

Legislative Assembly of Alberta

Title: **Monday, November 23, 1998**

1:30 p.m.

Date: 98/11/23

[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Good afternoon. Let us pray.

As Canadians and as Albertans we give thanks for the precious gifts of freedom and peace which we enjoy.

As Members of the Legislative Assembly we rededicate ourselves to the valued traditions of parliamentary democracy as a means of serving our province and our country.

Amen.

Please be seated.

head: **Introduction of Visitors**

THE SPEAKER: Hon. members, we're really privileged this afternoon to be able to introduce to the Legislative Assembly and the people of Alberta a rather varied group of international visitors. There will be a number of introductions.

This afternoon I'm pleased to introduce to the Assembly the Hon. William Lubisi, Speaker of the Mpumalanga Legislative Assembly in the Republic of South Africa. Mr. Lubisi is accompanied by Mrs. Mabena, Deputy Speaker, and her colleagues from the Mpumalanga Assembly. Included are Ms E. Thabane, the committee clerk; Mr. A.M. Sithole, the deputy director of parliamentary proceedings; Mr. Linda Mwale, acting secretary; and Mr. S. Shabangu, head of *Hansard*.

Mr. Lubisi and colleagues are currently visiting Alberta under a Canadian government governance program to work with this office and our Legislative Assembly staff to examine the rules and regulations governing the operations of this Assembly. Alberta has had a fine working relationship with the Mpumalanga Legislature for the last number of years, and we're looking forward to even better opportunities for exchange in the future.

Would our honoured guests, led by the Speaker, please rise to accept the warm welcome of the members of the Assembly.

The hon. Minister of Intergovernmental and Aboriginal Affairs.

MR. HANCOCK: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to members of the Assembly His Excellency Sándor Papp, ambassador of the Republic of Hungary. The ambassador is accompanied by Mr. Bela Balaz, the honorary consul general of Hungary, based in Calgary. I'd like to take this opportunity to officially welcome Ambassador Papp to Alberta and wish him an enjoyable and productive stay in our province. We hope that this visit will be of mutual benefit to both regions. Alberta and Hungary have many similar interests and strengths in areas such as agriculture and energy. Our trade and investment activities are enhanced by our cultural ties. Nearly 20,000 Albertans are of Hungarian descent. We see many opportunities to build on our friendship and our business relationship, and I'd ask the ambassador and his party to please rise in the gallery and receive the warm welcome and recognition of this Assembly.

THE SPEAKER: I now call on the hon. Deputy Chairman of Committees.

MRS. GORDON: Thank you, Mr. Speaker. I, too, would like to introduce to you and through you three visitors: Mr. Gu

Huaming, consul general of the People's Republic of China, in Calgary. Accompanying him today are Mr. Liu Kan, consul officer, and Mr. Tian Yuzhen, vice-consul officer. They are seated in the Speaker's gallery. I would ask that they rise and receive the warm welcome of this Assembly.

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

MR. STELMACH: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to members of the Assembly the Hon. Roger Simmons, Canadian consul general in Seattle, accompanied today by Mr. Robert Poetschke, who is a native Edmontonian, a consul in Seattle. Mr. Simmons of course is no stranger to Alberta. Four of his immediate family reside here in the province of Alberta. He's an avid alpine skier, and his wife was involved for many years in communications and is also a very good friend of our Premier's wife as well. I'd like to take this opportunity to welcome Mr. Simmons to Alberta and wish him both an enjoyable and productive visit as the United States is so important to our trade in agriculture and other commodities, of course, in the province of Alberta. They're seated in your gallery. I would ask both gentlemen to please rise and receive the traditional warm welcome.

head: **Presenting Petitions**

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

MR. CAO: Thank you, Mr. Speaker. I have a petition to present to the Assembly this afternoon. The petition urges the government to review employment standards regarding paying film extras overtime on hours worked during statutory holidays.

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

DR. NICOL: Thank you, Mr. Speaker. It's a real pleasure I have this afternoon to introduce a petition which arrived in my office last spring too late to be submitted in that session. It calls on the Alberta Legislature to introduce legislation and to participate in electing senators.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I would like to present a petition signed by members of the Chamber of Commerce in Spruce Grove urging the Alberta Legislative Assembly to consult with Albertans on the problems of the current CPP and to discuss alternatives.

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

MR. DICKSON: Thank you, Mr. Speaker. I'm delighted to be able to present to the Assembly this afternoon a petition signed by another 86 Albertans urging the Legislative Assembly to request the government of Alberta "not to pass Bill 37, the Health Statutes Amendment Act, 1998."

head: **Reading and Receiving Petitions**

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

MR. MacDONALD: Thank you, Mr. Speaker. I ask that the petition I submitted on November 16 be now read and received.

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government of Alberta not to pass Bill 37, the Health Statutes Amendment Act, 1998.

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

MS BARRETT: Thank you, Mr. Speaker. I'd ask that the petition I introduced November 17 be now read and received.

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government of Alberta to examine and amend the Workers Compensation Board Act to provide appropriate benefits to those Albertans whose spouses died in work-related accidents, and who subsequently lost their benefits due to remarriage.

head: **Notices of Motions**

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

DR. PANNU: Thank you, Mr. Speaker. I rise to give notice of a motion concerning the assassination of Mr. Tara Singh Hayer, the editor of *Indo Canadian Times*. The motion reads as follows:

Be it resolved that the Legislative Assembly condemns the assassination of Tara Singh Hayer and extends its condolences to his family.

head: **Tabling Returns and Reports**

MR. JONSON: Mr. Speaker, I am pleased to table with the Assembly four copies of each of the following annual reports: the Alberta Registered Dietitians Association for the year ended March 31, 1998; the Alberta Health Facilities Review Committee for the year ended March 31, 1997; the Alberta Association of Registered Nurses for the year ended September 30, 1997; the College of Physical Therapists of Alberta for the year ended February 28, 1998. Copies of these annual reports will be distributed to all Members of the Legislative Assembly.

Thank you.

MR. DAY: Mr. Speaker, I am pleased to table a report from Standard and Poor's, a major credit-rating agency. Standard and Poor's reaffirms the province's credit rating at double A plus, the best of any province in Canada. I might add that visitors in your gallery are affected directly or indirectly by this. Alberta has been selected to work with the Mpumalanga delegation on their finance issues, and that's partly a reflection of our good rating. To the Hungarian delegation: a member of the Bank of Hungary attended our investors session in London, and they very astutely quickly picked up \$50 million of a \$500 million Alberta bond issue. I congratulate them for that.

1:40

MRS. McCLELLAN: Mr. Speaker, I'm pleased to file with the Assembly copies of a letter I sent earlier today to Mr. Sig Gutsche, owner of the Calgary Stampeders Football Club. This letter congratulates him and his team for their thrilling victory in yesterday's 86th Grey Cup game in Winnipeg and for bringing the Grey Cup back to Alberta.

Mr. Speaker, I also wish to file copies of a letter I have sent on behalf of the government and people of Alberta to the family and colleagues of the late Tara Singh Hayer. Mr. Hayer, who was killed last week in British Columbia, was a tireless advocate for

human rights and peace, and his loss has been felt deeply across Canada.

THE SPEAKER: The hon. Minister of Labour.

MR. SMITH: Thank you, Mr. Speaker. I am tabling two reports today. One is the 1997 Workers' Compensation Board annual report and, secondly, four copies of the freedom of information and protection of privacy report.

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

DR. NICOL: Thank you, Mr. Speaker. I'd like to table five copies of two different documents relating to the AI-Pac loans.

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

MR. DICKSON: Thank you, Mr. Speaker. I have but three tablings this afternoon. The first one is copies of correspondence from a woman in Lethbridge, Alberta, to the hon. Minister of Health indicating her displeasure with Bill 37, further correspondence from an individual in Leduc to the hon. Member for Highwood expressing her concern with respect to Bill 37, and then, finally, the annual report for CASA, the Child and Adolescent Services Association, advocates for child and adolescent mental health.

Thanks very much.

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

MS CARLSON: Thank you, Mr. Speaker. I have two tablings today. The first one is once again from the parents of Meyokumin school. I have another 19 letters expressing their disappointment with the unfavourable way the Alberta government is funding public education, five for the House and the original to go to the appropriate minister.

The second tabling is to the Premier, to the Member for Little Bow, a copy of a petition signed by 237 ranchers and farmers who are concerned with the outcome of the agricultural lease review.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. I have two tablings today. The first is a copy of a letter signed by four hog producers in my constituency that are asking the government for help because of the disastrous hog prices right now.

The other one is five copies of 500 postcards sent urging people to not support Bill 219.

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

MR. MacDONALD: Thank you, Mr. Speaker. I have copies of *Construction Alberta News* to table this afternoon. This is a document that was presented at the 90th annual fall convention of the Alberta Association of Municipal Districts and Counties, and it is worthwhile reading for all members of this Assembly.

Thank you.

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

MR. SAPERS: Thanks, Mr. Speaker. I'd like to table the appropriate number of copies with the Assembly of the October

16, 1998, complaint investigation review from the office of the Information and Privacy Commissioner looking into Executive Council's failure to be responsive to an information request.

head: **Introduction of Guests**

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

MS OLSEN: Thank you, Mr. Speaker. I'd like to introduce to the Assembly the Norwood school grade 5 and 6 class, their teacher, Mrs. Windwick, and parent helpers Mrs. McMullen, Mrs. Knight, and Mrs. Pichach. I would ask that the students and their teachers please rise and accept the warm welcome of the Assembly.

THE SPEAKER: The hon. Minister of Intergovernmental and Aboriginal Affairs.

MR. HANCOCK: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of this Assembly 59 students from Earl Buxton school in the Edmonton-Whitemud constituency accompanied by two of their teachers, Ms Karen Patterson and Ms Margo Cahn, and four parents: Mrs. Samyca, Mrs. Schmidt, Mr. Steinhauer, and I draw particular attention to the last parent, Mrs. Steinbring, who taught with my wife for many years at the Ellerslie school. I'd like them to rise and receive the warm welcome of the House.

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

MS BARRETT: Mr. Speaker, thank you. I have two sets of introductions. First, in the public gallery are seated 20 students from McCauley elementary school from the riding of Edmonton-Highlands. They're accompanied by Nancy Weber and Karen Paterson, and I'd ask these bright students and their teachers to rise and receive the warm welcome of the Assembly.

Secondly, Mr. Speaker, I have three other people to introduce, all of them here in opposition to Bill 37. They are Anne Wilson from Canmore and Laura Dunham from Calgary and as well Ron Lévesque from the Canadian Union of Public Employees. I'd ask these people to rise and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Edmonton-Castle Downs.

MS PAUL: Thank you, Mr. Speaker. I would like to introduce to you and through you to all members of this Assembly three wonderful people from the constituency of Edmonton-Castle Downs who are also family members of our Liberal caucus receptionist, Mrs. Shirley Birtch. Shirley's mother, Helen, is here with her husband, Bill Repka, and also Andy Zotek, who is Shirley's uncle. I would like every member of this Assembly to give them a warm welcome. Please stand.

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

MRS. SLOAN: Thank you, Mr. Speaker. I am pleased this afternoon to introduce to you and through you Kumi Moriyama, a university student studying at the University of Alberta who is visiting from Japan, and José-Alberto Santillán-Zamora, a student from the University of Mexico taking business courses at the University of Alberta in my constituency. I would ask them to rise and receive the warm welcome of this Assembly.

head: **Oral Question Period**

West Edmonton Mall Refinancing

MRS. MacBETH: Mr. Speaker, the Premier claims that he's not going to keep secrets on the West Edmonton Mall refinancing. We've certainly heard these claims before. For example, when asked on November 28, 1997, whether he was personally involved in the AI-Pac deal he said, and I quote: you won't see my signature on the documents. My questions today are to the Premier: why does the Premier's signature appear on a June 29, 1990, document setting out government financing for the AI-Pac project when he said it didn't?

MR. KLEIN: Mr. Speaker, during the period we were discussing AI-Pac and negotiating, as the hon. member well knows because this was a matter that eventually went to Treasury, there were aspects of that agreement that dealt with the environment and required me to sign off on them.

MRS. MacBETH: Mr. Speaker, this document speaks to the financing of the deal, and the question is: why was the Premier's involvement in the financing of the AI-Pac agreement hidden from Albertans?

MR. KLEIN: Mr. Speaker, nothing relative to the AI-Pac situation has been hidden from anyone. As far as I know, all that information has been made available. Now, the AI-Pac deal, as this hon. member well knows, went to the heart of environmental concerns especially as it related to the discharge of chlorinated organics. Part of the terms of the agreement as it related to the financing also related to this particular company meeting certain environmental standards.

1:50

MRS. MacBETH: Well, Mr. Speaker, given that the Premier's action on AI-Pac -- signing the document -- and his words have been contradicted, the question that Albertans have is: why should they believe him now when he says that he gave no inappropriate direction on West Edmonton Mall?

MR. KLEIN: I'm sorry, Mr. Speaker. I was trying very quickly to go through the document the opposition just gave me.

Mr. Speaker, I'll just read from paragraph 4. I mean, I haven't . . . You know, I could certainly get this document.

It is the intention of this letter of understanding that upon receipt by the Minister of Environment of the report from the scientific review panel indicating that the improved wood-pulping process will meet reduced emission levels represented by Alberta-Pacific to the Minister of Environment all necessary provincial permits under the Clean Air and Clean Water Acts will be issued in a timely fashion. The Government of Alberta gives its assurance that it will use all reasonable efforts to provide for the prompt processing, subject to the applicable laws, of these permit applications, such that these permits will be available for issue no later than October 15, 1990.

It seems to me that had something to do with the environment.

THE SPEAKER: Hon. Leader of the Official Opposition, I'll be very, very happy to recognize you for your second main question if you can just simply ask the hon. Member for Edmonton-Glenora and the hon. Member for Spruce Grove-Sturgeon-St. Alberta to hold it.

The hon. Leader of the Official Opposition.

MRS. MacBETH: Mr. Speaker, my second question is also to the Premier. While the Premier promised openness and accountability in the past, his record is clearly one of secrecy and concealment. For example, on a request from the Official Opposition for documents from the Premier's office on his involvement in the West Edmonton Mall refinancing, we were told that the documents did not exist. That, of course, is untrue. The Privacy Commissioner has just investigated that untruth. My first question is to the Premier. Who made the decision either to not look for or to suppress documents?

MR. KLEIN: Mr. Speaker, no one made the decision, and if the hon. member will read fully the report of the Privacy Commissioner, she will find that there was no deliberate attempt to conceal documents. What he said was that some of the procedures relative to processing applications for examination or the receipt of documents needs to be tightened up. I've discussed this with the Deputy Minister of Executive Council and all of the recommendations that have been set down by the Privacy Commissioner are now being addressed.

MRS. MacBETH: Well, Mr. Speaker, it's interesting because the question really is: how can Albertans be sure that documents on the West Edmonton Mall refinancing haven't also been secretly stashed or, worse, shredded?

MR. KLEIN: Mr. Speaker, the Auditor General has everything that was in the files in my office, and I assume that he has all the information that was contained in the files of other ministers, former ministers who were involved with this particular matter. I've sent over everything that I have.

MRS. MacBETH: Yes, Mr. Speaker, but given the pattern of secrecy and denial of the truth that's gone on in the past, when will a public inquiry be held so that all the documents are out in the open and all the witnesses are under oath?

MR. KLEIN: I've said before and said quite publicly that we'll await the outcome of the report of the Auditor General. Mr. Speaker, the Auditor General is an officer of this Legislature. He was appointed with the concurrence of the Liberal Opposition. Are they saying now that they have no faith in the Auditor General?

THE SPEAKER: Third opposition main question, the hon. Leader of the Official Opposition.

Health Care System

MRS. MacBETH: Thank you, Mr. Speaker. Bill 37 is not on the Order Paper for debate. My question to the Premier is: has the Premier agreed to let Bill 37 die?

MR. KLEIN: The answer is no.

MRS. MacBETH: Mr. Speaker, when will this Premier start listening to Albertans, who clearly do not want this bill? Name five who can and do want it.

