reconsidering legislation passed in the House of Commons. Well, we already know that that can't be done. You can't have a sober second thought when you're drinking Corona beer on the beach in Mexico.

What'll happen is they'll be drinking some beer in that beautiful

little market in Ottawa all summer. [interjection] Sure, they'll go to the Blue Cactus. They'll sit out on some nice little patio in the market there right across from parliament, and they'll carry on there. But they won't be doing anything, and I think that's the biggest problem. We'll have Senators that won't be doing a whole lot more than the bemoaned Senator Thompson.

I would want to know why this government would want to have a Senator sitting in a nice little apartment or a big apartment – I'm not quite sure – in Ottawa not really doing anything. They don't have any authority, and maybe they'll decide – because they don't want to sit really in Ottawa because they can't do anything, and they don't have any real role yet because they're not really a Senator – that they might want to go for a vacation somewhere and just fax back and forth. You know, do the same thing. So maybe they'll go to the Greek islands or somewhere else and carry on their business from there. They won't be accountable to anybody, you see. They'll be collecting this money, and they won't be accountable to a single soul. Of course, the hon. minister of intergovernmental affairs doesn't have time in his very serious job to keep checking up on the Senator-in-waiting. He can't be a babysitter, so we want to make sure that we're not paying somebody to sit around and do nothing. We can't hire a babysitter, a parliamentary secretary, to do that job either, because that would be far too costly.

8:30

I'm in support of this amendment, and I'm in support of it even more because it's not set out in statute. It's something that's going to be determined by regulations. Again we have government by regulation, and that's wrong. That's absolutely wrong. We should have the Committee on Law and Regulations struck, and the hon. Member for Banff-Cochrane should be able to chair that particular committee and get some experience chairing it. It should be an all-party committee that can study these regulations, and specifically this one respecting the pay of a would-be Senator.

I guess I'm having difficulty reconciling this government's position and the claim of fiscal responsibility with such an inane motion and amendment to a bill as this. I mean, this whole thing is nothing more than sloganism. It's sloganism at its best, because it does nothing. I don't think that the government has read the taxpayers very well on this one. I'm not sure that all Albertans want a standby Senator sitting around doing nothing when that money could be going elsewhere.

So as I said previously, I'm in support of this amendment. I'll take my seat and let somebody else speak to it.

THE DEPUTY CHAIRMAN: The hon. minister.

MR. HANCOCK: Thank you, Madam Chairman. It's with some deal of regret that I stand and speak in opposition to this amendment. I personally, I guess, could not disagree with the sentiment of it, and that is that we probably do not want to pay Senate nominees to go and sit in Ottawa and do nothing. That would be inappropriate, that would not be the purpose that's intended, and it certainly wouldn't fulfill the intentions of the act and the amendments which are being proposed through the Senatorial Selection Amendment Act, 1998.

However, I can't support this amendment, because what we have determined with respect to this act is to set out some options for Albertans in pursuing a fundamental goal and principle that Albertans have put forward time after time after time: that we want to achieve Senate reform, we want to pursue Senate reform, and we want to use any one of a number of opportunities to put that sentiment forward.

One of the options that would be available to us if this act passes this session would be to define and set out a role for Senate nominees and pass regulations "respecting the duties and functions of a Senate nominee." It would be fairly obvious to most people, I would think, that one would not pay a Senate nominee unless one had set out a fairly definitive set of duties, a role and function for them. If we did not set out a role and function for them, if we just elected Senate nominees, as is possible under the act, then of course no prudent person would offer to pay. So there wouldn't be a regulation to pay.

MR. SAPERS: We're talking about the government here, Dave.

MR. HANCOCK: Precisely. Therefore, we don't need to worry about the concerns that have been raised by the hon. former Leader of the Opposition. Because you are talking about the government, and the government does concern itself with value for money, as was so eloquently stated earlier. So it would be quite inappropriate for us to pass a regulation which would allow for remuneration of Senate nominees without indeed also passing a regulation which set up a role and function for Senate nominees.

MR. SAPERS: Is my bill missing a page?

MR. HANCOCK: That's not the only thing that's missing a page, hon. member.

I would have hoped that perhaps the members opposite would have taken time to do a little bit of research into this very, very important concept. In fact, there's a very good discussion paper, and I would quite frankly admit that I don't agree with all the presumptions or all the conclusions in the discussion paper. Nonetheless, some people in this province have taken the time to raise the issue as a public issue and to talk about this concept as a novel concept, and one which would be very worth while in pursuing the agenda of Senate reform. I'm referring, of course, to Dr. Peter McCormick, who was then the acting president of the Canada West Foundation, and Dr. David Elton, two members of the Canada West Foundation who have actually have done a fairly decent paper on this. As I say, I don't agree with all the premises in the paper or all the conclusions of the paper.

MR. MITCHELL: They're Reformers.

MR. HANCOCK: Everybody's entitled to a perspective in life, and you're entitled to yours.

The point of it is that they've done a very good analysis of this, and it's available for public discussion. One of the options that we must have available to us, I believe, and certainly one of the options that I would recommend is that we consult the public of Alberta about what role and function the Senate nominee might have and whether the public of Alberta - if there is a role and function that we see as being appropriate for a Senate nominee, one that involves taking time away from a job and actually sitting as these people would suggest, actually sitting and monitoring and critiquing the Senate, then in fact, there may be an appropriate time and place to pay a Senate nominee.

Now, the hon. member tried to come up with some numbers, and again it would have probably been better if a little research had gone into it. I can tell him that our existing Senators cost the people of Canada about \$340,000 per Senator. So what's what we're paying.

MR. MITCHELL: That's exactly what I came up with.

MR. HANCOCK: But you wandered around and came up with rather vague notions of what it would be.

If we were to have a Senate nominee . . . [interjection] But you made up all sorts of numbers when you could have actually just asked me, and I'd have given you the real ones, or you could have done the research yourself.

Senators actually earn \$64,800 a year and get a \$10,000 tax-free expense allowance.

MR. MITCHELL: That sounds like \$75,000.

MR. HANCOCK: It's close to \$75,000, yeah. It's about a hundred dollars off.

MR. MITCHELL: That's what I said.

MR. HANCOCK: In any event the point that I'm making with respect to the amendment which has been brought forward is that by removing this particular section of the act, the hon. member would remove the opportunity for the public of Alberta to have a full discussion on the role and function of a Senate nominee and whether in fact there should be payment.

Now, as I've indicated and I'm sure many members of our caucus would indicate, one of the very real options and perhaps the most appropriate option, in fact I would go so far as to say the most appropriate option in my humble opinion at this point in time is that we not prescribe a full set of duties, we not prescribe a full set of functions, and we not prescribe payment. So it could well be that we'd end up with the election of a nominee and send a list, much as what was done when Senator Stan Waters was first elected in this province to the position-in-waiting and then waited until he was appointed. There was no remuneration for him at the time, and there was no defined function, and we didn't have any expectation that he would report back to the Legislature or to the government.

But the public of Alberta might want a stronger role. What we have in this bill right now is the flexibility to determine that stronger role, which should be determined after a good public consultation, a public consultation which would do more than just prescribe those types of remuneration and duties however. It would give us another opportunity to keep the discussion of Senate reform and proceeding to a triple E Senate on the public agenda and would continue to indicate to the federal government that Albertans want Senate reform.

Now, I fail to understand why the opposition would not support that concept, because very clearly we are moving forward on an agenda to get Senate reform back on the national agenda. We're moving forward in a manner which has been suggested in a thoughtful process in a paper put forward by the Canada West Foundation. It's a novel concept. The concept of electing a Senator-in-waiting is not novel. It's been done in Alberta, the only time it's been done in this country. It was successful at that time, but there are flaws in the existing process, and those flaws can be addressed by passing Bill 40, by bringing these amendments in, and by leaving the flexibility in this bill so that the people of Alberta, should they decide to do so, can define a role and function and, should they decide to do so, can define what compensation might be payable.

It would be my view that we probably won't get to that point.

The people of Alberta will probably say: we don't know that we'll get value for money, and therefore what we really want is just to have a list of people who are popularly elected rather than the patronage appointment list that Senators are normally selected from.

8:40

I think it gives us the maximum amount of flexibility to make the best use of this bill if we defeat the amendment that's been put forward by the hon. member and pass Bill 40 at the earliest possible opportunity so we can get on with that public discussion, talking about Senate reform in a very public way in this province and moving Senate reform back onto the national agenda, where it should be and where it should stay until that national institution is democratized and Alberta has its proper say at that table.

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

MR. MacDONALD: Thank you, Madam Chairman. I, too, have a few comments this evening regarding the amendment that has been proposed by the hon. Member for Edmonton-McClung. I spoke at length the other evening regarding this particular section and this particular regulation, and I'm very pleased to see the proposed elimination of this regulation.

Now, Senate reform is not at all an issue that I'm afraid to support. Senate reform is a very, very good idea, but I do have my reservations and I'm very cautious about this bill. Other initiatives have been made, and I am very, very concerned about the trend that I see every day, Madam Chairman, from this government about governing by regulation, and this is another example of it. Whenever the hon. member talks about expenses – we know the Senate in Ottawa is very expensive, but we know that if we're to take this mythical standby Senator or Senator-in-waiting, according to this, we're going to have to pay them something, and we're going to have expenses paid to a Senate nominee.

I encourage and I credit the hon. member for bringing this forward. This government has certainly embossed itself in the public image as a government that has fiscal responsibility, and then to turn around and do something like this with the Senate election is in my view not very responsible.

Now, the whole concept, as I said before, of electing Senators – we only have to look to our neighbours to the south. There was one state in the Pacific Northwest at the turn of the century that took a notion that they were going to elect their Senator. They were going to elect their Senator and send this person, he or she, to Washington. This state – I believe it was Oregon – began to elect Senators directly. For a short time the U.S. Senate contained a mixture of democratically elected Senators and the others; they were the appointed ones. There was this mixture; they were together. But the American public soon showed a distinct preference for directly electing their Senators.

Now, as I said before, I have no problem with Senate elections, but I have problems with this loosely crafted bill and in this form. I have problems with government by regulation or a czar making a decree. There's no difference between that and what you're proposing with this.

If we're going to talk about Senate reform – and we all know that many of the people that are presently sitting in the Senate are almost reaching retirement age or older. If we're going to talk about this and about fixed terms for these people, perhaps we should talk about having a few members of the Senate, if we're

going to have fixed terms, that are between the ages of 18 and 25. Perhaps there should be a couple of students from each jurisdiction that are eligible for election to the Senate. Of course they would not be eligible to run again; there would be a fixed term. Many of those people are just going through the education system. They may not have settled down to steady employment or settled down to raise families, and their perspective would be very welcomed in the public debate.

Perhaps this is the genuine Senate reform: to reform it altogether, not only as to who is going to be eligible to be elected. If we follow this bill, only the rich and only the powerful are going to be able to run for election, and we don't want that. We want everyone to be able to come forward, get their 1,500 names for their nomination papers, and they can go for it. With this legislation and without this amendment people will not be allowed to just come forward and run for this election.

We all talk about being fiscally responsible. We all have this responsibility to be the stewards of the taxpayer's dollar, yet we're going to take a Senate nominee and we're going to pay some form of wages and some form of expenses. We can't deny it with this.

With the hon. Member for Edmonton-McClung's amendment you're on your own. If you win the election and there's a waiting period before you're to go to Ottawa and represent this province and its citizens, then it looks like you're going to be on your own. I fully support this amendment, and I would encourage all hon. members of this House to support the amendment as proposed by the hon. Member for Edmonton-McClung.

With those words, Madam Chairman, I'm willing to cede the floor to one of my hon. colleagues. Thank you.

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

MR. GIBBONS: Thank you, Madam Chairman. I stand tonight to talk about the amendment. [interjection]

THE DEPUTY CHAIRMAN: Thank you, Government House Leader.

MR. GIBBONS: The bangs were in the way. I couldn't see through them.

Madam Chairman, I stand to speak to the amendment tonight and also to the actual amendment as around the whole bill. I actually brought out a few things the other day. The one thing that I didn't mention is one thing that the Speaker did shut me down on. That is: I wonder why this government is so concerned about dealing with the federal system when they're not dealing with what's happening in our own province.

This bill in front of us has taken a world of its own. Would we have been out from under this dome if one of our members – and I would point to the hon. Treasurer that wanted to put something through at this particular time. Maybe we could have been out a lot sooner.

Well, Madam Chairman, I have been on record as supporting electing a senatorial person. When we realistically need one, why don't we do it then? I've had a chance to talk to a few of my constituents over the last while to try to gain further insight. Most Albertans, who are totally opposed to any control by any affiliation to the government in Ottawa, would actually really want this. But are we only promoting another fight with the federal government of the day?

Getting back to my constituents. They asked, "Will this make any difference? Will it really help? Will it reform the Senate?" I have those questions in front of me. I talked to each one of them, and I gave them by viewpoint of how I would like to see it happen. But to bring it up now, when there are so many other things on the agenda, like a VLT vote in the fall and so on – this is the number one item that would be there.

The number one question is: "Who pays?" Would the government really ask for very fiscally responsible Albertans, who bought into this one-train government of cut, cut, cut, who also has seen so many of the voters hurt since 1992 – is the same government going to waste money paying for a Senate nominee in the next few years instead of using every available penny to pay down the debt? This is the part that they can't understand. They've seen so much hurt, so much destruction, no vision, no plan to get infrastructure going, to rebuild our health system, to rebuild social services and education.

8:50

Well, value for the money should be what we're looking for, and I don't see any value in paying somebody to pretend to be a Senator for the next few years. The senatorial system: the way we have it is a political appointee, a political rhetoric of the day, that right now we blame on Chrétien. Before, we blamed it on Trudeau, and in between that we blamed it on Mulroney. If we're ever going to change that, let's have the vote at the time. Let's not start wasting our money and paying somebody-in-waiting. I keep alluding to the chair nailed to the back of a Senator's chair. The cartoon should be hung up right in front of everybody if they do go and vote on this this coming fall, because it is realistically as much of a cartoon as the actual cartoon itself.

I would like to see a Senate system that is changed, that is not politically appointed. At the same time, the way we're going about this one, it seems, there again, that is the smoke screen of the day within our province to offset some of the other bills that are more important. If we could actually debate a bill, I'd be much happier with that, if we could actually debate it one on one, back and forth, and then vote on it equally at the end of the day with a freestanding vote. But this is our system. This is what is in place. If this whole motion is around anything to do with paying somebody, Madam Chairman, I'm totally opposed to it.

With that, I would like to take leave. Thank you, Madam Chairman.

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

MR. SAPERS: I was being distracted. Through you to all Members of the House, the amendment before the House is a very straightforward one. It deals with remuneration. I listened to the Minister of Intergovernmental and Aboriginal Affairs explain the rationale. [interjection] Yeah, get back over there where I can see you.

I was listening as well to my colleagues asking legitimate questions. [interjection] Well, there was Edmonton-McClung, whose remarks I thought were outstanding, but really matched in eloquence by Edmonton-Gold Bar, Edmonton-Manning, and Edmonton-Norwood. The point is that the Premier in a media conference earlier today said – and I'm paraphrasing because I don't have my notes with me – that these Senators-in-waiting probably won't be paid. He said that we're going to have duties for them, and if they have duties, maybe they would get paid, because it would only be right to pay somebody if you asked them

to do something. He said: you know, that's assuming that there's even a vote. So I'm thinking to myself: jeez, this government is really out of control; they don't know yet what their policy is going to be, but they know they want to have a bill.

So if they don't really know what the policy is going to be, but they know they want to have a bill, why do they want to have a bill? Well, they must want to have a bill either because they want the bill to grow up and be a law or because they're trying to send some other kind of message. What would that other kind of message be? Well, maybe that other kind of message is that this has got nothing at all to do with Senate reform. Maybe the other message is that this has got everything to do with trying to achieve a political access, trying to take some popular idea, Senate elections, and indicate that this government is really listening and paying attention and is going to try to do something about the concern.

Of course, if that's really what this bill is all about, then that would explain why it doesn't have any of the details that have been provided to justify the section that we would wish to see removed. When the Minister of Intergovernmental and Aboriginal Affairs was explaining why he was going to vote against the motion, he talked about how there would be public consultation. Nothing in this bill about public consultation. He talked about how there would be defined duties and responsibilities. Nothing in this bill about defined duties and responsibilities. He talked about how it would only be that no prudent right-thinking government would pay money and not receive value. Then I was thinking that no prudent and right-thinking government would be writing off the hundreds and hundreds and hundreds of millions of dollars worth of bad loans and loan guarantee deals that this government has written off.

