

Legislative Assembly of Alberta

Title: **Wednesday, November 20, 2002** **8:00 p.m.**
 Date: 02/11/20
 [Mr. Shariff in the chair]

head: **Government Motions**

Senate Appointments

32. Mr. Jonson moved:

Be it resolved that the Legislative Assembly of Alberta affirm its support for an amendment to the Constitution of Canada to provide for an elected Senate which would represent the interests of all provinces through equal representation and through effective powers and, further, that the Legislative Assembly of Alberta urge the government of Alberta to undertake consultations with all provincial governments on this amendment and, further, that pending such an amendment the Legislative Assembly of Alberta call upon the Prime Minister to summon to the Senate to fill vacancies relating to Alberta only those who are Senate nominees pursuant to the Senatorial Selection Act of Alberta and, further, that the Assembly confirm the recommendations of the report of the Select Special Committee on Upper House Reform, which were unanimously endorsed by this Assembly on May 27, 1985, and again on March 10, 1987.

[Adjourned debate November 20: Mr. Stevens]

THE ACTING SPEAKER: Please be seated.

The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. I appreciate the opportunity this evening to join the debate on the triple E Senate, the resolution, and I thought I would spend the allotted time doing three things: one, taking a brief look at the history of Senate reform in the country; second, trying to respond to the question "exactly what is it we want?"; third, how have we been going about trying to achieve that goal? I think those three questions are really very important as we consider this issue.

It's not a new issue. I think as the Member for Edmonton-Rutherford indicated this afternoon, it was shortly after the BNA Act was passed in 1867 that we started second-guessing the Senate and the role of the Senate. It was seven years after the BNA Act was passed. The discussions at that time were around the province, trying to come up with a scheme that would have the provinces given a role in the selection of Senators, and those deliberations came to naught. There were also some concerns at the same time with term limits, trying to make the service of Senators limited in terms of time. There was also talk again, even at that early date, of abolition, that we should do away with the Senate because it didn't have a legitimate role in a democratic government.

The next time that the debate really surfaced was in 1909, and again this was a debate within the Senate itself, proposing term certain appointments for Senators. The term at that time that they were suggesting was that it be seven years. As early as then, 1909, almost a hundred years ago, there was a proposal put to the Senate that two-thirds of the Senators be elected. Of course, those initiatives came again to naught.

In the 1960s – it was some years later – the whole notion of institutional reform became not a topic just in terms of the Senate but in terms of our national institutions, and again Senate reform came back on the country's agenda. It seems to have been a result of a central government that at the time was interested in institu-

tional reform. There was a lot of discussion and a lot of study, and a lot of different propositions were put forward. The proposals that came out of that era are the ones that are still with us today. They really can be grouped into three groups. One was the notion that the Senate somehow or other could be rehabilitated and that rehabilitation would be best done with the involvement of the provinces.

So there were a number of proposals, and you can group those proposals in terms of the involvement of the province and the balance of that involvement that would be exercised between them and federal government. One of the proposals was that the provinces would nominate and determine half of the Senators and that the federal government would nominate and determine the other half. A second group of proposals was put forward, and they were proposals that were aimed chiefly at having the provinces determine the makeup of the Senate. Again there were a variety of proposals put forward. The third group of proposals that was being quoted at the time really centred around the Senate being a proxy for the provincial governments.

So we've had a history – and it really blossomed in the '60s – of seeking Senate reform. Of course, nothing came of those proposals and, again, it was in the 1980s that really the big move to the election of Senators came forward.

MR. MASON: That's what the NDP have.

DR. MASSEY: I'll get to the NDP in a minute.

The move to elect Senators became very important to reformers and to those who looked to improve our democratic institutions. In the west it was the Canada West Foundation in 1981 that really laid the foundations for the kind of proposals that we see before us in the Assembly today. Those proposals, as we've oft said, have been based on three propositions: that the Senate be elected, that there be equal representation, and that that representation be effective.

It's interesting because we get so caught up in talking about the triple Es and beating up on each other and other levels of government because we don't feel that things are equal or effective. When you look at the deliberations of the Alberta select committee in 1985, they went further than that and started to really look at the substance and the form of that elected Senate. I think in the deliberations thus far we haven't heard much attention paid to the proposals that sit behind the triple E proposition. There were, I think, six of them that are fairly important. One would be that the Senate would have the power to initiate any legislation except a money bill, and they could initiate bills with respect to their own budget. They would have a 180-day suspensive veto over ordinary legislation or constitutional amendments, so there would be that six-month delay. They could suspend legislation for six months, and that would be fulfilling their obligation of providing a sober second thought for legislation.

A third proposition that came from the Alberta select committee in 1985 was that there would be a 90-day suspensive veto over money or taxation bills, so a three-month delay made possible over money bills. The Senate would have power to amend any bill. A fifth proposition is that they would have the power to veto any bill except the supply bill, and that was with good reason, so that the business of the country could continue. It wasn't seen appropriate in that proposal from the committee that the Senate could veto supply bills. The last one that was part of the proposal was that they would have the power to ratify nonmilitary treaties. So rather clearly defined powers for the Senate coming out of the Alberta select committee.

8:10

Now, that's sort of a short, brief history of where we've been with

the triple E proposal. I asked myself as I listened this afternoon: what do we really want? Is this really what we want? If this is really what we want – we want a triple E Senate – then how do we go about it? As I listened, I heard how benevolent American oil companies had come to Alberta's rescue. I heard that the national energy program was imposed on Alberta, yet I distinctly remember photographs in the local newspaper of the Premier of the day quaffing champagne with the Prime Minister on the signing of the national energy program. I heard a great deal of federal bashing and derogatory things said about the federal government, and it caused me to ask: do we really want the triple E Senate? If that's really what we want, is that the way you go about it? If you really want an agreement with someone, do you start out by beating them up? If you're really serious about achieving an end, do you make sure you get them madder than blazes before you sit down at the table? I would argue that you don't, Mr. Speaker.

I still think that the leadership, that statesperson that's going to lead and be successful in negotiating a triple E Senate, has yet to be identified, because we haven't heard it – at least, I haven't heard it – in the discussions on triple E in this Assembly, and I haven't heard it in Alberta from outside this Assembly. So I think we're still looking for that leadership. I think that the kind of sober, deliberate strategy that needs to be in place for us to achieve the goal that we want has yet to be designed, and I think it's rather unfortunate given that it's been since 1985 that we've been on record as supporting the triple E Senate.

I think the debate has been healthy. I don't think that it's furthered our goals as a province to this point, and I look forward to what's yet to be said, Mr. Speaker, in the hopes that that might be the case.

Thank you.

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

MR. PHAM: Thank you, Mr. Speaker. I would like to join the debate at this time because I think that it is a very easy motion to support, and I am quite amazed at the opposition that I have heard from the other side. I think that the Member for Wainwright and the Minister of Finance have made a good case today as to why we need a triple E Senate and why we need to support this motion at this time. I am not going to waste the time of the Legislature by repeating what has already been said, but I would like to focus on the argument from the opposition as to why they don't support this motion.

The first reason that they opposed it was because of the statute of limitations. They put the question – and it's a very good question – that if a person is elected as a Senator and doesn't get appointed by the Prime Minister, how long does that person remain a Senator-elect, and at what time will the statute of limitations kick in? It is a good question, but it's also a very sad question because that is not the right question to be asked. The right question that should be asked is how and why the Prime Minister of Canada refuses to go with the will of the people of Alberta when we have elected the Senators. The question is: why does he have to wait so long to appoint that person? That should be the question, because every Albertan should feel insulted by having the democratic process and our democratic will completely ignored by the Prime Minister. I feel very strongly that as elected officials we should promote and do everything in our power to pressure the Prime Minister into respecting the will of the people.

The second issue that was raised by the opposition in opposing this motion is they complained that last time only the Reform Party of Canada ran candidates for the Senator position. I hope that we do

not ignore the will of the people just because the NDP and the Liberals failed to field any candidate to run for those positions. In 1997 in my own riding the NDP did not bother to have a candidate run against me, and the Liberals were that close to not having a candidate running against me, too. I could have won by acclamation that year. Last time the NDP really struggled to come up with a candidate at the last minute, and I'm hoping that your lack of success at the ballot and the lack of action of the Liberal Party and the NDP do not stop people from the Alliance or the PCs from running for these positions. After all, we can only set up the democratic process. People can run, and people can vote. Whoever participates is up to them.