MR. KLEIN: Well, Mr. Speaker, Bill 37 is before the Legislature at this particular time. I have said publicly -- and I think it was reported by the media -- that this is not the hill to die on, but there are some fundamental principles that are not being explained properly, obviously for political reasons, by the opposition. This

bill -- and I'll have the hon. Minister of Health supplement -- is not to go into a so-called, to use a Liberal expression, Americanized, two-tiered health care system. This bill is to protect public health. To protect public health.

There's been a tremendous amount of misinformation relative to this issue, and most of that misinformation comes from the opposition parties. Mr. Speaker, the best explanation of the issue was contained in a letter to the editor. The one that I read was in either the *Calgary Sun* or the *Edmonton Sun* or perhaps both. I'll have the hon. minister respond once again and reiterate for the edification of all involved, including those who are in the gallery, what Bill 37 is all about.

MR. JONSON: Mr. Speaker, yes, I would be pleased to supplement. If the members across the way, not all of them of course but those directly across, were to remember the debate and the questions raised for instance in the spring session of this year, they were very concerned that we did not have the specific legislative clout in this province to deal with the possibility that there would be inappropriate expansion of private health care in this province. This legislation, Bill 37, was introduced during that spring session to show that we were very serious about protecting the public health care system of this province, and that is the whole purpose and thrust of this particular bill.

Just one other thing, Mr. Speaker. The Premier, I think, quite correctly identifies the misinformation that is part of this overall issue. Recently, over this past couple of days, one of the people that was very much involved with the NAFTA agreement, which has been brought into this whole debate, made, I think, a very good statement. It's been claimed by the opposition members opposite that somehow Bill 37 has some relationship to making NAFTA more applicable to the health care system, which is clearly not the case. For instance, Gordon Ritchie, an Ottawa trade consultant who helped draft the original Canadian/U.S. trade deal in 1988, said: there is nothing in the treaty that would compel Alberta to open its hospitals to private-sector involvement. So that issue is there, and that is certainly an important fact and something that should not be dragged into the debate over Bill 37.

MRS. MacBETH: Well, Mr. Speaker, my question is back to the Premier. When is he going to admit that the only business they've gotten out of is the business of providing excellent public health care in this province?

MR. KLEIN: On that point I will agree. It is the business of this government to ensure that quality health care is delivered in this province, that people who suffer heart attacks have treatment when it's needed, people who get banged up in car accidents have treatment when it's needed, people who are suffering from serious disease have treatment when they need it. Not only treatment but first-class treatment. That is our commitment, and, Mr. Speaker, I will reiterate that we are fully committed to the fundamental principles of the Canada Health Act.

MS BARRETT: Mr. Speaker, Albertans by the thousands continue to speak out against this government's plans to make Alberta the home of Canada's first for-profit hospital, and I've been asked by at least 1,500 signatories of cards addressed to the Premier to provide their opposition directly to the Premier. My question to the Premier today is: will he confirm that an owner of a private, for-profit hospital would be allowed to access, to get their hands on public health care dollars by leasing beds from a closed down formerly provincially owned hospital to a regional health authority. Yes or no?

2:00

MR. KLEIN: I don't know. Mr. Speaker, certainly regional health authorities have contracted services to health care providers. Those services are publicly funded, but nonetheless they are contracted. As long as the service meets the criteria of the Canada Health Act, then I would assume it would be okay. If there is a challenge, then I think that would have to be adjudicated through the act.

I'll have the hon. minister supplement.

MR. JONSON: Mr. Speaker, as I think the leader of the third party well knows, Bill 37 with the proposed amendments makes it very clear that we have a publicly administered system, that insured services for insured people, who are the vast, vast majority of every single Canadian in Canada, will be provided through that public health system in a manner which adheres to the Canada Health Act. Now, to bring in the business about leasing or that sort of thing I think is really missing the whole point, because we are focusing on providing that public health care service in this province.

Mr. Speaker, we have facilities in this province, particularly in the long-term care area, which are under joint agreements or under operating agreements with regional health authorities in this province, which do happen to be privately owned. That is the physical facility we're talking about. That's been the case in this province as long as I can remember.

MS BARRETT: Mr. Speaker, why won't the Premier admit that under the provisions of Bill 37 there is absolutely nothing to prevent private hospital owners, people who own hospitals that used to belong to the public, from supplementing their revenues by leasing acute care beds to the public health system and thereby getting access to taxpayers' dollars?

MR. KLEIN: Well, Mr. Speaker, I can't figure out how this can be done. I can see how it . . .

MRS. SLOAN: Through the regulations.

MR. KLEIN: Well, Mr. Speaker, someone said: through the regulations. But it can't be done if it contravenes the Canada Health Act. It's as simple as that.

MS BARRETT: Well, Mr. Speaker, now that developers are building schools in Calgary -- Calgary: remember; where this hospital got blown up? -- and leasing them to school boards, what assurances can the Premier give the people of Alberta that the same thing won't happen once private, for-profit hospitals are established?

MR. KLEIN: Mr. Speaker, no one in this government is talking about private, for-profit hospitals. A hospital is where you go when you're really banged up in a car accident. A hospital is a place where you go when you're sick. A hospital, to me, is the Royal Alex hospital in Edmonton, the Foothills hospital in Calgary, the Children's hospital in Calgary, the Sturgeon hospital in St. Albert. Those are hospitals, and those are where people go when they are sick and they need the services and the help of doctors and nurses and other health care providers. Those are institutions where people go when they need medical help which is publicly funded. Those are hospitals.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Edmonton-Riverview.

Teen Pregnancy Rate

MR. MARZ: Thank you, Mr. Speaker. Canada's teen pregnancy rate currently ranks seventh lowest in the world, behind Japan, the Netherlands, Denmark, Finland, Sweden, and Norway. Alberta ranks eighth highest, however, in Canada at 54.2 per thousand, above the national average of 48.8, which compares to the world's lowest rate of 11 per thousand. My question to the Minister of Health: what has this government done to date to address this issue of teen pregnancy rates in Alberta?

MR. JONSON: Mr. Speaker, as part of our overall effort in health promotion and the whole area of providing for a better and more responsible approach to health in Alberta, we have worked with other departments to develop education materials. We have, in our overall information that is provided through the public health sector and our regional health authorities, provided information with respect to this particular issue. I think that it is always, of course, a combination of the efforts of the public overall and particularly of families. While there was an increase in these rates between 1985 and 1990, the rate of unwanted pregnancies has declined, and I think we are making progress in this whole regard.

MR. MARZ: To the same minister: has the minister investigated what's been done in other jurisdictions and countries that have lower rates than Alberta?

MR. JONSON: Yes, Mr. Speaker, we certainly have. We've worked particularly with other provinces in Canada, and we are always looking for success stories and lessons that can be learned from health programs which are successful in other places.

Mr. Speaker, it might also be worth adding that we have worked particularly with Alberta Education, because they have the vehicle, through the curriculum of the schools, to deliver this information. If the Minister of Education would care to comment, I would so invite by way of supplementary.

MR. MARZ: Thank you. Mr. Speaker, to the Minister of Education for my second supplementary: does the minister's department monitor sex education programs for outcomes, and if so, what have those outcomes indicated in recent years?

MR. MAR: Mr. Speaker, the health program of studies is currently under review in the province. It will be outcomes based, and it will outline what students are expected to know at each grade level upon completion of the course. It will be implemented by September of the year 2000.

Mr. Speaker, in grades 4 through 9 human sexuality is part of the health curriculum and also part of the high school curriculum in the career and life management 20 program. The content of sexuality education will reflect the age and maturity level of students in each grade level. We do require schools to keep parents informed of what's being taught in the health program, and we recommend that they involve parents in a review of the concepts and resources. Parents also have a choice as to whether their child will participate in sexuality education classes.

Mr. Speaker, teenage pregnancy rates seem to be fairly stable over the last few years, but it would strike me that the use of teenage pregnancy rates as an outcome would not, in my opinion, be appropriate. The issue of teen pregnancy is a complicated one, but making sure that we have a good curriculum to deal with this is only one part of the puzzle in dealing with the issue.

THE SPEAKER: The hon. Member for Edmonton-Riverview, followed by the hon. Member for St. Albert.

Developmental Disabilities Board

MRS. SLOAN: Thank you, Mr. Speaker. My questions today are for the Minister of Family and Social Services. How long will the minister require all motions made by the provincial developmental disabilities board to be approved by him?

DR. OBERG: Mr. Speaker, I believe that what the hon. member is alluding to is four motions that were put forward before the provincial PDD board dealing with the future of Michener Centre. These motions were done without adequate consultation with the people of Alberta. I have given instructions to the provincial board that I will not be approving these motions, that the motions need to be changed in order to protect the people that are at Michener Centre.

MRS. SLOAN: Thank you, Mr. Speaker. My question actually was about motions back to July.

Given that the minister has raised Michener Centre, though, who will make the ultimate decision on that facility's redevelopment, the minister and resident MLA or the provincial developmental disabilities board?

2:10

DR. OBERG: Mr. Speaker, what will be happening is that the Persons with Developmental Disabilities Provincial Board will be making that decision in consultation with Michener Centre, in consultation with myself.

Mr. Speaker, the population of Michener Centre is changing. The Michener Centre board has come forward with some very interesting proposals on how to make Michener Centre a better place while preserving the people that are already there. That's a very vulnerable population. We cannot risk anything that will change that, anything that will cause concern so that these families will be wondering about where their children will be going. Some of these people have been living there for 30 years. They're very content there. This government will not kick them out and slam the door shut on Michener Centre.

THE SPEAKER: The hon. Member for St. Albert, followed by the hon. Member for Edmonton-Gold Bar.

Maclean's Magazine Universities Survey

MRS. O'NEILL: Thank you, Mr. Speaker. The 1998 special edition of Canada's eastern-based *Maclean's* magazine has just issued its eighth annual ranking of universities. My question is to the minister of advanced education. Could he please tell us in his analysis why our Alberta universities are not ranked higher by *Maclean's*?

MR. DUNFORD: Well, Mr. Speaker, first we want to say about the *Maclean's* report that we do find something positive in it in the sense that anything that draws people's attention to the universities across this country and attempts to provide some information for young people to make choices I guess has to be congratulated.

The hon. member in her preamble did mention an eastern-based magazine. They don't have any research facility out here in the west that I'm aware of. I think it would be rather interesting if in the future perhaps representatives of *Maclean's* would come out and talk to presidents of the universities, talk to VPs of academ-

ics, talk to the students that are in the postsecondary system here in Alberta and get some of their views.

I think that basically what we're seeing in the analysis by this eastern-based publication is a lot of old, traditional thinking. I would like at this time to congratulate the words of Terrence White, president of the University of Calgary, when he said that he was glad they weren't ranked number 1 because they don't want to be seen as an old, stodgy, traditional university, and I agree with him a hundred percent.

THE SPEAKER: Hon. member, I believe you have an additional question to ask, but just to remind hon. members that *Beauchesne* 409(11) says that questions should not seek opinions.

Hon. member.

MRS. O'NEILL: Thank you, Mr. Speaker. Then my supplemental is to the minister of advanced education again, and that is: does the funding affect the standings in this analysis?

MR. DUNFORD: Yes, it does. As a matter of fact, *Maclean's* is very keen to look at public support for the universities across the country, but I'm afraid they stop there. They provide no recognition at all to the tremendous work that not only private-sector organizations provide to postsecondary education in this country but also the third sector as well. Research doesn't show up anywhere at all. As all of the members of this Legislature know, research excellence is not only one of the goals of the current department and how we view postsecondary education; we know that it is a key to the future and key as we move into knowledge-based industry. So to remove research dollars from an examination sort of baffles us.

But then maybe that's not surprising, Mr. Speaker, because once again Alberta leads the way in not only Canada but North America. We're the only jurisdiction that looks at the ability of universities to attract research money as being part of a performance-based evaluation that contributes directly to their funding. That's how important we think research is in Alberta.

THE SPEAKER: Hon. Member for St. Albert, did you have a second supplementary?

MRS. O'NEILL: No, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Calgary-North West.

Pine Shake Roofing

MR. MacDONALD: Thank you, Mr. Speaker. My questions this afternoon are to the Minister of Labour. Why did his department wait a year after finding out that untreated pine shakes were rotting before outlawing them in the Alberta Building Code?

MR. SMITH: Mr. Speaker, the Department of Labour was first informed of the concern with untreated pine shakes in June 1997, as a matter of fact, from a phone call from a manufacturer. We can say the wheels of government often grind slowly, but they do grind ever so fine. In fact, that's what occurred. From then the department acted fairly swiftly. It verified concerns. It reviewed the product, notified manufacturers, municipalities, others, and the code was amended to remove untreated pine shakes in a nine-month period.

MR. MacDONALD: Thank you, Mr. Speaker. My second question is also to the minister. What is the minister's estimate of how many homes were roofed with untreated pine shakes during the year his government dithered when they knew there was a problem?

MR. SMITH: Mr. Speaker, there is no estimate of homes. The Department of Labour does not keep track of that information.

MR. MacDONALD: Thank you, Mr. Speaker. My third question is also to the minister. How does the minister plan to deal with this major liability problem caused by his government's inaction?

MR. SMITH: Mr. Speaker, I can only refer the hon. member to his original question that talked about the swiftness of movement and being able to deal with the issue certainly by reviewing rigorously the information that resulted in the product being put under the code, as it goes through with any other of the 287 products that go to the code or in fact any of the other 20 roofing products that the code says may be used as a roofing material. So I think that the policy is indeed a matter of record.

THE SPEAKER: The hon. Member for Calgary-North West, followed by the hon. Member for Edmonton-Norwood.

Provincial Credit Rating

MR. MELCHIN: Thank you, Mr. Speaker. At a recent Treasury Board meeting the issue of the province's credit rating was reviewed together with the government's performance measure to have the highest credit rating among all the provinces. The media reports of last week together with the Provincial Treasurer's tabling today of the Standard and Poor's report mention that the province's credit rating was raised to double A plus. My question today is also to the Provincial Treasurer. What factors are agencies such as Standard and Poor's relying upon to determine the province's credit rating?

MR. DAY: Mr. Speaker, the factors used are very instructive and should be for all governments. As a matter of fact the Dominion Bond Rating Service shows and actually publishes the factors that are used. It's very important, and it should cause us to reflect on our own policy. It's fascinating to see under rating considerations -- and I'll table this -- under strengths, when they're looking at any jurisdiction, be it municipal, provincial, or national, the number one that they evaluate, "political will to maintain fiscal discipline" is one of the prime considerations of a rating agency.

They go on to look in terms of challenges which would reflect on the negative side. They talk about "high tax burden," which has a negative effect when they're doing their ratings, and "exposure to financial markets due to high level" of debt, especially "foreign indebtedness." So things are reflected on, and to me it's just a sign back to us and to all governments in terms of how we should direct our policy, because when we're given a good credit rating, that also sends a signal to all investors, be it within the province or outside of the province, that this is a place to pursue your opportunities, right here in Alberta.

MR. MELCHIN: Thank you. Again to the Provincial Treasurer, Mr. Speaker. I appreciate the fact that we have now a rating of a double A plus by the credit agencies. Why do we not have a triple A?

MR. DAY: Well, we're doing our best. Actually the question is

an interesting one because, in fact, the policy of all these rating agencies is that you cannot indeed be rated higher than the sovereign -- that means the national -- government. So, for instance, whether it's the province of Alberta you're talking about, we cannot -- it's just a matter of policy. They won't give us a higher rating than the federal government.

Our good friends from the province of Mpumalanga would look at the same issue. They could get a good financial credit rating, but it can't be higher than the actual entire rating given for South Africa as a country, for instance. So we are inhibited only by that factor.

2:20

MR. MELCHIN: Thank you again, Mr. Speaker. My final supplement is to the Provincial Treasurer. Can we not be at least equal in rating to the federal government? You'd mentioned that we can't be higher. Could we not be at least equal?

MR. WICKMAN: It's pretty hard to top the federal Libs.

