

LEGISLATIVE ASSEMBLY OF ALBERTA

[Leave granted; Bill 225 read a first time]

Title: **Tuesday, June 16, 1987 2:30 p.m.**

Date: 87/06/16

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

[Mr. Speaker in the Chair]

PRAYERS

MR. SPEAKER: Let us pray.

We give thanks to God for the rich heritage of this province as found in our people.

We pray that native-born Albertans and those who have come from other places may continue to work together to preserve and enlarge the precious heritage called Alberta.

Amen.

head: **PRESENTING PETITIONS**

MRS. HEWES: Mr. Speaker, I wish to present a petition to the Assembly signed by 32 members of the Idylwyld Parent Association in Edmonton Gold Bar constituency. These members request that the Minister of Education give consideration to restoring education funding to its 1986 level.

head: **INTRODUCTION OF BILLS****Bill 219****Children's Rights Act**

MSMJOLSNES: Thank you, Mr. Speaker. I request leave to introduce Bill 219, the Children's Rights Act.

This Bill establishes all children's rights to the basic necessities of life and to education, recreation, parental support, and consultation at and explanation of any proceedings affecting the child's guardianship, custody, or determination of status.

[Leave granted; Bill 219 read a first time]

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

Bill 225**Clearwater Alberta Act**

MR. YOUNIE: Thank you, Mr. Speaker. I request leave to introduce Bill 225, being the Clearwater Alberta Act.

The Bill would require any person supplying drinking water to the public to make sure the water being supplied is safe and would provide for fines of up to \$50,000 in the event of violations.

Bill 223**Alberta Plus Corporation Act**

MR. PASHAK: Mr. Speaker, I beg leave to introduce Bill 223, the Alberta Plus Corporation Act.

This Bill would create the Alberta Plus Corporation, a Crown corporation intended to co-ordinate the marshaling and implementation of projects to develop Alberta's tar sands and heavy oil resources, primarily through participating in joint ventures with private-sector companies. The corporation would be funded initially through a \$1.5 billion transfer from the Heritage Savings Trust Fund.

[Leave granted; Bill 223 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. ELZINGA: Mr. Speaker, I would like to file copies of a press release that we just released indicating the extension of the farm fertilizer protection program.

MR. JOHNSTON: Mr. Speaker, I request leave to file an answer to Motion for a Return 182.

MISS McCOY: Mr. Speaker, I have the honour of tabling the 15th annual report of the Alberta Automobile Insurance Board, this one covering the year ended December 31, 1986.

head: **INTRODUCTION OF SPECIAL GUESTS**

REV. ROBERTS: Mr. Speaker, I'd like to introduce to you and through you to members of the Assembly, 26 adult students from the business careers program at the Alberta Vocational Centre in Edmonton Centre. They're accompanied by their teacher, Mrs. Margaret Penrose. They're seated in the public gallery, and I'd ask if they'd please stand and receive the warm welcome of the Assembly.

DR. CASSIN: Mr. Speaker, it's my pleasure today to introduce to you and through you a group of very special grade 6 students who are in the French immersion program at Varsity Acres elementary school. They're accompanied by three teachers, Mrs. Heather Woodward, Mrs. Carole Hernder, and Mlle Annmarie Delisle, as well as two parents, Mrs. Emery and Mrs. Ann McLaren. I would ask that they now rise and accept the customary applause of this Assembly. They're seated in the members' gallery.

MR. SIGURDSON: Mr. Speaker, I'd like today to introduce to you and to all members of the Assembly some 26 grade 6 students from the North Edmonton Christian school. They're accompanied by three teachers, Mr. Prinsen, Mr. Taylor, and Mrs. Fernhout, and by two visitors from South Africa, Mr. and Mrs. Ryswyk. They're seated in the public gallery, and I'd ask that they rise and receive the traditional welcome of the Assembly.

MR. GIBEAULT: Mr. Speaker, I'm pleased to introduce to you and to the members of the Assembly this afternoon a theatrical group from Nicaragua, the Teocoyani Nicaraguan Popular Theatre Group, which is in our city from June 16 to the 19th as part of a national tour. They're in the members' gallery with

several members of my staff and constituents who have acted as translators for us while they're here. I'd like them to please rise and receive the warm welcome of the House.

head: **ORAL QUESTION PERIOD**

Women's Emergency Shelters

MR. MARTIN: Mr. Speaker, I'd like to direct the first question to the Minister of Social Services. Two women's shelters in Calgary have begun closing their beds because the government has not provided sufficient funds to operate them. This regrettable action has resulted from the minister's failure to respond to representation from women's groups, the Official Opposition, and even members of her own caucus. Mr. Speaker, at least some of them seem to be aware of the unfairness of the government's action.

My question to the minister: has she decided to acknowledge the validity of the representation she has received and recognize that the government is just not providing enough funds for battered women?

MRS. OSTERMAN: Mr. Speaker, as has been noted in this House on many occasions, for every single social program that one might look at, there are good reasons made as to why more funding would be useful. As to whether the taxpayers can ultimately afford to continue to fund the programs to the extent that we would like is an altogether different question. In relationship to what is going on across the country, the funding for shelters in Alberta, although all of us might wish it were higher, is certainly among the best in the country.

MR. MARTIN: Mr. Speaker, the taxpayers will pay a lot more in the long run because of this shortsighted approach. Women and children are paying the price for this minister's uncaring action.

My question simply is, flowing from the minister's answer: what advice then would this minister give to the victims of abuse if they can't find a bed at the shelter? Just what are they supposed to do?

MRS. OSTERMAN: Mr. Speaker, emergency social services are always available to those who obviously should leave a battering condition.

MR. MARTIN: Mr. Speaker, so then you'll send them to the hotel with no counseling, and we'll pay more money. That makes a lot of economic and social sense.

My question then flows from that. I notice in Calgary last year, even before the cuts, 2,306 women were turned away from overcrowded shelters. Edmonton isn't much better: 669 were turned away in Edmonton. My question is this: how can this government justify this cruel approach to the victims of abuse? How can they justify this shortsighted approach?

MRS. OSTERMAN: Mr. Speaker, if the government of Alberta is shortsighted in this case, I must say that the government of Manitoba is shortsighted by almost another 50 percent.

MR. MARTIN: Well, Mr. Speaker, that's the type of answer we expect from this government. There are people that are suffering right out here in Alberta right now. It's not how much you spend. There's a need for this service. How can this minister

then stand here in this Chamber and say the government is providing enough funds to operate emergency shelters when we have people being turned away all over the province?

MRS. OSTERMAN: Mr. Speaker, there are many communities that, for instance, provide crisis line opportunities for people who by way of the telephone have an exchange that apparently helps them a great deal. I have spoken to a number of people in rural areas where this has been in effect.

But, Mr. Speaker, it is important to say that there are the crisis services available in the major centres, and I'm not sure why women haven't been accessing that to a greater degree. It is certainly available, and it is crisis -- it is available. I think that by somehow presenting the idea that the shelters are the only place where someone, regardless of what their problem is, who has a crisis at a particular moment and can't go anywhere else but to a shelter -- that's just not so.

MRS. HEWES: Mr. Speaker, we all suffer in this deplorable circumstance. I'd like to ask the minister: when will she address the whole issue and provide for interventions to be made with identified abusers so that we really make this program work?

MRS. OSTERMAN: Mr. Speaker, the hon. member makes an excellent point. As a matter of fact, it is one that is now being looked at very carefully by the Council of Women's Shelters. After a meeting in Ottawa the president had said to me that it was obvious that while the housing was important as a crisis intervention, if you will, addressing the problem was most important. And that is ongoing. I'm hoping that within the next several months the department, along with service organizations in this province, will have an announcement to make.

MRS. KOPER: Mr. Speaker, my question to the minister: what steps are being taken to address the funding problems?

MRS. OSTERMAN: Mr. Speaker, I'm not sure whether the hon. member is at this point referencing the Calgary situation. Obviously, from what I understand, Calgary believes that they are underfunded in relationship to the other shelters. The funding model, as I have said before, had been evolved and accepted by myself. I take that responsibility and would certainly entertain, as a result of the review that they're doing, any suggestions for change.

MR. SPEAKER: Second main question. Leader of the Opposition.

Automobile Insurance Rates

MR. MARTIN: Yes, Mr. Speaker, I'd like to direct the second question to the Minister of Labour responsible for the Human Rights Commission. The minister must be aware that the automobile insurance industry as it's run in this province discriminates against a number of Albertans by reason of age, sex, and marital status. If he's been paying attention, he will also know that the Minister of Consumer and Corporate Affairs takes the side of industry on this matter and has expressed her view very clearly that industry can do whatever it likes, at least so far as the Individual's Rights Protection Act is concerned.

My question to the Minister of Labour: has he addressed this question in his capacity as the minister responsible for human

rights legislation? If so, can he update us on what his stand is in this matter?

DR. REID: Mr. Speaker, it is my understanding that the current exemption under the Individual's Rights Protection Act expires at the end of this month. It is not currently our intention to renew that exemption.

MR. MARTIN: Mr. Speaker, I'm glad the minister answered that. So that particular clause -- July 1, I believe, since it came in a few years ago, and it's been renewed. The minister is saying, so I understand then, that that clause will not be renewed come July 1?