Now, my colleagues have already talked about all of the other things that could be purchased or all of the other services that could be provided with the hundreds of thousands of dollars that might be spent on standby Senators. But it seems to me that one of the best reasons to argue against paying these standby Senators is that these standby Senators, even if the government asked them to do something, couldn't be representing anybody, because they would have no legal status. So the government would be paying somebody to help perpetuate a myth on the people of Alberta, and that seems to me not to be the role of government, although sometimes in Alberta it's hard to know that for sure.

MR. MITCHELL: They're myth masters.

MR. SAPERS: Myth masters; yes.

Madam Chairman, I'm curious. The Premier talked about how there would be a discussion in the standing policy committee and the standing policy committee would make a recommendation to cabinet. The Premier mentioned this in his remarks at this media conference earlier this afternoon that I was referring to. I was thinking at the time: well, if the Premier really wanted to have a debate about Senate reform, why would that discussion be limited to something that happens in a standing policy committee, which would be no doubt in camera, in secret? Or why would he want it only limited to a cabinet discussion, which is in camera and in secret? Or why would the Premier want that discussion to be limited to the caucus of the government and the government supporters, which is in camera and in secret? Why wouldn't the Premier want that discussion to be held in the Legislative Assembly?

Then I heard the Minister of Intergovernmental and Aboriginal

Affairs say: well, there would have to be public consultation. So now I'm wondering: who's got the cart before the horse here? Why would we have a bill that goes through all of this debate in the Assembly, in fact a bill that's being forced to closure, and the Premier talking about all of the wide-ranging discussions that will be held in secret, and then after all those secret discussions and after democracy was thwarted by invoking closure, only then would the government move to public debate and discussion? That's backwards, Madam Chairman, just plain backwards.

MR. MITCHELL: Is that a parliamentary statement?

MR. SAPERS: No. What I was thinking wasn't parliamentary.

That's backwards, and it seems to me that we in this Assembly shouldn't participate in such a backwards action on the part of this government, because we in the Liberal opposition don't believe that we should be moving backwards when it comes to Senate reform. We would like to move forward. We would like to see the First Ministers get together and have the constitutional discussions that are required about meaningful Senate reform. We don't want to set up any roadblocks to that discussion, and Bill 40 is a roadblock to discussion.

The first and most important thing we can do on the road to defeating this bill is to keep on pointing out the silliest parts of it. Probably the silliest part of the bill, other than the whole concept behind it, is that these standby Senators who were elected in a prophylactic election would be given . . .

MRS. SLOAN: A prophylactic what?

9:00

MR. SAPERS: I said election, with an "1."

So these prophylactic Senators would be given remuneration and the benefit of the public purse. Now, this is insulting, not just silly. It's insulting to Albertans, Albertans who have had to have their belts tightened because this government wanted to win the balanced budget race. It's insulting to Albertans who lost their jobs because this government wanted to create a budget surplus. It's insulting to the patients who have been denied access to health care because this government forced cutbacks beyond any reasonable level. It's an insulting idea that we would simply pay these people so this government can fulfill its fantasy about trying to find a new way to embarrass Ottawa into doing something that would violate the Constitution of the country.

This seems to be the Holy Grail of this government. Let's pick a fight with Ottawa and let's find the most strident way we can try to embarrass the federal government: this is the *raison d'être* of this government. This seems to be the entire purpose of these last few days of the Assembly. If it's notwithstanding one thing, it's withstanding something else. If it's not picking a fight about Senate reform, it's about young offenders. And if it's not about young offenders, it's about gun control or wheat marketing.

Madam Chairman, this has gone too far. The insanity must stop. So we're saying that we can start to push back, fight back that insanity a little bit by removing this silly and insulting part of the act. As the evening progresses, we'll be picking out other silly and insulting parts of the act until finally what started out as just a shell of a bill to begin with will be nothing but an empty vessel. Finally I know that every man and woman in this Chamber will come to their senses, recognize that this bill is nothing more than a smoke screen to try to cloud real issues, and then this bill will be defeated. It will go on the scrap heap that at the base has Bill 27 and at the top will have Bill 40, and in

between will be all the flotsam and jetsam of this session, including Bills 15 and 22 and 37. Ultimately Albertans will know that democracy was served when the government saw the light and killed this bill, as well as all those others.

So with those few and I hope meaningful remarks, Madam Chairman, I will allow my colleague from Edmonton-Riverview to continue talking about the lunacy of prophylactic elections for Senators-in-waiting.

MRS. SLOAN: Madam Chairman, it's a pleasure to follow in the footsteps of my respected colleagues this evening to offer our analysis and objections to the bill proposed and to provide the amendment to strike from Bill 40 the provisions for remuneration.

The minister of intergovernmental affairs in his statements to the Assembly this evening surrounding this debate said that the bill laid out a lot of options for Albertans. I suppose in a superficial analysis that would be true. It leaves out the identification or the specifics of what the terms for Senators-in-waiting would be, how much they would be paid, what they would do, where they would work. All of those things are left out, as options for Albertans, but the bill does not say exactly how Albertans would have a say in defining these options. The bill says that they would be defined by regulation, and governing solely by regulation is in my opinion bad government.

So I think it is a bit of a stretch to say that this bill provides for Albertans a lot of options. I think it provides a platform for this government to hold out to their electorate to suggest that they are attempting in some way, subliminally, indirectly, to advance Senate reform. Now, that's something in this Assembly that I don't think we disagree with. The opposition caucus has been on record as supporting the promotion of a triple E Senate and effective reform, but this bill does not achieve that.

The hon. minister in his remarks also provided an estimated cost per year of approximately \$340,000. That would be the equivalent price tag. It conjures up in my mind the question of what else this money could be spent on, particularly when we have seen more than a few hundreds of thousands of dollars cut from public programs and from the take-home incomes of many of our public servants in the last five years. I know, as a registered nurse, the 5 percent that I took which was imposed in the '90s by this government represented about \$5,000 in take-home pay. To date that has not been fully reinstated for members of the health care profession or other members of the public service who were subjected to that cut in this government's headlong race to eliminate the deficit.

I am not supportive, in case there was any doubt, of remunerating Senators-in-waiting. We have absolutely no indication of what they would do. We have no indication of what their job description would entail. We have no indication of where they would work, what role they would perform, how they would be accountable and through what processes they would be accountable to the citizens of this province. Remuneration, at least in my history in labour relations, is derived from and denoted by making a contribution or performing work. If these individuals are not going to be performing a service, contributing, working, making a tangible contribution, why would this government propose that they should be paid? I'm trying to think: would there be another civil servant in this province who spends a day doing absolutely nothing and gets paid for it? I can't think of one. [interjections] The communications director for federal and intergovernmental affairs? Sorry. I retract that.

MR. HANCOCK: A point of order, Madam Chairman.

MS OLSEN: We retracted it. It's already retracted.

MRS. SLOAN: Yeah, I retracted that statement.

MR. HANCOCK: You should not only retract that, but you should apologize for insulting some of the hardest working employees in the government.

MRS. SLOAN: I apologize.

THE DEPUTY CHAIRMAN: Hon. member.

MRS. SLOAN: I apologize. I retract it and I apologize.

THE DEPUTY CHAIRMAN: Could we focus through the chair here, please.

MRS. SLOAN: I'm attempting very hard to do that, Madam Chairman.

My question, though, before I was distracted was that I was trying to think of another civil servant who would get paid somewhere in the neighbourhood of \$60,000, \$70,000 a year to not have a defined job description, to have no defined work. [interjection] Maybe the hon. Member for Drumheller-Chinook would like to make a contribution to the debate and identify a member of the public service if she can think of one who would have that privilege. I cannot.

I think the premise, though, of the amendment as proposed by the hon. Member for Edmonton-McClung is that for the purposes of this bill, for the purposes of debate on this bill this evening it is not prudent to provide in the bill provisions for remuneration of Senators-in-waiting. As I believe I said in our debates yesterday on this bill, I am opposed to the bill as it is currently proposed. I think this amendment in a small measure provides at least some reduction of the financial cost, the overall implications of the bill for Albertans.

I'm supportive of the amendment, and with those comments I am prepared to conclude my comments this evening. Thank you.

9:10

THE DEPUTY CHAIRMAN: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Madam Chairman. This is an amendment that's going to deal with some of the issues that have been addressed in terms of how we develop a set of regulations that deal with remuneration for a Senate nominee. After listening to the minister of intergovernmental affairs talk about the relationship of the remuneration to the scope of work or the duty of the Senate nominee-in-waiting, what we might want to look at doing is instead of just dealing with the relationships the way they are set out in section 5 of the act, where this particular amendment deals with looking at trying to eliminate the opportunity to provide remuneration to the Senate nominee, what we should then be doing is trying, if the minister is really serious about his approach to dealing with value for dollar and product for dollar, to tie in part of the subsections in (2.1), where we would have to relate "respecting the remuneration and expenses to be paid to a Senate nominee" subject to appropriate "duties and functions of a Senate nominee," to be tied together. This would make very clear what the minister was saying before, rather than leaving it open where we have two separate, totally disjointed sets of regulations which in the public eye do not necessarily then have to be tied together.

We're just dealing with a set of wishes and expectations in terms of how we expect the set of regulations to be put in place.

So I think what we need to do is look at the opportunity of possibly eliminating subsection (c), as this amendment does, and then suggesting to the hon. Member for Edmonton-McClung, who's responsible for the amendments, to, if he really needs to, tie it back into subsection (b), where you tie in the remuneration only subject to appropriate and value-added concepts of duties and functions of a Senate nominee. This takes away the opportunity that we would have, then, of separating the ability of a set of regulations to develop a payment schedule without directly attaching it to the duties and functions of that nominee. So we can see a direct correlation between value added or product added and the remuneration that's being paid.

This is the most important need that we have as we look at remuneration, and I don't think it's right that we allow the bill to stand as it is, where we deal with remuneration as a separate subsection of one of the parts of the bill without tying into some kind of appropriate function, deliverable reporting schedule, something like that. That should be put right into the wording of the legislation so that if we have to have this kind of process in place where we have to pre-guess, pre-judge, build on expectations of when we're going to have the need for a Senate nominee, we end up that we would then be able to tie them back in.

You know, I was listening to the minister talk at length about how this remuneration is going to be tied into the functional responsibilities of the reporting duties, the deliverables. I was really quite concerned, because while the minister was talking, everything that I could imagine this person doing is already included in the functions of our existing Senators. So what we're doing is in essence paying someone for duplication of process, duplication of reporting.

We get good feedback from the Senators we have there now. They're in our communities. They're talking about relationships that exist between the federal government and our province and our communities, so what more would we be expecting? What more would we be asking from this nominee in terms of reporting back to us, other than just some make-work type definitions, some work descriptions that in essence become duplications?

If we really wanted to deal with this idea of reporting back, we should be dealing now with the current Senators that are there and having regular reporting sessions from them designed. We can do it at a lot lower cost than we can by actually putting in a nominee, paying them a salary, paying them for the reporting, paying them to develop these functions, these duties, these reporting schedules that are already potentially there if we used our Senators appropriately that we already have. I know a number of them come back to the communities and report back through meetings. They do consultations and report back to Ottawa. Others are less active, and we need to develop expectations on behalf of our Senators. That's probably one of the reform systems that we could very easily put in place and make those Senators more accountable right now without having to deal with trying to superimpose and duplicate the cost, the regulation, and the role of people involved in our government system.

So that's the kind of comments I'd like to make in terms of the remuneration. I don't think that it should be put into the bill separate from the ability to deal with the duties and functions of the nominee. I think this is one of the reasons why we should support this amendment that would drop out this aspect of remuneration on an open-ended, unsubstantiated basis, so that we can have the people of Alberta feel comfortable that the bill does

develop a relationship between value input, the dollar input, and product output. So we can see that if they do travel to Ottawa or if they do consultation and make representation to the parliamentary system in Ottawa, then they have a deliverable where they can come out and say: this is what you got for the dollar value that you put into supporting this individual as a Senate nominee.

We've got to make sure that we do get that dollar value, when the end result comes out, so that we have justifiable explanations that we can provide to the people of Alberta that deal with the relationship between the Senate nominee and the kind of reporting back that we have. I don't think anybody in Alberta wants to see another potential representative, a potential elected official who is, effectively, there without good accountability and good response to what comes back to the community as a result of the dollars that are spent in support of that particular individual.

So, Madam Chairman, those are the comments I have to make on this particular amendment. We're going to be looking at how we have to deal with this kind of remuneration and make sure that we don't have a clause in there that allows for just an uncontrolled, no-obligation expenditure of the taxpayers' dollars. I would think everybody should support the idea of dropping this out. If we want to make sure that there is a deliverable dollar relationship, they should be put into the same kind of clause in the bill so that they're tied together, so that if they get money, there has to be a product deliverable instead of just an open-ended: let's give them some money. So I think we should drop this out.

Thank you, Madam Chairman.

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

9:20

MR. MITCHELL: Thank you, Madam Chairman. You're probably wondering why I'm standing again to speak to this amendment. I don't do it without consideration. I wouldn't have been as provoked to do this if it hadn't been for some of the comments from the minister of intergovernmental affairs, who added some thoughtful ideas to the debate and some not so thoughtful ideas to the debate. In any event, he provoked debate. I have a couple of things that I would like to refer to in his speech and discuss them from a reasoned point of view.

The minister, in trying to defend the lack of specificity in this bill, the immense reliance upon future, after-the-fact regulations to clarify this bill, said that the flexibility implied by that lack of specificity really provides options for Albertans in choosing critical features of how the senatorial nominee process and subsequent activity of the nominees could be defined by the people of Alberta. I find that an immensely inspiring thought: consultation of Albertans. Consulting Albertans of course contributes to the democratic process in a positive way.

But as I think about the time line, I'm not certain what the minister means by options for Albertans, unless he means that there will be some form of consultation with Albertans in a structured way so that they could help make some of the specific decisions. The minister nods his head with great gusto as though to say: you bet; they're going to do it. Well, I have to ask the question: exactly when are they going to do that?

MR. HANCOCK: You want that in the legislation too?

MR. MITCHELL: I'd just like to have a commitment from the minister that he's going to be on the road on – what would be a good date? – May 1 maybe. We only have June, July, August,

September, October. We'd have barely six months. [interjection] You couldn't do it on May Day because you'd be recognizing labour, and that would be very difficult for a minister of that government to do. We'd be happy to start it on that day.

So if he were to say, "Well, let's do an eight-week consultation," given the importance of this issue and the necessity to get across the province to do it, you'd need at least a month to organize that, to write up background papers for people, to publish . . .

MR. SAPERS: They need five months to edit a report.

[Mr. Herard in the chair]

MR. MITCHELL: I'll get to the report stage. Thank you.

You'd need time to set up a communications program so that people would be notified of the various meetings. You'd need to have the meetings established.

MR. SAPERS: He's going to use the Canada West Foundation.

MR. MITCHELL: Oh, he's going to use the Canada West Foundation. [interjection] Are they are on permanent payroll? No. I think they're actually quite a remarkable group in many respects, but I don't think they speak for the government.

MR. SAPERS: They should send that one back for correction.

MR. MITCHELL: Yeah. I wonder if they can rely upon the veracity of that particular report. I'm sure it's not fraught with mistakes, as the Minister of Community Development suggested of the VLT report that's in question these days.

So it would be May throughout which the organizational, administrative undertakings could be completed. Even if we could start the hearings to let Albertans explore the options engendered by this bill, then that would be June and July. I guess you'd need how long to write the report? Probably a month. That'd be August. Then the government would need time after that – although in the case of the VLT report it seemed like a long time – to actually evaluate the report to make sure it was not fraught with mistakes.

MRS. SLOAN: Two or three months.

MR. MITCHELL: Two or three months.

Now, already we're getting to a point where it's going to be very difficult to have this stuff in place for the election of Senator nominees in the fall. The fact is that if his statement about options for Albertans is to be true and meaningful, then he would have to have a program by which Albertans could explore those options. Clearly the timing is at least suspect, and clearly the planning isn't in place to make it go, so it can't be done.

I don't think it's really options for Albertans that lies at the root of this bill's inordinate flexibility, shall I say kindly. What really lies at the root of this inordinate flexibility is the fact that the minister and his government have not thought this particular bill out particularly well. It is, in the purest sense of a bill, a hypothetical bill. Anybody who would be conscientious in developing a program of this nature, with its potential consequences and impact, would clearly want to have thought out, it would seem, all the specific eventualities that we might encounter.

