

Legislative Assembly of Alberta

Title: **Tuesday, March 23, 1999** 8:00 p.m.

Date: 99/03/23

head: Committee of Supply

[Mr. Tannas in the chair]

THE CHAIRMAN: I'd like to call the committee to order. I wonder if we might have unanimous consent to briefly revert to Introduction of Guests.

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed?

The hon. Member for Drayton Valley-Calmar.

head: Introduction of Guests

MR. THURBER: Well, thank you, Mr. Chairman. It's a real privilege for me tonight to introduce to you and through you to the members of the Assembly a young lady by the name of Jessica Reeves. I would ask her to stand. She's accompanied here tonight by her mother, Darlene Reeves, who happens to be my assistant at the Leg. here in Edmonton. I would ask that both of them stand and get the warm welcome of the Assembly.

head: Committee of Supply

(continued)

THE CHAIRMAN: The next item of business is that subcommittee C under Agriculture, Food and Rural Development will meet in room 512 in a couple of minutes, so if we could go there, and subcommittee D will be here in the Assembly.

[The committee met as subcommittees C and D from 8:02 p.m. to 10:04 p.m.]

THE CHAIRMAN: Okay. I'd call the Committee of Supply to order.

The hon. Member for Wainwright.

MR. FISCHER: Thank you, Mr. Chairman. Subcommittee C of the Committee of Supply has had under consideration certain resolutions of the Department of Agriculture, Food and Rural Development, reports progress thereon, and requests leave to sit again.

THE CHAIRMAN: Does the committee concur in this report?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? So ordered.

The hon. Member for Calgary-McCall.

10:10

MR. SHARIFF: Mr. Chairman, subcommittee D of the Committee of Supply has had under consideration certain resolutions of the Department of Economic Development, reports progress thereon, and requests leave to sit again.

THE CHAIRMAN: Does the committee concur in this report?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? So ordered.

The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. I would move that the committee rise and report progress on the estimates under consideration for the Department of Agriculture, Food and Rural Development; Economic Development; and Community Development.

[Motion carried]

[The Deputy Speaker in the chair]

MR. SHARIFF: Mr. Speaker, the Committee of Supply has had under consideration certain resolutions of the Department of Economic Development, subcommittee D, and the Department of Agriculture, Food and Rural Development, subcommittee C, reports progress thereon, and requests leave to sit again.

The Committee of Supply has also had under consideration certain resolutions of the Department of Community Development, reports progress thereon, and requests leave to sit again.

Mr. Speaker, I would also like to table copies of documents tabled during Committee of Supply this day for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: Government Bills and Orders

head: Third Reading

Bill 8

Provincial Court Judges Amendment Act, 1999

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

MS GRAHAM: Yes, Mr. Speaker. I'd like to move third reading of Bill 8.

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

MR. DICKSON: Thanks, Mr. Speaker. I don't want to be in a position of trying to race the mover to the floor, but I certainly wanted to get a couple of words in before we dispose of Bill 8 in third reading.

AN HON. MEMBER: Dispose?

MR. DICKSON: Dispose of some concerns: d-i-s-p-o-s-e.

Mr. Speaker, this is a bill that raises some questions. We've attempted in the course of second reading and committee stage to ask some of those questions. I suspect part of our concern comes when we remember that bill that was brought in in the spring session of the Legislature dealing with judges and judicial councils. We saw the extent to which the government didn't get it right and had to bring in some 10 pages of amendments, so we're understandably cautious when we see anything dealing with the court.

There continues to be some question in terms of why the bill does not make it particularly clear in terms of deputy judges. The bill is somewhat narrower than what we had anticipated. We thought there was an opportunity to do more than what we see in this bill. The section 4 element, a remedial one, is positive. Section 5 dealing

with pension benefits we think is a positive provision as well. The deputy chief judge element we note was not noted in the committee's report, and it's interesting that that's been covered in the fashion that we see in the bill in front of us.

