

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Thursday, May 14, 1987 2:30 p.m.**

Date: 87/05/14

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

[Mr. Speaker in the Chair]

PRAYERS

MR. SPEAKER: Let us pray.

Our Father, we ask for Your strength and encouragement in our service of You through our service of others.

We humbly ask for Your gift of wisdom to guide us in making good laws and good decisions for the present and the future of Alberta.

Amen.

head: INTRODUCTION OF VISITORS

MR. KOWALSKI: Mr. Speaker, it's my pleasure today to introduce two guests located in your gallery: Mr. Jim Edwards, the Member of Parliament for Edmonton South, and Gwynne McLoughlin, a representative of Emergency Preparedness Canada.

Mr. Speaker, Mr. Edwards visited with me a little earlier this afternoon to present to the government of Alberta and the people of Alberta a rather handsome cheque which concludes the participation by the federal government of over \$1 million in the Alberta Public Safety Services training school. All members will recall this school was opened in 1986 and has dramatically improved both the quality and the quantity of emergency preparedness training courses now offered to Albertans.

Mr. Speaker, our guests are in your gallery, and I would ask the members to afford them the traditional welcome.

head: INTRODUCTION OF BILLS**Bill 38****Appropriation Act, 1987**

MR. JOHNSTON: Mr. Speaker. I request leave to introduce Bill 38, the Appropriation Act, 1987. This being a money Bill. Her Honour the Honourable the Lieutenant Governor has been informed of the contents of this Bill and recommends the same to the Assembly.

Mr. Speaker, as all members of the Assembly know, the Committee of Supply ended its 25-day review of the estimates yesterday, and this Bill provides appropriation for that supply for the year 1987-88.

[Leave granted; Bill 38 read a first time]

head: TABLING RETURNS AND REPORTS

MR. ISLEY: Mr. Speaker. I'm tabling today four copies of the 1985-86 annual report of Public Works, Supply and Services.

MR. SPEAKER: Edmonton Kingsway.

MR. McEACHERN: Thank you, Mr. Speaker. I wish to file for the benefit of the members here three copies of the heritage trust fund minority report by the three New Democrats on the heritage trust fund standing committee. Copies are available to members and the general public on request.

head: INTRODUCTION OF SPECIAL GUESTS

MR. SHRAKE: Mr. Speaker, it gives me great pleasure today to introduce to you and through you to the members of the Assembly, 28 of the most energetic students you'd ever want to run into, from St. Bernadette school in beautiful downtown Calgary. They're accompanied by two of their fine teachers, Frank Kelly and Mark Perry, and also by two of the parents, Laurie McEachern and Virginia Nieckar. They're seated in the members' gallery, and I'd like for them to rise and receive the traditional warm welcome of the Legislature,

MR. SPEAKER: Edmonton Glengarry.

MR. YOUNIE: Thank you, Mr. Speaker. I would like to introduce to you and through you to members of Assembly. Chief Jim Boucher of the Fort McKay Indian Band and his wife. Mr. and Mrs. Boucher are seated in the public gallery, and I would ask the members to give them a very warm welcome.

MR. SPEAKER: Calgary North West.

DR. CASSIN: Yes, Mr. Speaker. It's a pleasure today to introduce to you and through you to the members of the Assembly, a fine group of students from the Foothills Christian Academy in Calgary North West. They are approximately 42 in number. They're here with three teachers: Mrs. Kathleen Lagore, Miss Isabel Peltier, and Mrs. Noella Bengivingo. They're also accompanied by eight parents: Mr. Frank Howarth, Mr. and Mrs. Richie Fons, Mrs. Karen Ellert, Mrs. Patti Klein, Mrs. Wally Cesh, Mrs. Pat Torgerson, and Mrs. June Irvine. I'd ask that they now rise and receive the customary welcome of the House.

MR. SPARROW: Mr. Speaker, it is my pleasure today to introduce to you and through you to the Members of the Legislative Assembly, 15 students in grades 5 and 6 from the Covenant Christian school in the Wetaskiwin-Leduc constituency. They're accompanied by their teacher Mrs. Susan Anquist and three parents. They're sitting in the members' gallery, I'd like them all to rise and receive the warm welcome of the House,

head: ORAL QUESTION PERIOD**Government Appointments**

MS BARRETT: Mr. Speaker, I'd like to ask the Premier if in light of statements made yesterday by Stephen Stiles, the former member who's received a government appointment, the Premier

now recognizes that Mr. Stiles has gone from a nonapology to an unapology?

MR. GETTY: Mr. Speaker, it's my understanding and has been my understanding that Mr. Stiles had made a tragic error some four years ago, had acknowledged it, apologized, and having suffered, including the loss of his seat, could in some way help again to make a contribution to the province of Alberta and the people of Alberta. It may be, as a result of certain reports, that my information is incorrect, I don't know that, and you certainly can't take it from secondhand reports.

Therefore, Mr. Speaker, I will determine whether my information is correct or not. I have no desire to have somebody who expresses doubts, or still expresses doubts, about the existence and facts of the holocaust representing the government.

MS BARRETT: A sign of integrity, Mr. Speaker. Thank you.

My supplementary question to the Premier is: will he recognize then that his having launched the attack on the opposition for having raised the question was in fact self-serving and launched for no other reason?

MR. GETTY: Mr. Speaker, I don't attack the opposition. They aren't big enough to be attacked.

MS BARRETT: Mr. Speaker, I rise to meet the challenge. I promise to try to grow by one inch this year just for the Premier.

A final supplementary question then, Mr. Speaker. If the Premier does determine that the comments publicly recorded are indeed attributable correctly to Mr. Stiles, will he then commit himself to reviewing the appointment overall?

MR. GETTY: Mr. Speaker, I believe my first answer dealt with that, and I think it stands. I wouldn't speculate on hypothetical matters, but my position stands. I have no interest in somebody who doubts the facts of the holocaust representing the government.

MR. SPEAKER: I believe there's yet one more supplementary, Edmonton Highlands.

MS BARRETT: I forgo it, thank you.

MR. TAYLOR: A supplementary to the Premier, Mr. Speaker. Has he taken an opportunity to interview Mr. Stiles personally in the last 24 hours?

MR. GETTY: Mr. Speaker, as I said, I am trying to determine the facts because of the conflicting information that has been provided to me, and I'll do that in every way I can.

MS BARRETT: Mr. Speaker, I'd like to designate the second question to the Member for Calgary Mountain View.

Autistic Youth Treatment Facilities

MR. HAWKESWORTH: Mr. Speaker, my questions are to the Minister of Social Services. On March 9 of this year I asked the minister about the arbitrary termination of contracts with parents of handicapped children in the Calgary region, and the minister admitted at that time that there had been "an unfortunate occurrence" in "the planning of the handicapped children's services budget." Was the decision to establish three group homes for

autistic young people in the Abbeydale community the "unfortunate occurrence" which she referred to in the Legislature on March 9?

MRS. OSTERMAN: Mr. Speaker, the two topics are absolutely unrelated. The Abbeydale situation is one that speaks to special treatment centres for autistic young people and does not speak to handicapped children's services as they relate to families who are indeed providing for their own handicapped children.

MR. HAWKESWORTH: Mr. Speaker, in November 1986 fee-for-service contracts with psychologists and others who provide help for abused and battered children and families were also abruptly terminated, and the psychologists were apparently told it was in order to control the projected \$1 million cost overrun in the Calgary regional office. Will the minister confirm that these children's services were cut because nearly \$1 million had been committed to the Abbeydale and Delvee Ranches programs for autistic young people?

MRS. OSTERMAN: Mr. Speaker, I think the hon. member will recall that in the late fall of last year we did receive a directive, and had certainly discussed it before the directive was formally launched, to take all steps to make sure that there was no extra spending and that in fact we were going to be able to live within our budget. The hon. member is still speaking to two different issues.

The autistic program is completely unrelated to the psychologists. But just dealing with the psychologists for a moment, we have recognized for a period of time that while we have had in-house expertise, particularly in the psychologists' area, those people were performing other functions. Through a reorganization of the organization in the Calgary region, we freed the psychologists to in fact perform the duties that they could with the training that they had dictated.

MR. HAWKESWORTH: Mr. Speaker, I take it from the minister's remarks that we have problems not only in one area but two areas in the department's offices. I'd like to ask the minister: who made the decision to buy three houses in order to establish the Abbeydale program for 18 autistic young people, and when was that decision taken?

MRS. OSTERMAN: Well, Mr. Speaker, let me first refer to the comment that the hon. member made in saying that there was another problem area. If the hon. member describes as a problem a concerted effort by the Department of Social Services to better utilize the professional people, then for sure we have a problem. And it's certainly one I'm sure the hon. member would never have because they wouldn't go into that type of reorganization and look at how they were functioning in order to accommodate a growing load and needs that had been demonstrated by people.

But in terms of the Abbeydale program, I think the hon. member, if he was following events publicly, will know that a number of years ago in the north there was a great problem with respect to a home that indeed had been authorized by the Department of Social Services. I believe it is fair to say that as a result of a concern with respect to any program that is raised, the department officials and indeed the minister would be saying to the department to err on the side of the people that are being served. Therefore, if there is any question about the propriety or the type of services that are being delivered in a program, plans

are going to be made to have an alternative delivery available should that be required on an emergency basis. Mr. Speaker, we did have considerable concerns raised with respect to a program in the south.

MR. HAWKESWORTH: Mr. Speaker, if spending \$1 million on four young people in 14 months is not a problem, I don't know what is. Is the minister concerned at this trail of unfortunate occurrences in the Calgary office? If so, what is she doing about them?

MRS. OSTERMAN: Mr. Speaker, when it is possible, at all times the department has endeavoured to provide alternative programs to people. Parents will have a very strong view about how their folks should be served, those that they are responsible for. Sometimes that differs from professionals, and then the professionals in turn will differ. Interestingly enough this particular program was raised with the Psychologists Association. Unfortunately, there was not the type of information that came forward eventually from that association that would guide the department with respect to a definitive program that would be the one and only program to deal with autistic people.

If the hon. member has professional expertise that can be offered that is far better than any that we have yet been able to glean and puts us on the course of one program that will satisfy the parents and the public guardian in this province that their people are going to be served in the precise manner they believe they should be, then I would welcome the hon. member's intervention.

MRS. HEWES: A supplementary, Mr. Speaker. What is the minister's proposal now for use or disposition of these three facilities that were purchased and outfitted, presumably needed at one time but not longer deemed by her department to be necessary?

MRS. OSTERMAN: Mr. Speaker, I should have elaborated that in fact in terms of the hon. member's question yesterday, the hon. member was quite correct in saying that there were four people being served, and there were four people being served for several months, at the end of which time, when it was believed that there weren't going to be the additional eight that had originally been planned for, half of the staff was terminated with respect to that Abbeydale program.

Now, Mr. Speaker, in terms of the supplementary question posed by the hon. Member for Edmonton Gold Bar, that program has been taken over by Universal Rehabilitation Service Association basis. The people that are served, the young adults, are on the AISH program for the most part, and then the additional services will be paid for by AISH plus on a fee-for-service basis.

Freight Rate Subsidies

MR. TAYLOR: Mr. Speaker, my question today is to the Minister of Agriculture, and it has to do with the freight rate offset question which is occupying many farmers today. A few days ago the minister of economic development said that despite the unsuccessful efforts of the expensive lobby group that he had retained, headed by Mr. Planche, to obtain payment of freight rate subsidies to the producer, still a task force had been established to ascertain how those producers' payments would be made.

Now, the farmers of this province would like to know the details because it has quite a bearing, Mr. Speaker, on whether they will accept or approve payments to the railroads or to themselves and as to how the payments could be made. To the minister: will he clarify whether, in his plan for payments to the farmers, it will go to all farmers regardless of what crop they raise?

MR. ELZINGA: Mr. Speaker, I'm sure the hon. Minister of Economic Development and Trade will want to supplement this. But let me indicate, as the hon. Minister of Economic Development and Trade indicated in the House just the other day, that that is the purpose of the two groups -- the one the task force, with the former minister of economic development, Mr. Hugh Planche, and then the committee of members of this Legislative Assembly -- so that we can further investigate a number of the avenues that would be available to us in the event that the federal government did agree, in principle, whereby the method of payment would go directly to the farmer rather than to the railway.

MR. TAYLOR: Good, Mr. Speaker; we have one lobby out there trying to get the money for the farmers, and we have another committee deciding that maybe it should go to the railroads. It will be rather interesting to hear a clear voice. Could the minister then provide the Assembly with a date whereby he expects this committee -- I know the patronage appointment could go on and on for years, but when does he expect the committee to come down with a report as to where the freight rate offset will be paid?

MR. ELZINGA: Mr. Speaker, their work is ongoing. I should indicate that the contract is not open-ended in that we have a one-year contract through the minister of economic development for \$60,000 with Mr. Hugh Planche. In addition to that, the chairman of our agricultural caucus committee, the hon. Member for Taber-Warner, is the chairman of the committee of MLAs, and they are working. I just met with them this past week to further develop some strategies as to how best we could accomplish our goals.

