

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Tuesday, November 22, 1983 2:30 p.m.**

[The House met at 2:30 p.m.]

PRAYERS

[Mr. Speaker in the Chair]

head: **INTRODUCTION OF VISITORS**

MR. SPEAKER: May I draw the attention of the House to the presence in the Speaker's gallery of a distinguished delegation from the Legislative Assembly of the province of New Brunswick. The members and minister who are here are commissioners of internal economy of the Legislative Assembly of New Brunswick.

I am pleased that we have here the Hon. James Tucker, Speaker of the New Brunswick Parliament; the Hon. John Baxter, the Minister of Finance and Housing of New Brunswick; Mr. Gérald Clavette, the Member for Madawaska Centre; Mr. Alan Graham, the Member for Kent Centre; Mr. Beverley Harrison, the Member for Saint John-Fundy; and Mr. Hazen Myers, the Member for Kings East. Would the delegation kindly stand and receive the welcome of the Assembly.

head: **INTRODUCTION OF BILLS**

Bill 113**Young Offenders Act**

MR. HIEBERT: Mr. Speaker, I beg leave to introduce Bill 113, Young Offenders Act.

The present Juvenile Delinquents Act combines both federal and provincial offences. The new federal Young Offenders Act, which is expected to be introduced in April 1984, differentiates between federal and provincial jurisdiction. This has provided an opportunity for Alberta to put in place its own young offenders procedures to be handled by the youth court, a division of the Provincial Court of Alberta.

Mr. Speaker, the overall purpose of Bill 113 is to remove any ambiguities dealing with provincial and municipal offences committed by young offenders after the federal Act is proclaimed. Bill 113 is being introduced this fall session, and it will be allowed to die on the Order Paper so that interested parties may study the Bill and make representation thereto before introducing it for the spring sittings.

[Leave granted; Bill 113 read a first time]

Bill 114**Public Service Employee Relations
Amendment Act, 1983**

MR. SHRAKE: Mr. Speaker, I would like to introduce the Public Service Employee Relations Amendment Act, 1983.

This Act consists of changes to five sections: 3, 9, 22, 29, and 49. Most of these changes were requested by the board, and they are minor in nature. I guess we'd call this a house-keeping Act.

MR. HYLAND: It's a bad term.

MR. SHRAKE: Oh, sorry. I was just informed that this is a bad term to use. [laughter] I will try again.

Section 3 would be amended to allow for up to two alternate chairmen. The present Act only allows one chairman. The reason for this is fairly simple. With the number of meetings they are having and the difficulty with their scheduling and so on, they felt it would be an advantage to have two alternate chairmen.

Section 9 is fairly straightforward. This re-enacts a clause that was inadvertently left out when we passed Bill 44 last spring. It is a beneficial Act. So this just places this back. This was in place prior to Bill 44. Section 22 is fairly straightforward also. This allows us to include in this Act not only members but members who are in training.

Section 29, again, is fairly straightforward. In case you have more than one trade union, this allows the board to determine which union would represent these people. Of course, it is done by a majority vote, which is straightforward.

MR. SPEAKER: I don't know how many sections there are in the Bill; I haven't read it yet. Perhaps we could summarize by saying that the Bill is straightforward. [laughter]

MR. NOTLEY: That's a matter of opinion.

[Leave granted; Bill 114 read a first time]

MR. CRAWFORD: Mr. Speaker, I move that Bills 113 and 114 be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

head: **TABLING RETURNS AND REPORTS**

MR. FJORDBOTTEN: Mr. Speaker, I beg leave to table the 1983 progress report of Farming for the Future.

MR. SHABEN: Mr. Speaker, I wish to file with the library three copies of the program manual, as well as three copies of the instructors' manual, for the co-operative housing action program. Earlier in the question period, this information was requested by the Member for Edmonton Norwood. [interjections]

MR. BOGLE: Mr. Speaker, I wish to file with the Legislative Assembly four copies of a study managed by the Electric Utility Planning Council, entitled Dunvegan Hydroelectric Study, Low Level Reservoir.

MR. DIACHUK: Mr. Speaker, I wish to file with the Legislature Library four copies of the first report of the occupational health and safety heritage grant program for 1981 to 1983. Copies will be distributed to each member of the Assembly.

MR. KING: Mr. Speaker, I wish to table with the Legislative Assembly information which was ordered by the Assembly this past spring, with respect to the printing and distribution of the report of the Task Force on Gifted and Talented Pupils.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. ZAOZIRNY: Mr. Speaker, it's my pleasure today to introduce to you, and through you to members of the Assembly, some 45 grade 8 students from Ian Bazalgette junior high school in the constituency of Calgary Forest Lawn. This is the third group of that number to travel to the Legislature from Ian Bazalgette in the last six days. I want to assure you that it is not the same group being introduced for the third time. We're delighted to have them here with us today. They are joined by Diane Blakelock and Mr. Jim Toews. I would ask them all to rise and be welcomed by the Assembly.

MR. McPHERSON: Mr. Speaker, it's a pleasure and a privilege for me today to introduce to you and to hon. members 14 brand-new Canadians who are enrolled in the advanced course of English as a Second Language at Red Deer College. These ladies and gentlemen come from a wide range of countries and cover a wide range of occupations, including a medical doctor, a veterinarian, a social worker, agricultural engineers, and many others. They are accompanied today by their instructor, Lorna Brownlee, and they are seated in the public gallery. I would ask that they now rise and receive the warm welcome of the Assembly.

MR. COOK: Mr. Speaker, I'm saving the best till last. I'd like to assure the Assembly that the two groups I'm introducing do not have any teachers in them. I'm delighted to introduce two groups, the first being a group in your gallery, Mr. Speaker. They are here to see Laura Yakiwchuk, our very good page in the Assembly, doing a tremendous job for us. Her mom, Barbara Yakiwchuk, and her friend Samantha Langton are in in your gallery. Her grandparents, Albert and Muriel Brown, are here to see their granddaughter working in the Chamber. I'd like to ask them now to receive the warm welcome of the Assembly.

The second group, Mr. Speaker, gives me as much pleasure. They are 45 terrific and well-behaved students from the grade 8 class at Dickinsfield junior high. Dickinsfield was named after Punch Dickins, who was a pioneer aviator in northern Alberta. I think these students give us as much confidence for the future as Punch Dickins gave us confidence in our past. They are accompanied in the gallery by their teacher and their student teacher. I'd like them to rise now and receive the very warm welcome of the House.

MR. NOTLEY: Mr. Speaker, I take pleasure in introducing to you, and through you to members of the Assembly, four members of the Committee of the Unemployed: Alan Smith, Mike Legge, Derrick Tremblett, and John O'Reilly. They are seated in the members gallery, and I would ask that they stand and be acknowledged by members of the House.

head: **ORAL QUESTION PERIOD**

Water Quality — Lac Ste. Anne

MR. NOTLEY: Mr. Speaker, I'd like to direct the first question to the hon. Minister of the Environment, and ask whether the department has been aware that raw sewage has been draining into Lac Ste. Anne, a very popular swimming lake adjacent to Edmonton, and that there have been serious pollution problems recorded in swimming areas as a consequence.

MR. BRADLEY: Not that I'm aware of, Mr. Speaker.

MR. NOTLEY: Mr. Speaker, a supplementary question. Could the minister advise the Assembly whether any information has been brought to the attention of the government, concerning the sewage lagoon in the summer village of West Cove and the inadequacy of that particular lagoon?

MR. BRADLEY: Mr. Speaker, I'd have to take that question under advisement.

MR. NOTLEY: Lots of questions under advisement.

Mr. Speaker, a supplementary question. Could the minister tell the House what the reasons were for the department authorizing the dumping of overflow sewage onto a farm across the road from the old lagoon a week and a half ago, thus in effect creating a number of new, open lagoons?

MR. BRADLEY: Mr. Speaker, I'd have to take the matter under advisement.

MR. NOTLEY: Fair enough. Well, we're going to have quite a report when the minister gets back to us, Mr. Speaker.

Could the minister advise the Assembly what the policy is with respect to posting signs where there has been danger to swimming? I make particular reference to the concerns expressed — if the minister checks his memory, I'm sure he will be aware of these. Nevertheless, is there any overall policy on posting warning signs with respect to water that may be polluted, thereby making it unsafe to swim in?

MR. BRADLEY: Mr. Speaker, with regard to that specific, the policy of the government has been that in conjunction with the local health authority in an area which has been a known swimming area, if there are concerns with regard to swimming in a particular area because of certain health effects that may be because of the type of problems the hon. member has alluded to, then the area would be posted.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Has the government developed any overall policy with respect to the treatment of sewage and sewage lagoons adjacent to swimming areas in the province, again using Lac Ste. Anne as an example, but there are other areas in the province as well.

MR. BRADLEY: With regard to that, Mr. Speaker, I could only reiterate that if there are known swimming areas in the province that have become contaminated for one reason or another, they would be posted.

MR. NOTLEY: Mr. Speaker, a supplementary question. Could the hon. minister then advise the Assembly what the policy is with respect to the department communicating information — my understanding is that it has been brought to the attention of the department by local officials. What is the policy with respect to the communication of that information to the minister, in view of the thousands of people in northern Alberta who use Lac Ste. Anne as a swimming area?

MR. BRADLEY: Mr. Speaker, if there was a specific concern, the matter would be brought to my attention.

MR. NOTLEY: Mr. Speaker, a supplementary question. Could the minister identify what particular policy guidelines are in place to ensure that the concerns of local people, which have obviously been brought to the attention of the department, are in fact communicated to the minister? Is there a ministerial

directive in place? Is there an overall policy? How is it handled, in view of the fact that the minister doesn't appear to be aware of information that has been brought to the attention of the department by local people?

MR. BRADLEY: Mr. Speaker, I've already advised that I would check into the specific.

With regard to an overall policy, the department has a 24-hour emergency line, and there is the Pollution Emergency Response Team. I am advised on a daily basis, in a summary form, as to the nature of the matters which are brought forward to the 24-hour emergency number and the matters which the Pollution Emergency Response Team are dealing with.

MR. NOTLEY: Mr. Speaker, we'll await with interest the minister's report back.

Postsecondary Education Financing

MR. NOTLEY: Mr. Speaker, I'd like to direct the second question to the hon. Minister of Advanced Education. It's with respect to the rather penetrating and thoughtful speech of the president of the University of Alberta, Myer Horowitz, at the convocation on Saturday. Could the minister advise the Assembly what the position of the government is with respect to the emergency request for extra funding submitted in late September? When will the minister be announcing a decision on this urgent request?

MR. JOHNSTON: Mr. Speaker, I think the Leader of the Opposition should be more specific as to what kind of funding he's talking about.

MR. NOTLEY: I'm talking about the additional funding with respect to increased enrolment.

MR. JOHNSTON: Mr. Speaker, that's a little less than an emergency. None the less, I think I replied to that question when the Leader of the Opposition raised it some weeks ago. I said that as soon as we had good information as to the enrolment numbers, because they tend to change after September 1, we would be looking at that, in terms of our decision, within the next couple of weeks. I should note that at the current time, there is enrolment money flowing to the universities, and that is a decision which this Legislature made historically early in 1983. That money is now passing through to the universities on a month-to-month basis.

MR. NOTLEY: Mr. Speaker, a supplementary question. Given the president's remarks — I don't know if the minister has had an opportunity to read them or not — can the minister assure the House that an announcement will be made by the government before the end of the calendar year?

MR. JOHNSTON: Mr. Speaker, the kinds of assurance I normally give are that I will give conscientious and clear consideration to the requests from universities and colleges, as to the issue. As to announcing any kind of decision, that is of course subject to the decision my colleagues will make with respect to the allocation of resources, and that's normally the way this process operates.

MR. NOTLEY: Heaven help the universities.

MR. SPEAKER: Order please.

MR. NOTLEY: Mr. Speaker, the government's beyond help. The universities may have some hope.

Mr. Speaker, a supplementary question. Could I ask the minister to tell the House whether the government has had an opportunity to discuss with Dr. Horowitz the decision of the university to impose a hiring freeze on all academic staff, especially in light of a 2,000-person increase in enrolment this year?

MR. JOHNSTON: Mr. Speaker, it is of course common knowledge among those people in responsible university governance positions that decisions made by the board of governors are their decisions. We don't involve ourselves in the way in which they allocate their internal resources, and that is the position they have requested that we take. So naturally, following that guideline, we will accept their advice as to how to manage that institution. Our commitment has been, beyond measure, one of the best commitments made by any province across Canada to advanced education: the largest amount of money; the most specific kinds of programs; in fact, the best kinds of facilities available to our students. We'll continue with that commitment.

DR. BUCK: That's the same speech the Socreds made in [inaudible].

MR. NOTLEY: A good leadership-potential speech, hon. minister.

Let me follow that up a little more, however, and ask the minister if he could identify for the House whether the government, through its exhaustive research and analysis, has been able to determine the impact on the quality of instruction at universities, given the options the boards are now considering and the board of governors at the U of A having had to impose a hiring freeze notwithstanding a very substantial increase in student enrolment?

MR. JOHNSTON: Mr. Speaker, the question as to the mode of instruction is one which I'm sure we could debate at some time. It's interesting to note that the current trends in education are that we're moving away from the traditional ways in which education is provided to students. For example, the unique and novel way in which the province of Alberta, by Athabasca University, has adjusted to the technology age is one clear example where traditional modes are changing.

There is open debate as to whether or not classroom size and the relative ratio of staff to student numbers affect the institutional instruction ability. But I think it's safe to say that in the case of universities across the province of Alberta, the ratio is not out of line with what it might be considered to be, and putting us in a difficult circumstance, so that there are some questions about the quality of education. We believe that this is a very important investment. We believe that at some point, however, we may have to say to some of these universities that the size of universities is now full, and that traditionally has been done on the advice of the boards of governors; quota faculties have been established for that very reason.

So we see that this question is debated. It's largely a combination of decisions made by academics and by boards of governors, but I think it's a bit far to conclude at this point that the quality of education in Alberta is under any kind of jeopardy simply because the student numbers are up. Frankly, what is happening is that the institutions are adapting by more creative ways, by different ways of providing information, and by hiring sessional instructors.

MR. NOTLEY: And by freezing staff.

Mr. Speaker, could I ask the hon. minister whether the department has done an appraisal of the overall funding of postsecondary educational institutions in the province, in light of the huge ...

MR. SPEAKER: Order please. The lights aren't necessary. The question is plain.

MR. NOTLEY: Mr. Speaker, to be fair to the hon. minister ...

MR. SPEAKER: The question is plain, and there is no need for any embellishment. Let's let the minister answer.

MR. NOTLEY: Mr. Speaker, the question relates to the increased enrolment. I'm not asking for an increase in funding, outside of a specific question. There is an increase in enrolment. My question is, has there been an appraisal of that increase in enrolment? That's the question.

MR. JOHNSTON: Yes, Mr. Speaker.

MR. NOTLEY: Mr. Speaker, to the hon. minister. What has that appraisal been?

MR. JOHNSTON: Mr. Speaker, as I indicated before, I could give more details about the history of education financing at the advanced educational level in the province of Alberta. I think it would be fair for me to note that over the period 1974 to 1979, when population numbers at advanced educational institutions were decreasing, the province of Alberta, contrary to any other province in Canada, continued to expand its assistance on an increasing basis. Two things happened. More money went to the universities and colleges, and fewer students were showing up at the doors. When we found in 1981-82 that student numbers were back to about the 1974-75 levels, we not only increased the expenditure to the universities on an annual basis but factored in an additional amount of money for student increases; a double increase for the student numbers, on top of very elaborate and substantial systems which were in place at the facility level.

So I think we've given very careful consideration to the problems of financing advanced education across this province, Mr. Speaker. It's not to say that we won't give it more consideration because, as part of my responsibility, I will be looking at alternative ways — and perhaps more creative ways — in which we can finance these institutions. But I think it's safe to say at this point that we've been more than generous and more than adaptive in the way in which we've dealt with advanced educational institutions.

MR. NOTLEY: Mr. Speaker, a supplementary question. What consideration has the minister given to the request of the presidents of the four universities that the special grants to reflect enrolment increases given last year be incorporated as part of the base budget of the universities, instead of being granted on a year-to-year basis?

MR. JOHNSTON: Mr. Speaker, I think I made that point very clear. It is my view that the people of Alberta want us to be very careful with the financial responsibility we accepted a year ago, in terms of managing this economy. Part of that responsibility is that when student numbers decrease, the sum-certain money, which is enrolment money, will decrease as well. The base budget will continue, but any special money which goes

as a result of an increase in students, which is the additional money I referred to, will not go into the base budget.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. No one is suggesting that, when there's a decrease in enrolment.

MR. JOHNSTON: That's exactly what's happened.

MR. NOTLEY: However, my question is: with projections of increased enrolment down the road, is the minister now ruling out the request of the four university presidents on this issue?

MR. JOHNSTON: Mr. Speaker, that is the quintessence of speculation. If you can tell me what will happen with student numbers in 1990, then I can give you a more specific answer. Our base budget will continue to be expanded at the same basis as historically we have done. If student numbers decrease, don't show up at the doors, or reduce, we will not provide the marginal money. That is as clear an answer as I can give, given the facts I have before me.

MR. COOK: A supplementary question, Mr. Speaker. I wonder if the Minister of Advanced Education could also give us a report on private-sector funding for universities, in particular the endowment fund for the '80s.

MR. JOHNSTON: Mr. Speaker, a very significant event took place when my colleagues introduced the '80s endowment fund. We found that this would be an ample opportunity for us to match assistance provided to universities on capital projects. We underestimated the response in the private sector and, frankly, that money has been used up so quickly that I'm now allocating money — mostly without my colleagues' consent — in about 1987-88. So we've been very successful. We've had to put into neutral the sum of the specific requests. But generally response has been dramatic from the private sector, and we want to continue that.

MR. COOK: A supplementary question, Mr. Speaker. Is it the department's view that universities should re-emphasize the commitment to looking for sources of funding from the private sector and becoming more accountable to the community at large?

MR. SPEAKER: I have a little problem with that, because it may be a matter of opinion or debate what the department's view is. But if it can be related to departmental policy, I suppose the question is in order.

MR. JOHNSTON: Mr. Speaker, it's interesting that just yesterday I received a communication from the president of the University of Calgary, wherein he showed me a list of about 500 Canadian corporations. The unique thing about these Canadian corporations was that when dollars are provided to universities by employees or directors of these corporations, they are matched by the corporations. So anyone can obviously conclude that if you want to make a donation to a university and you work for one of these organizations, it's very powerful in the case of Alberta, because that money is matched one more time. It is unique to Canada; the only province that has this opportunity to participate with the private sector. And as I indicated before, we want to find ways to expand that participation by the private sector.

MR. COOK: A final supplementary question, Mr. Speaker. Would it be departmental policy for universities to look at

exploring other innovative ways to deliver education; for example, the creation of a downtown campus where students might continue their education at night, not at the University of Alberta or at Calgary campus but in a place where there is vacant office space.

MR. JOHNSTON: Mr. Speaker, again part of the review which is now under way by a variety of sources, including the universities themselves, deals with the future situations which universities or colleges will have to face. Modes of instruction, location of instruction, and quality of instruction are all parts of that very complex formula which we're examining. But certainly the traditional view of having a campus in one location is one of the options we're facing and, of course, any other choice of location is a clear choice as well.

MR. STROMBERG: A supplementary question, Mr. Speaker. Would the minister give consideration to treating private colleges the same as universities, where private funding is coming in and you're matching dollar for dollar but the colleges are left high and dry?

MR. JOHNSTON: Mr. Speaker, I can assure you that the hon. Member for Camrose always has sticky questions.

In dealing with the capital side of assistance to private colleges, it's my view, in counsel with the presidents and chairmen of the private colleges themselves, that they would prefer to have the independence of seeking assistance in capital from their own membership. That has been the way in which we've dealt with them to this point.

It should be noted that in terms of assistance in operations, of course, private colleges do receive assistance from the province. Moreover, as a result of the very important piece of legislation which the hon. Member for Camrose introduced, one particular college will be able to grant degrees in divinity, effective in 1984.

MR. PAPROSKI: A supplementary to the Minister of Advanced Education, Mr. Speaker. It deals with the University of Alberta and the quality of education at that university. Has the minister received from the University of Alberta any in-depth report regarding the quality of education at the university?

MR. JOHNSTON: Mr. Speaker, not any in-depth report. I believe, though, that all the universities are considering ways to improve the quality of education within their institutions, with a more effective allocation of resources and frankly with a greater strategic plan in mind. But I have not received a specific report which deals with the measurement or the quality of education at any of these institutions.

MR. PAPROSKI: A supplementary, Mr. Speaker. Due to the importance of this issue, would the minister consider asking the University of Alberta for an in-depth report on this area?

MR. NOTLEY: They can't afford it.

MR. JOHNSTON: Mr. Speaker, as a result of the suggestion by the hon. member, it's one of the areas I'm sure I will be taking up with the Universities Co-ordinating Council.

MR. PAPROSKI: A supplementary, Mr. Speaker.

MR. SPEAKER: Might this be the final supplementary on this topic.

MR. PAPROSKI: Would the minister consider asking the University of Alberta to perhaps prepare a report regarding limiting enrolment at the University of Alberta, due to their increased figures?

MR. JOHNSTON: Mr. Speaker, I believe the university has already examined the size of the institution it can now properly manage. But if the member is asking for information, I'll be glad to provide that to him.

MR. PAPROSKI: A final supplementary, Mr. Speaker.

MR. SPEAKER: Perhaps we could come back. I have a little difficulty when two final supplementaries are tied for last place.

Oil Sands Development

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Energy and Natural Resources. Could the minister indicate whether the government has any plans to encourage Petro-Canada to develop or build a tar sands plant in the Fort McMurray area?

MR. ZAOZIRNY: Mr. Speaker, there have been no discussions with Petro-Canada initiated by me, nor any request by Petro-Canada for a meeting with either me as minister or representatives of the department, in respect of any oil sands project or any other project that Petro-Canada may be considering.

As I've indicated on other occasions, the door is open to proponents of particular projects. With respect to our oil sands resource, given the clearly diminished costs of putting in place oil sands projects in 1983 and given the fact that the resource is there and does not have to be sought out at massive cost, we take the view that timely development of the oil sands should and will occur.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. In terms of the government policy of developing the tar sands, could the minister indicate whether there is any flexibility with regard to concessions in terms of royalties or other taxes?

MR. ZAOZIRNY: Mr. Speaker, obviously the subject of specific fiscal arrangements would be most appropriate with a particular proponent of a specific project. But it is fair to say that in 1983, the government has shown its recognition of the intensive capital costs, front-end costs, of such oil sands developments, in the Cold Lake project that Esso has sponsored and that is now proceeding and in the BP project at Wolf Lake that has been approved and is now proceeding. Clearly there is that recognition of the capital-intensive nature of those costs, and that same attitude and recognition would be carried into any subsequent negotiations that might take place.

Education User Fees

MR. MARTIN: Mr. Speaker, I'd like to direct my question to the Minister of Education. Can the minister indicate if it is the policy of this government that schools, particularly those in rural areas, should be charging user fees?

MR. KING: The hon. member would have to expand on what he means by the term "user fees".

MR. MARTIN: Let me be more specific. The minister knows full well what I'm talking about.

MR. SPEAKER: Order please.

MR. MARTIN: Can the minister indicate what action he intends to take to alleviate the plight of parents in the St. Paul school district who are being taken to small claims court for non-payment of fees of up to \$100 per student?

MR. KING: Mr. Speaker, I am not aware that anybody in St. Paul is being taken to small claims court by the school jurisdiction. Perhaps the hon. member would care to base his questions on primary sources of information rather than the media.

MR. MARTIN: We will; we've been talking to them, Mr. Minister.

Can the minister indicate what action his department intends to take to alleviate the plight of school districts that are forced to institute user fees in order to keep up with increased costs, particularly in the areas of supplies and utilities?

MR. KING: Mr. Speaker, it is the oft-stated position of the government that no school board in this province is forced to turn to other sources of revenue for the operation of their school system.

MR. NOTLEY: You've got to be kidding.

MR. KING: I would like to make it clear that over the last decade, grant increases provided by the provincial government have exceeded the rate of inflation. Secondly, I would like to make it clear that on a per-pupil basis, the government of Alberta is a more generous funder of basic education than any other province in Canada. Thirdly, I would like to make it clear that it is the position of this government that we enjoy the finest quality of basic education that is to be found in any public system in North America. [interjections]

Mr. Speaker, since the establishment of the public school system in North America, it has been common practice that students have purchased their pencils, paper, and textbooks. In my view, it is an improvement on that practice that school boards have begun to rent textbooks rather than sell them to parents. The annual rental averages 30 to 40 per cent of the retail cost of the textbook. If someone is suggesting to me that parents would be better off buying a new textbook every year rather than renting it, frankly the argument surprises me.

MR. NOTLEY: That really wasn't the question, Dave.

MR. SPEAKER: Order please. I was expecting that the hon. minister would momentarily relate what he was saying to the question, and along with one or two other members of the Assembly, I share a slight degree of disappointment.

MR. KING: Mr. Speaker, I would like to allay your disappointment.

On the basis of media reports, which we have not yet been able to substantiate, the Department of Education has been asked to do a survey of school districts throughout the province, to ascertain the practice with respect to incidental charges made in association with the provision of educational services.

MR. MARTIN: After that speech, I take it he now knows what user fees are, by his answer to the question.

A supplementary question. Can the minister indicate if he anticipates any expansion in the use of user fees by schools, particularly in light of the indications by the Provincial Treasurer that departmental allocations will be frozen next year?

MR. KING: Of course, Mr. Speaker, we wouldn't want to spend much time on hypothetical questions. I can say that I don't expect the use of rental charges or equipment purchase charges to increase beyond the present level.

MR. MARTIN: That still didn't answer my question about user fees. Because of the long distances school buses must travel, does the minister anticipate that the use of user fees may be extended in some rural areas, to cover increased transportation costs?

MR. SPEAKER: I think we're clearly getting into the realm of opinion, if not prophecy. I'm not sure that the minister's anticipations are that relevant to the question period.

MR. KING: Mr. Speaker, I continue to have a problem with the use of the term "user fees". I thought that was a Pavlovian term, invented by the NDP and the Liberals to excite debate about medicare. I don't understand its relevance to education.

MR. MARTIN: Mr. Speaker, there's also a saying that b.s. baffles brains any day.

SOME HON. MEMBERS: Order.

MR. NOTLEY: Not at all. You just got little bit thrown back at you. Take it in good stead.

MR. MARTIN: How does the minister reconcile the use of user fees with this government's commitment to the provision of universally accessible education, of a roughly equivalent nature, to all in this province, regardless of income or location?

MR. SPEAKER: That certainly is a debating question. But since it's been asked, there's no way I can ask the minister to refrain from debating it.

AN HON. MEMBER: *Carte blanche*.

MR. KING: Nevertheless, Mr. Speaker, I will limit the debate by being strictly objective. [interjections]

Pending the outcome of the review which I mentioned earlier, I think the question has to be treated as strictly hypothetical and, in its nature, meant to cause debate. I would invite the hon. member to wait until the review is completed. I will provide the results of that review to all interested members of the House — and I presume for a moment that he will be as interested next week as he is this week — and then he can ask the question if he would like to.

Solicitor General Appointment

DR. BUCK: Mr. Speaker, my question to the Premier has to do with the Solicitor General. Can the Premier indicate to the Assembly when the new Solicitor General will be appointed?

MR. LOUGHEED: No I can't, Mr. Speaker.

DR. BUCK: Mr. Speaker, a supplementary question. In light of the fact that the government is proposing that we cut back on expenditures, is any consideration being given to consolidating two departments, rather than appointing a new Solicitor General, saving the taxpayer some money?

MR. LOUGHEED: No there hasn't been, Mr. Speaker.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the Premier. Will that be a matter under consideration between now and the date of appointment?

MR. LOUGHEED: Under consideration, but not likely.