MR. DAY: Unfortunately, as the Member for Edmonton-Rutherford has just said that it's pretty hard to talk to the federal Libs, and that's coming from a Liberal. So, Mr. Speaker, the problem is we have communicated to the federal Liberals, and we have communicated, number one, that they should have a legislated pay-down of their debt. They should have that. They should have three-year business plans, because when these international credit rating agencies look at any jurisdiction, in this case the federal government, they don't see a legislated debt pay-down. They see a horrendous level of debt, especially when you compare it to the ratio of GDP -- it's the worst of the G-7 countries -- and they then put a restricted level at the rating of the federal government. We can't bump up over that.

I have met with the federal minister on this. I think that on some of the issues I raised with him, he's somewhat sensitive, but around his cabinet table he has Liberals, so to be able to practise restraint is something that is not common to that group. I would be happy at any time to see the provincial Liberals, even through their leader, admonish their federal cousins for not getting things under control so that we can get an even better credit rating. The only thing that limits us is the inability of the federal Liberals to control their own debt and spending.

THE SPEAKER: The hon. Member for Edmonton-Norwood, followed by the hon. Member for Red Deer-South.

Sexual Harassment in the Workplace

MS OLSEN: Thank you, Mr. Speaker. For years the Department of Justice has ignored complaints of workplace sexual harassment. My questions are to the Minister of Justice: will the Minister of Justice table the report and recommendations from the court and prisoner services inquiry?

MR. HAVELOCK: Mr. Speaker, first I have to take exception with respect to the remark regarding this government's inaction pertaining to the issue. In fact, the hon. member is well aware that sometime -- I believe it was in early June or July -- I sat down and met with her, the Opposition House Leader, and members of our Justice staff and outlined for her what we were doing with respect to the issue. In fact, I followed that up with a letter dated July 20, 1998, of which I'd like to table five copies. In there I describe what is called a positive workplace program

which we're putting into place to try and address this issue. We also outline in the letter that "staff will be identified to act as field consultants," or positive workplace advisers, to assist people with respect to this issue. We're also developing a module on the positive workplace. So we have been acting on this. We view this as a very serious issue. The department policy, in fact the government policy on this, is zero tolerance.

MS OLSEN: Mr. Speaker, I'll try this question again. Will the Minister of Justice table the report and recommendations from the court and prisoner services inquiry?

MR. HAVELOCK: Mr. Speaker, I'll certainly consider that request.

MS OLSEN: Thank you. My final question is also to the Minister of Justice. Given that the department's internal inquiry apparently has confirmed the existence of systemic sexual harassment, what action has the government taken to help the victims?

MR. HAVELOCK: Well, again, Mr. Speaker, I just outlined what we're trying to do with respect to the positive workplace employment program. That program has four major components, and it includes workshops, information sessions, literature and training of advisers for employees to discuss workplace harassment issues. Also, through the department, through human resources, there are services available to those who have been subjected to such harassment. We offer them all the support and advice that we can.

Again, as I indicated, we view this very seriously. Our policy is zero tolerance, and if we do find instances of such harassment in government, actions can include changes to management, supervision, our policy and staffing, as well as internal discipline such as written reprimand, suspensions without pay, and terminations. This House has the assurance that not only in our department but governmentwide, again, we do all we can to ensure that this type of activity does not take place.

THE SPEAKER: The hon. Member for Red Deer-South, followed by the hon. Member for Spruce Grove-Sturgeon-St. Albert.

Child and Family Services

MR. DOERKSEN: Mr. Speaker, my questions today are a result of a letter I received from region six, which is the Red Deer area of the child and family services authority. They have some questions about the budgetary process that's been used to determine the allocation of funding for those regions. To the Minister of Family and Social Services: what were the guiding principles used to make the funding allocations?

DR. OBERG: Thank you, Mr. Speaker. The funding model for children and family services was developed approximately a year ago. At that time the stakeholders went out and looked through research and looked through everything that was out there and decided what is the best way to reallocate the money that is existing in that department. What they came back with is a formula that looks at four variables. It looks at, first of all, the number of children, which only makes sense. The other thing it looks at, which is very important as well, is children in low-income families. It's been shown that children in low-income families need more resources, and subsequently this was put in as a factor, as a variable. The third thing was single-parent families, and the fourth was aboriginal families.

Mr. Speaker, through all the research that is out there it has been shown that those three factors significantly increase the amount of money that should be going to the various authorities when it comes to dealing with children. Consequently that's why the formula has been built around that. It's actually been built around reasonably scientific data.

MR. DOERKSEN: Mr. Speaker, to the same minister: why, then, would the Red Deer region receive only 56 percent of their allocation when some of the regions are receiving upwards to 110 to 183 percent of those allocations?

DR. OBERG: Mr. Speaker, as I alluded to, this type of allocation system was not done in the past. What happened, quite frankly, is that some regions, as the hon. member alluded to, received 183 percent more than they're eligible for under this formula. We have a policy that you cannot receive less than what you already receive. For example, if you have programs out there, you cannot all of a sudden have a 20 percent hit or an 83 percent hit, as could quite easily be done, in the amount of money that will be going. So what we have done is increased disproportionately the amount of money that the Red Deer child and family services authority will be receiving, because they are by far underfunded according to this formula.

Just to give you an example, Mr. Speaker. Obviously the budget is coming before the Legislative Assembly early next year. If we were to receive a 2 percent increase, the percent allocation for the Red Deer area would go from 56 percent to 65 percent. So the Red Deer region will be receiving much more in the allocation model than any other region when it comes to new money being available.

MR. DOERKSEN: Mr. Speaker, to the same minister: what length of time, then, will it take for the regions to be equitably treated under this distribution formula?

DR. OBERG: Mr. Speaker, a lot of that is dependent upon this year's budget and subsequent budgets; for example, if we receive 4 percent or 2 percent or 6 percent. It's all contingent on that amount. What we will be doing is shifting the majority of funds to regions such as Red Deer which receive considerably less than they actually should under the allocation model.

Will it entirely be equitable and how soon? That's a very difficult question because as the hon. member has already stated, some regions are receiving 183 percent. So if we grandfather these regions in, it is going to take a considerable amount of time until that region gets what is equitably theirs. However, the important thing here is that regions that are below their allocation will be receiving significantly more money than other regions this year.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert, followed by the hon. Member for Medicine Hat.

Pork Industry

MRS. SOETAERT: Thank you, Mr. Speaker. Last week in Morinville 80 pork producers gathered to find out about the farm income disaster program and to discuss assistance for the hog industry. Many of the farmers will not qualify for FIDP, and as a result their farms cannot be sustained. I have questions to the Minister of Agriculture and Rural Development from these farmers. Given that this government actively encouraged farmers to expand into pork production yet didn't provide them with risk management tools, how can the minister now abandon them?

2:30

MR. STELMACH: Mr. Speaker, the hog population in the province of Alberta, comparing '97 to 1995, is actually down 7 and a half percent. So this isn't an increase in hog population numbers in Alberta that has created this problem.

MRS. SOETAERT: My second question, Mr. Speaker: why is it, if FIDP is a disaster program, that it's not helping these farmers? They want to know.

MR. STELMACH: Mr. Speaker, we'll have to have a look at that particular area as to why these farmers wouldn't qualify for farm income disaster. The reason I say that is that in the previous two years the margins in hog production were actually pretty good. The prices were at least three times higher than they are today. So you drove a pretty good margin, which now you can carry over to this year. In all of the trials that we ran, quite frankly, in just straight hog production, hog producers looking at last year compared to this year and qualifying for FIDP, if they're just solely hog producers, no other income coming in from grain or cattle, depending on the previous year's margins and the efficiency, they'd qualify anywhere from \$22 to \$28. Now, we don't break it down on a per hog number. It's a whole farm insurance program. However, that's about the number we're looking at.

MRS. SOETAERT: Thank you, Mr. Speaker. Does the minister know what proportion of farmers in need your six-point plan will actual help? It's not going to help farmers who've been expanding as government wishes who are now in the worst position.

MR. STELMACH: Mr. Speaker, let's make one thing very clear. Part of the role of the department is to scan the environment, look at some of the market opportunities around the world, look at some of the changes that have occurred. Very clearly a significant change in government policy three years ago was the elimination of the Crow rate. All of sudden now the grain farmer has to pay the total cost of shipping that grain to port. Well, that has evaporated. I want to remind this Assembly, as well, that if we really want to get into some history, there was \$8 billion on the table at one time to compensate farmers for the elimination of the Crow rate. Well, isn't it funny that in just about two and a half years that has dwindled down to \$1.3 billion, a paltry payment to all western Canadians. They said: now you eat the rest.

THE SPEAKER: The hon. Member for Medicine Hat, followed by the hon. Member for Edmonton-Castle Downs.

Allergy Hazards in Schools

MR. RENNER: Thank you, Mr. Speaker. During the last week in October I had the pleasure of attending a school in Medicine Hat and speaking with the class. We had a productive time, and since it was close to Halloween, at the conclusion of class, not unlike many classes, I'm sure, in the province, the teacher handed out Halloween cookies to all of the students. But before she did so, she had to ask if anyone had allergies to peanuts, if anyone had allergies to food colouring, and went through the whole list. It prompted me to get thinking about something. My question to the Minister of Education: had that teacher not been so vigilant to ask the students in advance these kinds of questions important in today's day and age, do we have a policy in place that will protect our children against potential life-threatening allergies?

MR. MAR: Well, Mr. Speaker, the issue of life-threatening allergies is a serious one for some children. What we do require is that school boards throughout the province have in place written procedures to provide health-related support services for students with such special needs. But it's clear that one size does not fit all with respect to children and allergies. Those children with allergies have very unique and special needs. The best party to put in place specific policies are local school boards. This is also recognized by the Canadian School Boards Association. So local school boards do have written policies in place to deal with situations like this, and that's why teachers do employ those policies to ensure the safety and safekeeping of those children.

MR. RENNER: I wonder if the minister might enlighten members of the House on what kinds of specific policies those local boards have in place?

MR. MAR: Well, Mr. Speaker, upon review of the policies of boards, what boards do is they have policies in place for the distribution, for example, of medicine in schools and dealing with medical emergencies. They work with individual parents to set up programs and an environment that's suitable for the needs of the particular student. As an example, in St. Albert they've held at Muriel Martin elementary school workshops on asthma and on allergies for the entire staff. They keep detailed medical records. They co-ordinate medical treatments with parents and physicians, and they review the student list to discuss those who are medically at risk.

There's been some suggestion, Mr. Speaker, that there should be a provincewide policy prohibiting, for example, peanuts in schools, but many people are strongly of the view that that would not be an appropriate policy to put in place because it would create a false sense of security for students who have such peanut allergies to come into the school, and it would be very, very difficult to ensure that a place was peanut free. Instead, the appropriate policy appears to be to make sure that staff and students are peanut aware rather than having a peanut-free environment.

MR. RENNER: Thank you, Mr. Speaker. My final question to the same minister. The minister mentioned that there have been pleas to ban peanuts. Is it within the jurisdiction of a board to go ahead so far as to ban peanuts from schools?

MR. MAR: Well, Mr. Speaker, that's an interesting question, and I'm not really certain. It strikes me that it probably is within their authority to do that, but that I am aware of, there is not any jurisdiction in the province that has gone the step of banning peanuts. It is a very serious issue in that children who suffer from allergies, whether it's peanuts or gluten or milk or any one of a number of other things -- those are very, very serious issues. But it's clear that we cannot prohibit all of those things because there are individual students who have very special medical needs. Instead we ensure that there are appropriate policies in place to deal with the individual needs of students on a case-by-case basis.

Employment Training

MS PAUL: Mr. Speaker, my questions are to the Minister of Advanced Education and Career Development. Why is his department returning \$11 million of labour market development money to the federal government when there continue to be thousands of Albertans who are unemployed or underemployed?

MR. DUNFORD: Mr. Speaker, I think all of the Members of the Legislative Assembly are aware of what has been happening in Canada as it comes to labour market development. The federal government has been devolving itself of some of its interests and signing agreements with individual provinces. I'm pleased to announce that Alberta was the first province to sign such an agreement with the federal government.

But the important thing here, Mr. Speaker -- and I'll try to be brief -- is the fact that we now have a change in philosophy of labour market development. Where the federal Liberals were simply interested in input -- and that means simply bums in seats -- here in Alberta we're interested in outcomes, and we are interested in providing for those programs that provide for either employment or entry into postsecondary education. Because there is only one taxpayer in this province, if we are not using that money to meet the criteria that've been set up, we gladly return it to the federal government.

MS PAUL: It doesn't help the ones that are unemployed.

My second question, Mr. Speaker, is to the same minister. Why is this government repeatedly renewing private contracts? You're always renewing private contracts for employment services when actually you committed to tendering these contracts to the public.

MR. DUNFORD: Well, Mr. Speaker, the instructions to the department are -- and I believe that they are under way at this particular time -- that as new contracts come up for renewal, we have gone to a tendering process, and there have been no exceptions.

MRS. SOETAERT: No, you haven't. Do your homework.

MR. DUNFORD: Well, people are saying, "No, they haven't." So I would invite, then, the hon. member or any member of the Legislature to simply provide me with the instance, with the example, and I'll be more than happy to look into it.

2:40

MS PAUL: Mr. Speaker, my third question is to the same minister, and this is actually making reference to the first question. When is the minister going to get serious about monitoring the needs of unemployed Albertans? This is in reference to the \$11 million you gave back.

MR. DUNFORD: Mr. Speaker, I recognize the hon. member as a Liberal; it's tax and spend. So when you have a budget, you're supposed to spend it out; eh? That's what you'd have us do. Just put bums in seats is all they want to do. Put bums in seats to have the statistics look pretty good. When they're finished with the bums in seats there, then they want to put them in a training program in there, and then they put them back over here. That is the way that this has been done by Liberal administrations for -- how long? How long? Five years? Six years? Who's counting?

The point, Mr. Speaker, is that reasonable members on the other side of the House know and understand that we have to be outcome based and that we need to provide adequate training and proper counseling for people so that they can become employed or can get into the postsecondary education system.

Speaker's Ruling Decorum

THE SPEAKER: It seems that although we have 50 minutes allocated for question period, every once in a while we come to

where there are just a few seconds left and someone is recognized and then we go beyond the 50 minutes. Some people might refer to that as overtime and somehow think that the normal rules of decorum should be suspended during the overtime question. I would just like to advise all members that that's not the interpretation that this hon. member has with respect to it. Should we get into that situation, we should abide by the same rules of decorum as during the normal question period.

Now, the hon. Minister of Advanced Education and Career Development wishes to supplement an answer given earlier.

Maclean's Magazine Universities Survey *(continued)*

MR. DUNFORD: Mr. Speaker, in my second answer to the questions from St. Albert I made a mistake. I was trying to deal with the *Maclean's* method of evaluation in the sense that they do not count private-sector dollars. As I sat down, I realized that part of my answer had indicated that they didn't count research dollars, and that is the mistake. What actually happens is that they count research dollars that come from government-sponsored programs. They do not count research dollars that come from the private sector. The rest of my answer of course then stands.

Recognitions

THE SPEAKER: Seven hon. members have advised that they wish to participate today in Recognitions, and we will begin 30 seconds after I give you the list in which we'll recognize the speakers. We'll go in this following order: the hon. Member for Calgary-Mountain View, followed by the hon. Member for Spruce Grove-Sturgeon-St. Albert, followed by the hon. Member for Edmonton-Mill Creek, then the hon. Member for Edmonton-Ellerslie, then the hon. Member for Calgary-West, then the hon. Member for Calgary-Buffalo, and finally the hon. Member for Lacombe-Stettler. In 30 seconds from now I'll call on the hon. Member for Calgary-Mountain View.

Calgary Stampeders' Grey Cup Championship

MR. HLADY: Well, thank you, Mr. Speaker. What a great weekend for sports in Alberta. We learned late last week that Edmonton will be hosting the 2001 World Track and Field Championships. Calgary made a very strong presentation in its bid for the 2010 Winter Olympics, and the Calgary Stampeders brought the Grey Cup back to Alberta in a thrilling last-second victory over the Hamilton Tiger-Cats. The Grey Cup event is an event filled with tradition and pride for all Canadians, and the 1998 Grey Cup was no exception. With the lead switching hands several times throughout the second half, victory certainly did not come easily for the Stampeders; nonetheless, the Grey Cup win comes after a season in which they clearly marked themselves as the best team in the Canadian Football League.