I think my caucus lends support to the bill, but we continue to ask questions in terms of whether the current Minister of Justice and the government respect the important role played by courts in this jurisdiction. There's been ample evidence that there isn't a really good understanding of the role of a strong independent judiciary, one that is generally independent of the executive. All I can say is that we'll continue to be vigilant to make sure that the judiciary and their constitutional role in this province are adequately respected.

So those are the comments I wanted to make at third reading on Bill 8. Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Question.

THE DEPUTY SPEAKER: The question's been called. Are you ready for the question?

The hon. Member for Calgary-Lougheed to close debate.

MS GRAHAM: I'd like to close debate and call the question.

[Motion carried; Bill 8 read a third time]

Bill 9 Tobacco Tax Amendment Act, 1999

MR. HANCOCK: Mr. Speaker, I would move Bill 9, Tobacco Tax Amendment Act, 1999, for third reading.

THE DEPUTY SPEAKER: The Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. It's just a real pleasure to stand and speak in third reading to the Tobacco Tax Amendment Act. This is a good effort by the government to try and clarify the role of who can market, sell, and possess what effectively are nontaxed tobacco products, or tobacco products upon which there has been no provincial levy. It seems to be a bill that is going to help. We've been given indications now that there should be no additional cost to the government to actually implement this, that they'll be able to do it with the staff they already have in place, given the clearer definition of both the eligibility and the market process and market channels for the nontaxed tobacco products.

This is an issue that comes up more specifically in relationship to our First Nation communities because of their treaty rights not to pay provincial tax. This is something that will help clarify both for them and for the rest of Alberta the relationship between them and how they relate to each other. So I think this is the kind of bill that we should be supporting and move through to implementation.

Thank you very much, Mr. Speaker.

[Motion carried; Bill 9 read a third time]

Bill 10 Land Titles Amendment Act, 1999

MR. HANCOCK: Mr. Speaker, I would move third reading of Bill 10, the Land Titles Amendment Act, 1999.

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

MR. GIBBONS: Thank you, Mr. Speaker. I rise tonight to make a

few comments around Bill 10. The main objective of this bill is a maintenance bill to deal with four problems affecting registration: to fine-tune the operation of the land titles system to reflect technology changes, to abolish anachronisms, to increase the reliance on the land titles registry, and to ensure all the interests of all registered. I would like to make a few more comments around this, as the regulation-making power which is being given to the cabinet needs to be restricted or not given at all. The act appears to confiscate security interests, unregistered equitable mortgages created by depositing the duplicate certificates of title by the creditor. There's no provision allowing creditors to register their outstanding unregistered equitable mortgages. I just want to stress one thing. This is about expropriation without compensation of security interests.

10:20

Reflecting back to the four points that we're actually talking about, one is to reflect the technology change of the registry. We tried to produce a couple of amendments to this around duplicate titles, but we failed in that process. We still feel that if the member bringing this one forward would look at some of the amendments we can bring forward in third reading, we would stress that the principle seems to make sure that all interests are registered so that on any given piece of property purchasers or owners can be assured that anyone with an interest in that property is registered and there are no more surprises to the purchaser.

Next item. I'm not sure in principle but effective legislation, I think, going into the increase of reliance on the land title registry -- you know, we think back to when our ancestors came out here and settled their land. They were able to get a certificate, and then they carried that back. They kept that in their house. They kept it for safety. Later on they put it in safe deposit boxes and so on. I'm wondering whether or not we're pushing too far forward on this particular item at this particular time.

At this I'd like to take leave and sit down.

[Motion carried; Bill 10 read a third time]

Bill 11 Public Sector Pension Plans Amendment Act, 1999

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. On behalf of the Provincial Treasurer I would move third reading of Bill 11, the Public Sector Pension Plans Amendment Act, 1999.

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

MR. DICKSON: Thank you very much, Mr. Speaker. I might just make an observation. I think we've been sitting for about four weeks, and we're now looking at I think probably about seven bills that have received third reading.

MR. HANCOCK: Twelve.

MR. DICKSON: Twelve bills.