Mortgage Interest Reduction Program

MR. SHRAKE: Mr. Speaker, could the Minister of Housing please advise the Assembly if there are any plans or thoughts to eliminate the Alberta mortgage interest reduction plan prior to its expiry date of August 31, 1984?

MR. SHABEN: Mr. Speaker, the mortgage interest reduction program was announced on September 7, 1982, by the Premier. At that time, it was announced that the program would extend to August 31, 1984. There are no plans to terminate the program in advance of that date.

MR. SHRAKE: A supplementary question. Are there any plans to extend the program beyond that date?

MR. SHABEN: Mr. Speaker, there are no plans to extend the program beyond August 31, 1984.

MRS. EMBURY: A supplementary question, Mr. Speaker. Would the minister please advise the Assembly if the recipients of this program were notified at any time, when they applied for it, regarding how long the program would last?

MR. SHABEN: Yes, Mr. Speaker. The program details have been made available to all the applicants and those who are receiving the benefits of the program. In addition, we have periodically provided recipients of the program with reminder information on the fact that the program will terminate on August 31, 1984.

MRS. EMBURY: A supplementary question, Mr. Speaker. Will the minister again be reminding the recipients, possibly early in 1984, that the program will likely be terminated in August 1984?

MR. SHABEN: Mr. Speaker, within the last few weeks we undertook a mailing to recipients of the program, particularly those who had interest rates at the higher levels, and provided them with information and brochures that had been prepared by the Department of Consumer and Corporate Affairs to assist in financing. We also provide information on our mortgage renegotiation option that is available to recipients of the program. I haven't yet decided whether or not further notices will go out in 1984.

MR. GOGO: A supplementary question, Mr. Speaker, to the hon. minister. Does this in any way affect the current subsidy program in place for those who require assistance, those low income Albertans who are purchasing their first home?

MR. SHABEN: Mr. Speaker, I'm not sure of the hon. member's question.

MR. GOGO: Mr. Speaker, I had several calls on the past weekend. Apparently there has been some confusion. Two calls were from people purchasing their first home under the home purchase program and receiving a subsidy. My question to the minister is: does the statement he has just made, about the expiry in August 1984, in any way affect that subsidy program?

MR. SHABEN: Mr. Speaker, no. The hon. Member for Lethbridge West is referring to the Alberta family home purchase program, and the two programs are not related.

ORDERS OF THE DAY

head: **MOTIONS FOR RETURNS**

MR. HORSMAN: Mr. Speaker, with respect to motions for returns on the Order Paper, I move that motions for returns 216, 218, 219, and 220 stand and retain their places on the Order Paper.

[Motion carried]

214. Mr. Notley moved that an order of the Assembly do issue for a return showing:

Details of all travel, paid by public funds, for Members of the Alberta Legislative Assembly, members of Executive Council, and ministerial assistants, for the period April 1, 1983, to October 31, 1983, inclusive, showing

- (1) dates of departure and return for each trip;
- (2) destinations;
- (3) type of transportation used — e.g., commercial carrier, charter plane, car, etc.;
- (4) total cost for each journey, including transportation, accommodation, and entertainment;
- (5) list of persons accompanying principal traveller.

MR. CRAWFORD: Mr. Speaker, I'd like to propose an amendment to Motion 214. As I move it, I'd like to give the reasons for it. It seemed to me that if travel, in the sense of ordinary automobile travel to and from constituencies and within constituencies, had to be reported on, it would be extremely difficult for all members, without exception.

The way it is phrased, the question would require that. It doesn't require much imagination to note that as at April 1, 1983, hon. members would have to have known what the mileage was on the odometers of their cars and would have to have recorded every trip after that, to know what was done on public service in serving constituents, the government, or the Assembly, and which trips were in some other classification. I'm sure members have not been doing that, nor would they normally expect to.

Mr. Speaker, I think it would also be useful to do two other things. One is to have the purpose of the travel involved in the response to this Motion for a Return, when it's made; and secondly, to backdate it from April to February, in light of the similar question raised by Motion for a Return No. 217, which uses the February date and basically asks for the same material.

The amendment has now been distributed. In essence, it makes the classifications the same as they are in the motion, with the one addition of number (6), which I have mentioned. But under number (3), it refers only to "transportation used, if it was commercial or charter aircraft, train or bus". I move the amendment, Mr. Speaker.

[Motion as amended carried]

215. Mr. R. Speaker moved that an order of the Assembly do issue for a return showing:

A list of all expenditures approved by Treasury Board with respect to hospitality and entertainment expenses paid during

the period January 1 to March 31, 1983, itemizing for each event:

- (1) the meal, reception, or other entertainment provided;
- (2) the number of persons attending;
- (3) the names of those attending, where known;
- (4) the offices of those attending, where known;
- (5) the names of groups attending or represented by attendees, where known;
- (6) the number of bottles of spirits, wine, and beer served at each event;
- (7) the brand names of all the spirits, wine, and beer served at each event and the cost per bottle.

MR. HYNDMAN: Mr. Speaker, I would like to move a short amendment to this question. The amendment would add the words "where known" at the end of the first paragraph, which would have the result of applying those two words to each of the seven paragraphs, rather than three of them which are in the motion itself; that is, paragraphs (3), (4), and (5).

The purpose for the amendment is that whereas in the original motion, the mover has indicated by inserting the words "where known" that it may be that the names of those attending are not in all cases known and that the offices of those attending may not in all cases be known. That situation obtains as well to the information requested in paragraphs (1), (2), (6), and (7). The effect of the amendment would be to provide the information where it is known and where it is available.

MR. SPEAKER: I'm not sure that I've got the proposed amendment fully in mind. Might I ask the hon. Provincial Treasurer whether it is part of the amendment to drop the words "where known" from items (3), (4), and (5), since it will now be at the beginning and apply to all items anyway?

MR. HYNDMAN: Yes it was, Mr. Speaker. I'm sorry I didn't mention it.

[Motion as amended carried]

217. Mr. R. Speaker moved that an order of the Assembly do issue for a return showing:

- Details of all travel paid by public funds for Members of the Alberta Legislative Assembly, members of Executive Council and Executive Council staff, staff of the office of the Premier, and the personal staff of all ministers, for the period February 1, 1983, to October 31, 1983, inclusive, showing for each trip:
- (1) the itinerary and dates of departure and return for each trip;
 - (2) list of persons accompanying principal traveller at public expense;
 - (3) total cost of each trip, including transportation, meals, accommodation, and entertainment;
 - (4) the mode of transportation and class of ticket;
 - (5) the hotel or other accommodation used and the *per diem* rate;
 - (6) the cost of and description of all entertainment paid for by Alberta public funds.

MR. CRAWFORD: Mr. Speaker, in my view, everything of substance in Motion for a Return No. 217 is now dealt with in the amended Motion for a Return No. 214. Perhaps with a few minor nuances, it would be repetitious to pass that. I would suggest one of three courses: one, the motion could be defeated; secondly, the hon. member may wish to withdraw it; or thirdly, if he wanted to let it stand while he considers what I've just said, that could be agreed to.

MR. R. SPEAKER: Mr. Speaker, in making remarks to the motion, I'd like to have the motion stand and will consider that. If it is repetitious, most likely I'd have the motion removed from the Order Paper at the appropriate time.

MR. SPEAKER: Perhaps the table staff would like to know how long it's to be carried forward on the Order Paper. Is there any idea about that?

MR. R. SPEAKER: Mr. Speaker, on your point of order, it would be my intent to remove it as quickly as possible. Motions for returns come up again on Thursday, and on that day I'd be prepared to remove it if necessary.

MR. SPEAKER: Does the Assembly agree, then, that No. 217 will stand until Thursday of this week?

HON. MEMBERS: Agreed.

MR. SPEAKER: It is so ordered.

head: GOVERNMENT DESIGNATED BUSINESS

MR. NOTLEY: Mr. Speaker, I'd like to rise on a point of order before the hon. Member for Clover Bar begins his discussion of Bill 98.

It's with respect to what I think was an observation — and I hope not a ruling — yesterday, on page 41 of the Blues, in which the issue of repeating an argument that had been made in a previous debate was raised. Mr. Speaker, the reason I raise it as a point of order is that I would like you to take your observations under advisement before making a ruling. In my judgment, it is one of the most important issues before this Assembly, in terms of the right of a member to debate. I observe in the Blues that you make reference to Standing Order No. 22, and we would obviously be dealing with section (c), which says: "persists in needless repetition or raises matters which have been decided during the current session".

Mr. Speaker, as members are aware, our standing rules apply, except where there is some uncertainty; then we go to *Beauchesne*; then we go from *Beauchesne* to *Erskine May*. I don't think there's any doubt that if we're dealing with a separate motion before the House, there cannot be needless repetition. In other words, if a member is raising an issue on user fees or a given item in the debate, he's not able to come back and simply rehash arguments in that debate. There is, however, a distinction between a given debate, a given question which has been properly moved and is properly the property of the House, and another question. It seems to me that one has to apply the rule of repetition within the context of the question that is before the House.

Therefore, as I look at Standing Order 22, I would say that we're going to have to move to *Beauchesne* in order to have some additional information, if you like. Here again, I think Citation 299 is relevant. It deals with relevance and repetition:

(1) Relevancy is not easy to define. In borderline cases the Member should be given the benefit of the doubt.

Number two is directly relevant to our discussion:

(2) The rule against repetition is difficult to enforce as the various stages of the bill's progress give ample opportunity and even encouragement for repetition. In practice, wide discretion is used by the Speaker and the rule is not rigidly enforced.

Mr. Speaker, the submission that I make to you — and I hope you will consider it carefully — is that our very process

of deliberation necessitates repeating arguments from one stage to another. We have the stages of debate on a Bill. Those stages include first reading, second reading, Committee of the Whole, and third reading. During those stages, as Citation 299 observes, it is difficult to enforce repetition, because the various stages encourage repetition. Why do they do that? They do that because our system is based upon the assumption that when one makes an argument, that argument isn't simply made for the sake of hearing oneself talk. It is made to make a point, and perhaps as a result of that debate, people will evaluate the merits of it.

While it is not appropriate to make the same argument within the same question that is before the House, it is surely consistent with everything our parliamentary system is based upon to be able to bring back an argument from a previous question. Otherwise, Mr. Speaker, there would be no point in having separate stages in legislative debate. We would simply have dispensed with three readings and committee stage in years past and had a simple motion which could be presented and debated. But the reason we have the process is that when one makes an argument it is hoped that in the process of that debate, people will evaluate, review, and reconsider.

Mr. Speaker, that's why I ask you, with great respect, to review the *Journals* carefully with respect to your observations yesterday. At the moment, I presume that we're dealing with observations, not a ruling. Once you make a ruling, the House is bound by it. But I would simply observe that as I read the *Journals*, it's my submission that simply repeating an argument from another stage of a Bill, as opposed to a motion under question, would be in order. Repeating a matter which has already been raised by that member in a discussion of the question would not, and would be needless repetition as defined by Standing Order 22.

That being the case, Mr. Speaker, I raise it now. I was not in the House when the matter came up yesterday. I think it would be dereliction of my duty as a member and as Leader of the Opposition not to draw to your attention my strongly felt view that your observation yesterday might well be given some further deliberation by yourself before a ruling is made which binds us all.

MR. SPEAKER: I am certainly going to take into consideration what the hon. Leader of the Opposition has just mentioned, but perhaps I might make two preliminary observations. The first is that we don't have recourse to Beauchesne or Sir Erskine May's book except in cases where our *Standing Orders* are either silent or perhaps not totally clear or specific. I find that the language of Standing Order 22 and clause (c) of that standing order are quite clear and specific. I don't see any doubt there that needs to be resolved by reference to Beauchesne or Sir Erskine May.

I have considerable difficulty with regard to repeating, on an amendment or a subamendment, arguments that have been made on a main motion. There is no question that probably the most difficult thing a Speaker has to deal with is the question of relevance and repetition, and that's perhaps why they deal with it rather seldom. Yet the Speaker has a duty to the House and to the province that elects it to save it from wasting time to the extent that he can.

It would seem to me that if we were to say that arguments made at one stage of a motion, that is to say the main motion, could be repeated on an amendment and then repeated again on a subamendment — and of course there's particular difficulty on a subamendment, because once you get that far you've really narrowed the field very considerably — that would mean that a member could prepare one speech and give the speech three

times. While that may be going fairly far, and I'm not suggesting a member would do that, I think it clearly illustrates what the potential is for adopting a practice that the same thing could be repeated three times with regard to the same motion because the motion happened to become subject to a proposed amendment or subamendment.

I could see the situation being quite different with regard to the stages of a Bill. The motion for second reading is obviously not the same as the motion for third reading. I could perhaps see that there might be some reason there for relaxing a stricture on repetition. But at the moment, I have difficulty accepting the proposition that the identical thing could be said at all three stages: a motion, an amendment, and a subamendment. It just doesn't seem to coincide with common sense and, whether or not common sense has anything to do with it, it certainly doesn't square in my mind with 22(c) of our *Standing Orders*. However, I'm going to give the matter some further consideration. But I certainly intend to apply the rule of relevance insofar as motions, amendments, and subamendments are concerned.

MR. NOTLEY: Mr. Speaker, if I could just add a couple of comments, and maybe other members would like to address it as well. I think the concern you express about simply repeating arguments and preparing one speech is much more theoretical than practical. When amendments are put, it's certainly your obligation as chairman of the House to make sure the debate is relevant to the amendment. To be relevant, an amendment must in fact confine the debate. Therefore, with amendments you have a certain confining of the debate. No one is arguing that arguments that don't relate to the more narrowed focus of the debate as a result of the amendment — that that has to be applied by the Speaker. Similarly, subamendments represent an even further narrowing of the debate.

So I think the concern that you're simply going to have a rehashing of arguments is not really one that is going to be a practical problem. However, if an argument, even if it has been said before on a different question, is relevant to the newly focussed debate as a consequence of an amendment or a subamendment, providing that it is relevant to the amendment, then it seems to me to be in order. It certainly would not be in order to bring in a whole series of comments that aren't related to the amendment. No one is suggesting that, Mr. Speaker. I think you clearly have a duty to make sure that a debate is on whatever the focussed subject matter of the amendment or subamendment is. If a matter that has been raised before is relevant to that debate, then it seems to me, as I look at 22(c), that would be permissible, particularly as 22(c) would be further expanded by Citation 299.

I leave those comments with you for your consideration.

MR. R. SPEAKER: Mr. Speaker, I would like to reinforce, in a sense, the comments that were just made. Historically, and also in reviewing section 22(c), my understanding has been that repetition within debate of the item before us or on the agenda should be brought to our attention and discontinued. It would be the job of your position to do just that. But where a former debate on a subamendment or an amendment has occurred — maybe it has or has not been dispensed with — and that argument is used again in another debate, I think that would be acceptable, because each item on our agenda is independent unto itself.

You say that in terms of common sense, we shouldn't use the same arguments on a series of amendments and subamendments. I could see the same arguments used in each case but maybe with a narrower interpretation, and be applicable to a situation such as that. If we followed the ruling that I saw

in the Blues of Monday, November 21, and also your comments today, our debate would be very restricted. We in this Assembly would find ourselves checking back to former debates, to the amendment and to the original motion to see what the debate was. We would find great restrictions in the debate of the Assembly, and I don't think that is really what is interpreted.

In terms of section 22, I think your office should have a ruling that the debate at hand — if it's on a subamendment, then that debate should come under the rules of whether or not repetition occurs. That would be the parameter of that decision. When we dispense with that item of business and go on to, say, another subamendment, then the rule applies to the debate under that subamendment. Again, I think that would be your parameter to make the decision as to whether or not an argument is being repeated too many times by the member or by other members in this Assembly.

MR. MARTIN: Mr. Speaker, I will not give my same arguments as yesterday, because I wouldn't want to repeat myself.

MR. SPEAKER: Are you on the point of order?

MR. MARTIN: Yes. As you are aware, I made some of the same arguments yesterday. There are just a couple of new points that might be useful, in terms of research. They have to do with the procedural paper, which I am sure the Speaker is aware of, that was recently published by the table research branch of the House of Commons. I think there are a couple of useful references in there that the Speaker may want to take a look at. First, it notes that ...

MR. SPEAKER: Is this the one on relevance and repetition?

MR. MARTIN: Yes it is.

MR. SPEAKER: There is no need to take the time of the House. I have read it, and I will be glad to look at it again.

MR. MARTIN: Thank you very much.

MR. SPEAKER: With regard to what has just been said by the hon. leader of the Independents, I am not sure that I understood the direction of what he was saying. If he was saying that repetition should be in order where two different motions are being debated on two perhaps different subjects although there may be arguments common to both subjects, I would have to agree with him. My problem is with regard to debate on a motion which is subject to a proposed amendment and then a proposed subamendment. My problem is having the same arguments repeated at all three stages. That is a difficulty which is still lingering in my mind.

head: **GOVERNMENT BILLS AND ORDERS**
(Second Reading)

Bill 98
Hospitals and Medical Care Statutes
Amendment Act, 1983

[Debate adjourned November 21: Dr. Buck speaking]

DR. BUCK: Mr. Speaker, in speaking to the subamendment, I will review it for members of the Assembly who were maybe not here yesterday. The subamendment says:

and that the Committee be instructed to hold public hearings on the subject matter of the Bill.

Mr. Speaker, when we are talking about how narrowly we restrict debate, I am utterly confused. I am not sure if we should be talking about debating "Committee" or "instructed", or talking about "hold", or "public" as opposed to private hearings, or if we should be debating "hearings". What I am trying to indicate to the Assembly is that the subject matter of user fees be referred to the Committee on Public Affairs and that in that committee, we hold public hearings. When we hold public hearings Albertans can come to this committee, to this Assembly sitting in committee, and express their views in laymen's language. We would not be encumbered by legalese and parliamentary terms. We would give citizens the opportunity to come and tell this committee why Bill 98 should not be passed at this time.

If we are really going to serve the needs of the people — and we've had quite a broad-ranging discussion on what the people out there are saying about user fees. We've been told by our constituents what their opinions are, and we are speaking for those constituents. But we feel — and quite obviously it seems that the feeling is limited to the four opposition members — that the public should be given an opportunity to come to this Assembly to state their views. That is what we are asking for when we ask for public hearings on the subject matter of Bill 98.

Mr. Speaker, if the committee is going to do its job with diligence and have all the information before it that the citizens of Alberta would bring to this committee, that is the information the committee should hear. That committee can then report back to the Legislature and to the government, and make a decision. But that's not the way it has worked before. I have been involved in the parliamentary process for a number of years. Governments seem to think they have all the knowledge, especially when they have an overwhelming majority as we have here. What I am saying is, let's have public input; let the man on the street come to this Assembly and express his views. Because right now this Assembly, this government, is not listening to the views of the people of Alberta. You can take any poll — a grass poll, a walking-down-the-street poll, or a sophisticated poll — and you will find out that the people in this province do not want user fees. That is why we should ask the public.

Why do we set up legislative committees? It gives us that second line of defence: if we make a bad decision, we can correct it. Mr. Speaker, I have been in this Assembly a number of years, and I know the way the process works. I know that I have seen legislation amended in this Assembly on third reading. After it has gone through many caucus meetings, through the government caucus, through sub-caucuses, it has come to the Assembly and has gone through first reading, second reading, committee, third reading. And an amendment is brought in at that stage. So the system is not so foolproof. The government is not so foolproof that it doesn't make mistakes. Mr. Speaker, what we are trying to do on this side of the House is give Albertans one more chance to give some direct input to the committee, through public hearings.

There have been many precedents for public hearings in this Assembly. Back in the days of the Social Credit government, we had public hearings in this Assembly on the Bighorn dam issue. We have welcomed this government to have public hearings on many, many issues. The government has never given the people of the province that opportunity except once. After they had changed the royalty rates, then we had the window dressing of so-called public hearings in this Assembly, which really didn't do anything except pat the oil industry on the head

and say: boys, we've done it; nice you could come and say a few pleasant words to us and express your concern.

So this government has had public hearings in this committee and the Committee on Public Affairs. There has been that opportunity before. It is not a precedent to have public hearings. That is really what participatory democracy is all about: giving people the opportunity to come to their elected people, to be in front of us and express their views in their own language, their own feelings on the issue, and why we should or should not do it. That is participatory democracy. But it seems to be that once we have these referendums every four years in this province, when you vote either yes or no, the government doesn't think it should listen to people in public meetings and public committees. The opportunity should always be there. We must never be so arrogant, so high-handed and think we have all the knowledge, that we shouldn't welcome people to come to this Assembly and express their views.

As practising politicians, we try to communicate with our constituents. We try to communicate with them through the brochures we send out, pre-sessionally and post-sessionally. We do it through the ads we put in papers, through our constituency offices, communicating with our constituents. But we must always leave open that opportunity to have the people of this province come to this Assembly and directly tell all the elected members of this Assembly how they feel on a certain issue.

Mr. Speaker, this is an issue that affects every Albertan. But most important it affects the poorer people of this province. I know that my learned friend, the right-wing Member for Edmonton Whitemud . . .

DR. REID: He's to my left.

DR. BUCK: To your left? He's to the right of Attila the Hun. But even though they are right-wing people in the hon. member's constituency, there are some poor people in this province, other than the ones that the member wouldn't know about.

Mr. Speaker, if we really believe in grass-roots democracy — and every politician must never forget about the grass roots. He must always remember who is serving whom; that we are serving the people, not the other way around. The opportunity must always be there for the people to come to this Assembly and express their views.

Some of the public hearings that have been held in this Assembly — I so well remember a gentleman from St. Albert, standing in this place, in this Assembly, defying the government of the day to indicate to him why they should build the Bighorn dam. Mr. Speaker, I admired that man. It took a lot of courage to stand in this Assembly, in front of a large group of lawmakers, and express his views, stick to his guns, and not back off when a minister or a civil servant had a go at trying to discredit his opinions and his beliefs. That man stood in his place in this Chamber and defied the government to prove to him why the project should go ahead, because all the information he had as a member of that St. Albert Fish & Game Association indicated that the dam should not go there. But at least the government of the day showed the courtesy to Albertans to have this Assembly open to its people.

Mr. Speaker, we have asked many times to make use of the public affairs forum in this Assembly, to have public hearings on many issues. For some of the new members, the Bighorn dam was an issue in the Socred government. The Dickson dam was an issue that should have been brought before this Assembly, to the Public Affairs Committee. To this day there are many Albertans who did not have the opportunity to express their opinions in this Assembly, directly to the government and

directly to the Legislature, who don't know to this day why the Dickson dam went in that location.

The mechanism is there, Mr. Speaker. The mechanism must always remain there so that the ordinary Albertan can stand in this Assembly and express his views. [interjection] It's fine for the gentlemen to play Mickey Mouse games back there. We would much more appreciate if they would stand in their place and say something for or against, not wait for instructions to come from who knows where, telling them what to say, when to say it, how to say it. What a lack of political commitment.

Mr. Speaker, public hearings have a definite role to play in this Assembly. It has been exhibited before. When this government changes in eight years — and I hope some of the rookies heard that; eight years, that's all; and that's four years more than we really need — I want that new government to make a promise to the people of Alberta to use public hearings in the Public Affairs Committee. And I want the veteran backbenchers, the veteran frontbenchers, and some of the rookies in the back benches to remember that. That is a promise that the new government should make to the people of this province: that we will have public hearings on contentious issues in the Committee on Public Affairs.

So, Mr. Speaker, with those few remarks, I would welcome the backbenchers — unless they've been told not to get into the debate, and of course they always do what they're told to do. I welcome their remarks about why they support or do not support the use of public hearings in the Public Affairs Committee. Or have they received their message yet, Deputy House Leader? Have they been told to speak in this debate, or have they been told just to use the old rubber stamp and raise the hand?

Mr. Speaker, with those few remarks, I welcome debate on the subamendment that this committee be instructed to hold public hearings on Bill 98, the Hospitals and Medical Care Statutes Amendment Act, 1983, as it relates to user fees and other related matters.

Thank you, Mr. Speaker.

MR. COOK: I'd like to make a brief contribution. I'd like to observe that I've received no phone calls on this issue, no letters on this issue from any of my constituents. The importance of the hon. member's contribution to the debate is best indicated, I think, by the number of people in the galleries — there being virtually none. That is the proof of the pudding. The hon. member's debating performance in this contribution is probably one of his best ever, which doesn't say very much.

MR. STROMBERG: Mr. Speaker, I was listening with considerable interest to the remarks made by the hon. Member for Clover Bar making reference to us members staying quiet. He mentions the years that he has served in this Assembly. I would like to point back about eight years ago when I stood in the Assembly and argued the case for a number of people in my constituency and in the member's constituency of Clover Bar. This was with regard to a coal mining project called Dodds-Round Hill. [interjections]

MR. SPEAKER: Order please.

DR. BUCK: Mr. Speaker, that's not the truth, and the hon. Member for Camrose . . . [interjections]

MR. SPEAKER: Order please. It's a very well-known principle that a disagreement between members as to a matter of fact or alleged fact is not a point of order. The hon. member may be distressed about it, but he doesn't have a point of order.

MR. STROMBERG: I certainly agree with you, Mr. Speaker, that that is a sort of settlement he and I can settle outside.

I believe the town of Tofield is in the Clover Bar constituency, which is served by the hon. member. I would like to point out that Tofield and the surrounding farmers had quite a stake if that development went ahead. I spoke in the Legislature and argued against it. But the Member for Clover Bar must have had lockjaw, because I didn't hear one word from him.

DR. BUCK: Mr. Speaker, the hon. member is a liar.

MR. SPEAKER: Order please.

DR. BUCK: Mr. Speaker, the hon. member is a liar, because I was at all the public hearings . . .

MR. SPEAKER: Order please. Would the hon. member . . .

DR. BUCK: I will not sit down, because he is lying.

SOME HON. MEMBERS: Sit down.

DR. BUCK: I will not.

MR. SPEAKER: Would the hon. member . . .

DR. BUCK: The member well knows that I was at all the public hearings, the same as he was. Therefore I am accusing the member of misleading this House and the people of this province. I will not retract that statement.

MR. SPEAKER: The hon. member may be mistaken in his memory, as may be the hon. Member for Clover Bar, without either hon. member being a liar. Even if either hon. member were a liar, there is no right to call another member a liar. The hon. member knows . . .

DR. BUCK: Mr. Speaker, there is a right to be called a liar when the man is not telling the truth. That's why I called him a liar. [interjections]

MR. SPEAKER: Order please. I doubt very much whether there has ever been a point of privilege, which is what this is . . .

DR. BUCK: That's right.

MR. SPEAKER: . . . in a parliament where one member has called another a liar — and it does happen that members lose their temper and use that word once in a while. From the reading I have done, when an accusation like that is made, usually with some considerable heat, it nearly always happens that the member says he simply can't let that go by, he must label it a lie, and so on. The fact of the matter is that there is a way for hon. members to disagree. It's possible to point out to a member that what he has said is mistaken. But regardless of the provocation, it is not permitted in any parliament that I am aware of for one member to call another member a liar. I think that the principle I mentioned a while ago — that a difference of opinion between members as to fact, a difference of belief, a recollection as to fact, or whatever, does not constitute a point of order — certainly fits in with the strictures against one member calling another member a liar.

I don't want to rehash old territory — I'm afraid that's a mixed metaphor; I guess old territory has to be reploughed. But in any case, the fact of the matter is that we are here

because we were chosen by constituents — and that applies to me as well as to the rest of the members — and that we respect the choices of those constituents. That's part of the democratic process. We don't bump each other off; we come here to debate. When constituents have chosen members to serve in this Assembly, we must respect them, and that also applies to me. Not only must we respect the members; we must also respect the constituents. That's one reason why I think the Speaker should give really careful consideration to a situation of this kind.