I keep hearing: what can we do as a group to somehow bring this issue forward and ask the federal government to work with us to bring in a triple E Senate? I, personally, hope that having this kind of debate, having people from all parties look at this issue and speak with one common voice to pass this kind of motion unanimously in the Legislature will speak volumes about our desire to bring our concerns and bring our voice to Ottawa. I hope that the opposition members will join us to pass this motion unanimously, because it is very, very important to speak with one unified voice for our province. We do not gain anything by playing politics with this kind of motion.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The chair just wants to seek clarification. I note that the hon. Member for Edmonton-Highlands has already spoken. Is that correct?

MR. MASON: Yes. This is under the section which allows questions of the previous speaker.

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

MR. MASON: Thank you, Mr. Speaker. To the hon. Member for Calgary-Montrose: why do you believe that there's something wrong with opposing something which is contrary to the constitutional arrangements of our country? By that I mean that whether we like the present Senate or not or whether we like it in the form that it's in or not, the Constitution of the country now provides for Senators to be appointed by the Prime Minister of Canada. This particular motion and the actions of the government up until this point around the Senate have been extraparliamentary. They're not by any means illegal, but they don't follow the Constitution of the country. They are, instead, a tactic to try and advance a particular agenda and a particular vision of the Senate of Canada. So what is wrong with opposing a political action which is, I guess you could say, extraconstitutional? It's not within the Constitution of Canada.

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

MR. PHAM: Thank you, Mr. Speaker. This kind of question is the exact reason why the public today do not think much of politicians. The Constitution is written by the people and for the people. It is not a piece of paper that stays forever unchanged. As we come along, the people's will will dictate what kind of Constitution that we as a country will have.

The people of Alberta have spoken very loudly many, many times in the past that they would like to see a triple E Senate, and we, every one of us, can easily see the reason why they want such a thing. How many times have we felt that, you know, our voice and our concerns are being ignored by the federal government? How

many times have we heard our constituents tell us that they do not feel Albertans and the west are being taken seriously by Ottawa? All of those concerns, all of those reasons are the reasons why we have to work together and ask the federal government to bring this thing in. Remember: the Constitution was written by the people for the people. It is not a piece of paper that cannot be changed forever.

8:20

MR. MASON: Mr. Speaker, just a quick comment. I take issue with the member's view that the Constitution was written by the people for the people. It was written by the Prime Minister of Canada and a number of the Premiers of Canada for them.

THE ACTING SPEAKER: Hon. Member for Calgary-Montrose, do you want to respond to this?

MR. PHAM: Again this hon. member doesn't realize one thing. Without the people of Canada there is no Prime Minister of Canada. Without the people of this province there is no Premier of this province. The Premier and the Prime Minister are only the servants of the people. They are there because of the will of the people, and they represent the people.

THE ACTING SPEAKER: Hon. Member for Edmonton-Gold Bar, did you want to ask a question?

MR. MacDONALD: No, Mr. Speaker. I would prefer to join in the debate at the appropriate time, which you will declare. Thank you.

THE ACTING SPEAKER: Any other member wishing to ask a question?

The chair recognizes the Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you very much, Mr. Speaker. It's a pleasure to rise this evening and participate in the debate on Motion 32. Again we're going through the public debate on Senate reform not only for this province but, I believe, for all of the country. Certainly, Senate reform, in my view, is overdue, but I'm very suspicious of the nature of this motion at this time. You know, considering that it's coming up to Grey Cup weekend, this is a classic example of a political pump and fake, because this government wants to divert public attention from the real issues.

Now, when we look at this, this is simply nothing new, Mr. Speaker. We have seen the debate before over the triple E Senate, and this is an example. All I have to do is look at the important message to constituency presidents that was given out the past weekend by a former Conservative MLA of this Assembly. With what that individual had to say about the current government, well, I can see, certainly, why they would decide to put forward a motion to debate Senate reform.

Now, I have no problem with having elected Senators, no problem at all with this notion, but we have been well served by Senators that have been selected regardless of whether it's by the current Prime Minister or past Prime Ministers of this country. We have been very lucky in this country with some of the representatives who have gone to Ottawa to serve this province in the Senate when you consider the work that Senator Douglas Roche does, when you consider the work of a former member of this Assembly, a former cabinet minister in this government, Senator Ron Ghitler, and when you consider the work of Senator Nick Taylor. One only has to go to a literacy conference and see the work that the hon. Senator from Lethbridge, Mrs. Fairbairn, does. [interjections] Perhaps if some of the hon. members of this Assembly would go to one of these

conferences and see the good work that that member of the Senate does to improve the literacy rate in this country, particularly with adults, they would be a lot less frivolous with this debate and perhaps take it seriously.

Now, when we consider the remarks of other hon. members of this Assembly – and I did notice and listened with a great deal of interest to the initial remarks from the hon. Member for Wainwright. I must say that I agree with that hon. member's notion. He was going on about the elite capacity that could be generated with just Senate nominations from the Prime Minister's office. At one time a person had to be a landowner, and you had to meet certain requirements. I believe it was even male at one time. You had to be male and be a landowner. I could be corrected and I will stand corrected if another hon. member can give me the historical data on this.

MS CARLSON: I think that it wasn't until the '30s that women could be Senators.

MR. MacDONALD: It wasn't until the '30s that women could be Senators, I'm told.

MS CARLSON: Aboriginals even later.

MR. MacDONALD: Aboriginal citizens of this country – that is an example, and the hon. member is absolutely right that one has to be very careful about the restrictions. They were discussed earlier this afternoon. However, when we look at this Senatorial Selection Act, that was introduced by this government, it's in direct contradiction to what he had to say.

Now, Mr. Speaker, I would encourage all members of this Assembly to read section 9 of the Senatorial Selection Act. One has to have 1,500 or more electors nominate a person. I don't think that you should have to have 1,500 people nominate you for any public office. I'm sure that the Member for Edmonton-Highlands, when he had that bill in the by-election on the defence of public health care, certainly didn't have to go around and get 1,500 people to sign his nomination papers. I'm sure that didn't happen.

MR. MASON: No. But I could have.

MR. MacDONALD: He probably could have, but he did not need to.

In a mature democracy you should not need this. So I can't understand why this government would have in the Senatorial Selection Act that you have to have 1,500 citizens and "the signatures of the electors nominating a candidate shall be witnessed by another elector." What's so democratic about that? I don't understand this.

Then, Mr. Speaker – and this adds more to the argument by the hon. Member for Wainwright and his concern that the senatorial elections will be just for the rich and the famous. You have to have this list of signatures, but you also have to have \$4,000. It doesn't say in here whether it's Canadian dollars or American dollars. The hon. Member for Edmonton-Mill Woods was making some suggestions earlier, and I would have to question that. A deposit of \$4,000 is undemocratic – undemocratic.

MS CARLSON: How do they get it back?

MR. MacDONALD: How do you get this money back? I do not know. Certainly, you have to have, I'm told, 10 percent – is it 10 percent or 20 percent of the vote?

However, I consider the \$4,000 deposit completely undemocratic, and I would be very anxious to hear the comments of the hon. Member for Wainwright regarding this, because he certainly, I

thought, hit the nail on the head. In this act, passed by this government, that's undemocratic. It's completely undemocratic.

Now, we can call for a triple E Senate and the election of this person, but it's hypocritical for this government to promote an elected Senate and then turn around and vote against a motion that I presented to this Assembly this afternoon. We're always complaining about the federal government: the federal government is this; the federal government is that. Yet we could have genuine democratic reform in this House, and we could have the election of standing policy committee chairs. We could have an election the same as we elect the Speaker, by secret ballot. When you think that instead of having – I don't know who this mysterious group is. I don't know whether they're in the Premier's office or in the Progressive Conservative Party. I have no idea because I'm a member of the opposition. Who comes up with this list of names and the reasons for selecting various members of the Progressive Conservative caucus to these SPCs? Why can't that be a vote by all members of this Assembly? We should have a vote on this. I think it would be an excellent idea to have a vote. Elected committee chairs.

8:30

If we're so concerned about democratic reform and the democratic deficit across the country, let's elect all the chairs in this Assembly. Let's change the rules and do it now. Let's have more free votes to allow backbenchers to disagree with the government. Let's have more free votes. Let's have more open discussions on the closure of rural hospitals. Let's have more discussions on electricity deregulation so that the backbenchers from rural Alberta don't read about it in the *Edmonton Journal*. That's where they hear about it first. Let's talk about having our own House in order.