I was also struck by the minister's statements that he might not

pay Senate nominees, that he might instead . . . [interjections] They're laughing with me, and I didn't see anybody even noticing you when you spoke. At least I have their attention.

The minister was determined and certain. He's not always right, but he's always certain. He was certain that he wouldn't pay Senators unless Albertans came to the conclusion that duties and functions could be properly established to justify the kind of expenditure, either my \$334,000 or his \$340,000, remarkably close to one another. So that says a great deal to me. Would we hire a director of communications, for example, in the intergovernmental affairs department?

MR. HAVELOCK: Through the chair.

MR. MITCHELL: Well, I'm speaking to all kinds of chairs, because there's nobody over there. [interjection] Yeah, point of order me, Jon. Would you like to eat up some time?

Shiraz is cutting me off.

MR. SHARIFF: I didn't rise on a point of order.

THE ACTING CHAIRMAN: Hon. member, just a reminder that you're using proper names again.

MR. MITCHELL: Oh, yeah. Okay. I can't believe I'm doing this. It's been 12 years, you know. I have lapses.

Duties and functions for Senate nominees. The minister has said that he won't pay them if they don't have duties and functions which are acceptable to Albertans or somehow determined by Albertans to be acceptable. That raises a number of questions. One is the question of the – I don't want to use the word I was going to use – preparation and consideration and thought that has not been put into this bill.

In fact, I am kind of reminded of Bill 26 and the notwithstanding clause when I see this piece of work. I'm not saying that the minister of intergovernmental affairs had a lot to do with that Bill 26, but he did say that "notwithstanding" was just a technical legal matter. Now we see a bill that is equally poorly thought out. He's actually saying: if we get duties and functions. Well, why would you set up a position of Senate nominee if you don't have duties and functions? That would be akin to the minister of intergovernmental affairs hiring, say, a director of communications without having any thought of communicating. It would be akin to hiring a deputy minister of Community Development without having any job description for what that deputy minister might do. It would be like job creation for the sake of job creation by a government that doesn't believe in jobs that don't have market value. It would be like hiring somebody for a job that doesn't exist which we might think about creating and fleshing out in its detail after we hire them.

It would be, I'm reminded by the Member for Edmonton-Glenora, as pointless as voting Tory in the next election. That conjures up a really powerful image, a powerful perception of what this particular bill is actually going to do. Anyway, that's a point that I probably made adequately now. [interjection] We're just getting going, Mr. Minister. We're just getting going.

9:30

This isn't a rhetorical question, but it might sound like a rhetorical question because it's asking about something that doesn't exist. That is the job that senatorial nominees might do. So it is in fact, Mr. Chairman, a classic rhetorical question because it is not grounded in something other than something that

is hypothetical. So I'm going to ask this rhetorical question: what could there be for senatorial nominees to do that Senators from Alberta aren't already doing? What?

There are many things that Senators from Alberta are doing that Senator nominees could never do. For example, they could never sit in a caucus in Parliament. Well, Liberal Senators sit in the Liberal caucus. I expect that the Conservative Senators, even those ones that were given a special appointment when Conservative Prime Minister Mulroney wanted to bring in the GST – so I can see where the Conservatives would be very sensitive about those Conservative Senators, because they're the ones that were brought in specifically, hired guns simply to pull the trigger on the GST. They were, I think, Conservatives, Progressive Conservatives. Nevertheless, they probably sit in a caucus because they're official, functioning Senators.

These Senator nominees will not be able to sit in a caucus, so no matter what they do, they will not have that critical avenue of influence, impact, representation for Alberta, western even, thoughts and concerns, because they are very much going to be isolated. In fact, they might be the quintessential definition of alienation. If they're there to fight alienation, part of that means you have to be in the loop. Of course, some of the stimulus for this kind of bill comes from the sense of western alienation at times in our history. But in fighting alienation, if they could at all, they will be alienated from some of the most important features of what a Senator can do in order to be able to do that effectively.

So on those grounds it's very hard to mount a defence or an argument of what might be unique or new or the kind of perspective or understanding or intense focus, intensified by a sense of accountability in some structural way. What could they do? It is the quintessential rhetorical question.

I am actually surprised that the minister of intergovernmental affairs would have had the – what's the word I want to use? – temerity to have presented a bill creating a job or two or three or four – we don't know how many, but at least one and maybe two – for which there is no requirement, responsibility, duty, or job description. I must say that only in this government's cabinet and caucus could such a proposal be made without profound embarrassment, could such a proposal be made and have what appears to be relatively solid support from the government caucus. We understand that it's not completely solid, that there are differences of opinion, and that's refreshing. I can't imagine presenting it, let alone thinking that somebody would accept it, let alone thinking that it would make sense.

Then when I hear the kind of criticism that's been brought to bear by this government on teachers and nurses – nurses actually, when they're employed, have a pretty significant job, and they work extremely hard. Teachers, who are diminished in this House day after day, actually have a pretty significant job, and they are diminished by this government. Doctors have had to fight tooth and nail to get some sense of credit and due for what it is that they do in a significant way. These Senatorial nominees are created by a bill . . .

THE ACTING CHAIRMAN: Thank you for getting back onto the amendment. Thanks.

MR. MITCHELL: Thank you.

These Senatorial nominees are created by a bill that doesn't for the briefest moment create duties, responsibilities, job descriptions. In fact, the weakness in this bill in that respect is compounded so significantly by a government minister responsible for this bill, who is still simply thinking out loud, musing, as his

Premier would say, about what these people might actually do, and I emphasize the word "might."

This is an interesting question. If this remuneration is provided, what stops the government from paying Senators who are elected who were formerly Progressive Conservatives at the provincial level while not paying a Senator who might be of another political stripe, such as a Liberal, who's elected as a Senator nominee? If the Liberal Senator nominee didn't do what the government wanted him to do, that person would be very, very vulnerable to having the pay cut, because there is nothing in here that says that each of these people should be paid the same, if at all. So, again, there's an inconsistency in this particular bill.

The minister said that probably they wouldn't be paid. That is the weakest form of argument. That's an argument of convenience, Mr. Chairman. It's an argument with a context; isn't it? It works for the time being to get the minister through what must be a rocky road and a tough ride because of his so poorly conceived piece of legislation. It gives him some defence of his lack of ability to decide specifically on what the description should be but probably isn't good enough.

The government said that probably they were going to take away people's rights with the notwithstanding clause. Fortunately they didn't fulfill that. They've said definitely that they weren't going to hurt the health care system. They didn't fulfill that. They said: trust us; we're going to fix the health care system. Well, they didn't do that. They said definitely that they weren't going to hurt education. Well, they certainly hurt education. I don't put a lot of stock in probablys, particularly when they amount to little more than arguments of convenience.

I am concerned about the partisan nature of – I'm not concerned about the partisan nature. Partisanship is good in politics actually. I am concerned about the implications of remuneration and how loosely it has been structured in this bill for the possibility that this government, which is known to be somewhat, apparently, inclined to mete out retribution on people, that Senator nominees who disagree could actually be cut off by the payer from privileges that other Senator nominees are able to receive.

I appreciate the time to speak once again on this amendment, as important as it is. I believe that the Member for Edmonton-Meadowlark has more to say.

MR. RENNER: I was so enthralled by the member's speech over there; I was surprised that it ended so abruptly.

Mr. Chairman, at this point I would like to move that we adjourn debate on Bill 40.

THE ACTING CHAIRMAN: The hon. Member for Medicine Hat has moved that we adjourn debate on Bill 40. All those in favour of that motion, please say aye.

SOME HON. MEMBERS: Aye.

THE ACTING CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE ACTING CHAIRMAN: Carried.

**9:40 Bill 38
Public Health Amendment Act, 1998**

THE ACTING CHAIRMAN: Hon. members, we'll now revert to Bill 38, and we're still on amendment A1.

The hon. Member for Edmonton-Riverview.

MRS. SLOAN: Thank you, Mr. Chairman. As I recall, when we concluded, we were debating the amendment proposed to Bill 38 which provides that

section 3 shall come into force on 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.

Speaking to this amendment and its intent, as I was indicating before we adjourned, I have done some analysis with respect to the Public Health Advisory and Appeal Board, their last two annual reports, '96-97 and '95-96, and I believe had cited for the record the current mandate of that board. The hon. Member for Calgary-Buffalo has the concern – and I share this concern – that there will be a gap in terms of accountability, a gap in terms of the provisions for investigations, analysis, research if the bill as proposed is passed and thereby restricts and reduces the mandate of the Public Health Advisory and Appeal Board.

Now, as I looked at the last two years' annual reports, it was apparent to me that perhaps this board had not fully understood or fully fulfilled or embraced its responsibilities. I can't speak to why that perhaps was, but if you were to consider the mandate in terms of advising the minister on matters pertaining to the public health, making investigations or inquiries, collecting information, conducting research, making a report on this matter to the minister, or on the request of the Lieutenant Governor in Council even holding public hearings, and finally a responsibility to hear appeals, as I looked at the two annual reports – and I'll do them in order of their publishing. I believe the hon. Member for Calgary-Buffalo talked about this last evening.

For the most part the annual report in '95-96 talks about the number of applications for appeals submitted. It was deemed that a huge number of those applications should be withdrawn, or it was deemed that the panel had no jurisdiction. When it came to fulfilling the mandate and actually initiating investigations, doing research, making reports, offering any advice to the Minister of Health, fulfilling any requests of the Lieutenant Governor in Council, it is of concern to me that the board did not report on that. The only substance to the report in '95-96 beyond the appeal function was: other activities.

In '95-96 other activities only constitutes about eight lines. I'd like to read it into the record.

Attendance at health-related conferences provides Board members the opportunity to keep current with health perspectives and issues.

In 1995-96, the . . . Board was represented at the . . . Alberta Public Health Association Conference in Lethbridge: May 2-4, 1996 . . .

One member attended.

I'm not quite sure how that fulfills this mandate, a very important mandate that is currently embodied in the Public Health Act, but it really has no relationship at all, I would say, to the hon. chairman, to the mandate that the board has.

The same could be said for the '96-97 report. Again what we see is a lengthy chronology of the appeal requests. Again there are a substantive number where appeals were withdrawn. Actually there were several where the appeal was overturned. There were not as many in this last year where it was deemed that they did not have jurisdiction. But again I go to the section under "other activities," and this is what the report in '96-97 said:

Other Activities

Health-related conference during the year provided PHAAB members the opportunity to keep current with perspectives and issues.

In 1996-97, PHAAB was represented at . . .
 Health Care Expo '96
 The Challenge of New Realities: Optimizing Leadership, Performance, and Health
 Calgary - October 22 and 23, 1996
 One member attended.

Now, probably it would be reasonable to conclude that the member's office might want to use that as a grounding or rationale for why this necessary and important board's mandate should be reduced and the mandate of the chief medical officer expanded. I would respectfully propose that to me it would serve a much broader public health purpose to have this board comprised of people that have a good grounding in public health, that understand the importance of public health and the importance of health promotion and actually assumed and were alive to the mandate that they had within the Public Health Act, that being to advise the minister not only on current public health issues but future matters of public health importance, to conduct research, to make a report to the minister, and to hold public hearings.

I am more than aware – and it was a topic of lengthy discussion – that in the southeast part of this province there are substantive public health concerns surrounding livestock and feedlot expansions. Now, it is absolutely astounding that this board did not see some correlation or overlap between its mandate and the public health issues that are alive in the Chinook regional health authority in this province, yet there is not a singular reference to that in these reports. I would not suggest that this is something that should be assumed by one individual. I disagree completely with the broad mandate that's being proposed for the chief medical officer.

We believe, particularly if the bill does proceed and is passed, that the Ombudsman must be in a position to assume these responsibilities and authorities, particularly as they relate to the regional health authorities. It's of interest to me that this never was brought forward in any of the reports provided by the panel, the potential for an outbreak of a resistant enterococcus, referred to as the VRE infection. This was something that was prevalent within the Calgary regional health authority, so prevalent that we were receiving from medical professionals here at that time documentation and analysis that this type of thing should be addressed.

It was not addressed by the public health advisory board, at least not that we can determine from their annual reports. But this is exactly the type of thing that should be assumed. Certainly, as we know, as regional health authorities, as the public health care system has been continually underfunded, as more of the demographics within our urban centres have come from rural areas, the implications are that the potential for the spread of infectious diseases is not something that can be isolated to one specific region or site of origin. It has to be considered in a provincial context. We want to ensure, by proposing this amendment, that that sort of thing will continue to happen and that the Ombudsman will be in a position to perform those duties in the event that they cannot be assumed under this bill.

9:50

I would say, with all due respect, that I think the role public health can play in the advancement of our health as a province, as people, as a population, is not well understood in this Assembly. I am still at a loss as to the rationale of the Minister of Health for proposing the broad expansion of the medical officer of health. I mean, to some degree there is a professional offence when he has continually systematically undermined the medical profession,

undermined the registered nursing profession, undermined the health professions as a whole, that for some unknown reason he would want to give one single medical officer such broad, sweeping powers.

[Mrs. Gordon in the chair]

The hon. Member for Calgary-Buffalo has raised previously the implications with respect to privacy and confidentiality. They're seriously legitimate concerns, let me restate for the record. As I again read the responsibilities the chief medical officer will undertake, he shall:

- (a) . . . monitor the health of Albertans and make recommendations to the Minister and regional health authorities on measures to protect and promote the health of the public and prevent disease and injury,
- (b) shall act as a liaison between the Government and regional health authorities, medical officers of health and executive officers in the administration of this Act,
- (c) shall monitor activities of regional health authorities, medical officers of health and executive officers in the administration of this Act.

In preparing for the debate this afternoon, I made some calls to the Legislature Library and to the Alberta Health library to see exactly what type of reporting chief medical officers in this province do currently. Lo and behold, there's not a single record or report on file in either library as to what current medical officers of health do within their jurisdiction.

MR. DICKSON: And that's before you expand their jurisdiction.

MRS. SLOAN: Exactly. That's before the jurisdiction is expanded.

Not a single report on record. Not in the provincial library, not in the Alberta Health library. So despite that lack of accountability we're going to do a wholesale, threefold expansion of the chief medical officer position, and in his or her lap we're going to put all of these tremendously important responsibilities in terms of the health of our public and the protection and promotion of that health in the future.

I don't know why the minister would not be moving to do something about the fact that there's no reporting currently on the medical officers. I was directed – and I'm assuming that this direction would be similarly given to any member of the public that called to make the inquiries – that you have to go individually to each regional authority if you want information about what the chief medical officers do. Well, I'm not necessarily sure that that is adequate accountability, particularly if we want to offer informed analysis and debate about what this role in the future might undertake, as we do. How can we even be in a position to do that? How can the Minister of Health even be in a position to do that when there is no consolidated record of what these positions perform in a fragmented and regionalized structure now?

I have a different view of what we should be doing to advance public health and health promotion in this province. It consists of, number one, adequately funding the health care system. It consists of advancing community-based, multidisciplinary models of health care, something which this government, despite a number of different models being provided directly to them, has continued to disregard, to ignore. We could advance public health as well by providing for and advancing the public health and home-based programs in this province, also something which this government has neglected to do.

When we had the outbreak of measles and we had to revaccinate all the schoolchildren – now, this has happened for two consecutive years – this government provides money only for the vaccines. They don't provide money for the needles, they don't provide money for the syringes, and they don't provide money for extra nurses to give the vaccines. They just say that it has to be done within a certain time frame and within the current workload of that regional authority. Regardless of what the caseloads might be, public health nurses have to find the additional time to go out and give these vaccines. Well, that is not advancing the interests of public health, nor would creating an all-powerful chief medical officer. Doing that, taking that step, would not compensate for the continual undermining and underfunding of public health care in these other areas.

I have actually had the privilege of looking at the example set by other chief medical officers of health in other provinces, and I would say that the province could look at those.

Thank you, Madam Chairman, for the opportunity to provide those comments.

THE ACTING CHAIRMAN: The hon. Government House Leader.

MR. HAVELOCK: Thank you, Madam Chairman. I move that we adjourn debate on Bill 38.

THE ACTING CHAIRMAN: Having heard the motion by the Government House Leader, would all those in favour please say aye.

SOME HON. MEMBERS: Aye.

THE ACTING CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE ACTING CHAIRMAN: Carried.
Government House Leader.

MR. HAVELOCK: Thank you. Madam Chairman, I'd like to move that the committee do now rise and report progress.