DR. REID: Yes, Mr. Speaker, and I think the Minister of Consumer and Corporate Affairs did indicate that a couple of weeks ago.

MR. MARTIN: Mr. Speaker, that's not correct; she didn't. But to flow along from the minister's answer then -- he's aware that three former chairs of the Alberta Human Rights Commission have recently expressed their concern about the government's lack of action on the gouging of young drivers in particular.

My question to the minister: will he state rather then, in view of the fact that they're not going to renew this, that he will now be pressing that we will bring in laws dealing with the Human Rights Commission that will eliminate that discrimination in those three areas?

DR. REID: Mr. Speaker, I think the hon. Leader of the Official Opposition is confusing the word "discrimination" and what it means. If indeed a group of drivers who can be clearly identified have a much higher incidence of accidents and those accidents are more costly, then it is not discrimination to say that those people should pay higher premiums necessarily. There is in the Individual's Rights Protection Act the test of reasonableness, and I presume that is the test that will be applied to this matter.

MR. MARTIN: Well, a supplementary question then to the minister. The minister is saying very clearly then that he believes that people should be discriminated against by virtue of their age and their marital status and their sex and that he has no intention as minister responsible for the Human Rights Commission to do anything about this then.

DR. REID: As the saying used to be in Yorkshire, *nowt o't' sort*, which on translation into English means nothing of the sort. The situation is that if there is a clearly identifiable group of people who have a higher accident rate, it is not necessarily discrimination that they pay the premiums to pay for the results of their driving habits.

MISS McCOY: Mr. Speaker, it might just be worthwhile adding once again, only this time referring to the annual report of the Automobile Insurance Board, that the section that is in our Individual's Rights Protection Act is similar to that in an Ontario statute. The section in our Act reads that discrimination in reasonable and justifiable circumstances is permitted. In virtually the same language there has been a judicial interpretation of a case of a young man with automobile insurance in Ontario, and the divisional court there has decided that it was indeed discrimination that was permitted under that human rights legisla-

tion. That case has now proceeded to the Court of Appeal in Ontario, and it would seem to me that when a court gives an interpretation of a statute, that opinion is well worth listening to.

MR. TAYLOR: Mr. Speaker, I'd like a supplemental to the minister of consumer affairs. It was a little confusing. Although I know I'm not allowed to speak French, but the Gaelic or Latin that our Minister of Labour used is a little bit difficult to follow, so I'll try out the minister of consumer affairs instead. [interjection] I hope you don't spring it on me. If indeed that part of the Act is not going to be reinstated the first of next month, as the Minister of Labour said, will the minister use the powers at her discretion to, as I understand it, then go to court to try to see whether or not the insurance companies are within their rights by charging extra, rather than sitting back and waiting for other provinces? Will we fund a suit ourselves to see whether or not it's discriminatory under our human rights legislation after the changes next month?

MISS McCOY: Mr. Speaker, I thought reference had been made to the Yorkshire not the Gaelic earlier, and indeed my Irish isn't up to use in the Assembly.

Mr. Speaker, I wouldn't be intending to take such a case to the courts at this stage. I think it's well worth waiting for the court action in Ontario. I am told that there is some expectation that the case may indeed progress from the Ontario Court of Appeal to the Supreme Court of Canada, and that of course is a court that would have a binding effect on our own Alberta courts.

I might add that another paragraph in the annual report states that, "It is only with respect to gender that there is any question of the industry being in contravention." And it is that question that we are watching the case in Ontario for.

I might add also that the industry has been encouraged by the board to develop statistics that would attempt to identify high-risk groups and low-risk groups. These statistics, which they have been gathering since January 1, 1985, have at least a diminished emphasis on the age, gender, and marital status criteria. We would hope that with a sufficient accumulation of those statistics, there may be an opportunity for rating criteria to be used that will not be quite the ones that are in use now.

MR. SPEAKER: Supplementary, Vermilion-Viking.

DR. WEST: Yes, to the Minister of Consumer and Corporate Affairs. Could she indicate if there have been any studies done to show that if you took the high-risk groups and averaged them into the general population how much higher the average Albertan's insurance would be that are indeed in a good driving record or in a low-risk group?

MISS McCOY: Mr. Speaker, I don't have the precise percentage increase that would be incurred, but the auto insurance board has advised me that an increase, and a perceptible increase, would indeed result such that the majority of Albertans would be paying more if the suggestion were followed.

Vencap Equities Alberta Ltd.

MR. TAYLOR: Mr. Speaker, my question today is to the Premier. Earlier this year we learned how profitable it can be to be a former campaign manager for the Premier with the Les Mabbott/Olympia & York sweetheart deal. Now we read in

here that Vencap is making a \$5 million investment in Mr. Al Olson's company, a former campaign chairman for the Premier, and his company called Stuart Olson Construction.

My question to the Premier -- according to Vencap officials, and they are quoted as saying that the \$5 million investment will be used as working capital to support "existing" activities and possible expansion: can he tell the Assembly how an investment that's supporting existing activities will support Vencap's mandate to diversify the economy?

MR. GETTY: Mr. Speaker, I have no knowledge of the investment that he's talking about.

MR. TAYLOR: Mr. Speaker, I know the Premier isn't given to reading the press, but he must watch TV or something or check his library now and again.

For his information, Vencap has given \$5 million to his former campaign chairman, an investment to support existing activities when Vencap has been authorized to diversify the economy. Has he no additional details as to just what this taxpayers' money will be used for? Does he deny he has any knowledge?

MR. GETTY: That's right, Mr. Speaker.

MR. TAYLOR: Well, Mr. Speaker, I've heard of noblesse oblige, but this is Premier oblige, I guess.

Would the Premier give the House the assurance at least, in view of the fact that this appears to be a direct contravention of this company set up to invest in diversification and appears to be out to pad another one of his campaign managers -- thank God there are not many more of them around here. Would he covenant to the House that he will monitor this investment to see that it indeed goes into Vencap's legislated reason to be?

MR. GETTY: Mr. Speaker, the hon. Minister of Economic Development and Trade may know something about this and may want to comment on it. Frankly, I find the innuendo from the hon. member completely unacceptable and another cheap action on his part.

MR. TAYLOR: Mr. Speaker, this is not innuendo; this is a direct attack, Mr. Premier, if you didn't understand the two. I'm not trying to be subtle at all.

Mr. Speaker, will the Premier then assure this Assembly, or does he have any methods of controlling that a good part of this taxpayers' money won't leap back into the Conservative Party coffers as a donation?

MR. GETTY: Mr. Speaker, I would suggest that the hon. member, if he has any guts, would put something behind his hot air and make a case either inside or outside the House.

MR. TAYLOR: Here comes his defence.

MR. SPEAKER: Hon. member, with due respect. The Chair just is not here to "defence" anything other than the proper administration of the parliamentary process in the House. And along that line, the Chair requests the hon. Member for Westlock-Sturgeon to pull out his copy of *Beauchesne* and look at 359(7).

The Chair recognizes the leader of the Representative Party.

Tax Reform

MR. R. SPEAKER: Mr. Speaker, my question is to the Provincial Treasurer. He has ventured to Ottawa and has, I'm sure, returned with some information with regards to the new tax proposals. Knowing that the Treasurer is unable to reveal the content of that information, my question is: could he indicate to this Assembly whether those proposals that will be presented on June 18 will be firm proposals from the federal government and unchangeable following that date, or is there some means or mechanism by which there'll be public discussion by which change can occur?

MR. JOHNSTON: Mr. Speaker, I appreciate the member's understanding that any comments I make now with respect to tax reform places me in somewhat of a difficult position in that I now have fairly good information as to how and what will be involved and contained in the white paper released by Mr. Wilson next Thursday, June 18 at 8 p.m., 6 p.m. in Alberta.

Mr. Speaker, I can say, first of all, we had an opportunity to be apprised of the elements of the tax proposals, both at the meeting with Mr. Wilson and at a previous meeting on Monday by the officials wherein many of the details and the subtleties were explained to the participating governments, and secondly, there was a discussion about the process itself. I think it's the process itself that is now a concern to my colleague from Little Bow.

In that context, Mr. Speaker, it should be known that in fact some of the elements of the tax policy paper will be implemented on the day, June 18, but still others will be the subject of some broad discussion. Those others include, obviously, the impact of the business transfer tax, value-added tax, whether or not the provinces will participate in a national sales tax of some order, and other elements of the tax which may impact on certain sectors. Nonetheless, it's my view that there will be an opportunity for this sort of public discussion. I intend to seek the advice of many groups in Alberta once the public is aware of the elements. I would suspect that the Minister of Finance and the federal government will proceed with legislation to the fall of 1987 to implement those tax changes, particularly on the personal and corporate side for the 1988 tax year.

MR. R. SPEAKER: Mr. Speaker, a supplementary. The minister has indicated that the province is preparing impact studies with regards to the various proposals. Is the minister prepared to make a commitment at this time that those studies can be tabled in this Legislature? Now, that means tomorrow, possibly. Could they be made available through the summer to the members of the Legislature if the session is not in?