MR. SHABEN: Mr. Speaker, the Member for Westlock-Sturgeon needs to be commended for his newfound enthusiasm for the agricultural sector of this province and his sudden realization that this matter, which has been an issue for quite some time, has suddenly surfaced in his mind.

Mr. Speaker, the process is one that is very important. It's important that we develop a mechanism by which the Crow benefit can be paid to the producer in a manner that is equitable, that makes sense, and can be administered. It's essential for us to discuss the details of that proposed mechanism with farmers across this province, which also needs to be done. It is also essential that we have discussions with the federal government, because the legislation that needs to be changed is federal legislation. So there remains some considerable work to be done, and I would suggest the hon. member restrain his enthusiasm for a while at least until the work is completed.

MR. TAYLOR: Mr. Speaker, I am indeed surprised. I feel like I've been savaged by a sheep.

Considering the significance of this report and how important it is to the livelihood of Alberta farmers, would the minister give us his assurance that the farmers will be asked in a plebi-

scite whether they want to adopt the system when it comes through to payment to them or whether they would rather have it go through to the railroads?

MR. ELZINGA: Mr. Speaker, we as a government, on a consistent basis, consult with agricultural groups, as I indicated some weeks ago in this Legislative Assembly. Since becoming the minister, I have met with over 200 groups throughout the province. We consult on a regular basis so that we can be consistently well informed as to how the agricultural sector feels.

MR. TAYLOR: Mr. Speaker, a final supplementary. That was pretty smooth there. You qualify if you could skate backwards and stick handle at the same time.

If indeed we are going to consult with the farmers as to what type of plan, when it does come down, will be put into play, will all the farmers have a chance to vote on this or only those farmers that are presently benefiting from the freight rate offset?

MR. ELZINGA: I have nothing further to add to the hon. member as it relates to this topic. As I just indicated to the hon. member, we're going to consult widely, as we have done consistently, with the agricultural sector. It is our feeling, through consultations to date, that there is broad support for the method of payment going directly to the farmers so that we can have further value-added products developed within this province.

If I could, Mr. Speaker, I didn't want to take the liberty of responding when he put questions to me the other day, but we do have additional information. I noticed in the paper he indicated that he assumed he was correct if I did not correct him.

AN HON. MEMBER: After question period.

MR. SPEAKER: Vegreville.

MR. FOX: A supplementary question to the minister. Mr. Speaker. I appreciate the efforts of the hon. Liberal leader to teach us how you can be all over the map and nowhere at the same time on an issue. In terms . . .

MR. TAYLOR: Now I've been bitten by two sheep.

MR. FOX: The sheep and the shepherd. In terms of this committee, made up of Tories old and new, to examine the method of payment, is the \$71,000 budgeted in the minister's expenditures going to be directed to these back-bench MLAs and divvied up among them for their work on this committee?

MR. ELZINGA: Mr. Speaker, it's obvious the hon. Member for Vegreville has learned well from the hon. Member for Westlock-Sturgeon, because one only has to look at his report, whereby they indicate they're against the method of payment going to the farmers yet they support the Crow offset program we have. So he acknowledges very well that he's learned well how to straddle both sides of the fence.

Let me indicate to him that we do indicate in a very forthright manner within our budgetary estimates that there is a certain portion of that budget allocated for payments to the Members of the Legislative Assembly. Included in that are provisions to pay for the committee that is working under the chairmanship of the hon. Member for Taber-Warner. In addition to that, we have members that serve on our Agricultural Research Trust in a number of ongoing responsibilities, and I'm delighted

that Members of this Legislative Assembly will accept those additional responsibilities.

Student Attendance at Olympic Games

MR. STEWART: Mr. Speaker, my question is to the Minister of Recreation and Parks. At the time of Expo 86, and I believe also the Commonwealth Games in Edmonton, the government provided financial assistance to assist school students to attend those events. In view of the fact that the schools will require some advanced warning to set their plans if such a program is available for this year, is the minister in a position to advise the Assembly if such a program will be in place for the 1988 Olympics?

MR. WEISS: Well, thank you, Mr. Speaker. For a minute I thought I might have to anticipate the question. I appreciate the member's concern and really welcome the opportunity to perhaps clear up any misunderstanding for the Assembly so they may advise their constituents in view of the concern that's raised.

Yes, it's true that in '78 and in 1983 the Commonwealth Games and the Universiade games were funded to approximately some \$350,000 to \$400,000 to assist students. But keep in mind, Mr. Speaker, on both those events, school was not in class. It was in the summer period, so there was no problem. But in view of the variance in the travel costs and due to the geographics as well -- consider an area in Red Deer in relation to Peace River -- there are extra cost factors involved.

We've reviewed it with the Department of Education through our department as well, and regrettably, given the current financial situation and overall restraint program, we do not believe it's possible or feasible to initiate a special program at this time. I would like to encourage the member and other members as well, though, to go back to the individual school boards, and perhaps there is some other method or means they may wish to pursue individually. As well, I would suggest that they contact a gentleman by the name of Mr. Peter Spear, who heads up the youth programs for the Olympic Organizing Committee. Perhaps the Minister of Education would wish to supplement that.

MR. STEWART: Mr. Speaker, my supplementary to the minister anticipates perhaps that the Minister of Education may wish to supplement the information. In view of the fact that the program for financial assistance for attendance will not be going through, I'm wondering if the minister has in fact developed any other programs or ways to encourage the interest and participation and support of the school students in participating in the Olympics for 1988.

MRS. BETKOWSKI: Mr. Speaker, perhaps I am more appropriately the person to respond to that question. The Department of Education, and in fact it was at the commencement of Education Week this year, announced the establishment of some Olympic kits, which will be distributed to all school boards in the province in order that school boards could develop with students of all ages the matters of good sportsmanship, a good appreciation of the history of Olympics in the world, and its effect on world peace, and to explain to students across this province -- not just those in the Calgary region -- what a tremendous and exciting opportunity the winter Olympics '88 will present in Calgary. I was pleased we were able to be part of that important initiative by OCO and certainly was very glad to announce it

during Education Week.

MR. CHUMIR: It's to the Minister of Recreation and Parks. As well, will the minister make representations to the British Columbia government to provide grants of \$100 to each of their students so that they can come to the Olympics in the same way as we gave grants of \$3.6 million so we could export our tourist jobs and send our students to Expo in Vancouver?

MR. WEISS: Well, certainly a good representation, Mr. Speaker, and I've already had the opportunity of meeting with my counterpart the minister in B.C. recently. That discussion did take place, and whether that's forthcoming or not is yet to be seen. We showed the leadership.

MR. SPEAKER: Edmonton Glengarry, followed by Calgary Forest Lawn.

Black Fly Control

MR. YOUNIE: Thank you, Mr. Speaker. For the Minister of the Environment. The department has issued a permit for the use of methoxychlor as a black fly control in the Athabasca River. On February 2 the Member for Athabasca-Lac La Biche wrote a letter to the Minister of the Environment requesting an extension of the control program, based on information given at a public meeting by his department officials that no safer alternatives were available. But this information was incorrect. In fact, the department had known of safer alternatives for some time. My question: how much longer will it be until the department tests various alternatives available for black fly control and chooses one of them for an alternative program?

MR. KOWALSKI: Mr. Speaker, I'm unaware of any incorrect information given by any official from Alberta Environment at a meeting in February 1987 that the Member for Edmonton Glengarry alludes to. And I'm unaware at this point in time either of a safe, conclusive method of dealing with a very savage little fly called the black fly that just causes animals to react in very, very significant ways in the Athabasca River basin.

MR. YOUNIE: Supplementary. Is it the case then that the minister's department is not aware that *Bacillus thurengiensis* has been federally approved and proven effective for running water and has been deemed suitable by the Conservative Environment minister in Saskatchewan?

MR. KOWALSKI: Mr. Speaker, the subject matter of the use of methoxychlor as an insecticide in the province of Alberta has been one that we've been looking at for the last number of years. Officials in Alberta Agriculture, who are basically conducting tests and undertaking reviews with respect to certain applications that we can use to control the black fly in the Athabasca River, have basically suggested to me and continue to suggest to me that until we can find a conclusive alternative, in the interim the usage of methoxychlor is the overall safest one for any impacts on the environment.

MR. YOUNIE: Mr. Speaker, I would ask if it is not true that in fact the major direction of departmental studies has been aimed at proving that methoxychlor is safe, rather than conclusively proving that others are safe and better and that they are there if the department would focus its research.

MR. KOWALSKI: Well, Mr. Speaker, I can't comment on behalf of research being undertaken by Alberta Agriculture, but that certainly is not the information provided to me to this point in time.

MR. YOUNIE: Will the minister guarantee at this point that an alternative program will be looked into and will be in place by this time next year?

MR. KOWALSKI: Mr. Speaker, I'd indicated a little earlier that I had spent a considerable amount of time in 1986, in the early part, and now I'm saying in the early part of 1987, attempting to find an alternative to the use of methoxychlor in the Athabasca River. I cannot guarantee. I'm not God; I'm simply a mortal being.

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Should the Chair put the question to the House?

Are you finished?

MR. KOWALSKI: Mr. Speaker, really there was no need for me to define that definition of myself. However, from time to time it is important to recognize that one does have his feet on the ground.

I cannot guarantee what will happen in the future other than my intense desire to find an alternative to the use of methoxychlor. On the other hand, hundreds and hundreds of agricultural producers in the Athabasca region have had to deal with a very devastating little fly called the black fly, which bites and causes animals to deteriorate in quality, which causes a whole series of negative impacts in the agricultural environment. That factor has been taken into the consideration of this.

I should point out as well, Mr. Speaker, that in the permit that was issued yesterday, there were 13 very, very stringent conditions that have been applied to the application of methoxychlor that will be applied by the county of Athabasca upon the request of the county of Athabasca, and as correctly pointed out by the Member for Edmonton Glengarry, part of the result of a submission by the Member for Athabasca-Lac La Biche saying: "Let's go with this. Are you prepared to do it?" And I basically said yes.

I would like to just qualify one aspect with respect to impact. Mr. Speaker, the reason that we provide a permit and the reason that I had to put out a press release advising people of this has to do with the quality guidelines we have developed in this province. We basically have set rules that if a certain amount of something is in our water, then we will tell the people of Alberta what that certain amount is. Under the Canadian drinking water guidelines we allow a maximum allowable portion of 100 parts per billion of methoxychlor to exist in our water. The concentration level that we put in in the applications coming up for the next number of days will be 300 parts per billion. But concentration levels taken at Fort McMurray over the last several years indicate that the concentration levels are in the range of 5 to 6 parts per billion.

MR. SPEAKER: My concentration level is slipping a touch.
Westlock-Sturgeon.

MR. TAYLOR: Mr. Speaker, it took courage to get God's rep-

representative to sit down.

Mr. Speaker, as a supplementary and along the line of the quality of the water in the Athabasca River, could the Minister of the Environment tell us what he has planned to clean up the quality of the water downstream from Fort McMurray to Fort MacKay so that the people could drink the water even 40 miles downstream at Fort MacKay.

MR. KOWALSKI: Mr. Speaker, I would not advise that any citizen anywhere in the world drink water out of rivers or lakes unless we have that water first of all pasteurized. I recall that there was a very famous gentleman in France over a century ago who developed a process. We've all agreed and we've all learned that we should boil water and treat water before we simply drink it out of rivers and streams. That doesn't suggest that the drinking of such water would be harmful to an individual. I just think that in terms of the commitment the opposition is consistently asking the government to provide with respect to preventive quality health care, surely we should recognize that now is the opportunity to make use of all the lessons that we've learned in history with respect to improving the quality of our living and our environment and particularly of our health in this case.

Toxic Gas Emissions

MR. PASHAK: Mr. Speaker, on April 29 the Minister of the Environment was quoted as expressing frustration that no charges were laid in connection with a toxic gas cloud that appeared over the city of Calgary. To the Minister of the Environment: will he now confirm that he is pressing the Attorney General to lay charges against Western Co-op Fertilizer in connection with this incident?

MR. KOWALSKI: Mr. Speaker, I'm not sure that the Minister of the Environment basically said that he was frustrated in the manner in which the member has just identified. I certainly have instructed officials in Alberta Environment from that point in time to assemble a package of information to attempt to assemble as much evidence as possible that could be put into a package and transferred to officials in the Attorney General's department for their evaluation to determine whether or not charges should be laid.

At no time in fact, though, have I ever followed the advice given by the member. That would seem to me to be a case of political interference into a regulatory legal process.

MR. PASHAK: My first supplemental, Mr. Speaker, is to the Attorney General. Is he now prepared to lay charges in this matter?

MR. HORSMAN: Mr. Speaker, this matter has been under careful review by the Department of the Attorney General since the incident occurred and information was provided by Environment. At this stage, however, no decision has been made to proceed with charges.

MR. PASHAK: Mr. Speaker, some two weeks ago, the minister was quoted as saying that it would only take two weeks for his department to sift the evidence. To the Attorney General: why is there such a delay in acting in this situation?

MR. HORSMAN: My colleague the Minister of the Environ-

ment has been providing additional information from time to time which would assist in the Department of the Attorney General coming to a conclusion as to whether or not charges should be laid in this particular case. And I understand that recently, within the matter of the last two days, additional information has been supplied for consideration of agents of the Attorney General.