[Motion carried]

[Mr. Herard 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: Having heard the report, does the Assembly concur with the report?

SOME HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: Carried.

head: Government Bills and Orders
head: Committee of the Whole
10:00 (continued)

[Mrs. Gordon in the chair]

Bill 40
Senatorial Selection Amendment Act, 1998

30. Mr. Havelock moved:

Be it resolved that further consideration of any or all of the resolutions, clauses, sections, or titles of Bill 40, Senatorial Selection Amendment Act, 1998, shall, when called, be the first business of the committee and shall not be further postponed.

THE DEPUTY CHAIRMAN: All those in favour of the motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Carried.

[Several members rose calling for a division. The division bell was rung at 10:01 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[Mrs. Gordon in the chair]

For the motion:

Amery	Havelock	Melchin
Black	Herard	Oberg
Boutilier	Hlady	O'Neill
Cao	Jacques	Paszkowski
Clegg	Jonson	Pham
Coutts	Klapstein	Renner
Ducharme	Laing	Severtson
Fischer	Langevin	Shariff
Fritz	Lund	Strang
Graham	Magnus	Thurber
Haley	McClellan	Woloshyn
Hancock	McFarland	

Against the motion:

Bonner	MacDonald	Sapers
Dickson	Mitchell	Sloan
Gibbons	Nicol	Soetaert
Leibovici	Olsen	Zwozdesky

Totals: For – 35 Against – 12

[Motion carried]

THE DEPUTY CHAIRMAN: We are dealing with Bill 40 and amendment A1.

The hon. Member for Edmonton-McClung.

MR. MITCHELL: I'm deferring to the Member for Edmonton-Meadowlark.

THE DEPUTY CHAIRMAN: Fine. The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Madam Chairman. Thank you very much. I think actually the Minister of Education does a much better "thank you, thank you very much," it's my understanding. Oh, I see. I've just got to lower my voice and get a guitar. Right?

The hon. Member for Edmonton-McClung stood up because he's so used to hearing Edmonton-Meadowlark, having been his former home riding, that he stood up first to speak to this very important amendment that actually the hon. member had put forward not so long ago. The amendment, just to remind people – because we've had a little bit of a seesaw back and forth between Bill 38 and Bill 40, Bill 38 and Bill 40. You know, it just seems to go on and on and on. I think we're on Bill 40 now until midnight, is my understanding. So we can at least – and midnight is the time, we all know, because of the closure that this government has enforced. It becomes such an antidemocratic action that this government takes on a continual basis, that they don't even realize any more the impact of closure and what it was originally meant to be. They demean the whole process by calling closure whenever they get fed up with hearing the cogent, very good arguments we put forward in the Legislative Assembly.

I'm not sure if that member's just stretching or if he has a point of order, Madam Chairman.

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

**Point of Order
Items Previously Decided**

MR. HERARD: Yes, Madam Chairman. Under 23(c) . . . [interjections]

THE DEPUTY CHAIRMAN: I'd like to hear the hon. member.

MR. HERARD: It refers to speaking to matters that have already been decided in this session, and I think the whole debate with respect to closure has been decided in this session. Therefore, it is out of order.

THE DEPUTY CHAIRMAN: Yeah. The hon. member is correct. What we are dealing with at this point in time is amendment A1 as introduced by the hon. Member for Edmonton-McClung. We are in Committee of the Whole, that stage of the bill, hon. member, so can we stick to the amendment?

MS LEIBOVICI: Well, thank you, Madam Chairman. You know, it was the keen eye of the Acting Speaker that picked that up, and I've got to congratulate him for listening to what's going on in the Assembly and paying attention. That's what we need, that kind of keen eye to make sure we're all in order and we stay on track. Definitely it is hard not to be distracted by closure, and it momentarily just took me off the course of recognizing what we are here to do, which is clause by clause, word by word, and I'm getting such help from my colleagues that, you know, it's hard to focus, but I will do my best. I will do my best.

Debate Continued

MS LEIBOVICI: Now, the hon. Member for Edmonton-McClung

had moved that Bill 40 be amended in section 5 by striking out the proposed section 29(2.1)(c). Basically when we look at page 1 of Bill 40, which is the Senatorial Selection Amendment Act, 1998 – and we want to make sure that we're on the right act. Under 3(1) there's 3(2)(c). What it says is that "a person remains as a Senate nominee until . . . the person's term as a Senate nominee expires."

What we're also looking at is the clause . . .

THE DEPUTY CHAIRMAN: Hon. member, do you have a copy of the amendment?

MS LEIBOVICI: I have got the wrong amendment here. It was one of the amendments that had been put forward by the hon. Member for Edmonton-McClung.

THE DEPUTY CHAIRMAN: Hon. member, the hon. Member for Edmonton-McClung has only put forward one amendment.

MS LEIBOVICI: One amendment, yes, but he tabled a whole bunch, which were very good. One of them is that the person's term as a Senate nominee expires. The other is dealing with remuneration and whether or not . . .

THE DEPUTY CHAIRMAN: Hon. member, for your clarification . . .

MRS. BLACK: A point of order.

THE DEPUTY CHAIRMAN: Yes, hon. Deputy Government House Leader.

**Point of Order
Relevance**

MRS. BLACK: Madam Chairman, maybe the hon. member, because we are talking to the amendment put forward by the Member for Edmonton-McClung, could take her seat and organize her thoughts and allow someone else to speak and then come back.

MS LEIBOVICI: I thank you very much, but I'm very organized. When we're looking at . . .

THE DEPUTY CHAIRMAN: Hon. Member for Edmonton-Meadowlark, the only amendment that has been brought forward tonight is A1. Those other amendments may have been tabled. The members of the committee do not have those amendments in front of them.

10:20

MS LEIBOVICI: Thank you. It's very unfortunate, because those were good amendments.

Debate Continued

MS LEIBOVICI: I will get to the one that was tabled this evening, which is 29(2.1)(c), which is "respecting the remuneration and expenses to be paid to a Senate nominee." Now, this is really an amendment that has significant implications and is of major importance. What strikes me as unusual is that when I had talked to this particular clause in debate – and I can't remember if it was yesterday or the day before – what I saw on the government benches was that there were a number of heads shaking,

saying no, Senators-in-waiting, pseudo-Senators would in fact not be paid, and that in fact there would be no need, to my mind I thought at that point, to have this particular clause in the bill. Now, I see that the minister has not brought in an amendment to delete this particular clause, even though, as I said, there seemed to be some confusion of the members on the government side which seemed to indicate that in fact there would be no remuneration.

Now, I know the minister had indicated in debate earlier this evening that there would be the ability for Albertans to be part of a discussion to decide what in fact the pseudo-Senators would be doing, whether or not, I assume, they would be paid or not. I listened very carefully to the Member for Edmonton-McClung, and I thought his words were extremely wise when he indicated that to do a consultation process that in fact would have meaning and would be able to reach out to Albertans across the province (a) would cost a significant amount of dollars, (b) would require a fair amount of planning, and (c) would also need to be done with a time frame that would make it almost impossible to achieve.

Now, I know that the minister has just recently engaged in such a process of consultation across the province and consultation that looked specifically amongst those issues at whether or not the pseudo-Senators should be paid and whether or not there should be expenses paid to the pseudo-Senators. Having been involved with that process, my memory indicates that – I think the whole process took about five months from the planning stages to the initial agreement stages to the point where it came to the Legislative Assembly for an actual vote. As the minister indicated, yes, that is one way to engage in consultation, and that proved to be a very effective way.

We've seen other ways that this government has tried to consult, whether it's a summit – and we know that what happens with the summits is that certain individuals get picked, sometimes at random, sometimes not, but there's a defined agenda. The people who attend those summits can only make decisions within that defined agenda and could not go outside that agenda. In fact, that does not allow for the same free flow of opinion and free flow of information that would be allowed with the first form of consultation which is what we had.

The reality is that we are now close to May 1, the elections will take place in the third week of October. We therefore have approximately five and a half months in which to consult with Albertans, to put in place a fee schedule, to put in place a job description, to put in place an expense account system, to decide what in fact the performance requirements are going to be of these pseudo-Senators, and that will occur at the same time, if this bill is passed, as people will be looking at running and setting up their campaigns for election.

Now, each one of us has been involved in an election campaign. Otherwise, we wouldn't be here. We know that campaigns require a lot of time and a lot of energy and a lot of planning, so if someone were looking at running for the position of pseudo-Senator, if someone were in fact planning to do that, they would be working in a void, because if in fact they were to be elected they would not know whether they would get paid or not, what their salaries would be. The question, then, is: if you're running to be a pseudo-Senator, do you need to be independently wealthy? Do you need to be in a position where in fact it doesn't matter what your source of income is? I can't really think of any other circumstance where someone would be applying to run for a job – because that's what you do when you run in an election – and

then not know what you get at the other end of that position. [interjection]

The minister says: well, that provides an opportunity to serve. And I agree. That's why each one of us is here. But, quite frankly, if I were to ask, I'd say that at last three-quarters of the members here, those who are not receiving pensions from other sources or do not have other sources of income, whether they could be serving in this position without having a salary attached to that – my guess is that at least three-quarters of this Assembly would say, no, they are not in a financial position to be able to do so. So why would we expect a pseudo-Senator to be any different other than if it's just a name that can be put aside and then can be plucked off when a Senate position is available in Alberta? It just doesn't make a whole lot of sense.

As I was sitting here thinking about why this sort of bill has come forward – and I have the utmost respect for the Minister of Intergovernmental and Aboriginal Affairs. I'm thinking that perhaps he's lost one of his anchors, because I know there's a certain gentleman from his department who has worked with the minister for a number of years who has now been moved over to the Treasury Department. I sort of wonder if that's an anchor that this minister has lost and that perhaps he needs to either see about getting that individual back into his department or at least getting some advice from that particular individual, because I'm sure that had that individual been with the minister and the minister's staff while they were going through this particular bill, we would not see it here in this form. As I said, I have the utmost respect for the minister and his astuteness, and somehow this bill doesn't seem to reflect the abilities of this particular minister.

Now, what are we going to do about this? I think that rests in the hands of the minister and the hands of the Legislative Assembly and the members of the government. I find it difficult to understand why they would not let the people of Alberta know what the remuneration is, why they would not let the people of Alberta know what the expenses are that are being contemplated, or why they would not just remove this whole section if in fact the intent is not to have remuneration and is not to have expenses paid?

You can't have it both ways, much as you would like to sometimes. Either you're going to pay or you're not going to pay. If you're not going to pay, that's the end of the issue. If you are going to pay, then I know that each one of your constituents that is interested in Senate reform, when you go back into your constituencies on Friday, is going to say: "Minister of transportation, how much are these pseudo-Senators going to get? Minister of Health, how much are these pseudo-Senators going to get?" Wouldn't that be a logical question? And what is your answer going to be? We don't know.

If we pass the bill, we're going to have them elected in October. That's only five months away. "I'm a minister of the Crown, and I don't know." A lot easier for me to say. I'm the Official Opposition. I can say: go ask the government. Right? They're the ones that wanted this bill. They're the ones that put it through closure. I fought for you to say: tell us how much or take it out. But you are the ones that are going to have to answer the question, both the front bench and the backbenchers.

10:30

You know, I think the Minister of Intergovernmental and Aboriginal Affairs could make everyone's life in this Legislative Assembly a lot easier. Don't you think so? Don't you think that you can make everyone's life in this Assembly a lot easier when

we go back to our constituencies by either letting us know that, yes, there is a certain fee that's contemplated, there's a remuneration that's contemplated, there are expenses that are contemplated, this is what we're basing it on, this is how we're going to pay it out. Do these pseudo-Senators become employees of the Legislative Assembly? And this the Clerk of the Assembly is going to have to try and figure out. But are these pseudo-Senators going to become employees of the Legislative Assembly? Because if they're not and they're getting expenses and they're getting remuneration, where are they getting it from? Are they getting it from the minister's budget? I don't think so. Are they getting it from any other budget on the front bench? I don't think so. So they've got to be accounted for somehow. They can't just be a miscellaneous expense on the budget sheets.

If, in fact, the minister is convinced by his other colleagues, the ones that I saw shaking their heads the other day, saying: nope, there is no payment for these Senators – and perhaps there has been some agreement made in the Conservative caucus to indicate that, no, there will be no payment made, and that's why we can have this bill right now – then why not let us and Albertans know that? There's no reason for secrecy with regards to this particular section of the bill. If the minister doesn't know, then perhaps he can let us know when he will know and what his decision is going to be based on.

Now, I think those are logical questions. I think those are questions that Albertans will be asking, and as I indicated, come Friday, when we're back into our constituencies, that's one of the questions that I know will be asked. My constituents will be asking that; won't yours?

So what we have is a solution that's been put forward by the Member for Edmonton-McClung. It says to strike it out. [interjection] Is the minister agreeing that that's okay? Well, I was hoping that the minister was saying that he would agree with the amendment, but it doesn't seem like he's willing to do that right now. [interjections] Well, I thought maybe the two of them could work it out, Madam Chairman.

THE DEPUTY CHAIRMAN: Continue, hon. member.

MS LEIBOVICI: Well, I thought it was worth while allowing the opportunity for the Member for Edmonton-McClung and the hon. minister of intergovernmental affairs to try and work it out, but unfortunately it doesn't seem to be happening, even though I know this minister is and has been in the past very reasonable.

Now, if he's going to engage in some kind of method of consultation across the province, I'd like to know whether that consultation will also include members of the opposition, as it has been indicated in the past, and how broad that consultation is being planned and whether the consultation will specifically include a section that deals with remuneration and expenses of a pseudo-Senator. My guess is that the majority of Albertans will not endorse that kind of an idea.

Thank you very much.

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

MR. MITCHELL: Yup. I had just one thought, an additional thought. I have many thoughts. [interjections] One additional thought on this issue. That was the reality that a member had sent a promising and encouraging message about the government's predisposition to accept this motion. I'm not going to mention

names because I don't want to put him on the spot. The words that were used were: ah, we might be interested in supporting this amendment, because we're really not going to pay these people anyway.

It dawned on me, one, that that's another reversal. That never actually surprises me. But again coming from a government that assesses the size of government through the amount of legislation – there's a direct correlation, they think, between the size of government and the amount of legislation – why would they burden a piece of legislation with something that they're not going to do? That's a point that I make.

I would like to turn this over now to the Member for Edmonton-Mill Creek, who has some comments in support of the amendment.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Mill Creek.

MR. ZWOZDESKY: Thank you, Madam Chairman. I rise to speak to this amendment known as A1 on the Senatorial Selection Amendment Act which deals specifically with section 5, section 29(2.1)(c). In fact, the notice of amendment as proposed by the hon. Member for Edmonton-McClung looks at the possibility and suggests the very sensible recommendation of withdrawing that part of the bill which I think causes the most controversy amongst my constituents and certainly among people who have phoned me from across the province.

Now, I confess I haven't had a huge number of calls with respect to this bill, but the calls I have had are zeroed in primarily on the fiscal accountability and the financial side of the bill. So respecting that . . .

MR. HANCOCK: How many have you had?

MR. ZWOZDESKY: I'm being interrupted by an hon. member from across the way. I don't think I have an exact count, but I'd say I probably had less than 10 from across the whole province and probably upwards of 40 from my own area, and that's an honest number.

However, when I receive phone calls I, number one, return them; number two, I pay very close attention to what they say; and number three, I log the calls, because on a weekly basis, on a very rigid basis, Madam Chairman, I like to know what it is that my constituents feel and what they think. I do that on health care and on education, social services, the environment, particularly Treasury issues, and everything else.

Here I am standing before you as the watchdog on behalf of Her Majesty's Loyal Opposition talking about an issue of accountability on the financial side. What we're talking about here, if the bill goes through as is, is allowing the Lieutenant Governor in Council, which effectively amounts to executive committee, cabinet, for want of a better term, to make a decision on a position that may or may not have any credence or relevance to the process that it's intended to serve, and we're going to be expected to pay that person. I should say, in fairness to the minister, possibly pay. Because I don't know if we're going to be paying this position or not, but we're looking at the possibility of paying that person.

Now, the question is: who's going to be covering that salary? I would suspect that any remuneration or expenses related to this position are going to be covered by the taxpayers of this province. You know what, Madam Chairman? I would have no problem

with that if we were very clear on the fact that a Senate nominee had a specific list of duties, a specific job description, if you will, a specific term of office that that person was expected to fill, and what the accountability framework would be for the dollars we're putting forward. I wouldn't have much of a problem with that, but I do have a problem, hon. members, with the fact that we are looking at paying somebody for a position that (a) doesn't exist, (b) has no assuredness, no certainty of being filled ever, because we're currently under an appointment process, and (c) doesn't carry the accountability that I believe taxpayers want.