MR. JOHNSTON: Mr. Speaker, I haven't come to any conclusion as to how we will disseminate information which we have. Frankly, one of the problems to date has been putting together our own data base and evaluating the trends both on the personal and corporate side so we can come to some conclusion ourselves as to whether or not the federal tax proposals will impinge positively or negatively on Alberta sectors and the Alberta government, of course, but more particularly on the Alberta taxpayers.

In that discussion, I'm sure we have to examine the kinds of economic objectives which the government has pursued, the need for new investment in this province, the protection of the key sectors of our province, and whether or not these tax implications would cause any serious change in investment strategy

by the private sector. All of those must be the elements which must be in everybody's mind as you look at the tax changes of this order.

Unfortunately, though, I will not be able to provide any information to the House tomorrow or Thursday until the federal minister makes his information available on Thursday at 8 p.m., as I noted. But on Friday I'd be glad to pursue further in question period any elements of debate which may be available. On the slight chance that we adjourn by Friday, I would be then making available to the various sectors our information with respect to the various impacts on certain sectors and prompting, as I've indicated, discussion and advice from members of the private sector who would care to provide us with information. Then that will be focused back, both through officials and the ministerial meetings with Mr. Wilson.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. Will it be the intent of the minister to have some type of formal hearings through the province of Alberta with regards to those tax proposals, or will it be on an informal basis?

MR. JOHNSTON: Mr. Speaker, I don't at this point have a recommendation. I'm probably not inclined to move in a formal way, but as I've indicated, I'm looking for all opportunities to discuss with various groups in Alberta the provisions of the tax legislation.

Perhaps it just might be helpful to recount what it was that started this trend. The trend was initiated by the American adjustment wherein they reduced the rates and broadened the tax base. The original strategy by Mr. Wilson, as he outlined earlier in 1986, was to do that as well -- to broaden the base and to reduce the tax rates and then consider whether or not some sort of a business transfer tax would be an appropriate alternative mechanism to supplement the federal income. I think we have to gauge it in that context, as to whether or not these policies are applicable, and I think we'll have an opportunity probably Thursday night or Friday morning to discuss that more fully, Mr. Speaker.

MR. SPEAKER: Leader of the Opposition.

MR. MARTIN: Yes, Mr. Speaker. Recognizing that the Treasurer can't go into details, although he did say that some of the proposals would become law almost immediately when this proposal comes out -- at least I understood that -- and many of the others would be some sort of public consultation, does the minister have some idea about when in fact a lot of these proposals might become the law? Are we looking at the 1988 tax year, for example?

MR. JOHNSTON: Mr. Speaker, it's my view that obviously what they will do is make some of the legislation retroactive. If they want to change certain elements of the tax proposals, they'll make them retroactive until Thursday night but would bring the legislation forward in the fall of 1988, if I understand Mr. Wilson's process, and that legislation would go to Parliament, would be passed and debated there, and would be effective for the 1988 tax year.

MR. SPEAKER: Calgary Buffalo, supplementary.

MR. CHUMIR: Thank you. The minister's comments in the House have basically focused on the business transfer tax/sales

tax issues, although oil and gas in fact is far the most important interest that we have in this province. I'm wondering whether the minister can tell this House what representations he has been making to the federal government to maintain these very important tax deductions that are at the foundation of the prosperity of this very risky industry.

MR. JOHNSTON: Mr. Speaker, over the past year we have in fact outlined both at the officials' level and the ministerial level -- including many representations from the Premier and the Minister of Energy and others -- that very important issue to ensure that any significant changes in the tax industry do not detract from the investment opportunities which exist there and which are necessary there and to ensure that the current regime, both on the tax and tax system, is applied fairly and perhaps equitably and consistently. In that context there have been some discussions about the elements of the tax regime. More recently we have had discussions with respect to the so-called flow-through shares. Those elements are on the table. We've made representations with respect to the importance of certain tax regimes as they affect the synthetic development and heavy oil development, and those have been recognized, I think, in the policy considerations.

Moreover, Mr. Speaker, we have outlined the importance of the oil industry, not just to Canada in terms of investment activity but to all of Canada. Because it does in fact generate economic growth and activity in all parts of Canada, as was evidenced by the significant investments in synthetic oil and other kinds of traditional oil through the 1970 period when in fact much of the economic activity took place in other parts of Canada.

So in terms of employment, a multiplier, and real investment, we view the oil and gas sector as an important one for Alberta and for Canada. I made a series of very strong representations on that very point both on the personal income tax side in terms of jobs and the corporate side in terms of the regime it faces, and of course any possible elements of a change in the system with respect to business transfer tax and value-added tax has also been drawn to their attention.

Laboratory Costs

MR. WRIGHT: Mr. Speaker, my question is to the minister of hospitals and medicare and concerns the provincial laboratory. Yesterday I drew the minister's attention to the fact that his department squandered -- I think is not too strong a word -- about \$30 million for lab tests in private labs which could have been done in the provincial lab. This I pointed out in the wake of last week's report that lab fees had risen some 12 percent, when the minister said that the overall increase of 9.5 percent in the program was the trend I am trying to stop.

My question is: has the minister now investigated this matter, and will he confirm that about half of the Alberta health care insurance plan's expenditures on lab fees is in fact a complete waste of money?

MR. M. MOORE: Mr. Speaker, I have indicated in this House previously that we have formed a committee involving members of the Alberta Medical Association, the staff of my department, and the Alberta Hospital Association that will be looking into the question of how you limit the number of tests that might be ordered up by medical practitioners. That is a much broader question than just who does the tests: the private sector labs,

hospital labs, or the provincial lab. So that work is under way. It's long term; it may take several months, or it may be an ongoing challenge to try to bring down the number of tests that are actually ordered. That's been a very fast-growing area of cost for all health care plans right across Canada.

Insofar as the hon. member's comments about squandering funds, Mr. Speaker, I would have to reject that as being something that's not yet been proven by either his statements in the House or by any other evidence we have. The only thing I can say for certain with respect to the little research I've been able to do on this subject since yesterday is that the hon. member's news release that quoted certain costs of the provincial lab for doing certain tests was in certain areas entirely inaccurate and understated and was done, I presume, in order to prove the point the hon. member wanted to make, but that doesn't help with the issue at all.

MR. WRIGHT: It seems that for about \$1.5 million more one can put the provincial laboratory in a position to do half the tests currently being done. So it seems.

But what steps will the minister now take to reverse the \$40 million or so in cuts that he imposed last month now that we have pointed out to him where he can save some \$30 million more?

MR. M. MOORE: First of all, Mr. Speaker, working with the Minister of Community and Occupational Health I want to do a thorough review of the hon. member's suggestions that there is the possibility of saving that amount of money. I doubt very, very much if anywhere near that amount could be saved. But I want to understand, from studies that we will obviously have to undertake, whether or not any funds can be saved by transferring existing lab work done by private labs to the provincial lab.

There are all kinds of complications with that idea. For one, we would then be in a situation where you've got two labs in an entire province that would be doing work that's now done by many, many laboratories which are scattered throughout the province. The waiting times would probably become intolerable for good medical care.

There are perhaps a dozen other reasons why the socialist theory that the hon. member presents of having the government do everything and moving the private sector out of health care will not work. It's a very good theory, but it hasn't been proven in practice anywhere, and I think we need a little bit of practicality in the area of testing and laboratory work as well.

MR. WRIGHT: Yes. Mr. Speaker, the problem is that these tests are being done by the private laboratories right on the doorstep of the provincial laboratory. So it is practical to make the shift. Although there is room for argument about the relative cost -- the margins are so very large, from the information we have -- I'm just wondering how it is the minister has never paused to wonder just a little at how his department pays private labs in fact such a considerable amount more than it would cost to have the tests done at the provincial lab.

MR. M. MOORE: Well, for the third time today I have to say to the hon. member that the cost figures he presented yesterday in the news release -- at least some of them that I've looked at -- are entirely inaccurate. I don't know where he got his information from, but he probably received it from somebody who has an interest in building the provincial laboratory into some grand

edifice that doesn't exist now and doing away with private labs.

Mr. Speaker, before we rush into that kind of a concept, let's have a rather independent look at it from both sides and not just accept the figures that have been provided by someone who is interested solely in developing a large, huge government laboratory in the constituency that the hon. member represents. I think that's probably the wrong way to go. I've said to the hon. member that I'm willing to check into it; I'll work with my colleague in Community and Occupational Health to see if there's any validity to the statements he makes. We're not prepared to accede today that the direction of doing away with private labs and doing all of that work in one provincial government lab in Edmonton is the right way to go.

MR. WRIGHT: Nor, Mr. Speaker, are we suggesting that the private lab should be done away with. But where practical, and assuming there are savings, then the tests ought to go to the provincial laboratory. I understand the minister's skepticism about . . .

MR. SPEAKER: Question, hon. member.

MR. WRIGHT: Thank you, Mr. Speaker. I remind the minister that I put these figures before him last year, and I just wonder why it is that in the year that has passed, apparently none of this study that the minister now says he is prepared to make has been done.

MR. M. MOORE: Well, Mr. Speaker, first of all, we have a great number of hospital labs throughout this entire province that would be, in my opinion, much better equipped to take on some of the work that might now be being done by private labs than the provincial lab would be. I'm not interested, and I don't think very many in this government are, in building a facility in the hon. member's constituency that's going to do the lab work for half of the province of Alberta. We're interested in efficiency and quickness in medical care, and that won't occur in terms of the direction the hon. member wants to go.