If that isn't a record for passage of noncontentious bills, it's certainly one of the fastest times I have seen this number of bills pass in the seven years I've been an MLA. I mention it because for the most part these have been good bills. They've been bills that responded to needs that have been identified in the community. I'd just like to say that the opposition is happy to support bills like that,

to point out questions and modifications where we think it's appropriate. I just anticipate that at some point in this session we're going to hear people saying that we have an opposition that's always obstructionist. I wanted to make the point, Mr. Speaker, that we have some evidence here that some bills have moved through quickly.

Now, having said all of those things, I just want to point out on Bill 11 that there are some questions that have not yet been answered. I think of the example of the minister of agriculture and one of the bills that we dealt with before. He adopted some amendments, conferred with my colleague for Lethbridge-East. We were able to expedite the process. On Bill 11, unfortunately, the Provincial Treasurer has not answered all of the questions that have been asked. I want to identify the areas that are still outstanding. This may not be a reason to vote against the bill, because we think Bill 11 is one that many Albertans want to see passed.

I want to draw attention again to some of the questions that are still outstanding. Firstly, will the changes to the Employment Pension Plans Act, EPPA, provide the authority for the LAPP or the UAPP to establish a joint governance model for their new plans? The board and stakeholders have agreed that UAPP/LAPP should be a jointly trustee plan, and employers and employees would have equal representation on the board and share in eliminating unfunded liabilities and in any contribution reductions or contributions holiday. But the current EPPA does not provide for a jointly trustee LAPP. You know, we've got more acronyms here, but I'm trying to save time by using the acronyms rather than reading out the full title.

There are several exemptions required with respect to the EPPA under which LAPP will be regulated when out of the statute, the most important is the joint funding of the LAPP.

We need to ask the Provincial Treasurer yet again or perhaps the Minister of Labour -- and it may be that the Minister of Labour is the man with the answers -- whether this joint governance will be provided for under the act or through regulation. This is an issue that's not clear. I think it's a genuine, legitimate issue that warrants an answer.

The other issue has to do with reciprocal transfer arrangements. Now, government undoubtedly will describe the terms and conditions of the transfer of assets and liabilities between plans through regulation. We may regret that, but we assume that's the way it's going to happen. It's still unclear to this member and to my colleagues, Mr. Speaker, what the impact would be of the potential transfer of the assets and liabilities of 6,000 employees -- this is a big item -- what the impact would be of the potential transfer of those assets and liabilities from the PSPP to the LAPP and what the impact is going to have on the cash flow position of each of the plans.

Now, presumably those projections have been done. Maybe the Minister of Labour carries them around in his hip pocket. What changes would be required to actuarial assumptions? We don't know that. Would the PSPP become a more mature plan, it would have to become more prudent in its investment strategies.

What flows from the bill that we're passing tonight? What impact would the transfer have on the surplus of the LAPP and what impact on contribution rates? We still haven't heard answers to those important questions. How does the government mandate the transfer of an equitable amount of assets and liabilities between pension plans when the plans use different actuarial valuations?

I wouldn't presume to go through a sectional analysis, but we do have those outstanding questions, so I'm in a bit of a quandary, Mr. Speaker. We've made really good progress in a whole slew of bills, but we're at one now that I think is probably a positive bill, probably helpful, but I've got some questions that haven't been answered.

So I look to you, Mr. Speaker. What kind of tools do we have as legislators when legitimate questions posed to responsible ministers are unanswered? We could pretend that the issues weren't important, but that wouldn't be fair to Albertans that count on us to ask those questions and seek those answers. We could attempt to adjourn debate, but I think this is probably a positive bill, and I'm not sure there's reason to delay that. We could keep talking tonight to try and drag it out so the government couldn't get third reading, but I don't think that's fair.