Isn't that what the 1993 election was all about? Isn't that what the 1997 election was all about? Accountability, performance measures, linking inputs to outputs, and presenting to taxpayers something that erases, at least in part, the cynicism that people feel about decisions that are made behind closed doors, the decisions that are made to put money into positions that are nebulous at best, certainly very obscure and very uncertain.

10:40

MR. MITCHELL: That captures the 1997 election better than any other statement I've ever heard.

MR. ZWOZDESKY: Well, thank you, hon. member.

I've said it before, and I want to reiterate this for purposes of the record: that I am in no way opposed to the issue of elections for Senators. I support that position. I understand that there are some pitfalls that are potentially there with that, but I understand there are some pitfalls also with the appointment process.

By the same token, Madam Chairman, I also understand there are some advantages to the appointment process. The appointment process, at the moment, should carry with it, I think, the integrity of the Prime Minister in conjunction with the Premier of whichever province and the Lieutenant Governor in Council having selected an individual who brings something absolutely fresh and credible and experienced to the position of Senator. I don't treat the red Chamber with any disdain whatsoever, although there has been some negative press of late about one individual in particular, but in a general sense that red Chamber does fulfill an extremely important function, a function of tradition, which arguably serves some purposes better than others, but nonetheless that is the system.

Now, if we want to work outside the system and if the design of this bill is intended to in fact bring about a change to the ultimate system, then I can support looking at that as well, but I cannot support the idea of paying somebody a sweat-soaked loony, even one sweat-soaked loony, for doing a job that basically does not exist. That's why this particular amendment to me is bang on. It's bang on. And I would say this if it were brought forward by a government member. I would support this motion, because I'm surprised to see a bill that essentially asks taxpayers to write a blank cheque. That's what clause (c) of section 29(2.1) is asking us to do. It specifically says that

the Lieutenant Governor in Council may make regulations . . .
respecting the remuneration and expenses to be paid to a Senate nominee.

Now, I'll get to the expenses part in a moment, because I realize we're in committee and we have to go clause by clause, word by word, and I intend to do that. When I'm talking about remuneration, I could be talking about honorarium, I could be talking about salary, I could be talking about wage, I could be talking about a consultant's contract. We don't know. Remuneration carries a very, very wide window of definition. [interjection] It could be a variety of things, as the hon. Member for Edmonton-

McClung is adding in. It could be a variety of definitions, Madam Chairman.

So word by word, when I see something that says that I'm being asked to vote on a bill that says we are going to allow the issue of remuneration, whatever that might be defined as, to be set behind closed doors in some regulation that we haven't yet seen, which I have asked for at second stage to be tabled, I think it's unconscionable to expect me, especially as the watchdog of the Treasury but equally important to all members as elected members of the Assembly, to vote in favour of that kind of a carte blanche, blank cheque approach, and I'm not in favour of that.

On the other hand, if the minister or the Premier or one of the cabinet individuals with the power to do so were to stand in this House and tell me definitively that the remuneration section of this bill essentially refers to nothing and that we're not required as taxpayers to exhibit any blind faith in respect of moneys going forward, then I could support the rest of the motions that are there, even though it's a standby nominee position for a job that doesn't exist, because I understand that . . .

MR. MITCHELL: It would improve a bad law.

MR. ZWOZDESKY: The interjection is accepted.

I could accept the fact that one of the purposes of the bill then, Madam Chairman, would be to bring about a larger change, which I would think that the majority, if not all, of members of this House, and perhaps Houses across the provinces in this great country, are in favour of. We are well aware of the fact that there needs to be some serious address, some serious debate, and some serious changes made to the way our electoral system functions. I'm not just talking about the Senate; I'm talking about the whole nine yards.

Now, let me get to the expenses part. Going word by word, as we're supposed to at committee, I realize that in addition to remuneration there is also in the clause that word called "expenses." I look at this and I say to myself "expenses." Hmm. Expenses also carries a wide window with it. We could be talking about expenses related to anything from a tire to travel, to learning, to any of a variety of things including perhaps second language learning. Who knows what? Expenses are expenses. Food, accommodation, and travel are the normal ones, but I don't know what is contemplated here. And I'm not going to allow that to simply be that wide-ranging that it would stay within regulation without some definition. I can't allow this particular clause of the bill to go unchallenged.

As always in my balanced approach, trying to be nonpartisan on this particular issue because I think senatorial elections should be a nonpartisan part of debate, if there's a sensible explanation, Madam Chairman, I'm willing to listen to that explanation. I'm willing to make a decision based on the election amendment act as we see it, and I'm willing to take a second look at it and say that maybe I'm wrong in my interpretation. Otherwise, I think we're being asked to write a blank cheque without enough explanation, and I can't favour that.

So speaking directly to the amendment now, which I want to get to, a very sensible amendment by the hon. Member for Edmonton-McClung is to simply strike out that section. Madam Chairman, I am very much in favour of that particular amendment because I don't see any other amendment that caters to my concerns as directly and succinctly as this one does. Now, having said that, once that issue is addressed or withdrawn, this bill may get more support than even the hon. minister would ever expect.

Otherwise, I can see how we would be going in what I would call a retrograde fashion. I would hope that somewhere within the government caucus, particularly the cabinet caucus, there exists a school of sober second thought, such as there does at the Senate, to re-examine this particular clause of the bill. That having been said, my constituents, at least the majority of them, would very much favour an elected Senate position. What happens after that is another matter.

The very final thing I would like to add here in the couple of minutes I have left, Madam Chairman, is with respect to the general cost of staging an election for a would-be Senator position. I don't know the definitive costs, but I'm judging them to be somewhere in the ballpark of 50 cents to \$1 per eligible voter, which would put us somewhere between probably \$2.5 million and \$3.5 million in this province. That is a significant amount of money to ask taxpayers to foot the bill on, even as strongly as they feel about holding a senatorial election. So I ask us to be very fiscally responsible here. I ask for us to be very, very conscientious in our decision, and I ask us to do the right thing. And if we can't do it tonight – if this motion gets defeated tonight – then I would ask the government and its caucus in a moment of sober second thought to rereview this particular clause, because that is the clause that raises the most shackles and hackles in my area.

With that, Madam Chairman, I think I'm going to take my seat. I have several other comments about senatorial election processes which I feel quite strongly about, but I'm going to take my seat at this stage and attend to some other business. If there's time, I'll come back later, and if not, then I'll pursue this again tomorrow.

10:50

But I would urge the cabinet and in particular the minister, the hon. minister, the most hon. Minister of Intergovernmental and Aboriginal Affairs, to consider seriously this amendment, to withdraw the section for remuneration and/or to at least address the issue and resolve it in my mind and in the minds of other members here once and for all. Are we going to be expected to pay a standby Senator nominee for a position that does not exist, for a position that has no guarantee of being fulfilled, or not? That is the nub of the question.

With that, Madam Chairman, I will thank you humbly for your time and your attention, and I will pass to another hon. member who probably has some additional comments to make.

Thank you.

THE DEPUTY CHAIRMAN: Hon. Member for Edmonton-McClung, under Standing Order 21(2) a member can only speak once in this section on this amendment.

MR. MITCHELL: Okay. Well, I wasn't going to speak on it. I was actually just going to call the question on this particular amendment. Then we have three more amendments that we'd like to deal with.

[Motion on amendment A1 lost]

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

MR. MITCHELL: Thank you. Madam Chairman, for the record I would like it to be known that the Minister of Intergovernmental

and Aboriginal Affairs voted for that amendment. That showed great courage: breaking ranks, defying the whip to vote with us on that powerful, powerful amendment. It only mitigates my disappointment slightly, however, because you know the commitment that we have to that amendment to try and make a horrible bill slightly less worse.

MR. HANCOCK: A point of order, Madam Chairman.

THE DEPUTY CHAIRMAN: The hon. minister on a point of order.

Point of Order Clarification

MR. HANCOCK: On the point of order, the record should be corrected that I was being distracted by one of the Liberal members and inadvertently voted in that manner. I would like that to be on the record as the member opposite has put on the record that inadvertent vote.

THE DEPUTY CHAIRMAN: So in other words, instead of a point of order it is a clarification.

MR. HANCOCK: Thank you, Madam Chairman.

MR. MITCHELL: But when a member says yes when a vote is called, normally we don't think that needs much clarification. We might say: what part of yes doesn't the member understand? However, I accept the sincerity with which he reversed his position, and I'm glad that he feels more comfortable that it's on the record.

Debate Continued

MR. MITCHELL: Madam Chairman, you know why I'm so excited about this particular bill? I made a mistake two nights ago when I said I was here for 11 years, 11 months, and 11 days. Actually I haven't. I've been here for 11 years, 11 months, and 22 days, which is a multiple of 11. And in that entire period of time I can only remember a handful of amendments we have ever got by the government. But this one is absolutely, absolutely inexorable in its demand for support, because there are two elements to it. One is that it has already been supported by this government and by the people of Canada, by every jurisdiction of Canada, because it is a section which, but for slight changes to make it consistent with the bill, is a section that is taken directly out of the Constitution of Canada.

The first argument, then, is that if the members of this government vote against this section, they are voting against a section of the Constitution of Canada. I can't imagine it would happen, but I'll tell you that if it happens, it will be like watching a train wreck. That a government, a fully constituted, democratically elected government of Canada, would vote against a section, this section, of the Constitution would be unbelievable. That's one word, and incomprehensible might be another word.

I could sit down now, because I'm pretty sure I've convinced everybody just on that argument alone, but I'm not going to.

MR. SAPERS: Butch isn't quite there yet. Butch isn't quite with you.

MR. MITCHELL: Butch needs a little more push. Okay.

MR. FISCHER: No, I don't. I'm going to get Steve West to come and listen.

MR. MITCHELL: Steve would buy this, because he believes in the Constitution.

Even if that isn't enough, although that would be hard to comprehend, I'm going to argue even more strongly on the basis of logic. It makes logical sense. In fact, it isn't just a sufficient condition, logical sense, of this bill. It is a necessary condition. The fact is that the way the bill is written, senatorial nominees could be elected who do not qualify for a Senate position under the terms of the Canadian Constitution. Did you know that, Madam Chairman? I don't know why that might have happened, but the first thing that comes to my mind would be just lack of proper preparation of the bill.

So what it says in the Constitution is that there are certain things that Senators can't have done if they are to be eligible to sit in the Senate. For example, this is a pretty . . .

MS HALEY: You're losing your audience. Did you know that?

MR. MITCHELL: Yeah. Well, it's not the first time.

This is somebody who

takes an Oath or makes a Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to a Foreign Power, or does an Act whereby [the person] becomes a Subject or Citizen, or entitled to the Rights or Privileges of a Subject or Citizen, of a Foreign Power.

That person can't be a Senator, can't sit in the Senate of Canada. If the person "is adjudged to be Bankrupt or Insolvent," or comes under any laws that relate to those kinds of issues, then that person could not be a Senator. If the person is convicted of "Treason or convicted of Felony or of any infamous Crime" such that it would be a criminal offence, they cannot be a Senator. The person would therefore cease to be eligible to be nominated as a candidate for Senator under section 8 of the act, the Senatorial Selection Act.

Madam Chairman, there are two powerful reasons to support this, and I would ask the members to consider it very strongly. One, supporting it is merely supporting the Constitution of Canada. I will say that after the notwithstanding fiasco, it would be nice to see some strong support for the Constitution of Canada. No doubt; black and white support. Yes. But the second reason is because it makes only good sense. It would be very embarrassing for Alberta to have elected a criminal, with a criminal record, as a senatorial nominee, who then could not be appointed to the Senate because of the provisions of the Constitution. It would be very embarrassing for somebody convicted of treason or somebody who is a citizen of or has pledged adherence to another foreign power to be in there.

AN HON. MEMBER: It seems to me I've heard this before.

MR. MITCHELL: Well, you haven't heard the embarrassing part. I'm adding that now. It would be very embarrassing if our senatorial nominees didn't meet the criteria by which they could be appointed. If I were more cynical, I might ask whether the government isn't perhaps allowing for that eventuality so then they could embarrass the federal government even more if the federal government didn't appoint a senatorial nominee.

I'll leave it at that and just ask the members of the government to support this and leave it to my colleague from Calgary-Buffalo to further the debate.

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

MR. DICKSON: Madam Chairman, thank you very much. This is an amendment that when I first saw it, I thought to myself: this maybe had been prepared by the government draftspeople, and it was sort of that the last member walking into the Assembly was given the amendment, and it was really intended for the minister of intergovernmental affairs, because it makes such obvious good sense.

11:00

One of the things that I think Albertans have noticed, Madam Chairman, with Bill 40 is the fact, as some of us pointed out at second reading, that Senators-in-waiting seem to have an unlimited shelf life. I think that, as some of us have noticed and expressed concern about, if you have a Senator who may be fit, able, and appropriate to assume office on the day of the election but that person is still sitting on the shelf four years later waiting for his or her appointment, a lot may have changed in that person's life. So it becomes even more important. If you had somebody assuming office immediately upon becoming elected, that would be one thing, but because somebody could win a Senatorial selection race and then be left on the shelf for three, four years, you obviously have to address what can happen in the intervening time.

Now, some members may notice the archaic language which is used in the amendment, and I salute my colleague who introduced the amendment, because what he's done is taken the wording from the original British North America Act of 1867. He's done that so that it's absolutely consistent with the requirements that currently apply.

[Mr. Herard in the chair]

One might ask the minister of intergovernmental affairs which of these ought not apply to a prospective Alberta Senator. You know, we could cast ourselves back to 1864 and the meeting in Montreal, then the meeting in Charlottetown of the Fathers of Confederation. You take somebody like George Brown or John A. Macdonald, and you can sort of imagine them sitting around the table, throwing things back and forth. Mr. Cartier or Mr. Macdonald or maybe George Brown, the forerunner of the Liberal Party in Canada – probably it would be George Brown – might have said: "Well, what happens if the Senator was a crook? What happens if somebody wanted to become a Senator and they'd committed a felony?" It'd be the equivalent of an indictable offence in 1998. I expect the other Fathers of Confederation said: "Darn good idea. We're glad you raised that. Clearly we don't want anybody to be a Senator who's been convicted of a serious criminal offence."

As you go through the list, there's a question of whether somebody who's been judged bankrupt or insolvent is fit to hold high office. Now, if it weren't for the mover of the amendment, whose constituency name escapes me for the moment – I don't spend enough time in Edmonton, Mr. Chairman. If we had longer sessions, I'd be able to remember where my colleagues are from.

MR. MITCHELL: It's McClung.

MR. DICKSON: When the Member for Edmonton-McClung came up with this, he wanted to stick exactly to the wording of the

Constitution Act and the British North America Act. I might have wanted to say, Member for Edmonton-McClung: maybe what we should do is if you become bankrupt of ideas and bankrupt of imagination, you should forfeit your seat. You know, that person that went around with a great campaign slogan and the great campaign literature – it's not been unknown that people get elected and then we find out that they are duds.

Well, members ought to ruminate on that possibility a little bit, and whether they want to apply it to somebody across the room from them or not, they should remember that you surely would want to be concerned that your Senator would be a man or a woman beyond reproach. So it makes sense that they're somebody who has not been convicted of an indictable offence. It's obvious that it shouldn't be someone who's convicted of treason and if they're a public defaulter, an insolvent debtor, if they're in arrears in terms of maintenance enforcement. Wouldn't it make sense that we'd say, "This would be not a model citizen. This would be not somebody who should be a Senator and representing the people of Alberta."

The other item is one in terms of an oath, a declaration of allegiance, and that seems like a really basic requisite.

I know there are other members that want to speak to this, and I don't want to hog the time that's there. Since closure's been invoked, we have to weigh carefully those kinds of points we wanted to make and the analysis we wanted to raise.

Now, some members may say – maybe we'd just conduct a poll right now: if there are any members in the Assembly that think that there are other things that should be added to the list that would disentitle somebody as a Senator. There may be some other suggestions. Maybe we'd want that person, because they're going to be representing the entire region – it may be important that they not be active in a particular political party. It's important that they not be seen as a show for the Alberta provincial government; rather, they should be a spokesperson for Albertans and the interest of all Albertans.