In addition to that, Mr. Speaker, I say that the hon. member's figures that he provides are pulled from thin air somewhere. Nobody can possibly substantiate how one medical test can be done for 10 cents in a provincial lab and all the costs covered. It hardly covers one-quarter of the mailing costs of the results. So anybody who has read the news release of yesterday would know that there's a very biased opinion in the cost of tests; it doesn't relate to reality at all. I don't even have to research that figure to know that it's dead wrong. So if the hon. member would like to provide some accurate figures, if he has any at his disposal, I'd be pleased to look at them. But I can't look at cost comparisons that are drawn from the figment of someone's imagination.

DR. WEST: A supplementary, Mr. Speaker, to the Minister of Hospitals and Medical Care. In respect to the rising laboratory costs in the province, there's no doubt that the medical profession fears increasing public liability and liability insurance. Could the minister indicate what percentage of the rising lab costs are due to unnecessary calling for lab tests by the medical profession for fear of liability?

MR. M. MOORE: No, I can't indicate that, Mr. Speaker, except to say that medical practitioners indeed have expressed the concern that they feel they must order up additional tests and retests

because of fear of liability in that area. To what extent that results in actual costs I don't know, but that's one thing I've asked the committee to look into to see if there isn't some way that can be resolved.

MR. CHUMIR: I was wondering whether the minister might be able to tell us why the statistics published by his department constantly lump together these high-income laboratories and other clinics rather than segregate them out from sole practitioners so that we can understand what the statistics mean and have some accurate information to make some judgments by.

MR. M. MOORE: Mr. Speaker, the hon. member will be pleased to know that I asked the same question myself.

MR. SPEAKER: Member for Vegreville, followed by Calgary Buffalo, followed by Athabasca-Lac La Biche.

Free Trade

MR. FOX: Thank you, Mr. Speaker. The Mulroney Conservatives are pushing hard to negotiate a comprehensive free trade agreement with the United States. While refusing to enter into meaningful debate on this issue and its implications for Albertans, these Loughheed leftovers play the role of eager cheerleaders for their cousins in Ottawa.

My question is to the Minister of Agriculture. Is it this government's position that the regulated sectors of Alberta's agriculture industry, like egg, poultry, and milk production, are not on the table for so-called free trade negotiations?

MR. ELZINGA: Mr. Speaker, I've indicated on a number of occasions not only to the hon. member but to the various boards and commissions that are affected that everything is on the table for negotiation and discussion. But we feel quite confident that because of the mechanisms the United States does have in place itself, if there are to be any changes made to mechanisms within this country, it will take a good number of years and there will be something to offset whatever harm would be occurring to our supply-managed sectors within the province of Alberta or throughout Canada. In addition to that, I feel quite confident that there will not be major changes to those boards and commissions that presently do exist.

MR. FOX: Well, Mr. Speaker, the minister seems to know more than the Premier. In view of the fact that he's more willing to share with members of the Assembly what is and what is not negotiable, I'm wondering: can he tell us what other agricultural programs he's determined to protect in the long term for Alberta agriculture?

MR. ELZINGA: Mr. Speaker, I feel I answered that in a very thorough way in my original answer.

MR. FOX: Well, it's about as vague as most of the answers we've been getting. The minister has referred in the past in this House to his desire to gain assured access for our red meat producers to the American market, and I'm wondering: is the minister prepared to negotiate for that very narrow and important arrangement in the context of a huge, comprehensive, bilateral free trade agreement?

MR. ELZINGA: Mr. Speaker, I've indicated, as this govern-

ment has indicated, on a consistent basis that we feel it's essential that we do have assured access for our red meat industry into the United States and for a number of our other agricultural products. In the event that we don't, we know that the effect will be drastic on the agricultural sector within the province of Alberta, and that is why we're so anxious to make sure that we do have a very comprehensive trade agreement with the U.S.

MR. FOX: A supplementary, Mr. Speaker. Does the minister have any concrete evidence to suggest that the Americans would not view as unfair production subsidies, subject to countervailing duties, various programs like Farming for the Future, irrigation rehabilitation and expansion, farm credit stability program, Crow benefit offset program, farm fertilizer protection plan, crop insurance coverage restoration program, trust fund . . .

MR. SPEAKER: Does the hon. member wish to read a whole encyclopedia? Minister of Agriculture.

MR. ELZINGA: Mr. Speaker, I'm delighted to see that the hon. member, when this session is winding down, is offering his warm congratulations to this government for our many worthwhile agricultural programs.

[Mr. Taylor rose]

MR. SPEAKER: The hon. member hasn't been recognized. Member for Red Deer South, followed by the member for Westlock-Sturgeon,

MR. OLDRING: Thank you, Mr. Speaker, a supplementary. I recognize that the socialists opposite have their hands somewhat tied by people like Dave Werlin and Shirley Carr on the matter of free trade, but could the minister for career development indicate to us how many jobs are directly related in this province to exports that are being threatened at this time by protectionist laws in the United States?

MR. ORMAN: Mr. Speaker, I do not know the exact number, but I know there are hundreds of thousands of jobs, and a substantial portion of our gross domestic product in Alberta is directly related to free trade. And I can also indicate to the hon. Member for Red Deer South that many of the woes that are creating higher unemployment in Europe are a result of contracted markets. Certainly we in Alberta believe that this is a tremendous opportunity not only for Alberta but for Canada to trade our way out of unemployment.

MR. TAYLOR: A supplementary, Mr. Speaker, back to the Minister of Agriculture. In view of the statement by the federal government that one of the things in the bilateral trade agreement is to encourage American investment in Canada and in view of the fact that, as the Premier stated the other day, there are regulations in Alberta to try to control foreign ownership of our farmlands, our recreational properties, has there been any pressure or any discussions between the the minister and his federal counterparts for the Alberta government to relax or to do away with any restrictions on investment by Americans in our farmland and in our recreational lands in Alberta?

MR. ELZINGA: No, Mr. Speaker.

MR. SPEAKER: Member for Calgary Buffalo, followed by

Athabasca-Lac La Biche.

**Social Services for
Abused Women and Children**

MR. CHUMIR: Thank you. This is to the Minister of Social Services as well. On Saturday, April 11, the minister stated that within two weeks she would announce a strategy to deal with the plight of abused women and children. Two months later all we've had are announcements of bed closures in women's shelters in Calgary, and now we find that there are plans to reduce the number of beds available for abused children in Calgary.

I wonder whether the minister could tell this House why the government is moving to reduce the number of shelter beds for abused children from 44 run by the city to 36 run by private interests effective at the end of June despite complaints of social service crisis workers that they can't handle the load as is. Is this part of the all-out attack on family violence?

MRS. OSTERMAN: Mr. Speaker, I think that if the hon. member has been paying attention in the House, he will have heard time and time the discussion with respect to the Child Welfare Act. It is our belief, and I went into it extensively in going over the estimates of the Department of Social Services, that children are far better served within their family setting with assistance early on as opposed to taking them away from the family after the crisis has reached a proportion that that is necessary.

MR. CHUMIR: Well, the crisis workers are telling me that there is no money for assistance.

Now, will the minister tell this House what strategy she had in mind on April 11 and what has evolved since then to deal effectively with the problem of abused women and children and whether it will include programs for men who are abusers, co-ordination between police and the prosecutors, and a number of other initiatives that are obvious if there's a will to act?

MRS. OSTERMAN: Mr. Speaker, the hon. member is really mixing two different programs. In the first instance, I believe, he would be referring to comments that I have made with respect to working with community organizations in a program that will be coming forward that deals with family violence. But with respect to the crisis intervention and the type of beds that are necessary for dealing with children in this particular situation, that's a different program altogether. We are doing earlier intervention with families to prevent children from needing that type of accommodation.

MR. CHUMIR: Well, that's what we keep hearing, that there are different programs, when we need co-ordination. There was a reference to a strategy. Now we have the closure of the 20 women's shelter beds in Calgary, and I'm wondering whether the minister can tell this House how much more it's going to cost the Department of Social Services to put these women up in motels and hotels, without any form of consultation and counseling, than it would to keep them in . . .

MR. SPEAKER: Order please, hon. member. That question is out of order. It's already been asked earlier in this question period today. There's been more than enough latitude having these questions come up on sequential days.

The time for question period has expired. Might we have unanimous consent to complete this series of questions?

HON. MEMBERS: Agreed.

MR. SPEAKER: Member for Calgary Buffalo, final supplementary but staying away from women's emergency shelters please.

MR. CHUMIR: Is the Speaker telling me that I cannot ask a question with respect to women's emergency shelters in Calgary?

MR. SPEAKER: That is correct, hon. member. I trust your hearing is as good as anyone else's in this Chamber.

MR. CHUMIR: Then I cannot ask any questions with respect to women's emergency shelters?

MR. SPEAKER: Correct, hon. member.

MR. CHUMIR: Well, I'd ask a point of order on that.

MR. SPEAKER: Challenge [inaudible].

MR. CHUMIR: Certainly.

Finally, might I ask the minister with respect to the cost of these programs: since we are losing \$150,000 a month in this province for failure to access federal cap funding, can the minister tell this House why the government won't commit some of this federal money or indeed some lottery funds to deal with this serious problem of family abuse?