MR. PASHAK: Final supplementary, Mr. Speaker, to the Minister of the Environment. Would the minister now consider a policy that would provide permanent air monitoring equipment near such industries, with the cost to be recovered through permits issued under the clean air and water Acts.

MR. KOWALSKI: Mr. Speaker, such facilities are in fact in existence throughout the province of Alberta.

But I would want to clarify one thing, Mr. Speaker. The Attorney General's department is not frustrating any investigation. We are gathering evidence in Alberta Environment. That evidence will be provided to the Attorney General's department. When the Attorney General's department has a complete package of information with respect to this case, they will determine whether or not sufficient evidence exists to warrant a charge. But at no time in between will I be pressured by anybody on the opposite side to be involved politically in terms of a regulatory legal process that must follow its course. [interjection]

MR. SPEAKER: Someone else want to get in on a supplementary back there? Westlock-Sturgeon.

MR. TAYLOR: Mr. Speaker, this is a supplementary to the Minister of the Environment. Has he or have his agents inspected the facilities of the manufacturing plant that allowed the toxic gases to escape, to see whether or not there could be changes in technology or changes in equipment that would stop it or at least minimize the chance of its happening again?

MR. KOWALSKI: Mr. Speaker, investigations and monitoring have occurred since a Sunday in April when a gas release did occur in the city of Calgary. A gas release was then reported some 30 hours later as an operating anomaly. Those investigations are continuing.

Oil Slick on Glenmore Reservoir

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister, and it's with regards to investigations. On the Glenmore Reservoir there was an oil slick of fair size on Monday night. Could the minister indicate whether investigations have taken place on that matter and whether any charges might be pending?

MR. KOWALSKI: That matter, Mr. Speaker, is being reviewed by the Calgary board of health.

MR. SPEAKER: That was a quickie.

Louis Bull Tribal Police

MR. WRIGHT: My question, Mr. Speaker, is to the Solicitor General. It concerns the RCMP contract. I'm sure we're all glad to hear that a couple of weeks ago the Louis Bull Reserve became the first reserve to have tribal police, as I think they're

called. I just wondered what arrangements exist with the RCMP under their contract or otherwise with the federal government to bear their responsibility for the policing costs since it is their responsibility under the Constitution?

MR. ROSTAD: I'm not certain, Mr. Speaker, of the full depth of the question. I, too, am very pleased with the Louis Bull tribal police. This is the first instance of native policing fully autonomous in Alberta and designed within Canada. I think it will be an exemplary project for any reserves across Canada. The RCMP have agreed to work with the Louis Bull police force to provide lockup facilities at the moment and to help them with any investigations they may not have the capacity to conduct on their own.

As far as jurisdiction, the RCMP has jurisdiction to police anywhere in Alberta and in that way would have jurisdiction over the reserve. But the Louis Bull, as a fully autonomous police force, has jurisdiction to also police anywhere in Alberta.

MR. WRIGHT: Mr. Speaker, my question is not quite appreciated perhaps. The responsibility for policing Indian reserves is of course a federal one, yet I understood from the minister, when he made the announcement a couple of weeks ago, that the cost of this police force is borne by the province of Alberta. We're certainly in favour of it. I was just wondering about how it relates to the RCMP contract.

MR. ROSTAD: Mr. Speaker, the policing costs for the Louis Bull Reserve are borne by the Louis Bull Band, with the exception of the per capita grant provided by the Solicitor General's department in the same amount that any other municipality that forms a municipal police force would receive.

MR. WRIGHT: Thank you, Mr. Speaker. Why is it that this particular police force is the most heavily armed in Alberta?

MR. ROSTAD: I don't, Mr. Speaker, have an exact count on the number of particular armaments that the police force would have. Any police force must receive permission from the Solicitor General's department to procure and carry weapons, and in this particular instance they've met all qualifications under the firearm regulations.

MR. SPEAKER: Final supplementary.

MR. WRIGHT: Yes. The armaments I refer to are .357 magnums, Mr. Speaker. I wonder if the Solicitor General would make my day by explaining the necessity for these or possibly any sidearms on the reserve.

MR. ROSTAD: Again, Mr. Speaker, I can say that they have met the qualifications and specifications set out by firearms. That particular band must feel that they have very large varmints out there that would require a higher bore.

MR. SPEAKER: Additional supplementaries?

The Member for Edmonton Meadowlark, followed by the Member for Calgary Buffalo.

Government Appointments (continued)

MR. MITCHELL: Mr. Speaker, thank you very much. I would

like to pursue the question of Mr. Stiles' appointment somewhat further and its implications for tolerance and understanding matters in this province. To the Premier: could he please specify to the Legislature when he will speak to Mr. Stiles and by which time he will have made a decision on that appointment?

MR. SPEAKER: With due respect, hon. member, it's a repetition of a question that was answered earlier today -- asked and answered. [interjections] Fine, thank you.

Did the Chair hear: this drives you crazy?

MR. MITCHELL: I said it.

MR. SPEAKER: Would you like to withdraw it, please?

MR. MITCHELL: I withdraw it.

MR. SPEAKER: Point of order duly noted. Proceed with the question please.

MR. MITCHELL: Mr. Speaker, I am asking when we will have a decision. It is a different question.

MR. GETTY: Mr. Speaker, I've already answered the question.

MR. MITCHELL: He did not specify a time at which he would consider making the decision.

Next question: would the Premier please consider investigating this matter beyond simply speaking to Mr. Stiles, since Mr. Stiles has been known to deny facts before him and may well deny the reports recently in the newspaper?

MR. GETTY: Well, Mr. Speaker, I'll just have to take all of the opportunities and options open to me to confirm the matter.

MR. MITCHELL: Excellent. Thank you. In light of the recent problem with Mr. Stiles' appointment and the matter such as the Aryan tapes on the AGT telephone lines, could the Premier please tell us why he is continuing to delay making a decision about establishing the standing committee on tolerance and understanding that was recommended by Mr. Ghitter's commission?

MR. GETTY: It's been under consideration, Mr. Speaker.

MR. MITCHELL: Mr. Speaker, a final supplementary. Is the Premier aware that the Minister of Technology, Research and Telecommunications, the Solicitor General, and the Attorney General have each either not responded to B'nai B'rith's request to meet with them or have actually canceled meetings that were already scheduled with B'nai B'rith? Will he be directing one or all of these ministers to meet with B'nai B'rith to discuss this important matter of tolerance and understanding in this province in light of recent matters in this regard?

MR. GETTY: Mr. Speaker, my review of the ministers' handling of their responsibilities is that they're handling them very well, and the hon. Member for Edmonton Meadowlark, if he has any particular concerns, should raise them with the ministers.

Lottery Funds

MR. CHUMIR: My question is to the Premier, Mr. Speaker,

pursuant to discussions we had earlier today with respect to the rules of this House. It is a fundamental of parliamentary democracy that all spending should be approved by elected members through discussions in the Legislature. However, decisions with respect to the spending of lottery funds are made in the back rooms of the Tory caucus without being brought before the Legislature. The people of Alberta would like to hear about the government's plans to use the \$110 million surplus. Can the Premier advise us, since lottery moneys belong to the people of Alberta, why decisions about spending lottery moneys should not be brought before this Legislature for discussion as with respect to each and every other expenditure in the province?

MR. SPEAKER: The Chair would caution whether a response is indeed to be given. Hon. Premier.

MR. GETTY: I would only say, Mr. Speaker, that the government is administering the lottery funds in a manner in which our information provides us that it is handled correctly.

MR. CHUMIR: I thought perhaps the question might lead the Premier to reconsider the dealing with the rest of the budget in this House.

On a further supplementary to the Premier, with the possibility for supplemental information from the minister of hospitals. The minister of hospitals has suggested that some surplus lottery money might be used for hospital purposes such as equipment purchase. Can the Premier or the minister of hospitals tell us about the possibilities of using lottery funds for this purpose? Is it a reality?

MR. GETTY: Mr. Speaker, one of the suppositions that appears to be in the hon. member's question is that in fact hospitals are underfunded in Alberta. If you come to that conclusion, then of course you start looking for additional sources of funds. In fact, in Alberta we have the highest per capita funding of anywhere in Canada and the highest degree of excellence in the hospital and medical care system in Canada. Therefore, it is being funded sufficiently. There are always improvements that can be made from time to time, and as a matter of fact, some members of hospitals have talked to me about the potential for special research funds, a very small amount of money, that could be funded from lotteries, and that is being given consideration.

MR. CHUMIR: I can't tell whether the Premier disagrees with the minister. Can the Premier tell us whether there is any possibility -- and I repeat "any possibility" -- that some of the surplus \$110 million of funding might be used for program . . .

MR. SPEAKER: No, that particular question refers back to the same amount as in the statement of claim made by the hon. member. That question is out of order.

MR. CHUMIR: May I rephrase the question, Mr. Speaker?

MR. SPEAKER: The time for question period has expired. Might we have unanimous consent to continue this series of questions and to have the Minister of Agriculture give additional information and also the Minister of Social Services?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried. Hon. Member for Calgary Buffalo.

MR. CHUMIR: Can the Premier tell us whether there is any possibility -- I repeat, "any possibility" -- that some lottery funds might be used for programs to help the handicapped, for education, and to create jobs, particularly if his ministers point a need for this?

MR. GETTY: There is the always the possibility, Mr. Speaker.

MR. SPEAKER: That was the final supplementary according to the count at the table, hon. member. Double check, table of officers. Three supplementaries were asked. Edmonton Highlands.

MS BARRETT: Thank you, Mr. Speaker. I wonder if the Premier would agree to settle this dispute about who controls what by introducing a Bill which would firmly put the decision-making over lottery funds into the Assembly's hands. Would he agree to do that?

MR. GETTY: As I said, Mr. Speaker, the information which we have before us is that the government is handling lottery matters properly.

MR. SPEAKER: Minister of Agriculture, in response to a question from the Member for Westlock-Sturgeon.

Freight Rate Subsidies (continued)

MR. ELZINGA: Mr. Speaker, I simply offer additional information to the hon. Member for Westlock-Sturgeon as it relates to his concern on barley exports, and I do so, sir, acknowledging that he indicated that he assumed he was correct unless I corrected him. So I am going to correct him so that he is not under the assumption that he is correct.

His information was incorrect, Mr. Speaker, in that our barley exports are likely to reach record levels this year, and we've exported in excess of 5.2 million tonnes to date. There are no vessels waiting at any port in Canada for barley exports, and I simply say that to underscore the accurate reporting in the *Edmonton Journal* today.

MR. SPEAKER: Question?

MR. TAYLOR: I gather that I'm allowed to answer, in view of the fact that the answer he gave was a very good one, but it was not to the question I asked. The question was: did he know of any shipments or orders that have been canceled and been bought by the Arab republic because they were having trouble getting ports loaded? That goes back 120 days, not like what is going right now.

MR. ELZINGA: Mr. Speaker, the information that we've uncovered is that there is no fact to what he's presented in this instance also.

MR. SPEAKER: Minister of Social Services, in response to the Member for Calgary Mountain View.

Autistic Youth Treatment Facilities

(continued)

MRS. OSTERMAN: Thank you, Mr. Speaker. In the questions posed by the hon. Member for Calgary Mountain View, I believe there were two prefaces to the questions that supposedly provided information to the House that I ought to correct. One of them was that the program was a million dollar program. Mr. Speaker, while it indeed was an incredibly expensive program, the hon. member was high by \$200,000. Also, the homes were not purchased; they were repossessed homes and in fact belong to Alberta Home Mortgage Corporation. So there was no purchase.

MR. HAWKESWORTH: Mr. Speaker, to ask the minister to clarify the statement: did the amount of money referred to in her statement then not include the cost of purchasing or acquiring the property or the houses to provide that program?

MRS. OSTERMAN: No, Mr. Speaker, but it certainly would have included renovations and the type of security that was needed in order to make the accommodation suitable for the very special clients being housed.

MR. SPEAKER: The Chair has received notice of a point of order. Pincher Creek-Crowsnest.

MR. BRADLEY: Mr. Speaker, I rise on a point of order under Standing Order 65(2) with regards to the presentation today of the report by the Member for Edmonton Kingsway. If I may quote Standing Order 65(2), it states:

The report of a committee is the report as determined by the committee as a whole or the majority of it, and no minority report may be presented to or received by the Assembly . . .

As such, I believe the report and the filing should be withdrawn, and the member, I'm sure, has the imagination to present his views in a different manner and in different form.

MR. SPEAKER: To the point of order.

MR. McEACHERN: I suppose, Mr. Speaker, if it would make him happy, I'll withdraw the words "minority report" on it.

MR. SPEAKER: Happiness is a withdrawn report? The Chair directs under Standing Order 65(2) that the report as tabled today be returned to the hon. member and not received by the Assembly.

With regard to points of order, Edmonton Meadowlark.

MR. MITCHELL: Mr. Speaker, I rise on a point of order under 357(d), which was undoubtedly the section of *Beauchesne* that you referred to in ruling my question to the Premier earlier today out of order. I believe that it is really a matter of fact. Earlier in the day the Premier indicated that he would review the decision; he would speak to Mr. Stiles. My question merely asked him when. That is not the same question. It is a different question, and I think that when *Hansard* is reviewed, it will be clear that I was in order to ask that question.