It seems to me, Mr. Chairman, that these four criteria ought to be so self-evident that surely this shouldn't take a lot of persuasion or a lot of convincing. One might ask the minister of intergovernmental affairs right now to give us a cogent reason why he couldn't live with these very basic requirements. Or to phrase it another way: why would the minister of intergovernmental affairs want to put forward as a candidate somebody who had been bankrupt, somebody who had been convicted of an indictable offence: rape, armed robbery, aggravated assault? Why would you want somebody like that as your Senator? If it happens after his election, should that not be reason for disqualification? If the minister of intergovernmental affairs won't take this list, then he's going to have to explain to us.

Mr. Chairman, I don't want to seem to be beating up on a minister who in fact may be moving in a positive way to adopt a constructive idea, but it seems to me that while I'm waiting for that signal, I just want to make the point that we are so concerned, at least on this side, that a Senator be someone we can be proud of. If in fact the government is really interested in promoting Senate reform – and I think we're all interested in Senate reform – then why wouldn't we want to put forward the strongest possible candidates? I think that would mean somebody who had not been convicted of an indictable offence.

You know, there's a certain kind of irony. When I look at my friend from Edmonton-Norwood here, who continually reminds us of the importance of respecting the rule of law, I'm reminded: how could you put forward in good conscience somebody who wins a Senate election and is then convicted of an indictable offence? Imagine the shame that is brought on the people of the

province of Alberta to have that person put forward. Without this amendment we would have no choice. We would then be wholly dependent on the good sense of the government of Canada to screen those people out. Is that good enough? I hear members in the government that express not very much confidence in our federal government. They say we have to do our own work in this province; we have to have our own safeguards here. Well, it seems to me, Mr. Chairman, that here's a chance to do exactly that.

You know, we hear a lot of comment about not wanting to fob things off to the courts: we don't want to leave it to the courts; we don't want to leave it to the federal government. Well, here we have a chance to avoid having to go on bended knee to the government of Canada and say: "Joe Btfsplk, who won by 51 percent of the votes in our last Senate selection race, is now a crook. Don't appoint him." Can't we as a province have the foresight, have the ability to be able to say that if Joe Btfsplk is a crook, he doesn't deserve to be a Senator representing the province of Alberta?

Those are the comments I wanted to make, Mr. Chairman, and I expect that this is an appropriate time to take my seat.

Thank you.

11:10

[Mrs. Gordon in the chair]

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

MR. MITCHELL: I can't speak twice to an amendment, can I?

THE DEPUTY CHAIRMAN: No, you can't.

MR. MITCHELL: The Member for Edmonton-Meadowlark will be speaking on this.

THE DEPUTY CHAIRMAN: Thank you. I'll recognize her.

The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Madam Chairman. I, too, rise to speak to the amendment that was put forward by the Member for Edmonton-McClung. It's a solid amendment that looks at ensuring that an individual who is a Senate nominee – I actually prefer the term pseudo-Senator – is elected in accordance with the same rules that other elected members would have to be elected under. In other words, when we look at some of the requirements that are within the Constitution of Canada, the pseudo-Senator should at least be qualified in the same way that a real Senator would be.

What that in fact means is that a Senator should be one who has not taken an oath or declaration of allegiance to a foreign power or is not an individual who has been "adjudged bankrupt or insolvent, or applies for the benefit" – and here I'm reading what the amendment is because I don't know if it has been read into the record – "of any law relating to insolvent debtors, or becomes a public defaulter" or is an individual who is "convicted of treason or convicted of felony or of any infamous crime" or "ceases to be eligible to be nominated as a candidate under section 8" of the current Senatorial Selection Act.

Now, that's what the amendment states, and I believe it is a solid amendment and look forward to hearing what the minister has to say on this particular matter.

Thank you.

MR. HANCOCK: Madam Chairman, it is a rarity indeed when one has an amendment tabled in the House that adds something of substance to a bill. Having only had a very short period of time to review it but having now had the opportunity to review it and consult with members about it, I believe this particular amendment may in fact add something to the bill, and I would be prepared to recommend to our members that we accept this amendment and vote for it.

[Motion on amendment A2 carried]

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

MR. MITCHELL: Thank you. You're not forgetting the name of my constituency tonight; are you? No. Lots of practice. Eleven years, 11 months, and 22 days, a multiple of 11, and I actually got an amendment through. I don't think I can go on. I want to thank the Members of the Legislative Assembly and the minister for his support of that amendment. It's very gracious.

I have another amendment to distribute to the House, and this one concerns the question of accountability. One of the weaknesses of the bill is that there is no real provision for accountability. I could hearken back – maybe I could just say ditto; that would be quicker – to my debate on our first amendment, A1, where I pointed out that really these Senators will have very little to do. Even if they do have something to do, then the question arises as to what is the line of communication? What is the line of management? To whom do these people report, if to anybody, other than the people of Alberta? And how could we structure the requirement of a report? Given that they are really at this point, as nominees, just employees of the government of Alberta, then it would be useful if we laid out at least some groundwork for their reporting publicly on their activities.

Now, I know that this may be difficult for the government to accept, because they won't have anything to report on because they won't be doing anything. But I suppose that if the minister did determine to have a duties and functions responsibility list for these people, we could actually then have a report format where they would report on the specific duties and functions to the extent to which they fulfilled them or didn't fulfill them.

What we're proposing is that "a Senate nominee shall submit to the Speaker of the Legislative Assembly" of Alberta, which is an important nonpartisan gesture, "each January an annual report on the exercise of his or her functions under this Act." That just makes such common sense, that somebody who is being paid money by the people of Alberta who doesn't really have a manager in the sense of management in the normal sense, who could be sitting in the gallery in Ottawa watching the Senate debates or who could not be perhaps, who would maybe have an office where he or she could be reached in Ottawa or maybe not, who would perhaps have a cell phone or not have a cell phone where he or she could be reached in Ottawa, might have an office in Alberta where he or she could be reached – the point I'm making, Madam Chairman, is that there is precious little structure that would require a Senator being paid as much as, well, expenses included, \$340,000 a year. I'm now acquiescing to the minister's assessment of that cost. There has to be some way for us to track, to understand, to follow what exactly it is that they are going to be doing. So we're suggesting that they submit a report annually in January of each year on the exercise of his or her functions.

The Speaker of the Legislative Assembly is charged with certain responsibilities under this amendment because he or she

shall lay a copy of the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

That makes eminent sense, reasonable sense, because accountability seems to be a byword of this government, and you can't have accountability if you don't have some structured reporting mechanism.

If the previous amendment was supportable by government in its logic and in its support for the Constitution of Canada, then this one is eminently reasonable in having structured reports to the Legislative Assembly. Not having Senators make any report of any kind would be like not having the Ombudsman make a report to the Legislature or not requiring that the Chief Electoral Officer make a report to the Legislature or not requiring that the Auditor General make a report to the Legislature.

If they have something important to do, which hopefully at \$340,000 a year we would expect they would, then they should have something important to report. We should have a structured, public, definable way to have that report tabled before all the people of Alberta so they can see whether, having explored the options that the minister talks about, those options that they have chosen have been properly fulfilled by the senatorial nominee.

11:20

I again ask the members to plumb the depths of their reason. We saw it earlier this evening, just moments ago, and it was a refreshing signal to the people of Alberta that there was collaboration, co-operation, working together in other words, in this Legislative Assembly to improve a horrible piece of legislation slightly. In any event, it did contribute in a positive way. I just ask the members, the minister in particular, to build some momentum, create a new trend, established as a first step with the acceptance of amendment A2.

We have other members who wish to speak, and I'll step aside to allow them to speak.

MR. SHARIFF: Madam Chairman, I'm pleased to speak to this amendment as put forward by the hon. Member for Edmonton-McClung. I note that in the amendment the member is proposing that "a Senate nominee shall submit to the Speaker of the Legislative Assembly each January an annual report." That gives me at least a feeling that the hon. member is acknowledging that a Senate nominee can exist in Alberta. For the last few days I've heard a lot of opposition to that concept, and now I'm hearing an acknowledgement that that position can exist.

However, Madam Chairman, I'm just wondering what other elected official in Alberta submits a report to the Legislative Assembly, and I don't know of any single one. Furthermore, if we do not pay this nominee any amount of honorarium, then how can we ask that individual to submit a report to the Legislative Assembly?

The notion of submitting a report has to have some component attached to it as to what that report is supposed to comprise. I would think that should be part of the regulation and not part of the act. We haven't talked about having an election. We haven't talked about paying this individual if they get nominated. So I'm not sure if this really fits into the bill itself. With that, Madam Chairman, I am of the opinion that this particular amendment really doesn't fit into the bill.

However, before I sit down, I want to commend the hon. Member for Edmonton-McClung for at least, through this amendment, acknowledging that a Senate nominee can exist in this

province and whatever procedure we follow may result in a Senate nominee. With those remarks I'll take my chair. Thank you.

MR. DICKSON: Well, after listening to the initial mover of the motion's comments and then hearing the Member for Calgary-McCall, a couple of observations. The first thing is that the Member for Edmonton-McClung is doing exactly what the minister of intergovernmental affairs invited us to do when he spoke to this at second reading. He talked about the value of the bill in terms of being a tool to educate, to focus public attention, public concern. Well, what the Member for Edmonton-McClung has done is to take to heart the invitation of the minister of intergovernmental affairs and say: if this is a way of advancing Senate reform, then it's a way of doing it in a very public way, in focusing attention on Senate reform.

Now, the Member for Calgary-McCall made some interesting points, and I heard three things. The first one: he said he's pleased to see that the opposition now supports the bill. Well, the Member for Calgary-McCall has never had in his extensive life experience one absolutely invaluable experience: he has never had the wonderful, unique privilege of sitting as a member of the opposition. Had he had that wonderful opportunity, he would better appreciate perhaps the exciting, stimulating, challenging opportunity you have to always challenge the government to do better, and that means taking a bad bill and trying to mitigate the worst effects of it and the worst problems. There's no inconsistency in that. That's what oppositions do in every parliamentary democracy I can think of.

MRS. O'NEILL: Regardless of whether there's any rationale to their arguments.

MR. DICKSON: Member for St. Albert, through the chair, there are few oppositions that are as consistently focused as this one. I'm confident that my colleagues measure up against any opposition you want to find in any parliamentary system anywhere on this continent or any other one.

The point is simply this. This doesn't mean, Member for Calgary-McCall, that a bad bill is suddenly a good bill. What it does is it says there are ways of making this bill less foolish, less silly, to make it more focused, to make it more presentable to Albertans. That's what the amendments are all about.

The second point. The Member for Calgary-McCall said – and I was surprised. You know, I end up at a lot of functions with the Member for Calgary-McCall. He speaks well, and he's got some strong beliefs and good life experience, and he has a lot to share with Albertans. He has a lot to share with members of this Assembly. But I have to differ with him when he says that he doesn't know what the content of the report would be. He doesn't know whether it would be fair to have the Senator-in-waiting file a report.

Well, isn't that exactly what we want? If we see that the Senator is not attending senatorial training college in Cabo San Lucas for four months out of the year, if he's not practising his senatorial skills at the Earl Grey golf and country club in Calgary, hopefully he's going to be doing things consistent with the campaign to reform the Senate, and if he's doing those things, don't we want to hear about it? Don't we want to take his activities and trumpet them from the rooftop? [interjection] Well, the minister of public works astonishes me. He absolutely astonishes me. He's expressing some lack of interest in promot-

ing Senate reform, and who better to do it than our Senator-in-waiting?

So to anybody who believes we want Senate reform, we should expect that this person should be issuing news releases. He should be going to Ottawa and camping outside the Senate Chamber and cranking out news releases. He should be holding public town hall meetings in Alberta. He should be doing it in St. Albert. He should be doing it in Stony Plain. He should be doing it in Calgary-McCall. He should be doing it in Medicine Hat. If he's doing those things or she's doing those things, why wouldn't we want a report to come and be tabled in the Assembly? Maybe we'll get some reporters interested in reporting on it. Maybe we'll get some students doing papers on it in university. [interjection] Well, if we elect somebody who knows how to write, maybe we can generate some revenue from it.

The Member for Calgary-McCall said that if the person isn't being paid, it's unfair to have them write the report. Well, hon. member, this person has traveled all around Alberta, has already spent a pile of dough canvassing in what is a unique election, because it's one constituency from Slave Lake to Taber. It's a huge, huge kind of campaign. When that person wins, they're not there looking for money. They're there presumably because they're interested in what the Senate does. They're interested in giving a voice to the people of the province of Alberta.

11:30

So for those three reasons I'm supporting this amendment. I still have lots of reservations about the bill, but I think this makes the bill more palatable. It makes it more sensible. It makes it more logical. I think it's irrelevant that the person isn't paid. This person has a public mandate. That's what that person went through the whole election to get, and that shouldn't be a secret. That should be something this person is broadcasting from the rooftops. The complaint with this amendment is that it doesn't go far enough. The amendment is that this person should be doing a host of things, not just one annual report. So to me this is an absolutely minimal kind of requirement.

In terms of the content of the report, I understood the Member for Calgary-McCall to say that he wasn't sure what would be in this report. Well, I've mentioned before that I had a chance to work with the Liberal nominee in the last senatorial selection race. We traveled around in this bus. It was a great experience, because I'd never been part of an election that took in the whole province of Alberta. What was interesting about that is that each of us in this Assembly comes in and we have our own particular backgrounds and we have our own group of electors. If you represent Medicine Hat, some issues are particularly important to you. If you represent Calgary-*Buffalo*, they may be very different issues. We come in here and we try and find some synthesis of those points of view so that we can pass a law that makes as much sense in Calgary-*Buffalo* as it does in Medicine Hat. Imagine the challenge of trying to represent Medicine Hat and at the same time represent Calgary-*Buffalo* and 81 other constituencies.

MS LEIBOVICI: It's an issue of accountability.

MR. DICKSON: It is an issue of accountability. I'm indebted to my colleague from Edmonton-Meadowlark.

MS LEIBOVICI: If they're not paid, how do you hold them accountable?

MR. DICKSON: Yeah. My colleague from Edmonton-Meadowlark, whose mind absolutely never turns off, raises an interesting point. But I'm going to let her develop that, because plagiarizing is not fair. The Member for Edmonton-Meadowlark may want to develop that idea on her own.

Anyway, I'd just come back and ask: is there any member in this Assembly that thinks it's onerous to ask the person who is our Senate nominee to file one dinky little report once a year saying: "I've been doing this, this, and this. I've attended meetings. I've done some public education things. I was on cable TV. I did some radio programs." Is that too onerous? Surely not, Member for Calgary-McCall, through the chair. Surely you can't mean that's going to be offensive or awkward. Whether the person is paid or unpaid, it surely doesn't matter.

In any event, Madam Chairman, I don't know what else I can say in support of this, other than to say that I think the amendment doesn't go far enough. But surely to goodness, nobody can vote against it on the basis that it goes too far.

Thanks very much, Madam Chairman.

THE DEPUTY CHAIRMAN: The hon. Member for St. Albert.

MRS. O'NEILL: Thank you very much, Madam Chairman. I just want to speak against this amendment. I want to speak against the amendment, because it's based on two assumptions. The first one is that this person is going to be paid. This is what the person who proposed this amendment has said, and it's an incorrect assumption.

The second is with regard to accountability. The accountability is to the people who elected them, not to the Speaker of the House. So if you're going to have accountability, you're going to go back to the people. So in that sense, Madam Chairman, I would like to speak against and urge everybody else in this House to vote against this amendment.

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

MS LEIBOVICI: Thank you, Madam Chairman. I've just got to reply to the hon. Member for St. Albert as well as to Calgary-McCall.

The reality is that whether these individuals are paid or not paid, they still have an accountability, as was indicated, to the electorate. They also have an accountability to the Assembly, who passed this legislation, and to the Lieutenant Governor, who in fact will be outlining duties, regulations respecting performance and accountability, and functions of these Senate nominees, whether they're paid or whether they're not paid. If they're not paid, there's even more of an onus on those individuals to be filing reports and ensuring that in fact they are accountable to their electorate.

According to this piece of legislation, there's no way of recalling those individuals, no way of ensuring that there is any accountability back to the electorate. You can't get rid of these pseudo-Senators unless they in fact resign of their own accord or their term expires, and the term, as we've now been led to understand by the minister, is six years. That's a long time to have a pseudo-Senator sitting there, paid or unpaid, who has no accountability to the electorate. They can be sitting there for six years and do absolutely nothing, in which case: why have we elected them? What is the point of putting them through the process? How do we know six years from when their election

was that they are in fact still able to perform their duties?