MRS. OSTERMAN: Mr. Speaker, once again the hon. member is showing his complete lack of understanding with respect to the children we're talking about serving under that particular program area. The children that were served -- and the program was tendered out, formerly handled by Calgary Social Services -- some of them need secure treatment. They are troubled children. These children are not the ones that arrive with their mothers at the shelters, in that particular crisis situation.

Once again I would say, Mr. Speaker, to remind the hon. member -- he will recall that last year special funding was made available in the city of Calgary. I believe the amount was over \$300,000 for community organizations to develop programs for the special treatment of children in this type of situation. I believe the programs that come forward on the basis of their relative success are the ones that in the end will be supported in the long term. Certainly there *has* been additional funding allocated, and I hope that the hon. member, possibly with a visit to my office, can be given an understanding of the two areas we're talking about.

MR. SPEAKER: Supplementary, Edmonton Avonmore. [Mr. Chumir rose] No, all the questions have been asked, hon. member.

MR. CHUMIR: Of course.

MS LAING: Mr. Speaker, to the minister. What assurances and what steps has she taken to ensure that abused children that are returned home in the name of protecting and holding the family intact are not subjected to further abuse and sometimes injury and death?

MRS. OSTERMAN: Mr. Speaker, the people who work in this

area are particularly dedicated, well skilled, and well educated. And it would only be on the advice of those individuals who work in that area that children would be returned to that particular situation. If those professionals don't believe that the children are safe, that they would be at risk, they will not be returned.

MR. DAY: A supplementary, Mr. Speaker, to the Minister of Social Services. One of the tragic ironies of women being battered is that it's the women and children who have to flee the home while the man gets to stay. Has the minister been in discussion with the Attorney General to see that men who are convicted of battering are forbidden to return home until they have taken compulsory treatment programs?

MRS. OSTERMAN: Mr. Speaker, as I understand it, there have been some suggestions over the last several years in that respect. I'm not sure whether it would come under the Criminal Code; I suspect it would. Certainly if there is leeway for that type of judgment to be made in courts, I would hope it would be seriously looked at.

MR. SPEAKER: The time for question period has expired.

MR. CHUMIR: I have a point of order. I would refer to *Beauchesne*, 359(8), Mr. Speaker, which states that, "A question that has previously been answered ought not to be asked again." I note that it relates to a question and not subject matter. If I understood the hon. Speaker's point, he was indicating to me that the very broad subject matter of women's emergency shelters, regardless of the specific question, was verboten on the basis that a question about women's shelters had been asked before.

Now, if I'm mistaken in that interpretation of what the Speaker's ruling was, I would appreciate being apprised of that because that's the basis upon which I am approaching this particular point of order. I assume, not being apprised otherwise, that that was the basis of the ruling. And I must say that that would foreclose, for example, two questions on agriculture. The Leader of the Opposition could ask a question on agriculture, and the rest of the House would be precluded from asking anything with respect to agriculture pursuant to that particular area -- similarly a matter with respect to the Constitution or any other subject. Surely there is a range of questions with respect to any subject, and the issue should be whether or not the specific question per se has been dealt with before. And indeed, 359(8) requires it not only be dealt with but that it be answered.

Surely the issue is -- there has to be some sense behind the rulings, and the basis of that would be to avoid redundancy and avoid taking up the time of the House in repetition. But if there are differences and differing questions, surely we're entitled to canvass them thoroughly; otherwise, it makes a mockery of any concept of debate in this House. I must express the very strongest objections and concern about that ruling with respect to that question, which did not even relate to a matter that was asked in that form nor answered.

MR. SPEAKER: Nevertheless, hon. member, 359(8) does indeed apply. The member was ruled out of order with respect to one question which had indeed been raised earlier in the day, and part of the difficulty with the whole topic has been that it has been raised on a number of successive days. The Chair has

attempted to listen very carefully to the insertion of the words "now" or "what has happened in the last 24 hours" with respect to some of the topics that have been raised -- not simply with regard to women's emergency shelters, but another example is with regard to private vocational colleges. Last year there was also the matter of the PGRT, for example. So the Chair has been giving a fair amount of leeway with regard to the questions being asked on successive days, for example, because there has been that tradition in this House that a matter once raised in the House wasn't to be brought up on a great number of sequential occasions. So it is with regard to the matter where the member was ruled out of order, which was about the second or third supplementary of the hon. member's line of questioning today, that 359(8) was regarded by the Chair as being the reason for calling it a practice.

The whole matter of emergency shelters for battered women was dealt with earlier in the day, so it's very difficult to define what are indeed allowable questions that would flow. The Chair also points out subsection 368 with regard to *Beauchesne*, that again, like it or not, whoever happens to occupy the Chair does indeed have

in common with his duties of supervision over the proceedings of the House, may rule out any question which violates the rules or practice of Parliament in the same way as he deals with irregularities in motions and amendments.

The difficulty, of course, is that any hon. member is subject to whatever the ruling of the Chair is on that occasion. If it has given offence to the member, the Chair apologizes, but nevertheless that was the action that was taken.

ORDERS OF THE DAY

MR. CRAWFORD: Mr. Speaker, I move that Motion for a Return 210 stand.

[Motion carried]

head: MOTIONS FOR RETURNS

209. On behalf of Mr. Mitchell, Mr. Taylor moved that an order of the Assembly do issue for a return showing copies of those documents reflecting how much and for what purposes money was expended by this government for Expo 86.

MR. RUSSELL: Mr. Speaker, on behalf of the government, I'm going to speak against the motion. I discussed it with the hon. member to see what information he was seeking, and my understanding is that we have worked out an amendment which I'm going to propose that his office has agreed to. I'll distribute it now if there are some pages available. There were two parts of the motion the way it was presented that made it very difficult to respond to. The first part, copies of documents reflecting costs, of course takes us into all kinds of things, whether it's expense accounts for the 50 or 60 employees that were employed during the thing, the contract drawings for the buildings, the demolition orders. The list could be endless, and I didn't really believe that was what the hon. member was seeking.

The second part referred to "this government for Expo 86." I believe that was just a minor slip. Most of the expenditures for Expo were made by the previous government, so I'm suggesting

the order for a return showing "detailed government budgets by object of expenditure code for money expended for Expo 86."
[Motion on amendment carried]

[Motion as amended carried]

211. Mrs. Hewes moved that an order of the Assembly do issue for a return showing a copy of any documents related to an agreement between the province of Alberta and the government of Canada providing for a cost-sharing arrangement between these two governments for the province's employment alternatives program.

MR. ORMAN: Mr. Speaker, I would like to propose an amendment to Motion 211. I've discussed the amendment with the hon. member, and I assume it's satisfactory with her. The amendment would read:

Subject to the concurrence of the government of Canada, table in the provincial Assembly a copy of the signed final agreement between the province of Alberta and the government of Canada providing for a cost-shared arrangement between these two governments for the Alberta government's employment alternatives program.

MRS. HEWES: Mr. Speaker, I can support the amendment. I would have been happy if the minister had felt he could tell us when such a document might be available for perusal and how much it's anticipated the cost-sharing would provide to the government of Alberta.

MR. SPEAKER: Call for the question on the amendment. Summing up on the amendment . . . Well, not really. Can't.

[Motion on amendment carried]

MR. SPEAKER: Hon. minister, do you care to comment with respect to the motion as amended before the final vote is put?

MR. ORMAN: Mr. Speaker, I move Motion 211 as amended.

[Motion as amended carried]

212. Mr. R. Speaker moved that an order of the Assembly do issue for a return showing copies of every loan guarantee given out by the Department of Economic Development and Trade to Alberta businesses, deemed new companies with merit, that were unsuccessful in securing conventional financing, as referred to by the minister in *Hansard*, May 26, 1987, detailing the following:

- (1) the value of each loan guarantee,
- (2) the date the loan guarantee was issued,
- (3) the name of the business and/or individual(s) in each instance that received the loan guarantee, and
- (4) the location of the new business.

MR. R. SPEAKER: Mr. Speaker, I accept a word change in there: the word "copies" be amended to read "a list." I'm prepared to move that amendment at this point under Motion 212.

MR. JOHNSTON: Mr. Speaker, I do have that amendment. I will circulate copies now, and that's essentially the amendment we're making.

MR. SPEAKER: The hon. Provincial Treasurer has moved the appropriate amendments to Motion for a Return 212. The copy that I have reads:

Delete the word "copies" and replace with the words "a list".

[Motion on amendment carried]

[Motion as amended carried]

213. Mr. Taylor moved that an order of the Assembly do issue for a return showing copies of documents showing all those properties foreclosed upon since April 1, 1985, by the Alberta Agricultural Development Corporation, the amounts owed at the time of foreclosure on each property, and if that property was subsequently sold, documents showing who the property was sold to and for how much money.

MRS. CRIPPS: Mr. Speaker, I regret to advise the Assembly that Motion 213 as proposed cannot be accepted as it infringes on the confidentiality between the corporation and its borrowers. The Member for Westlock-Sturgeon will know that these documents are confidential. I've discussed it with him. He says he wants to raise a fuss, but if he wants to meet me out back we can fuss away.