The problem with this kind of debate is, of course, that win or lose, we lose because I will not get an opportunity to ask that

question again without utilizing further questions in question period, which you know are very dear to the opposition members and which are always insufficient.

I would therefore propose, for which there are insufficient . . . [interjections] It seems to me that there is a shortcoming here. I know that there is pressure on you to make decisions under difficult circumstances, but I feel that time and time again the matter of being ruled out of order and not having the chance to re-ask the question, despite the fact that we are right in asking the question in the first instance, curtails our ability to pursue the government as is our responsibility and our right under the rules of question period.

MR. SPEAKER: Hon. member, we will indeed peruse the Blues, but the question as first raised by the member was so clearly repetitious of a question that had been raised and answered in the Chamber before question period got to the Member for Edmonton Meadowlark. [interjections] This is not a discussion period, hon. member. The Chair also allowed the member to rephrase and carry on with the line of questioning; therefore, the Chair really doesn't regard that a great disservice has been offered to the member. The Blues nevertheless will still be reviewed.

Now, with respect to a continuing point of order as raised initially on May 11 and which the Chair was indeed prepared to deal with regard to yesterday, but because of some incident that took place in the Chamber, the Chair then gave sufficient notice that the point of order would be dealt with today, the Chair now goes on to deal with a number of matters as raised by the Member for Calgary Buffalo in a series of question periods. In reference to the Member for Calgary Buffalo's point of order as raised May 11, the Chair has analyzed the wording of his questions both through video tape and through *Hansard*. In all of this, the prime source of rulings in this House are Standing Orders, and Standing Order 23(g) reads for the record:

A member will be called to order by Mr. Speaker if that member:

(g) refers to any matter

(i) that is pending in a court or before a judge for judicial determination, or

(ii) that is before any quasi-judicial, administrative or investigative body constituted by the Assembly or by or under the authority of an Act of the Legislature

where any person may be prejudiced in such matter by the reference.

This is very explicit in that it makes no mention of the stage litigation must be at before it will be ruled out of order under the sub judice rule. The Member for Calgary Buffalo, being a plaintiff in this matter, is most certainly an individual who will be prejudiced by the proceedings within the Chamber, particularly as he will to some extent determine the outcome of those proceedings. I would rely on the Standing Orders rather than *Beauchesne*, because it seems to reflect a much stricter application of the rule compared to the federal House and it would seem to be in keeping with the British parliamentary practice of sub judice points of order. Standing Orders in any event take precedence over either *Beauchesne* or *Erskine May*.

The Member for Calgary Buffalo managed to ask three questions, being first main and two supplementaries. His first main question was out of order both in its preamble under Standing Order 23(g) and in the actual question by his asking how much money was in the fund. His question is in fact, according to the

pleadings of his own case, a matter before the courts and would therefore fall under the rule. His first supplementary question was also out of order both with respect to the preamble and with respect to the question itself. It also has the distinction of seeking a legal opinion, which is out of order additionally under *Beauchesne*, citation 360(1) and *Beauchesne* 359(3). The Member for Calgary Buffalo might likely argue that his first supplementary question did not seek a legal opinion, but it undoubtedly does seek a legalistic interpretation of parliamentary rules and procedure, if not statute or regulations.

With respect to the transcripts of yesterday, the Member for Calgary Buffalo attempted questions regarding lottery funds, which would leave no doubt that the subject matter of his questions definitely touches upon his statement of claim filed in the Court of Queen's Bench and would therefore be out of order under Standing Order 23(g). The member's objection at the top of page 1180 in *Alberta Hansard* and his promise that he would not refer to the lawsuit but lottery funds in general did not in this case hold to be true. The preamble to the member's question appearing at the bottom of page 1179 of *Alberta Hansard* states, and I quote:

It's clear from comments of the Minister of Career Development and Employment outside of the Legislature that the government does not have any authority for the millions of dollars of lottery expenditures being made . . .

The very nature of the Member for Calgary Buffalo's claim against the minister puts this very subject before the courts for interpretation. And the member's statement of claim is so wide in its scope that it would be difficult to understand how he could ask a question not touching upon the matters within the claim unless it deals with lottery funds of other jurisdictions or of matters in a general nature. Indeed, today the line of questioning was allowed to continue with very careful attention to what the questions were. In addition, however, *Beauchesne*, citation 359(10) reads: "A question ought not to refer to a statement made outside the House by a Minister." The member's own question admits that his query is based on a statement made outside of the House, and therefore also would be ruled out of order.

There is yet another matter, and it comes back to something being raised with respect to other members of this Chamber. It's the matter of repetition. And so it is that the Member for Calgary Buffalo has in question period in this House raised the matter of lottery funds on April 1, April 6, April 9; made reference in privilege with respect to May 1, May 4; back to question period May 12, 13, and today the 14th, and also on May 7 in committee. The rule of repetition surely must apply somewhere along the line.

With regard to ruling the member out of order, after carefully reading *Hansard*, we seem to have a continuation of this ongoing discussion with regard to the topic. Nevertheless, Standing Order 23(g) is operable. It is indeed unfortunate that the member could not wait for the Chair to indicate to the member what would be allowed under the rules of the House. However, now that the guidelines are set, perhaps the member will indeed be able to word questions without being called to order.

head: **ORDERS OF THE DAY**

MR. CRAWFORD: Mr. Speaker, I move that Question 207 and motions for returns 199, 200, and 206 stand.

[Motion carried]

head: **WRITTEN QUESTIONS**

205. Mr. McEachern asked the government the following question:

In the case of each and every fee and charge, the increase in which will contribute to the cumulative increase in all fees and charges collected by the government, calculated to total \$30 million at page 87 of the Provincial Treasurer's Budget Address 1987, what is

- (1) the name of the fee or charge being increased,
- (2) the dollar amount of the fee or charge as it was or is prior to the increase or increases planned,
- (3) the number of times it is planned to increase the fee or charge and the date on which each planned increase will take effect or took effect,
- (4) the dollar amount of the increase for each increase identified pursuant to clause (3), and
- (5) the amount of money collected as a consequence of the collection of the fee or charge as it stood in the 1986-87 fiscal year?

MR. JOHNSTON: Mr. Speaker, the government cannot accept this question, and therefore we obviously will not accept it. The reason for that is very clear. When the budget was being compiled late in 1986 and early in 1987, we had to use the best guesstimate to come up with the \$30 million amount. Now, while that will probably be fairly reliable in terms of the outcome of the calculations, it should be known that in fact we have not yet completed that formal review of all the fees and charges which will be effected. Moreover, there will be ample opportunity during the course of the year on a variety of cases for various members of the cabinet to make available by way of a number of announcements their plan changes with respect to the actual fee increases. At the same time, it is well known that any of this information, once the year has been completed, will in fact be provided through the normal course of reporting.

head: **MOTIONS FOR RETURNS**

175. Mr. Sigurdson moved that an order of the Assembly do issue for a return showing copies of those studies, reports, and other documents on the basis of which the hon. Minister of Career Development and Employment stated on March 6, 1987, *Alberta Hansard*, page 16, "the job creation program that the Premier talked about just a minute ago created 60,000 full-time jobs in this province in 1986."

[Debate adjourned May 7: Mr. Sigurdson speaking]

MR. SPEAKER: The Chair would just point out that the member is concluding debate.

MR. SIGURDSON: Yes. Thank you, Mr. Speaker. I believe I've got something in the neighbourhood of about 18 minutes.

MR. SPEAKER: Thirteen, hon. member.

MR. SIGURDSON: Thirteen. Well, thank you.

Mr. Speaker, when I left off, Thursday last, I was wondering for what reasons the minister of career development might have refused to answer the motion for a return. After all, I'm a rather

reasonable fellow, and I thought my motion was a rather polite and reasonable inquiry. I believe the minister would love to answer this motion for a return if only he could -- if only the facts were available to that minister or to me or to any member of the opposition. But I don't think the facts are available to anybody, even though the government backbenchers would accept the answer that the minister has given.

The facts just don't add up. The minister said they created 60,000 jobs in 1986. Something was wrong with that figure to us, Mr. Speaker. Something was indeed terribly, terribly wrong. I sat back and wondered just what could have gone through the minister's mind. I know that he's a first-time M.L.A., as I am. I'm sure that when he saw Motion for a Return 175 on the Order Paper, he may have gone to a veteran minister and asked that minister just how one handles a motion for a return. Now, a good old vet may just stand up and say, "Well, motions for returns, rookie, are pretty easy to handle. All you've got to do is stand up, deny the information, and hopefully the opposition will just ignore it. Or maybe it'll just slip by and you won't have to respond to it." But that would have been from a veteran minister from the last Legislature who was accustomed to dealing with a much smaller number of members in the opposition.

[Mr. Deputy Speaker in the Chair]

Another possible answer a veteran minister could have given a rookie minister is: "If they didn't believe you the first time, say it again. Say it over and over and over again and perhaps enough people will start to believe what you say." Mr. Speaker, that is exactly what happened. On March 9 the Minister of Career Development and Employment stood up in the Assembly and spoke to an amendment that was moved by the Leader of the Opposition. He said:

I'd like again to say that as we did on Friday, that our capital works program from the last budget, for the budget year 1986-87, was the largest job-creation program in the history of this province, and in fact there were in excess of 60,000 full-time jobs that were created in this province as a result of that job-creation program.

Mr. Speaker, not only did he say that, but he triggered once again the number that caused us to pay attention to what may be a misstatement. He said: "There are 22,000 more people working in 1986 than there were in 1985; 22,000 people." But again there was a problem. It was that we were dealing with 1987 and figures were available for the minister for January 1987, and he was talking about 1986 over '85 when he should have been talking about 1987 over 1986. The facts from Statistics Canada are that in 1986 there were 1,127,000 Albertans employed and 115,000 Albertans unemployed. In January '87 there were 1,107,000 Albertans employed, down 20,000 from the year previous, and there were 144,000 Albertans unemployed, up 29,000 from the year previous.

Mr. Speaker, if we look at the year 1986 and take the lowest number of jobs available to Albertans, that was in January, the 1,127,000 we just spoke of. If we take the highest number, that occurred in July; it was 1,183,000, or a difference of 56,000 jobs. Now, the minister's statement that 60,000 jobs were created would indicate that every job that was created must have been in the public service as opposed to the private sector. But if we take a look at the figures throughout the year, going from January through to December, with the fluctuations -- people entering the work force, people leaving the work force, leaving

the province, coming into the province -- we find that of the jobs available, if we go through it month by month, we end up with a net loss of some 4,000 jobs.

But I would suggest that the minister was trying to defend his government, trying to defend a record that is really indefensible. I would suggest that the minister on March 6, in attempting to defend the indefensible, stood up and just told a gross and terminological inexactitude -- just couldn't prove it, can't prove it, can't be proved, because there's nothing there to base his statement. There are no facts; no facts, just a number. The government's getting a little hot; let's pick an arbitrary number out of the air: 60,000 jobs. There, we have it. Tell it to all Albertans. Sixty thousand jobs were created.

Mr. Speaker, we've sat in the Assembly, and I keep hearing government ministers stand up and say that we're going through tough times, that we're having to cut back here, we're having to economize, we're having to downsize. Well, it is indeed unfortunate when one minister stands up in the Assembly and economizes and downsizes the truth, because that is what happened. The figures aren't there, the facts aren't there, and what happened was that the minister just went ahead, picked an arbitrary number, and said 60,000 jobs were created. He got out of it, when we put the motion on the Order Paper, by referring to *Beauchesne*, section 390(2)(o), and that reads:

(2) The following criteria are to be applied in determining if the government papers or documents should be exempt from production:

(o) Internal departmental memoranda.

Well, Mr. Speaker, before you put the question to the House, I would ask that you rule, because I believe the minister has to produce that document according to *Beauchesne's* section 327(1):

A Minister of the Crown is not at liberty to read or quote from a despatch or other state paper not before the House, unless he be prepared to lay it upon the Table.

I go on to (5) in *Beauchesne*. For the benefit of the Acting Government House Leader, it's on page 116.

To be cited, a document must be quoted or specifically used to influence debate.

Mr. Speaker, I would suggest that the Minister of Career Development and Employment used it to influence debate, otherwise from the back bench I'd like to see a show of hands indicating how many backbenchers don't believe the minister.

I would request your ruling, Mr. Speaker. Thank you.

MR. DEPUTY SPEAKER: On Motion for a Return 175, those in favour of the motion please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Those opposed please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: It fails.