In fact, that person can be sitting on a waiting list for six years, and in six years a lot happens in people's lives. How in fact do we know that individual is still qualified to perform the duties that they were elected to do? We don't, and that's why it's necessary to have some kind of accountability through the Legislative Assembly to the electorate or directly to the electorate. If the member does not feel that the accountability should be to the Speaker of the Legislative Assembly, I urge both her and the Member for Calgary-McCall to amend this amendment and to then have an annual report submitted to the electorate. Why not? That makes sense if you are in fact serious about any kind of accountability.

So whether they're paid or not paid is a red herring that has been put forward by the members of the government side to deflect from the real issue, and that's the accountability of an individual who can be elected for a six-year term to do perhaps nothing or to do perhaps a lot. We're not sure. The duties, the performance of those individuals are at some point in time going to be outlined in regulations, paid or not paid.

If that individual is not paid and we can't put forward the idea of an annual report, then can the Member for Calgary-McCall or the Member for St. Albert please explain to me how you're going to have someone who is not paid, according to this particular bill, follow regulations that are made by the Lieutenant Governor dealing with the duties and functions of the nominee? They're not paid; why should they have to listen to what the LG says? If they're not paid, how are we going to ensure that the regulations that are made respecting their performance and accountability are in fact carried out?

As the Member for Calgary-McCall indicated, if they're not paid, what's to say they have to do anything? What's to say they need to follow the regulations with regards to duties and functions? If you go back to section 3 that talks about how you have someone who is elected unelected, that's not in here. You can't recall those individuals until their term expires. So for six years you've got someone sitting there; maybe he's not paid. But then, what are his duties?

At any rate, I felt the need to explain that, because as I indicated, the comments that were put forward by the two members are in fact misunderstanding what the intent of this particular amendment is and have tied it to the notion of pay. The notion of accountability does not necessarily have to be tied to the notion of pay. The elected Senator, the pseudo-Senator, should in fact, if elected, then be accountable as well to the citizens of Alberta.

Thank you very much.

11:40

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

MR. SAPERS: Thank you, Madam Chairman. One man standing alone with dignity is the hallmark of democracy, and I will say that I am in favour of this amendment. But that doesn't mean I'm in favour of the bill. I am speaking on the amendment. This amendment would make this bill less distasteful, and that's why I'm in favour of the amendment.

As I said before, I'm trying to make this bill go, but if I can't make this bill disappear off the Order Paper, the least I can do is make it not be an embarrassment to the people of Alberta. So what we'll do is we'll . . .

MR. HAVELOCK: Howard, that tie is an embarrassment to the people of Alberta.

MR. SAPERS: This tie was a gift, Mr. Government House Leader.

THE DEPUTY CHAIRMAN: On the amendment, hon. member.

MR. SAPERS: I'm trying. They're provoking me.

THE DEPUTY CHAIRMAN: Hon. member, things have been so good in here tonight. Why don't we keep them that way? Through the chair on the amendment.

MR. SAPERS: Through you to all those who are listening to this amendment.

The necessity for a report on the duties of these standby Senators should be self-evident. Presumably, if the government gets its way and uses all of its might and all of its collective power to force through Bill 40, which they seem intent to do because of the imposition of closure, we're going to have one or two or three or more people running around with the imprint of "standby Senator" stamped on their forehead. These people are going to be out and about in the community, in other provinces, within the federal jurisdiction, arguably representing or being ambassadors of some sort for Alberta. I cannot conceive of an agent of this government or of the people of this province being allowed to run free without being made to be accountable at least once in some form.

What this amendment would simply do is call on the nominees to report in writing, and the debate has suggested that there may not be a problem with the report but that the problem may be with the form of the report, that it would have to come to the Legislative Assembly. Well, I think that if it's the Legislative Assembly that is going to perpetuate this bill, it should be in fact the Legislative Assembly that receives the report. But I'd be willing to entertain a reasonable amendment from the government side if they wanted to change the reporting requirements.

You know, we have so many agencies and individuals who do report to the Assembly and maintain their independence. We have the legislative offices. Now, I happen to be a member of the Legislative Offices Committee. We have the Chief Electoral Officer reporting to that committee and through the committee to the Legislative Assembly. You have the Ombudsman, you have the Privacy Commissioner, and you have the Ethics Commissioner. It seems to me that there is lots of precedent for these independent and neutral bodies to be reporting through a committee to the Assembly, and it doesn't seem to compromise their independence or bring into question their integrity whatsoever. Furthermore, the whole question of accountability is one that this government should embrace. After all, this is a government that has seen to it – and it's a good thing – that government departments have three-year business plans to make them more accountable. This government publishes through the department of Treasury a document called Measuring Up, which is a performance evaluation process. This government has taken other giant leaps forward in making the financial business of the government more accountable. Even just today the Minister of Health announced a whole new process for complaints resolution within the health care system.

So to follow all of that lead – and I'm complimenting the government for some of those initiatives – it would seem to me

that this is something that the government would readily and immediately embrace. I'm a little bit taken aback by the comments from St. Albert and Calgary-McCall to suggest that this would be contrary to the government's agenda or best wishes. I'm sure that those members will be tuned up in their caucus meeting for arguing against the government's moves towards greater accountability.

So, Madam Chairman, with those few comments I will encourage other members to debate or, even more appropriately, call the question.

[Motion on amendment A3 lost]

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

AN HON. MEMBER: Hey, come on.

MR. PHAM: We have to go back across.

MR. MITCHELL: No, no, no. We're calling the question on that amendment. We had the question. We have one more amendment, and that will take us to 12 o'clock. That's what we're doing.

MR. LUND: But our speaker is up.

THE DEPUTY CHAIRMAN: I recognized Edmonton-McClung.

MR. MITCHELL: Thank you, Madam Chairman. I appreciate that a lot.

I have a fourth amendment that I would like to present so we at least have it on the record before this debate is closed at committee, as antidemocratic as that is. I feel like I'd like to at least get it on the record, but I didn't have time enough to describe it properly, or we wouldn't be in this predicament tonight. I'm going to describe it.

The minister has said that nominees would stand as nominees for a maximum of six years. I understand why he wants to specify a limit. We do too. Too long means that Senate nominee might be very stale, out of context, had been elected for issues that no longer are significant, and not elected on the basis of issues that are currently significant. So at some point the senatorial nominee becomes a stale nominee, if I can use that in an impersonal sense. We agree that if this bill is to work – well, it won't really work, but if it's to be made better, it needs to have something specified.

Our belief, however, is that there is no real basis for six years. In fact, six years is purely and strictly a carryover from the American experience, where their Senators are elected for six years. Let's remember a couple of things. In Canada the Constitution calls for five-year terms, maximum, in every jurisdiction. So why would we borrow an American precedent when we're Canadians and we're governed by a Canadian Constitution? I think it's faulty logic. I know that we have to pull a number out of the air, but let's pull a Canadian number and not an American number out of the air. I have nothing against Americans. I'm happy to be their neighbour. I just want to be a Canadian, and I would really like to have . . .

AN HON. MEMBER: I am a Canadian.

MR. MITCHELL: I know you are.

I would really like to have a five-year Canadian solution to this problem and not a six-year American solution to this problem. It seems logical, it seems easy, it seems obvious. Perhaps the minister, in honour of a conciliatory approach and the co-operative tenor that we've created in this House tonight, might see his way clear to recommending to his caucus that this amendment be supported, as benign an amendment as it is. They don't get more benign than this. It's just one measly year to make it more Canadian: not even 20 percent; like a 17 percent reduction just to make it Canadian. It would be great. It would just be great if you could support this. It would be two out of four; we'd be batting .500. I'm not going to beg, but I am asking, pleading.

11:50

AN HON. MEMBER: You're begging.

MR. MITCHELL: I'm almost begging. Could you just, please, support this amendment? It's in the hands of the minister. I know it is.

AN HON. MEMBER: Which amendment are we speaking to?

MR. MITCHELL: We're speaking to the five years for nominees.

THE DEPUTY CHAIRMAN: The hon. Government House Leader.

MR. HAVELOCK: Thank you very much, Madam Chairman. There is some merit to this amendment. However, I think there may be some difficulty associated with – as the member indicated, it's only a 20 percent increase. Nevertheless, typically what happens is that elections are held every four years. That is a tradition despite the fact that most governments can sit the full five years. In fact, we've seen in the last few sittings at the federal level anyway that some governments don't even last the four years. They call an election early, depending on what's happening at the time. I can understand the argument that the member's proud to be a Canadian, that we're proud to have neighbours to the south of us who are American. Nevertheless, I think that this particular amendment is really not necessary.

We need to keep in mind, Madam Chairman, that the legislation we're looking at is essentially enabling in scope. There are a lot of things in the bill which I know we've heard extensive debate on regarding outstanding issues, as to whether or not members should be paid while they're serving in this capacity. I don't see this adding much to the bill as it stands. Certainly down the road, if you want to bring forward a specific amendment in this regard, that could be done. I think, quite frankly, that the government may well find that there is some merit, although based on the argument I've heard tonight, I don't believe that we would be there at this stage.

What I'd like to do for a moment is refer to the proposed section. The hon. member has referred to 29(2.1). If I can just dig up a copy of it here, I'd like to refer to that specifically. I have a copy of the bill. I'm referring to section 29(2.1)(a).

AN HON. MEMBER: On the amendment, not on the bill.

MR. HAVELOCK: Hon. member, I am speaking to the amendment, and the amendment happens to reflect part of the bill. [interjections] Would you like to do a point of order on me at this stage?

THE DEPUTY CHAIRMAN: Would you like to focus on the bill and get on with it?

MR. HAVELOCK: In any event, as I look at . . . [interjection] Pardon me? Two more minutes?

AN HON. MEMBER: Go, Jon, go.

MR. HAVELOCK: Go, Jon, go; thank you very much. [interjections]

Well, perhaps I could tell you about the visit I had at home just yesterday. No. Just kidding.

Anyway, we're looking at section 29(2.1), which is the one that's being suggested be amended by striking out "fixing the term of a Senate nominee." If I'm not mistaken, that's what you're referring to, hon. member. I don't see the rationale for us to actually at this stage bind the Legislature to five years. Quite frankly, things may change in the future where we may require some flexibility.

Again, we need to keep in mind that this is enabling legislation. In fact, if you look at many of the provisions in this, it is all relating to enabling the government of the day to have some flexibility in determining what should occur with respect to, for example, setting out the number of persons to be elected, appointing the nomination day, setting out whether the election under this act is to be held in conjunction with a general election or with a municipal election. So this amendment, while I think there is some legitimacy to it, seems to be inconsistent with the general thrust of the bill. The general thrust of the bill is to provide some flexibility to the government of the day to be able to consider whether or not a particular direction should be undertaken at that time.

MR. MITCHELL: Why aren't you giving the "I am Canadian" speech?

MR. HAVELOCK: You're right. I am Canadian. Thank you, hon. Member for Edmonton-McClung. I am Canadian.

I haven't actually, Madam Chairman, had a lot of experience in wasting the time of the House by trying to fill 20 minutes. I know that the members of the opposition have done that on occasion. [interjection] Oh, I'm sorry; not wasting: entering into positive debate on the bill which is important to people.

MS OLSEN: That's very good. I'm impressed.

MR. HAVELOCK: Thank you. Well, the Member for Edmonton-Norwood is quite happy with that. [interjection] Is this clock working?

All right. In any event, as I said earlier, I think that this would be inconsistent with the intent of the legislation, which is to provide some flexibility with respect to a number of the items outlined under section 5 of the amendment, where we set out how we would like to see section 29 amended.

MRS. BLACK: And would not be consistent with the current Senate.

MR. HAVELOCK: Yes, actually that's a good point. This would not be consistent with the way that Senators are presently appointed, and it may well be that we wish to fix the term of the Senate nominee in a manner that is consistent with existing legislation.

With those rather brilliant remarks, I'd like to resume my seat at this time, and if anyone else wishes to address this, that would be fine.

THE DEPUTY CHAIRMAN: Due notice having been given by the hon. Government House Leader under Standing Order 21 and pursuant to Government Motion 30 agreed to this evening under Standing Order 21(2), which states that all questions must be decided in order to conclude the debate, I must now put the following questions.

[Motion on amendment A4 lost]

[The clauses of Bill 40 as amended agreed to]

[Title and preamble agreed to]

THE DEPUTY CHAIRMAN: Shall the bill be reported? 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: Yes. I would like to move that the committee do now rise and report, Madam Chairman.

[Motion carried]

[Mr. Shariff in the chair]

THE ACTING SPEAKER: The hon. Member for Lacombe-Stettler.

12:00

MRS. GORDON: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following with some amendments: Bill 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? Carried.

head: Government Bills and Orders
head: Third Reading

Bill 40
Senatorial Selection Amendment Act, 1998

MR. HANCOCK: Mr. Speaker, it is my privilege to move third reading of Bill 40. I think with the benefit of the debate that we've had over the last couple of days, we now have a piece of legislation which can provide the framework for moving forward

with the Senate election discussion. I look forward to input from all members of the House in terms of the development of regulations under this bill and would encourage them to develop some of the thoughts that have been talked about in debate so that we can make a fine set of regulations and then get on with Senate reform in this province and in this country.

Thank you, Mr. Speaker.

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

MR. MITCHELL: Thank you, Mr. Speaker. I want to make it very clear that my caucus colleagues and I believe very strongly in the need for Senate reform. Our opposition to this bill didn't reflect any opposition to the principle of the need for Senate reform. I believe the Senate has a very important role in a federation, and I believe very, very strongly in a federal government structure. I'd like to take just a moment to explain why I believe those two things, that the Senate has a strong role and that federal structure is very important and needs that strong Senate.

Federal states allow a wide range of interests and concerns and issues to be accommodated in a successful, stable way. Canada is evidence, believe it or not, of how well a confederation or a federation can work in the world. Canada's has in fact worked as it should work. There have been stresses and there have been strains. Most recently there was the strain of the unity question with respect to Quebec. But I believe this country will stay together and that Quebec will remain in this country because of the safety valve, the mechanisms of expression that are provided for people across this country by the federal system: the expression of their cultural, regional, geographic, and economic concerns, which are different in many critical respects across this huge expanse of a country.

It's interesting to note that municipal government hasn't had to rely on a party structure, hasn't ever needed to structure itself in that way because it doesn't have quite the same scope of issues and breadth of interests – and I'm not diminishing municipal government – because it is geographically much closer and the interests are much more focused. But when you get to a provincial level, you need to have ways to bring in a variety of different ideas and build consensus. Caucuses do that and the Legislature does that, and that's why I have a huge respect for the caucus system. It's been maligned in that respect, but it is one way that we build consensus.

In a federal state we have the additional advantage of having, in Canada, 10 different governments which allow people to express their regional, geographic, cultural, and specific economic needs. In turn, we have a federal government that also bridges many of those issues, obviously. But because the federal government's Parliament is elected more or less not perfectly but by population, then what gets represented in that House is the prevalence of interests driven often by population concentration. There's less focus, although not no focus, on the breadth of interests across the country, interests which require and demand more attention than simply representation by population, providing for concentrations of political power, can ever provide.

When you have this stretch, this expanse of geographic and cultural and all kinds of other differences, you need to have somebody at the federal level that overreaches those, that bridges the problem of having interests and issues which, while every bit as powerful as those reflected by the concentration of election by population, are not reflected successfully under that kind of

system. So the Senate allows a further input which broadens the scope and the focus of a parliament, allowing for the stronger expression of interests that otherwise wouldn't be expressed because they're not supported sufficiently by population.

All of us in this House know that's very critical for the success of a province like Alberta, which is not one of the smaller but certainly isn't one of the central, concentrated provinces. It's very important for Manitoba and Saskatchewan, with respect to the west of course, and B.C., which is certainly dwarfed as well by Ontario and Quebec, and for the Maritimes. This federation will not be as successful as it might otherwise be without a Senate, and it will be more successful with a Senate that does at least have the additional power of having been elected and the moral suasion and the presence that elected representatives have over nonelected representatives. I've never met a Senator who deep in their heart didn't want to be elected, because they know there is something slightly missing.

I hope that expresses clearly our defence of the Senate, our defence of the federal system, and our defence of the Senate's importance within that federal system. However, having said all those things, just because this bill will change the structure of the Senate doesn't mean it will improve the structure of the Senate, and helter-skelter amendment changes that aren't properly considered within the full context can create more problems than they solve. That's why we have presented in this House, rigorously I admit, a note of caution and a note of: let's consider what exactly the consequences will be before we forge ahead without having properly thought the process through. One of the consequences I fear is that if you change one of the Es – that is, elected – without changing the effective powers, quote, unquote, what you may do is really tip a balance. What I don't want to see is the kind of impasse that occurs in the United States.