The hon. Member for Camrose was elected by some constituents. They have heard another member, elected by his constituents, call him a liar. I think that is disrespectful to both the hon. member and his constituents. I would respectfully suggest to the hon. Member for Clover Bar that his constituents — and I realize that he is responsible for them more than I am, but I must respect them nevertheless. I've got to respect all the constituents who have elected all the members in the province. Partly out of respect for the constituents of the hon. Member for Clover Bar who have sent him here to the Assembly, as they have sent the rest of us, to debate issues and not to throw certain kinds of remarks at other members — that's not the purpose of the election process. Having regard to all of those things, I would very respectfully and earnestly ask the hon. Member for Clover Bar to deal further with what he has just said.

MR. R. SPEAKER: Mr. Speaker, on the point of order that's being discussed and the rules as such, I'd like to refer to the intent of the subamendment, and that is the merits and demerits of public hearings.

MR. MARTIN: What did that have to do with Camrose?

MR. R. SPEAKER: As well, Mr. Speaker, I'd like you to apply the rule of relevance to the discussion that's going on, because the hon. Member for Camrose was not on subject. He was talking not about public hearings but about another member's debate in this Legislature . . .

MR. NOTLEY: Completely out of order.

MR. R. SPEAKER: . . . and in doing that was carrying on a vendetta of his own to personally attack an hon. member with debate that was out of order. So if we are asking someone to withdraw remarks, I think the remarks that should be withdrawn first should be those of the hon. Member for Camrose that initiated accusations, which shouldn't be allowed in the House, under debate that was not relevant to the subject at hand. If that rule had been applied, the hon. Member for Camrose would not have been allowed to say what he did say and provoke the response from my hon. colleague here in this Assembly.

MR. SPEAKER: The question doesn't depend on the adequacy or inadequacy of the provocation. The fact of the matter is that regardless of the provocation, parliamentarians do not make that sort of judgment and condemnation of each other.

I have to acknowledge that I had some doubt about the relevance of what the hon. Member for Camrose was saying. However, I had not yet listened as long to determine his direction as I did yesterday when the hon. Member for Clover Bar was saying things of which I couldn't understand the relevance. I listened a lot longer before I intervened on that occasion.

It's not up to me to dream up ways for making out to be relevant what the hon. Member for Camrose was saying, and I don't want to be suggesting things that he might say if he

continues the debate. But in view of the way the matter has been raised by the hon. leader of the Independents, quite frankly my expectation was that the hon. Member for Camrose was about to say that on a certain other occasion the hon. Member for Clover Bar had not asked for public hearings and on this occasion he did. I thought he might be saying that. I don't even know whether it's true. But that's what I thought he might be saying, and I thought he was presently about to become relevant. On many, many occasions — I'm sure hon. members may remember some of them better than I — I have sat here and listened to things that appeared to be irrelevant, because I was expecting that shortly the member would show the connection between what he or she was saying with the matter under debate.

So to come back to what I said a moment ago, I appreciate the intervention of the hon. leader of the Independents. But the adequacy or inadequacy of the provocation is not something that I am entitled to take into consideration under the circumstances, because it is a clear rule and a clearly established practice that no provocation that may occur in a parliament justifies it.

MR. ALEXANDER: Mr. Speaker, on the point of order made by the member and your comment about what is at stake, if I may I might just make two remarks while you're considering the matters of relevancy and consideration of other members and their constituents. You quite rightly observed that yesterday we heard the hon. Member for Clover Bar in his best Elmer Gantry mode, in which he berates those of us in the back benches. I guess I was unable to find . . .

MR. SPEAKER: I suppose that comes short of Attila the Hun, so I won't say anything about it.

MR. ALEXANDER: Thank you for appreciating that fine distinction. I had a little difficulty sitting here. I'm not sure how one can measure the degree of insult, but yesterday, and I quote from the Blues:

. . . the hon. Member for Edmonton Whitemud stands at a Tory rally or convention [and says] we have to stop people who are stealing from welfare; we have to get rid of these welfare bums; [and do such] great right-wing things.

I sat here and listened passively to that. I don't know whether that's a greater or lesser insult than the member has just been dealt but, Mr. Speaker, observed in the last day or so that if one has a long needle, one should have some patience.

While the point is being made about both relevancy and respect for other people and for their constituents, a point just raised which I think is also relevant, I might add that the hon. member went on to describe members of my constituency rolling up to a convention in "gold-plated Cadillacs and Toronados and . . . Cieras", which I don't consider to be respectful. I add that for your consideration, Mr. Speaker.

MR. SPEAKER: I don't recall hearing those remarks, and perhaps I wasn't in the Chair at the time. I'm almost sure I wasn't in the Chair at the time. But I'm sure that it could have been drawn to the attention of the person who was presiding. In any case, we're not really dealing with that event of yesterday. [interjections] Order please.

We're dealing with something that is more recent than that, which unfortunately I have the duty to deal with. I'd like just to sit here and say nothing and let things fly, but that's not what I'm put here for. So again, I would say to the hon. Member for Clover Bar that I'm sure, with all his long years of service

and the many things he's read about parliaments, that he has never yet discovered in the *Journals* or *Hansard* of any parliament a situation where this kind of remark has been condoned or has been accepted as being in any way parliamentary.

MR. HORSMAN: On behalf of the government, I respectfully ask the hon. Member for Clover Bar to comply with the request of the Speaker to withdraw the particular term which has been termed unparliamentary on a number of occasions. Obviously there is a major disagreement on the matter of some previous occasion between the hon. members in the Assembly. The hon. Member for Clover Bar has been in the Assembly for many years now, much longer than I have. He is a delightful speaker, and on many occasions has effectively twitted the government members — frontbench, backbench, whatever. I suggest that he can find a much more delicate term to use to describe the disagreement between him and the hon. Member for Camrose. In order to give him some time to think of that, perhaps we might withdraw that particular word and get on with the business of the day. I appeal to the hon. Member for Clover Bar to do just that.

DR. BUCK: Mr. Speaker, I don't need any coaching from the Deputy Government House Leader. I was about to rise in my place and make a retraction. But I will make a retraction on one condition: that the hon. Member for Camrose has the intestinal fortitude to stand in his place and tell this Assembly and people of this province that I was at the public hearings in Round Hill just as many times as he was at them. When the member spoke in his place in this Assembly, certainly I did not speak at that time. But the hon. member also should have the intestinal fortitude to stand in his place and not distort the truth. [interjections] It's not the same as being a liar, or maybe it is the same as being a liar. I was raised on a farm, and a liar is a liar. Mr. Speaker, I am pleased to withdraw the fact that I called the hon. Member for Camrose a liar. But I am also asking him to stand in his place and publicly say that I supported those people in the Round Hill-Dodds area just as much as he did.

MR. NOTLEY: And do it within the grounds of relevancy, Gordon.

MR. SPEAKER: I have really no authority to order a member to say anything, and I didn't realize — perhaps I missed something — that the reference was to public hearings at Dodds-Round Hill. I thought the reference was to something that happened in the Assembly. However, that's something between the two members that I should probably not become involved in. I believe the hon. Member for Camrose — I don't know if he remembers — still has the floor.

MR. STROMBERG: Oh, this is rather interesting. In order to clear the air, I think I'll have my research intern go through the *Hansards* of that debate on the proposed power dam, and then I will go through my files and research again. I've never been able to find any letters of support from the Member for Clover Bar to the farmers in the Dodds-Riley-Tofield-Round Hill area. But if he has documentation that he has written to them giving support, I would surely appreciate a copy of it.

MR. SPEAKER: I don't really see the relevance, either to this subamendment or otherwise, of a request to the hon. Member for Clover Bar to provide documentation which will show the hon. Member for Camrose whether he's right or wrong. It

seems to me he has to get his own documentation. Has the hon. Member for Camrose concluded his remarks?

Are you ready for the question on the subamendment?

MR. NOTLEY: Mr. Speaker, first of all I'd like to thank the hon. Member for Camrose, because he certainly assisted this afternoon in helping the people of Alberta delay for yet another day this terrible Bill.

MR. SPEAKER: Order please. That's not called for, and it's totally irrelevant to the subamendment. If the hon. leader is as interested in saving time as he says, may I suggest that he drop the asides and get to the topic of the subamendment.

MR. NOTLEY: Quite true — quite irrelevant to the Bill, but from time to time these things do occur.

Mr. Speaker, I'd like to deal with the amendment for a few minutes.

MR. SPEAKER: The subamendment.

MR. NOTLEY: The subamendment before the House deals with the question of whether we should have public hearings. I don't think there's any doubt that the process of public hearings, held in conjunction with the Legislature, is well established as part of our parliamentary tradition. Unfortunately it has somewhat fallen into disuse by this government, but that doesn't alter the proper precedent that has been established in the past of holding public hearings when they are merited.

We've had some examples cited of public hearings in this province. I think members who recall the public hearings will admit they contributed to a better understanding of the issue at hand. I was not here in the House when public hearings were held on the Bighorn dam in 1967, or perhaps 1968, but I was active enough in the political arena to recognize the time that was spent by the House. Submissions came from a number of people, and I think the government was better able to evaluate its final position.

I think it's also worth noting, Mr. Speaker — you weren't in the House at that time, but you too were active in your particular party — that the then Conservative opposition in the House was very much in favor of public hearings. The then leader of the opposition was in the forefront in calling for public hearings, and he was correct in calling for public hearings on the Bighorn dam. But while building a dam is important, a Bill which is going to fundamentally alter the right of Albertans to proper health service is, in my submission, a good deal more important. If a party can support public hearings in 1968 on building a dam, then I find it difficult to understand why we have some members reluctant to support this subamendment calling for public hearings on something as fundamental to the rights of Albertans as the right to health.

Mr. Speaker, I note that several government members have contributed to this debate. I think it is worth noting several of their observations. The Member for Edmonton Glengarry, for example, says that we don't need to debate public hearings because he indicated he hadn't received any phone calls or letters. Frankly, Mr. Speaker, I'm surprised at that. I must confess that I'm very surprised. I don't know what kind of communication system the hon. Member for Edmonton Glengarry has. If he's on top of his constituency situation at all, I'd be astounded if he has not had representation to him on the basis of people being concerned about user fees. I have certainly had all kinds of representation made to me about the advisability, or otherwise, of user fees.

Last night, when I couldn't be in the House and was back at my constituency, at an annual meeting of a group of senior citizens, over and over again I had people come up and say: we are opposed to the introduction of user fees. Mr. Speaker, these are the kinds of people who have a right to make their views formally known in the House. It's not just a case of being able to call their MLA, in this case the MLA for Spirit River-Fairview, and have me communicate these views. I will certainly do that. But on an issue as important as the health care services we provide in this province, they have a right to make representation to the Standing Committee on Public Affairs. Mr. Speaker, I find it extremely hard to follow why the government caucus has decided that in contrast to the open approach of the 1960s when they were seeking office, now that they're in public office we suddenly have a blank memory on all the arguments advanced in the '60s for participation, for involving the people of Alberta in major decisions which affect them.

The hon. Member for Clover Bar pointed out, again quite correctly, that in [1972] — and these were a set of public hearings that I happened to be able to participate in — we held public hearings on the rate of royalties. Mr. Speaker, I certainly think that it was prudent for the government to hold public hearings on what the royalty rates should be. But I would say to you and others that however much right the public of Alberta had to consider the royalty issue, is that a more important issue than the health system? I don't really think it is. I would say that both are important issues. If we can have public hearings on oil royalties in 1972, then what is wrong with the proposition of holding public hearings on the entire subject matter of Bill 98?

Mr. Speaker, the only arguments that I could discern — they haven't been put, by the way, because none of the government members has bothered to give us the credit of debating this amendment. We don't know why they're opposed to it, because nobody said anything.

MR. COOK: It's irrelevant.

MR. NOTLEY: Someone says it's irrelevant. How can public hearings be irrelevant?

MR. MARTIN: The only thing irrelevant is the Member for Edmonton Glengarry.

MR. NOTLEY: That is an incredible statement the hon. Member for Edmonton Glengarry has made. I certainly hope that's there in *Hansard* so it can be sent to people in his constituency. Public hearings are irrelevant. Well, isn't that interesting.

Mr. Speaker, the fact of the matter is that we haven't heard why the government seems bound and determined to vote down this subamendment. The only plausible argument that I could fathom as to why a government might be opposed, unless they don't accept the principle of public hearings, unless they have a penchant for a secretive, behind-closed-doors decision-making process, unless they have that sort of 1984 overtone to their political strategy — I can't understand why they'd be opposed to public hearings unless there were some practical reason. If the practical reason was that we had a time commitment we had to make with another government, that there was some obvious reason to move this fall because we had to meet with the federal minister and synchronize our legislation with federal legislation — if that were the reason, if there were some practical limitation, then I could understand the government rising and saying they're not going to accept the proposition of public hearings.

But you know, Mr. Speaker, there is no practical limitation other than the unwillingness of this government to listen to the public. That's the only limitation — nothing to do with any agreement with the federal government. As a matter of fact, the federal government would probably welcome public hearings on user fees, because it would show that the vast majority of people in this province are not in favor of what this government is trying to inflict upon Albertans.

No, Mr. Speaker, there hasn't been any plausible argument presented against an approach of involving the public in an important issue, which apparently, some years ago, was so important. Frankly, as I recollect, I think it was one of those guideposts that the now Premier presented when he first became leader — not even Leader of the Opposition, but leader of the Conservative Party. We had these guideposts, and we were going to have open government and involve the people. What a farce that is, as we look back over the last number of years. This government's retreat from open government would make Napoleon's retreat from Moscow look like a very modest effort indeed. And all the backbenchers retreating with them.

Well, Mr. Speaker, the fact is that the amendment we have today would recognize that the people who are the ultimate users of the system should have some right to make representation to this Legislature.

MR. MARTIN: It certainly wasn't part of the election campaign.

MR. NOTLEY: I would say, Mr. Speaker, that the government might well consider the merits of having Albertans who understand the value of this health system, come before this House. For that matter, there are certain Albertans who totally oppose the health care system. I suspect that they have the hearts if not the public support of some of the members of this government. But perhaps Dr. Dawrant — isn't it? — the physicians who don't like medicare. Perhaps he could come. I'm sure he would if we held public hearings on this issue, and rightly so. Come in; tell us what's wrong with the health care system. I'm sure he'd be glad to do that, and he has every right to do that. I don't agree with his position, but that's irrelevant. Whether I as an individual member agree with the kind of submissions we're going to get if we hold public hearings, is quite beside the point.

Before we make a change in something as important as the health care system, Mr. Speaker, we have a right and an obligation — we as members have the right to listen, but more important than that, we have the obligation to listen. I cited one example of a group that may very well say: we're right behind the government's approach; we like what Bill 98 forecasts because we think this is the first step along the road to dismantling the entire system. That's fair enough. They have the right to make that position known in the House. On the other hand, there would be other groups. The Friends of Medicare, for example, is another group that is totally opposed to everything in Bill 98 and would present arguments why they oppose it.

Mr. Speaker, I mentioned last night that I had an opportunity to speak to a group of senior citizens in my constituency, and this issue came up. It probably is a much more compelling issue among our senior citizens and older people in this province than it is with people like the hon. Member for Edmonton Glengarry, who is young, who is almost a postmedicare member. For some of the people who had to go through the experience of trying to meet their medicare bills or not having proper medical attention, or the difficulties of paying the bills which lingered through years and the embarrassment of always having

that doctor bill which isn't paid, you will realize just how strongly they feel about the health care system we have in place and how worried they are about any system of user fees.

I know that hon. members in the government caucus could say, of course we have exemptions. You have exemptions, Mr. Speaker, but the fact of the matter is that many of the people who really haven't got a lot of disposable income are just above the exemption level and they are worried. Senior citizens have a tremendous amount of pride, and one of the most important things about the health care system is that it allowed people to be able to go to a doctor or be put in a hospital and retain some element of pride so they don't have to ask for charity. The doctor doesn't have to give charity and the patients don't have to request charity.

MR. SPEAKER: I must confess that the hon. member is going into the merits of health care rather than dealing with the merits of public hearings. As he himself said earlier today, very fairly and correctly I thought, an amendment certainly narrows the scope of debate. I suppose everything that has already been said in the debate could now be repeated under the guise of saying that this is the sort of thing we'll hear in the public hearings, but I would say that's not relevant.

MR. NOTLEY: Mr. Speaker, without prolonging the debate on the point of order you've raised, which I note with interest, I believe we have probably passed the one-hour time. If you would check your clock, we are probably into private members' business. Rather than trespass on private members' business, I will beg leave to adjourn debate unless you can advise me what time is left.

MR. SPEAKER: Four forty-three.

MR. NOTLEY: Fair enough.

MR. COOK: Question.

MR. MARTIN: There's the Glengarry question again. Rollie Question.

MR. NOTLEY: Is the hon. Member for Edmonton Glengarry wanting to have the question called? Isn't that surprising.

Mr. Speaker, I want to move on to discuss why I think it is important that we hold public hearings. I believe very strongly that one of the major advantages of public hearings is that you can improve the legislation. There isn't much point in doing anything unless we can improve the legislation. As a matter of fact, what's the point of even having a Legislature unless, in the process of deliberation, we can make changes and adjustments? Sometimes those changes and adjustments come a little later. I guess that's one of the roles of the opposition. Governments never like to accept amendments from the opposition. But if public opinion is aroused, then changes can be made. However, Mr. Speaker, I suggest that before we rush through this particular Bill, we have to ask ourselves: would it be improved as a result of public hearings? Without any hesitation at all, I say it would be substantially improved by the advice of Albertans. A moment ago I was talking about senior citizens. Without getting into the concerns, I think it's fair to say that the senior citizens of this province have a concern and a commitment to the health care system which is unusual.

The point I want to make, partly in defence of the point of order but partly because I think it's completely relevant to the argument, is that we would have better legislation if we took the time to listen to some of the people who did not have the

health care system before it came into effect and who feel that the principles contained in Bill 98 are going to wreck the health care system. You may not agree with that, Mr. Speaker, and the hon. Provincial Treasurer and the hon. Minister of Hospitals and Medical Care may not agree with it. But if people feel that ...

MR. SPEAKER: I don't think the hon. member is entitled to put opinions into the Speaker's mouth unless the Speaker is entitled to take part in the debate. He knows what that situation is.

MR. NOTLEY: I would never want to suggest, Mr. Speaker, that you take part in the debate.

The burden of the argument I was presenting is that regardless of what people in this House may think, the fact of the matter is that there are individuals in this province who believe that this Bill is going to seriously jeopardize the health care system they value. The value of public opinion is something that every member of this House must respect, regardless of where they sit.

The subamendment the hon. Member for Edmonton Norwood has presented to my initial amendment would be to mandate this House to hold public hearings. I think there could be no possible argument against public hearings. I've mentioned certain groups that I think would come. I would just add that in addition to some of the groups I've identified that would be valuable on the question of user fees, there are other elements of this Bill that would also benefit from public hearings. You'll note, Mr. Speaker, that the amendment I moved was that the subject matter of Bill 98 would be referred to the Standing Committee on Public Affairs. My colleague has moved that we have a set of public hearings.

The reason I asked that the subject matter of Bill 98 be referred and that this is now changed to include public hearings is that in addition to user fees, there are other elements that I think would benefit from public hearings as well; for example, the kind of centralization of power that we mentioned the other day. I'd like to know not what the minister but what hospital boards in this province think about it. It's fine to say that we're now going to authorize hospital boards to bring in user fees, but I'd like to know from representative hospital boards, coming before this House, what they think about it. Do they think it's a reasonable approach, or would they be happier if the Provincial Treasurer loosened up and some more funds were made available through the general taxation system so they wouldn't have to bring in user fees? I'd like to know how they feel about the administration of user fees. It's fine for members like the Member for Edmonton Glengarry, the Member for Camrose, the provincial minister, or myself to stand up in this House.

The fact of the matter is that we don't administer hospitals, Mr. Speaker. Nobody in this House has the foggiest idea of how this system is going to be administered. If you're going to be passing legislation as important as this, I would say to you and to other members of the House: what is wrong with providing an opportunity for the people who are going to have to administer the scheme, whose practical advice would be of some benefit? How are we going to chase down people who haven't paid their user fees? Today my colleague raised the question of user fees in the education system. We're taking people to small debts court. Are we going to be doing that with this Bill? Who's going to be doing that? Is it going to be the hospital boards? If it's going to be the hospital boards, let them come to this House and tell us. Let them come to the House and say: is this a good idea, or how could it be amended? Perhaps we would get a lot of practical information from these

people as to the kinds of changes that should be made in Bill 98, totally setting aside whether one likes or doesn't like user fees.

No Bill can be separated in total from its administration. One of the aspects of any piece of legislation that has to be thoroughly evaluated is how it could be administered. I just find it hard to understand why we wouldn't make it possible for the hospital association in this province to come before the Assembly. But that's the administrative side of dealing with Bill 98.

In addition to hearing the Alberta Hospital Association tell us the details of who is going to collect this money, I'd be interested in hearing from the United Nurses of Alberta how this kind of Bill is going to affect morale in our hospitals. Because again, you can't pass sweeping legislation of this nature and say, well, it doesn't make any difference what's going to happen to morale, it doesn't make any difference who collects the money — we've made a decision in caucus, behind closed doors, so caucus or perhaps the minister made the decision — and ignore the implications.

In discussions I've had with people in the health services field, there is no question at all that this Bill is going to have a devastating impact on the morale of workers. If that's the case, then is there not an unimpeachable argument for holding public hearings ...

MR. COOK: No.

MR. NOTLEY: The Member for Edmonton Glengarry again says no. That doesn't surprise me at all. But is there not an unimpeachable case for public hearings so people can come before the House before the government rams this Bill through the Legislative Assembly? I just don't fathom at all how there could be any possible argument.

The other point I want to make on the value of public hearings is a little more complicated, but important. Because the government of Alberta is riding off into the sunset with a six-gun approach to fighting Ottawa — a sort of Gary Cooper approach, or might I say Ronald Reagan — the fact of the matter is that with any common sense at all, it should be obvious to even the Member for Edmonton Glengarry that public opinion should be behind the government before it gets into a major confrontation with Ottawa.

I have to confess a certain amount of respect for the sagacity of our Premier on oil questions. Before we got into our major battles, he always knew which way public opinion was going, so he was able to take the Sir John A. Macdonald approach — finding out which way public opinion was going and stepping in front of it. In this case, Mr. Speaker, it's my own respectful submission that there's no doubt at all that public opinion is not only opposed to the government but substantially opposed to the government.

MR. SPEAKER: The time has elapsed for this particular order of business.

MR. NOTLEY: Mr. Speaker, I beg leave to adjourn debate.

MR. COOK: Mr. Speaker, I ask for unanimous consent for the House to continue the debate so we can listen to the balance of the leader's remarks. Because unless he's being merely obstructionist, unless he's simply trying to delay, he would want the opportunity to present his ideas to the House for the balance of ...

MR. SPEAKER: Perhaps we could deal with the request for unanimous leave without becoming too analytical of the mind of the Leader of the Opposition.

There's been a request for unanimous leave that we continue on this order of business. It's open-ended; I'm not sure what length of time the hon. member had in mind. Did he intend it to be for the rest of the afternoon?

MR. COOK: Yes, Mr. Speaker. I'm sure we would enjoy listening to the Leader of the Opposition carry on until 5:30.

MR. SPEAKER: Is there unanimous leave?

SOME HON. MEMBERS: No.

MR. SPEAKER: No, there isn't unanimous leave.

head: **MOTIONS OTHER THAN
GOVERNMENT MOTIONS**

201. Moved by Mr. Lee:

Be it resolved that the Assembly urge the government to review its current financial support for urban transportation and give consideration to funding two-thirds of the capital cost of any arterial roadway project, transit project, or land purchase for future transportation right of way which is to be undertaken by a municipality and which has been approved by the Minister of Transportation.

[Adjourned debate April 19: Mr. Anderson]

MR. ANDERSON: Mr. Speaker, I'm happy to note that the opposition members were waiting with such bated breath for my words that they didn't want to finish their own speech. I appreciate that. However, I hate to disappoint them. I believe I made the bulk of my remarks during the first series of debates on this particular motion, and only very briefly want to wrap up those remarks before other members consider this motion.

Indeed, as I mentioned in initial comments in the spring, in my opinion the motion is one that should be considered by the Assembly from [the standpoint of] a city such as Calgary, which for some years faced difficult transportation problems as a result of rapid growth that could not be assessed prior and now, all of a sudden, is faced with a situation where that growth, planned for for some years, has stopped and in fact there has been a negative increase for some time. There is no question about the need for transportation planning in the urban communities. As well, I think members of city councils in both cities have indicated that need, and that's another good reason to discuss this motion.

Over the summer, since we last had an opportunity to discuss this topic, I think we've also become more and more aware of the difficult financial situation we're in, the need for restraint, the need for proper long-term planning. In that regard, I think this particular motion, though one that should still be considered, has to be looked at in terms of its cost and what plans there are for the two cities in Alberta with a population base over 500,000.

I know that other members who have contributed to the debate, and who possibly may yet wish to speak, have talked and will talk as well about the need in rural areas regarding transportation funding, perhaps a formula which would deal with all aspects of transportation in the province. I'm not sure that is totally practical. I think there are differences, but transportation in all parts of the province eventually benefits all citizens in our province. Indeed, if we don't have proper transportation facilities, the roadways and highways in the rural parts of our province, the products we need to keep our cities

operating properly, movement and communication within our province cannot take place the way it should. I believe the same is true in the two urban areas, although it may be less obvious to people who aren't living in them.

It is also crucial that we have proper transportation planning. The speed at which people and goods move about those two centres, in most cases dealing with products that have been developed in our rural communities, is also essential. The fact that we allow for the efficient utilization of human resources there benefits the province in total, in all respects, in the long term.

I personally hope and believe that there should not be a rural/urban argument with respect to transportation. Obviously all constituencies have varying priority levels. None the less I personally recognize the need in the rural areas, and I hope rural members will recognize the need in urban areas.

Mr. Speaker, I will end by saying again that in this time of economic restraint I believe we have to deal with long-term planning. I would like to consider this motion further in light of the needs that the two urban centres, Calgary and Edmonton, are projecting for the coming years, given the rapid change in the population growth question. With those few words, I would like to again congratulate the Member for Calgary Buffalo for bringing this motion to the Assembly. I will sit down and allow other members to debate.

MR. STILES: Mr. Speaker, I am pleased to be able to rise and address this motion today. I too would like to thank the Member for Calgary Buffalo for bringing this to the attention of the Assembly and making it possible for us to debate the issue.

The Member for Calgary Currie has dealt somewhat with the approach to this motion that I was going to take. It is a concern to me that we are dealing with a motion that addresses urban transportation, and there is no mention at all with respect to the needs and desires of the people in the rural parts of this province in this regard. In that light, I had in mind speaking somewhat in defense of the rural sector of the province in this area.

Mr. Speaker, the gist of this motion is a matter of transportation funding. I guess it is a question of where we divide the wealth of the province. If we are going to increase the funding for transportation, obviously we are going to have to either take more money from the people of the province or spend less money in some other area. I think that's fundamental and obvious. By the same token, if we are not going to increase the funding for transportation generally but are going to increase the amount of funding that is devoted to urban transportation, obviously we have to reduce the amount of funds available for transportation development in the rural parts of the province. That also is obvious. So that's what this motion really comes down to: where are we going to spend the resources of the province?

I think it might be reasonable to have a look at where the bulk of transportation funds are now being spent. Using the figures for 1981-82, which are the figures we know of at the moment from public accounts that have been published to this point in time, approximately \$335 million is spent annually on primary and secondary highways in the province. With respect to financial assistance to either urban or rural municipalities, it appears that approximately \$44 million of the transportation budget goes to the rural municipalities; that is to say, the municipal districts, counties, towns, and villages in the province. Approximately \$155 million goes to the cities in the way of financial assistance for transportation development.

MR. COOK: That's reasonable.

MR. STILES: My colleague from Edmonton Glengarry said that's reasonable. The division is that approximately 3.5 times goes to the cities as goes to the rural areas of the province, Mr. Speaker. I would suggest that is not entirely reasonable.