MR. MARTIN: Mr. Speaker, I think this is an important matter, because any of us that have traveled around the province have some grave suspicions about what's going on with ADC. It's been raised, of course, in this Legislative Assembly a number of times. The reason for requesting, I would think, from the hon. member is to see how much is fact or fiction. Because as we go around the province, we're told of people, young farmers, that get foreclosed on. I remember one young farmer from the Grande Prairie area telling me that he'd asked them to hang on for a little while; give him a moratorium or redo the loan or whatever, he'd pay the \$120,000. He noticed some four months later in the paper that ADC had refused to do it and they were trying to sell the land at about \$70,000.

Now I have to take this particular young farmer's word on this matter, Mr. Speaker, and I think this is why this would have been a reasonable thing to make public, to see if this is in fact the case. If the ADC is doing this and we know this, surely this would be beneficial for us all to know, because besides being economically unwise, it's hurting a lot of people. Where they could get \$120,000 if they had the debt adjustment over a period of time, they're selling the land for \$70,000.

Again, that's just a specific example that you hear about as you travel around the province. I know that sometimes fact and fiction become intertwined, but that's why I would have thought that if we could get this type of information, at least we would know specifically and precisely what is happening in the province. Obviously, this is not going to happen here, but I would like the minister to take a look at how we might get this information then, if there's a different way, so we actually know what is going on rather than just listening to hearsay evidence as we travel across the province.

MR. R. SPEAKER: Mr. Speaker, I would like to comment with regard to this type of material as well.

Maybe the wording in the motion asks for documents and confidential information, and I can agree that that type of thing is between the lender and the person that has received the fund-

ing and their arrangement. But I would think that in terms of the amount of money that is being lent by ADC and those properties that are foreclosed on, where there's a certain amount of money involved, if it was listed saying the southwest of 34, 18, 22, or whatever it is, there was that much loan against it and this is what seems to be recoverable and the land has been put up for sale or it has been sold for a certain amount -- that type of general information would give us as legislators the ability to see the trends and some of the things that are happening.

As the minister knows, I have a private Bill on the Order Paper that is an attempt to address that question, where a good young farmer or a farmer that's maybe older and got started in the last 10 years, is losing their farm or is given a quitclaim and has worked hard to build what he has but is going to lose it because of the current financial situation on the farm -- the possibility of saying, "Well, he is good; he has good experience. Can't we keep him in farming by lowering the debt load that he has and maybe setting up a new repayment schedule of some kind for him within his or her capability?" If we had this type of information, that I think is being requested here, we could maybe make some of those judgments as legislators and certainly as MLAs.

I hear of many instances, just as was mentioned by the Leader of the Official Opposition, of people in this situation. Some of the people that I spoke to outside this Legislature that are trying to deal on behalf of small power producers are people that came from my constituency eight years ago and have ventured into the north hoping to start a farm, which they are going to lose fairly shortly -- they mentioned to me just before I came in here this afternoon -- because of the current agricultural economic conditions. And that's unfortunate. As the young wife said to me an hour or so ago, they "worked hard to pick rocks and pick roots, but it looks like we've got to come back to the south and live in your constituency again." Well, I'm happy about that but sad that they're going to lose their farm shortly. But with some statistics and information like this, maybe we could help as legislators. I see no hurt in it or any reflection on either the Alberta Agricultural Development Corporation or any minister or anybody else by our having that kind of objective information at this time.

So I would certainly like to see the minister reconsider just saying no to the request through the question. Possibly rather than the word "copies" of documents it should be the list of properties foreclosed upon since April 1, 1985 -- something like that that would provide objective, nonidentifiable information.

MR. WRIGHT: Mr. Speaker, I echo the hon. Member for Little Bow. After all, the facts of foreclosure are public from a number of files, but they all are easy to be summarized in the department. It is true that the motion as worded may well include advice to the minister and so on. But if I can respectfully suggest that the minister entertain substituting for the words "copies of documents showing" at the beginning, the words "a list of and over page for the words "documents showing who," the word "whom" -- correcting the grammar there -- then we have made the same amendment as was made to 212 and made that acceptable.

Certainly it is a matter of daily consequence to so many farmers in difficulties in the province as to the sort of deal they can make with the Alberta Agricultural Development Corporation, and to have some consistency will be useful both so the farmers can inform themselves and the AMHC can be seen to be doing the right thing.

MR. SPEAKER: Edmonton Kingsway.

MR. McEACHERN: Thank you, Mr. Speaker. Just a very important point, but I won't belabour it too much. I don't really see why you say this should be confidential information. We just heard today about a Vencap loan to a company and that was public information. When farmers borrow money from the bank, if the banker and the farmer want to keep that secret, that's fine. But when the farmer borrows money from the government, then there is no reason in the world the government members and the public should not know how much that was and who it went to. I see no reason why the minister or the government should stand on secrecy. What provision is there that there must be secrecy? Who says there must be secrecy? This is government money and we should know what's happening to it.

MR. SPEAKER: Summation, Westlock-Sturgeon.

MR. TAYLOR: I don't want to close anyone off. I saw Red Deer sort of chomping at the bit. Do you want to speak?

MR. SPEAKER: Westlock-Sturgeon has been recognized.

MR. TAYLOR: Mr. Speaker, in closing the debate, first of all -- I don't think it's going to be in very consistent order here -- the question of borrowing public money or borrowing money from a government agency, the Alberta Agricultural Development organization or Vencap or anything else, should be public. If somebody wants to lend or borrow money privately, they should do it privately if they want private information. But public business has to be done in public. It's unfortunate -- and I could hear the rumours and mumbling around the back bench, particularly in the more right-wing corner, as if "No, no, we're going to be in government forever, and any money we loan is between God and us and the borrower." It's not true.

Just try to imagine -- and I know you don't exercise that faculty too often -- if you were in the opposition and it was the Liberals or the NDP that were loaning out money, whether or not you would be interested in knowing what that money is. Because it's taxpayers' money, and it should be done publicly. To me, we've slipped into a fashion here where this one organization amongst all the others gets the right to keep secret the amount of taxpayers' money they're loaning. You don't get that for upgraders; you don't get that in the major oil projects. You don't get that in many other areas. You don't get it in Vencap, as we just mentioned.

The second thing I'd like to point out is that when I ask for the foreclosure and the selling, this is public taxpayers' money used to buy a property, because that's what foreclosure is. You bought a piece of property, whether you like it or not. You got the title. It might have been for the amount equivalent to what is owing or whatever it is, but this government goes out and buys a piece of property, holds it in their account, sells it, and then is asking now not to reveal to the public -- this is worse than even the minister of public works would try to do with a rental deal. At least the minister was trying to use the argument that he wasn't going to pay rent for a number of years; therefore, he didn't have to tell anybody. But the fact is that you buy a piece of property and then you turn around and sell it, and to compound the issue you refuse to say who you sold it to.

As I go about the country, there's rumour after rumour and story after story about cozy little deals made. If you have the

right colour membership card, you may get a chance to buy this property. It's not even sold at the public auction. Often this land is made on some private deal by a government organization. Mr. Speaker, I think this is a government that's absolutely gone wild. They have no idea what they're doing. When you look at it, it's a compounded error: first of all, buying a property without saying what they paid for it; secondly, selling it without saying what they got for it; thirdly, to an individual they're denying that they'll list even the name of the person.

If you look at the motion, Mr. Speaker, I didn't ask for the documents that were the sale documents; I asked for documents showing who the property was sold to. Well, that document showing who it's sold to can be a list. I just made a very broad term. I didn't ask for the sale document. I didn't ask for a mortgage document; just documents showing who -- "who" is the operative word -- and that could be a list, a membership card, or whatever it is.

Finally, Mr. Speaker, the debt adjustment board has been set up by the federal government and is a body made up of local farmers. When farmers come in with their problem they go to this board. That becomes public knowledge then when they're talking to the board, or at least many members in the community, particularly if they've been appointed by the Tories to this particular board to help advise farmers on it, have all the information. They must have. How could they give advice to a farmer if they didn't have the information?

No, Mr. Speaker, I think this is a case where clearly the government has completely lost sight of what they're doing with taxpayers' money, and I would ask the minister -- I would go so far as to implore the minister -- to look at it again, because I don't think the minister's heard the last of this. This is arrogance that in all the years I've been in politics I've seen no government exercise to the extent where they refuse to say where taxpayers' money is going, what they paid for it, who they sold it to, how much they got.

Thank you.

ANHON. MEMBER: Question.

MR. SPEAKER: There's a call for the question with regard to Motion for a Return 213.

[Motion lost]

215. Mr. Sigurdson moved that an order of the Assembly do issue for a return showing copies of documents or reports that indicate the percentage of people who continue to work after the wage subsidy program ends, as referred to by the Minister of Career Development and Employment in *Hansard*, page 1463.

MR. SIGURDSON: Mr. Speaker, in speaking to Motion 215, I would just like by way of history to remind all members of the Assembly and the minister that my success rate for motions for returns that request information from this particular minister has been rather poor. In fact, one might say this is my fourth time at bat and I'm batting zero. [interjections] Now, I will admit -- Mr. Speaker, you have a tough job keeping these members in order so that I might speak.