I would like to send special congratulations to quarterback Jeff Garcia, who was named the game's most valuable player, and to receiver Vince Danielson, who was named the most outstanding Canadian. On behalf of my colleagues I congratulate the players, coaches, and staff of the Calgary Stampeders and Stampeders' owner, Sig Gutsche, on winning the 1998 Grey Cup. I know that I join my fellow Calgaryans when I say that I'm already looking forward to another exciting football season next year.

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

Spruce Grove Royal Canadian Legion

MRS. SOETAERT: Thank you very much, Mr. Speaker. It was my privilege and honour on Saturday night to be a part of the festivities at the Royal Canadian Legion in Spruce Grove. The Royal Canadian Legion branch 281 and the Royal Canadian Legion ladies auxiliary branch 281 in Spruce Grove celebrated 25 years of service to their community. These service groups have been an active and visible part of the Spruce Grove community. They have fund-raised for many different things, including the cadets, youth sports, seniors groups, hospital equipment, and countless other nonprofit projects.

I would like to recognize them especially for the work they do to keep our community from forgetting Remembrance Day. We can always be assured that the poppy campaign and the Remembrance Day ceremonies will be a great success. My congratulations to Mel Lee, president of the legion, and Maxine Glotziak, president of the ladies auxiliary, for continuing the tradition of service.

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

2001 World Track and Field Championships

MR. ZWOZDESKY: Thank you. Mr. Speaker, last Thursday, November 19, was an exceptionally proud day to be an Edmontonian and an Albertan as we and the entire world learned that Edmonton will host the 2001 World Track and Field Championships. The hon. Minister of Community Development spoke in this House last week about the tremendous work done by the Edmonton bid team and its supporters in making this dream a reality for our city. I note that hundreds of thousands of Edmontonians are extremely pleased and excited about this latest opportunity for us to show the world what Edmonton has to offer. Everywhere I went this weekend people were talking about the track and field championships and about Edmonton, the city of champions. The excitement and anticipation among Edmontonians is contagious and, indeed, is spreading throughout the entire province and across our country.

On behalf of all Edmontonians and as a producer and volunteer with Universiade and the Commonwealth Games I want to personally extend my heartfelt thanks and congratulations to the men and women of the Edmonton bid team and pledge them my personal support once again if they require it. I especially want to congratulate Mr. Jack Agrios, Dr. Bob Steadward, and Rick LeLacheur for their work along with our Premier, the mayor, and the Hon. Anne McLellan for their leadership as well.

Thank you.

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

Cripple Creek

MS CARLSON: Mr. Speaker, I would like to recognize the Friends of the West Country, the Alberta Wilderness Association, and the Western Canada Wilderness Committee for drawing public attention to the government's plans to log old-growth forest in the Cripple Creek area.

Cripple Creek is a tributary of the North Saskatchewan River that flows under the forestry trunk road not far from Ram Falls. It drains an area about the size of 15 townships, an area of old-growth pine and spruce forests where 50 percent of the trees are older than 240 years and almost none of the forest is less than 120 years old. It's an area where watershed protection used to be the prime objective of land management. The environmental groups

want Cripple Creek to be left in its natural state to protect the watersheds. Protecting watersheds, which means protecting the supply of high-quality water for downstream users, should also be the government's first priority. Too bad it isn't.

I applaud these groups for asking for a moratorium on logging the Cripple Creek area and hope the government will review its policy of logging all old-growth forests west of the forestry trunk road.

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

Swimming World Cup

MS KRYCZKA: Thank you, Mr. Speaker. This weekend Edmonton is host to the Speedo FINA World Cup. Approximately 300 of the best competitive swimmers in the world, representing 23 countries, 150 coaches and officials, and over 200 spectators, will be in Edmonton November 27 and 28 for this component of the world championship. The FINA World Cup is the first in a series of events of the 1999 Swimming World Cup championship. At each world cup event athletes will earn points through a series of competitions taking place in 11 countries. Under the leadership of co-chairs Cheryl Gibson and Jim Wheatley, their committee team, and many hardworking volunteers, the Swimming World Cup organizing committee successfully secured Edmonton's privilege to host a Swimming World Cup event for each of four years.

I am pleased to report that the Alberta government is providing assistance to this event. The community facilities enhancement program provided \$250,000 toward upgrades to the Kinsmen swimming pool. As well, a \$30,000 grant was awarded to the Swimming World Cup by the Alberta Sport, Recreation, Parks and Wildlife Foundation. I'm confident that the Edmonton organizing committee will strengthen its bid to host the 2002 Swimming World Cup championship by demonstrating its leadership, first-class facilities, and ability to efficiently manage an international championship event.

Thank you.

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

2:50 Calgary Stampeders' Grey Cup Championship

MR. DICKSON: Thank you very much, Mr. Speaker. On behalf of the Alberta Liberal caucus and as chairman of the Calgary Liberal caucus I am delighted to join with the government of the province of Alberta in extending our heartfelt congratulations to the Calgary Stampeders organization. What further words need be said to appreciate quarterback Jeff Garcia and kicker Mark McLoughlin for engineering the final drive and field goal attempt with only seconds to go. I suspect that many Albertans in all parts of the province were holding their collective breath, as I was, while we watched the snap, the kick, and that ball soaring through the goalposts.

Thanks to coach Wally Buono for building and molding this magnificent team, to Sig Gutsche for his commitment to the city of Calgary, and to every player on the best football team in the nation. Yesterday yet again showed us and demonstrated the durability and the excitement and the entertainment value of the Canadian Football League.

Finally, I want to thank the people of the city of Winnipeg who did such a magnificent job in hosting the Grey Cup, and thanks to the Minister of Labour for his kind invitation for me to be part of the official delegation.

Thank you, Mr. Speaker.

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

Jack Hayden

MRS. GORDON: Thank you, Mr. Speaker. Last week at the Alberta Association of Municipal Districts and Counties convention -- it was their 90th -- the delegates elected or selected a new president. Their new leader is Jack Hayden, reeve of the county of Stettler. Congratulations, Jack. I'm so very impressed.

Jack and his wife, Jill, operate a successful mixed farm in the Byemore area. Jack has long been involved in municipal politics. He was first elected as a councillor in 1989 and has served as reeve since 1995. He also served for three years as chair of the county school board. Last year he was elected to serve as a director on the AAMD and C's board. Jack is a true champion for rural Alberta and cares deeply about his agricultural roots.

I look forward to working with Jack in his new capacity and extend to him and all of his executive my very best wishes for a distinguished, productive, and happy term of office.

head: Motions under Standing Order 40

Assassination of Tara Singh Hayer

THE SPEAKER: The hon. Member for Edmonton-Strathcona on a Standing Order 40 submission. It certainly meets all the requirements from an administrative point of view. Please, on the message of urgency.

Dr. Pannu:

Be it resolved that the Legislative Assembly condemns the assassination of Tara Singh Hayer and extends its condolences to his family.

DR. PANNU: Thank you, Mr. Speaker. Proud of my deep roots, irreplaceable roots, in the same community and ethnocultural background as Mr. Hayer, who was assassinated on November 18, last week, I rise to seek permission and unanimous consent of the House to receive and debate the motion that's before members of this Assembly, a motion which seeks to not only express sympathy and condolences to Mr. Hayer's family on his assassination but also seeks to clearly condemn and say that such acts of terror, such assaults on the rule of law are unacceptable to members of this Assembly, to Albertans, and to Canadians.

So it is in that respect that I stand here and request leave to present the motion. I think it can be discussed. Perhaps if one member from each caucus spoke to it, that would certainly save the time of the House. It is of the utmost urgency that this motion be debated and passed by this House. The reason for that is simple: I want to thank the Minister of Community Development, the hon. Member for Drumheller-Chinook, for the letter she wrote today -- it's dated November 23 -- in which she expresses the deep sympathies of all Albertans and of the government of Alberta to Mr. Hayer's family.

What I am requesting the Assembly to do is of course endorse what the minister has done but go beyond the statement contained in her letter and express in clear terms condemnation of this cowardly act and condemn the use of violence against the exercise of free speech, which is a fundamental right of all of us as Canadians.

THE SPEAKER: Might we have unanimous consent to proceed with the motion as proposed by the hon. Member for Edmonton-Strathcona? All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: The motion is defeated.

Prior to moving to Orders of the Day, might we revert briefly to Introduction of Guests?

HON. MEMBERS: Agreed.

head: Introduction of Guests

(reversion)

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

MRS. SLOAN: Thank you, Mr. Speaker. I appreciate the opportunity to introduce for the record two schools from my constituency who are visiting the Assembly this afternoon. We have a total of 59 students and parents. From the school of Our Lady of Victories they are accompanied by teacher Mr. Dave King; parent and helpers Mr. Steve Smith, Karen Campion, Mrs. Carol Federspiel, and Mrs. Stephanie Day. The Crestwood school group is accompanied by teachers Mr. Lorie Hupfer and Mr. Dan Serdachny and by Mrs. Hopkins. I welcome them to the Legislative Assembly, and as they tour, I trust it will be a productive visit.

Thank you, Mr. Speaker, for the opportunity to introduce them.

head: Orders of the Day

head: Government Bills and Orders

head: Second Reading

**Bill 48
Election Amendment Act, 1998**

[Adjourned debate November 19: Mr. Renner]

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

MR. DICKSON: Mr. Speaker, thank you very much. I'd like to say I was pleased to rise and join in the debate on Bill 48, but far from it. I believe that Clifford Olson by his conduct has forfeited the right to be able to vote in a federal election or a provincial election. There are people who by their acts and criminal activity so offend the values that Canadians hold in common and share and protect and nurture that we want as a community to be able to express our collective outrage not just in terms of the custodial sentence imposed by the court but in some other way to dramatize and bring home the impact of what that person has done and the injury that they have done to our sense of safety and to our sense of what's appropriate and what's right in our community.

Mr. Speaker, that's why two and a half years ago when I sat on a committee, the Legislative Offices Committee, we had the Chief Electoral Officer come in and make a presentation on some changes to the voting act, and the senior policy analyst or one of them, I guess the senior parliamentary draftsman for the Department of Justice, came to that meeting. I don't have the *Hansard* here, but I remember two and a half years ago encouraging the Chief Electoral Officer and the representative from the Department of Justice to come up with a plan to be able to address the whole issue of prisoner voting. I offered a concrete suggestion in terms of a way to deal with this question, and I urged the representative of the Department of Justice. The advice I received at the time, two and

a half years ago -- this was shortly before a provincial election, shortly before we knew there was going to be a federal election. We knew there was going to be the 1998 municipal election. Nonetheless, the Department of Justice's assurance at the time was: we've got this in hand; we're looking into it.

Well, what happens? We go through a provincial election; we go through a federal election; we go through a municipal election. Then after all of that delay, the government of the province of Alberta brings in Bill 48. This is their response. Not timely. The last time I looked, there was no pending election, unless the government decides otherwise, mercifully in a much shorter time. Otherwise, we're looking at two and a half years at least before the next election.

What has the government brought in? Let's look at it. Is this the kind of bill that I think Albertans want? Let me just back up and address that for a moment.

MR. McFARLAND: Read the report.

3:00

MR. DICKSON: There's some suggestion that this so-called consultation undertaken by the government of Alberta has somehow managed to step in and get their finger on the pulse of Albertans in a way that elected people aren't able to do by talking to their own constituents and getting feedback from groups in the province. If that were the case, hon. member, we'd have elected regional health authorities, because that was also one of the recommendations from a government task force. The government chose not to listen to that one. Why is it that this one has suddenly found the only true solution?

In any event, in terms of Bill 48 this opposition had come up with a plan to address the question of prisoner voting, and the government chose to reject it. What we've come forward with is one proposal, and I think at second reading we now are afforded the opportunity to look at it and see whether it really makes sense. Is this a better proposal than the proposal put forward by the Alberta Liberal caucus two and a half years ago?

The problem I've got is this. This Bill 48 is all about politics. This is what we call the showpieces of legislation, that we've seen so many of since 1993. They don't mean very much; they're not very thoughtfully put together. It's a bit of a propaganda piece. It's the sort of thing that allows the government to go around and hope that Albertans aren't smart enough to read past the bill title. Well, Mr. Speaker, I've got news for some of those government members who think that these showpieces of legislation are anything more than that. Albertans are a whole lot smarter. Albertans are a whole lot more insightful and bring a whole lot more life experience dealing with these kinds of issues than we see reflected in Bill 48.

The government committee apparently had looked at some different models. The one that the Liberal opposition has been championing for at least two and a half years is discussed in the November 19 *Hansard* at page 1998. The comment from the Member for Little Bow was:

The committee was aware of the model which bestows on the sentencing court the jurisdiction to disenfranchise an offender as part of the sentence.

Then he went on to say that there are two flaws to that. If I can paraphrase: the first flaw was that that model "does not stipulate the standard that a sentencing court must utilize." Then the second concern was that the committee was not satisfied that a court should decide which offenders are denied the vote. Well, let's just take those two things one at a time.

Firstly, the thought of the committee was that "it does not stipulate the standard that a sentencing court must utilize." Well,

what absolute foolishness. You know, this demonstrates to me that this committee's consultation either didn't get any decent advice from the Department of Justice or legal scholars or the two law schools in the province or anybody who's knowledgeable about the issue or they chose not to listen to it. The reality is that there are a host of things that can be done to bring in a standard, a ceiling, thresholds, and platforms. That can be done and is done in a host of ways and a host of statutes. This represents no great drafting challenge.

There's a public policy debate, Mr. Speaker, over what those thresholds should be and exactly how much latitude we're going to give a sentencing court. It is absolutely preposterous and I hope not credible to a single member in this Legislature that if you give a court some flexibility, you have to give a court absolute flexibility, can't hem it in, can't put in some safeguards and some limits. That's contrary to our experience. It's contrary to the way we craft and draft all kinds of laws provincially, in other provinces, and at the national level. This is what makes me really suspect when the Member for Little-Bow talks about what the committee did. I think that the work of the committee, quite frankly, is suspect when I see this assertion that he made on November 19, which suggests that they've given only the most skeletal consideration to a significant issue and obviously spurned any expert advice.

The second argument that was put forward by the Member for Little-Bow on November 19: "Second, the government of Alberta is satisfied that it and not a court should decide which offenders are denied the vote." Well, let's think about that for a moment. We already ask courts in sentencing to look at a range of penalties, and then we ask the sentencing judge to look at the offender, to look at the victim, to look at the circumstances, to look at the law and find a sentencing disposition that's appropriate in the circumstances.

You know, I go back to the Clifford Olson example, because this is what I find so outrageous about the bill that's in front of us. It seems to me, with respect, that the most important thing from the point of view of the constituents in the Little Bow constituency: they would want Clifford Olson behind bars and locked away for the rest of his life. The reality is, Mr. Speaker, that that was a result of a discretionary decision by a sentencing judge. Putting somebody in jail is the primary punishment. If we're prepared to let a sentencing judge, using guidelines and the framework of the Criminal Code, decide what's an appropriate sentencing option, it seems ludicrous then to come along and say: oh, but the voting issue is something that we wouldn't want a judge ever to decide.

See, I come at this from a very different perspective than the Member for Little Bow. I want to make sure that when we suspend somebody's right to vote, this is seen as an important layering on of additional penalty. I want to see this as a tool or a vehicle to express the moral outrage of our community. But to do that, it means that you've got to be able to recognize that you have a huge range of offenders in custodial facilities. If the Member for Little Bow doesn't appreciate or refuses to appreciate the difference between a Clifford Olson and a 19-year-old aboriginal youth who is functionally illiterate and has a substance abuse problem and broke into a house to find shelter and that's the reason why he's serving provincial time, if any member doesn't see a big difference between that offender and a Clifford Olson, then I've got to say that in effect I think that member is decidedly out of step with Albertans. I think Albertans do see a big difference between that 19-year-old youth and a serial murderer. I think Albertans can make that distinction.