I take issue with some of the arguments that have been put forward in this regard. There is an assumption that the province somehow benefits from improved urban transportation. I would suggest that the province will benefit from improved transportation generally, but we can't confine that to urban transportation alone. I think it's fairly elementary: if we didn't have a rural transportation infrastructure, people in the cities would likely starve in a short time.

Also it is a fundamental error to assume that everything spent outside the cities is necessarily spent for the benefit of people in the rural part of the province. The province of Alberta is set up in such a way that we have two major population centres approximately 200 miles apart, and in between we have a fairly densely populated corridor, the Edmonton-Calgary corridor, linking those two cities. In addition, we have the transcontinental highway system that spans the province. All these highways serve the total population. They don't serve the urban or the rural population. They don't favor either of the two groups. I would say that roughly they serve both equally. So I don't believe dollars spent on primary and secondary highways should be segregated as either urban or rural dollars. They serve the whole province.

There is also an assumption in arguments that have been put forward on this motion that there has been a growth in the cities of the province and, for this reason, there should be an increase in the funding provided to the cities for transportation, perhaps by omission, to the exclusion of increases in other areas of the province. In actual fact, Mr. Speaker, there has been substantial growth in the populations of the towns and villages of this province. Speaking for urban municipalities in the constituency of Olds-Didsbury, I am aware of a growth of over 100 per cent in some of those municipalities over the last 10 years. That is substantial growth and certainly isn't any less than the experience of the two major cities. Accordingly, these towns and villages have transportation costs attached to their budgets. They would have a great deal of difficulty, if it weren't for the assistance of the provincial government, in funding their paving and street-building programs. Therefore they can't be ignored. They have experienced the same kind of growth.

Beyond that, there is an inference that the bulk of industrial development has occurred in the cities. I would like to negate that too, because the towns of this province have all recognized the importance of developing their industrial base. Many of the towns in the province, and certainly in the constituency I represent, have put in industrial parks and have seen the development of industries within their boundaries. So the suggestion that industrial growth is limited to the cities and therefore justifies increased spending on transportation in the cities isn't really a valid one either.

What we are dealing with here is really a question of municipal/provincial cost sharing. Mr. Speaker, I would like to point out that we are dealing with the same people when we talk about cost sharing at that level. With respect to federal/provincial cost sharing, we are dealing with the people of Canada. If we can get a bigger per capita share of the pie, the contributions to which come from across Canada, I guess we would have an advantage. We don't have the population base out here in the west, any more than they do in the Atlantic regions, that contributes to that federal pot. But in the province of Alberta we are dealing with a population represented by both municipal and provincial representatives. The money comes from the same sources. It's the same people who are providing that

money, and sharing that money unequally in terms of transportation costs would hardly be fair.

As a means of paying for some of these transportation facilities, some of the major arteries, I would suggest that perhaps we should consider the idea of a toll payment, as has been used in other provinces. I'm thinking primarily of B.C. Where they have put in fairly expensive bridges over their major waterways, tolls have been set up to charge the users of those bridges, and they have paid for the capital costs of them over a period of years. After they're paid for, the toll gates come out and people use them toll-free. But during the period when they were being paid for, the users were in fact paying the capital cost.

Perhaps that's something we could look at as a means of paying for some major construction projects such as the Deerfoot Trail in Calgary and other freeway projects we've had in Edmonton and Calgary, as opposed to attempting to get a bigger share of the provincial pie for that purpose. Obviously the same would apply to major arteries like the Trans-Canada Highway or the cost of extending to four lanes from two lanes Highway No. 1 in Banff park. I'm suggesting that's a means of paying for something. The user-pay system is the fairest system of paying for anything, and perhaps we should have a look at that.

In rural municipalities, Mr. Speaker, when we find that we have a reduction of revenues or finances to deal with some of these things, one of the answers to that is to reduce expectations. There's no question that people living in the rural areas of the province would like to have all their roads paved, but I think we all recognize that that is simply beyond our ability to pay. We simply don't have the funds to pave all the rural roads, much as we would like to. So we put up with gravel roads and drive on them and put in the occasional windshield as a result. But that's one way of dealing with the problem. I'm not suggesting that the city should go without roads or without developing their freeway systems, but perhaps they could slow down development to match the pocketbook.

There is some suggestion that rapid transit or LRT is part of this motion. Coming from a constituency that straddles the Edmonton-Calgary corridor, I would like to point out that there is substantial interest outside the cities of Edmonton and Calgary in having a system of rapid transit to accommodate the large number of people who have migrated out of our cities and are now living in the rural communities, to assist those people in travelling in and out of the city to their jobs. As an example, for people who travel Highway No. 2, you may be surprised to know that there seems to be almost an equal number of people leaving the city to go to work each day as there is going into the city. It's certainly been a surprise to me in the last few years to notice the flow of traffic both in and out of Calgary early in the morning. I think an LRT system, or some system of rapid transit up and down that Edmonton-Calgary corridor, is long overdue.

Just to touch on that briefly, I've lived in the area for 23 years and I notice we're still using the same rail cars. VIA Rail still has the same bud cars running up and down that track as they had 23 years ago. The cars are antiquated. The system is antiquated. Before VIA Rail took over, one of the things the CPR did in terms of discouraging people from using the passenger facilities on that Edmonton-Calgary line was to arrange the time table in such a way that nobody would want to travel on it because the times that the trains were running were totally inconvenient. They were then able to go to the Canadian Transport Commission and ask to be able to discontinue passenger traffic on that line, because of course they do carry a substantial tonnage of freight over the line. That's something like the fellow who was convicted of murdering his mother and father

and threw himself on the mercy of the court on the grounds that he was an orphan.

The VIA Rail people haven't done much better. They run the trains on about the same kind of time schedule as the CPR used to, the result of which is that very few people are using those trains. But that is not to say that there wouldn't be large numbers of people who would use the trains if they were available. If they ran at a proper time that would be suitable for commuter traffic, I'm sure they would be full in both directions every day.

Of course the other aspect of this is that within the Edmonton-Calgary corridor, one of the major obstacles to doing anything, and obviously something that would mean a great deal of cost, is the number of level crossings up and down that line. They are a constant source of danger. We're all aware of various accidents and the loss of life that has resulted at level crossings up and down the Edmonton-Calgary rail line. That is something that each one of the towns that are situated — and of course the towns in between Edmonton and Calgary were all situated on that railway line because the railway's engineers laid out the town sites in each case. In almost every case they managed to straddle the town site on the railway line. So each one of those towns now has a level crossing problem or more than one level crossing problem inside its town boundary that it would like to deal with. Certainly the cost of rectifying that problem is going to be tremendous, and it's something we simply won't be able to do all at one time. It is also a substantial obstacle to instituting any kind of high-speed passenger transportation system on that rail line.

I don't want to belabor the point, Mr. Speaker. I do believe that the cities face substantial problems in dealing with their transportation needs. Certainly the costs of building overpasses, freeways, and arterial roadways are horrendous. And certainly the cities have a substantial problem on their hands in dealing with those costs. But so too do the towns and villages in the province, and so too do the rural municipalities. I would prefer that this motion had read that the government be urged to review its financial support for transportation generally, and not simply concentrate the motion on the needs of the urban municipalities in the province.

MR. COOK: Mr. Speaker, like the other members, I am very glad that the hon. Member for Calgary Buffalo brought the motion before the Chamber. I think it's timely.

I'd just like to think back to the time when I wasn't a member of the House. I was a student over at the university, but we helped to form the Urban Reform Group here in Edmonton and stop the MacKinnon Ravine freeway. Those are good, pleasant memories of mine, and I'm glad to say that METS, the metropolitan Edmonton transportation system, was killed, largely because of citizens getting involved to stop freeway development in the city. That will be the theme of my remarks. We have to get away from an engineering mentality in solving our transportation problems and consequently spending money. Rather, we have to look at non-engineering solutions.

I want to make about four points in contribution to the debate. First of all, I support continued provincial funding for transportation at a base level. I think that's important. Secondly, I'd like to argue that the funding should not be very generous. I say that because had the city of Edmonton had unlimited access to provincial coffers in the late '60s or early '70s, it would have constructed things like the MacKinnon Ravine freeway or the 105th Street freeway system they were going to run from the south side of the city, up Bellamy Hill and into the downtown core of the city of Edmonton. I think they would have carved up the city of Edmonton with massive freeway

development. So I'm glad the city was starved a little bit for funds in those days.

I think that we as a province should be looking to making the municipalities more financially responsible for their activities, Mr. Speaker. We should be looking at things like gas taxes, and we should be transferring those taxation fields over to municipalities so they can apply a user fee approach to the problem. I think the users should pay for it. The user-pay philosophy also tends to constrain demands on the system for increased services. I think a user fee approach to transportation is something we have to look at. We ought to look not at a province-wide gas tax but maybe we should transfer the right to tax licence plates to the city of Edmonton, so that the cars on the road are paying for the road system. Or they should be allowed to put a 1, 2, or 10 cents a gallon tax — or however much that translates into litres — on gasoline within the city of Edmonton, St. Albert, or wherever, so that if the good folks in St. Albert want more roads they can pay for them, as would be true of the good folks in Edmonton. I think that's a good way of constraining public demand for services.

[Mr. Appleby in the Chair]

The fourth point I want to make is that we need a sustainable society for the 1990s and beyond. For those of us who have driven on U.S. interstates, we marvel at their engineering for the first few years the roads are built. Then when you go into places like Ohio or Pennsylvania, you come across huge chunks of pavement missing from the roads. Those states can't afford to maintain them any more, yet they have huge populations, much larger population concentrations than we have. If they can't afford to maintain them, Mr. Speaker, I think we have to wonder about our ability to maintain our road system in the 1990s and beyond. We shouldn't bite off a whole lot more than we can afford to pay. So I think we want a couple of things: a lean and trim approach to engineering, a user-pays approach to demand, and a sustainable society — one that does not allow us to become grandiose in our period of prosperity.

I'd like to take a point of view as the representative of the people of Edmonton Glengary for a moment, and observe that driving on 97th Street or 82nd Street has been much improved since the widening. In particular, I think the greatest advantage to the traffic problem there has been two things: another set of lanes through the underpass, and changed directional lighting so that you can use the same lane in different directions during the day. A lane may direct traffic downtown in the morning rush and, with lighting to direct traffic onto it, you can use that same piece of pavement for the northbound traffic in the evening. I think we have to admit, Mr. Speaker, that except for about a 45-minute period in the morning and another 45-minute period in the afternoon, we really don't have any traffic problems in the city of Edmonton. I think we should contrast our experience with that in other communities. So in some ways I'm finding myself in agreement with the hon. Member for Olds-Didsbury, that we ought not to spend an awful lot more on urban transit and transportation. It makes me nervous when I agree with the hon. Member for Olds-Didsbury. However, this time we'll have to agree.

Let me suggest a couple of other ways we can reduce our costs on urban transportation. I think we can look at staggering work hours. As I pointed out earlier, we have just a 45-minute period of time in the morning or afternoon when we're really under the gun, and we can stretch that traffic so it's not as much of a problem over a longer period of time.

Mr. Speaker, that really is all I wanted to say. I think we have to look for non-engineering approaches to our urban trans-

portation problems, approaches that are not going to be costly. With our imagination, I think we can do that. Because of the need for more input on taxation, ways to constrain demand, and non-engineering solutions, I urge that we adjourn this debate and consider it again later.

MR. DEPUTY SPEAKER: Did the Chair understand that the hon. member was moving to adjourn debate?

MR. COOK: Exactly, Mr. Speaker.

MR. DEPUTY SPEAKER: Are you all agreed?

HON. MEMBERS: Agreed.

202. Moved by Mr. Hyland:

Be it resolved that the Assembly urge the government to explore and work towards the development of improved private sector short-run and intermediate agriculture credit instruments for Alberta farmers.

[Adjourned debate April 19: Mr. R. Moore]

MR. R. MOORE: Mr. Speaker, I am pleased to speak to Motion 202 today because it relates to one of our major base industries, the agricultural sector of this country. The agriculture industry is of major importance to Alberta, not only to the producer but to the many organizations and businesses that benefit from the agricultural production we have throughout the province. When we look at these industries — and they're in every area, from the small towns right to the urban areas of Calgary and Edmonton — we must realize that a healthy agricultural sector will benefit us all.

Keeping that in mind, I'd like to speak to the importance of credit in the farming community, and that's where production credits come in. Production credits were a program or project set up in the United States. It reached national proportions down there, with the national organization, and then regional and local areas, to provide stable credit to the farming community. The local organizations run it, and local people are the ones who know the farmers, know their needs. Mr. Speaker, I cannot overemphasize the importance of local organizations when making loans. They know the needs and the people, so loans are made in a reasonable fashion and with good results.

Considering the percentage of total operating expenses that interest makes up in the farming area, it's very, very essential that farmers have a stable interest rate so they can base their projections on that one input and come out in the black at the other end. Mr. Speaker, it's a good idea that we have such things as this, but you would say, where would the money come from? Once production credits associations are set up, I would very much doubt if we would have a problem finding investors. In the United States this is often raised through the sale of bonds and debentures. Let's say we were using this method for raising money here in Alberta. It would probably work the same way. We have farmers who are retiring, and if there were a tax incentive in place so they would invest in these protection associations and save themselves money, rather than paying it out on capital gains, then other farmers could use that in expanding or operating their operations.

Mr. Speaker, Alberta has a very positive record of helping out farmers. For instance, the Agricultural Development Corporation has done a wonderful job here providing money where it is needed. But I think the establishment of a production credit association of Alberta would enhance the current situation in Alberta, and maybe it would take some pressure off the Agri-

cultural Development Corporation. Ultimately I can see a day when an independent organization such as a production credit association run directly by the farmers would get the direct loan business out of government altogether and into the hands of the farmers where it would work best.

Mr. Speaker, I would like to conclude my remarks by saying I support the very worth-while motion put forward by the Member for Cypress.

MR. LYSONS: Mr. Speaker, I too would like to join in the debate on this motion. I think it's a very, very good motion and a very practical one, particularly at this time when farmers, businesses, and individuals are suffering as they've never suffered and never could have contemplated suffering in this country of ours. The motion reads:

Be it resolved that the Assembly urge the government to explore and work towards the development of improved private sector short-run and intermediate agriculture credit instruments for Alberta farmers.

I would like to say that for the most part, this instrument that would be required would probably require federal legislation. There are probably some things that we can do here in Alberta that we haven't done yet, but we have done so much to ease the burden on farmers. I think we have to realize some shocking things, and I would like to quickly mention a few. The eagles on high, being the chartered banks, are very strongly considering the idea of centralized banking, where they would have loan officers only in the bank branches and any credit instruments would have to go to head offices for approval. That's out there; whether or not it actually happens, I don't know. But if it does happen — in our farm community we've always dealt in credit with a local manager or local people; a loan was based primarily on trust and confidence in the individual farmer, and trust and confidence in the bank manager that the bank wouldn't pull the skids out from under anybody who had some problems. That's one of the things we have to concern ourselves with.

Service is the other. Everything is so profit-motivated now. I could go on for a long time on the profit motivation. It's the thing that keeps us all going, particularly farmers, who in a sense are the most profit-oriented people we have. Yet generally the reason they make good farmers is that it's a family business: mother, father, and the children are the incentive. Farmers are flexible and they stretch in many ways. Oh my gosh, the times I've seen farmers when I thought they would go down, yet they came up. They just seem to be able to stretch so far. It's because of the elasticity that's in the very nature of the family farm.

What can we do so the private sector can get into this? If one farmer sells out, and let's say he sells out a quarter of land for \$80,000, he immediately has the federal capital gains tax — and we get a little share of that provincially — and all those other things that go along. In order for someone to sell a piece of land for \$80,000 and get what they really want out of it, they have to sell for \$100,000. And boom, boom, the prices go up, helping the inflation spiral.

I know we want to vote on this today, and I know the hon. Member for Cypress is over there chewing his fingernails. But just to give you an example of what we have to look at in the price of money alone, if you borrow \$1,000 at 6 per cent interest — and when I first was involved in agriculture, we were looking at 5 and 6 per cent loans; early on I remember debentures you'd get for 3 and 4 per cent. But to repay \$1,000 at 6 per cent over 25 years, you'd pay back \$1,920. For \$1,000 at 14 per cent, which is about the going rate today, over 25 years you'd pay back \$3,522. And at 23.5 per cent, which we went through a few years ago and some people are still locked into, \$1,000

over 25 years is going to cost you \$5,631. So you have about three times the cost of money in that period. That's what's breaking the hearts of farmers. That's why we have problems on the farm. It costs about \$35 to produce one dollar. You have to have \$35 invested in capital to produce a dollar.

One-sixth of all the economic activities in this province is developed from the agricultural sector, so it is a very, very valuable commodity. Just to give the hon. members some idea of how economic we are in agriculture, Mr. Speaker: about 16.2 per cent of disposable income is spent on food — nearly the lowest in the entire world unless you're living in a boat or a sampan in the Sea of China and eating fish all the time. The farmer gets about a third of that. He sells wholesale, buys retail, and certainly gets his money at retail prices.

What we have to do, and I certainly would like the Minister of Agriculture to do — I know he's very, very interested in helping farmers — is work with all levels of government. We have to really put the screws on the federal government to get wholesale money for farmers. How we do it, I don't know. We have to get wholesale money. If we're selling wholesale, we have to be operating in the wholesale market. We can't be guaranteeing loans at 1 or 2 per cent over prime; we have to be using wholesale money.

Thank you, Mr. Speaker. I will now sit down.

MR. DEPUTY SPEAKER: Is it agreed that the hon. member may close debate?

HON. MEMBERS: Agreed.

MR. HYLAND: Mr. Speaker, I'd ask all members to please support the motion.

[Motion carried]

MR. HORSMAN: Mr. Speaker, this evening at 8 p.m. it is proposed to commence second reading of Bill No. 110. I move that we call it 5:30.

[The House recessed at 5:27 p.m. and resumed at 8 p.m.]

head: GOVERNMENT BILLS AND ORDERS

(Second Reading)

(continued)

Bill 110

Labour Relations Amendment Act, 1983

MR. YOUNG: Mr. Speaker, in moving second reading of Bill 110 this evening, I want to address a subject which really needs a very thorough explanation. That has become evident from some of the reports I have read about the allegations of what is in the Bill.

Regrettably, I have to say that I've always considered that I have a great responsibility to communicate and that communicators have a responsibility to communicate at least some of what I have tried to communicate. It appears that in this particular instance we have collectively not succeeded in communicating the facts about this Bill; so I welcome the opportunity to address it this evening.

Mr. Speaker, Bill 110 comes about because of a dramatic economic change in the construction industry. The change is

so dramatic that when we had to respond to requests for legislation, we did an analysis of the proportion of work tendered to the construction industry and who was getting it. A couple of years ago it would have been accurate to say that roughly 30 to 35 per cent of the work in the construction industry was done by the non-union sector and at least 65 per cent, if not 70 per cent, was done by the unionized sector. Our records for the first nine months of 1983 show that approximately 80 per cent of all the work that was tendered was successfully tendered by non-union contractors. That's a very dramatic and a very difficult change for the institutions in the construction industry to accept.

The difficulties became evident at least a year and a half ago, if not longer. As long as a year ago, I had encouraged the construction industry as a whole to address the dramatic changes which were affecting it. I encouraged the industry to address the changes by way of sitting at the bargaining table, even though agreements were then in existence, and examining how they could — if they could — best deal with the rapidly changing economic conditions.

I can say as well, Mr. Speaker, that a year ago this month, as chairman of the Construction Industry Industrial Relations Council, I called a meeting and we tried to examine why there was such a developing gap between the unionized and non-union sectors. Some number of items that had economic consequences were examined. A commitment was made to break these down into subcommittees. The subcommittees took those different items. To illustrate, they included such matters as work jurisdiction — who could do what work. What was the significance of a carpenter in the unionized sector being unable to move some pipe, whereas in the non-union sector the carpenter could move the pipe? What was the significance of travelling time? What was the significance to the contractor of being able to name the foreman the contractor wanted to operate the job? I've only enumerated a very few; we came up with roughly 20 of these items. As I said, the Construction Industry Industrial Relations Council, which is made up of union representatives, unionized contractor representatives, owner representatives, and industrial contractors, set about addressing those matters. Regrettably, not a great deal of progress was made, and the demand persisted that I should examine the repeal of section 133.

Before I come to section 133, perhaps hon. members would be interested if I took a moment to explain what I call the registration collective agreement system. It's a system which has a means of dealing with 17 different types of construction craft unions in the construction industry. It's a system which provides that contractors who employ electricians, as an illustration, may join together, if they are unionized, and bargain at one table for an electrical contract which covers either all of the province or at least a major portion of the province. I'm dealing with the electrical, and in that instance, there are two geographic areas covering the total province, north and south. In fact those two north and south groups came together in the last collective bargaining round. They bargained together; they came up with effectively one collective agreement for all electricians who are members of the union and all contractors who are unionized right across the province.

Subsequent to the development of that collective agreement, if any contractor employing electricians became unionized by the International Brotherhood of Electrical Workers, that contractor automatically began paying the conditions of that registration collective agreement for electrical workers and employing those electrical workers under the conditions of that collective agreement. So it goes, for each of the 17 trades.

Mr. Speaker, we had a very dramatic shift of market forces, in my opinion, so dramatic that the wage rates and working

conditions which were established two years ago by the unionized sector through this registration collective agreement system that I've described, are now being established, and have been for some number of months, by the non-union sector. That's been the effective rate. It is correct to say that there are union agreements in place and that these are prevailing in certain of the jobs which were commenced a while ago and are being union done. But both contractors and union representatives have advised me quietly that there are other agreements which are now supplanting, if you will, the registration collective agreement, even though those other agreements may not be contemplated by law and may in fact, if challenged, be found to be illegal. There are special arrangements being acknowledged in the industry because of the fact that the registration collective agreements do not appear to be serving the industry well.

Also, Mr. Speaker, it's fair to say that a number of unionized contractors have created non-union companies. I identify those facts because that is what happened before last Friday when I introduced Bill 110. The stimulus from the contractors to request me to remove section 133 of the Labour Relations Act is basically the following. The contractors say to me: look, as unionized contractors, we are bound to pay the union rate; under the statute, it appears we are not supposed to create another company to avoid the union collective agreement, but our former employees and union members are crossing the street to work for non-union contractors, and by so doing, they are creating a supply of labor for the non-union contractors which is adequate and well-skilled, and enables those non-union contractors to bid at rates below what we can bid to get that work. That is clearly being demonstrated by the shift in the volume of work in the industry.

Mr. Speaker, I received all kinds of good advice about how to resolve this problem and meet the wishes of the contractors. I came to the conclusion that the only way to deal with it in any respect was to stay with some fundamental principles. One of those principles is that in this country of Canada, it should be possible for an entrepreneur to conduct his business in the manner most effective, from his point of view, in terms of his corporate structure. On the other hand, it should be equally possible for the majority of employees of an employer to be able to form a union if they wish and to have that union represent them effectively.

So we come to how to resolve this apparent conflict. At the present time, what is the system? At the present time, section 133 provides as follows: if a contractor creates a non-union spinoff, that is, an associated company, which may be doing a similar or related activity under common control or direction, then that company may be brought before the Labour Relations Board by the union, and if the Labour Relations Board agrees with the union, may be declared by the Labour Relations Board to be bound by the prevailing registration collective agreement.

In short, first, contractors can always — and have always been able to — create perfectly legal secondary operations or corporations. Second, since 1973, unions have always been able to bring spinoffs before the Labour Relations Board for a decision. Third, if the Labour Relations Board believes a spinoff company has common direction, control and is doing associated or similar activity, they have been able to declare it to be a spinoff. Fourth, if they make that finding, they have been able to order the contractor to be bound by the registration collective agreement and pay the prevailing union rates.

What does the amendment that is proposed here do to this system? First, it continues to allow the contractors, as they have always been able to, to create a legal secondary operation. Second, it continues to allow the unions to bring that operation before the Labour Relations Board to determine whether in fact

it is a spinoff. Third, the Labour Relations Board is able, under our amendment, to declare the spinoff to be a spinoff. Fourth, if the Labour Relations Board finds that it is a spinoff, then it shall order a vote of the affected employees to determine their wishes by secret ballot vote. Finally, if the employees vote to be represented by the union, the Labour Relations Board shall declare the employer to be bound by the prevailing collective agreement. Effectively, then, we have created one change. We have said that we believe the contractors have a reasonable point, and that that can best be resolved by simply making a provision for union members to take a vote, a secret ballot, to determine their wishes.

Mr. Speaker, this is the simplest, fairest, most straightforward of democratic tests that I know, and that is the one and only change of significance to this whole section 133. There is still a risk, if you want to call it that, from the contractor's point of view, that if he spins off in a manner that is seen or alleged to be an evasion of collective bargaining responsibility, that the contractor can be caught, just as he could before. So it seems to me that it has caused to be continued the two principles I started out with: the opportunity for the contractor to determine the most appropriate form of corporate structure and the absolute opportunity for a majority of the employees, if they wish, to maintain an effective bargaining relationship with the contractor.

Mr. Speaker, before I leave this section, there are two other points I should make. First, some may have cause to wonder about where section 133 came from and how it got there in the first place. In that event I would refer them to *Hansard of May 1973*, when a predecessor, Dr. Hohol, introduced the spinoff section. If I may quote him briefly, he said:

The point here has to do with continuation of collective bargaining rights, duties and privileges. There are increasing instances of employers forming new companies, the so-called spin-offs, to carry on activities similar to those of the employer, which has the effect of frustrating, intentionally or unintentionally, the due and equitable application of the Act in respect to labour relations of employers evading responsibilities in this respect and denying employees their rights under legislation.

Mr. Speaker, that section 133 was brought in to avoid that event happening. It is still there. It is as effective as the members and employees of the employers who take the vote wish it to be.

There is a second point I should observe, and that is that Bill 110, as you have it before you, doesn't quite express what we had intended. The way it now reads unfortunately implies that it would be the majority of all the eligible employees who were eligible to vote who would make the decision. What we wanted to say, and the amendment causes it to say, is that the wishes of the employees will be determined by a majority of the employees who vote, which is the common democratic process that's followed.

Mr. Speaker, the second point the legislation deals with is the right to communicate. I have to confess that during my many, many meetings I was astounded at the statements made to me by contractors, in particular that they felt that under our Labour Relations Act, they did not have an ability to communicate freely and openly with their employees. I believe that it's absolutely essential that they should have that ability, and accordingly we took a look at some of the other legislation in Canada.

We found out that the British Columbia legislation provides that the Act states very straightforwardly that the employer has the right to communicate to an employee a statement of fact or opinion reasonably held with respect to the employer's busi-

ness. Ontario says that nothing in this Act shall be deemed to deprive an employer of his freedom to express his views, so long as he does not use coercion, intimidation, threats, promises, or undue influence. New Brunswick is verbatim to Ontario's, and Prince Edward Island is almost verbatim.

Mr. Speaker, as we examined that, we were made very aware that our Act has a lot of prohibitions in it, and those prohibitions can be found beginning at section 137. They are really prohibitions against employers using intimidation, coercion, undue influence, et cetera. But nowhere in the statute did it say that the employer had the right to communicate. We have so provided. I think that provision is absolutely essential if we are to reduce the adversarial relationship which too often colors the relationship between employers and trade unions, if we are to create understanding of the common interests that employers and employees have. Surely they have a common interest, because if the employer does not fare well, neither do the employees. If we are to do that, we must have understanding.

In my opinion, the essence of the amendments before us deals in one sense with only a small issue that has been raised by the economic circumstances which have overtaken the construction industry in such a rapid and shattering manner. There are many other concerns, and this Bill does not address those other concerns. For the record, I would like to indicate some of the other concerns which remain.