Anyway, I might again just by way of history remind them that I was rejected on the Wild Rose Foundation, I was rejected on 175, and I was rejected on 178. However, I will point out to the minister that on May 28 in asking the question he did invite

me to put this motion for a return on the Order Paper. In fact, he said:

In response to the hon. gentleman's request, I'll give some consideration to it, and if he is serious about it, he may consider the Order Paper, Mr. Speaker.

Mr. Speaker, I am indeed serious about this; that's the reason it's there. I do hope the hon. Minister of Career Development and Employment will make my day and give us all the information we've been searching for.

Thank you.

MR. ORMAN: Mr. Speaker, I'd like to make his day but only in the Clint Eastwood context of making days.

In speaking to 215, Mr. Speaker, I would like to draw to the attention of the hon. member that in fact he asked this very question on June 19, 1986. Whether or not his memory goes back that far, I don't know, but in the event that it doesn't, I should let him know that in the 21st Legislature, the First Session, on June 19 I provided an executive summary of a study to this Legislature called Evaluation of Job Creation and Training Programs. In that particular document there were a number of, I believe, very important points brought out.

The first of those points that is important is that this study, done by Mercer/Hickling and Johnston, an outside consulting agency, advised us that there was a 90 percent confidence level in the results they determined from these studies. The one we're referring to today is the Alberta wage subsidy program. That study indicated, Mr. Speaker, that employers said it improved skills 76 percent, that training was provided 75 percent of the time -- it's not a training program, but in fact 75 percent of the time training was provided -- and that it will make 87 percent of the employees more marketable. That study also indicated that 74 percent of the employers will require these positions in the future. Seventy-five percent of the employers felt they would be retained, that the individuals who come under the wage subsidy program would be retrained.

Now, I guess when I said 50 percent, Mr. Speaker, I was erring on the side of not wanting to agitate my hon. colleagues across, but in fact the employers indicated that. I should say that the master study in all fairness did indicate that 74 percent of the employers would retain the positions. In fact, as we followed up six months later following the study, we determined that in the area of 50 percent were retained. I'd also like to point out to the hon. member, and I'm sure this would be very interesting to him, the fact that the average wage was \$6.50 an hour. That was one year ago, and as a matter of fact the study was concluded one year ago. So prior to that you can see that although we provided \$2.50 an hour, the top-up was quite substantial.

[Mr. Musgreave in the Chair]

That study also indicated, Mr. Speaker, that 75 percent of the employees had been residents for 10 years or more and 50 percent of the employees were unemployed for an average of 32 weeks before the program began. It served an average age of 29 years old. The employees with high school or less were 55 percent, and the individuals who were primary wage earners were 64 percent and 55 percent had no dependants.

Now, Mr. Speaker, I know that this study, the executive summary, will not provide the detail the hon. member is interested in and in fact will not give the absolute details of the results I was quoted as saying, but I know the hon. member will

understand that we cannot provide internal studies. I did provide the executive summary because in fact the hon. member asked me to do it and I had it. I had an inclination to do it, and the executive summary, I felt, was an important document to file.

Thank you, Mr. Provincial Treasurer. He says that I'm a good guy, and certainly his views are of much more value to me than many of the opposition.

Mr. Speaker, I want to make one other point in that we are dealing with this potentially last motion for a return requested of me. I may be optimistic, but let's assume that this is the last motion. I want to point out to my hon. colleagues on both sides of the House that we have spent a great deal of time in this Assembly discussing matters dealing with relevancy of comments that were made. And certainly I know, Mr. Speaker, that neither myself nor any of my other colleagues would make statements in this Legislature that were untrue. You must understand, too, that many times there is data provided to us as ministers that we cannot make public. And that is for a number of reasons. One of them obviously has to do with the voluminous nature of data that would be required as a result of setting that precedent.

I do know that there are members of this Assembly who will make statements in here and will not be able to back up the statements they've made. And it's not members on this side of the government, Mr. Speaker. It's members on that side of the government. And I find... [interjections] I'm not going to call them a pack of hypocrites because I'm sure that would be an unparliamentary coin of a phrase. But I can tell you that on June 11 there was an individual sitting on the opposition that said:

The unemployment rate in the Vietnamese community, for instance, I'm told is at 35 percent -- 35 percent unemployment among the Vietnamese in Edmonton. . .

Now, where did that come from? Well, it seemed to come from one Rev. Roberts, the Member for Edmonton Centre. I asked that member, Mr. Speaker, the member for Harvard, to make a statement. I said: "Let's see you back up those statistics." The response was: "Yeah, that's right. I'm working on them, Mr. Career Development."

Mr. Speaker, I can't believe that they would sit there all session from March 5 on, fill up the Order Paper with demands for information to back up statements, stand up in the Legislature not a handful of days ago, make a statement, and can't back up the information. Now . . .

MR. SIGURDSON: A point of order, Mr. Speaker.

AN HON. MEMBER: There's no point of order.

MR. SIGURDSON: There is indeed a point of order.

AN HON. MEMBER: What citation number?

MR. SIGURDSON: Two ninety-nine in *Beauchesne*, hon. member, on page 98. You might want to flip to it.

AN HON. MEMBER: That number again?

MR. SIGURDSON: Two ninety-nine. It deals with relevancy. Mr. Speaker, I would suggest that we all want to have accurate information, but at this point we're dealing with Motion for a Return 215, which talks about wage subsidy programs, and the minister is going on at some length about the unemployment in

the Vietnamese community. I would suggest that that is not at all relevant. If the minister would like to perhaps get back even a little bit closer to the motion for a return, it would be appreciated by at least members on this side of the Assembly.

MR. DAY: On the point of order, Mr. Speaker.

MR. ACTING DEPUTY SPEAKER: The Member for Red Deer North.

MR. DAY: On the point of order, citation 299. If the member opposite had bothered to read past the first word -- maybe its being two or three syllables kind of confounded him -- it says:

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

MR. NELSON: Mr. Speaker, this talk about relevancy . . . The motion indicates the number of people who continue to work. People include the Vietnamese and others, and if the member opposite had a statement that 35 percent of those people were unemployed, let him back it up too. They're people.

MR. ORMAN: Mr. Speaker, allow me to get back to the point. If in fact the members opposite feel that I'm diverging from the point, I'm very pleased though to know that they are listening when they rise on a point of order. During that point of order I heard the Member for Edmonton Centre indicate that the unemployment rate has gone up 5 percent since last Tuesday. I'm just wondering. Again that's an amazing ability to gather statistics in a very short period of time.

In conclusion, Mr. Speaker, in certain instances I guess you would to some extent feel as though there is information that you would under normal circumstances like to provide to the opposition, concerned about the precedent and concerned about the time it would take and the voluminous nature of providing that data. But I no longer have that sympathy, Mr. Speaker, because they have just torn the last thread that links them between credibility and members of this Assembly by that statement by the Member for Edmonton Centre. I no longer have any qualms in standing up and rejecting motions for returns that are out of the normal practice of this Legislature. I hope that now the hon. members will learn a lesson from the Member for Edmonton Centre, that in fact when you do make statements you should be absolutely certain of those statements, Mr. Speaker. In this case I tabled a study that detailed the level of success rate under a number of our programs, and hopefully the hon. Member for Edmonton Belmont -- if he didn't read the document when I responded to him last June -- possibly will go back and refer to it now.

So in conclusion, Mr. Speaker, for those reasons, I reject Motion 215.

MR. WRIGHT: Mr. Speaker, if the hon. minister would simply have said that the return was in fact made in the previous return last year and sat down, he would have saved us 15 or 20 minutes of useless rhetoric.

MR. ACTING DEPUTY SPEAKER: The Member for Edmonton Belmont. Order please. [interjections]

MR. SIGURDSON: Did you want to make a comment?

Well, Mr. Speaker, in closing I would just like to say that I happen to concur with the Provincial Treasurer when he says

that the minister is good. But I would add: good for what? That statement that he made -- I have never heard so much bovine excrement in my life.

MR. ACTING DEPUTY SPEAKER: Order.

MR. SIGURDSON: Go ahead. Because you know what we got were a lot of facts about nothing that was asked, an attempt to once again get around answering a question that was put there because we wanted the information. Lots of facts about nothing. This minister has a habit of standing up in this Assembly and citing figures and facts, shooting off his mouth just like that Magnum .44 that's in those Clint Eastwood movies, and then when we ask him to verify it, what do we get? Blanks; nothing but blanks. It's like a little popgun -- big on the muzzle but just a little pop at the end.

Mr. Speaker, this minister stands up and says in the Assembly on May 28 that "close to one out of two people who go on a subsidy program end up working after the program expires." What does he say today? He doesn't say that. He can't even verify it. He hasn't got any idea if it's one out of two, if it's one out of four, or if it's one out of 10. He has no idea what kind of success rate these programs that public dollars are sponsoring have -- no idea whatsoever. He just stands up and glibly responds, just trying to get out. The positions are retained, he says. But the individuals -- are they retained? We don't know, and we won't know. That minister ought to be ashamed of himself.

[Mr. Speaker in the Chair]

Mr. Speaker, this will not be the last motion for a return on the Order Paper for as long as we continue to have glib responses in this Assembly.