[Several members rose calling for a division. The division bell was rung]

[Mr. Speaker in the Chair]

[Eight minutes having elapsed, the House divided]

For the motion:

Barrett	McEachern	Sigurdson
Ewasiuk	Mitchell	Strong
Fox	Mjolsness	Taylor
Hawkesworth	Pashak	Wright
Hewes	Piquette	Younie
Laing		

Against the motion:

Adair	Elzinga	Osterman
Ady	Fischer	Payne
Alger	Fjordbotten	Pengelly
Betkowski	Heron	Reid
Bradley	Hyland	Rostad
Brassard	Johnston	Shaben
Campbell	Jonson	Shrake
Cassin	Koper	Sparrow
Cherry	Kowalski	Stevens
Clegg	McCoy	Stewart
Crawford	Mirosh	Webber
Day	Moore, R.	Weiss
Dinning	Musgreave	West
Downey	Musgrove	Young
Elliott	Oldring	Zarusky

Totals	Ayes -16	Noes -45
--------	----------	----------

[Motion lost]

MR. SIGURDSON: Mr. Speaker, I rise under section 22(2) of Standing Orders. I did request a ruling on whether or not the Minister of Career Development and Employment could indeed refuse to respond to Motion 175 based on *Beauchesne*, section 390(2)(o).

MR. SPEAKER: Please repeat.

MR. SIGURDSON: It's on page 138. *Beauchesne*, 390(2)(o).

Given that *Beauchesne* . . . He refused specifically to respond to Motion for a Return 175, citing that. If you wish, Mr. Speaker, I can quote from the April 2 edition of *Hansard*. But given that *Beauchesne*, section 327 states:

- (1) A Minister of the Crown is not at liberty to read or quote from a despatch or other state paper not before the House, unless he be prepared to lay it upon the Table;
- (5) To be cited, a document must be quoted or specifically used to influence debate;
- (6) If a Minister cites or quotes an official document in debate, he should be prepared to table it. A private Member has neither the right nor the obligation to table an official, or any other, document;

I would request a ruling on that, Mr. Speaker.

MR. YOUNG: Mr. Speaker, just very briefly, speaking to the point of order. Having examined the request made in the motion for a return, it would not appear to have been a direct quote from anything. The most that could possibly have been picked out and attributed as a direct quote is a number, and even that isn't framed in a way that suggests it's a direct quote of anything. So I am having some difficulty with this whole alleged point of order.

[Two members rose]

MR. SPEAKER: No, hon. member. Edmonton Highlands.

MS BARRETT: Mr. Speaker, on the point of order, the citation in question which lends strength to the call for the parliamentary procedure to be observed -- that is, by tabling of the report under section 327 -- is certainly strengthened by subsection (5) in which it states that:

To be cited, a document must be quoted or specifically used to influence debate.

It certainly was quoted, inasmuch as it referred specifically to numbers, numbers which otherwise have not been presented in any other document, and it certainly was used to influence debate, Mr. Speaker. That's the whole point of referring to this citation.

It's our contention that the minister, in citing 390, has in fact cited a much weaker argument in defence of his not tabling the document, given the parliamentary procedure and practice, particularly of 327. That's the strength of the argument, I think.

MR. FOX: On the point of order, Mr. Speaker. The minister himself. *Hansard*, page 538, refers to a specific document when he cites *Beauchesne* 390(2), and if I understand the hon. Deputy Government House Leader, there is no such document. I am wondering if he is agreeing that the statements made by the minister are therefore unsubstantiated.

MR. STEVENS: Mr. Speaker, because we have had references to earlier discussions, I would like to remind the members -- and in your absence on that day, Mr. Speaker -- that on May 7, 1987, I rose to refer to this situation and to *Erskine May*. I mentioned that the minister has from time to time been referred to by members in this Assembly as having referred to documents and so on. He made a statement that again was referred to today in *Hansard* by the previous speaker. That is before us in the motion. But the minister did not refer to documents or studies at any time, and even had he done so, the rules of Parliament are such that these do not need to be tabled. And that's what the whole point of this motion has been before us and has now been voted on.

MR. McEACHERN: Mr. Speaker, just to get this quote a little straighter from the minister. He did say -- again, it's on page 538 of *Hansard*:

Mr. Speaker, with regard to Motion 161, I would like to reject that motion.

And then he goes on to say:

It's internal memoranda provided to me in the course of my duties of minister of the Crown, and I believe that my position is consistent with *Beauchesne*, section 390(2).

And it is that very section (2) which says that if it is being used to influence debate, it must be produced. So he refers himself to that section and says that it is consistent. Then he turns around and denies what in fact this thing requires. And he refuses 175 and, I believe, 178 on the same reasons. He says it applies and then he denies it and says he didn't do it.

MR. SPEAKER: Well, with due respect to all members of the Assembly, the Chair does not have an encyclopedic memory, but there's something within my recall that was not a decision made with regard to the production or the nonproduction of documents earlier in this session, so Table officers are having to search for that.

Nevertheless, the purported point of order which is being raised as of this date in May raises the concern and the complaint, if you will, that the documents as cited or possibly quoted or just simply alluded to by the minister back on March 6 have not been produced. But today in May is hardly the earliest opportunity to have to be raising that particular point of order, especially since the House has already determined what happens to this motion for a return.

Therefore, the Chair does not feel that there is indeed a legitimate case being made for this point of order. I'm sorry.

176. Ms Laing moved that an order of the Assembly do issue for a return showing a copy of the evaluation of community schools prepared for the Department of Education by Dr. Ann Harvey.

MRS. BETKOWSKI: Mr. Speaker, I would like to ask that members of the Assembly defeat this motion for the following reasons. First of all, I referred to this report by Dr. Ann Harvey in my estimates last Thursday night, and I will quote from page 1101 of *Hansard* on May 7 when I stated:

The report and evaluation of community schools by Dr. Ann Harvey has made some very important recommendations, one of which is that the funding mechanism is not working because we are not sharing those funds equitably around the province, particularly for those schools of which the Member for Calgary Foothills spoke, which are running full community school programs without a cent of funding.

Secondly, Mr. Speaker, I did not quote from the document but rather referred to it, and therefore it is not required to be tabled. Thirdly, I would cite citation 390(2)(n) of *Beauchesne*, which says: "Papers that are private or confidential" are not required to be tabled.

At the moment, that applies to the Ann Harvey report. If, however, Mr. Speaker, at some future time I decide that the report would be valuable to the public and should therefore be made public, I would be pleased to file, if appropriate, or to provide for hon. members a copy of that report when that decision is made.

In summary, I would ask the members of the Assembly to defeat the motion.

MR. SPEAKER: Member for Edmonton Highlands.

MS BARRETT: Thank you, Mr. Speaker. I speak in favour of the motion for the tabling of the document. In the first instance, the minister did refer very explicitly in her estimates on May 7 to contents of the document. Now, she used the reference of the contents to influence debate when it came to the issue of the funding for community schools, which has been subjected under this budget to a 50 percent cut.

In the second place, the minister identifies *Beauchesne*, 390(2)(n) in her defence of not having to table the document. I would argue that that's a very flimsy excuse, Mr. Speaker. That citation says that

The following criteria are to be applied in determining if the government papers or documents should be exempt from production; and specifically

(n) Papers that are private or confidential and not of a public or official character, which the minister very carefully avoided stating; that is, did not

conclude the statement under that citation.

The fact of the matter is that this is of a public and official character, Mr. Speaker. It was referred to in the estimates and to influence debate, we might add, so that brings us back to citation 327.

I think the minister is obliged to table this document. Remember that this community schools assessment document was prepared for the department. Now, if it's prepared for the department and is used as a tool for decision-making within the department, and if the department is accountable to the public by way of this Assembly, then this Assembly has the right to not only ask for but also receive the document.

It seems to me that the document was referred to in a way which would defend the government's position with respect to its funding procedures for community schools. That's very clever, Mr. Speaker. It's very clever for a minister to refer to a document in a way that suits her or his own interests or the interests of her or his department or her or his government in their decisions, but not lay the whole document out for the people to decide whether or not her or his decisions were appropriate, whether or not they were in fact based upon the overall nature, recommendations, or conclusions of the document. It's not very often that we get sophisticated documents presented by academics who are well schooled in a particular field, as is Dr. Harvey, by which we can assess the merits of community schools. We have heard time and again, you know, how unfair it is that there are only 66 designated community schools and how it was deemed fair by the department that the way to fix the remedy -- that is, the way to fix the discrimination supposedly which occurred against all those other schools in Alberta which are not so designated -- was to cut the funding in half for the ones that are currently designated.

Now, Mr. Speaker, I think that assumption needs an awful lot of testing. I think it's pretty clear that in rational terms that makes no sense. If the argument is that the funding changes would be made so that we could alleviate what was otherwise effectively discrimination, then the funding would either be zero or it would be applied to all of the other schools in the province.

Now, when the minister referred to this document, I believe she referred to it in a way that would help influence debate within her estimates. That document may not in fact, lend support to the position taken by the minister or taken by the government. In that instance, and given that it is not a secret document particularly a paper that is either private or confidential, but is in fact a document referred to by way of explaining a public policy decision, it becomes public or one of official character, and I think we need to have it. I think we need to have it for a whole lot of other reasons as well, and if you like, I can name the schools who are currently trying to survive under those cuts to the community schools budgets, knowing full well that they have enormous contributions to the communities in which they operate at a very cost-effective value.

In other words, the amount of money that's gone into supporting community schools has been relatively minimal while the effect of the programming which has thereby been supported has been tremendous. One needs only look at the inner-city school of Alex Taylor to see what I'm talking about. There is a gem of a school. I call it the jewel of inner-city schools, because it has been able to integrate a community which otherwise would not have any sense of integration, which otherwise would be further characterized by crime, malnourishment, discrimination, lack of recreation, lack of English as a functioning language -- in fact by increasing and intolerable illiteracy. This

school, as has been the case with many other community schools, has found a way to program four extracurricular activities within the school during the school day, during the evenings on weekdays, during the weekends, and in fact during the evenings on the weekends.

[Mr. Deputy Speaker in the Chair]

I think there is a strong case to be made for the merits of community schools, without which some parts of our communities would be in a less desirable state than they are already in. That being the case, studies by authorities which would either confirm or deny what I am saying should be in the hands of members of this Assembly -- particularly should have been in the hands of members of this Assembly prior to consideration of the minister's estimates, but nonetheless should still be delivered so that we can make a continuing assessment on the policy orientation of the department and the implications of the department's funding decisions.

Therefore, Mr. Speaker, I conclude by saying: (a) it's important for all legislators to know what's in that document; (b) it is not a "private or confidential" document; (c) it was prepared for the department, and therefore the minister's argument under citation 390 of *Beauchesne* does not hold. In fact, I think a very strong case for the argument based on *Beauchesne* 327, particularly (5), is much more strong and should be the deciding factor in how we vote.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: Hon. Member for Edmonton Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. I rise to support the motion for a return. The minister has long spoken of the value and the benefit of community schools and has assured the House that the recent cutback of 50 percent hopefully will not cause any grave damage to the community school ideals and the ability of school boards to determine that they will have community schools, so I must approach this from the standpoint that she in fact is serious in her support of the concept of community schools. But there's no question that these schools have suffered a grave blow in the recent cutbacks in budget.

Now, here we have a request for a copy of an evaluation, Mr. Speaker, and I fail to understand why we can't see what it says. I fail to see what the problem is here in making the document public. There is a great deal to be gained by allowing those in our constituencies who have put their time and energy and efforts into the very healthy development of community schools in our neighbourhoods -- that we can't let them see the information that has been gained at their expense that could be very helpful to school boards and to people in communities who will continue to support the concept and who, hopefully, will continue to work at them.

Mr. Speaker, there's no question that community schools are an economic advantage in our towns and cities. The dollars that are put in by the school board and through the department are compounded in many, many ways in the development that occurs as a result of it and in the use of the facility and in the general stimulation of the entire community to get involved in the quality of education within their school boundaries. Further, we have many, many volunteers in community schools. School boards have made their commitment in years past.

With regret, Mr. Speaker, it seems to me to be yet another

illustration of the continuing tragic saga and the persistent attitude of secrecy and possessiveness in this government. Documents that are part of the public record, or should be and should contribute to decision-making processes in this House, are continuously kept from us and from our constituencies, and I simply do not understand, I fail to understand what on earth it is we are afraid of here. The document was commissioned by the department. It was paid for by the taxpayers of Alberta. It presumably has information in it that is helpful to the department in their support of the community school concept which, as I said before, the minister herself supports. What is in it that is so mysterious? Surely there is nothing there in the document that could be harmful to the constant and the continuing discussion that, with any luck, Mr. Speaker, will have the effect of having community schools continue and grow and prosper in our province because they've proved themselves over and over.

But this, Mr. Speaker, I submit, is a document that should be public. The public have contributed to the information in it through their voluntary submissions and the information provided to Dr. Harvey. They have paid for it. I see no reason why they should not see the document in its entirety and begin to develop their own understanding of how these schools can be further undertaken in our communities throughout the province.

MR. McEACHERN: Mr. Speaker, I rise to speak in favour of the minister's making this document available. Motion 176 is:

A copy of the evaluation of community schools prepared for the Department of Education by Dr. Ann Harvey.

Now why in the world would the minister not want to make it public? I can't think of one possible reason. Perhaps from the point of view of the minister, I can think of a couple. If the report is good on community schools, and they are something that any good teacher would want to support -- she's a teacher, I'm a teacher -- then she must be embarrassed about cutting their funding 50 percent. And so she doesn't want to present to this Assembly a document prepared for her own department that says she should be supporting them when in fact she's not supporting them to the extent she should be. So I suppose maybe she's trying to save herself some embarrassment. But, personally, she should be more embarrassed to not make the document available.