First, some 10 months ago the Construction Labour Relations Association of Alberta put before me a very extensive proposition to create a majority rule situation during collective bargaining. In essence, perhaps I could describe it by saying that it is a proposition that if a majority of the trades and unionized contractors were to settle, it would force on the balance, or the minority, a system of binding arbitration, so there would not be a work stoppage in the industry. It is a search, if you will, to reduce work stoppages in the construction industry for reasons of collective bargaining. More recently, Mr. Speaker, some unions have come to me and have suggested a somewhat similar type of proposal but limited to certain jobsite situations.

Thirdly, it is with regret that I have to report that there is considerable dispute between the Construction Labour Relations Association and the Electrical Contractors Association over the co-ordinating mechanism during collective bargaining. In fact there are counter-lawsuits now proceeding between these two bodies for the purposes of collective bargaining and to determine the best resolution in the interests of the industry. I say "with regret" because I do not think lawsuits will be the basis of an understanding leading to co-ordination in collective bargaining when the whole underlying premise of co-ordination has to be good will, good faith, and understanding.

Fourth, the Building Trades Council, representing all the building trades, has worked with some contractors and in the past year has developed a jurisdictional dispute mechanism. That's a mechanism to resolve disputes between any two trade unions about who should be doing what craft work on a jobsite. However, that jurisdictional dispute resolution mechanism has not been accepted by all construction trades; neither has it been accepted by all contractors. So we have half a system. I would like to commend mostly highly the leadership in the trade unions and the contractors for the achievement they have gained, but it is not a sufficient achievement to reach the end objective that was hoped for.

A fifth point is that we have difficulties between the union and the non-union sectors. That is not new; it has been with us for a long time. For many years it has not been possible for a non-union employee or contractor to work on a jobsite where there have been union employees and contractors. If the mix occurred, it often led to wobbles, a polite term for an illegal

strike. That is not acceptable to me. Our legislation in the Labour Relations Act clearly says that it's illegal for anyone, for whatever reason, to refuse to work alongside a union of a different nature, to refuse to work alongside someone who isn't a member of a union, or to refuse to work with tools or equipment made by members of a different union. But that has happened and still happens. It is regrettable and needs to be addressed.

Sixth, the Christian Labour Association has taken a case before the International Labour Organization challenging our Alberta legislation, because they claim the subcontracting provisions negotiated in the unionized sector are unfair and unacceptable under the International Labour Organization conventions. Whether or not their argument is right, they clearly feel very strongly about it, having taken it that far.

Seventh, Mr. Speaker, the Construction Industry Industrial Relations Council, which has functioned for some six years as a co-ordinating multipartite agency for the unionized sector of the construction industry in particular, has failed to respond adequately to the recent challenges. Again with some regret, I do not think that the structure as it now is, given the nature of the changes in the construction industry, enables that body to meet the tests which exist in the construction industry.

Speaking before the Canadian Construction Association in Toronto last Friday, Mr. Speaker, Mr. John Crispo, who is a very noted labor relations expert and whose reports in the middle '60s were instrumental in leading to the registration system, indicated that he was dismayed with the failure of the registration system in the construction industry to meet the challenges of the present. Those challenges are now widespread across Canada. It is his view that we now have to examine what needs to be done, because that system is clearly no longer functioning. Finally, we have the economic challenge before the industry, which is a severe one indeed and one which will remain with it for at least some months to come.

In light of all that, Mr. Speaker, I indicated last Friday that it would be my intention to establish an advisory committee made up of representatives of unions, contractors, owners, and government, and that I would anticipate at least four challenges for such a committee. The first challenge would be to develop a statement of principles or objectives for the construction industry, which could be observed in the review of labor relations systems in the industry. I think that's a good place to start, and I was very much helped in coming to that conclusion by Mr. Harold Taylor, president of the Building Trades Council in a meeting with him about a week ago. He indicated that it was his opinion that the challenges in the industry are sufficient that we should start back at the basic principles and try to determine what it is that we want to observe in any industrial relations system.

Second, I would wish the advisory committee to advise me on what process it believes would best serve as a review of the industry, as to the most appropriate system of construction/labor relations. In other words, what process should I follow and assist the industry with in reviewing the adequacy and changes needed in construction labor relations?

Third, I would be expecting the advisory committee to recommend the most effective, multipartite, continuing consultation mechanism for the construction industry in the future. In short, what advice could they give me that would assist in a more effective replacement of the vehicle we've had heretofore in the form of the Construction Industry Industrial Relations Council?

Finally, Mr. Speaker, given the challenges before the industry, it would be open to the committee to offer any advice which it may wish for short-term actions which might be of

assistance to the industry. I'm aware that some parties in the industry may want to offer some short-term actions, but in fact the divisions are such that they haven't been able to reach agreement on that.

Mr. Speaker, the advisory committee has not yet been constituted. I would hope that that would be possible no later than December 15. I've had some consultations, but again there's a little problem of finding out how large a committee to structure and also how to make sure that it's fully representative. The divisions among the trade unions are reasonably wide and deep. The divisions among the contractors, I think it fair to say, are also significant. I would want to be sure that whatever group of individuals was put together would be able to oversee all the different interests in this very important and very vital construction industry.

Mr. Speaker, I have mentioned some of the challenges facing the industry. I hope that I have indicated that the Bill before us should not be expected to do the impossible. It should not be expected to resolve the economic difficulties of the industry, nor should it become saddled with the responsibility for the frustrations that now exist in the industry. All this Bill does is to try to account for the difficulties facing the contractors in the unionized sector, to make sure that they must stay with the responsibilities they had when they signed the collective agreements. At the same time, their employees, who signed the collective agreements along with them, must also accept and respect those responsibilities. If either one chooses to do otherwise, hopefully the system enables them both to either accept the responsibilities or to decide that they don't want to accept the responsibilities. That surely is what a secret ballot vote in this particular instance does in the most democratic manner available.

Thank you, Mr. Speaker.

MR. NOTLEY: Mr. Speaker, notwithstanding the hon. minister's low-key introduction, the fact of the matter is that Bill 110, the Labour Relations Amendment Act, is a piece of legislation which carries dangerous precedents with it, which is anti-union in its nature, which is a recipe for chaos as far as labor relations in the construction industry are concerned, and is a piece of legislation which, frankly, is unwise in the extreme. But perhaps the best way of underscoring how unwise this government has been is that fact that at the very end of his remarks, the hon. Minister of Labour tells us he wants to appoint an advisory committee which will have as its mandate developing a set of principles, analysing a process which would serve as the most appropriate system for construction labor relations, developing a multipartite consultative system and advice for short-term actions.

Mr. Speaker, if the hon. Minister of Labour had been able to come to this Assembly and tell us that this committee had been established, that would be fine. But to bring in a piece of legislation which is viewed by the construction trades and unions in this province as being blatantly anti-union and then say at the end of his remarks, and by the way we're going to try to set up an advisory committee — the minister shatters the credibility of that advisory committee.

If this government had been genuinely interested in proper labor relations in the construction field, it would have established the committee to begin with and, as a result of the consultative process, come before the House with legislation that could have been supported by both sides. But in fact, we know that that is not the case. Despite the soft soaping we got from the hon. minister, the fact of the matter is that we see before us a piece of legislation which is unworthy of this Legislature.

Mr. Speaker, it was interesting to listen to the hon. Minister of Labour when he quoted remarks made by his predecessor, Dr. Hohol, who served as the first Minister of Manpower and Labour in the Lougheed government. I have those particular quotes in front of me. It's interesting to look back, because in those days it appeared that the Minister of Manpower and Labour, supported by the government caucus, recognized that there was a necessity for the consultative process, that it was necessary to develop legislation as a consequence of sitting down with both sides, gaining a consensus, and then bringing legislation before the House that reflected that consensus. Those were the days when this Conservative government saw, if not the entire labor movement, at least the construction trades as an important partner in social progress, not as a scapegoat.

In 1974, when Bill 52 was presented to the Legislature, the government had an important item on its agenda; no doubt about that. The Syncrude project has, of course, always been a pet project of the Premier and this government, but the Alberta Labour Amendment Act, 1974 — and both the hon. Minister of Labour and myself were members of the House at the time, as were you, Mr. Speaker, and you will recall some of the debate that occurred in 1974. It was one of those rare occasions where I found myself in agreement with the government — that the government had done the right thing in 1974. They developed legislation as a result of sitting down with both sides, with the construction trades on one hand and the contractors on the other. Bill 52 was a consequence of a consultative process that put into place legislation which allowed the Syncrude project to proceed. That was wise leadership which the members of the House endorsed in 1974.

When the hon. Dr. Hohol made the comments that I believe the present minister is citing about spinoff companies, it was in the context of a consultative process that recognized the trade union movement as a valid part of the process. Well, Mr. Speaker, that's not what we're being asked to deal with today. What we're being asked to deal with today is a piece of legislation that is going to jeopardize, in a very serious way, the long-standing rights of working people to establish their own collective bargaining units. It's going to interfere with some of the long-standing commitments in terms of the rights of working people not to be intimidated, to be able to work without fear of intimidation. It is going to alter some of the standards which have developed in Alberta labor legislation, not as a result of a consultative process where both sides have had an opportunity to sit down and make representation to us; far from it, Mr. Speaker.

We know where building trades people in this province stand. They have made their position very clear to the people of Alberta in a very eloquent way. We know where the Alberta Federation of Labour stands on this issue. We know that working people, through their organized leadership in this province, almost without exception, oppose the Bill that is being presented to the Legislature.

So, Mr. Speaker, let no member vote on second reading under any illusion that what we have are a few minor changes: a bit of an adjustment here, a bit of an adjustment there; don't worry about it because we're going to establish this committee, and then the long run things will work out. The fact of the matter is that we have an important change in the process: from one in 1973 and 1974 where there was consultation, to one of unilateral action by this government without any effort to reach a meaningful consensus.

Mr. Speaker, I think hon. members of this House should look very carefully at the two basic principles contained in Bill 110. The first principle is with respect to section 133. The minister suggests that it's just a minor little change, not too

much to worry about, just an additional phrase or two. But the additional phrase or two is going to destroy the whole collective bargaining process in the construction trades. What we have in this day where we learn so much about covert action around the world, is what I would call decertification by covert action.

What do I mean? These spinoff companies that a decade ago the minister's predecessor quite correctly pointed out were efforts to get around the collective agreement, efforts on the part of management to work both sides of the street — at that time we had very clear delineation in legislation as to what they couldn't do. Now what's going to happen? There will be a vote.

What will that vote do, Mr. Speaker? There is little doubt that with unemployment at a very high level, many of the people who get a job with a spinoff company are going to have to choose between their union and a job. So the army of unemployed, if you like, is going to be a major factor. I'm sure some people sit back and say: isn't that a good thing; we'll push back the threshold of organized labor in the construction trades; won't that be nice; we can get a plumber at a cheap rate again. That's very short-sighted thinking for the following reasons.

First of all, as we move away from unionized workers to non-union workers and the inevitable level of income comes down, it means that people who are now able to have spending power will have less. No member can deny that we are shifting economic power from those people who work for these big companies to those people who own the big companies; no question about that. We are taking away purchasing power from those people who are working for a living, who have skilled trades. I say this tonight, and I don't care where it is quoted; it can be quoted anywhere in the province. I'll say the same thing in my constituency. The fact of the matter is that if you take away purchasing power from working people, they don't have the money to spend in local shops and local businesses, and that in turn is going to have an impact on the consumer demand, on retail sales, et cetera.

The second thing that needs to be cited is what this is going to do to the industry. Surely, if we're concerned about economic recovery, there has to be some stability in the construction industry. What we are doing in this Bill — and I don't know how members could have allowed this to escape their attention — is setting up chaos in the construction industry. Even though the army of unemployed is going to make it very difficult for unions to hang on to certification in these spinoff companies, the fact of the matter is that they have no choice but to try to maintain unionized collective agreements, so you're going to turn these spinoff companies into battlegrounds. That may be all right for members of the Legislature who don't know anything about industrial relations, but the hon. Minister of Labour does know something about industrial relations. Surely he would know, if his back-bench friends don't know, that that is a recipe for chaos, and it's going to create instability at a time when we should have stability in our construction labor relations. Mr. Speaker, that seems so obvious to me that even the members of this government should be able to understand it.

The third point is the impact on smaller contractors. Let me tell you, when you look at the who's who of these big contractors — the ones that without doubt are now going to government and saying: we've got to have this new Act so we can set up our spinoff companies and can keep our share of the business — what's happening is that some of these larger companies, the big six, are losing business to smaller firms. What we're talking about here is an effort, if you like, to shore up the share of the construction trade for some of these big

companies, even if we have to alter some of the basic rights of working people in order to achieve that goal. What we're doing in this process — and I make this a warning, unfortunately — is not only making it difficult for the trade union movement but this government that claims to be such a free-enterprise oriented regime is signing the death warrant for countless small contractors in the province of Alberta. This government claims that they are militant free enterprisers. God help the free enterprisers from the Alberta Tories.

What we're inevitably going to do, Mr. Speaker, is create a concentration of capital and control in a few companies, basically the big six. I'm going to come to the big six in a moment. Some interesting points have to be discussed about the big six and their relationship with this government.

A fourth point is that anytime you begin to alter some of the terms and conditions of employment which reward people for certain skills — and certainly the skilled trades have earned a standing in the province of Alberta, and properly so, through their co-operation in the development of this province in the last decade. But in the long run, no economic strategy for Alberta can overlook the fact that you're going to have to bring people into the trades. But you're not going to get people into the trades in sufficient numbers if you destroy the union movement, the collective bargaining system, and the salary differences and incentives to acquire that skill slowly shift away.

This is a government that's always talking about incentives. Well, let's look about some of those personal incentives. Let's look at the money the Minister of Advanced Education is putting into the whole advanced education system, a major part of which is directed to training people to acquire skills that relate to the construction trades. What we're going to be doing, Mr. Speaker, is ensuring that down the road we're going to have a shortage of skilled people. Some people may laugh at that, but in my 12 years in the Legislature I remember hearing people stand in the House and talk about the shortage in Alberta of people with construction skills. Things can change very rapidly, and no government policy should be so oblivious to the projections and trends that, without any recognition at all, it sweeps away some of those incentives which encourage young people to go into those types of trades.

So I say to members of the House, Mr. Speaker, that section 133 is not going to be helpful to anybody. It's going to create problems as far as construction industrial relations are concerned. It is going to make it difficult for the unions, difficult for the contractors, especially the smaller contractors, and in the long run, it is simply not going to be in the interests of the people of this province.

I want to comment for a moment on what I consider to be the morality of this business of saying we'll leave it up to the people to vote. Mr. Speaker, that's fair enough if there are some understandings that go along with "we will leave it up to the people who vote". But if you've got a huge, unemployed labor force, and you also have the other aspects of this Bill that have to be taken in conjunction with section 133, then you don't have a fair situation at all. Then the government's proposal to leave it up to the workers is nothing but sophistry of the most outrageous kind. Why? Let's look at section 143, because this relates directly to the kind of situation we're in.

Nothing in this Act shall be interpreted to limit or otherwise affect the right of the employer to communicate to an employee a statement of fact or opinion reasonably held with respect to the employer's business.

"Nothing in this Act ..." One of the long-standing facts of modern labor relations in the world is that an employer should not be able to intimidate workers on the question of whether or not they should belong to a union. The questions of whether

a worker joins a union and whether a union obtains certification, are the business of the workers, and there should not be any effort whatsoever at intimidation.

Mr. Speaker, what we've done in this legislation is taken away all constraints. As a matter of fact, what the minister didn't point out is that sections 105, 106, and 107 of the old Act are repealed, and these are sections which make it clear that an employer cannot threaten a lockout. That's all out of it now.

Why, Mr. Speaker? Because the way section 143 now reads, the employer has the unrestricted right to communicate almost anything to his workers. That is totally inconsistent.

AN HON. MEMBER: Why not?

MR. NOTLEY: Somebody says, why not. I don't know where the hon. member is, whether he's in this century or the last, but he certainly hasn't been reading the ILO statements. But for his benefit he's going to have several read, because they relate directly to this issue. Decision 174 of the ILO:

Where a government had undertaken to ensure that the right to associate shall be guaranteed by appropriate measures, the guarantee, in order to be an effective guarantee, should, when necessary, be ensured by measures which include the protection of the worker against anti-union discrimination in his employment.

Then Decision 175:

In accordance with Convention No. 98, a government must take measures, wherever necessary, to ensure that protection of the workers is effective, which of course implies that the authorities must refrain from any act likely to provoke or have as its object anti-union discrimination against workers in respect of their employment.

I won't read all of recommendation 196, but it deals with the question of any activities which hinder the activities of a trade union.

If one carefully reads decisions 174, 175, and 196, the point is that there is a recognition that it is the right of the workers to decide whether there will be a union and during the process of making that decision, there can't be changes in wage rates, intimidation, or threats of lockouts. There can't be the kind of subtle intimidation which we saw a hundred years ago south of the border or even 50 years ago in parts of Canada.

Some may say that's not a very relevant thing. I happen to have here an application for employment in one of these so-called spinoff companies. What are the questions that are now being asked in these spinoff companies which this legislation will authorize as being totally legal? Here's one: have you been a member of a union local in the past six months? If so, which local? If yes, explain.

Mr. Speaker, I would defy any of the backbenchers to stand up and square this kind of application form with the ILO conventions. I defy any of the backbenchers or any member of the government caucus to stand in his place and tell me before I vote on Bill 110, how I can possibly support a Bill which has the sophistry of saying it's going to be up to the workers when the employer can use that kind of intimidation. It wouldn't work if we had full employment. But because of the mismanaged economy in this province — you have 150,000 people out of work — it is a very serious problem. When the employer says: you're going to have to fill this out, Mr. Smith; fill it out carefully; tell us which local you belong to, and if you belong to it, you'd better explain why.

For the government caucus to come in here and say that we're leaving it up to the democratic decision-making of the workers is just unadulterated nonsense. My hon. colleague got

carried away in question period and used the term — I won't repeat the term because I don't think it's parliamentary. But the term he used applies directly to the thought process of a government which is going to argue something this important by using the sophistry we've seen to date.

Mr. Speaker, I raised the issue of big companies versus little companies, because we all know that we have what you might call the big six. We have Poole Construction Limited and its spinoff companies, and Cana, Carlson, Stuart Olson, Industrial Power, and Lockerbie & Hole. I know that the hon. minister is an honorable man, but I also know the pressure that comes from big corporations. I thought it would be useful to compare the contributions that these companies made to the Tory party. What did I find? I found that the big six have been extremely generous in their contributions to the Conservative Party. Who is going to benefit from this Bill?

AN HON. MEMBER: Nobody.

MR. NOTLEY: If anybody benefits in the short run, it will be the big six, although in the long run they won't benefit either — the hon. member is quite right — because it is such a bad piece of legislation. It certainly won't be the smaller contractors. The big six, between them, gave some \$16,000 to the Alberta Progressive Conservative Party.

Mr. Speaker, I don't know if there's a link, but that's beside the point at the moment. We know that we have a piece of legislation which is going to be of no value to the small contractor, which is taking on the trade union movement, which did not come as a result of consultation, and which is going to create instability in the industry when we should be trying to strive for harmony. We have a piece of legislation which is a thoroughly bad piece of legislation. The only people who benefit, even in the short run, are a few of the largest construction companies.

Mr. Speaker, the government is going to have to come up with a better answer than we've had so far. We have had the suggestion that there is a dramatic shift in market forces. So what do we do? There is a dramatic shift in market forces that affects the big six, so along we come with massive government intervention to hit the trade union movement. Very interesting; we have socialism for the big six.

Mr. Speaker, as I reflect upon the situation in this province, I think there has to be a little better explanation than the one presented to date by the hon. Minister of Labour as to why we should disregard what this government has done in the past and the attempts that it has developed in the construction field. Let me say to the hon. minister and to government members that while I think this government's record with respect to the public sector has been absolutely shocking — and I have said so before in the House — the one area where I thought they had at least some skill in handling labor relations was a recognition that in the construction trades you have to recognize the reality out there. We had Dr. Hohol, and we had the now Attorney General, when he was Minister of Labour — a foxy man as the Minister of Labour, fairly skilful. We had a recognition that there had to be at least some kind of consensus developed.

Mr. Speaker, what we see in Bill 110 is an effort by this government to completely reverse its position. I suppose one of the favorable aspects of it is that we will probably see a greater degree of unanimity among working people in Alberta than we've seen for a long time. That may be a useful side effect; I don't know. It may be that secretly, in his heart of hearts, the legacy that the hon. Minister of Labour wants to leave is to have the house of labor all one again. If that's his hope, that's my hope too. I think there might be better ways

to achieve that goal than bringing in legislation which is so blatantly anti-union.

Mr. Speaker, I look over the details of this piece of legislation, and I have to tell you that I think it is so wanting in common sense that it will not be supported by people in this province, wherever they live, including I might say, most rural people. And I represent a rural constituency. I won't regale, because I will no doubt have other opportunities to speak in the course of this debate over the next few days. But if one wants to look at some of the research material that has been provided where we have attempted, by legislation, to decertify the rights of working people, we find the chaos that this created. All one has to do is look at some of the sun-belt states and the difficulties that have arisen, the violence and chaos that occur when you take this sort of approach. It may well be that the hidden agenda of this government is to turn Alberta into the Alabama of Canada. I hope not. I can only say to members of the House that if that is the objective, they are going to find that not only will a tiny opposition group in the House oppose them but beyond the confines of this building, there will be large numbers of Albertans who basically feel that a piece of legislation like this is wrong in principle, unfair, and unworkable.

For those reasons, Mr. Speaker, I would like to move that the motion for second reading of Bill 110, the Labour Relations Amendment Act, 1983, on today's Order Paper be amended as follows:

by striking all the words after the word "That" and by substituting the following therefor:

"this Assembly declines to give a second reading to Bill 110, Labour Relations Amendment Act, 1983 and, rather, it declares its continued support for the principle, currently embodied in the Labour Relations Act, that employers in the construction industry should not be able to deny the rights and benefits of unionization to their employees through the simple expedient of forming so-called "spin-off" companies."

Mr. Speaker, in speaking briefly to that amendment, in my view the amendment is a simple reaffirmation that in our present Labour Relations Act we have a sound principle, which simply stated says that you won't fiddle around with the process of collective bargaining by establishing thinly disguised spinoff companies that are basically controlled by the parent firm and are established solely for the purpose of circumventing the union security arrangement. At one time the government recognized that simple point. In introducing the Bill tonight, the hon. Minister of Labour even made reference to Dr. Hohol's comments in 1974.

In moving the amendment, I say to members of the House that rather than going down the road of confrontation and inviting the kind of militancy which can only create problems in this province at a time when we should be working together in an effort to undertake economic recovery, rather than following that route as the result of some blind right-wing penchant to roll back the rights of working people, surely the sound course would be to recognize the merit of legislation which has worked not perfectly but relatively well. To change course now would be a serious mistake, one not in the interests of the working people, the contractors, or any of the citizens of Alberta. I therefore urge hon. members to support the amendment that I have introduced.

MR. MARTIN: Mr. Speaker, being the cordial person that I am, I waited for the backbenchers to get in again on an important Bill. As usual they are going to sit there.

Mr. Speaker, I rise to support the amendment. I think it makes eminent good sense for all Albertans. In the previous debate when we were debating Bill 44 in the spring, I recall that I offered at that time to help the minister out. We're still trying to help him out so he doesn't bring in legislation that's going to cause turmoil in the future.

I think when you take a look at it, Mr. Speaker, and I recall the minister saying in his speech — and I think I would agree with one part of it; I would agree with two parts of it. But as my colleague said, an advisory committee is a little late now; the damage is already done unless he stops reading here. Then I would say they'd make eminent good sense to set up the advisory committee and get on with it. But the other thing he said very clearly was that he didn't want an adversarial system. This Bill is absolutely guaranteed to create an adversarial system. If the minister is listening at all to what people are saying in the trade union movement, and not only in the trade union movement, he will recognize it's having just the opposite effect, and we are very directly creating an adversarial system.

It seems to me that the minister should stop and recognize that as this amendment says, there are certain very clear principles about the right of unionization that have been devised over many, many years. I suggest that without this amendment this Bill strikes at the heart of it. Mr. Speaker, it is interesting because as I've sat here over the last few years, I have seen one segment of the trade union movement that I think was very willing to co-operate with the government, to try to work out an agreement, if you like, to keep the economy going both for their members and for Albertans. This is an example of the type of thanks you get from the government.

Sure, when times were good, when the money was flowing and we had the Syncrudes, everything was okay. But now that it gets a little tough, what's the first thing we do in the recession? First of all we go after social services, then we go after the public sector unions with Bill 44, and now we bring in Bill 110. If the minister really believes that this is a fair Bill, then he and I are walking in different worlds. And I suggest to him, as my colleague said, that without this amendment, this Bill goes against anything that's been devised in the International Labour Organization, the Charter of Rights, you name it.

As my colleague said, the reason that this has to be appealed, Mr. Speaker, is that it's clear — the minister can be glib and give us that cute little manoeuvre: I'm just for democracy; I'm just going to allow people to vote. But the minister knows full well that in a recession, even if they're making half their salary, people in a spinoff company are not going to afford to take the chance with their families and go for a union. He knows that full well, and it's not only the labor movement saying that. You have the smaller contractors that my colleague talked about, talking about it. Mr. Binder, president of Binder Construction, said that what we're really doing here is cutting down tradesmen by half. He says that we're not creating more jobs here; all we're doing is bashing the labor movement. He said that the government should get on with creating jobs rather than worrying. He admits that perhaps — and that's debatable — the wages may have been a little high, but what we're doing now is ridiculous.

Mr. Speaker, if we think that this is good for us as Albertans — we have some of the best tradespeople in the world right here in Alberta because they get a decent wage. How many people are going to take four years to work for half the wages and, at that, be laid off over half the time? So if the minister feels he was helping out Albertans, I think he had better go back to the drawing board.

Looking at this Bill, I say to the minister as clearly as I can that it's a backward step to the so-called right to work. There

is absolutely no doubt about it. The minister can couch it in whatever way he wants, but it's a back door to right to work. And he knows it, no matter how he denies it. He can get red in the face denying it, but he knows it. It will not work. But that's what this Bill is intended to do. Any labor consultant taking a look at it would tell you that very quickly. Because of the recession right now, unless the trade union movement fights back on it — and I hope they do — it will decimate them if they don't.

Mr. Speaker, the other cute little line that goes with it — you have to take them both together. The vote in a recession is a ridiculous proposal to begin with, and the spinoff company — as my colleague is telling us, we now know why, because their companies are rather fond of the Tories. But this says:

Nothing in this Act shall be interpreted to limit or otherwise affect the right of the employer to communicate to an employee a statement of fact or opinion reasonably held with respect to an employer's business.

Mr. Speaker, this is before the vote. I read that the minister said it's a free vote, but this is during the time that they're talking about voting. If all of a sudden the employer comes to him and says: I can't afford a union here; we're going to shut down the spinoff company; if you vote union, or if you do this or do that, you'll get your wages cut or we'll have to move to another town. He's communicating his business; by this law it's totally legal. Now I would suggest . . .

MR. COOK: Mr. Speaker, on a point of order. The amendment before us deals specifically on a narrow point, the formation of spinoff companies, not on the second point in the Bill dealing with communication with employees. Perhaps the hon. Member for Edmonton Norwood would like to deal with the subject matter put before us by the hon. Member for Spirit River-Fairview. If he wishes to talk on the other one, I'm sure he will have ample time to move an amendment.

MR. SZWENDER: Agreed.

MR. MARTIN: You may agree hon. member from wherever, but the point is that the two go together. You can't talk about one without the other. But I will talk mainly about the spinoff, and I'll have something more to say about that and the hon. member can stand up again. It's the only time he gets up, you know. The only time he ever gets up is on a point of order. He figures he's read *Beauchesne* once, and he's now an expert.