The powers that exist for the Senate now have functioned effectively, if I can use that word, or functioned appropriately in the context of Senators who aren't elected and therefore don't have that extra edge that comes with a direct election and representing people on that basis. So if we begin to enhance senatorial power by virtue of an election, we may be enhancing powers out of context, the powers that they have. What that can result in is, among other things, gridlock in this country.

It's been said by analysts – and I think it's true – that in the United States they have not been able to provide leadership, among other things, on social issues. In many respects you see the damage that has caused and the kind of social dislocation that is growing more and more in the United States. The reason that has occurred is because there is gridlock, because the powers that people have and are given don't match the powers they're able to implement and express. So I fear that would occur here, and I think there needs to be a broader approach to the election of Senators in a broader context.

12:10

Having said that, I do also think this bill is flawed in many fundamental ways. It's just not right. It just doesn't make sense. It doesn't sit well that we would elect people for positions that don't exist. We don't hire people for positions that don't exist. We don't hire people to do jobs for which there are no duties or responsibilities. We don't contemplate the remuneration of those people in any other context; in fact, quite the contrary. The government has been adamant and determined in its drive to do away with redundant positions in this government, to streamline the civil service, to reduce pay, to enhance, they would argue, productivity. I'm not sure it's doing that at all. But in fact to

create senatorial nominees without a job, for which they are being paid, is to fly in the face of everything else that this government has been consistent on establishing over the last four or five years. I know they're sensitive about these kinds of contradictions, and I know logic tells us that this is a blatant contradiction of what has been their staple focus and argument over the last three or four or five years. I just don't see why they would reverse that for something that can only be construed as a quick – I would say cheap, although it won't be cheap – political stunt. It certainly won't be inexpensive.

I question its origins. I think it comes from the Reform Party, and that concerns me deeply. I question – and I perhaps shouldn't – its sincerity, because I think it's being done for political reasons that are unbecoming and are really somewhat of an affront to democracy.

I think the bill could be improved, as bad as it is. It would never be enough for us to vote for it, but we've made some contributions in that respect. I am grateful the government accepted the set of criteria that have been outlined in the Constitution of Canada which should be applied directly to our senatorial nominees. I think that was a breakthrough.

I'm saddened by the fact that the five-year over a six-year or other-year term for nominees hasn't been accepted. I think it was a strong argument that needed to be made that there should be a structure of accountability for these senatorial nominees, especially since at best their job description is going to be vague, if they ever get one. I also believe very strongly that we shouldn't be contemplating remuneration for these people anyway because they're not being hired for a job that exists, and certainly not when no job description or list of duties and responsibilities has been established for them to perform.

So, one, we support Senate reform. We are deeply committed to Senate reform. We are not driven to think that any reform is adequate, appropriate, or good reform. In fact, we believe that the reform contemplated by this bill will not only be inadequate, will not only be inappropriate, but could well be very dangerous, taken out of context as it is, with respect to the powers of the Senate. It could be very dangerous to the functioning, the efficiency of government in this country.

I close my comments and my participation in this debate on a note of profound caution and concern for what could befall a federal government structure and system in which an imbalance is imposed artificially on one of the key components of that structure.

Thank you, Mr. Speaker.

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

MS OLSEN: Thank you, Mr. Speaker. I, too, have some concluding comments on this debate. People talk about reform in the Senate, and they talk about electing Senators as part of that reform process. Others even speak of abolishing the Senate, which I absolutely don't agree with. I do believe, however, in Senate reform that is meaningful. I believe that in order for this province to have meaningful Senate reform, we have to be working at the federal level with the federal government. Senators are still going to be appointed by the Prime Minister, and if we are going to elect them, we have to do it in a timely manner and not have Senators sitting and waiting.

I am not a supporter of many of the amendments in the Senatorial Selection Amendment Act. I do not believe we should

have somebody-in-waiting. I do not believe we should have the Senate elections in conjunction with the municipal elections. I think that's wrong. I think that if Senators are going to be elected, they're elected at their own time, in their own place, and not in conjunction with another major election in municipalities in this province. I think it takes away, detracts from the whole issue of what municipal elections are all about; that is, getting the best people elected to run our cities. I'm afraid that by throwing in a Senate election at the time, we know what's going to be the issue. It's not going to be our municipal elections.

I don't believe in having people sit around doing nothing. It's legitimizing the Andrew Thompson phenomenon of the Senate, and I'm not prepared to do that. I believe we can have a proper election, and I believe most people across this country believe that and believe in Senate reform. I think that most people are right on track with the triple E Senate. However, I'm not sure that this particular method is going to bring satisfaction to people, especially when they know that they end up electing two people and that it's going to cost in the area of \$300,000 a year to keep them in a position in Ottawa and they yet have no authority and they have nobody they're responsible to.

The other thing that concerns me is the complaint about the Senate appointments at this point being partisan. Certainly when there's a Prime Minister from a specific party, you tend to see Senators from that party appointed. But tell me how this particular process is going to be eradicated in this bill? You're still going to have partisan appointments. You're still going to run a Conservative candidate for the Senate and a Liberal candidate for the Senate and a Reform candidate for the Senate. It doesn't take away from the partisan politics, so it would be a fallacy to say that elections of Senators are going to help dissipate that. It's not, any more than the elections of judges would have a better impact in the courts. It just won't. People are responsible to their electorate, and they have to have a role they can be responsible for.

In closing, I support the principle of an elected Senate. I do not support the process that exists now. I don't support any notion at all of abolishing the Senate. I certainly believe in the proportional representation. That's what the Senate was meant to do. The Senate does have a role in this country. I think that we all have to work with the federal government to look at a stronger Senate and look at Senate reform in a bigger picture than just Alberta and certainly look at a bigger picture than just the Reform Party policy on Senate reform.

Thank you, Mr. Speaker.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I, too, rise to speak to Bill 40, the Senatorial Selection Amendment Act. While I congratulate the minister for including one of the amendments that were put forward by the Member for Edmonton-McClung, it's unfortunate that the other amendments that were put forward were not accepted by the minister. In a sense it's even more unfortunate that we're faced tonight with a bill that, for me, just reinforces what this government has become well known for, and that is bringing in legislation that is not always well thought out, bringing in legislation that is sloppy in terms of its drafting, bringing in legislation that in fact shows the manner in which this government has governed over the last number of years; that is, in an unplanned and unmanaged approach and a piecemeal approach.

12:20

When we're looking at an issue such as Senate reform, as with other issues that this government has put forward, this attitude of "Trust me; it'll be okay" is quite frankly not good enough. It's not good enough for the members on this side of the House, and it's not good enough for the citizens of the province of Alberta. We know that Albertans deserve better, and we know that the ideas and the thoughtful suggestions that are put forward by the members of the Liberal opposition do in fact try to make it better for Albertans, who, as we know, deserve better.

The reality is, however, that we've got a bill in front of us that will provide for the election of pseudo-Senators, that will in fact provide a large amount of power to the Lieutenant Government or in fact the front bench to make regulations that will address issues such as fixing the term of that Senate nominee, looking at what the duties and functions are, the remuneration and expenses as well as the performance and accountability, all in the name of Senate reform. The reality is that this will not reform the Senate; this will not even address reform of the Senate.

What this government is hoping, I think, is that when they go out to the next election, it provides another item in their shopping bag to say: you see, we've done something to reform the Senate. In fact it doesn't do that. In fact it's an unknown. It provides a red herring, in a sense, because what this bill does is perpetuate the Senate as it now stands. It doesn't really change the Senate. It doesn't really change the way the Senate represents the different provinces. What it does is in a sense ensures that party politics will remain within the Senate. If we're looking at true Senate reform, the same way we should be looking at reform within this Legislative Assembly, that's one of the issues that has to be addressed head-on. I think especially when you're looking at the Senate, that's one of the issues that also has to be addressed head-on.

So if in fact the minister is serious about Senate reform, if in fact the minister is serious about ensuring that there are changes throughout the country, because that's where it has to occur on Senate reform, then I urge the minister to put in place that consultation process that he was talking about earlier, to in fact not do it by the seat of his pants, which is what it sounds like is going to happen, because we are now very close to May 1. It has to be in place before, I would imagine, the actual election day, which will be the third Monday in October.

The minister has to make a commitment not only to this Legislative Assembly but to the people of Alberta that in fact there will be a consultation process that will look at reform of the Senate, not just words on a piece of paper, not just in fact a bogus bill that does not do Senate reform, that sets up a system of pseudo-Senators that may or may not be performing duties of a Senator, may or may not be performing according to the expectations of the electorate, may or may not be entering their term as a Senator, period, never mind during their term of office. There's nothing to enforce the fact that this pseudo-Senator will be appointed by the Prime Minister, because that's in fact what has to happen.

There's nothing the minister has said that indicates he has gone that extra step, which I believe is within the mandate of the minister, to talk to the Prime Minister of this country, to talk to his fellow colleagues, the other ministers of intergovernmental affairs across Canada, to ensure that in fact there is some kind of understanding, that there is some kind of commitment, that there is some kind of resolve to in fact reform the Senate, which this is supposedly about. Without those moves by that minister, without

the commitment and the explanation by the minister as to what the regulations are, we have in front of us an empty shell and we have in front of us a bill that says, "Trust me," but we don't know what the inside is. We have in front of us a bill that supposedly will reform and revolutionize the Senate but in fact does none of the above.

As a Liberal and as someone who, I believe, represents my constituents, I believe that the Senate does need to be reformed, that there have to be conditions put upon the Senators that are more onerous than what we see right now. In fact there must be better representation across Canada with regards to the Senate and the Senators, but I do not believe this is the way to do it. I do not believe that in fact this is cost-effective or efficient or will achieve the goals the minister has put forward.

If we want to have Senate reform, then as I indicated earlier, what needs to happen is that the minister has to put in place a process of consultation. The minister has to look at expanding the horizons of Senate reform, not just looking at the box as we know it now but do what is known as some out-of-box thinking, because that's the only way we are going to be able to actually reform the Senate and other parliamentary institutions to make them more effective and efficient.

It is, I indicated in second reading, a bill that I think will be quite useful for the members of the opposition, because in fact what this bill does is outline and highlight the bankrupt thinking of this government. They think that in fact something like this, a bill like this, will be able to be put forward and shopped around to Albertans and that Albertans will not ask those questions that I asked earlier this afternoon: why do we have someone sitting on a waiting list; how much is that person going to get? Even someone applying for that position will be asking those questions. I think that is an insult to the intelligence of Albertans, and I know Albertans will recognize that as well.

It's unfortunate that we're being pushed to closure on this particular bill. We know that the government has introduced closure for the third stage of the bill. So this is a bill that will be passed regardless of what we as the opposition can do, but I know Albertans will not be fooled by what the minister says, will not be fooled by the empty words that are in this bill. In fact, Albertans will be asking those pertinent questions and will be putting the minister to the test to say: "What is the thinking that's gone on with this? Show us that this is not just flying by the seat of your pants and that in fact you are really earnest about Senate reform, that this is not just another piece of propaganda."

Thank you very much.

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

MR. DICKSON: Thank you very much, Mr. Speaker. You know, I think this is probably the last bill we're going to deal with in the spring session.

MS HALEY: You're the last speaker.

MR. DICKSON: And I may have the distinction of being the last speaker in the spring session, but I'm sure there are others that will want to speak as well. So I don't presume that.

You know, it strikes me that there seems to be a pervasive sense of understatement, a pervasive sense of disappointment. When I look around the Assembly and see the fluttering eyelids and the half open eyes on both sides of the House, it surely isn't

just the fact it's 12:30. I think some of it is that people aren't very excited about this bill, maybe save for the minister of intergovernmental affairs.

When I look around, I think my view of this place has always been that we're supposed to reflect what's going on in the bigger province. We're supposed to reflect the kinds of issues that are top of mind issues for Albertans. I ask myself how much support there is in Calgary-Buffalo for Bill 40. You know something interesting, Mr. Speaker? I've been getting E-mails on a host of issues. I'm still working my way through my mail pile. I've got phones calls and faxes I haven't been able to deal with yet. And what are people talking about? How many of those are dealing with Senate reform and Bill 40? Do you know what most of them are talking about? It's medication for people suffering from MS. It's people concerned about increased private school funding. It's people that can't access health care when they need it.

12:30

Mr. Speaker, the other day my new constituency web site, the Calgary-Buffalo web site, got up. We had a few problems with it the other day, and I thought: oh, okay; maybe I'm being flamed by a group of Senate devotees who decided I wasn't with them on this bill and they were going to flame out my web site. I thought: well, maybe this is that life; maybe this is this excitement from people in downtown Calgary who now want to register their concerns about Bill 40. But I checked into it, and in fact it was just some defective work done by my software support group and my own ineptitude that we didn't seem to get the system working as it was supposed to be working. It wasn't people concerned about Senate reform.

When I look at Bill 40, I'm not going to be voting for this bill, as others have said, and that has nothing to do with whether I think the Senate ought to be reformed or not. I look at all of the issues that we're expected to deal with by Albertans. We can't manage to pull off the much-promised regional health authority elections in the fall of 1998, but we're in a big rush to pass legislation to create a position that really doesn't exist. I think our constituents deserve better, Mr. Speaker. I think Albertans deserve better. There will be some people who are going to accept Bill 40 as a step towards Senate reform, but I think most thoughtful Albertans are smarter than that.

I ask myself: what would the Fathers of Confederation think of Bill 40? These were practical men and women. They crafted one of the most creative confederate structures that's ever existed in the history of the civilized world.

MR. HAVELOCK: Does it work.

MR. DICKSON: It works a heck of a lot better, Minister of Justice, than any other federal system you can name from my point of view.

The point is this. I am trying to imagine what George Brown would say, the guy who started the *Globe and Mail* and the Grit party in Upper Canada and was one of the Fathers of Confederation. If you read the things that he had to say in 1864, '65, '66, and '67, these were men looking for practical solutions. When they talked about a Senate, they had a plan for it, a Senate that was going to work. We're missing that sort of perspective. We're missing that sort of practical ability.

I know that there are other people anxious to speak, and I see the signals. I owe it to my constituents because they're always entitled to know how their MLA is going to vote on any given issue. I simply wanted to put on the record the reason why I'm

not supporting Bill 40, and it is that this is flimflam. This isn't what my constituents want to see me spending my time debating in their Legislative Assembly. The problem with it is that for every hour we spend on Bill 40, it's an hour we don't spend talking about wait lists in hospitals. It's an hour we don't spend talking about the lack of services for people with Alzheimer's and family members. It's an hour we don't spend talking about what's going wrong with public education and lack of funding. So that's a problem.

Two other concerns I have specifically with Bill 40. The first concern is that Bill 40 has been cleverly designed to ensure that the Senate appointee becomes the limited agent for the government of the province of Alberta, not for the people of Alberta. That's a particular problem.

You know, somebody earlier – and I don't remember whether it was Intergovernmental Affairs or maybe the Minister of Justice – talked about a fine set of regulations. Mr. Speaker, that's like the fine set of regulations we saw dealing with the LPN scope of practice. It would be like the fine set of regulations that brought in our outrageous freedom of information fees. I don't have any confidence that we're going to see a fine set of regulations. That's the exception in this province. We mostly see regulations that are problematic.

Mr. Speaker, I think I've set out the reasons why I'm not going to be supporting this bill, but I do ask members, before we vote on this in third reading, to consider whether they genuinely feel

excited about this bill, whether this is something you're going to be able to go back to Three Hills and people are going to be doing handstands down main street.

12:40

MR. MAGNUS: Well, I'm excited.

MR. DICKSON: You know, people in Calgary-North Hill are not going to be jumping up and down because Bill 40 is going to be passed. They're still going to be lined up at that member's constituency office tomorrow morning or the morning after, and they're going to want answers to the issues that really matter to them. You're going to be asked: when you were in the Legislature this spring, did you solve any of the problems that we have that challenge us and our families? Well, each of us is going to have to answer that question on our own with our own constituents. I know what my answer is going to be, Mr. Speaker.

Thank you very much.

THE ACTING SPEAKER: The Minister of Intergovernmental and Aboriginal Affairs to close debate?

[Motion carried; Bill 40 read a third time]

[Pursuant to Government Motion 7 the Assembly adjourned at 12:42 a.m.]