Now, certainly, as chairperson of Public Accounts I'm willing to run for election of that chair, and if I'm defeated, well, then, I'll sit as a member and get to ask questions of various cabinet ministers. I think that would be a delightful way to spend the morning, particularly with the trouble that this government is having in managing their affairs, Mr. Speaker.

Fixed election dates, election dates set in legislation so that we don't have the government calling an election when it suits their convenience. This has been tried in British Columbia. Perhaps we should have a debate on that in this Assembly. A parliamentary calendar is another notion for democratic reform that we could certainly use in this Assembly. And we could have perhaps a few more sitting days in this Assembly, Mr. Speaker.

MR. LUKASZUK: And listen to you?

MR. MacDONALD: Now, there's an hon. member from the government bench who said, "And listen to you?" Well, I happen to represent the one-third of Albertans who did not vote for this government, and in a democracy every voice counts, and you should have respect for that.

Another issue that perhaps we should be dealing with other than through this slogan bill to elect a Senator is to have a lobbyist registration. The hon. Member for Calgary-Montrose talked about the mistrust that the public has for politicians. Well, perhaps if we had a registration of lobbyists the citizens would be much more comfortable and much more trusting of politicians. They would know who they're talking to. You know, one only has to go out of this Assembly at 5:30 in the evening and see the Co-op vans, the big white ones, parked out front. Who are they picking up and where are they going? I wonder if the *Edmonton Journal* readers would be interested to know that.

Now, Mr. Speaker, I urge all Canadians to take an active interest

in Senate reform and this Senatorial Selection Act, which selected by the citizens' choice two citizens to go on a list. As deficient as this act is, the citizens, at least some of the citizens, made a choice, and I understand now that one of those citizens is Mr. Bert Brown.

Perhaps I can get the assistance of other members of this Assembly. I don't know if any of the current members of the Senate from Alberta are farmers. In light of the drought and the issues of wheat marketing perhaps it's time we have a Senator from Alberta representing farmers. I think hon. Lieutenant Governor Olson was the last person from an agricultural background – and I could be wrong – that served in a formal capacity in Ottawa.

It is noteworthy that this is an individual who, I believe, a number of years ago on his wheat field carved into the field the three E's. As a farm kid who learned to drive a combine, that's a feat in itself. It was visible from the air, it was visible from the Calgary airport, and it was recorded and noted across the country. I know that individual would serve very well in the Senate, and that was a choice. That name came to the top of the list through a process in Alberta. I'm not going to call it democratic because of these high fees and this idea that only certain people could run. But I think that may be a start to ending the western alienation that has occurred in this end of the country because of this propaganda campaign from the government, which in my view has been anti-Canadian and propollution.

Now, we have to start somewhere, and to alleviate the western alienation, Mr. Speaker, I would think that perhaps this is a suitable first step: to recognize the choice that was made through a flawed election – granted; it was – by Albertans and send Mr. Brown to the Senate. As much as I disagree with the government using this motion as a diversionary tactic to take away from the issues of public health care and public education and electricity deregulation and what that has cost citizens, I support Mr. Brown and his trip to Ottawa.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: Under Standing Order 29 we have five minutes for questions. The hon. Member for Drayton Valley-Calmor.

REV. ABBOTT: Thank you, Mr. Speaker. If the hon. Member for Edmonton-Gold Bar is serious about democratic reform beginning in this Assembly, my question is: would he be willing to step down as the Public Accounts chairman and put that position to a secret ballot vote of the committee? Walk your talk.

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

MR. MacDONALD: Yes, Mr. Speaker. Not only to the members of that committee but also to the entire Assembly. And not only that; I would at this time like to remind the hon. member of one of the rules under which the Public Accounts chairperson has to be selected. It's the only chair that is selected from the ranks of the opposition. So if the hon. Member for Edmonton-Highlands wants to run, go for it. I'll be delighted to run.

Thank you.

MR. GRIFFITHS: Mr. Speaker, I'm very confused by the Member for Edmonton-Gold Bar's questions and comments. It seems, just for clarification, that he was upset at the 1,500 signatures and the \$4,000 fee outlined in the bill, and I'm assuming for my question that it's because his party can't find 1,500 signatures and \$4,000 to run a candidate. Given that any bill can be amended and the changes could be made, and given the fact that this bill was written by this

government and it really doesn't matter since the federal counterparts to his party won't follow it anyway, I'm wondering if he thinks those two minor changes, the signatures and the funding, will allow his federal counterparts to approve our Senators.

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

MR. MacDONALD: Thank you, Mr. Speaker. In regard to the democratic deficit that's in this province, if this Assembly would meet for perhaps more than 11 days in the fall – when you consider that the Senate of Canada meets for 84 days a year and the Alberta Legislature sat for 36 days, perhaps if we had a longer session time, we could amend this flawed bill and get rid of the notion, the elitist idea, that you need 1,500 signatures or \$4,000.

Thank you.

8:40

THE ACTING SPEAKER: The hon. Member for Olds-Didsbury-Three Hills.

MR. MARZ: Thank you, Mr. Speaker. To the Member for Edmonton-Gold Bar. He was quite critical of the select committee recommendations on upper House reform. Does he prefer the status quo, which is the Prime Minister of Canada having absolute authority in appointing these Senators, to those recommendations?

MR. MacDONALD: Mr. Speaker, if the hon. member had been able to listen to my remarks and if there hadn't been the interference and the chatter from the Tory backbenchers, he would have realized that I support the idea of democratic choice for a Senate.

Thank you.

THE ACTING SPEAKER: Hon. Member for Edmonton-Ellerslie, are you rising to ask a question or to speak?

MS CARLSON: No. To enter into debate.

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

MS CARLSON: Thank you, Mr. Speaker. I'm happy to enter into debate on what I see as a rather frivolous motion having come forward from the government. Definitely what it looks like to me is that when we have had this particular position, which is to support a triple E Senate, almost unanimously by all parties for more than 15 years, what would be the point in bringing forward a motion like this at this particular time?

The point, of course, is that it happens to coincide with a number of things: one, Senator Nick Taylor's retirement this past weekend; two, the upcoming football game and the lack of available media attention for anything this government wishes to do; three, the lack of substantiveness in the fall agenda as we look forward to limited debate in very few areas, including your own Kyoto bill, which to my understanding is going to have a very, very limited opportunity for people to participate in in debate and may or may not be passed this fall session – most likely not.

So what we have is a make-work project and a frivolous kind of motion that has a number of issues involved in it that are interesting for us to take a look at, Mr. Speaker, and a few things that we need to talk about. This is absolutely nothing new. This debate has been had and re-had and had again in this Legislature over the years. It's unfortunate that it comes at this time as a stand-alone package and

doesn't roll into the package a number of other parliamentary reforms that we have asked for many times over the years and should have been . . .

MR. LUKASZUK: I guess Mr. Martin will deliver on those gifts.

MS CARLSON: Well, you know what? That's an interesting comment that I hear chirping from the backbenches.

SOME HON. MEMBERS: Middle benches.

MS CARLSON: The backbenches of the government members. They say that Mr. Martin will bring in some sort of reform. First and foremost, this government should clean up its own backyard, Mr. Speaker, and they should bring in parliamentary reform. There's a very, very long list of situations that they could act on, that the federal government has already acted on, and not the least of those are something that we've been asking for for a long time, and that is all-party committees to hear the presentations and do the pre-bill legislative work that comes into the House and from which opposition members are particularly excluded.

MR. MacDONALD: Do you think they would be in that mess with electricity deregulation that they are? I'll ask that later.

MS CARLSON: They absolutely would not be in the mess they have now with deregulation, amongst many, many other issues, because, Mr. Speaker, for at least six years we've said to this government on deregulation that you have to – and this is rocket science for you guys, I know, but you finally got it when dealing with the feds on Kyoto – bring in the plan before you bring in the law. Go figure. When did they get it? Not when deregulation has been passed. They fritter around for six good years, not letting anybody know what the rules are. Deregulation comes in. Capitalization has not happened in the companies. There are all kinds of problems with meshing new companies and the delivery of service. We're into brownouts; we're into price peaks. Why? Because this government didn't bring out the rules. Interestingly enough, they get it just like that when it comes to talking about Kyoto. When it's somebody else's problem to solve, they know what the answer is, but when it's their own problem to solve, they simply can't get there in spite of the long-term debate that we had on this issue.