Mr. Speaker, this ability to form spinoff companies and have votes is government interfering in the collective bargaining process. I have heard time and time again from this government how they do not want government interfering in the economic place; they do not want government involved. It seems that they don't want government involved for their friends. But when you interfere in the collective bargaining process, as they're doing with these spinoff companies, it is government interference at its worst. And I would say to the minister that it's government interference; it's affecting the right of association. That's even dealing with the Charter of Rights now. This is government interference at the worst. The minister can shake his head again, but he knows that it's true. The minister is an intelligent man. He knows exactly and precisely what he's doing here. He knows full well that people aren't going to vote for these spinoff companies. The minister is well aware of that. What we're doing is having the government interfering in the collective bargaining process. I say to the members of the Assembly through you, Mr. Speaker, that this is interference of the worst kind.

The thing that bothers me, though, is that it seems that the recession is now being used for all sorts of excuses. They're acting very much like Conservative governments. We can [inaudible] back in all the social infrastructure, and then we go after the unions.

MR. SZWENDER: We are.

MR. MARTIN: I know you are, and if you're proud of it, put your name down. It's the Member for Edmonton Belmont that's proud of that.

Mr. Speaker, what I'm saying to all Albertans through you in this Assembly, and to the minister, is that by doing something with the spinoff companies and nailing the construction unions — I know they feel that unions aren't particularly popular in society so they're easy to pick on, just like the social welfare people were easier to pick on earlier on. But I say to Albertans, when they start interfering with your rights — and the freedom of association and collective bargaining are human rights — where does it stop? Who can they go after next? Before we pass this Bill, I'd like people to think about that, because this is clearly against collective bargaining and the right of association.

Mr. Speaker, my colleague referred to the one good part of this. With the spinoff that they're talking about here, they will unite people in the trade union movement. Before we rant and are anti-union, I say to all Albertans that many of the things we enjoy are because unions had the right of collective bargaining, and that helped all working people. With the spinoff legislation in this Bill, they're not just attacking the trade union movement; they're attacking working people all over Alberta. I don't think the minister means to do this. I think he's basically a decent man. I tried to help him out before, and we're still trying to help him out. In the long run he wants stability. But stability doesn't come from cutting down the wages of working people and taking away their collective bargaining rights. All that does is create resentment in the work place.

We are not going to have good labor relations in this province down the way, and it will get worse as we get into the recession. Every society that has good labor relations doesn't have spinoff like this. If you go to the western European countries where they have labor peace, they don't have punitive legislation like this. They're the countries doing best with their unions and their economy, so it makes no sense to me when we bring in this type of legislation.

I do not know why the minister is doing this. If he really believes that somehow allowing this type of union bashing in this particular Bill is going to have labor peace in the future, it won't. He may intimidate people for a while because of the recession. Hopefully this government won't be here for long, though. Then there'll be some other government, and we'll have prosperity again. Then what are you going to do? Times will be a little different then. People have long memories. So I hope that the whole government hasn't been taken over by the Amway corporation and that some of them will come to their senses and recognize what we're doing here with this spinoff company.

As I said, one of the good parts about the Bill that my colleague talked about is that they may very clearly have brought working people together, because they're all getting it now. Perhaps this is the only positive viewpoint. Maybe the minister will go down as the minister who went after the working people but brought them together in the long run. That's about all we can say for the minister.

I strongly suggest to the Assembly that rather than just sitting on their hands and voting yes to everything that comes in, think

about what we're doing here. Has anybody taken a look at where labor relations are working? It's clearly not by Bills like this. When even other construction contractors — not just the trade union movement — are saying the same thing, then surely the government should take notice of that.

I understand that the trade union movement made many other offers to look at the problems. They recognize that there's a recession too. They were prepared, and I think quite rightfully so, to co-operate. They didn't co-operate enough for the minister and the big six. Maybe they didn't donate any money to the Tory party; I don't know. But they did make offers. I've seen them, and those offers were fair.

Mr. Speaker, in conclusion, I support the amendment, but because I believe the two things go together — for the hon. Member for Edmonton Glengarry — I have a subamendment that deals with section 143.1 which says:

Nothing in this Act shall be interpreted to limit or otherwise affect the right of the employer to communicate to an employee a statement of fact or opinion reasonably held with respect to the employer's business.

First of all, the spinoff companies and the votes are a travesty in democracy. Then when the company can communicate to them how hard things are and has the right to intimidate under this Act — it's clear they have the right to intimidate. The minister may shake his head.

MR. SZWENDER: Read it again.

MR. MARTIN: I'll read it again. Perhaps the Member for Edmonton Belmont hasn't read it. When you can communicate your financial position, what does that mean? It means they can say anything they want because that's communicating their position. Surely under this they could say that they can't afford a union at this time. Is the minister going to tell me that this is incorrect, that they would be against the law? Could they communicate that? I think they can by this Bill. Well, that's going to have an affect on the vote, isn't it, Mr. Minister? The minister knows full well that it is.

The subamendment is added to the end of the amendment and says:

and further declares its continuing support for the principle that employers ought not to be allowed to interfere either in an employee's decision whether or not to join a union or in the process whereby a union may be organized at an employer's shop.

Mr. Speaker, with that amendment and this subamendment, we could probably salvage this Bill, so we wouldn't have a disaster in the future. But knowing the record of the hon. members in the back benches — I hope I'm wrong, and I'd be overjoyed if I were. I hope they will take a second look at this. Thank you, Mr. Speaker.

MR. ANDERSON: Mr. Speaker, I'm moved to participate briefly in this subamendment, particularly because I think the points of view raised by hon. members with respect to this section of the Bill before the House at this particular time are the most specious, inaccurate, and distorting that I've yet heard in this Legislature.

By way of background, the reason I oppose this subamendment — members should know that I come from as much a labor family as can be found in this province. My father has been a member of a construction trade for over 30 years, the Plumbers and Pipefitters Union. My mother is an AUPE shop steward and I, in fact, have been a member of the Brotherhood of Electrical Workers in my lifetime. So I suggest that there are few people, regardless of where they sit in this Legislature,

who can purport to speak more from a labor perspective than my family in their distinguished association with labor unions in the province.

Surely, Mr. Speaker, all of our deliberations in this House must, above all, take into account the need to be reasonable and to communicate reasonably. I am moved, as I believe any reasonable union member or citizen of the province of Alberta would be to say that an individual who stands and says that one individual or group of individuals in our society should be precluded from communicating with another group of individuals in a society is talking about nothing except selective democracy at best. Indeed, do the hon. members of the Official Opposition want to apply that principle to democracy? Do they want us to preclude, in our system of government, certain discussions from taking place before the electorate before those individuals make a decision. Do they want us to stand in our places at election time and be precluded from telling the electorate how they should vote?

I think there's a direct correlation there. I expect the hon. Leader of the Opposition has prepared various quotes from what he would consider to be eminent individuals who define terms like freedom of association, freedom of speech, and freedom of gathering, in some sort of obscure way which would somehow say to the citizens of this province that indeed one person should be precluded from communicating with another.

But surely the union members in my constituency — I might say that I believe more working people voted for me during the last election than those managing companies out of my [constituency] — would surely say that they want to know the facts before they make a decision. They want to be able to determine, on the basis of the situation they're in, whether or not they can go along with a company that's a spinoff situation or indeed demand, as is their right — as this Bill indicates and as this Bill protects their right — to remain union members, if that should be their decision.

I know that my father, who has been a good and solid union member for years, and who is in the construction trade and who, along with many others today, is suffering from a lack of work in that particular area, would want to make the decision on that basis. I know other union members in this province would. I feel, Mr. Speaker, that we're twisting the very terms of communication of democracy, of freedom of association, when we somehow suggest that for one person to communicate with another is indeed beyond the parameters of something that should be in government legislation. In fact, in the democracy that is Alberta, the province I'm proud to live in, I think it is our obligation to ensure that right, not our responsibility to preclude it.

With those few remarks, I urge all members to defeat this subamendment.

MR. HIEBERT: Mr. Speaker, I too would like to join in the debate with regard to the subamendment. In my view, one of the most important features of the Bill introduced by the minister is the fact that communication was being reaffirmed. It is clarifying that communication is an important and essential part of the process in labor relations. From what I heard in the background the minister gave when dealing with the original Bill, it was my understanding that discussions had taken place over the summer, that representations were made to the minister and officials from all parties — labor officials, unionized contractors, and non-unionized contractors. The sad case is that there was no meaningful consensus from that dialogue.

The Bill underlines once again that communication is an essential part. Quite frankly, Mr. Speaker, if there had been a proper give and take, and a proper spirit at that time, the need

for the minister to have intervened with this legislation may not have even been required. I would suggest to hon. members that the subamendment should be defeated.

MR. COOK: Mr. Speaker, I wonder whether the subamendment is really even in order; it's a point. It says in *Beauchesne* that

the amendment must not be concerned in detail with the provisions of the bill ...

This is on reasoned amendments. I would suggest that that is exactly what the members have done. In the subamendment, they are referring to a detail in the Bill.

Going on further, I'm not even sure they're speaking to a specific point. I take that from the speech the hon. Member for Edmonton Norwood raised, but I just checked the definition of the word "interfere" in the *Concise Oxford*. It says, to be opposite or in collision with.

The principles in the labor Act don't allow for the employer to interfere in the process where a union may be organized or with the decision of an individual to join a union. There is no provision in the amendment or in the labor Act for interference. And yet, that is the subamendment before us.

Mr. Speaker, I wonder if this is even in order. First of all, it contemplates the details, secondly it contemplates something that doesn't exist.

MR. NOTLEY: Speaking very briefly on the point of order introduced very briefly, the hon. Member for Edmonton Glengarry has perhaps not had an opportunity ...

MR. COOK: Mr. Speaker, I didn't raise a point of order, I was participating in the debate. So be fair now.

MR. NOTLEY: I presume there isn't a point of order then, because I think if the hon. member reviews his citations carefully, particularly Citation 744, he will realize that the amendment to the amendment is in order. But I would like to deal with the amendment to the amendment for a few moments, because some points have been raised by the hon. Member for Calgary Currie, the hon. Member for Edmonton Glengarry, and the hon. Member for Edmonton Gold Bar that I think have to be answered.

Mr. Speaker, one would be a little more impressed with the intervention of the hon. Member for Calgary Currie if in fact this was not dealing with an amendment. But of course what we're doing is removing any question of coercion whatsoever, and we are now making it clear that nothing in this Act shall be interpreted to limit.

One can be eloquent or forceful or vigorous, as the hon. member was and occasionally is, in defence of democracy. If this argument is so salient and valid, one has to wonder why it took so long for this provision to appear in the legislation. Indeed, the hon. member has been a member of the House since 1979; the hon. Minister of Labour since 1971; this government since 1971. So one would wonder why, if this is such an elementary aspect of democracy, it took until November 22, 1983, for this change to be made.

Of course, Mr. Speaker, the reason that it did is, notwithstanding the members' eloquence, that it has absolutely nothing to do with our democratic privileges at all. What it has to do with is a question of whether or not coercion should be allowed. That is where the International Labour Organization has something to say. You cannot have the development of collective bargaining unless you have people able to freely join the union. If during the course of that sign-up period, there can be coercion — it can be coercion in different ways. It can be the kind

of communication that comes from an employer saying: look, Mr. Anderson, you know you can't join a union, because I can't afford to pay you; you'll be fired. According to this Act, that's just communicating to an employee a statement that is, in the opinion of the employer, reasonably held with respect to the employers business: Mr. Anderson, I can't pay you. If that isn't coercion, I don't know what is.

The analogy has been made about the kind of communication that takes place in an election. But we all know that there are rules that are set, and we should know. We have rules in terms of reporting, we have rules in terms of the time period, we have rules in terms of defamation, and we have rules in terms of free time on television. We have a thousand and one rules. We have rules, Mr. Speaker, in this House. As you well know as the from-time-to-time the arbitrator of debate, the whole framework of freedom depends upon the reasonable exercise of rules. We can't have a situation where it's the unfettered right of one to do whatever he chooses, and that's what we're doing here.

We've dipped into our grade 7 junior political science manual, taken out a clause, and misinterpreted it. I can understand that occurring from time to time in a caucus meeting. What I can't understand, however, is that that kind of misinterpretation can find its way into a law which is going to yield nothing but trouble for this government.

The one thing the government had going for it in years past, despite everything else, was a recognition — if I can use a Tory phrase — that the bottom line is: will it work? But the way this legislation is set up, it is not going to work. The amendment to the amendment simply adds 143 to a declaration that 133 is completely inconsistent with a practice that is working. I just have to tell the members of the government that they are playing at their own political funeral if they press ahead with this kind of confrontation. Whatever environment of co-operation existed in the construction industry in this province, we are now going to have a period of uncertainty, a period where there will be coercion by some, retaliation by others. You are going to be creating the worst kind of environment.

I say to members of the government, we cannot stand back and six months from now say: isn't all this trouble in the construction industry awful. The fact of the matter is that by our legislative authority, we are setting in motion a series of events that can only lead to trouble and difficulties.

I would be less than frank and less than honest with the hon. members of this House if I did not warn them of what I think they're getting into. Members may not like to hear what I am saying today, or what my colleague has said, and they may get a little irritated. That's too bad. But I want to tell you that the fact that the hon. Member from Edmonton Belmont is a little irritated does not worry me in the slightest. I am not going to lose one second's sleep over it. But I think this government should lose some sleep over what the inaction of members like the Member for Edmonton Glengarry and others on this issue is doing, what kind of chaos we're going to be entering as a result of poorly drafted and mean-minded legislation that can only provoke — rather than bring together — people in Alberta.

I believe the hon. Minister of Labour is an honorable man. I say that quite sincerely. I believe he means what he says when he would like to see people working together. You're not going to get people working together with legislation that is so divisive in nature. What you're going to do is create confrontation after confrontation. The point that has to be made — that my colleague and I are making in the amendment and the subamendment — is that the responsibility for the problems which lie ahead of us are going to be left on our doorstep,

because we're the people that are being asked to pass this unreasonable legislation.

I would say — especially to the hon. Member for Calgary Curry, whom I respect a great deal — the reason that my colleague has moved this amendment to the amendment surely has to be demonstrated very clearly. I'll get some copies of this application form photocopied. When you have unemployed construction workers all over the province, it frightens me if you have applications for employment which say: have you been a member of a union local in the past six months? If so, which local? If yes, explain. We're snooping into their personal affairs. Why would that be on an application form if the employer was simply going to file it away and note it, if wasn't going to be of any importance?

If we are going to have this secret vote that the hon. Minister of Labour tells us about, then that secret vote has to be conducted in the context of fair rules, without coercion — the kind of thing one sees in the various decisions of the International Labour Organization. Some members of this House may think: oh well, the ILO is a radical organization; we don't want to pay any attention to it; we aren't going to pay any attention to the Charter of Rights anymore; if that stands in our way, shoot, we'll bring in a notwithstanding clause; so the ILO has a decision, we won't bother with that either. I say to you, Mr. Speaker, and I say to members of the House, beyond this Chamber people are looking at what we're saying. They're asking us what position we are taking on these items and, most important of all, they're asking if we are treating an issue of this consequence in a fair-minded fashion.

That's why the amendment to the amendment is before you. The element of fairness must be part of the democratic process, and section 143.1 undermines that simple question of fairness. It rigs the process, Mr. Speaker, because it allows the employer to use unwarranted influence on his employees. If this were 1979 or 1980, I don't suppose the trade union movement — the construction trades in particular — would have liked it. As I look in the gallery, I'm sure that some of the people here would have been just as appalled in 1979. But it probably wouldn't have had much ill effect in 1979, because we were desperately trying to find skilled workers. Because we were looking for people to come in, we didn't pass that kind of legislation. This province is a good deal stronger today because we worked with the construction trades.

My colleague is totally right when he says: here were a group of trade unionists who work side by side in an effort to try to find common cause with this government on major projects. I should know, because some of them disagreed with the positions that I took in this House on major projects, some of the megaprojects, and made that disagreement known to me in very blunt and honest terms, and I respect them for it. But they worked closely with this government, and now that we have thousands and thousands of them out of work, we change the legislation so that we now allow the big six to say: by the way, we can't pay you if you join a union; by the way, our economic outlook isn't so hot; by the way, we can't pay your salaries; by the way, we can't meet X, Y, and Z — just communicating to the employee, Mr. Speaker, a statement of fact or opinion, reasonably held. The minister and his colleagues, all the government backbenchers, weren't even prepared to let it stand as a statement of fact. They had to add "or opinion reasonably held". There are all kinds of opinions reasonably held. I would have to honestly admit that besides the 75 members of the government caucus, there may even be three or four other people in this province — six company presidents for sure — who would endorse and reasonably hold the opinion that this is good legislation.

What we have allowed here is open access to the employee by employers that are quite prepared to use coercion. They're already doing it. Can we, in good conscience, pass legislation that doesn't plug that loophole? I don't think so, Mr. Speaker. I would say to members of the government caucus that over the more than 20 years that I have been closely associated with people in the trade union movement, I know of very few issues which are so important to people, regardless of where they sit — whether they're in the public-sector unions or the private-sector unions.

When we have a situation where the Building Trades Council and the Alberta Federation of Labour can make common cause, Mr. Speaker — and I'm sure you're aware of this; I know the minister is. For those of you who know the history of the last three or four years, the fact that there is common cause on this issue demonstrates beyond any shadow of a doubt the depth of feeling among working people on this issue. It's not just a case of the odd person saying, we don't like it. It is a matter which is deeply held.

Mr. Speaker, at the very least, the amendment to the amendment we have before us would change the rigging, if you like, of this so-called vote. It would guarantee fairness. It would reinstate, if you like, provision that has been accepted. It would be consistent with the freedom of association conventions of the International Labour Organization. Taking it out, as the government proposes to do, is simply to inflame the passions of people that I think the minister and all of us should want to enlist in a concerted effort to work together to get this province back on the road to economic recovery.

For heaven's sake, let's not try to find bogey-men; singling out individuals or groups. We take a public opinion poll to find out which group is unpopular, and then we single them out as bogey-men. The time has come for a government with some common sense to recognize that it's as we pull together that this economy will begin to recover. If we set ourselves apart and divide ourselves, and create confrontation rather than cooperation, all we'll be doing is delaying economic recovery.

I don't expect the Member for Edmonton Glengarry, the Member for Edmonton Belmont, or any of the other members to stand in their places and denounce the minister. We know how the system works. But I want to say to them, through the discussion of this amendment, that we had an adjournment of 12 days presumably so this government could think through what they were going to do on this labor legislation. Better that they think again for a little while, better that they evaluate not only what they're getting themselves into but, far more important, what they're getting the province into. Perhaps they could consider that in caucus, Mr. Speaker, because this Bill is not so necessary that it wouldn't be possible to defer it, wouldn't be possible for that advisory committee the minister is talking about to sit down and begin the process of discussion, bringing in advice where you could develop a consistent approach representing both sides — a far more sound approach to the development of public policy than the unilateral decision of the government caucus.

But in the absence of that — and I only leave that to members of the government to go back to their caucus meeting — I say to you, Mr. Speaker, and to members of the House, that the amendment to the amendment is important in terms of our labor relations in the construction industry, and it's important too in terms of making sure that the principle of fairness and equity be related to any certification vote in a so-called spinoff company.

MR. R. SPEAKER: Mr. Speaker, I want to speak to this sub-amendment, and first of all say that I feel that at this time the

minister certainly owes the Legislature an explanation for this principle that is in the Bill. As the minister mentioned, there are two principles: number one, with regard to the vote and number two, with regard to communication.

Listening to the minister earlier this evening I had the impression that communication was a very casual type of activity, where the employer could communicate with the employee, and that through the Act we would give him the right to have conversation. What the conversation was about, the details of the conversation, or the intent or purpose of the conversation, certainly wasn't outlined to this Legislature.

As I sit and listen to the debate and, as well, review the Act, I think in terms of a vote and the day of an election when, for all of us who sit in this Legislature, there is a period of time where certain things cannot happen by a political party, or a candidate cannot do certain things to influence the direction of a voter on that specific day. But I see the amendment giving licence to the employer to do a number of things, even during the period of time when the vote is taking place. Certainly the board, as I understand it, outlined certain rules and regulations with regard to voting. I understand that. But the way the amendment is brought into this Act, it gives the employer the right to communicate but doesn't place restrictions on it. When this right that was formerly not in legislation, that most likely was done informally and on a common-sense basis, is placed into the legislation, that may give greater authority for the employer to do other kinds of things.

I certainly felt that the minister didn't clarify that matter in the explanation to us in this Legislature. If this part of the Act is as the minister has said, it seems to be acceptable. But when I examine it further as to the implications on the vote and the influence on the employee, it is unacceptable to me. I would have to support the subamendment as outlined, unless there is a much better definition given in this Legislature this evening.

The other item that concerns me to some extent is with regard to the employee's rights. When this right is given to the employer, what types of rights are taken away from the employee and are not being protected? I haven't heard the minister address that particular question with regard to this matter. In reading the Act and observing what has happened, I feel that the two principles, number one and number two, are acting in tandem, that the second amendment to the Act with regard to communication seemed necessary to implement the first recommendation with regard to voting. In my mind, I see no reason why a vote cannot take place without the employer having a legislative right to communicate. I'm not convinced that is necessary in that process at this point in time.

Mr. Speaker, I want to make clear the point that the minister has not convinced me, nor have any of the backbenchers who have spoken in this Legislature added information which convinced me that it's necessary. Maybe the first principle can stand on its own, and I'd like to hear what the minister has to say with regard to that.

DR. BUCK: Mr. Speaker, I would like to take part in the debate on the subamendment. I come from a community that has had many, many years of labor peace, a community that is, I would say, probably the petrochemical centre of this province. I've seen unions come, and I've seen unions go. I've seen unions organized, and I've seen unions disorganized and disbanded. In the many years I have been associated with my community and with people I know intimately who have been members of unions and members of groups that are not unionized, I've never heard either labor or management complain about the system we had in place. I have talked to people who have tried to organize unions — some of them have had success

and some have not — but I've never once heard anyone accusing management of coercing their workers and saying they should all not join a union, because the worker has that right under the Act in this province.

Mr. Speaker, it really distresses me to find out why the government, in its wisdom or lack thereof, would put this section in. In the last several years I have noticed the unique pattern that this government is establishing, and that pattern is to be very virulently anti-labor. When we had discussions in this Assembly over the last year or year and a half, that virulence became more and more a factor. When we are looking at having labor peace in this province, this government is certainly not doing itself any favor.

Mr. Speaker, it will be with great interest that we look to have the minister enter into the debate on the subamendment. As my colleague has indicated, nobody in the government back benches has convinced us why this section is in the Act. I would like to say that because this government, either by design or by accident, seems to have headed down a path of confrontation with labor in this province — that is not a reasonable approach for a government to take.

I remember when members of the committee on workmen's compensation — the hon. Member for Spirit River-Fairview and myself as opposition members, government members, the hon. minister Mr. Diachuk — were in Germany, I asked the people at a very major industrial plant: what is your record of strikes in this plant? He said, strikes? He said, we don't have strikes over here; we as management sit down on an equal basis with labor and with somebody representing government and try to make sure we all benefit. Why can Canadians not learn that very, very simple fact?

MR. COOK: It's called communication.

DR. BUCK: It's called communication, little boy blue says from the back corner. Mr. Speaker, what we're discussing at this time is the fact that the communication is only coming from one side. Maybe even the hon. Member for Edmonton Glengarry can understand that. There are subtle coercions that can be used. It's called leaning. Governments do it; management could do it with this section in the Act. Why do we put it in there?

Mr. Speaker, I would just like to say that I have absolutely no hesitation in supporting this subamendment. I certainly look forward with great anticipation to either somebody in the government back benches who is conversant with the facts — and of course I won't hold my breath waiting for that — or the minister telling us why the section is in here. If we are looking at good labor relations in this province, surely this is not the way to take it.

With those few words I would like to say that I will be supporting the subamendment, and I'm looking forward with great anticipation to the minister's comments on why this section is in the Bill.

MR. YOUNG: Mr. Speaker, I've really been anticipating how the hon. members in the Independent party were going to align themselves with the NDP on this issue so that they could vote with a clear conscience, and we finally heard it.

MR. DIACHUK: Free enterprise.

MR. YOUNG: I would like to compliment the hon. Member for Clover Bar, because in his constituency there is an excellent program of co-operation between the owner and the contractors and unions there. It's called the PRIDE program, and I hope

that some day he has a chance to become fully familiar with it. It will disabuse him of some of the nonsense I've just heard.

I want to deal with some of the material which the hon. members for Spirit River-Fairview and for Edmonton Norwood scattered around high, wide, and handsome as usual when they reached into the NDP red herring pot. But first I'd like to say to the hon. Member for Clover Bar that Canada has recently had the worst strike record in all the western industrialized world. A part of that contribution comes from the construction industry, as much as I regret it.

The hon. member may have realized that there was what I think we could call an illegal walkout at a power plant just a little west of Edmonton as recently as 10 days ago. That's the sort of thing that comes from lack of communication and from hot-headed action rather than communication that's supposed to prevent that sort of occurrence. So how do we overcome the situation? Well, the suggestion was that we should put in a statement saying that the employee has certain rights. I had quite a discussion with officials in the department about doing that. They pointed out to me that if I were to put in there that the employee had a right to communicate with the employer, it might be seen by the business agents and the trade unions as some threat to them and perhaps even an acknowledgement or a suggestion that there was some capacity to indulge in a form of bargaining, which we didn't want. Instead of that, we settled for the very same clause in this amendment to the Labour Relations Act as former Premier Barrett put into the labor legislation in British Columbia. But the hon. Member for Spirit River-Fairview neglected to do that much research to figure that one out.

MR. NOTLEY: Don't follow his mistakes; you know what happened to him.

MR. YOUNG: I know what happened to him.

MR. NOTLEY: Down the Barrett path.

MR. YOUNG: We should give you the opportunity to disavow the relationship more often.

Mr. Speaker, quite apart from not having done that little bit of research, the hon. Member for Spirit River-Fairview, who is otherwise known as the Leader of the Official Opposition, hadn't done his research on the submission made before this Assembly this spring by the Alberta Federation of Labour. Addressing the item that is being withdrawn in this Bill, that is the item under section 2 of the Bill dealing with threats, the Alberta Federation of Labor said this spring that it was a dangerous inclusion. They said it prohibits persons acting on behalf of trade unions from threatening a strike or lockout in circumstances, et cetera; they went on for almost a full page of their submission. To be very candid, that was put into Bill 44 this spring in the hope that we would have a more civilized approach, particularly on construction sites, less jumping to the use of threats and more listening. With our further experience over the summer, it appeared that neither management nor labor wanted it there. We'd already had the union representation, and management came along and said: well, we may inadvertently make some threats, and we don't want to be caught out on it. I have obliged by removing it from the statute. I am meeting the request of the Alberta Federation of Labour, hon. leader, and I hope you'll keep that in mind.

Now with respect to another point, made by the hon. Member for Little Bow, he talked about the process of the Labour Relations Board. He's quite right in making the observation that there is a set of requirements surrounding any vote. Among

other things, there is the prohibition on campaigning for a certain period of time before the vote, et cetera. If you wish, I can make the guidelines available to you, but I'm pretty sure you know what they are. I think that would suffice.

The final point I want to deal with, since there is concern about what this section means, the verb used is "communicate". That is quite different from some of the other verbs that the hon. member has used and gone on wildly about, imagining the worst of all worlds.

MR. NOTLEY: We know what "communicate" means.

MR. YOUNG: Mr. Speaker, if the hon. leader would look at section 137 as it now exists in the Labour Relations Act, he would find that no employer or employers' organization or anyone acting on their behalf shall "participate or interfere with the formation or administration of a trade union". [interjection] It would continue to be an unfair labor practice. This talks about communication. Communication is one thing; interference is quite something else. They don't want to hear it, because it undercuts all of the red herrings that went flying out of the bucket. [interjections]

I will leave it to hon. members to check section 137(3)(a) and (3)(d). Since the hon. Leader of the Opposition isn't interested in listening to what I have to say, he can read it in the statute. He will find that it deals with such things as intimidation, threat of dismissal, and threat. All those bad things that he talked about are quite illegal. They are very different verbs from "communicate".