I'm less worried about the comfort level of members in the Assembly than I am about the interests of those 6,000 Albertans. So I want to make an invitation through you, of course, Mr. Speaker, to the Minister of Labour to make sure we can go home early tonight. I think we're tired. I hear colleagues yawning. I hear keys rattling. I see people clearing off their desks in a moment of readiness. The only thing that stands between us leaving right now at 10:30 or having to stay for some indefinite time is the Minister of Labour answering those questions. He has not yet spoken at third reading. He has the opportunity right now to answer those six questions I asked, and just in the fraction of a moment it would take to respond to those questions, we would be able to fold up our files and retreat from the Assembly Chamber.

10:30

So that's what we're down to, and I'm reluctant to surrender my space, because I don't get another chance to follow up. So I guess I'm hoping that we're going to get some positive indication that if I take my seat, we're going to have a genuine effort to try and answer these outstanding questions from second reading.

These are not new questions, Mr. Speaker. These are questions that we put forward before. We come right down to wanting that brief response that will free us all, liberate every member in this Assembly to be able to go home and rest up for another day of meetings and work.

I'm doing my darndest to be able to ensure that every member gets to go home here within a matter of minutes, and I'm not getting much help. I'm sorely disappointed. I'm looking for somebody to answer some legitimate questions before we end debate on this bill. It's the Provincial Treasurer's bill, but I assume that every member of that front row has been briefed. They presumably voted on this thing at some cabinet meeting. We know that there's an exhaustive bill review in caucus. The Member for Calgary-Glenmore heads up some kind of an internal bill review process. Is that understanding not correct? The Government House Leader may have some response. All we want are answers to those questions. [interjection] We've got the Member for Wainwright with some answers.

Mr. Speaker, I guess I just have to say this, and I don't mean this as a veiled threat. If I sit down, I have colleagues who, if they don't hear the responses to those simple questions, may want to reinforce those questions, and we'll go through them again. So the proposition is real simple to the Minister of Labour or any member of the front bench: respond to those questions, and then we can proceed to dispose of this bill at third reading.

Those are the comments I wanted to make, Mr. Speaker. Thank you very much.

THE DEPUTY SPEAKER: The hon. Government House Leader if he speaks closes debate. So we have to take the hon. Member for Edmonton-Calder.

MR. WHITE: Thank you, Mr. Speaker, for a kind adjudication of the rules. The invitation has been put out to probably the Minister of Labour to answer a very few questions. The issue as I understand it

is: will the changes to the EPPA allow for joint trustee governance of the new LAPP? You're dealing here with a really fundamental question of the administration of some 6,000 employees' pension benefits and the responsibilities thereto. We've seen a lot of changes occur in pensions over time, and certainly this government has an opportunity to lay the record straight, to let all those LA employees understand what this government is prepared to do in the administration of those funds, and answer the question. Real simple.

I quite frankly can't understand why a member of the front bench, particularly the Minister of Labour, wouldn't just answer the question one way or the other so that those that are asking this side of the house, employees of this government, would know.

MR. SMITH: How did you let it get to here without even talking to Stock? Are you guys that far behind?

THE DEPUTY SPEAKER: Order, hon. minister.

MR. WHITE: I hear a strange annoying sound from the other side asking something to the effect: why wouldn't we have asked the government the question earlier. In fact this member obviously hasn't been in this House for second reading, committee stage. Obviously he has been for this one, but he's missed it somehow, just missed that opportunity to hear what the opposition says. Now, the opposition is not asking to change the whole bill.

THE DEPUTY SPEAKER: Hon. member, the record shows that the person you said was absent actually moved the bill.

MR. WHITE: No, no. You may have misheard me, or I misspoke myself, sir. It was other readings of the bill. It's not this sitting of the Legislature but other readings of this bill, earlier readings. It was clear. We know exactly what we said then; we're saying it now. It's a simple question to end this debate rather quickly. It can be done.

The other question would be: will the government establish terms and conditions for reciprocal transfer of assets and liabilities between the two plans so that it can move things around?

The questions have been put many, many times. There are many people in this Legislature that can answer these questions, and they don't seem to be prepared right now to answer those questions, so this member will move to adjourn the debate, sir.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Calder has moved that we adjourn debate on this bill. All those in support of that motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: The motion is carried.

[At 10:37 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]