So had we had parliamentary reform in this particular province – and that would have included all-party committees – they would have heard this at an earlier stage. Then what happens at that stage? I know I hear the argument all the time from the government side that what happens if we have all-party committees is that they have to listen to us complain in the committee and then they have to have it all rehashed again in the Assembly. Well, Mr. Speaker, anyone who has worked with me in an all-party committee in the past 10 years knows that that isn't, in fact, true.

For those very few legislative all-party committees we have, they know very well that the issues that are outstanding are discussed in the committee almost to exclusion with the exception of the FOIP committee, where I had a real problem with the conduct of the chairman. There would have been all kinds of instances where we had wrinkles happen in the committees or issues come up that were dealt with within the committee structure. In fact, when the recommendations or the information came to the Assembly, I supported it. In fact, in many cases, for instance with PNWER, I have stood up in this House and soundly supported the government action in that kind of a committee, and that is what happens when you have all-party committees.

Mr. Speaker, people don't have to believe me on this issue.

AN HON. MEMBER: And they won't.

MS CARLSON: Well, the backbenchers won't believe me. That's true. But anyone who looks at the federal system will see, in fact, that it is quite effective. Draft legislation that comes forward goes to the individual committees, that are all-party committees and in the same proportions as the elected membership in the House, which is what we suggest here.

I don't mind being the only person in opposition on a committee, but I think that what you get by putting someone who is in opposition on a committee like that is way better legislation. In this government they all seem to think the same on the committees and follow each other sometimes like lemmings. What happens then is that you get mediocre legislation, and they don't see the holes in the legislation. When you add just one other voice to the committee structure, what you get is an opening up of the vistas, Mr. Speaker, and people who can see beyond just exactly whatever the mandate of the government in power happens to be for that day. If it's the federal Liberals or if it's the provincial Conservatives, it doesn't matter. Too many people with the same ideas draft mediocre legislation. We have seen that time and time again in this Assembly when we've had to bring in amendments, when the government has amended their own bills, or when they've pulled their bills because of that kind of a situation.

When you have all-party committees, what happens then is that many of those issues are resolved in the committee structure, so when it gets to the Legislature, the passage of the bill is really quite quick and you very, very seldom have a rehashing of the old issues. So, in fact, another mandate of this government would be met by having all-party committees, and that would be that we would spend less time under the dome in the Legislature. That certainly would meet one of their criteria, which is to be here as seldom as possible and have public debate on issues as seldom as possible.

It's true that on the truly controversial, really, really poor pieces of legislation we would still have debate, and sometimes it would be protracted, but for the most part legislation would come into the Assembly and follow through in a very fast fashion. We have had some examples of that, Mr. Speaker. We've had a few ministers who have worked very co-operatively with their critics and brought them in and discussed the legislation, and in fact we have one before the House right now, which is Bill 30-2.

In fact, how much debate did the government get from the Official Opposition in second reading on that bill? The critic, and that was it. Why? Because most of the outstanding issues, when we talked about it in terms of the overall perspective of the bill, had been dealt with outside of the Legislature. So we had very speedy passage of that. I suggest to this government that that would happen on any number of issues. I've had a good working relationship with a number of ministers over the years, and we have had very speedy passage of some good legislation. Why? Because we had open communication prior to it hitting the floor of the Legislature.

AN HON. MEMBER: Relevance.

8:50

MS CARLSON: It's very relevant, and that's the whole problem. The backbenchers just don't get it, and someone needs to clue them in. This discussion is very relevant to the topic of the night, and I actually thank the government for bringing forward this very frivolous motion, because otherwise we wouldn't be able to talk about any kind of reform in this Legislature in a constructive manner at this time. That's just the start of the list, Mr. Speaker, that we have talked about for a long time.

Free votes, true free votes, not the kinds of free votes that we see here in this Legislature, would be well followed by all parties in the Assembly on all issues. There would be nothing wrong with the occasional backbencher standing up and supporting their constituents' majority view rather than some compromise position that they've worked out at their caucus table, and Albertans would like to see that more often. In fact, a system like they have in other jurisdictions, where they have eliminated parties and have people run as whomever they are but not on a party system and then have cabinet and the Premier elected from within those who are initially elected by the people, is a much fairer system and results in a great number of free votes and would be a model that I would certainly support seeing come forward in this Legislature.

You know, one of the things that we'd like to see for sure is accepting of opposition bills and motion ideas at the time when they actually hit the floor of the Legislature. I've said lately that we should be copyrighting our ideas for good bills, because this government has a habit of stealing them, Mr. Speaker. If we would copyright them and sell them, then we'd be able to pay off our debt faster, and that would be good for everybody. Then people would be able to acknowledge where the idea first came from.

That stealing of good ideas has happened forever. The very first bill that hit the floor of this Legislature when I was elected was the freedom of information bill, which happened to be our former leader Laurence Decore's idea two years before. So the Conservatives are a little slow on the uptake, because it generally takes them two years before they take a really good idea and run with it, things like the stability fund, which they are now talking about. We could have good legislation in here if they took our bills up front rather than later.

As my colleague talked about, elected committee chairs would be very good and something that the federal government has certainly started to talk about, and we need to have that. The fixed election dates so that you can't gerrymander the date of the election would be something we're looking forward to. Parliamentary calendars so that we actually knew when we were coming in and when we weren't going to be here. Lobbyist registrations: what a great idea.

AN HON. MEMBER: You have it. It's called NDP.

MS CARLSON: No. Nice try, but once again the backbenchers don't get it, Mr. Speaker.

Having said that, there is one other issue that I really wanted to address here this evening, Mr. Speaker. When I was reviewing what happened here in the Assembly this afternoon, I saw that the Member for Edmonton-Highlands had actually two amendments that he wanted to bring forward and only had an opportunity to bring forward one. So in the spirit of co-operation, looking forward to free votes and standing policy committee all-party representation and elected committee chairs and a better perspective of a working environment here in this Assembly, I propose to move on behalf of the Member for Edmonton-Highlands the following motion. Do you want to have this distributed first?

THE ACTING SPEAKER: Hon. member, it would be fair to have at least those amendments given to the pages so they can be distributed.

MS CARLSON: Yes, Mr. Speaker. We'll have to have this photocopied, so I will read it out and then give it to the page for photocopying and talk about it in my remaining time.

REV. ABBOTT: That's out of order.

MS CARLSON: It isn't out of order to do it this way.

It would be that Government Motion 32 be amended by striking out

and, further, that pending such an amendment the Legislative Assembly of Alberta call upon the Prime Minister to summon to the Senate to fill vacancies relating to Alberta only those who are Senate nominees pursuant to the Senatorial Selection Act of Alberta.

Mr. Speaker, why I think this is a good motion to support is that given the time lines that Senators retire . . .

REV. ABBOTT: Point of order.

THE ACTING SPEAKER: Hon. Member for Drayton Valley-Calmar, are you rising on a point of order?

REV. ABBOTT: Yes.

THE ACTING SPEAKER: Okay. You've been recognized.

Point of Order Amendments

REV. ABBOTT: Standing Order 23(1) talks about breaking the tradition of the House, and the tradition of the House is that if you're going to have an amendment, then it has to be photocopied and ready to be handed out immediately. I believe that the member opposite is wasting the valuable time of the House.

THE ACTING SPEAKER: On the point of order, the hon. Member for Edmonton-Ellerslie.

MS CARLSON: Well, Mr. Speaker, this particular member is a newbie to the Legislative Assembly and hasn't seen some of the practices in here before. Certainly, when an amendment to a motion is brought forward on behalf of another member, there is not always full communication with the table officers in terms of whether or not the requisite photocopies have been made. Generally speaking, what the Speaker would do at that time is take a short break. However, because I don't want to waste the time of the Assembly, I'm quite prepared to state my comments at this time while we are waiting for that particular amendment to be distributed.

THE ACTING SPEAKER: Hon. Member for Drayton Valley-Calmar, the chair did not hear correctly the citation, so I'm just wondering whether the citation was 23 or 42.

REV. ABBOTT: It was both, actually: 23(1) and also Standing Order 42.

THE ACTING SPEAKER: Does any other member wish to speak on the point of order?

Hon. Member for Edmonton-Ellerslie, you may continue.

MS CARLSON: Thank you, Mr. Speaker. Finishing on that particular point of order, I would refer you to *Beauchesne's Parliamentary Rules & Forms*, sixth edition. If you will look at Amendments to a Bill, page 206, Notice of Amendments, at 695(2) it states:

The practice has been that Members proposing to introduce amendments have given them to the Chairman and to the clerk of the committee who ensures that they are translated, compiled and circulated for the information of the members of the committee.