What Bill 48 does: it doesn't allow us to make that sort of differentiation or distinction. What it tends to do is just say that we're going to look at how long you're in a provincial institution,

that we don't care what you did, that we don't care what the offence is, that we don't care how outrageous that offence is in the community, that we don't care how permanent the injury may be to the victim, that we don't care about those things. All we want to do is haul out our calendar and see how many days that offender is in the facility. To me, with respect, it doesn't make the kind of sense that I would want to see.

I'm exceedingly disappointed that the effort of the Alberta Liberal caucus that has gone on for two and a half years to get the government to deal with this, to be able to show the community's outrage for serious offenders, has been lost somewhere. The government chooses not to listen to that message. Instead, they've done this committee process, and they've come up with Bill 48. I think Bill 48 does not reflect well on the consultation process and certainly isn't something that even addresses what Albertans want to see done.

3:10

When I see the decision of the committee that they wouldn't want to leave it to a court to decide which offenders are denied the vote, if you follow that thinking logically, then what we do is -- let's take away the discretionary power a sentencing judge has, and we can go with what some United States jurisdictions have done, where you have a sentencing grid. The Sentencing Commission of Canada had looked at this at one time. You throw in a couple of variables and you come up with a number, and that's the sentence that's imposed.

I, like every citizen of Alberta, from time to time hear of a sentencing disposition that I shake my head at, that doesn't make very much sense to me or that I'm puzzled at. Sometimes I'm shocked; sometimes I'm disappointed. But what I recognize is that however imperfect our sentencing system is, what we've found is that it's the best way of trying to ensure that the sentence fits the crime and fits the offender. Yet Bill 48 would treat virtually all offenders the same way. The only thing that distinguishes them is whether they're there for less than 10 or more than 10 days. It doesn't have anything to do with the seriousness of the offence. It doesn't have anything to do with how bad a record they've got. It doesn't have anything to do with how much injury was done to a victim. Those things don't count; they don't matter in this bill. They ought to, Mr. Speaker. This bill is the sort of thing that . . . [interjection] Ah, the Minister of Justice hopefully is going to share some of his thoughtful analysis on Bill 48 with us.

Mr. Speaker, the other comment I noticed in the debate on November 19 was that of the Member for Medicine Hat, the government whip. He made some observations at page 2001. He talked about: "The blanket prohibition that exists under the Alberta Election Act right now in some cases really doesn't make sense." One would think that the esteemed Member for Medicine Hat would want the alternative bill, Bill 48, to make some sense and to be a more thoughtful way of dealing with that problem than what he criticized on November 19. Yet what we find in Bill 48 is one of those arbitrary show bills, that does none of that at all.

I'd dearly love to see in this jurisdiction serial murderers denied the right to vote. I'd like to see rapists receive the disdain and contempt of our community. But, you know something, Mr. Speaker, Bill 48 isn't going to do that. Bill 48, in fact, treats those people exactly the same way it treats shoplifters and somebody who takes a car for a joy ride if they happen to have a sentence of more than 10 days. That's just plain wrong. I think my constituents think that's wrong, and I suspect that a lot of other Albertans think that's wrong as well.

Thanks very much, Mr. Speaker.

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

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I am pleased to address today Bill 48, the Election Amendment Act. [some applause] Thank you, hon. Member for Edmonton-Norwood, for that.

On September 25 I asked the Member for Little Bow, the Member for Calgary-Cross, and the Member for Clover Bar-Fort Saskatchewan to consult Albertans about the issue of inmate voting in Alberta. Their job was to solicit the views of Albertans on this issue and to recommend amendments to the inmate voting provisions in the Alberta Election Act. Before they began, Mr. Speaker, the committee sought legal counsel on the Canadian constitutional standard and on the constitutionality of the alternatives they could propose. They also polled hundreds of Albertans, probably some, I would expect, in the riding of Calgary-Buffalo. In fact, 800 were surveyed by Angus Reid to get the views of Albertans on the wisdom of allowing inmates to vote. The main result was really no surprise. Approximately four out of five Albertans -- that's 80 percent -- said that prisoners serving jail time should not be allowed to vote in provincial elections.

I wish to make it clear, Mr. Speaker, that Albertans don't oppose inmate voting because they wish to show contempt for inmates or impose further punishment for violating laws, the laws of the land, nor do they wish to stigmatize them. Albertans are against inmate voting because they believe that such a ban will increase respect for the rule of law and heighten the significance of participating in the voting process. Quite simply, Bill 48 reflects Albertans' desire to promote responsible citizenship. Now, make no mistake; Albertans know that the Canadian Charter of Rights and Freedoms guarantees the right of Canadian citizens to vote in both federal and provincial elections, and that right is fundamental unless there are compelling reasons to support removing this right from a Canadian citizen. This government and the majority of Albertans believe it is important to introduce legislative measures that promote the rule of law and that inform citizens about the importance of participating in the electoral process. Surely no Member of the Legislative Assembly will contest these principles as being fundamental to a productive, safe, and democratic society.

Throughout the world there is great diversity in the legislative response to the issue of inmate voting. Many jurisdictions and even some Canadian provinces deprive all inmates of the right to vote. Some Legislatures determine the right of inmates to vote based on the term of imprisonment, the nature of the offence, or both. Others leave the decision to the sentencing court, and others do not disenfranchise inmates at all.

In Alberta, Mr. Speaker, after very careful consideration by the committee which I mentioned earlier, this government chose the middle road. The Election Amendment Act disenfranchises inmates who are serving a sentence of imprisonment of more than 10 days. Further, inmates who are in jail solely on account of the failure to pay a fine or have been convicted but not yet sentenced are not disenfranchised. Statistics Canada figures suggest that the 10-day cutoff would allow approximately 20 percent of inmates in Alberta correctional facilities to vote. At the same time, the 10-day cutoff will ensure that no one is disenfranchised simply because of a lack of awareness of advance polls.

The MLA committee examined the model of giving the sentencing court the jurisdiction to disenfranchise an offender as part of the sentence. That model nevertheless has two flaws. First, there is no standard that a sentencing court must follow. Secondly, the government of Alberta is satisfied that it, not a court, on behalf of

the people who elected this government should decide which offenders are denied the vote. Because denying someone the vote affects the entire community, it needs to be resolved by the elected representatives of the people, not by the court.

Point of Order

Questioning a Member

MR. DICKSON: Mr. Speaker, I wonder if the minister would entertain a question under *Beauchesne* 333.

THE SPEAKER: Well, we'll ask the hon. Minister of Justice and Attorney General if he would entertain a question.

MR. HAVELOCK: No, Mr. Speaker. I'd prefer to conclude my remarks.

THE SPEAKER: Please continue.

3:20

Debate Continued

MR. HAVELOCK: Our decision to allow fine defaulters to vote is based on the fact that because most individuals have the resources or are able to participate in the fine-option program, they will likely not be in jail on polling day and will be able to vote. We wish to accord similar treatment to those who pay their fines and to those who are serving time in prison because they defaulted on their fines.

We have carefully considered the impact on the rights of people who are affected by our decision to disenfranchise some inmates. The interests that are at stake are not those of the government of Alberta versus those of inmates. Rather, the interests that must be balanced are those of our citizens who are not serving sentences in excess of 10 days and those who are. Clearly those interests compete. A decision that increases the number of eligible voters by extending the right to inmates serving longer sentences really diminishes and, quite frankly, Mr. Speaker, demeans the impact of every other citizen's vote.

The committee looked at the potential benefit of extending the right to vote to most inmates. There are no studies that can demonstrate that voting helps make inmates responsible citizens. There are a number of considerations that prompted the committee to favour the rights of citizens who are not serving sentences in excess of 10 days on polling day. In other words, this government considered the rights of law-abiding citizens as opposed to those who have decided to break the law and have been convicted.

First, the decision only affects inmates who are actually in jail on polling day. It is not a lifetime ban, as is the case in some American states.

Second, the disqualification ends the day the prisoner stops sleeping in jail at night for any reason. An inmate who is on full parole, day parole, a statutory release, or a temporary absence ceases to be an inmate under the Corrections and Conditional Release Act and is entitled to vote.

Third, allowing fine defaulters to vote means that a large number of inmates will be allowed to vote. In Alberta in 1996-97 35 percent of the total sentenced admissions were for fine defaults.

Fourth, in 1996-97 the average sentence for people admitted to Alberta correctional institutions was 30 days. This means that many of these offenders will be released after serving 10 days in prison.

Fifth, Bill 48 allows inmates to vote upon their release without having to secure a pardon. In many American states they would have to seek and obtain that pardon in order to be able to vote.

Sixth, 11 percent of people sentenced to Alberta correctional institutions in 1996-97 were given intermittent sentences, and under Bill 48, Mr. Speaker, these inmates will be able to vote.

Seventh, until the Court of Appeal decision earlier this year inmates in Alberta had not had the right to vote in any of the 24 provincial general elections held since 1905. Mr. Speaker, clearly inmate voting is not part of the Canadian tradition.

Lastly, Mr. Speaker, imprisonment is reserved for the worst offenders.

In summary, Bill 48, the Election Amendment Act, is a good bill and should be supported. The bill is based on a comprehensive MLA committee report, one promoting responsible citizenship, that was submitted to me and accepted and endorsed by this government. We believe Bill 48 will promote responsible citizenship, respect for the law, and participation by Albertans in the electoral process, and these are important and substantial purposes. In addition, it impairs a citizen's right to vote as little as is reasonably possible. In our opinion there is no significantly less intrusive and equally effective measure open to us. The government of Alberta is satisfied that the benefits of this decision to the community outweigh the impact of disenfranchisement on those inmates who will not be allowed to vote in elections under the Alberta Election Act.

Finally, Mr. Speaker, if I recall correctly, the hon. Member for Edmonton-Norwood during her remarks asked whether I could provide her with a legal opinion to give her some comfort that the legislation is constitutional. I obviously cannot give her a guarantee. Like most other issues this particular legislation is open to challenge through the courts. However, if she still wishes to be provided with some assurances, then I suggest she review the decision of the Court of Appeal, with which this legislation is consistent.

Thank you.

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

DR. PANNU: Thank you, Mr. Speaker. I rise to speak on this very important bill, Bill 48, the Election Amendment Act, 1998. I just want to draw the attention of the House to the fact that starting on the 26th, in this capital city of our province we'll be holding an international conference to celebrate the universal declaration of human rights 50 years ago. So it will be 50 years old as of next week. To be addressing some of the fundamental issues raised in this bill with respect to the rights of citizens and putting those rights in jeopardy while hosting an internationally significant conference leads me to think about the sort of surrealistic conditions under which we find ourselves thanks to the Minister of Justice's decision to accept this bill, presented to him by the Member for Little Bow.

I rise to speak against this bill, Mr. Speaker. I find that it fundamentally offends our rights to be citizens in a democracy. The notion of responsible citizenship is an important one. The notion of responsible actions on the part of government is also an important one. When a government takes the matter of taking away the right to vote as lightly as this government appears to have done by way of endorsing this bill, it should worry reasonable Albertans, and the vast majority of them are most reasonable.

I want to publicly thank on the floor of this House the Minister of Justice for having invited me to be part of an all-party committee that went around this province over the last five months and conducted public hearings. I commend him for inviting members of the opposition parties to be on this committee. While I thank him for the invitation, which I was very happy to have taken

advantage of, I also want to inform the House that during these very intensive public hearings, in which hundreds and hundreds of Albertans and dozens and dozens of a variety of organizations concerned about the system of justice and its future took part, in my recollection at least, very few if any -- I could count them perhaps on the fingers of my one hand and not even that; all the space wouldn't be taken -- made any representation to withdraw the right of inmates to vote. Not even one.

Here we have, on the one hand, an all-party committee of MLAs charged by the Minister of Justice going around the province seeking participation and input from the citizens of this province as to what needs to be done to make our system of justice better. On the other hand, the minister arrogantly ignores, refuses to wait -- Mr. Speaker, I'm sorry; there is some anger in my voice; I apologize for it -- to hear the results of a Justice Summit that will take place in January and what that Justice Summit might have to say about the rights of prisoners or about the desirability or the appropriateness of what this bill proposes to do; that is, to withdraw from them the right to vote.

3:30

Mr. Speaker, I say with great sadness that this minister has shown such lack of respect for the work of the committee and for the work of hundreds and hundreds of Albertans who appeared before it in good faith hoping that what they have to say about their justice system will be received and will be given consideration in all the seriousness that those views indeed deserve. I don't see any reason why a bill which speaks to such fundamental rights of citizens -- the right to vote in this country wasn't available to 50 percent of the population, that is, to women of this country, until about 1928 or '29. It is that right whose withdrawal is being proposed here for those citizens who end up in our penal system, in our prisons.

Who are these people in Alberta prisons? Mr. Speaker, slightly less than 6 percent of the population of this province is made up of First Nations peoples. As a member of the all-party justice committee that traveled around this province the last five years, I had the opportunity to visit with the representatives of this minority population, who are already substantively disenfranchised and marginalized in our society. It should be a matter of shame for all of us to have to see this condition of our First Nations peoples continue to go on from decade to decade to decade. This 6 percent of our population of Albertans, these First Nations brothers and sisters of ours, constitute anywhere between 35 to 40 percent of the prison population in this province. I challenge the minister to produce evidence that will contradict me on this. When you take the right of inmates to vote away from them, you are taking that right away from 40 percent of the inmate population that happens to be of First Nations origin.

I wonder if the minister ever paid attention to the hugely disproportionate impact of this proposed legislation on this minority population. He obviously does this -- he takes this action, endorses the bill, speaks in support of it -- because, he tells us, he is driven by this scientifically conducted survey of Albertans. By any count the vast majority of them would come from the dominant majority in this province, obviously. Did he ever in this survey ask them: would you want us to withdraw this right to vote from 40 percent of the inmates who come from this less than 6 percent of the population of our province? Was this question asked in the survey? Did he get an unequivocal yes from Albertans? I would be shocked if Albertans thought in the same way as the Minister of Justice thinks about the plight of these poor people. He is here; he's supposed to be the guardian of the rights

of all Albertans. In particular, in a democracy the test of a democracy is how it deals with its minorities.

It's outrageous, Mr. Speaker, to have to think that the government, that the Minister of Justice -- I want to underline this -- who is concerned about the lack of confidence in the justice system, which was one of the questions that was given to his own creation, the all-party public hearings committee on justice, that the minister, who is concerned about the declining confidence of Albertans in the justice system, endorses a bill that I'm sure will give him a hundred percent support from the 6 percent minority, 40 percent of the inmates coming from that minority. This 6 percent of the population I'm sure will give him a round of applause for doing what he's doing for them.

Mr. Speaker, being driven by the pseudoscience of opinion polls is no better foundation to make decisions of such consequence as withdrawing the right to vote than the science that was used to develop the laws which led to the sterilization of innocent victims in this province some 50, 60 years ago. That legislation was justified, I believe, on the floor of this House with a reference to what science was telling us, what pseudoscience, if I may submit, was telling the then decision-makers. This kind of science, these kinds of polls can easily be used to simply confirm one's already existing prejudices, and that's how all of us Albertans now feel guilty about sterilizing Albertans, driven by that action which came from science.

If this bill is to be justified on the grounds that a poll tells us that the majority of Albertans who were contacted said, "Take away the right to vote from inmates," all I can say is: be cautious. Another government 10 years down the road, 20 years down the road could be sued, could be taken to the highest court of this country, and it could well be found guilty of violating the most fundamental of rights of democratic citizens in a democratic society. I will not be party to such legislation that will hold us again in disrepute 20 years down the line. As democrats I think we have a responsibility, and that is to stand up for certain rights that are inalienable from the fact of citizenship. Never should such rights be taken so lightly as this bill appears to be doing.

Let me add something to it. What's so different about an inmate and someone who was an inmate and is now out? The fallacy of logic of this argument is that only a repressive government would think about taking things away from people that it can hold in its own grip, from those who are held by us incommunicado almost. If criminals are bad people, whether they are former convicts or presently inmates, what difference does it make? It is a serious flaw in the logic underlying the proposed provisions of this bill that bothers me, that should bother everybody.