MR. MARTIN: Why put this in?

MR. YOUNG: We put that in for one reason, and I am glad the hon. Member for Edmonton Norwood reminded me to respond to the Hon. Member for Little Bow.

MR. MARTIN: I'm trying to help you out.

MR. YOUNG: You're really helpful, Ray. In fact, I sort of enjoy you.

On discussion with a number of people, it turns out that the negative sections of the Act are being read very largely and the unwritten permissive capacity read very narrowly, and I think primarily by legal counsel. I have tried to figure that out in my own mind, and I could offer the Assembly this reasoning. I suspect that legal counsel do not like to lose cases before the Labour Relations Board. So when something occurs involving employees or a union, and a manager who is faced with that event becomes somewhat emotional and rushes off to a lawyer, and the lawyer says: gee whiz, if I'm not careful, he's going to do something that is an unfair labor practice. So he cautions management against proceeding in any way that might possibly, even in the wildest exaggeration, be considered to be an unfair labor practice.

I have actually met people in a position of management, owners of companies who say: we are not allowed to communicate with our employees; we are not allowed to tell them what is happening to our business. I submit that no matter what kind of democracy we have and no matter what kind of economy we have, if there isn't some communication of a very fundamental set of circumstances which is of common interest to employees and the employer, there isn't going to be good understanding and there isn't going to be good judgment on the part of the employees in that instance, or on the part of the employer for that matter, if he might learn something from the employees.

Mr. Speaker, that is why this clause is in. As I indicated, the same or a similar provision is in all other statutes. We happen to think that former Premier Barrett devised the better of the wordings, so we went with his wording.

Mr. Speaker, I would urge all members to defeat this non-sensical set of amendments.

[Mr. Deputy Speaker declared the subamendment lost. Several members rose calling for a division. The division bell was rung]

[Eight minutes having elapsed, the House divided]

For the motion:

Buck	Notley	Speaker, R.
Martin		

Against the motion:

Alexander	Hyland	Oman
Alger	Hyndman	Paproski
Anderson	Jonson	Reid
Bogle	King	Shrake
Cook	Koper	Sparrow
Crawford	Koziak	Stevens
Cripps	Lee	Stiles
Diachuk	Lysons	Stromberg
Drobot	McPherson	Szwender
Elliott	Moore, R.	Thompson
Embury	Musgrove	Young
Fischer	Nelson	Zip
Hiebert		

Totals:	Ayes – 4	Noes – 37
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[Mr. Speaker in the Chair]

MR. SPEAKER: Would all those in favor of the amendment, please say aye. Those opposed, please say no.

[Mr. Speaker declared the amendment lost. Several members rose calling for a division. The division bell was rung]

[Eight minutes having elapsed, the House divided]

For the motion:

Buck	Martin	Notley
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Against the motion:

Alexander	Hiebert	Oman
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Drobot	McPherson	Szwender
Elliott	Moore, R.	Thompson
Embury	Musgrove	Young
Fischer	Nelson	Zip

Totals:	Ayes – 3	Noes – 36
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SOME HON. MEMBERS: Question.

MR. MARTIN: Let's not be quite so anxious for the question. I know the boys in the back benches get tired easily.

I would like a chance to respond to the hon. minister on the main motion. Again, I always have to admire him for trying to make a case out of a hopeless situation. He does it very well, Mr. Speaker, but he just happens to be wrong. I know the minister is an intelligent man, and I know he doesn't believe in most of what he is saying, because he can't.

The minister referred to Canada as having the worst record in terms of strikes in the western world, I believe. There is a reason for that, Mr. Speaker. It is precisely because of Bills like this that we're bringing in. As the hon. Member for Clover Bar pointed out — we've talked about it; the minister is aware of that — they've had labor peace where they've had co-operation between business, government, and labor. In western European countries they were partners. They do not bring in punitive Acts, because the labor movement in those countries would not allow it and the governments would not do it. They work together. As a result, they have a very good strike record. The Member for Clover Bar talked about this.

Mr. Speaker, when you bring in punitive Acts, because you have the power of government you may control people for the time being and dismantle the trade union movement, but in the long run it doesn't work. They will come back, but it will be with the wrong type of climate. I know the minister is sincere when he says he wants labor peace and co-operation. But we're saying that if you look right across history where labor relations are working in the free world, it's not by Bills like this, that I classify as punitive Bills. When we have to bring in a Bill like this, it is showing that we do not have labor peace and don't know where we're going with labor.

There's an old saying, Mr. Speaker, and it deals very much with the Bill we're talking about right now. In business it's called theory X and theory Y. Theory X is the old, where you have the bosses and the workers, and the workers are supposed to do whatever the bosses want. In these countries, they've found that that doesn't work. Most progressive companies now know that this doesn't work, and they go to theory Y, the idea that business, labor, and government are equal partners. That's what works in terms of labor peace. I suggest to you, Mr. Speaker, that this Bill is an example of theory X, that if we push back the rights of working people, somehow they'll be controlled and we'll have labor peace. I say to the hon. minister that that is just not going to happen.

Mr. Speaker, the other thing the minister talked about — I have some other things, but just with regard to the minister's remarks in closing debate — is back to 143.1. The minister said, in his very nice approach, that the key word is "communicate". Mr. Speaker, I like the word communicate too, although I find it rather difficult in this session in this House to communicate. But you have to take that in concert with the reality of the economy and the other part of the Bill.

The minister well knows that 143.1 of this Bill is probably odious at the best of times. But when the economy was booming, Mr. Speaker, the fact is that it probably wouldn't have been brought into force very much, because we were short of workers at one time. But when you're into a recession, especially a severe recession in the construction industry, and people have a choice between working, as they said here, for \$9 or taking a chance at organizing a union, first of all they're going to be very afraid. They have to consider their family first. They have to consider how they're going to put bread on the table. So you're dealing with people that aren't willing to take many chances in a recession. Right away, we're talking about the spinoff, the vote. It's going to be geared against the union to begin with.

Then, Mr. Speaker, you say communicate. Any type of communication from the employer just before the vote, even

if you have the board and all the rest of it — when you put this into the Act, any type of communication can be taken as intimidation. I take this in concert with what's going on. First of all, the minister admits we've had the six larger construction companies doing most of the lobbying. Is it a coincidence or not, in terms of communication, when the minister says here he just wants to communicate? I'm saying that there are many ways, some subtle and some not so subtle. When people are scared, they're not going to go to the Labour Relations Board, because they're still afraid of losing their job. That's a fact. That's what happens in labor negotiations when they don't feel they have the right, and they're worried about their job. They don't take chances.

MR. COOK: Mr. Speaker, on a point of order. The House has already dealt with the subamendment dealing with the concept of communication, and the member is now referring to the same concept in the main motion. It seems to me that the House having dealt with it, it's irrelevant for him to speak to a concept that has been dealt with.

MR. NOTLEY: Mr. Speaker, on the point of order, I'm really quite amazed.

MR. MARTIN: I can't believe that guy.

MR. NOTLEY: It seems to me that if the amendment had been carried, I certainly think the hon. Member for Edmonton Glengarry might have had a point.

MR. MARTIN: He was probably asleep.

MR. NOTLEY: But both the subamendment and the amendment were defeated. Therefore, since the subamendment and the amendment dealt with the two principle aspects, what the member is trying to tell us is that the two principle aspects of this Bill, 133 and 143, are not the subject of debate. Mr. Speaker, I do not see how anyone could possibly construe that, if second reading is to have any meaning at all. Therefore, we are now once again dealing with a separate motion, a motion for second reading.

As the minister himself quite properly pointed out in introducing the Bill, there are two major principles. My hon. colleague is dealing with one of those two principles; he may deal with the other one. Because we are dealing with the motion of second reading, and because those principles were clearly identified by the person moving second reading, I would certainly suggest that it is only appropriate that all hon. members, either on this side of the House or government members who may wish to participate, would be able to comment on the principles contained in the Act.

MR. SPEAKER: The situation isn't quite as easy as that. There's a long-standing parliamentary tradition that says that once a question has been decided by the House, it may not be debated again at the same session except by some special means, which I won't go into at the moment. The House has decided on this question of interfering with an employee's decision, which is another name for communication, including threats, as has been alleged. That has been decided, and consequently it is beyond debate.

Likewise, we have to recognize the principle in the amendment, because that principle has been rejected by the House. That deals with permitting spinoff companies. At the moment, I'm not going to come out with a learned and analytical dissertation on what that leaves that is still open to debate. But

there is no question that the two matters that have been decided, by the amendment and subamendment, are no longer open for debate. That's in our *Standing Orders*; that is just eminent common sense. Otherwise, we are totally wasting the time of the House in debating over and over again things that have already been decided. I find a very considerable amount of merit in the point of order raised by the hon. Member for Edmonton Glengarry. [some applause].

Order please. The Speaker's decisions are not subject either to applause or to other kinds of treatment that they sometimes get.

MR. MARTIN: On the point of order, I assure you I won't applaud. The point we're trying to make is that we're going through the motion. This Bill has not passed second reading yet. There are two or three main parts to it, and that's all there is in the Bill. But it is not the law; it has not passed second reading yet. Surely when we're talking about the main motion at second reading dealing with the Bill, precisely what we're talking about is the Bill that's going into second reading on the main motion. I can't possibly see how you would not be able to talk about what's in the Bill on second reading.

MR. SPEAKER: We're debating the Bill. In the course of debate, there has been an amendment and a subamendment. I would be quite surprised if the hon. Member for Edmonton Norwood would seriously say to this House that once a matter has been decided, on the very same evening or the next day . . .

MR. MARTIN: This hasn't been decided.

MR. SPEAKER: The matters that are in the amendment and the subamendment have clearly been decided by recorded votes of this Assembly. It couldn't be any plainer than that. I really do not seriously expect the hon. Member for Edmonton Norwood to say seriously that having decided those points, we should now continue to debate them.

MR. MARTIN: Mr. Speaker, on the point of order, what's the point of dealing with the Bill then?

MR. SPEAKER: That's not my problem. I didn't draft the amendments or the subamendments. Anything relevant to the Bill that has not been decided in what we have just voted on is still open for debate.

MR. MARTIN: Mr. Speaker, I take your ruling as probably being wrong, but I'll go on to the next one.

MR. SPEAKER: You know, the hon. Member for Clover Bar read us an example of not taking it out on the referee. The hon. member is entitled to his opinion, but I have to do my job here and that kind of comment is not in order.

MR. MARTIN: Mr. Speaker, I'll move on to the next part of it. What we're talking about is this being an anti-union Bill. It's clear that it cannot be a coincidence when we have a spinoff company from PCL putting out a registration form which clearly asks the question: have you been a member of a union local in the past six months? If so, which local and if yes, explain. Mr. Speaker, that's too much of a coincidence for me.

MR. COOK: Mr. Speaker, on another point of order. The Member for Edmonton Norwood is being unduly repetitious. We have had this point before from him this evening, and we have also had it from the hon. Leader of the Opposition this

evening. I wonder if the member could come to some new conclusion with some new material.

MR. NOTLEY: Mr. Speaker, on this most recent point of order, I think, sir, you indicated today that you were taking that particular issue under advisement; that is, how repetition is to be enforced between different motions. I would, however, bring your attention, sir, to an observation that I believe you noted earlier this fall session, and I hope I don't misquote you — that simply because one member has raised an argument does not preclude another member from raising an argument.

We are all representatives of our constituencies, and we certainly have the right. It may well pain the hon. Member for Edmonton Glengarry that I have raised a certain argument. It does not, however, foreclose my colleague or the hon. Member for Edmonton Glengarry or anybody else from raising that argument in representing his or her constituents. The fact that I indeed raised that particular matter is, I think, relevant to second reading of this important piece of legislation. Rather than suggesting that because I raised it, that forecloses debate on it, I really think that would be taking unto myself rather undue powers that I would not claim for either myself or my constituents. Any other member should be able to either make the same arguments or refute the arguments that I raised with respect to that document.

MR. SPEAKER: There were two points raised by the hon. Member for Edmonton Glengarry. That refers to one of them. One of them dealt with what the hon. leader has just mentioned, and that is whether one member may repeat another member's argument. There is some lore on that point that indicates that that shouldn't be done. However, I would say that it surely ought to be open to a member to say that he agrees with something that another member said, and to identify that point. That certainly would mean that two members would be making the same point, and I could see a half dozen members making the same point.

The other matter raised by the hon. Member for Edmonton Glengarry was that the hon. Member for Edmonton Norwood was repeating the point.

MR. MARTIN: He wasn't listening. That's his biggest problem.

MR. SPEAKER: I'm not going to comment on that.

MR. MARTIN: Look in *Hansard*. I didn't raise it.

MR. SPEAKER: I'm just saying that that's another point that was raised. I was not in the Chair earlier this evening, and I don't know whether it was raised or not. So I'm really not able to rule on that matter.

MR. MARTIN: Mr. Speaker, I hope some time there will be repetition for pointless points of order from the kid in the back.

MR. SPEAKER: Order please. That's not necessary.

MR. MARTIN: As I was saying — he's adding time to this anyhow; I'll have to thank him — it seems to me too much of a coincidence, when we get a Bill like this, when we see what is happening in terms of new application forms coming out from companies. I may be a little naive, but I do not think that was a coincidence at all.

The other point is that before we went into a new Bill like this, it was clear to me that the construction trade unions were

trying to work it out with the minister, and the minister even alluded to that. I understand that they've set up a council. They recognize that we're in a severe recession, thanks to Tory mismanagement. They were trying to work it out, and there have been proposals. I have a letter that was addressed from the International Brotherhood of Boilermakers, Iron Ship Builders. In one paragraph, they say:

There is no question in our minds that had the various Contractor Associations been prepared to take a realistic approach to this proposal, we would now have guaranteed stability until 1987, most trades working 40 hours instead of 37 1/2 per week, a wage freeze until 1985 and reduced construction costs. We firmly believe that Construction Purchasers would have responded positively in taking projects off the shelf.

Mr. Speaker, before we bring in an anti-union Bill, why wouldn't the government take a look at this and other conciliatory offers that the construction trade unions were making? I come back, as much as the minister does not like it, to the fact that I believe we are deliberately bringing in an anti-labor Bill, that the impact, or at least an attempt, will be to limit the influence of trade unions in the construction area and roll back wages. It's not only the trade unions that are saying it; it's many people across Alberta.

If we do that, if the government is successful in taking the trade union movement down to basically a fringe group, there are certain things that will happen, that hon. members have to be aware of. First of all, unions will never be able to protect their workers if they're eliminated to a fringe element of society. In terms of the minister of occupational health and safety, we have a very important role that the unions play there. If all of a sudden they're taking off and there are not trade unions, and their wages are cut, as we pointed out you'll get less of a qualified worker there, and you will not have people protecting those workers. As I say, what will happen to the health and safety components, which comprise so much of union concerns and of the occupational health and safety committee I am involved in, that is travelling across the province?

What will also happen, and I hope that this is not the intent, is that it's clear to me, and this is what the smaller contractors are saying — the non-unionized contractors are not happy either. They made it clear that they believe they will be put in unfair competition with the big six. Where will the big six go from here? Can we expect them to bump off housing construction companies next? Is this the intent of this Bill, Mr. Speaker?

What we have here is only a few people that are happy — certainly not the trade unions, but certainly not the smaller non-unionized contractors. The point that has to be made and has been made by construction people, not only the trade union movement, is that this is not going to create one more job. It has nothing to do with the economy. There are thousands out there unemployed. The government has mismanaged the recession so much that even if there were no unions left here, we would not see an upswing in construction. The fact that we are going to pay people half of what they earned before is not going to create any more jobs. It has to do with the private sector and the price of oil falling here; it has to do with the government's own economic policies.

Many people, and the big six we've been talking about, have complained about high wages. We have to keep those in perspective. Often, much of this construction work is seasonal in nature. So if you're only working part time, you have to have a decent wage to make it through the total year. All we're going to see now in the recession is more people and less unemployment insurance. I think the Bill misses the mark totally.

The other thing that we talked about is, of course, the industrial psychology that goes into what's happening. The minister may not say it, but clearly the intent of this Bill is to lower wages in the construction area. It will have no other alternative. It's certainly not to heighten wages. The minister shakes his head. Are we bringing in this Bill so everybody can make more wages? I seriously doubt it, and I don't think the minister believes that either. What we're saying is that with reduced wages and incentives, there will be lower productivity.

Clearly, we have some of the best tradesmen in the world here in this province. That also has to do with the safety component, and I think the minister would agree with that statement. By this type of Bill, the inevitable effect will be to lower wages, and some of the contractors who should know the most are saying it could be as much as half. So we're down to \$7, \$8 or \$9, and there are some non-unionized companies paying that now. So that's really the direction the government would like to move in.

The point we're making is that even with that, it's not going to help the economy because these are the people that also buy at the store. With limited, diminished purchasing power, it's not going to help the economy either. What we're saying, Mr. Speaker, is that Bill 110 will not create new jobs; it will only pay less for existing jobs. That is not going to help the economy one iota.

Mr. Speaker, there's the other area. I believe this Bill seriously undermines the right of collective bargaining and the whole concept of freedom of association. There are decisions in the ILO, if the minister would take a look at it, that I think reflect very closely to this Bill. I know the minister knows about decisions 196, 174, and 175, but he can look at them. I know that in the past the government has said: we don't care about the ILO; it's only the United Nations, and they're probably a dangerous communist outfit anyhow. But the ILO is supposed to be the organized body of the trade union movement and people's rights throughout the world.

I suggest to the minister that with the haziness now in terms of the Charter of Rights — and we've talked about this in other Bills — and the haziness in terms of the right to collective bargaining and the right of association, even if not against the intent, if legally this is still within it, this certainly is against the spirit of the right of association.

So we see no good coming from this Bill, Mr. Speaker. We don't say this just to stand in the House hour after hour and enjoy ourselves with all our friends here in the Legislative Assembly. We believe that this Bill is wrong, as we believe so many Bills we've had to fight are wrong. We believe they're wrong in principle, and we do not think it's a type of direction we want Alberta to be in five years from now. Five years from now — dealing with the previous Bills and putting this one together, where they got all the unions, public service and construction — if we're having labor strife all over, I do not want to be the one who says to the minister across here, I told you so. Nobody benefits from that. The minister and I agree on that point. Nobody wants labor strife. But when we go to the theory X type of labor negotiations instead of the theory Y type that is proven right around the world, then I say we're in some difficulty.

Mr. Speaker, because this Bill is so wrong in principle, so wrong in anything that a decent, civilized society would bring in, we as an opposition, small as we are, will stand here and fight it. We recognize the votes; there are two here and hordes over there. It doesn't take a genius to figure out that we'll lose the Bill. But that doesn't mean we're wrong. All the backbenchers can sit there and rubber-stamp and rubber-stamp, but I think some of them know that this Bill's wrong in principle.

I don't believe some of them have thought about it particularly, and some of them over in the right wing believe that any time you go after working people, that's fair game. But I believe there are some here who know precisely what we're talking about. I know they're not going to go against the government on this. We have the example of Sindlinger; that was a message that came out clearly to the people in this government. But I think some of them know that this is a bad Bill and that Albertans will pay the price later.

If they figure they can go after the trade unions and go after their right of collective bargaining, all Albertans should be concerned, whether they're in trade unions or not, because who's to say who's next when we're dealing with something as fundamental as the right of fair collective bargaining?

As a result of this Bill, Mr. Speaker, and because we find it so offensive, I just happen to have an amendment to the motion.

by striking all the words after the word "That" and by substituting the following therefor:

"the subject matter of Bill 110, Labour Relations Amendment Act, 1983 be referred to the Standing Committee on Public Affairs."

Again, we think that this Bill, as many other Bills, needs much more thought. As somebody yelled, there are a lot of bad Bills in this House. As I said, I think it's a disaster that we're heading into. So we're suggesting as gently as we can to the minister that this be referred to the Standing Committee on Public Affairs for some more thought. Maybe that would give time for the minister — not a bad idea, in terms of the Bill — to start to communicate and negotiate with different people about the future. But we think it's a little too late. Maybe by going back to the Committee on Public Affairs, he will have time to do the negotiating he's talking about. Maybe if there were time, they would come back with a very different Bill, that would make all the components of the construction industry and Albertans happy, because there would not be the potential for friction later on.

With that, Mr. Speaker, I will hand in this amendment.

MR. NOTLEY: Mr. Speaker, in rising to address a few comments to the amendment that is before the House this evening, I'd like to recommend to hon. members of the House that they support the amendment for a number of reasons. The first reason is that the government would be well advised to give a little thought before we rush ahead with this particular Bill, the kind of thought that would be possible as a consequence of the subject matter contained in the Bill being referred to the Public Affairs Committee.

My colleague has made the point, and I think it's a relevant one, that if this government is going to avoid labor problems in Alberta, not just in the construction field but labor problems across the board, they not only have to act fairly but they must be seen to act fairly.

Last spring when we made changes in the Labour Act, Mr. Speaker — you may recall the discussion on Bill 44 — we took time as a Legislature. We adjourned the Legislature and had sessions of the Public Affairs Committee as a result of government initiative. The subject matter contained in Bill 44 was referred to the Standing Committee on Public Affairs so there could be public hearings. I want to come to that a little later on, but at least last spring we saw the government take the initiative in saying: okay, perhaps we'll pause and reflect in public by having the matter referred to the Standing Committee on Public Affairs.

Mr. Speaker, I don't know whether, as a result of this legislation, we're going to see the kind of confrontation which

exists in the province of British Columbia. But I can tell the hon. Minister of Labour and other members of this Assembly that one of the ways to avoid needless confrontation is to take the time to deliberate carefully on the subject matter contained in this Bill, and to take the time as a Legislature to do it in the open, in public. It isn't good enough to simply adjourn the House for 12 days to have private caucus meetings, and then come in with a Bill and say, this is what we're going to do. We're dealing here with legislation of immense importance to working people and employers in the province. If we're going to alter the traditional relationships between employers and employees, then we have to follow a procedure which is clearly above any question or doubt. If the government is going to make fundamental change in the labor statutes of this province, the amendment that my hon. colleague has proposed would, it seems to me, allow them at least to be seen to be fair.

Mr. Speaker, during the course of the debate this evening, many things were said. I won't deal with those items that have been dealt with, but I do want to tell the hon. minister that one of the reasons I would like to see the subject matter of this Bill referred to the Public Affairs Committee is to clear up some of the inaccuracies which were contained in his remarks in a previous debate. We have talked about several sections that have been dealt with specifically; I don't intend to raise those. But I do want to deal with one section the minister raised during both the initial stages, if I recollect correctly, as well as the subamendment, and that is sections 105, 106, and 107.

Mr. Speaker, during the course of his remarks, the hon. minister suggested that in fact these changes were recommended by the Alberta Federation of Labour, and the government was simply following the recommendations of the Alberta Federation of Labour. If we had an opportunity to consign the subject matter of Bill 110 to the Standing Committee on Public Affairs, I think we would discover that that really wasn't quite the context in which the Alberta Federation of Labour made their proposal. Their proposal certainly was that those sections be repealed, but in the absence of the rest of the changes, which frankly frighten them as much as anyone else, it isn't good enough just to take one recommendation from any organization if that recommendation is part of a larger body.

The hon. minister made great reference to Mr. Barrett. I'm interested to see this new-found admiration for my colleague the Leader of the Opposition in British Columbia. I certainly welcome it. However, the hon. minister forgot to point out that the language he quoted from is part of the labor Act in British Columbia which allows a totally different set of rules for certification. If other members aren't aware — I know that the hon. Minister of Labour is aware — it's a piece of cake to organize a trade union in British Columbia compared to Alberta. So the language the hon. minister regaled us in, to great thumping and applause of his colleagues, who of course don't really understand the facts on these matters, was a good debating ploy. I admire him; I always admire a good debating ploy when I see one, and the hon. Minister of Labour did a very fine job tonight.

The fact of the matter is that if he was accusing us of red herrings, we had a beautiful blue herring. Instead of flying through the air, it was sort of dumped, if you like, on the minister's desk. While it caused all kinds of enthusiastic applause by his colleagues in the House, one has to put in context the fact that there is a little more to the story than the hon. minister gave us.

MR. SPEAKER: I wonder what this has to do with referring the Bill to a committee.

MR. NOTLEY: Quite directly, Mr. Speaker.

MR. SPEAKER: I realize that it was debate on the main motion by the hon. minister, but we're not on the main motion; we're on an amendment. It's an amendment to refer, and I don't see what this has to do with referring the matter to a committee.

MR. NOTLEY: Mr. Speaker, I'm glad you raised that point, because I was going to make that point directly. I thought I had begun to make the point. I'm always pleased to see your interventions, Mr. Speaker. That's fair enough; we enjoy them.

The fact of the matter is that the reason one wants the subject matter of this Bill presented to the Public Affairs Committee, and my hon. colleague has moved the motion, is that we want to be able to assess all the arguments pro and con. When arguments have been made which are not totally the case, which are — I won't say misleading, Mr. Speaker, since I don't want to suggest that anybody was deliberately misleading anyone — perhaps not quite as comprehensive or as well researched as they should be, then of course the information that is contained in this Bill can be examined in depth by being referred to the Standing Committee on Public Affairs. Mr. Speaker, I'm sure you as the neutral head of the House would be the first one to argue that we want to have as much factual understanding of the issue before we pass any Bill, whether the Bill be a minor housekeeping item or something as fundamental as Bill 110.

Mr. Speaker, there are other aspects. I'm not going to deal with the restriction in 143, because I respect your ruling that that has been determined by the House. We're now going to allow employers to communicate. I think that's wrong, but I've argued that point. However, one of the advantages of referring Bill 110 to the Standing Committee on Public Affairs is to follow through on a suggestion that I received from one of the prominent people in the building trades, who simply said: why should the Legislature not make provision for the unions to communicate with the workers during hours on site? That's in addition to the principle, and I think that's the sort of thing we have to ask ourselves if we're going to be even-handed. The minister likes to talk about this even-handed approach. If you're going to be even-handed — here we have a proposal which, in my view, should be analysed by the Legislature as a whole before we ram through a change in the rights of people. Why shouldn't we in fact make provision to extend, if you like, that right of communication?

There is no doubt, Mr. Speaker, that in terms of gaining a better understanding of the rights of people before we alter them, we need more in-depth research. I might just say that one of the reasons I think this Bill should be referred is that it's important for members to know just how difficult it is in Alberta right now for trade union officials or organizers to contact prospective union members. As a man who has had some experience in labor law, Mr. Speaker, put yourself in the position of a union organizer for a moment. It may be hard to feature, but put yourself in that position. Suppose you want to contact people on a worksite that is nine or 10 miles down a company road. How in heaven's name do you do it? The fact of the matter is that you don't; it's very difficult. When we're changing the labor statutes of this province and we're going to be talking about the right of communication, it would be well advised indeed for us to refer this matter so we have a better understanding of what in fact is in the real world, not the theoretical world of some of my young colleagues in the House.

Mr. Speaker, there's still another aspect that has to be addressed here, and that is the point that I think the Minister of Labour properly made. He argued that lawyers tend to be very conservative — that's obvious — in the advice they give

to their clients. One of the difficulties we now have with the legislation the way it's worded is that we're opening a field day for lawyers. I'll tell you that if I were a young lawyer starting out, I would probably get into labor relations, because it's a growing field. With the kind of anti-labor legislation that this government is bringing in, unless we evaluate it more carefully . . .

MR. SPEAKER: Order please. I have real difficulty in understanding what the favorite areas of practice of lawyers might have to do with referring this Bill to a committee. The amendment is not of my fashioning, but it is before the House and I have to pay attention to it. It requires arguments for and against referring the Bill to a committee. I fail to see anything like that in this discussion of how rich lawyers are going to get on labor law.