Suppose the report is not very favourable. Suppose it says the community schools are not doing their job or in some aspects they're not doing the job, that there are specific flaws in the process. Then maybe she's embarrassed for the Department of Education and the minister that went before her. She should certainly be embarrassed somewhat about what went on in the Department of Education over the last eight years.

She should also be embarrassed that the other day in the estimates she took up three-quarters of the time and we didn't even get our second speaker in on two and a half hours.

SOME HON. MEMBERS: Order.

MR. McEACHERN: I realize that's out of order, but I've said it. It's too late now.

In any case, she just didn't want to hear, and she just doesn't want us to get the ... [interjections]

MR. DEPUTY SPEAKER: Order. Order please. Would the hon. member please address another hon. member by the traditional method.

MR. McEACHERN: Yes, thank you, Mr. Speaker. I apologize. I should have been referring to her as the Minister of Education, and will do so.

I guess I would just ask: would the Minister of Education please reconsider, do the sensible and reasonable thing in any democratic society, and make information that the public has paid for available to that public?

MR. STEVENS: Mr. Speaker, I listened carefully to the debate this afternoon, and I'm very disappointed in the remarks from the Member for Edmonton Kingsway, who just a few moments ago in effect said he has no respect for the rules of this Assembly. That's virtually what he said by the way in which he's characterized his comments.

I think, Mr. Speaker, the motion clearly is one that must be voted down. First of all, ministers, the government as a whole, receive reports, memoranda, advice, and contract with consultants to receive specific advice, options, recommendations, alternative programs. It is up to the minister with her -- or in other cases with his or their -- officials to determine what aspects of that advice they will follow. If that advice, those reports, are simply revealed or tabled, what will happen will be a disservice to Albertans, because officials and consultants and contractors will simply stop reporting on options and recommendations; they will simply not make that information available.

ANHON. MEMBER: Nonsense.

MR. STEVENS: What will happen . . . [interjections] I didn't interrupt the member. Perhaps you might listen to me for a few moments.

What must be done, Mr. Speaker, is to judge the minister or to judge this government by its actions . . . [interjection] And that is fine, and that's debatable. But when ministers are receiving advice, to say that that should be tabled before any minister has made actions or made decisions is not fair to the citizens of this province. And I will clearly say that at any public debate on any day, at any platform the Member for Edmonton Kingsway would like to establish.

The minister today in her remarks as this debate opened clearly said that at some point in time should she decide to make that report to her available to the public -- whether that be done through consultations with the various boards, with other organizations -- she has clearly said she would then make that report available to this Assembly. And that is the time and that is her decision. Mr. Speaker, clearly this is a motion that should be voted down.

ANHON. MEMBER: Question.

MS LAING: Mr. Speaker, I rise to speak for this motion. This study was established when the community school program was established. In that original mandate there was to be a study of the community school program to see as to its effectiveness in delivering education, meeting community needs, and in terms of the efficiency and effectiveness of spending money. That was part of the original mandate. Out of that kind of evaluation, decisions would then be made to fund the additional schools in the last five years that have been chartered and have not been funded because of a funding freeze. Therefore, this study was to look at these schools in terms of their effectiveness, and then future decisions would be made on the basis of that study.

The public funded this study. It therefore should be the

property of the public. When he hear that under *Beauchesne* section 390 it is private and confidential, for goodness' sake what is private and confidential in looking at the effectiveness of a school system and the delivery of education to the children of this province? I do not see how confidentiality can be violated. As a psychologist, I have an understanding of confidentiality, and that is not what we are talking about at this time.

I look at section 327 in *Beauchesne*, and it says if it is cited in the Legislature, and the minister said on page 1101 of *Hansard*, "One of the recommendations" of the report "is to fund . . ." Now, and going on, that isn't maybe word for word, but that is very close to a citation, I have written academic papers, and I know something about the latitude that we give to the word "citation." I therefore say that this is, in essence, a citation from that report.

Mr. Speaker, in addition, as has already been stated, I think the minister used this report to influence debate, and under *Beauchesne*, section 327, we then are allowed to see that report. It's not good enough to pick from this part and this part and leave out the parameters: how those decisions were reached, what the underlying assumptions of the study were. All of those things need to be laid out so that we can evaluate those conclusions. Mr. Speaker, I . . .

MR. DEPUTY SPEAKER: I hesitate to interrupt the hon. member, but under Standing Order 8 the time for this item of business has elapsed. Please have the record show that debate has been adjourned by the Member for Edmonton Avonmore.

head: **PUBLIC BILLS AND ORDERS
OTHER THAN
GOVERNMENT BILLS AND ORDERS
(Second Reading)**

MR. HYLAND: Thank you, Mr. Speaker.

Mr. Speaker, I wonder if I can have the permission of the Assembly, before we start debate on Bill 216, to introduce some people in the gallery.

MR. DEPUTY SPEAKER: May we revert briefly to Introduction of Special Guests?

HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: Any opposed? Hon. Member for Cypress-Redcliff.

head: **INTRODUCTION OF SPECIAL GUESTS
(reversion)**

MR. HYLAND: Thank you, Mr. Speaker. In the gallery today are a number of businessmen from Alberta involved in the motor vehicle industry and members of the Motor Dealers' Association. There's a long list. I won't introduce them individually but note their presence in the gallery. I also note the presence of their executive vice-president who runs the association and their operational manager, and would welcome them to the Assembly.

head: **PUBLIC BILLS AND ORDERS**
OTHER THAN
GOVERNMENT BILLS AND ORDERS
(Second Reading)
(continued)

Bill 216
Motor Dealer Act

MR. HYLAND: Mr. Speaker, I would like to move second reading of Bill 216, Motor Dealer Act, and would urge all members of the Assembly to support this Bill. Hopefully through our debate we can convince the Minister of Consumer and Corporate Affairs to accept Bill 216 as a government Bill and order and pass it and proclaim it at some point in time. I guess that when one introduces a Bill about something they feel strongly about, one wishes that would happen, but it doesn't always happen. So I'll try to convince the few doubting Thomases that are left about the merits of the Bill and see if we can garner enough support to pass the Bill.

Mr. Speaker, the purpose of this Bill is to reflect, improve, and regulate the vehicle sales industry in the province of Alberta and to protect consumers from unethical business practices. In addition, there are certain powers in the Bill that would allow the registrar to conduct research, to hold hearings, make inquiries, publish studies, talk to motor vehicle dealers, do a number of things respecting the sale of motor vehicles within this province.

Mr. Speaker, I should probably note at this time that there is a Bill, although this one isn't patterned after it, dealing with farm implements in the province, but that Bill doesn't touch anything that's associated as a motor vehicle. So it would do partly what the Farm Implement Act does for farm implements.

The Bill, Mr. Speaker, would cover all dealers and have in it a suggested cutoff of: those people selling more than five vehicles in a year would be registered as a dealer. Obviously, there could be different levels of dealers and different ways of judging what fee people would pay, et cetera, but I have suggested a five-unit cutoff on the sale of vehicles so that all who deal in the business would be covered.

Mr. Speaker, right now, in rough terms, to be involved in the car sales business you require a big investment of between \$12 and \$36 for licences, renewable every two years or thereabouts, depending on the area, and if you're selling preservice contracts, a bond of from \$5,000 to \$25,000. So there isn't a big investment to start selling cars. On the contrary, those involved with the association, or the gentlemen I introduced in the gallery, often have many millions of dollars invested in their facilities and are very serious about their business and are very serious about their reputation. And to them it's of prime importance to keep this reputation and to give a high standard of service to those who buy automobiles from them.

[Mrs. Koper in the Chair]

With my Bill, or the Bill we are discussing today, Madam Speaker, we would be putting some regulations and guidelines in place where those who are, as I've said earlier, selling smaller amounts of cars and selling them from corner lots, et cetera, would have to meet certain conditions and be licensed by a registrar.

Madam Speaker, we've probably all heard lots of stories about used car deals -- and we won't get into any of them -- but

we've all heard stories about used car deals and what's happened and what's happened to the people that have bought them. But when I started working on this Bill this year for introduction, after introducing it last year in a different form, I met with members of the Motor Dealers' Association of Alberta in, I believe, January. We looked at the Bill, and at that time the dealers were opposed to the Bill because it would have been a government bureaucracy entering into their field. And I put the suggestion to those two gentlemen present: what about if the Bill was patterned after other industries -- real estate, insurance, et cetera -- where you could be a self-regulating agency; you could regulate yourselves and regulate your members with the permission of the government. They wanted to go back and talk to the board about that, their board of directors. I also suggested at that time that they send back suggestions and where they would like to see changes in the Bill. They went back to the board, discussed the Bill, suggested changes, and I received those changes from them in writing. They were then transmitted by me to the Law Clerk of the Assembly, and I asked him at that time to draft the suggested changes into the new Bill. So the Bill that you see today has those changes in it.

There is only one outstanding point that was picked up later, that under the powers -- and we'll get into that later -- but under the appointment of a registrar, the feeling that that portion of section 2(2) [should read] "must be a member in good standing of the association" rather than the way it's worded in the Bill, and I'm sure this is an item that can easily be changed. I must say at this time that my intention and my agreement with the two gentlemen was that it indeed would be, and if it is not clear in the legislation, if this Bill goes further, and especially as we can change it at committee if we wish -- we can make an amendment -- but it would be my intention to change that to make that definite so that we all understand that that is what's supposed to be there and that that was the understanding we all had when the Bill was designed. And again, reading over the Bill in preparation for the debate, there is probably a way around it anyway, in that if it did go forward without amendment, the association would put the name forward of their member that they wanted to be registrar and the Lieutenant Governor in Council would appoint that member by their recommendation, thus achieving the same thing. But if it helps, it would be easy to change.

Madam Speaker, when we talk about the sale of automobiles or vehicle sales in this province, if my research is correct, and I assume it is fairly close to being correct, the amount of retail sales in this province -- 18 percent of that amount is in the sales of new car and truck dealers. So when we lump everything in together, we're talking about a large part of the retail market of this province, and we're talking about an association that would have the ability to police their own. I believe that at the present time there are over 80 percent of the 300 or so new vehicle dealers in this province that belong to the association, and they even now have guidelines on their own members as far as advertising and other things are concerned, and their guidelines are far more stringent than those that are existing in Consumer and Corporate Affairs. If somebody sees an advertisement that he doesn't think is right, he can phone the association, the association will talk to that dealer and get the advertising straightened out or any other problem that is involved with the dealership. People can phone the association, express their views, and have the association on their behalf deal with the member dealer and persuade them to come to some sort of terms so that they all understand each other and are all satisfied of the final result.

Madam Speaker, in the other jurisdictions -- one often looks to other jurisdictions when you're working on a Bill -- there are three or four other jurisdictions in Canada that have similar Bills, or least some similarity in the Bills: one in British Columbia, one in Saskatchewan, Ontario, and Newfoundland. There are parts of Bill 216 that I have taken from various parts of all these Bills, so it isn't totally patterned after one. It's quite similar to some, but there are certain parts of the Bill that are taken out of various parts of the other Bills.

[Mr. Deputy Speaker in the Chair]

Mr. Speaker. Bill 216 would protect the consumer in a number of ways. As I said previously, anyone selling more than five vehicles a year would be registered as a dealer, and that would prevent the curbers or whatever else one may want to call these vehicle salesmen. They would then be licensed, and we would know who they were and what they were doing. Somewhere along the way I have suggested in the Bill that used cars would be required to carry a point-of-sale certificate of roadworthiness. It would have to be signed by, I would think anyway, a mechanic or a registered journeyman mechanic that would check the vehicle out and indeed see if it was roadworthy and then have to sign his name to a document indicating that. If what he had indicated wasn't right, obviously he would be liable for any false documents. It would allow the registrar to perform spot checks on motor vehicle dealerships. It would also allow the registrar to carry on various investigations, if he found it necessary, and look at various things in dealerships and make decisions on the investigation.

The Bill also would provide substantial fines. A suggestion: from \$2,000 to \$4,000 for offences under the Act. I think fines now in existence in other Bills for curbers are something like \$75 for [those] convicted of operating without a licence. So it isn't a great deterrent, and it probably costs far more than that to do the investigation and seek out those that are involved in the sale of these vehicles.

Now, Mr. Speaker, in outlining those five points, or at least five of the main points in the Bill, I should note that when you look, the vast majority, if not 99.9 percent, of those involved in new car sales do that, and they meet those standards and exceed them to a very great degree. It's just good business; it's just good repetitive business. If the customer is satisfied, he is back to that dealer to buy another product. So the new dealers existing would have absolutely no trouble, I believe, in meeting those standards, as most of them pass them probably by 200 percent, at least, at the present time. It would be those who don't meet the standards now and who are involved in other used car sale operations that would have to join the association, become active members of the association, and live by the regulations that would be developed between the industry and the government and the regulations that would be enforced by the registrar.