Imperfection of sentencing, courts making contradictory decisions concerning people accused of same offences: it's another reason why we should be cautious not to simply take this right away from that 11,000 or 12,000 or 14,000 -- I don't know if the minister knows what the numbers are. How many people would be affected if he were to call the election this year? I wonder if, first of all, he's anticipating an election in the next few months. What's the hurry about this bill? I go back to his own creation, the summit on justice that will take place in January. Why is he running away from that summit and its verdict? Why is he trying to pre-empt the decisions that can rightly be made by that summit, that he himself has put into existence? I ask him that question. I think he owes an answer to all of us on that.

3:40

Mr. Speaker, if this bill would not exclude a Martin Luther King, it would not exclude a Mahatma Gandhi, will not exclude

those hundreds of thousands of people who fought against apartheid and have been put in jail for fighting against apartheid, if this bill were to apply to them. Just ask that question. The arrogance of the proposed bill is for everyone to see. Its unreasonableness is for everyone to notice.

The minister says that he doesn't have any studies supporting the assertion that if you take the rights away, it hurts the rehabilitation process, that it reduces the chances of the people presently in jail, the inmates, in the process of recovery, healing. Why doesn't he wait and ask for some such studies? He has all the resources. Who is he trying to please? What is he trying to do? Here you are meddling with the most fundamental and what should be considered the most sacred of rights in a democracy based on universal franchise. No, he is in a hurry. He has to please his own gods, whoever they are. He seeks the shelter of a quickly done poll, and he wants to put all his marbles in there. He calls on us to take away the rights of inmates, the most fundamental, the most sacred, the most inalienable of rights in my view.

Mr. Speaker, I find it ironic that 50 years after the universal declaration of human rights, its acceptance by the United Nations, and the celebration of that event here in this city later this week -- and I trust that the Premier of this province will be speaking at it -- before us for discussion is this bill which in fact offends the spirit of that very declaration of human rights, whose 50th anniversary Albertans and Canadians will be celebrating here this month.

I simply cannot in good conscience support this bill. Thank you.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I rise today to speak on Bill 48, the Election Amendment Act, 1998. I've had occasion to consult with constituents of Edmonton-Centre, and I will certainly say that there has been a debate that has taken place there. I would like to bring forward the two points of view plus the extenuating circumstances that I learned of in listening to various members of my constituency.

[Mrs. Gordon in the chair]

Essentially, the two sides are those who believe that voting is a right versus those who believe that voting is a privilege. For those who believe that voting is a right, they believe if that is so, then it cannot be taken from anyone, that it should not be taken from anyone. You've heard other members refer to the case of political prisoners, and I wondered if that would ever be a concern here in Canada. It was pointed out to me that we have things like the War Measures Act. Even though we weren't at war, that piece of legislation was used to put people in jail who were in fact, for all intents and purposes, political prisoners. Those were Canadians, and I think that still smarts for many people in Canada. We're not that far away from it, and it's worth keeping it in mind when that debate point is brought up.

What people were most concerned to put across to me in their debates was the point of view that to take away the right to vote disenfranchises an individual from being able to vote on the legislators, on the people who made the law or the regulations that put them in jail. It's true: it does disenfranchise them from being able to influence that process. Now, I'll add that no one said that Clifford Olson should vote. No one.

The other individuals that spoke with me had the view that voting is a privilege, that there is a bond or a pact between citizens and society, as represented by government if you'd like, and if that pact is broken, if there is a crime committed against

members of society or against society generally, then that privilege should be revoked. The deal is broken; the pact is off. We already revoke the privilege -- some would call it a right -- of mobility when people are incarcerated, and they are incarcerated indeed before they actually have their time in court. So that point of view says that if they have sinned against society, they lose all privileges including voting, and there would be no exceptions to that rule.

The problem that arose as the discussion continued is that in Canada all federally sentenced prisoners can vote. So for the people who said that voting is a privilege, if you commit a crime, that's it. The deal is broken. Then everyone who does that should lose their votes. But they're having trouble when already we have a setup where all federally sentenced prisoners can vote. That was seen as an unfairness, a lack of balance, the fact that the federally sentenced can vote. We're saying here that many of the people provincially sentenced wouldn't be able to. That lack of balance comes in fact for people who are serving less time. One may extrapolate to presume that they are serving less time for a crime of lesser severity, but that could be argued. One person, tongue in cheek I hope, did feel that perhaps an individual would be better off to commit a worse crime, get more time, and then they could vote, which wasn't an encouraging point of view in my opinion.

This legislation has several flaws in it. One I've already mentioned: that this would allow or enact that provincial prisoners couldn't vote but federal ones can. Secondly, the legislation is based on time and location but not on the severity of the crime or on how long you have left to go in your sentence, how long you have to serve in your sentence. My understanding is that very few crimes are for sentences of less than 10 days, so in essence this becomes a virtual ban on all prisoner voting, but I would be interested in seeing the actual statistics on that.

3:50

There's also a concern, because of some of the things I've mentioned, that the legislation is in fact badly written and would be subject to numerous challenges for decades to come. It was pointed out: who has more time to sit and write appeals and challenges than prisoners who have access to law libraries and computers? I can't argue that point. In that it is likely to cause challenges, I question whether we as legislators are not knowingly and deliberately trying to pass legislation that will cost taxpayers thousands or hundreds of thousands or millions of dollars. I don't know how much. I remember a debate earlier in the spring about intergenerational debt. Well, if we pass bad legislation or badly written legislation that gets us into court challenges that the taxpayers of Alberta are obliged to continue to fund that can go on past a generation, I question whether we have served the people of Alberta well.

There are a few additional points that were brought up as I sought out the differing opinions. This idea contained in Bill 48 is caught up with different views of imprisonment. That is, do we imprison to punish? If so, then no voting. Or do we imprison to get people off the street, to protect society? Perhaps there is an idea of rehabilitation or some hope of rehabilitation that's involved in that. In that case, I think it can be argued that voting is important. It keeps prisoners a part of society, connected, although obviously some freedoms like mobility are restricted.

I'm also interested to hear, or rather not to hear, that there's been no discussion here about why we have people committing crimes and therefore end up being incarcerated and would be subject to this bill. I've heard no discussion about support or intention or interest in early intervention. We know these programs exist. We have research now on positive results. Why hasn't this been part of this discussion?

I was lucky to happen to hear Doug McNally, the previous chief of police, speak very passionately, articulately, and knowledgeable about the early intervention programs that are in place now across the world and working very successfully. So perhaps we are interested in these programs. Perhaps we are moving ahead on them, and I can look forward to them being brought forward in the budget debates. I would love to hear that. As one person put it, they felt that not examining the roots of where we get people from when they end up being subject to Bill 48 is like trying to close the barn door long after the horse got out and ate everything in the garden.

What purpose does this legislation serve? These are the questions that I ask myself as a legislator. I am not sure what purpose this is serving, and I also ask myself: is it good legislation? Is it well-crafted legislation in the sense that it will work well, it will be implementable, it will not have loopholes that defeat the purpose, and it would not be subject to costly court challenges? I am not convinced, but I am very open to the arguments on that.

I note that the Justice minister said that he had been asked to table his legal opinions but was not able to do so. I would be much more comfortable if he could do that. I have to go back and answer to these people in Edmonton-Centre as to whether this is good legislation and whether they would be hooked into this. It's a genuine question, and I'm not able to answer it on their behalf.

So there was a feeling that there was an essential imbalance or unfairness that makes it difficult to implement and the question: do we need more laws that don't work?

Just to recap this then. What happened after the discussions that I heard people give me on the arguments about voting is a right, that voting is a privilege and all of those arguments was getting into the fine print of it, so to speak. Most, all but one, of those felt that voting is a right and should not be suspended for any reason. The others believed that voting should be suspended, but they are uncomfortable with the unfairness in that the federal prisoners vote, but Alberta prisoners would not be able to. It didn't sit well, and I'm thinking in particular of one fellow that spoke to me. He just felt that nullified the whole thing. "What was the point? Why were we bothering with this if those who had committed truly heinous crimes were able to vote?" He felt that it made the exercise moot and at that point felt that it was not a good idea to proceed with the legislation, his question being: what would justify Alberta being deliberately more punitive than the rest of Canada?

Some raised the point that they would be more comfortable with this legislation if the sentencing was done in a more standard way. Certainly I heard that raised as well. When I attended the justice hearings in Edmonton, a number of people raised that, the inconsistency. For the same crime committed by two different people, one person gets 18 months and one gets three years. So for the same crime you've got one person able to vote, the federally sentenced one, and one person not able to vote if this legislation goes through. The point was raised that they would be more comfortable with the legislation going through if there was a more standard way of sentencing the prisoners.

So in the end, even for those that were in favour of banning prisoner voting in Alberta, they would not or could not or reluctantly didn't support the legislation because it is essentially out of balance with the other provinces and with the federal system.

I am looking forward to further debate and possible amendments on this bill. It has been a very interesting process to hear people in my constituency be challenged to think on these issues and to work through the debate.

With those comments, Madam Speaker, I will take my seat and look forward to further discussion of the bill in Committee of the Whole. Thank you.

THE ACTING SPEAKER: The hon. Provincial Treasurer?

MR. DAY: No. Question.

[Motion carried; Bill 48 read a second time]

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

[Mrs. Gordon in the chair]

Bill 42

Professional Statutes Amendment Act, 1998

THE DEPUTY CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Calgary-North Hill.

MR. MAGNUS: Thank you, Madam Chairman. I'd like to speak to Bill 42, the Professional Statutes Amendment Act, 1998. The bill among other things amends the Social Work Profession Act. After the bill was introduced in the spring session, there were additional discussions among officials of the departments of Family and Social Services and Labour and with representatives of the social work profession and the child and family services authorities. As a result of those discussions, I would like to move an amendment. Copies I believe have been distributed or are here with the Clerk.

THE DEPUTY CHAIRMAN: Wait one moment, hon. member, and we will get those copies distributed.

4:00

MR. MAGNUS: Then, Madam Chairman, while we're waiting for those copies, if you'd like I can make a couple of comments about some of the questions that came out of second reading, and perhaps I can answer them. Actually, the two people that I'd like to respond to in the Legislature are the Member for Edmonton-Riverview and the Member for Edmonton-Gold Bar.

By way of response, just this morning I received a letter from the Alberta Association of Registered Social Workers. I think the letter will answer some of the questions that you've put forward, and I'm going to file these copies in a moment. [interjection] In any event, from over here I can't hear what the Member for Edmonton-Riverview is saying, but just so you have an idea of where we're going, some of the questions that have been asked I'd like to respond to, and actually, as I said, I would respond through this letter. I'm picking some paragraphs out of here, but it begins by saying:

Let me begin by assuring you that there was indeed broad consultation in the development of the statement as it has been incorporated in the amendment now before the Legislative Assembly.

In this letter he notes "some of the key individuals who by virtue of their broad experience and expertise took an important role in the development of the scope of practice."

Finally, towards the end of this letter -- and it was one of the questions in second reading -- it talks about:

In the context of the Agreement on Internal Trade (AIT), the Registrars/Executive Directors of the other provincial social work regulatory bodies reviewed and commented on all the scopes of practice of the social work regulatory bodies in Canada. As a result of these deliberations they have concluded that none of the scopes of practice constitute a barrier to inter-provincial labour mobility.

With that, Madam Chairman, I'd like to file four copies of that same letter today, and if the amendment has been handed out . . .

THE DEPUTY CHAIRMAN: Has everyone received the amendment? We will call this amendment A1.

MR. MAGNUS: Thank you.

THE DEPUTY CHAIRMAN: Go ahead.

MR. MAGNUS: Thanks, Madam Chairman. In Bill 42 the Social Work Profession Act was amended to make registration mandatory for individuals who meet the requirements for registration and who also provide or supervise the provision of social work services either directly or in a clinical setting. The bill exempts individuals providing services in accordance with the Child and Family Services Authorities Act unless the Minister of Social Services orders that mandatory registration provisions should apply to them. This is section 9.3 at the top of page 4. In addition, the minister may also exempt categories of individuals from the requirements for mandatory registration, which is section 9.2 at the bottom of page 3. The proposed House amendment addresses the two exemption provisions.

First, in the original bill we speak of individuals providing "child and family services in accordance with the Child and Family Services Authorities Act." The proposed amendment makes it clear that these individuals are employees of Alberta Family and Social Services. Second, in the original bill the Minister of Family and Social Services is given the authority to exempt any category of individuals by ministerial order. Now, the proposed amendment changes this to require the minister to make the exemption by ministerial regulation. The amendments do not, Madam Chairman, change the intent of the bill's original provisions.

I look forward to the comments and discussion on the amendments and provisions of the bill. Thank you.

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

MR. DICKSON: Thank you very much, Madam Chairman. Dealing with the government amendment in front of us, I have some questions. My understanding is that the Alberta association of social workers has long wanted to see mandatory registration. I think that's a very positive development, and I think that's a good thing. The thing I don't quite understand in the amendment -- and maybe the sponsor can explain it to me. As I understand it, the amendment would mean that if somebody providing child and family services, somebody working as a social worker happened to be paid by the Department of Family and Social Services, they wouldn't have to be registered. I'd say to the sponsor of the bill: how is that different? If you have lawyers, for example, working for the Minister of Justice or in any government department, they are members of the Law Society. They have that registration. They have a separate category for people working in government service, which might even include a few errant MLAs who might end up in a place like this.

Why wouldn't you want the mandatory registration? Maybe there are some compelling reasons, but I'd be interested in hearing -- since we haven't privatized or devolved all child services, all family services, I'd assume that I'd want those people working in the child welfare area to have professional standards. I understand there's some interplay between the Health Professions Act, Bill 45, which is coming back in the spring, I guess with a new number. But I didn't understand that that would be caught there. I'm wondering if the sponsor of the bill could just explain: why wouldn't we insist that a social worker working for the Department of Health or the Department of Family and Social

Services be a registered member in their professional organization? What that does is provide something roughly equivalent, as I said, to lawyers. As I understand it, this amendment would not permit that. So if the sponsor would be kind enough to give us some explanation on that.

Thanks, Madam Chairman.

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

MRS. SLOAN: Thank you, Madam Chairman. I appreciate the opportunity to rise also this afternoon and address the amendments proposed to Bill 42 by the hon. member across the way. The member indicated in his preamble to the amendments that they did not change the intent of the bill. I would challenge that statement, particularly the section which amends section 9.1, changing the current reading as proposed in the original bill from "section 9.1 does not apply to an individual who provides child and family services in accordance with the Child and Family Services Authorities Act" to "an individual employed by the Department of Family and Social Services who provides child and family services as defined in the Child and Family Services Authorities Act."

The change in intent, hon. member, is huge, because your government is proposing in this province to off-load child and family services to regional authorities. We have yet to define legally who is the employer. So where and who will be employing the thousands of social workers, psychologists, child care workers, and youth workers in this province under that new system is still unanswered.

What this amendment does to the bill is it very much narrows who the registration component will apply to. By the amendment the hon. member is saying that it will only apply to those employed by the Department of Family and Social Services. So if an employee is employed by the Calgary regional authority for child and family services, are they required to be registered or not? That is not clear. The amendment does not make that clear. I think in fact the amendment causes this bill to be more blurred and more obscure.

I guess there are numerous questions as to why this amendment is being proposed. The hon. member did not offer that. We had the original debate on this bill just last week. Why was this not brought in at that time? Why is it being proposed now, less than seven days later, resulting in a huge shift in who in fact within the child and family services area will be covered or required to be registered for the delivery of services?

One of the huge concerns with the devolution of child welfare and child and family services to the regional authorities has been the belief that this government's agenda is solely to off-load costs and privatize a larger component of services in this department. This amendment seems to reinforce that opinion, because it is now saying that those communities or those regional authorities will not be bound by anything in this statute to ensure that a certain category of employees must be registered. I raise huge reservations, Madam Chairman, about that. As I indicated in my earlier comments, I don't understand why that has been proposed at this time and why the government did not put it in the original bill. I would hope the hon. member across the way is prepared to respond to those questions before we proceed to vote on this bill at this stage.