That is, in fact, what I've done. It's gone to the page, and it is now going out for photocopying, to be brought back in here to be debated.

MR. MASON: Well, Mr. Speaker, I'd like to raise the question now. The hon. Member for Drayton Valley-Calmar clearly only referenced Standing Order 23(1), which says, "Introduces any matter in debate which offends the practices and precedents of the Assembly." Now, how introducing a motion without having 90 photocopies completed is introducing a matter in debate is certainly a question that I would need elaborate explanation to make head or tail of. With respect to offending the practices and precedents of the Assembly, I think it's very clear that this is not offending the practices and precedents of the Assembly.

In connection with number 42, which was raised by the chair but not by the hon. Member for Drayton Valley-Calmar, it says, "A substantive motion or any amendment shall be in writing before being debated or put from the Chair and shall contain no preamble." I think that clearly, Mr. Speaker, the motion was in writing, because I saw the hon. member produce it in writing. It has been approved by Parliamentary Counsel. So very clearly number 42 does not deal with a number of copies at a particular point in time. I see now that, in fact, the amendment is being distributed to members, so perhaps when your ruling is complete, we can get on with the debate.

Thank you.

THE ACTING SPEAKER: The hon. Member for Drayton Valley-Calmar rose on a point on order citing Standing Orders 23 and 42. The hon. Member for Edmonton-Highlands had initially given this amendment to Parliamentary Counsel. The hon. Member for Edmonton-Ellerslie moved the motion on behalf of the Member for Edmonton-Highlands. Now, it is correct that the hon. Member for Edmonton-Ellerslie did not have the number of copies required to circulate; however, as I indicated, the motion was given to Parliamentary Counsel. It has now been photocopied, and all members do have a copy of it, so we shall proceed with debate.

9:00

Debate Continued

MS CARLSON: Thank you, Mr. Speaker. I would ask for a reading of how much time I have left in debate. A minute and a half? Thank you very much.

One of the reasons why I supported this particular motion brought forward by the Member for Edmonton-Highlands is the timing of when Senators retire. While we know that they have to retire at the age of 75, there are also a number of other circumstances that occur that cause them to retire early, so they don't have set retirement dates per se. In fact, most of the time due to illness . . .

AN HON. MEMBER: Chronic wasting disease.

MS CARLSON: No. Chronic wasting disease is this government's problem, not the Senators' problem, and I'm hoping that some of these backbenchers will do more than just chatter and will enter into debate on either this particular amendment or the general motion.

So the problem is that it could be some time before, in fact, one of these nominees could be available to take their seat, and I think, Mr. Speaker, that when there is a vacancy, then we should have a general election so that people in the province have the opportunity to take a good look at the candidates and decide to choose to send someone to Ottawa who will best represent their interests.

AN HON. MEMBER: We did that.

MS CARLSON: But the problem is that you didn't do that in accordance with the rules and that person has been waiting for some time.

Now, is that person still the best possible candidate? None of us gets elected and waits for six months or a year or six years before we can take our seat. It's in a timely fashion. You take your seat, generally speaking, within a month after having been elected.

THE ACTING SPEAKER: Hon. Member for Edmonton-Highlands, are you rising for the five-minute question or on the amendment?

MR. MASON: I'm rising on the amendment, Mr. Speaker.

MR. MacDONALD: Mr. Speaker, I have a question for the hon. Member for Edmonton-Ellerslie, please.

THE ACTING SPEAKER: The hon. Member for Edmonton-Gold Bar is being recognized for a question.

MR. MacDONALD: Thank you very much. Now, I was listening with a great deal of interest to your remarks. Could you clarify for me, please: when the federal cousins of this current Progressive Conservative group were in power in Ottawa and when they introduced the GST, was there an extra Senator forced – and there's no other way to describe this but forced – upon the citizens of this province by the Progressive Conservative government in Ottawa?

MS CARLSON: Mr. Speaker, as everyone in this Assembly well knows, the answer to that is yes, and in answer to the other question that came from the backbenchers, who for some reason don't have the ability to rise to their feet in the proper manner this evening, Paul Martin has not promised anybody an appointment. That includes me, and you see me today speaking in support of the triple E Senate, an elected Senate.

THE ACTING SPEAKER: There being nobody else rising to ask a question, the chair recognizes the hon. Member for Edmonton-Highlands on the amendment.

MR. MASON: Thank you very much, Mr. Speaker. I'm pleased to rise to this most excellent amendment that's been put forward by the hon. Member for Edmonton-Ellerslie. I couldn't have hardly done better myself.

AN HON. MEMBER: That is true. You couldn't have done better.

MR. MASON: No, no. Absolutely not.

I just have some comments. I have three main points I wish to make, Mr. Speaker. The first point that I would like to make is that the reason that this amendment ought to be passed – it has the effect of taking out the section that says that the people who are the so-called Senators-in-waiting ought not to be appointed to the Senate. It leaves intact those portions of the bill calling for a triple E Senate, but it singles out and removes the section that says which particular individuals through which particular process ought to be appointed.

The first reason why I support that is that the election was a sham in the first place. It was a sham in the first place. It was forced on the municipalities. They were required to hold this across the province during municipal elections because the province was too cheap to pay for the election. It was using different forms of balloting in different municipalities. The municipalities protested against this. The other parties, apart from Reform, boycotted the process. There was a high percentage of spoiled ballots, and the whole thing was a publicity stunt on the part of the Progressive Conservative government in an attempt to appease the Reform element that was then so strong in the province. It was not some-

thing that had any constitutional validity whatsoever. So I say that that election in the first place was nothing but a sham.

The second thing that I think we need to take into account in voting on this amendment is that too much time has now passed since that sham election, including another municipal election, for these to be valid. If you were to give a fixed term of four years to an elected Senate position, which I'm sure everyone would agree with if they support a triple E Senate, it doesn't mean you win one election and you're good till you're 75. It means that there would be a fixed term or some sort of normal term, which is usually around four years. Their terms would be coming to an end anyway, so it would be time to refresh their mandate and to see if, in fact, the people of Alberta still supported those individuals.

This little bit of democratic nicety seems to be totally lost on the authors of this resolution, Mr. Speaker. It's four years since this election took place. If it were four years since our election took place, we would all be getting ready for a general election. The province, furthermore, had an opportunity to renew the mandate of these individuals or to allow the people of Alberta to put forward other nominations if they had used the last municipal election again to force the municipalities to pay the cost of this government's publicity stunts, but they didn't do that. This is an afterthought. They'd completely forgotten about Senate reform at the time of the last municipal election, just a little more than a year ago. Why are they dredging it up now? Why?

That brings me to my third point. What is the intent of this motion? The government – and we've heard it. We've heard it from the backbenchers, we've heard it from the middle benchers, and we've heard it from the front benchers. [interjection] Mr. Speaker, I might add that that is probably the middle benches, and this is the deep backbench over here.

I just want to indicate that it's clear to me that the government is lining up any number of issues with which they can find fault with the federal government, and unfortunately there's no shortage. There's no shortage, and I will acknowledge that. But they're lining them up. You can just see it now. Oh, there's the Wheat Board. There's the gun control, which most Albertans have always supported but not this government. Even when the government took its own polls, it learned – well, what do you know? A large and significant majority of Albertans support gun control in Alberta, but that doesn't dissuade this government from attempting to speak on behalf of the people of Alberta on this issue, in a federal area of jurisdiction I might add. So they're lining up the Wheat Board, they're lining up gun control, they're lining up Kyoto, and they're attempting to create the fiction that it's a new national energy program. They're ignoring that people in Alberta have also supported that particular treaty. All of these things are being lined up, all these big problems with the federal government.

Then they bring forward this resolution on Senate reform. You might think that the government is looking for an external boogeyman on which to focus the anger of Albertans so that Albertans forget about a bungled electricity deregulation program or a teachers' strike that was unnecessary, declining schools that are falling apart all over the province . . .

9:10

MR. MacDONALD: How do you spell declining?

MR. MASON: With a K.

. . . privatizing of health care, underfunding of health care, the taking away of workers' rights, all sorts of problems, a booming economy yet 20 percent poverty, all of these issues, the anger of rural Albertans about hospital closures or issues relating to water or

to factory farms, all of these things, the growing discontent particularly in rural Alberta against this government. So they are lining up the federal government. Mr. Speaker, I ask you: what would this government do if it didn't have the federal government and EPCOR to take the blame for all of their mistakes?

AN HON. MEMBER: Blame you.