Mr. Speaker, we often hear the rhetorical question: why doesn't government then police it, rather than the industry? And I would suggest to members of this Assembly that in any industry -- and this is a professional industry, and they are professional people involved in this industry, and there's no question about that -- when they in the organization are responsible for policing their own and there's a problem in that organization. In most cases they are far tougher on their own than what an outsider would be. And I think this system of having the registrar from the association, as an active member of the association, and being self-regulating would indeed be a lot better than hav-

ing a government bureaucracy in one of the departments, be it Consumer and Corporate Affairs or any other.

The system of having the industry police itself would be far better than that bureaucracy, because those that are involved in the association are involved in the industry. They know the players, or they will know the players when everybody is involved. They will know the players and will know the players that need guidance. And the dealers I've known throughout my life in my area, they're not bashful about giving suggestions to others about how they think the industry should be run or how they think they should run their business and treat their customers.

Mr. Speaker, about a week ago, or less than a week ago, the association, under the signature of the president, Clayton Kennedy, sent a letter to all members of the Assembly urging them to support the Bill. I would like to quote from parts of that letter, because I believe it backs up what I have said in my debate. I quote:

It is not our desire to involve the government in our business more than necessary but we see a self-administered Act to be very much in the public interest and one which would have the support of our Association.

The letter goes on to note the figures that I've used earlier, the 18 percent of retail business that is carried out by this association. You know that once -- if it's 18 percent dealing in new cars, by the time you would have all vehicle dealers involved in this association, it would be a large amount of the retail business in the province that would be governed by themselves. And I would ask all members to seriously consider that letter written to them and support Bill 216 for second reading.

Thank you.

MR. DEPUTY SPEAKER: Hon. Member for Edmonton Belmont.

MR. SIGURDSON: Thank you, Mr. Speaker. If I may, I'd like to start out by congratulating the Member for Cypress-Redcliff for introducing Bill 216. I think it's a step in the right direction. Any time we can protect consumers. I think we ought to do so. There are on occasion some rather unscrupulous people that will sell you a product that ought not to be sold, and in the case of motor vehicles, they certainly ought not to be operated.

I note that the member pointed out that some 82 percent of vehicle sales fall into the category of used cars, leaving 18 percent in the new car sales. The problem that one has is that fully one-fifth of the consuming public is not going to be protected by this piece of legislation. I happen to believe that we ought to go a little further than what Bill 216 would have us do and build into this piece of legislation something along the lines of a lemon law, that some jurisdictions in North America have, where if you've purchased a lemon, you ought to have the opportunity to have your money refunded or the automobile company ought to trade in your car or ensure that you're well looked after.

Now, some people might say, "Well, you know, what constitutes an aggravation?" In a new car purchase, you drive it out for a few hundred miles, you find that you've got a rattle or two in the dash and maybe your gearshift wasn't screwed on properly. So you take it back, they remove the rattle and they screw on the gearshift, and it's nice and tight and everything's rosy, and away you go again. For some people that may constitute a lemon. But there is the old saying that if you purchase a

car that was built on Friday afternoon or on Monday morning, you're probably going to be in trouble. If I may, Mr. Speaker, with your indulgence and the indulgence of the members I would like to indicate just such a purchase that occurred. I've spoken with the hon. Member for Cypress-Redcliff on this matter. In fact, every time he sees me drive on the road, he gets out of the way, because it happens to be my vehicle.

What had happened, if I may go back just a little bit, Mr. Speaker, is that my father, a number of years ago when he retired, went out and purchased a motor home. Now unfortunately, he was diagnosed with an illness that prevented him from utilizing the motor home to the fullest extent, so he attempted to trade it in. He went to a number of dealers, and the products that were being offered he didn't like. He was rather fussy, or the deal wasn't good enough, and he wouldn't drive a particular brand of car. And my goodness, you know, just at the last moment he went to a dealership known as Hyundai, and they offered him two. Well, they didn't tell him that one of them was for parts, and that's the one I got.

I didn't have this car but a month, and I was traveling one night out in the east end of town looking for a hall that I was supposed to go to. I was sitting there smiling in my new '86, and this old clunker in front of me -- boy, he was rattling away; I knew that rattle wasn't in my car. And there was smoke coming out all over the place at the stoplight, and I thought, "Boy, it sure is grand to be in a new car." The light changed from red to green; he drove off and left all the smoke behind, because it was in my car. What had happened was that with less than 3,000 or 4,000 kilometres on the radiator the seam in the radiator had split, all of the coolant fell out onto the engine, all of this wonderful stuff came inside, and I was trapped in this cloud. I pulled into a gas station. Three gentlemen came running out with a fire extinguisher; they thought the car was on fire. Fortunately -- or maybe unfortunately, because I do have fire insurance -- it wasn't.

What else could go wrong with this car in the first short while? I've only had it six months, so you may find this a bit amazing. I'm not as large as I used to be; I went on a diet last year, lost a little bit of weight. But I didn't have the car two months, and all of a sudden the front seat, the driver's seat, was starting to split apart at the seams.

AN HON. MEMBER: That's a debatable matter.

MR. SIGURDSON: It's a debatable matter; that's true. I am big in some circles; that's true.

But that split. I'd be driving down the highway -- I'm an advocate of seat belt legislation and certainly use a seat belt all the time. I always thought that as soon as we passed the seat belt Act, though, what would happen is that I'd be pulled over, because my seat belt 50 percent of the time didn't work. I would drive down the highway; the seat belt would lock up. I would have to undo it. From near being strangled I would undo it, and it wouldn't release again. Sometimes it would only be a couple of minutes. There was an occasion where for three weeks that seat belt would not unlock.

MR. TAYLOR: Till you lost 10 pounds.

MR. SIGURDSON: Till I lost 10 pounds.

So that happened. We were driving down from Valleyview one Sunday night; my wife and I were in the car. As everybody well knows, when you're putting on some of the miles we have

to put on, we tend to speed a little bit, and I was . . .

SOME HON. MEMBERS: Oh, oh.

MR. SIGURDSON: I did not buy a radar detector, however. I may speed, but if I'm going to get caught, I'll take it legitimately.

Anyway, we were coming back, and all of a sudden I lost all of the power. I was just outside of Mayerthorpe, as I was saying, heading for Sangudo, and I lost all of the power in the car.

MR. TAYLOR: That's because you take it off.

MR. SIGURDSON: That's right.

All of the power was gone. The cable to the carburetor, the throttle cable, snapped. At this point, the car is less than two months old. Pulled into the gas station; they got that all checked out. The car wouldn't start off; there were dead cells in the battery. There was a leak in the rear seal of the transmission. This is just within the first two months.

Now, Mr. Speaker, have you ever seen a car go through a car wash and lose its paint? More importantly, have you ever seen the face of the owner who watches his car go through the car wash and lose the paint?

MR. TAYLOR: You took the wrong car.

MR. SIGURDSON: That's what I thought. I thought maybe there were two of these cars, one after the other. But no, it was my car. They went through, they washed it off, the adhesion failed to adhere, and I had a different colour car -- couldn't believe it. I took it back. They said, "Oh, we'll paint that," and they did. Checked on the other side of the car a short number of weeks later because I saw a few marks, and I thought: my goodness, it's been a while since I've been on rough roads and chips have come up. These little spots are there; it's rusting. Took it back to the dealer, who saw the factory representative. The factory representative said, "Well, we'll take it back and we'll sand it down; we'll paint it up and away you go again." They said, "We'll give it a thorough going-over." I had it in the shop for five days; they gave it a thorough going-over. I don't know what they used to give it that thorough going-over, because I went over, I put my key in the trunk, and I noticed a rust spot on the back. I was a little upset about that. Went over to the driver's door, put my key in the door there -- another little rust spot. They couldn't have gone over it too thoroughly. They have offered to paint it again, so it's going to go in for another five days.

AN HON. MEMBER: Sell it to Leo.

MR. SIGURDSON: Sell it to who? I'll sell it to anybody.

Yesterday I came out of my house and I noticed a brand new rust spot. The last remaining of the four doors has joined the other three and has decided to go with the majority and get a little rusty as well. That same car wash -- I might add, incidentally, that I went into the trunk after it had come through the car wash the first time, and there was nothing but water inside, because the trunk didn't fit. That's a story of a lemon; that's a story of inconvenience; that's a story of a rotten car.

I might add that in this year's edition of *Canadian Consumer* that particular product -- the only thing that had a rating of aver-

age on this particular model of car was the tires. Everything else was much worse than average. Unfortunately, they're not a Canadian make. Next time it will be a North American car, I can assure you of that.

In closing, Mr. Speaker, I do again want to say that I compliment the member on the Bill. I support the Bill. I'd like it to go a little further than what it does so that certain consumers, such as myself, can be protected, perhaps from myself. Because while they at the dealership called it a Hyundai, I'm afraid I can only call it a "high and dry".

Thank you.

MR. DEPUTY SPEAKER: Hon. Member for Lacombe.

MR. R. MOORE: Thanks, Mr. Speaker. Well, the hon. Member for Cypress-Redcliff. I must compliment him on the intent of his Bill. I think that's as far as it goes. I think the rest of it is a little misdirected, maybe a little inappropriate.

I began to really realize that my concern was justified when I heard the socialists supporting it. I knew we were in bad water. I'm only pleased about the socialists in that they suddenly realized that Canadian cars are okay. Now, if they could realize that our Canadian free-enterprise society was just as good, then they'd be moving in the right direction. However, that's another area.

I want to deal with the purpose of Bill 216 for a moment. There are three major points, Mr. Speaker. The Bill establishes a registrar of motor dealers and gives that registrar the authority to:

- conduct research, hold public hearings, make inquiries, conduct tests, publish studies and inform consumers and motor dealers respecting any aspect of the sale and servicing of motor vehicles.

Another aspect of the Bill, another point, the second major point: the Bill requires that used cars carry a point-of-sale certification of highway safety and makes it an offence to engage in advertising that does not conform to the provisions of the Unfair Trade Practices Act and the Credit Transactions Act.

Additionally, the Bill contains a requirement that anyone selling more than five vehicles a year would have to be registered as a dealer.

Now, let me just talk for a moment on those three major points related to the purpose of the Bill. The first one was the long one where they could conduct inquiries, research, public hearings, and the whole bit. That's a very in-depth look at the whole industry, and I'm sure that the good members from the Motor Dealers' Association when they see the bureaucrats carrying that out may not be so high on this Bill. It's very nice to come out here and say that this is what is needed, but when you turn the bureaucrats loose . . . If they think they don't like a lot of these inspectors that come into their businesses today, wait till they have to deal directly with that, because that gives them a wide, wide range.

Now, let's take a look at that second one. It goes here: the Bill requires . . . and makes it an offence to engage in advertising that does not conform with the provisions of the Unfair Trade Practices Act and the Credit Transactions Act. What are we saying here, Mr. Speaker? If it doesn't conform with the Acts we've got in there governing it, then we form another Act. Now, if we find that people aren't living up to this new Act, I guess we form another Act. No wonder the socialists like it. It's great for the bureaucracy. It's great for make-work from a government standpoint; the socialists keep telling us to make

work as government. It would make work because the bureaucracy would be great because we could carry this on and on. I find that just not acceptable.

Then we look at the third major point, which says that anyone selling more than five vehicles a year would have to be registered as a dealer. Well, if he was a bad dealer, we let him stick five people, but if he makes more than five, we'll nail him. I feel just as badly for the first five he sticks as well as the next five. So really, the purpose of the Bill I begin to wonder about.

Now, let's look at the situation in Alberta. All those points that were in there are covered by existing legislation, Mr. Speaker, existing legislation. They already touched on one.

There is existing legislation on our books here in Alberta that covers every point brought up in here. Let's look at some of them. The Licensing of Trades and Business Act. This Act may prescribe standards for such things as equipment and facilities for the proper accommodation of the public and may establish codes of ethics and standards of practice to end or prevent competitive practices that might be detrimental to the public interest -- a very wide, broad Act that covers all these unfair areas.

Then we have another one, the Unfair Trade Practices Act and the Sale of Goods Act -- two more. They're administered by Consumer and Corporate Affairs, provide for the regulation of the trade practices of any person selling a vehicle in Alberta -- well covered. Two Acts there.

Now, similarly we'll go to the Sale of Goods Act. This is the fourth Act, Mr. Speaker. The Sale of Goods Act establishes the parameters for agreements between buyers and sellers. Both could be evoked, for example, if a seller falsely assures a buyer that the vehicle is perfect for highway driving when he knows that it is not. Two Acts cover that area of false representation.

Now we go to the Highway Traffic Act, and it is administered by the department of transportation and establishes standards and procedures for vehicle sales. Also, new vehicles must conform to the standards of the federal government's Motor Vehicle Safety Act. Dealers selling used vehicles must present buyers with a signed statement containing information about the vehicle being sold. And that covers the hon. Member for Edmonton Belmont; he was covered under that. He should have seen what he bought. It was covered there, clearly covered, but something went wrong.

Now we have another Act. These are Acts that are on the books, and they have people out there administering them, bureaucracy. We talk about over-regulation in the public sector; we have it right here.

Here we have another one. Under the provisions of the inspection of written-off vehicles regulation, the seller must have any vehicle previously written off safety inspected and present a certificate attesting to that fact to the buyer at the time of sale.

MR. McEACHERN: What's wrong with that?