Thank you.

4:10

THE DEPUTY CHAIRMAN: Is there anyone else that wishes to speak? Calgary-Buffalo.

MR. DICKSON: Thanks, Madam Chairman. I wanted to give the sponsor an opportunity to address some of the questions.

Another concern that I have in looking at the amendment. One is that it looks like what we've done is effectively roll 9.2 and 9.3 together. It's sort of a reordering of them, but we're still left with this key issue of why you wouldn't want these people to be subject to some professional standards, to an internal disciplinary process as professionals. It seems to me that really what we're talking about is acknowledging the professionalism of social workers, and that's been a long time coming. So if we're going to accept that -- and I think it's long overdue -- then why would we say for those people working in some of the most critical frontline areas, such as child welfare officers, that we wouldn't want them to meet the highest possible standards?

This isn't particularly charitable to the government, but I could speculate it may have to do with cost saving. Maybe you can pay people less money if they don't have a professional designation. The Minister of Justice has some firsthand experience with Crown prosecutors, and there was a very serious issue in terms of whether Crown prosecutors owed a higher duty to the Law Society of Alberta, being professional members of that society, than they did to their employer, the Minister of Justice. So I understand there are some issues and tensions around that, but I think we'd need a whole lot more information to be able to assess that before we could just accept the amendments as they are now.

Now, the other query I've got is the proposed section 6(3). There's provision there that "order" would come out and "regulation" would go in. The question would be: what advantages accrue to regulation, in the sense that there is no better scrutiny of regulations, really, than there is of orders in this province? If the mischief that's trying to be remedied here in this government amendment is to attach scrutiny to the instrument, then I daresay that there's precious little additional scrutiny that's going to accrue to a regulation than to an order, because the Standing Committee on Law and Regulations is never mandated by the government to do anything.

So it seems to me that lots of questions are raised by the amendment. I support the principle of Bill 42 and I certainly support the step in terms of recognizing social work as a profession, but I'm very much disturbed by the proposal that as long as those child welfare workers do whatever the minister tells them to do, it doesn't matter whether they're in violation of their professional standards or the professional rules or not. That doesn't seem to be good enough, Madam Chairman.

I don't know whether there are other members that have other opinions to offer on it, but it appears that we're not going to get responses from the sponsor, the Member for Calgary-North Hill. One would have thought that if he was going to bring in amendments and wasn't going to share with us on the record in *Hansard* what the reasons were for the amendment, we might have got some explanation, maybe a written memorandum or something that would explain this. So in the absence of all those things, we're left to speculate. It could be the Minister of Family and Social Services sees some problems with having registered social workers in the employ of the department.

MRS. SLOAN: It would be helpful if the minister would speak on it.

MR. DICKSON: That's true. My colleague from Edmonton-Riverview suggests how helpful it would be to have some clarification from the minister. The Minister of Family and Social Services would be in a position to resolve all of these issues in but

a moment. So we have the sponsor from Calgary-North Hill, we have the Minister of Family and Social Services, and all they'd have to do in 30 or 35 words is just give us some information, and then we'd be able to move on and beyond this.

I see there's a flurry of activity, Madam Chairman, I'm pleased to report. So I think maybe what's most appropriate, rather than standing any longer, is that we'll give the minister a chance to straighten up whatever uncertainty appears.

Thanks.

THE DEPUTY CHAIRMAN: The hon. Minister of Family and Social Services.

DR. OBERG: I guess that's my cue.

Thank you very much, Madam Chairman. I'd be more than happy to address the amendments that are being put forward today. The first amendment, section 9.3, states that "Section 9.1 does not apply . . ." If the hon. member would take a look at the bill, what is happening is that in the bill it states "to an individual who provides child and family services" as defined in the Child and Family Services Authorities Act. What we have added is "employed by the Department of Family and Social Services." What that means is that it is only the employees of Family and Social Services that are exempted from the mandatory registration of social workers. So if you work for the department, if you're employed by the child and family services authorities, then you are exempted.

Madam Chairman, quite frankly, the reason behind this is that a lot of the native social workers do not have full degrees, and what we don't want to have happen is we don't want to have the aboriginal component of the child and family services authorities given a huge jolt by having their social workers not being called social workers.

Madam Chairman, section 9.3(b) allows the Minister of Family and Social Services to exempt from the operation of that section a category of individuals. If, for example, there are two or three employees that are social workers who are not doing anything that is related to social work, who are, for example, processing cheques, who are working within the department, what this allows the minister to do is exempt that category of individuals from the mandatory registration.

The other point -- and I believe that the hon. member has already stated this -- is that this has been done after a large amount of consultation with the Alberta Association of Registered Social Workers. This amendment has been agreed to by Jake Kuiken, who's the president of the Alberta Association of Registered Social Workers. Madam Chairman, the Association of Registered Social Workers would not like to have anyone exempted, but they recognize as well that at this point in time it is imperative that social workers under the child and family services authorities are exempted. In a perfect world we'd move to have all social workers included in this act, but this is a gradual step.

As I say, I hope that clarifies some of the questions that the hon. member has, but if not, I'd be more than happy to answer them.

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

MR. DICKSON: Thanks very much, Madam Chairman. Firstly, I wanted to thank the minister very much for speaking and providing the clarification.

I wonder if I might ask the minister this. I understand the issue in terms of the aboriginal authorities, and I understand that as

being a live issue. Would it not be preferable, though, to make the standard overall that we would expect that people working with children would be registered social workers? So that's sort of the default position, and rather than the blanket exception which is in the proposed 9.3(a), just leave it at 9.3(b). In other words, that still allows the minister to be able to say -- and he or she in the perfect case would have to defend why somebody would be exempted, but it seems to me that's specifically charged -- because an Albertan reading this, you know, all those thousands of Albertans that pour over *Hansard* and look at the bills as they're going through the process, may be thinking there's signal here, a signal that the government instead of leading is really devaluing the services of those workers. It seems to me that what the minister wants to accomplish, which I understand as being a legitimate concern, could be adequately addressed with the (b) part. The (a) part really suggests a broader kind of exemption, which I don't think is intended by the minister or his government or is even required.

4:20

THE DEPUTY CHAIRMAN: The hon. minister.

DR. OBERG: Thank you, Madam Chairman. Absolutely. The hon. member is absolutely correct. Actually, when I proposed this amendment, I proposed only to have 9.3(b) put into the legislation, because realistically as minister I can exempt any category under regulation with this. When I took this to the child and family services authorities, when I took this to the aboriginal groups involved, they wanted 9.3(a) to be left in, and I said to them quite literally: "Listen; I can put it in regulation. I can do this. It does exactly the same thing." But what they stated was: "No, we want it written in the legislation, because we don't trust the regulation component as it comes forward." So I said: "You realize, of course, that this is superfluous, that it's saying the same thing in (a) and (b)." And they said: "Yes, but we still want it in."

So, Madam Chairman, the hon. member is a hundred percent correct in what he says, but this is in keeping with the consultation with the aboriginal groups, with the aboriginal child and family services authorities.

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

MR. DICKSON: Thanks, Madam Chairman. We're going to be better sequenced in the next bill.

Again, I appreciate very much the minister's candour. I make this observation though. It seems to me that the only people elected in this province to protect children at risk in whatever region of the province are the members in this Assembly. I'm respectful of the best of intentions of those people. I've met most of the people on the Calgary authority, and I know how excited and invested they are in the work of their authority, but I'm sort of left with this feeling. It seems to me that members in this Assembly still have this obligation to craft the best legislation we can. There may be times, hon. minister, through the chair, when we have to say: yes, you may like something and it may give you some different measure of comfort, but unfortunately the buck really stops in this Chamber, with this minister, with this Legislature.

We may think, for the peace of mind of people on the authorities, what's the trade-off? Well, the trade-off is that we may be sending out a message that government doesn't want to send out, that there may be two standards: one standard by agencies and other service providers, but the provincial government has lower standards. That's the last thing I think this minister wants to see represented.

I say with all respect to those people that have lobbied for the (a) part of the amendment that I think he was absolutely square on with his first instinct. We'll hear from my colleague from Edmonton-Riverview, who is the critic and the spokesperson for our caucus in this area, but just speaking as one member now, I think for the reason proffered it's not a persuasive reason to put in something. And the reason is that by law the courts, if it ever comes to a contest, will try mightily to find some reason for different wording. They will say: there had to be a reason; the Legislature doesn't say the same thing in two different ways to mean the same thing. The courts strive mightily to give a different meaning to different wording.

So what's happened is that with that (a) part the minister may have bought himself a whole passel of issues and potential construction or interpretation problems down the road that he doesn't need and we don't want. I appreciate the explanation, I appreciate what those people are trying to do, Mr. Minister, but if that's sort of the most compelling argument for the (a) part, I think you should stick with your initial reaction.

Thanks, Madam Chairman.

THE DEPUTY CHAIRMAN: The hon. minister.

DR. OBERG: Thank you, Madam Chairman. The only thing I will say to that is, again, that one of the realities of our government, one of the realities of a very sensitive issue such as this is that we have to get everyone on side. The only point that I wanted to make right now is that the social workers have been waiting 30 years for this piece of legislation to go forward. To have it lost by having a group of people out there that are completely against it I think is wrong. I agree with what the hon. member has said, but I don't believe the hon. member has had the discussions that I have had with the social workers, with the child and family services authorities on this very delicate subject that quite literally has taken 30 years to bring in in Alberta. I was not willing to risk losing this legislation because of not having that clause there, which is where we were at.

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

MRS. SLOAN: Thank you, Madam Chairman. It's interesting to me that the minister raises the point about it being 30 years, that the social workers have had to wait that long for licensure. It's interesting that that sort of coincides with the term of this government. I wonder if the two things have any relationship.

I'm still unclear about the intent of the amendment, particularly the amendment that's proposed to section 9.3 citing that section 9.1 does not apply. The minister in his comments said that we have added, but in fact what the amendment says is that you are "striking" and "substituting." I accept the premise of what the minister was saying, that we want to address the aboriginal social worker component by these amendments, but what is not clear is how this will apply to employees of the child and family regional authorities. I would pose the question: does this mean that social workers employed by the department must be registered but social workers employed by a regional child and family services authority would not? Because it has not been explicitly defined to my knowledge, Madam Chairman, that the regional authorities do have the authority to be employers. So that aspect of the bill and the amendment as proposed this afternoon raises again more questions than it answers, and I would appreciate the hon. minister's response to that issue.

Thank you.

THE DEPUTY CHAIRMAN: The hon. Minister of Family and Social Services.

DR. OBERG: Thank you very much, Madam Chairman. Quite briefly, the child and family services authorities do not have social workers employed by them. All the social workers that are under their guidance are employed by the department. If you remember, in June of last year, a year ago June, the workers were seconded over, but they still remained employees of the department. That's why we have stated "by the Department of Family and Social Services" in there.

THE DEPUTY CHAIRMAN: The hon. leader of the ND opposition.

MS BARRETT: Thank you, Madam Chairman. The minister is right; this bill has been a long time in the making. I remember the late Grant Notley asking for this in the early '80s.

I must say that I respect the difficulties the government has encountered in trying to meet the needs of the people involved here. I also, in terms of this amendment, have to say that even if this amendment weren't in front of us, the minister was going to have some pretty broad powers in terms of who's registered and who's not in terms of their employment. So I'm going to accept at face value the explanation the minister has given with respect to these amendments.

By the way, I thank the government for having respect and sensitivity towards the aboriginal communities. I think that's a reality that needs to be dealt with, and it was one of the stumbling blocks for many years in the development of this bill. But what I do wonder now is whether or not it will be registered social workers who would be working under the auspices of the regionalized children's services.

I'll take my seat and look forward to the answer.

4:30

THE DEPUTY CHAIRMAN: The hon. minister.

DR. OBERG: Thank you very much, Madam Chairman. Again, the same answer applies. The child and family services authorities do not have any social workers working for them or working under them. They are employees of the department that we have seconded over. So if, for example, they did choose perhaps two or three or 10 years down the road if something changes, then they still would be covered under the Child and Family Services Authorities Act. They still would be covered there.

MS BARRETT: I think I heard that even if the regionalized children's services become, let's say, autonomous organizations, the social workers would still fall under this act.

Thank you.

THE DEPUTY CHAIRMAN: Okay. Is there anyone else who wishes to speak?

[Motion on amendment A1 carried]

[The clauses of Bill 42 as amended agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed? Carried.

Bill 46
Securities Amendment Act, 1998

THE DEPUTY CHAIRMAN: The hon. Provincial Treasurer.

MR. DAY: Thanks, Madam Chairman. I appreciated some of the good discussion that we had at second reading. Members were properly recognizing the work that Mr. Bill Hess has done in terms of communicating to government members and also to opposition members the necessities for this to continue to stay harmonized and in fact to continue to have this commission in the lead across the country to provide a vibrant climate in which capital can be found and formed and people can pursue their opportunities. As I stated at second reading, this bill was actually wending its way through the miscellaneous statutes amendment process last spring, but in fact time didn't allow for that to happen. I appreciate the support that I'm sensing from all members, and I know that the commission itself is also anticipating support through the work that they've done with myself and with opposition members on this.

Quite properly there were some questions at second reading. I'll try and address those quickly at the committee stage, as I indicated that I would. There were questions about safeguards in the rule-making process to ensure adequate public input and to safeguard interests of investors and other market participants. I can tell you that the commission itself regularly consults on proposed rules with independent advisers and also with those who are interested and involved in the capital markets. In addition to that, the rule-making process under the Securities Act requires publication of proposed rules for public comment, and that's before a rule is adopted. They require that that process be followed, and in fact if public comments prompt any substantive reaction or changes to a proposed rule, then the proposed rule itself with that revision must again be published for public comment. So publication and comment requirements of the rule-making process do allow for that opportunity for interested members of the public to provide their views on any proposed rule. I think that's an important part of the process. It enhances the legitimacy and the integrity of the rule-making process and gives the public the opportunity to actually shape the law through this direct participation in the rule-making process. It seems to be one that has found favour both with those who are involved, clearly, in the market and with those who want opportunity to comment.

[Mr. Tannas in the chair]

There was also the Member for Calgary-Buffalo's keen observation about the different standards of disclosure for civil and criminal proceedings that are commenced against a salesperson. Under this amendment the salesperson would be required to promptly notify the commission of any material change that might impact on that individual's continued suitability as a salesperson. That then allows the commission to consider what steps, if any, need to be taken to protect the public upon receiving that information. Those steps could range from increased supervision to in fact withdrawing a licence. That could be an eventual outcome.

The commission actually recognizes that it could be argued that there's an inconsistency in treatment between the civil and the criminal proceedings, as the members pointed out, in section 63(3). The difference there results from the desire to preserve the privacy rights of the individual in situations where there is

unlikely to be any harm to investors. In civil cases, as I think members are aware, the investor usually starts by filing a complaint in some form to the commission or to the salesperson's employer. Then that person, that employer, is obligated to pass the information on to the commission. That's required. That usually gives the commission an early opportunity to do an assessment of the situation and then, if they feel it's appropriate, to take action. However, if a civil court does make a ruling against the salesperson, the commission needs to be in a position to be able to assess any additional information at that particular time and in a case like that. This apparent different treatment also recognizes the fact that vexatious civil suits can actually be brought, whereas typically in criminal cases an independent third party, in this case the Crown, would prevent this. Those are some of the reflections on what would appear to be different treatment.

There was a question also from one of the members of the Official Opposition talking about permanent registration. They were asking for a clearer definition of that. This proposed amendment actually facilitates the commission's move from an annual to a permanent registration system. Permanent registration does not mean in any way that that salesperson is automatically registered forever. What it does is eliminate the current requirement for salespersons to prepare and file every single year a standard application for renewal even when there have been no material changes in their status. This is just a commonsense approach to commonsense regulation and not having unnecessary regulation.