MR. MASON: Well, I'm sure they would try, Mr. Speaker. They would certainly try, and I've seen it every time I ask a question about power deregulation. The fact that I was on the Edmonton city council means that I'm suddenly personally responsible, if you believe the Premier, for the electricity deregulation mess in this province, and the gall of it is just breathtaking.

They will not – they will not – take responsibility for what's going on in this province. They want external enemies, they want internal enemies, and they don't want the people of Alberta to stop for one minute and think about who's really messing up the situation in this province, which is otherwise so bountifully blessed with natural resources and beauty.

Mr. Speaker, that's what I think of this motion. Quite apart from the question of where we stand on whether there should be a triple E Senate or no Senate or a Senate that's appointed by Prime Ministers, the question is: what role is this motion playing in the whole political scheme of things of this province? The role that it's playing is to set up a straw dog for this government to shoot at because they don't want to take responsibility for their own actions.

With that, Mr. Speaker, I will take my seat. Thank you very much.

[Motion on amendment lost]

THE ACTING SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I don't want to take too much time away from the enthusiasm that members of the House have to vote on this very important resolution and motion, but I did want to speak. While some of the members opposite supported the concept of an equal, effective, and elected Senate – and I think I heard them all support, except the Member for Edmonton-Highlands, and I certainly heard a good litany from the Member for Edmonton-Mill Woods as to the efforts that have been taking place, primarily sponsored, I might say, and promoted by Alberta and Albertans to get effective governance at the national level – I was disconcerted and quite disappointed by the attempt to use the debate on what is a very important, fundamental question for Canada and for Canadians, effective governance at the national level and having a national Parliament which is there for all regions, all provinces of this country. The basic concept of the balance of the Senate, which it's supposed to provide to the House of Commons, is not there because it is not effective, it is not equal, it is not elected, and it does not have accountability to the people.

Members of the opposition have taken the opportunity of this debate to call the motion frivolous. Mr. Speaker, that is aggravating in the extreme because this is not a frivolous motion. It is a very timely motion. There is a vacancy in the Senate of Canada, a vacancy because a member of the Senate appointed from Alberta has retired due to reaching the age limit of 75. It is very timely to talk about how Alberta might be represented in the Senate of Canada and how we might promote what Alberta has always been a strong promoter of, and that is the triple E Senate, or the equal, effective, and elected Senate. There is no more important time to talk about that kind of a motion than when there's a vacancy from Alberta. So it's not a frivolous motion, and to even suggest for a moment that

somehow the Grey Cup has something to do with a topic that has been close to the hearts of Albertans for decades with no movement on the national stage by their national cousins gets my blood boiling.

Mr. Speaker, we do have to revisit this again and again and again because the national Liberal Party has no interest in true governance in this country and no interest in effective governance in this country. They want a monopoly that they get from the population of Ontario and Quebec. They don't want effective governance. So the time has come again for Alberta to raise this important issue on the national stage, and the way to raise this issue on the national stage is to pass a resolution in this House empowering our minister of intergovernmental affairs and our Premier to take this discussion across the country, to talk to other provinces, and to start again the discussion on how we can truly have an effective national government that represents all regions, that represents all provinces, and does it effectively and has a mandate from the people.

The opposition quibbles, Mr. Speaker, because we have in this province as a method of promoting the concept of Senate reform adopted the Senatorial Selection Act, and it's an important act.

DR. MASSEY: Reform starts at home. Why not here?

MR. HANCOCK: We'll get to reform at home in a moment.

The act is a methodology for us to say that it's important for people to be elected, and the act itself has been very effective. The two members that were elected in this last Senatorial selection have not been appointed to the Senate, but I would hazard to say that if you can look at the appointments to the Senate from Alberta and compare them to appointments made in any other province across this country, we have had more effective Senators appointed because the federal government has paid more attention to who they're appointing from Alberta. Senator Doug Roche is a good Senator. He's not elected, but he's a good Senator. Senator Tommy Banks, from my own constituency, is a very good Senator, not elected but a very good Senator. Senator Chalifoux is a very good Senator, not elected but a good Senator.

Why have we had these good Senators appointed from this province? It's because the Prime Minister has had to pay much more attention to who he appoints in this province than who he does elsewhere. If you look at the appointments from elsewhere, they tend to be old Liberal Party hacks or cabinet ministers or others that he wants to move out to create a vacancy so someone else can be elected to the House of Commons. That hasn't happened in Alberta, and I doubt that it will.

The opposition uses this resolution to talk about reform, and it's always good to talk about parliamentary reform and how we can do governance better. There is no more important topic. But the opposition doesn't raise those issues in appropriate and timely manners. They raise it, instead, in the context of a very important discussion on Senate selection to detract from what is the true issue here. I'm happy to debate with them and talk with them at any time about parliamentary reform, about how we can do governance better, about how we involve citizens of Alberta in discussions on bills and on legislation and on how they're truly governed. We can have that discussion at any time, but today we're talking about the Senate. We're talking about something that's close to the hearts of Albertans, a triple E Senate.

The time is now. It's time for us to start the discussion yet again. It's not repetitious; it's not frivolous. It's quite important, and I think we should endorse this unanimously out of this House. I would urge the Member for Edmonton-Highlands to accept the fact that we're not going to promote the abolition of the Senate, so he should come onboard, make this a unanimous vote calling for a

triple E Senate. If we're going to have a Senate anyway, join us, make it unanimous from this House, and start the march across this country to a triple E Senate.

THE ACTING SPEAKER: Under Standing Order 29 we have five minutes for questions. The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you very much, Mr. Speaker. I have a question for the hon. Member for Edmonton-Whitemud, the Minister of Justice. Now, in the event that in the next number of years the Prime Minister of this country at the time nominates that hon. member as a Senator, will he accept the nomination without an election?

9:20

MR. HANCOCK: Total speculation. It would never happen that the federal government would approach me to go to the Senate, but I would always say that I will serve the people of Alberta in the best way I can and at every opportunity that I can. If I had that opportunity, I would make use of that opportunity to change the Senate from within.

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

MR. MASON: Well, thank you, Mr. Speaker. Obviously, the temptation for the minister is far too great to go sit in a place like the Senate.

My question is to the minister. He has challenged us on this side to debate legislative reform of this Assembly in the appropriate time and not during a debate on the triple E Senate. Will the minister bring in a package of parliamentary reform to this Assembly so that we can talk about it and debate it?

MR. HANCOCK: Mr. Speaker, every year after session closes I invite as Government House Leader the Opposition House Leaders of both parties to bring forward reforms that they think might be appropriate to the rules of this House and our practices of this House. In fact, in the last year we did one of the more substantive reforms of the House rules that we've done in a long time. That package was brought to this House and debated on the floor of this House, and I didn't hear in that debate, that I recall, any calls from the members opposite of the nature of the things that they talked about tonight. However, I will again say that at the end of this session we will ask Opposition House Leaders, as we always do, how we can improve the practice and the process of this House, and we'll have opportunities to debate them again.

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

MS CARLSON: Oh, thank you, Mr. Speaker. First of all, a comment and then a question. The comment is that the most honest thing I've heard from the Government House Leader here tonight is that he is quite prepared to 'snorfle' at the trough after this particular career is over.

My question to him is this: can he state categorically that we have never talked about all-party committees in any of those discussions? Also, would he comment on what happens to the good ideas that we bring forward in those House leader meetings? Most of them end up on the floor.

MR. HANCOCK: Mr. Speaker, I've never, ever indicated that I would be prepared to 'snorfle' at any trough or whatever the terminology was. The question that was asked was whether or not

a person would serve in the Senate if called to do so, and I think being called to serve the public is one of the highest callings you can have, whether it's being elected or not. The Member for Edmonton-Highlands indicated that he ought not to be criticized, because the Senate in its current form was the constitutional form of the country. That is not a dishonest thing to do or a dishonourable thing to do, to say that one would try and serve at the best level possible.

Now, with respect to the discussions that House Leaders have, I did not refer to the discussions that House Leaders have in those meetings, because, as the hon. member knows, those meetings are always held on the basis that we don't discuss what happens in those meetings. But what I did say is that the result was a package which was brought to the floor of the House, and that hon. member and every member of this House has the opportunity to debate the House rules when a resolution to that effect is brought to the floor of this House.

MR. MASON: Mr. Speaker, will the hon. minister be straight with the House and tell them that all we talk about is amendments to the Standing Orders and that even when we don't agree, we get a whole package forced down our throats by this minister and his fellow behind him? What about things like fixed terms? What about things like multiparty committees? What about things like proportional representation? What about a package of meaningful change that goes far beyond the Standing Orders of this place?