MR. R. MOORE: That's good. It's on the books. But why do we need another one? I'm asking you. I say we're already covered, and I'm glad you for once agree with me. It is tremendous.

Well, let's go on and see how major our problem is. In all due respect to the Motor Dealers' Association, in their letter I think they were concerned about the used car sales, which are unregulated and, we're led to believe, out of control out there. By their own statement, according to the Motor Dealers' Association, 300,000 to 400,000 vehicles in the used-car business

annually in Alberta -- 300,000 to 400,000 transactions a year. Mr. Speaker.

Under all these Acts that Consumer and Corporate Affairs -- the majority of those are under them. Let's go with what happened last year. For the fiscal year ended March 31, 1987, the Department of Consumer and Corporate Affairs handled 105 claims -- 105 out of 300,000 to 400,000 transactions. Consumer and Corporate Affairs handled 105 complaints about used cars, which resulted in one of the following solutions: settlement in 53 cases; no settlement in 18; situation explained to consumer in 18; and merchant agreed to cease objectionable practices in 16. We had 105 out of over 300,000 sales. Does this constitute a need for a new Act? I don't feel that it does.

Now, if I look at section 2(1) of the proposed Bill here, it says:

There may be appointed, under the *Public Service Act*, a Registrar of Motor Dealers and other employees required to administer this Act.

That, Mr. Speaker, says that there has to be a division, office space, the whole bit, and the growing bureaucracy to handle and look into -- and we know it's large, because as we say, there are 300,000 transactions of used cars alone; the new cars are on top of that. Then we have to have the inspectors that run around. I'm saying to the hon. members of the Motor Dealers' Association that are here that we're going to be hiring under this. We're going to be hiring those ruddy government inspectors, and they'll be at our MLAs within three years of bringing in such legislation, saying: "What in the world? Get that son of a gun out of my business. Don't ever let him set foot in here again."

And I would agree with them, because we've got too many lousy -- no, I shouldn't say that; I retract that, Mr. Speaker. I just got carried away at the moment. I'll retract that. We have too many overzealous inspectors running around looking into private-sector business where they shouldn't be, because we have too many regulations and government Acts governing our lives.

Now, the one good point I want to say to the Member for Cypress-Redcliff. He has certainly identified an area for deregulation, and as chairman of the regulation reform program, I am certainly going to take this up with my office, and we will be looking at all these Acts and seeing why we have it split between six or seven Acts, all this. Let's see if we can bring it under one of the existing Acts instead of bringing out another one on the outside of all these others and having them at cross purposes.

Mr. Speaker, I think the intent was good. But I'm sorry; the Bill itself, and the end results if passed, is not to the benefit of Albertans or, I must say, the Motor Dealers' members either.

MR. DEPUTY SPEAKER: Minister of Recreation and Parks.

MR. WEISS: Well, thank you, Mr. Speaker. I welcome the opportunity to participate in this this afternoon and for a few minutes would like to outline some concerns that I've seen and perhaps offer a bit of rebuttal and maybe a little bit of disagreement to the hon. Member for Lacombe, which I often don't do but in this case might have some opportunity to comment in that regard.

I would first like to compliment the Member for Cypress-Redcliff in presenting Bill 216. I certainly see an awful lot of merit in it, would like to have him clarify some points of view, and at the same time review some of the concerns I've seen as well.

As an old tire kicker and a bit of a curber myself in the past, I recognize the problems brought out by the hon. member, and maybe I could pose the question and say: "Would you buy a used car from me?"

SOME HON. MEMBERS: No.

MR. WEISS: There's your answer, Mr. Speaker; there's your answer. But I would hope you'd buy a used car from those gentlemen up there.

And to the hon. Member for Edmonton Belmont, I really have the solution to what caused his problem. If anybody happened to notice his car in the past -- and I do, because I park next to him in the parkade -- he affixed a little plate around his licence plate, and it says: "I'm NDP." I think that from the time he put that on his car, it broke apart at the seams, just like the hon. member.

A N HON. MEMBER: That's all that's holding it together.

MR. WEISS: That might be all that's holding it together; I'm not sure. I'd recommend that he support a reputable dealer, and I'm sure he wouldn't have that problem.

The particular Bill 216, Mr. Speaker, and through to the hon. member: in section 13 where it particularly deals with the area on representation, I'm concerned and would like to ask a few questions. In particular, does it model the B.C. Bill? Three particular areas I have concern in and would hope that it would be recognized. A particular one that I think would eliminate an awful lot of problems to those people that are in the used car business and those known by the term of "curbers": that the name of the previous owner would have to be supplied to the prospective purchaser or client if so requested. Any reputable firm and business dealing in automobiles would be pleased to supply that, and I think they recognize the need to do that.

The second point is the declaration of damage sustained in the vehicle or by the vehicle in the past. I would hope there would be such an item included, Mr. Speaker, that would show that if there was any damage -- and let's use the B.C. Bill as a model and say, hypothetically, that the damage was in excess of \$2,000. That would have to be signed on the declaration. If there were damage over \$2,000, fine. The buyer buys it knowingly and accepts it and understands that; he or she is prepared to put or commit those extra dollars into upgrading or finishing that vehicle, buying it as is, knowing full well that they paid the price as an "as is" vehicle. So it's certainly not misrepresentation by any means. If a 1986 automobile can be bought for \$500, there are reasons why, and a good, reputable dealer will certainly let people know that and would welcome to sell it or wholesale it off the lot for the reasons known and would point that out to a perspective customer.

And the third area of concern I have, Mr. Speaker, is with regards to the suggested list price of automobiles. I would suggest that all automobiles be tagged with the suggested list price. Now, that price could be the suggested list price of the selling dealer, the manufacturer's selling price, or any price, but it must have a predetermined price affixed on the windshield. That would eliminate that any buyer not familiar with buying a used automobile, as I suggest the Member for Lacombe is not, if they were to go in to look for a vehicle and they found the price tag affixed at \$10,000 and somebody came along, a smooth-talking salesman -- they are known to be out there -- and suggested that they'll give him \$6,000 for his or her automobile, with only a

\$4,000 differential, the person thinks they've got a tremendous deal. They could maybe go down the street and buy the automobile for \$9,200, maybe receive less on the trade, so it's really the cash actual difference they're looking at to start with. But I'm suggesting that misrepresentation would not, could not, ever take place if those prices were posted on the windshield.

The dealers themselves want to protect their industry and their image. They are reputable, honest, capable individual businesspeople who wish to represent themselves with pride to the buying and the general public. This Bill, I suggest, would provide that opportunity. And when the hon. Member for Lacombe suggests that it's a rehashing of other Bills, I suggest that that's where his regulatory reform committee should and could improve in particular, because really it involves the real estate and the insurance Acts, on and on and on, not specifically related in the motor vehicle Act, as the hon. Member for Cypress-Redcliff addresses in Bill 216. So I'd suggest that there is room and could be used as a model Bill in regards to this particular Bill.

The item about bureaucracy. I find that very interesting. We all want to eliminate it; that's why the dealers would love to see the Bill. The regulatory reform committee that they talk about -- certainly wouldn't be government; it would be within their own organization. They would be the people that would insist that the deals be dealt with on an individual basis and controlled through their association. It would provide the unknowing customer the opportunity to vent their concerns and then come back to their M.L.A. if they can't address it.

I've had the opportunity, Mr. Speaker, to speak to several dealers, and I say several dealers: large dealers, small dealers, and curbers. I have found that in only one case was a particular dealer against this particular Bill, and I regret to inform you today that that dealer is no longer in business. Now, I'm not saying that it was the result of his not practising good business ethics, but I'm suggesting that because of his overall attitude he wasn't prepared to accept good business ethics, and the automobile dealers' association is prepared to do such, in order that they would protect our customers. We would eliminate the lawyers and the "buyer beware," and we would have good common business ethics and practices.

I would urge all hon. members from all sides of the House to support this Bill, and hopefully it would be endorsed and passed as introduced by the hon. Member for Cypress-Redcliff.

[Two members rose]

MR. DEPUTY SPEAKER: I believe the hon. Member for Edmonton Kingsway caught the Chair's eye first.

MR. McEACHERN: Thank you, Mr. Speaker. I'll be quite brief, in hopes that my colleague from Edmonton Highlands will be able to get in a few remarks as well.

I would like to commend the Member for Cypress-Redcliff for this Bill. It is quite a good one, although I think it does need some improvement, and I would like to make some fairly specific suggestions, the first one being that the minister should be sponsoring this Bill and with certain adjustments. She might look to some of the suggestions we made about another Bill. I forget the number off the top of my head, but it was the one to do with the Real Estate Association.

If you're looking to a model to set up a certain degree of self-government on the part of the Alberta Motor Association, then you need to look at how you set up a self-regulating indus-

try or association. I think they need several things that are not in this Bill. First, they need a board of directors, and some of those directors have to be laypeople, people outside of the industry. Not everybody on the committee but the majority should be people involved in the industry -- but not everybody.

That group should have the right to make regulations in conjunction with the minister and the registrar, and the minister and the registrar should have the responsibility of enforcing them. I'm suggesting that the registrar should not be a member of the motor association. That person should be chosen by the minister and act as a sort of superintendent or director, in that sort of capacity, if you look at some of the other Bills that set up self-regulating industries.

They should make sure -- and I'm not sure; there was a problem with the other Bill, the real estate agents' Bill -- that you encompass all people involved in the industry and all organizations involved in the industry in setting up your association.

[Mr. Speaker in the Chair]

I guess those are the three sort of main points that I see as being deficient in the Bill. Remember, we're only debating the principle of the Bill. I think the principle is a good one, and I think that with a few adjustments on how things are set up, this Bill has good potential. I wish the minister would be here or at least would look at the debate on this and consider making it her own Bill.

MR. MUSGREAVE: Mr. Speaker, I'd like to make a few comments on this Bill before we adjourn.

First of all, the sponsor of the Bill is a colleague of mine; we both entered this House in 1975. And I always thought he was a champion of free enterprise, a man that believes in the buyer being aware and that he believes that the government should be kept out of our lives as much as possible.

AN HON. MEMBER: He sits too close to us.

MR. MUSGREAVE: Yes, that's a concern I have, but I don't think I need to worry about him.

In 1986 we were re-elected as a government that was going to have less government, and I suggest that this is not the route to go. There's no question that some people have been burnt in buying used cars, but as has been pointed out by the hon. Member for Lacombe, there are many Acts that could be improved upon. I know that the hon. minister was very supportive of this Bill, but I think the overall concern I have is that I want less government in our community; I want fewer bureaucrats. And I want the laws that are on the books now tightened up. If it means we need bigger fines, if we need more inspection procedures, then that's the route to go.

I recall that a few years ago the previous provincial government, the Social Credit government, brought in the idea of vehicle testing. Regrettably, in Calgary the test centre we built was built on a landfill site, and the building proceeded to fall into the ground, at great costs to all concerned. And then the local municipalities were to operate this test centre. That wasn't a very politically wise thing, because when you told a chap that his car was unserviceable and he has a repair bill of a thousand dollars and he can't take the car off the lot, he would have to take it to a repair shop, he was not going to vote for you in the next election. So local councils were not very appreciative of this approach of the provincial government.

But I think we should have a very rigid inspection system that would not allow you to run cars on our roads unless you had a certificate. It is less government, but I suggest this . . .

AN HON. MEMBER: You want more government.

MR. MUSGREAVE: No, I want safe vehicles on the highways. But I don't want Big Brother leaning over my shoulder telling me I should buy this car or that car. I think we should give the consumers some credibility for being able to make these decisions themselves. As the hon. member said, when you buy a new car, you would assume that it's going to be a good car, yet the government had 122 complaints last year, and they only had 105 on used cars. Obviously, just being concerned about the used cars isn't the total answer to the question.

Specifically with the Bill, I have concerns with the idea of appointing a registrar who is a dealer. That in itself I thought was rather unique. Then he has to have other employees, and he's able to conduct research and do all these other wonderful things. I think every agency in the government can conduct research, hold public hearings, make enquiries, issue reports, and spend taxpayers' dollars with gay abandon. I don't question that we should be trying to protect people from unethical practices, but the concern about protecting curbers because they're part of the underground economy: if the department of income tax can't catch these people, what kind of a horrendous force are we going to have to go running around the country checking every

newspaper ad and following it up to make sure that persons are not curbers?

Mr. Speaker, I think it's not always the dealer's fault. I remember reading a story some years ago about this chap. He ran a car into the used car lot, rushed into the little office that the chap had, and said, "What'll you give me for this car?" I don't remember the year, but say it was a 1960 Plymouth. The dealer says, "A hundred bucks." And the fellow said, "Good, it's a deal." The dealer then said to his lot man, "Take that car, because we don't want it on the lot." What happened? He got in the car and went to start it. It wouldn't start. And you know why it wouldn't start? There was no motor in it.

Mr. Speaker, in view of the hour, I suggest we adjourn debate.

AN HON. MEMBER: Your motor ran out.

MR. SPEAKER: In view of the fact that the discussion has run out and run down or whatever -- the motion of the member: all those in favour to adjourn, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, if any? Carried.

[The House recessed at 5:28 p.m.]