The current system of annual filings means that the material changes are only reported once a year rather than when they occur. So by having the amendment in place, when a material change occurs, that person is required to file then, not to wait possibly for a year for that particular item to happen. If there's been no material change, then the registration continues. It will actually require the salespersons to report promptly any material changes. As a result, this amendment actually eliminates a filing burden, but at the same time it actually enhances investor protection. There's no delay in terms of when that material change should take place, and the proposal actually does not affect the existing proficiency requirements for registered salespersons.

One of the members opposite asked a question about that proposed permanent registration: how does that ensure continuing proficiency by the registered salesperson? In fact, that in itself is not the intent, but I can advise, from the commission through me, that significant steps are under way to improve the quality of service that's provided investors. First, recognizing the value of peer review in this particular area, the commission along with other securities regulators has indeed expanded and is expanding the self-regulatory organization, the SRO system to ensure that all registrants are members. That will be a significant step, and all these commissions are requiring that the SROs develop some continuing education programs to enable and enhance the possibility that investors are always getting the best advice. So those are steps that are in process.

4:40

It should be remembered that to register as a broker, an individual must have successfully completed that Canadian securities course, which is a significant requirement. Both the practice time and study time and the course itself are very challenging. I understand there's quite a high rate of those who in fact do not make it through that course because of its rigour and also the registered representatives' examination. To be registered as a mutual fund salesperson, an individual also must

have successfully completed the investment funds in Canada course or, conversely, they can have the Canadian securities course. The commission has approved these courses. I can also advise further to that, Mr. Chairman, that there are even more stringent education and experience requirements for officers and partners of underwriters and dealers.

So I hope that addressed most of the questions that came up at second reading.

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

MR. DICKSON: Thank you, Mr. Chairman, and through the chair, thank you, Mr. Minister, for the explanation. I think you've actively gone through and identified each of the things that I heard the other day.

I have this difficulty, though, with the reporting business that I'd raised. I hear your explanation, and your explanation is, as I understand it, that the reason we're treating a civil claim differently than a criminal charge is that with the criminal charge there's a third party who intervenes and acts as a gatekeeper, namely the police service, or at least somebody has to lay the charge. On the civil side there's no gatekeeper. Well, there in fact are two forms of gatekeeper, which the Minister of Justice can, I think, confirm to you. The first one is that lawyers have an ethical obligation not to commence vexatious actions. It's a key element. [interjection] Well, the Minister of Justice doesn't seem persuaded.

MR. HAVELOCK: Would you quit referring to me when I've not done anything, hon. member?

MR. DICKSON: I'm going to stop picking on the Minister of Justice, Mr. Chairman.

The point is that there are several hundred years of ethical convention and rules that prevent a solicitor, a lawyer, from commencing an action that's vexatious.

The second point is that there's a procedure in the courts in this province that allows them to deal in summary form with a frivolous or a vexatious claim. Mr. Minister, through the chair, there are in fact charges that are laid in circumstances that are frivolous and vexatious. It doesn't happen a lot, but it happens. So we're still left, with respect, in a position of having two very different treatments.

I've been talking to some people since I raised this the other day at second reading, and I've heard consideration about how it may well be that it's difficult in a statement of claim. Somebody would have to go through the statement of claim and say, "Oh, there's a specific allegation of fraud," or "There's a specific allegation of deceit or misrepresentation; is it negligent misrepresentation or innocent misrepresentation?" There are a series of questions around that, but I think at the end of the day it can still end up that we're going to have a very low threshold which says that the minute a charge is laid against a salesperson, notice has got to go to the executive director. It would then follow that the minute a statement of claim is issued and served that alleges fraud, theft, deceit, misrepresentation, or similar conduct, there should be a similar notice. So you either have a very low threshold or a higher one which says that the duty to notify the executive director is triggered by the conviction.

Notwithstanding the explanation you've offered, Mr. Minister, through the chair, I still think we have a real imbalance and an inequity in terms of the way we deal with the two things, so I have an amendment I've distributed. I didn't, of course, have the benefit of your explanation, Mr. Minister, when we crafted the

amendment. It's been distributed to all members. I'd like to move the amendment, Mr. Chairman, which says that section 2 is amended in the proposed section 63(3)(b) by striking out "charge or indictment against or."

In effect what we've done here with this amendment is that we've just said that it's going to be a higher rather than a lower threshold. Certainly if somebody is convicted of an offence "under any securities legislation" or "for which the salesman may be liable to imprisonment for a term of 5 or more years," clearly there has to be a reporting. What we're trying to do -- and I haven't talked to Bill Hess about this, and he may have some other thoughts. But I'd just say this: if we're so concerned to protect consumers that a mere allegation in the form of a charge triggers a reporting, then the filing and service of a statement of claim alleging fraud or deceit should be treated the same way. I'd say, Mr. Chairman, that the alternative would be to say that as soon as a statement of claim is issued, we're going to treat it the same way.

Amendment A1 is the one that hopefully we've tagged and has been distributed already, Mr. Chairman.

So that's my explanation, Mr. Chairman, for the amendment that's been put forward. It's trying to find some consistent treatment. At the end of the day what I think all of us want is the highest possible level of protection for investors in this province, for businesspeople, for men and women who may put their dollars at risk through the securities system. We want it to be safe, but it's got to make sense and it's got to be consistent. I think the message the minister would want to give out to Albertans is that fraud or deceit or theft or misrepresentation or similar conduct is bad. Whether it's in a criminal context or whether it's in a civil context, it's still fraud; it's still deceit; it's still theft.

You know, I find it's not uncommon that large security organizations have not pressed criminal investigations. Why? Because it would compromise the reputation of the security institution or the security firm. I've read of this in the U.S. I'm not meaning to impugn the Alberta Securities Commission, but I am aware that in American jurisdictions there has been enormous pressure not to trigger a police investigation. You've had security firms that are prepared to absorb and write off as a loss in some cases huge amounts of money simply to not create a lack of confidence in investors using the services of their firm. That's I think another reason why it's important to have the parallel treatment.

Those are the comments I wanted to make in support of the amendment that's before the members, Mr. Chairman. Thank you.

MR. DAY: While I appreciate the work that he's done on this, I can't support the amendment at this time, mainly because -- and I appreciate him being open about this -- he has not consulted with Bill Hess. Bill Hess and his people have done a lot of work in looking at the particular amendments that are required. They did a lot of work with opposition members, they've done a lot of consultation, and I'm confident that in fact the bill being presented as amended is what is needed.

I will commit to the member that if he wants to again consult with Bill Hess and have him do the necessary review as is required for amendments, which takes some time, if it is seen that this particular amendment is so compelling that in fact it would be of benefit, then I'd be happy to look at that in the spring session, to add to this amendment and put it through in a miscellaneous statutes amendment act with all due haste. I'd be happy to do that, but just because of the time -- the member obviously just hasn't had time. I can't support it at this state, but if he'll do the work with Bill Hess and if there still is the agreement there, I'd be happy to look at it in the spring, but not at this point.

Thank you.

[Motion on amendment A1 lost]

4:50

THE CHAIRMAN: The hon. Member for Edmonton-Riverview.

MRS. SLOAN: Thank you, Mr. Chairman. I rise on behalf of my colleague from Calgary-Buffalo to make an amendment to the Securities Amendment Act, Bill 46. I believe the table has the required copies for other members of the Assembly.

THE CHAIRMAN: This second amendment has, on the copy that's officially at the table, the appropriate signature from Parliamentary Counsel. I would invite the hon. Member for Edmonton-Riverview, then, to move the amendment and give your explanation.

MRS. SLOAN: Thank you, Mr. Chairman. I move that Bill 46 be amended by adding the following section after section 8. In 8.1 the following is added after section 196.7:

196.8(1) In this section, "Standing Committee" means the Standing Committee of the Legislative Assembly on Law and Regulations.

(2) Where the Lieutenant Governor in Council proposes to make a regulation pursuant to section 196 or section 196.7, the Lieutenant Governor in Council shall cause to be forwarded to the Standing Committee a copy of the proposed regulation.

(3) On receipt by the Standing Committee of a copy of a proposed regulation pursuant to subsection (2), the Standing Committee shall examine the proposed regulation to ensure that

- (a) it is consistent with the delegated authority provided in this Act,
- (b) it is necessarily incidental to the purpose of this Act, and
- (c) it is reasonable in terms of efficiently achieving the objective of this Act.

(4) When the proposed regulation has been examined as required under subsection (3), the Standing Committee shall advise the Lieutenant Governor in Council that the proposed regulation has been so examined and shall indicate any matter referred to in subsection (3)(a), (b) or (c) to which, in the opinion of the Standing Committee, the attention of the Lieutenant Governor in Council should be drawn.

I am pleased to offer that amendment, as I indicated, on behalf of the Member for Calgary-Buffalo.

We, following the debate of this bill last week, had some discussion. In general, the opposition caucus is supportive of the bill, but there were concerns raised with respect to the Legislative Assembly's authority and ability to be a player in the process surrounding the transfer and approval of securities in the province. Those questions were raised in a number of different contexts, but certainly there was reference made to the MAI and the implications of that.

The hon. minister did not respond specifically to those concerns in his comments when he spoke this afternoon. While we support the premise of the bill, we're alive to the fact that the MAI in its original form or in the new form it has now assumed across the country, somewhat of a more informal form, is basically premised on two principles, the principles of nondiscrimination and assured protection for investors and their investments. Nondiscrimination is sometimes referred to as national treatment, meaning that governments are required to treat foreign and domestic investors the same way.

Assured protection or assured investment protection means providing investors with the assurance that their investment interest will be protected within a set of clear rules. The MAI proposed originally that these principles were to be supported by an effective mechanism that would allow the settlement of disputes

between states and investors and states. That dispute mechanism did not, Mr. Chairman, include the Legislative Assembly of this province or any other province.

It's in this respect that I think the amendment this afternoon is well timed, and it is sincere in its intent. Particularly disputes but other matters arising from the transfer of securities and the operations of securities with respect to the transfer of investments should be considered by this Legislative Assembly in some form. At present the bill as proposed does not provide that. By including the amendments which we have, with the Standing Committee of the Legislative Assembly on Law and Regulations there is an unequivocal opportunity to permit the elected representation from across this province an opportunity to debate that.

We are certainly mindful, Mr. Chairman, that that committee has not met for some time, years in fact. The government's rationale for why that committee has not convened is not really clear to me. There is a chair of the committee, I understand, and the government has seen fit to appoint that chair on a regular basis, but given that the committee doesn't meet, I'm not sure why it requires a chair. Certainly the Securities Amendment Act and the amendment that we proposed this afternoon provide that opportunity for the committee to convene, to assume the business that it exists to assume. The opposition is sincerely hopeful that the government will recognize this amendment as an opportunity for that committee to activate itself and perhaps entertain some of the subjects this debate has brought forward.

It may be of some benefit as well, on an educational note, to talk about the aspects of the MAI this afternoon, Mr. Chairman, in light of the amendment, perhaps if for no other reason but to educate some of the Members of the Legislative Assembly about the elements of the MAI. While the minister I believe reported to the Assembly that those negotiations are dead, I would say that they have performed a chameleon act and are resurfacing in a different form at a different level. The MAI originally existed and had four elements: investor protection, exceptions to the agreement, legal remedies, and avoiding conflicts. Specifically under investor protection or discrimination, expropriation, investment incentives, and performance requirements, it was proposed that the traditional range of investor rights, including the right to acquire or own any asset, related ownership rights such as the ability to operate a business, and the ability to transfer funds or other capital, be protected. In addition, there were expanded prohibitions on discrimination against foreign investors by governments in the original MAI agreement.

5:00

THE CHAIRMAN: Point of order, hon. Provincial Treasurer?

Point of Order Relevance

MR. DAY: Yes, a point of order. It's to do with relevance in committee. I think the member across the way does have a sincere concern about the MAI. It has absolutely nothing to do with the amendments that are before us. At second reading it's appropriate to comment on the MAI because debate is a lot more free ranging, and I addressed it at that particular point, but it is not germane at all to this discussion. Committee stage is to do with the actual clauses of the bill itself, I would suggest.

MRS. SLOAN: Mr. Chairman, I understood that the premise of this bill was surrounding rules and provisions for securities, the transfer of investments, how a registration system would be proposed for securities, et cetera. Our amendment this afternoon

is talking about and proposing a formal role for the Legislative Assembly in the context of this act and in the context of the transfer of investments. The MAI has complete relevance to that topic. That's what the MAI is about.

There are a couple of things, Mr. Chairman. I don't think it's a point of order at all; at least, the hon. minister didn't cite a particular section of *Beauchesne's*.

MR. DAY: Relevance.

MRS. SLOAN: What section was that? I'm sorry.

MR. DAY: Section 496.

MRS. SLOAN: On the point, Mr. Chairman, I would propose that it has complete relevance to what we are debating this afternoon.

Thank you.

THE CHAIRMAN: I'm not sure whether this is a difference of opinion between two hon. members, but the chair would certainly indicate that he heard on a number of occasions reference made to the MAI with regard to the amendment, so the obligation would be to not refer to the whole bill but how the amendment has some relevance to MAI or the MAI has to the amendment. I think that would be where the relevance is.

I think that if you're looking it up -- what is it? Section 459? I think various numbers were thrown around here like a railway schedule. Anyway, relevance I think most of us could define. So what I'm saying to the hon. member is that if MAI is relevant to amendment A2, please tie it in. If it isn't, then continue on with your defence of the amendment that you've proposed on behalf of your colleague the Member for Calgary-Buffalo.

Debate Continued

MRS. SLOAN: The intent of our amendment this afternoon was to directly engage the Legislative Assembly in issues surrounding the transfer of investments. The act does not provide a platform for any legislative committee to debate, to discuss, to contemplate the implications. One of the broader implications of the transfer of investments was the elements of the MAI which were contemplated formally across this country last year. In that sense, we never had a debate in this Legislature about the MAI. As I referred to, Mr. Chairman, the Standing Committee on Law and Regulations has not met. It never met during the whole period the MAI was being contemplated across the country. Parallel with that same process the minister was obviously drafting amendments to this act. They did not go to the committee for consideration. I would ask why. It completely evades me why the government continues to appoint a chair to that committee, Mr. Chairman, if it is not going to meet.

The basic premise of the amendment is to provide that committee with a standing and to engage the Members of the Legislative Assembly in the debate. Correct me if I'm wrong, but I do not see that component in the act as it is proposed by the hon. Treasurer. I would invite other members of my caucus to provide additional thoughts that they may have, but consider that while the MAI is widely known for its ability to facilitate the transfer of investment, it has huge implications for other aspects of our provincial work and programs.

The other whole area which is related, Mr. Chairman, is economic regulation, that meaning specifically foreign ownership or residency requirements as they relate to the sale of real estate, the use of public lands, and business licences based on residency

or citizenship. So the implications are very broad. They have not been contemplated by this Assembly. The committee hasn't met.

I think the amendment this afternoon is extremely well timed. I would invite the hon. Treasurer to provide some response to it in the context of this debate.

Thank you.

THE CHAIRMAN: The hon. leader of the ND Party.

MS BARRETT: Thank you, Mr. Chairman. When I first read this amendment, I thought: "This is a government amendment? What happened over there? A revolution or something?" Then I looked to see who the sponsor was and realized that of course it's an opposition amendment.

I'd just like to speak to the amendment briefly, Mr. Chairman. This is a really well- designed amendment. Basically, as the Member for Edmonton-Riverview was just arguing, it forces the government to bring back regulatory changes through the Legislative Assembly, in this case through what we call the Committee on Law and Regs, which almost never sits, as you know. In principle, this is a very good idea.

Actually, I would like to see this applied to a number of acts. The government obviously has complete control over regulations, but in some acts the regulations are so powerful that in fact they

can in effect override the power and status of the legislation that's supposed to be governing the regulations. This amendment calls for accountability by the government through the Legislative Assembly by saying basically: "You want to change your reg? Toss it over to the Assembly and see if the Assembly agrees."

Now, in general I'm supportive of Bill 46, but it seems to me that the government would be wise to adopt this amendment. If I were sitting on that side of the House, I'm sure I'd vote in favour of it.

[Motion on amendment A2 lost]

[Title and preamble agreed to]

5:10

[The clauses of Bill 46 agreed to]

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

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

[The committee adjourned at 5:12 p.m.]