THE ACTING SPEAKER: Hon. Minister of Justice, do you want to respond?

MR. HANCOCK: Well, the hon. member opposite's seatmate, as I understand it, as a bill before the House . . .

THE ACTING SPEAKER: The five minutes that's allocated under Standing Order 29 has now elapsed.

[Government Motion 32 carried]

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

[Mr. Shariff in the chair]

THE DEPUTY CHAIR: We'll call the committee to order.

**Bill 31
Security Management Statutes Amendment Act, 2002**

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

MS CARLSON: Thank you, Mr. Chairman. Now back to some of the more serious business of the Legislature.

AN HON. MEMBER: The Senate is not serious?

MS CARLSON: The way that this government brought forward that last motion was frivolous in nature, not serious, and I stand by that. That is not a motion that we have to rehash every couple of years when there is agreement by more than a large majority of people in the Assembly.

Bill 31 deals with quite a different set of proposed changes, though, Mr. Chairman, and I think changes that we need to be cautious about before moving forward. I know that we've heard from the minister and from the critic that few people have actually contacted them on this bill, even though it's been held over for the summer. I'm not sure what the reason for that is, but I think that

there is some reason for us to believe that the absence of comment means a large majority of support for this particular bill. I think a lot of people don't understand the ramifications of this particular bill down the road, and I'm not saying that frivolously. I'm concerned that perhaps even government members don't understand the kinds of . . .

MR. HANCOCK: You speak for yourself; they can speak for themselves.

MS CARLSON: Well, the problem is, Mr. Minister, that they don't speak for themselves, so in the absence of them speaking for themselves, somebody needs to make some comments that may be provocative enough that they rise to the challenge and finally say something on the record in this Assembly rather than chitter-chattering in the background from the far, far backbenches that they sit on.

AN HON. MEMBER: Are we distracting you?

MS CARLSON: No. I have to tell you that backbenchers making comments that are mostly not relevant does not bother me at all. In fact, it only extends the amount of time that I can find to talk about things. So keep up the good work, boys.

On Bill 31 there are a number of changes that are going to happen to a variety of acts which affect a variety of ministries. In fact, I count that at least 15 ministers are affected by the kinds of changes that we're seeing here. The problem with that is that we haven't heard from those ministers in terms of whether they support this particular bill or the kinds of ramifications that they expect to fall out of this particular legislation. So we need to proceed with a very cautious hand.

As I go through this, I think my overriding concern is that we must really be cognizant that there is a balance between government convenience from the perspective of being able to just step in and take over security measures as compared to the public and personal freedoms. Now, we've seen some very good examples in the past year in the States about how personal freedoms have been taken away from people and perhaps not with full justification. The chairman represents a constituency very much like my own. There is these days the perception of what a potential terrorist looks like, and that person looks like a lot of the people who live in my constituency and the chairman's own constituency. In fact, we have to be very careful that the kinds of choices, the powers that we give government cannot unduly harm people who are good, upstanding, law-abiding citizens or, if not citizens of the country, full participants through landed immigration status, refugee status, or whatever the status may be, that just because they look a certain fashion, they aren't prejudged when they go to border crossings and try to get on airplanes and so on. It looks to me like this bill might end up being a massive kind of power grab that can be of some concern to us.

9:30

When we talk about the sections of the bill, it allows for the exemption of material from FOIP, and having just coming from the all-party FOIP committee, Mr. Chairman, this also concerns me. I think that this is probably the most contentious part of this bill and really hasn't been given a thorough review or full scrutiny at this particular point in time. As we all know here in the Assembly, FOIP already allows the denial of access to information on account of what they call "prejudice [to] the defence of Canada or of any foreign state allied to or associated with Canada" and also to "the detection, prevention or suppression of espionage, sabotage or terrorism."

Then, Mr. Chairman, the question truly becomes: what's wrong with this clause for the context of this bill? That's something that

hasn't been debated here and I think needs to be explained before we come out of committee. It wasn't explained from the principle perspective in second reading, and I haven't heard anything so far that talks about it at this stage.

What also is lacking in this bill, Mr. Chairman, as we see it, is that in many places there is the question of how to determine that a terrorist threat is present, and that's something that we haven't heard any discussion on. It was something that I would have expected to have heard from the Solicitor General because we all know that after September 11 she put in a number of security measures on the grounds of the Legislature, that to me seemed quite frivolous and a waste of time and not very effective. People can come into the parkade still. People can come into the building still. People can park by the building still. We don't see any kind of serious scrutiny happening there. We see a revolt from some of the backbenchers in terms of having to carry their name tags and all kinds of associated problems.

So what we've done is increased costs of government. To what effect, I would ask. That's some of the same kind of concern we have here. You can put up a brave front and a frontal attack whenever you think there may be a problem, but how, in fact, do we determine that a real threat is present? If the security around this building is any gauge – now, I'm not talking about in this building itself; I'm talking about primarily the Annex and the grounds surrounding it. I don't think it's very effective. If we had a true terrorist threat, I am not convinced that the people in this building would be safe.

That begs the question: even with this act coming in place, how do we know that it's going to be effective in other regions of the province? We have some pretty big primary targets in this province, and I think that should be something that concerns all of us. On the one hand they're talking about bringing in new rules that potentially can take away more powers from Albertans, but on the other hand we find that what they have put in place so far isn't very effective. So now we're going to have people without power or rights or freedoms and an ineffective kind of security system. That is absolutely the worst of both worlds, and I haven't been convinced to date that that will change with this particular legislation. So I think that there are some details of that that need to be talked about.

What are the processes? We should know at least in a general sense what the co-ordination is between CSIS here in Canada and other kinds of jurisdictions, particularly with the States, who is our neighbour country. Those things haven't been talked about yet, and I think that they need to be, and that's just really a problem.

If we talk about some of the sections, we have some concerns, and one is in section 1, Mr. Chairman, where they talk about giving the Alberta Energy and Utilities Board the power to shut down a facility or a pipeline or whatever they have and make regulations to protect such facilities from terrorist threat or attack. So the section allows the board to make the regulations which can potentially restrict access to information from such facilities. FOIP can be overridden if these facilities are under such a threat. So these broad, sweeping powers are in the original act already. Do we need this here? Up until now the EUB has only had the power to make regulations dealing with the operations of a facility, not to interfere with its operations.

You know, we constantly hear in this Assembly challenges on how the EUB makes its decisions and operates. Do we want to give them these kinds of additional sweeping powers? I'm not convinced that they're running a tight ship now or, in fact, a fair ship in some cases, so if that's the case, why would we give them more powers where they can shut down facilities? I'm not sure that's the proper avenue, and we should be taking a look here. And how are they

going to deal with false alarms? I think that's also an issue that hasn't been talked about.

We have concerns about whether or not favourites can be played when it comes to approving developments or interfering in pipelines or facilities. If something could be without proper justification dubbed as a terrorist threat, if it's not FOIPable, then how are we ever going to know their justification? After the threat is over, there is no reason why that information shouldn't be made public. Operations can be delayed. So those are the kinds of issues that we need to talk about.

When we talk about section 2, which amends the Change of Name Act, we've a question, and that's if the director would see it as unnecessary for such a check if the person were changing their name for their own protection because they were the victim of a criminal act, like witness protection or, as is sometimes the case, people who have been harassed by former spouses. That happens quite often. In fact, I know of a young woman who attends the same high school as my daughter who had her name changed for that very reason. How would this affect that kind of thing? This wasn't answered, and we have some concerns about that.

I think of primary importance is personal security, and if people have a reason for changing their name, such as witness protection or personal safety, moving away from an abusive family member or a stalker or something of that nature, is this still going to apply to that person? We need some details. We haven't heard those. We need the parameters, and we need some justification for why we need to do this and what the boundaries would be. We haven't seen any criteria, and that is a bit of a problem for me.

Section 3, that amends the Charitable Fund-raising Act, also brings up some concerns. When we take a look at what happened with the 2001-2002 Auditor General's report, it was recommended from the previous year that the ministry beef up compliance with the Charitable Fund-raising Act, and it also indicated in that report that the ministry created a risk assessment model to focus on future inspections of accounts. Under the act currently the minister can deny registration to any organization whose directors or managers are convicted of a criminal act in Alberta or elsewhere where the minister feels the person convicted should not be dealing with contributions or solicitations, and that seems to be pretty strong and seems to me to be adequate.