MR. NOTLEY: Mr. Speaker, with great respect to you and your position in the Chair, I think there is a direct relationship. If we read the amendment, the amendment says that we would refer the subject matter. One of the problems with the subject matter, which I would agree on with the hon. minister, is that it leaves too many loopholes and too many problems which, frankly, may be good for the lawyers but is not good legislation. It is one of the reasons we would have to refer it to the Standing Committee on Public Affairs. There are just too many problems. Those problems are going to create business for the legal profession.

Frankly, as legislators we have an obligation to assess whether the kind of intervention that we undertake provincially in the Legislature could be so crafted that we don't in fact open a field day for the legal profession. I think that is self-evident to people outside the House who have read the Bill.

However, I want to add several additional points on this general debate. I think the most important aspect of this entire legislative change is the impact it will have on overall industrial relations.

MR. SPEAKER: Order please. I really hesitate to interrupt the hon. member again. Somebody chairing a meeting has to follow the agenda, and what is on our agenda right now is an amendment that says that the subject matter of the Bill is to be referred to a committee. It seems to me that includes just two ideas: one is the subject matter of the Bill, apart from those things that have already been decided, and the other is referral to a committee. I fail to detect in a whole lot of what is now being said anything relating to the subject matter of the Bill. There are references to things that perhaps aren't in the Bill, but it is the subject matter of the Bill that is supposed to be referred to this committee. I think we should stick to that.

MR. NOTLEY: Mr. Speaker, on the point of order. When one is dealing with a motion to refer something, I know of no precedent in *Beauchesne* or *Erskine May* where one is not allowed to advance arguments as to why the referral should take place. It is a question of the subject matter and, surely, the wisdom of referral. Hon. members may well debate the wisdom of the referral. Surely that has to be part of the debate. The arguments I was presenting to the House were reasons why we should in fact be referring it. If there are no reasons to refer it, then there is no point in referring it. But in my view, there are reasons for referring it. Surely one can debate those reasons. I see no possible precedent for doing otherwise.

MR. SPEAKER: I fully agree with what the hon. leader has just said, that the reasons for referral are very, very pertinent

in this debate. But the question is, refer what? Not just any old thing. Refer the subject matter of this Bill. That is what I would like to hear some argument about.

MR. NOTLEY: Mr. Speaker, that is precisely the point of my remarks. It may be late in the evening. I was making two central points. Point number one: the subject matter of this Bill should be referred. Point number two: I was advancing reasons why it is in the public interest that the subject matter contained in the Bill should be referred. With great respect, sir, under those circumstances I really find your intervention inconsistent with the normal rights of a member to debate within the constraints of the amendment. I was attempting to focus my remarks within the amendment. If you want me to talk about general labor issues in this province, I could go on for two or three hours on other items. I won't do that. I want to deal specifically with the amendment.

The amendment involves referral, and I say to you and to members of the House that there are compelling reasons to refer this Bill to the Standing Committee on Public Affairs. One of those — and I was just getting to it, Mr. Speaker — is the impact that this Bill is going to have on overall industrial relations in the province. Because this Bill is going to have an impact on overall industrial relations in the province, the Legislature has an obligation to give the subject matter of the Bill a second look, a careful in-depth look which comes as a result of being referred to a committee.

I would say to members on both sides of the House that we don't want to get into the kind of situation we've seen in other provinces. I don't think members do. I don't think members want to see tens of thousands of people taking to the streets. I don't think members want to see a situation of reports of weekend meetings indicating that we may have a massive shut-down of services in this province. I don't think they want that, Mr. Speaker. I doubt that you, I, or any members of this House want that. Because this Bill is seen by members of the trade union movement as provocation, if you like, of the worst kind, we have to take the time to evaluate it. The best way to do that is by referring it to the Standing Committee on Public Affairs.

Mr. Speaker, I suppose one might argue that there are other ways of doing that. Some hon. members might say that a better way of doing it would be to organize a special select committee. I don't think that's the correct approach. Something as vital as Bill 110 should be referred to the committee of the entire Legislature. My hon. colleague didn't point this out in his remarks, but I think we should take the time to discuss it in some detail and not just make the kind of quickie reference that we saw on other occasions. For example, we did not even have a report back from our public hearings this spring. We should take the time to refer it to the Standing Committee on Public Affairs, and then we should have a report back. That is not contained in my hon. colleague's amendment directly, but it is certainly an additional observation that I would like to make.

Mr. Speaker, while that is very important, it seems to me that there is another element in this whole process which is equally important; that is that in addition to our obligation to study the matter in a little more detailed way, I think we have an obligation to hear what the people of Alberta have to say. Therefore I would like to move the following subamendment:

that the amendment to the motion for second reading of Bill 110, Labour Relations Amendment Act, 1983, on today's Order Paper be amended by adding at the end of it:

"and that the Committee be instructed to hold public hearings on the subject matter of the Bill and report back to this Assembly no later than six months hence."

Mr. Speaker, in addressing a few comments to the subamendment, there are two main points in this subamendment that are crucial. The first is that we hold public hearings, and the second is that we report back to the Assembly no later than six months hence.

One of the reasons I'd like to suggest to members that we endorse the subamendment is the question of reporting back. We held public hearings this spring on Bill 44, Mr. Speaker, but there was no report back. I don't think it is good enough to hold public hearings, to direct the subject matter of a Bill to the Standing Committee on Public Affairs, and then not have some provision in the mandate for a report back. After all, what is the point of having the matter referred to a standing committee at all unless there is provision, if you like, for reporting back to the entire House? There's no point. So the report concept is elementary to any reference. I would say that with respect to both the hearings we had this spring and, as I recollect, the public hearings on oil royalties in 1972, curiously enough there was no provision for a report to be compiled. This subamendment would very specifically direct the committee, which would be ourselves as a committee of the whole, the Standing Committee on Public Affairs, to report back.

Mr. Speaker, the other major feature of this subamendment is the need to hold public hearings. While the amendment proposed by my colleague would refer the subject matter to the Standing Committee on Public Affairs, that's fine as far as it goes, but it doesn't really provide the opportunity for Albertans who have views on the issue to be able to make submissions to the standing committee.

I would say to members of the House, Mr. Speaker, that if this government saw wisdom in holding public hearings last spring on Bill 44, then why would they not hold public hearings on Bill 110? Those hearings last spring brought before the Assembly men and women from not only the trade union movement but all kinds of organizations who had important things to say about Bill 44. As a member of this Assembly, I would say that there could not have been a member of this House who did not learn a great deal as a consequence of the formal submissions made in the public hearing process. I don't think that as significant modifications were made in Bill 44, as should have been as a consequence of those public hearings, but there could be no doubt that we all gained substantially because of the public hearings on Bill 44.

Mr. Speaker, why not public hearings on this Act? Some might say that we're not going to have public hearings on this Act because it isn't as important. That's nonsense. Anyone who would make that suggestion is simply misreading the situation entirely, especially when one considers the importance of the construction industry to both the private and the public sector. We cannot have a more important element, if you like, of our unionized work force than the construction industry. So it would seem eminently sensible to me that we offer those Albertans who have views on this issue a chance to come forward.

Mr. Speaker, the reason that I know that public hearings would be valuable is that in my discussions with people in the trade union movement, I realize how strongly they feel about the issue. But I would say to members of the House that in addition to trade union members who have strong feelings, I would be highly surprised if we didn't get representation, as we did last spring, from all kinds of people. We would probably get representation from the Construction Labour Relations

Association. We would probably get representation from the big six, the companies that are going to benefit from this Act, in contrast to the small contractors. But it wouldn't surprise me either if we discovered, much to the surprise of many of my Conservative friends in this House, that we had little contractors who would want to tell us what they think of this Bill too. The problem with this Bill — and government members should realize this — is that we are going to be putting those people at a very strong disadvantage. Surely we're going to have to give them some opportunity to come before the House and tell us what they think about the impact on their business operations before we sign the death warrant, before we set in motion the sheriff's visit. Surely we should at least take the time to let these people come forward and tell us what they think about Bill 110.

Despite the suggestions that some may have that this is not significant enough for public hearings, I say to you, Mr. Speaker, and to members of the House that any time you fundamentally alter the rules of the game, any time you decide that you are going to initiate massive government intervention in a way that has not customarily been the practice, any time you alter rights, at least as far as the perception of people is concerned, then you have an obligation to let those people affected come to this House and tell us what they think.

The only other argument that I can see presented on this subamendment is that there is a time problem — we have to move very quickly because we have to meet some kind of deadline. I don't know. In listening carefully to the minister today and the rest of the debate, I see no urgency. I certainly don't see any time problem as far as MLAs are concerned, because we are here to do the public business. If it takes us a week or two weeks to hold public hearings, that's our duty. That's not only our job, that's our duty. So any time constraints that members may have, that's too bad for them. They shouldn't be making commitments at this time of the year. Members of the opposition had to shift all kinds of commitments around, which we did gladly, when there was a two-week delay here for the government caucus to think about this Bill. If there could be a two-week delay while the government caucus in private considers this Bill — I gather that was one of the reasons they had this two-week delay — I see no reason why there could not be at least that period of time set aside so that public hearings could be properly conducted and a report prepared.

Mr. Speaker, the Minister of Labour has not given me any reason at all why this Bill must proceed right away. What's the rush? If there is no overwhelming urgency getting the thing through, other than the convenience of members, then I would leave with members of the House the question: why, if we can hold public hearings on Bill 44, can we not hold public hearings on Bill 110?

In introducing the Bill, the minister suggested that there had been a fundamental change, a "dramatic shift of market forces". No one is suggesting that there hasn't been a shift of market forces, but that shift is not going to change so much that we can't take two or three weeks to properly study this Bill. If the government could wait for 12 days on an adjournment, then in my view they can wait a little while longer so they get some input from the people of this province.

Mr. Speaker, the final reason I would like to advance in favor of holding public hearings is that while I have received a fair amount of fairly skilful representation from those companies that want spinoff rights — the principles and subject matter of Bill 110 — I haven't received any representation from my constituents. I don't know if other people's constituents are different from mine. I suspect that I probably have fewer unionized construction workers in my riding than most, to be quite

honest, but I'm not receiving representation. People aren't knocking on my door on this issue, saying that we want this kind of change. If anything, I'm getting exactly the opposite reaction. Smaller firms are saying: look, the big six are just going to put us out of business. I think what we would find if we held public hearings — and this is speculation, but I would say that it's an educated guess — is that the preponderance of representation would be against the principle of Bill 110 and that the government would get an earful.

I'd like to conclude my remarks on this subamendment by saying that the reason the government has obviously decided not to go the public hearing route is the result of their own initiative. If they were going to go that route, they would have been introducing the motion with great fanfare. But I hope the reason we aren't according at least the same process of fair hearing to our construction workers that we accorded our working people with respect to Bill 44 isn't that the government didn't like what they heard last spring, in that when they held public hearings they lost the debate in terms of the public mind. The people who were opposed to Bill 44 made their case very persuasively. I trust that whatever people raise at a public hearing, providing it's done within certain rules of civility, is their business, and that we are the beneficiaries of that judgment, whether it is a kind judgment in its commentary on public policy or critical.

There is no doubt at all that this government got a roasting during the public hearings last spring, and they clearly lost the public hearing debate process. Nevertheless, I give them credit for at least holding public hearings. I would have been happier if there had been a report and if the process had been followed through clearly, as I outline in the subamendment. Mr. Speaker, if that was valid in May, why isn't it valid in November, or early December if our time constraints require us to set the thing ahead a few days?

For those reasons I've identified, I urge hon. members of the Assembly to support the subamendment.

I close my remarks by extending my hope to members of the government that this whole process not scar what must be our mutual objective. That mutual objective is harmonious labor relations. The reason we are speaking on this issue with as much force and as sincerely as we can is because that process is important, Mr. Minister. It's not frivolous. Some members may be a little angry that they're here at a quarter to twelve in the evening; that's too bad. The fact of the matter is that the process is so fundamental that we cannot make a mistake.

Both the amendment and subamendment are efforts to improve the process so we do not simply rush into it as a result of closed-door decisions, wherever the caucus meetings were held, but we take the time to deliberate, evaluate, compare and, most important of all, listen. There can be no more important responsibility for members of the House than the responsibility to listen. That being the case, to do other than listen at this juncture is to invite a legacy of bitterness that will live in the minds of working people in this province long after we as individuals have been forgotten. People will look back and say that this was a decision which was not only bad but unfair in the way it was made and the process by which it was carried out.

Mr. Speaker, I recommend the merits of the amendment my colleague has moved to you and to the government members of the House. I think the proposal he has made would be strengthened by undertaking the process of public hearings.

I guess there's just one other brief comment. If we were to have public hearings, it would probably be necessary — and I say this in fairness to members of the House — to have some advertising. We would probably have to adjourn the House,

assuming that other business is done, so we could give people in Alberta enough notice of the hearings. At the very least, we would have to provide the same amount of time as was provided last spring, although my own feeling is that we rushed it last spring. We should have made more time available. But at least that amount of time would have to be provided so there could be adequate notice. I think it is pretty fundamental that rather than public hearings that are a charade, we want to have meaningful public hearings.

With that caveat, that we might in fact have to organize our agenda as members of the House to accommodate this important initiative, I urge hon. members of the House to support the subamendment as well as the amendment.

SOME HON. MEMBERS: Question.

MR. MARTIN: We're having such a good time here, Mr. Speaker, I would not want to leave a very important Bill. My subject matter was to refer to the Standing Committee on Public Affairs. As I understand it, my colleague's subamendment is that the Committee be instructed to hold public hearings on the subject matter of the Bill and report back to this Assembly no later than six months hence.

Mr. Speaker, there is a very good reason for both the amendment and the subamendment. If we could go back to Bill 44 when we held the public hearings, when I sat there and heard what the construction unions said at the time, I do not recall anything even compared to what we're talking about now. I don't remember this discussion at all when we had public hearings.

Mr. Speaker, as my colleague has said, the minister has not brought back a report on Bill 44 to indicate why we're into this now. If it had anything to do with public hearings at the time, which perhaps at some point the minister can tell us, I do not recall that this specific problem was raised in Bill 44. As a result, with no report I can only come to the conclusion that it has to do with things that have occurred since the Bill 44 public hearings.

This is the other major part of it. Obviously my colleague and I disagreed with Bill 44, and we said so in the House. We disagreed with it at the time, but with democracy in the House we have to accept the results of that. We're slightly out voted from time to time. But if the minister thought it was important to have public hearings to deal with Bill 44, to deal with the public service unions, then surely it would be just as important to have public hearings when we deal with the other major component of the economy, and that has to do with construction.

Mr. Speaker, from what the minister said, I know that he's been lobbied very heavily by what we call the big six. But after the Bill has been given, if we're listening to what the other components, the other major players — first of all I'm hearing from the smaller construction unions that they're not happy. They're not happy at all. I go back to what Mr. Binder, the president of Binder Construction, clearly said. He said that most non-union firms were paying union rates until unionized firms started setting up non-union subsidiaries six to eight months ago. He says that they're the ones that cut the wages. Most of the province's union firms have been operating non-union companies.

MR. SPEAKER: I don't see this as relevant to the question of referral. Besides that, it's repeating an argument which the hon. member made earlier this evening on the main motion.

MR. MARTIN: Mr. Speaker, you're so anxious to jump in.

MR. SPEAKER: Order please. I'm anxious to stick to the agenda of this meeting.

MR. MARTIN: Mr. Speaker, I am sticking to the agenda of this meeting.

MR. SPEAKER: Yes, and without undue repetition. The hon. member referred yesterday to stalling, and I mentioned to him at the time that it had to be done skilfully if that's what he was going to do.

MR. MARTIN: If you're going to intervene, try to do it skilfully too, Mr. Speaker, and wait until I make my point. We are talking about public hearings. Is that not correct? Is that not the amendment? What I just got through saying is that there's different component groups that are affected by this. It seems to me that the minister has been very heavily lobbied by six, but there are two other component groups.

I was trying to point out, Mr. Speaker, that the smaller construction unions, at least from what we can gather from our conversations with them and from media reports, are not happy either. If they're not happy, and you have the trade union movement who are clearly not happy — we've had calls from them, and we're saying that there are the three components of the construction industry, then this is a need for public hearings.

Mr. Speaker, it seems to me that this would only be a rational way to go. We refer it to the committee and they set up the public hearings. We have six months to report. It could be done even when this House sits in the January/February period. But if we're only going to listen to one of the components, then we're not going to have a good law. Having a good law is surely what we're talking about. The minister wants labor peace, we want labor peace.

The other point I would make is that if the minister is seriously listening to what the people are saying — and I know that there have been a number of calls to members of this House. There have been a number of calls to myself and my colleague. If he were to check with members of the House, at least in the urban areas, he would recognize that there have been a lot of calls that are against this Bill. If the reaction is against this Bill, there is nothing wrong with the government coming back and saying, okay, there doesn't seem to be unanimity on this; a lot of people are unhappy; we're getting calls from the public, from our constituents, from other people over the province that this Bill is wrong — then what's wrong with waiting for six months and setting up public hearings?

Mr. Speaker, the whole point of the six months, as the minister quite properly indicated, is that he wanted — I believe the terms is "communicate" — to set up with the various components to try to deal with some other serious problems in the Act. By postponing this, he would take away the red flag, if you like, that's bothering other people. I believe he would have a much more successful negotiation period if we were to postpone this for six months. Hold the public hearings, and start the consultative process that the minister is talking about. I believe that the minister would come back here with a much better Bill.

Mr. Speaker, there is another very important reason for public hearings. That has to do with the fact that in this Bill — and some people may say so what? The ILO or the Charter of Rights and all the rest of the things that matter are not important. But when the ILO says that the specifics of this Bill . . . A decision by the ILO says "to resign a trade union post . . .". So they could be coming down on us if we don't rethink this Bill. They said that

the law therefore made it possible for managements of undertakings to hinder the activities of a trade union and this ran counter . . .

this is just one decision, Mr. Speaker, to Article 2 of Convention 98 according to which workers' and employers' organizations shall enjoy adequate protection against any acts of interference . . .

Mr. Speaker, we believe that in this Bill there is that potential for acts of interference. We've talked about that; we'll not bore you with it more. But because of this, we could be seriously running against Article 2 of Convention 98 in the ILO. Whether or not other hon. members think that's important, I do. I respect the United Nations' International Labor Organization. I don't want them to say: here's Alberta, in the boondocks, driving through Bills that are against ILO. I don't think any of us are well served by that.

It's not the only one, Mr. Speaker. There is another one that deals with the protection of the worker in the ILO.

in order to be an effective guarantee, should, when necessary, be ensured by measures which include . . .

This is clearly in the International Labor Organization the protection of the worker against anti-union discrimination in his employment.

Mr. Speaker, I know the minister will say that this doesn't necessarily follow from the Bill.

MR. COOK: Mr. Speaker, on a point of order. The hon. gentleman from Edmonton Norwood is repeating what we've had given to us this evening; that is, an in-depth discussion of the ILO charter, various components of it, and the rights and provisions. That was in the first discussion. I wonder if we could get on to another new point.

MR. MARTIN: Mr. Speaker, the Member for Edmonton [Glen-garry] is surely not running the House. I have not referred to these before, but perhaps he hasn't listened.

Mr. Speaker, I will go on. The reason we are trying to save the government from embarrassment from the ILO — and I think the minister is a responsible person. If he had time to think it through, he would certainly not go against ILO if he had a chance of not doing so.

There is another one in there that we clearly think goes against the nature of this specific Bill. It says:

protection of workers is effective, which of course, implies that authorities must refrain from any act likely to provoke or have . . .

MR. SPEAKER: Order please. The hon. Member for Edmonton Kingsway, with a point of order.

MR. PAPROSKI: Thank you, Mr. Speaker. I have a difficult time accepting the comments he's making with respect to the subamendment, where we're talking about public hearings.

MR. SPEAKER: As I understand it, the hon. member is saying that we ought to have public hearings to help us in avoiding drawing down on ourselves the ire of the ILO. I must confess that the relevance of that to the subamendment is rather far-fetched.

MR. NOTLEY: Mr. Speaker, on a point of order, if I may. You may recall from the public hearings last spring that one of the major submissions related directly to the ILO and, I would hope, it is certainly one of the things that would come out in public hearings. Members will recall — and I think the government members may recall with a certain amount of frus-

tration and maybe a little embarrassment — that that point was rather cogently put in the public hearings. I have no doubt that were we to hold public hearings, it may well be that those same concerns would be expressed again.

MR. SPEAKER: I don't think we should hold the public hearings right now and go over all the possible points that might be raised.

MR. MARTIN: I agree with you, Mr. Speaker. We want to hold them later. It's a little late in the night for the backbenchers right now.

MR. SPEAKER: Late in the night doesn't matter.

MR. MARTIN: Mr. Speaker, if I can go back, that's precisely your ruling; that's precisely the point. It may not be important for this government, but I think it's important that we as Albertans do not want to be against the ILO.

If I could come back to the final one, because I don't want to tire the hon. members out, it has to do with Convention 98. Mr. Speaker, you'll clearly see where this part of it goes against the Bill. It says:

protection of workers is effective, which of course, implies . . .

MR. SPEAKER: Order please. I really don't see the relevance of this. We're going through ILO principles one after the other, comparing them to the Bill. For one thing, the ILO is not party to this debate. I must say that any semblance to relevance in what we're hearing now is somewhat contrived.

MR. MARTIN: Mr. Speaker, I thought you ruled correctly the last time. I don't see how you can change your ruling.

MR. SPEAKER: I'm right sometimes and wrong sometimes, but that's one of the things you accept when you have a Speaker in the House.

MR. MARTIN: Mr. Speaker, I would have to say that you were right the first time. But rather than proceed, I will come back to the reason for public hearings and, going by your first ruling, has to do with that.

The other point why we think it is important is that we need to have — and this is where the minister and I agree totally; we're just agreeing, disagreeing; we agree on the end but not on the means — labor peace, not only this year but five years down the line. I am suggesting that this decision is a rash one. I believe the minister is not operating from the right perspective. I want to help the minister here, because I think that if he took a trip — and this is one time I would not even bring it up in the Legislature. I want to send the minister and his wife over in those six months. Before he comes back for public hearings, I want him to go over to some of the western European countries where they have labor peace. [interjections] I said western European; they'd be interested to know that they're Commies now. Is that what I heard? My goodness, that's a new perspective.

MR. NOTLEY: Withdraw.

MR. MARTIN: That shows the geography of this thing. I suggest to him that if he can find on that little trip, when we're going through the six months — a Bill like this in West Germany, the Scandinavian countries, the ones that the Member for Clover Bar . . .

MR. SPEAKER: Order please. The hon. member seems to be having more and more difficulty with the rules of relevance. I really don't see what the hon. minister going on a trip to west Europe has to do with public hearings. For one thing, he might miss them all.

MR. MARTIN: Mr. Speaker, I will clarify that. I said that he should go over before the public hearings. He would then be much more knowledgeable when he came back to the public hearings, and would know where labor relations are working and where the economies are working relatively well. That was my point.

The serious point is that I believe we need the six months on this. I believe there need to be cooler heads, and I honestly believe we should take a look at the rest of world where they have labor peace, because that's what the minister said. If we pass this Bill right now, without six months, without public hearings, then we're going to be rushed into what I perceive to be the end that we both want, but the means will be wrong.

In terms of the public hearings, I don't know when the best time to do the public hearings would be. I suggest we'll probably be in the Legislature until Christmas, so maybe we could look at having the public hearings in January or February. That would certainly get us into the six-month period. It is a nice warm building here for Albertans to come into, and I believe we would learn a lot at that particular time about what they want. If we do not listen to all the players . . .

MR. NOTLEY: Mr. Speaker, on a point of order.

MR. MARTIN: Even my colleague is picking on me. [laughter]

MR. NOTLEY: Subject to Standing Order 51.2(a), dealing with midnight, I wonder if I could draw your attention to the time.

MR. SPEAKER: As to the normal adjournment hour, my problem with that is, does it apply now or only when closure is under way? Perhaps the hon. leader would like to consider that. [interjection]

MR. NOTLEY: I'm sure that we could carry on for some time, hon. member, but my understanding is that was the normal closing time. It says, as I read it, "normal adjournment hour". It would seem to me that if one reads that the way it's worded, that really doesn't relate to closure but to the normal — because we're talking about

- (a) 5:30 p.m. if it's a Monday, Tuesday, Wednesday or Thursday unless an evening sitting is to be held, in which case it means 12 midnight; and
- (b) 1 p.m. if it is a Friday.

As I read that section, the normal adjournment hour would be twelve o'clock. I think that's fairly clear. There was some discussion, of course, with respect to closure, but I think that's in addition to time management. I think 51.3 and 51.4 deal with the normal adjournment hours, as I understand the rules.

MR. COOK: Mr. Speaker, the hon. leader is neglecting the fact that rule 51 refers to the Committee of Supply, not the normal business of the House. That being the case, I think it's evident that the hon. leader is really trying to stall. He's really getting desperate and tired. I think the matter is so important that we should carry on debate a little further, as he has suggested. We should give this matter the full airing that it deserves. I know the hon. leader would like to sit past the hour if it's possible.

MR. SPEAKER: I'm sorry. I'm not able to agree with that suggestion, because my understanding is that the definition of normal adjournment hour and the concept apply to Committee of Supply. There is one other limited application, that I just don't recall. There's nothing the hon. leader has said which relates it to this sort of proceeding in the House.

SOME HON. MEMBERS: Carry on.

MR. MARTIN: I was enjoying myself, anyhow.

MR. COOK: Carry on; we're enjoying your speech.

MR. MARTIN: Thank you, Mr. Speaker. I know hon. members did not want to miss a word of what I had to say. I probably have another half hour or so, but to come back to the reasons for the public hearings — again to conclude and not go on too long about this . . . [interjections] I'll try that again, Mr. Speaker. Not to go on overly long about this, I think the whole concept of public hearings is an important one, because we dealt with Bill 44. I think we may have made a mistake to deal mainly with the public service unions. There were other parts of it, admittedly. But we had public hearings then. I didn't like the results. I don't think the government was listening, but I think they would listen a little more if having an attempt, they could listen to the other components at this time.

Mr. Speaker, I'm aware this is second reading, but once we go through third reading this is a Bill that is law. It is a Bill that affects the construction industry totally and, by implication, the rest of the trade union movement. It's one of the more important Bills that will come before this Legislature. When we hear all the people we talk to being against it and worried about it, and the fact that it will set back labor peace, I say quite frankly that it can be worth six months. If after going to this committee and having the public hearings, and they listen and still come back with the Bill and still feel it's a good Bill, six months from now is not going to change it that much.

In conclusion, Mr. Speaker, I believe that this is a necessary cooling-off stage. I do not want to see the trade union movement decimated. I believe they are important to this province. I believe that good labor peace is needed for our economy to get

rolling again, and I do not believe this Bill is the way to go about doing it. That's why we're asking for it to go to committee, and also asking that public hearings be held and we come back six months hence. Hopefully at that time, cooler heads in the government — I believe the minister is generally one of those people. I believe he's legitimately trying to get labor peace, but I think it needs another look at this time.

I thank you again. I know that members have been on the edge of their seats through the whole evening, listening to what I had to say. I know that my final speech has made all the difference in the world, and even the Minister of Labour now agrees with me and we will have this subamendment passed. Thank you.

MR. SPEAKER: Are you ready for the question on the subamendment?

[Motion on subamendment lost]

MR. SPEAKER: Are you reading for the question on the amendment?

[Motion on amendment lost]

MR. SPEAKER: Are you ready for the question on the motion for second reading of Bill 110?

[Motion carried; Bill 110 read a second time]

MR. CRAWFORD: Mr. Speaker, tomorrow afternoon it's proposed that government business be consideration of Bill No. 98 in second reading and, if there is time, other Bills on the Order Paper also for second reading.

I move that the Assembly now adjourn until this afternoon at 2:30.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

[The House adjourned at 12:13 a.m. on Wednesday, November 23]