So why are we needing the change that we're seeing come forward in section 3? It exempts the minister or agents of the minister from being sued by acting in good faith and allows the minister to suspend or cancel the registration of a charitable organization or the licence of a fund-raising business if it is certified under C-16, a federal bill, which is the one, I believe, trying to stop charitable fund-raising of dollars being sent to fund terrorist activities in other countries.

9:40

As we heard in earlier debate on this bill from the Member for Edmonton-Highlands, many of those people who were deemed terrorists in the past are now heads of government. Some of them are re-deemed as terrorists. In fact, that seems to be the nature of history on this globe: today a terrorist; tomorrow a head of government. That's a question that we have to ask in terms of how these kinds of rules are . . . [interjection] Well, I was looking at you when I said that, for no good reason; I'm sure.

So I think that's a problem, and we haven't had it explained. [interjection] Yes, of course. Senator Dave. I forgot. You'll just end up as a Senator. I don't think terrorists are allowed to 'snorfle,' but I don't know. Maybe so.

At any rate, it's something to be talked about in a serious nature in this bill.

Section 4 is one that deals with the Dangerous Goods Transportation and Handling Act. We see new regulations forcing companies

and people to make a security plan against terrorist threats. So a good idea; right? But where's the beef on this one? We need to see something a little more substantive. This is one of those feel-good statements that doesn't really have any consequences or actions to it. We want to see some action, more than just saying: please do this. There's nothing here. This is one where we could have used some more detail and some substance, and it isn't there.

Section 5 is an issue, the Disaster Services Act. They talk about the definition of emergency being changed by taking out the words "imminent event" and replacing it with "an event." Now, this one is very scary, Mr. Chairman, because what does that mean? Why are we taking out a proactive element and replacing it with a reactive element? This is particularly alarming. The chance, the opportunity for the government to take more powers than they may need to without justification is very real here. We have seen that happen time and time again in other countries and requiring significant actions by other countries to try and correct. When you think that Canada's major role in international events has been a peacekeeping role, now we're actually switching places with some of these countries whose behaviour we have abhorred by potentially taking this kind of aggressive action.

Disaster Services has a few questions that we would like to ask: the possibility for government to make regulations and ministerial orders for persons who are utilizing property or operating in a manner that is hazardous to others or others' property, independently or as a result of some event, and makes contingency for that person to work with local authorities to alleviate the hazard and have a plan to deal with the situation which may result from the hazard. So things like a farmer with chemicals which might be used to blow up the town square: that's an issue. What we need is to have some questions answered. What are the time lines? What is the definitive amount of time that we may interfere in what would be the normal business life of the people involved? We should only be restricting people for a set time before the ruling or the order or the regulation is received. Now, those are the kinds of questions that we need to ask there.

This section also voids the FOIP Act in terms of gaining access to information which can be used for preparing or administering a response to a crisis. So why are we taking the Disaster Services Act materials completely outside of the scope of FOIP? That's a real problem. Under this kind of amendment the Information and Privacy Commissioner cannot even look at the crisis management plan documents. Now, I understand the need for security around these kinds of documents, but all this cloak and dagger stuff can also be counterproductive when we try to find a balance between protecting people's privacies and their freedoms.

The question really becomes then: doesn't the government trust the FOIP Act? As we know from just having sat through a review by that committee, there are very good controls in place and very well thought out and tested and true procedures by which information can be protected. So why do they want to circumvent this process? That's a serious question, particularly when we see that in this province the Auditor General raised several questions in the last annual report with regard to the state of emergency plans for this government. So how are we to know that the government is prepared for an emergency if we're denied access to look at the plans? A very real concern and something that needs to be addressed.

Sections 6 to 14 still need to be reviewed. We have questions about all these sections. I think that we would like to see these questions answered before this bill gets passed. We have many of the appropriate ministers here with us this evening, who could start to address these particular concerns.

Let's do this bill properly, Mr. Chairman. That means that we get

the questions answered before we actually vote on the bill. If we don't have the questions answered in debate, you can be sure that we will be following up in writing because this is a serious bill. Changes to security in this province have untold ramifications for the people in this province for many, many years to come. We need these answers. We need them in a timely fashion. Perhaps we'll be satisfied with all the answers. But how are we to know in order to vote on this bill at this time?

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

MR. MacDONALD: Thank you very much, Mr. Chairman. This is quite an interesting bill, the Security Management Statutes Amendment Act, 2002, as proposed by the Minister of Justice. Certainly, when we look at events since September 11, 2001, to the present time and the instability in the world and when you consider this province's vital strategic interest not only to the rest of this country but also to our ally to the south because of our natural resources and the fact that we export so much fuel to the lower 48 states and to central Canada, security has to be certainly taken seriously. I take the matter of security quite seriously. When one considers that it was just a day or two ago in the media that a security expert stated that this country could be a possible location of a terrorist attack, one cannot be too careful.

At this time, Mr. Chairman, I have two concerns about the broad, wide-sweeping powers that this bill is going to give this government, and I don't know if they have the management maturity to deal with these wide-sweeping powers. I have my concerns. One of the concerns that I have as I go through this bill is: when will these wide-sweeping measures be reviewed? Is there a process? It certainly has escaped this member if there's a review process for the wide-sweeping powers that are promoted and promised in here. When will they be reviewed?

The hon. Member for Edmonton-Ellerslie certainly talked about the review that was done earlier this summer and into the fall, as a matter of fact, with the freedom of information and protection of privacy legislation. There's a review process there. There are many statutes besides that where every three years in this Assembly there is to be a review process. Certainly, times change, and I think there should be a formal process of review in Bill 31.

I would be much more comfortable with this legislation if there were a sunset clause. Perhaps it's in here and other hon. members can participate in the debate and point me in the right direction in regard to the sunset clause, because I would be very anxious to see that some of the legislative changes that are discussed and proposed in this legislation have limits.

9:50

Certainly, I look at the changes to the Provincial Parks Act, the amendment as proposed. Whenever we're talking about prohibiting or restricting access, whether it's travel or whether it's a short visit to a recreation area or a park, I have some concerns that this may get out of hand. For instance, let's say that a group of citizens take a notion that they want further enhancement of that park. Could the government under some dark, clandestine policy such as this restrict, I'm almost saying, the freedom of expression of a group of individuals who may have a different view of the use of the provincial park than the government?

Now, the Wilderness Areas, Ecological Reserves and Natural Areas Act: the same would apply to this. Why do we need to do this? What is the justification for this? Is this simply to stop citizens from protesting against, say, a logging operation on the edge of the park? Is this to do with international terrorism, or is it to do with stopping peaceful protests, which I consider legitimate, legal in this

province? Citizens have every right to speak out. When you get a government that has sort of lost its way after 32 years in power, anything could happen.

AN HON. MEMBER: How many years?

MR. MacDONALD: Thirty two years.

To use this bill under the guise of international terrorism to perhaps restrict or limit the citizens, I would have to urge caution with this.

I can go through this. I look at the Government Organization Act. I look at the Electric Utilities Act. I look at the Freedom of Information and Protection of Privacy Act. Speaking directly to the Electric Utilities Act, Mr. Chairman, I don't know if it's necessary. When I deal with the Electric Utilities Act now and I put in a freedom of information request, sometimes I think the Department of Energy considers a FOIP request from the Official Opposition a terrorist act, because I'm given no choice on getting the information. I must go through every manner possible to try to get information from that department regarding the activities of that department. That's my duty; it's my responsibility.

When I consider this legislation and the security measures, well, I'm not so sure. You'll have to excuse me for my suspicions, but with my own experience with FOIP, Mr. Chairman, I have every right to be suspicious. A democracy is only as transparent and accountable as the accessibility of information by citizens from their duly elected government.

Now, in conclusion, Mr. Chairman, I would again like to caution the government and the sponsor of this bill. Perhaps in due course of the debate they will explain what sort of review process they have in mind for this legislation because of its broad-sweeping powers. Is there a sunset clause for some of the measures that are proposed under various provincial statutes?

At this time, Mr. Chairman, I would like to adjourn debate. Thank you.

[Motion to adjourn debate carried]

THE DEPUTY CHAIR: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. I'd move that the committee rise and report.

[Motion carried]

[Mr. Shariff in the chair]

MR. MARZ: Mr. Speaker, the Committee of the Whole has had under consideration and reports progress on Bill 31.

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

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? So ordered.

The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I'd move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; at 9:57 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]