MR. JOHNSTON: Mr. Speaker, I just want to raise a point of order with respect to the word usage by the member. I think it would be inappropriate for that kind of usage to be agreed to in this Assembly. While it was a smooth way to euphoniously get around the words which have been deemed to be unparliamentary by this Assembly, I think it would in fact be unparliamentary to allow it to stand. I know, Mr. Speaker, that you were not here during the time, but I would suggest that you have a look at it and consider it. Now, it may well be that it's not perfectly described within the words themselves, but *Beauchesne* and certainly *Erskine May* do go on to say that in fact unparliamentary words are not necessarily finite in the description. In particular, when there's a reference to a word which is clearly unparliamentary, words of the same order must be deemed to be, in the same fashion unparliamentary as well.

MR. SPEAKER: The Chair did indeed receive a note to the effect of the word being used, and the Provincial Treasurer has indeed laid out some useful guidelines with use, in the way that individuals can get around certain terms to some degree. But the Chair is also quite certain that the Member for Edmonton Belmont would be gracious enough to withdraw the usage of the word.

MR. SIGURDSON: Well, Mr. Speaker, as I got around the word that was used, I can assure the Assembly that the minister stepped around the intent of the word. So I withdraw it.

[Motion lost]

MR. CRAWFORD: Mr. Speaker, I would ask unanimous leave of the Assembly to go to government business at this time.

MR. SPEAKER: On the motion of the Government House Leader, is there unanimous consent? Those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Unanimous consent is gained.

head: GOVERNMENT MOTIONS

18. Moved by Mr. Crawford:

Be it resolved that when the Assembly adjourns to recess the Second Session of the 21st Legislature, it shall stand adjourned until a time and date prior to the commencement of the Third Session of the Legislature as is determined by Mr. Speaker after consultation with the Lieutenant Governor in Council.

SOME HON. MEMBERS: Question.

[Motion carried]

MR. CRAWFORD: Mr. Speaker, I will ask once again the unanimous consent of the Assembly to move Bill 55 from third reading back to Committee of the Whole on Bills.

MR. SPEAKER: Those in favour of the motion, please say aye.

HON. MEMBERS: Aye,

MR. SPEAKER: Opposed, please say no. Carried unanimously.

[On motion, the Assembly resolved itself into Committee of the Whole]

head: GOVERNMENT BILLS AND ORDERS (Committee of the Whole)

[Mr. Gogo in the Chair]

MR. CHAIRMAN: Would the Committee of the Whole please come to order.

Bill 55 Nova, An Alberta Corporation Amendment Act, 1987

[Adjourned debate June 10: Mr. Pashak]

MR. CHAIRMAN: There is a government amendment. Speaking to the amendment, are there any comments, questions, or further amendments to any section of this Bill?

MR. TAYLOR: Mr. Chairman, I'd appreciate a comment as to just why at this late date, for a corporation that probably has more lawyers per shareholders than any other corporation in

Alberta, this would come up. Mind you, I know how lawyers farm each others files and that they feed each other. If you study mathematics, there's an asymptotic curve that you never get to the perfect agreement, and they'll go on and on forever until you quit paying them. Nevertheless, I'd be interested in just why the change at this stage of the game, particularly first, second, and preferred shares -- why it came about.

MR. JOHNSTON: Mr. Chairman, I share the view of the Member for Westlock-Sturgeon, as a matter of fact, that at some point you have to stop amending the legislation. I do appreciate the consent of the Assembly to go back to committee to allow me to effect these changes.

What has happened, Mr. Chairman, is that since the Act was brought to the Assembly, many people had a chance to look at this piece of legislation including, as the Member for Westlock-Sturgeon indicated, the corporate lawyers. Further review was taken place by Mr. Acorn, who was responsible for the drafting for Legislative Counsel and further, Mr. Chairman, by those people who have to deal with the thorny issue of transferring the company from the Nova Act itself to Alberta's Business Corporations Act. It was that latter group, the lawyers who apply the corporations Act, that recognized some difficulties, particularly in the preferred shares structure, and made some recommendations to us.

You'll note that there is a transition here from the Nova Act to the Business Corporations Act and that transition has to be fairly well thought through in legal terms, otherwise the company's going to end up not being able to operate for some interval. And it's those kinds of protections which are reflected in this amendment.

Essentially, Mr. Chairman, the Member for Westlock-Sturgeon is right. These are the fine point of the legal pen trying to be sure that punctuation and words are appropriate, and for the fact that perhaps better care was not handled in the legislative drafting, I must take responsibility for that. Nonetheless, these are the kinds of nominal changes which are reflected in this amendment.

MR. CHAIRMAN: Are you ready for the question on the amendment?

HON. MEMBERS: Question.

[Motion on amendment carried]

MR. CHAIRMAN: Are there any comments, questions or further amendments to any section of Bill 55 as amended?

HON. MEMBERS: Question.

[The sections of Bill 55 agreed to]

[Title and preamble agreed to]

MR. JOHNSTON: Mr. Chairman, again with thanks, I move that Bill 55, Nova, An Alberta Corporation Amendment Act, 1987, be reported.

[Motion carried]

MR. CRAWFORD: Mr. Chairman, I move that the committee rise and report.

[Motion carried]

[Mr. Speaker in the Chair]

MR. GOGO: Mr. Speaker, the Committee of the Whole has had under consideration and reports Bill 55 with some amendments.

MR. SPEAKER: Having heard the report, do you agree.

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? It is so ordered.

head: GOVERNMENT BILLS AND ORDERS (Third Reading)

Bill 49

Tax Statutes Amendment Act, 1987

[Adjourned debate June 8: Mr. Young]

MR. JOHNSTON: Mr. Speaker, I move third reading of Bill 49.

MR. MARTIN: Well, Mr. Speaker, it looks like we're coming to the end of the session, and I'd say the most major thing we tackled was the budget generally, and this particular Bill of course flows from the budget.

I know the Provincial Treasurer would be disappointed if I didn't have a couple of minutes of comments on this particular Bill, Mr. Speaker. I have said that in the past, and I believe the budget and this Bill specifically show what a government can do about turning back the clock. I expected to be sitting across the way and to have seen R. B. Bennett sitting over there, Mr. Speaker, because it's the type of Bill that Mr. R. B. Bennett tried to deal with when times were tough back in the 30s. I just say that of all the tax Bills -- there's over a billion dollars of gouging of average people -- this is the worst, and this is why in third reading I want to make a couple of comments.

Mr. Speaker, I think it's been said in the Legislature a number of times, but to me, when you have high unemployment, it just didn't make sense to take this much purchasing power away from people, and we're just starting now to see the effects of it. One of the tax increases went through on June 1. This particular one will go through on July 1. There are two things that will happen from this. Number one is that you're going to have a lot of angry Albertans come July 1 when they notice that not only are they getting one level of taxation taken off their cheques but retroactively they're going to get another one back to January 1. And for a lot of people, Mr. Speaker, that's going to be a lot of money they cannot afford at this particular time.

I'm sure the Provincial Treasurer is glad that we're not in the House at that particular time. I'm sure that on July 2 he might be on holidays in Hawaii or somewhere else, because, as I say, there will be a lot of people that are very upset. I think many people are aware of the budget. We certainly had a lot of comments about the budget and what people think about it. But for many it's been hypothetical. The reality hasn't hit. It started on June 1 and it will really hit through on July 1. As I say, Mr. Speaker, I think it's the wrong tax at the wrong time, and I do not like, as a matter of principle, retroactive taxation -- that's what in fact it was. Even when we brought the budget in in March, it went back to January 1.

That's bad enough, but the other part of it of course is the 1 percent flat tax. Now, Mr. Speaker, this is a tax again that I do not believe in in principle. I don't know who the adviser was to the Treasurer. Maybe he called Mr. Pocklington, because we're starting to move into the flat tax with . . .

MR. JOHNSTON: Howard Pawley.

MR. MARTIN: Howard Pawley, he says. No, it was a little different. They're taxing that lower income.

Mr. Speaker, the point is that he says it's temporary. It said it in the budget. But many people are very cynical about governments. Temporary taxes have a way of becoming permanent, because the government relies on them, and certainly with the deficit we've had I doubt that this Treasurer in the next little while is going to take away money like this. I just say to the Treasurer. Mr. Speaker: I don't know how long "temporary" means -- perhaps he could be a little clearer -- but I suggest that in the future we try to get rid of that tax and look at a fair taxation system, because we are moving into the flat tax which I think has no place on a progressive taxation system.

Mr. Speaker, I have to take this occasion to just say to the Treasurer that he knows what is coming down on the 18th and what we may get federally. But one of the things at least the federal government has been talking about -- whether they're going to accomplish it or not, I do not know -- is tax fairness. Even the federal Conservatives are saying that the corporations have not been paying their fair share of taxes. His colleagues have been saying that. On the other hand, the government here is saying -- basically they're bragging -- that we have by far the lowest taxation at that level. Mr. Speaker, people want tax fairness, and it doesn't make any economic sense to take money and purchasing power away from average people and present it to the corporations, because there's nothing to say that they will invest in Alberta. They don't have to. I just say that it's time we took a look at tax fairness. Even with this Bill, the Treasurer said: well, we'll get another \$117 million out of the corporate sector. That's rather nice, Mr. Speaker, especially after we found out last year we paid back \$26 million more than we took in.

But even at that, Mr. Speaker, when we look at all the other taxes that average people are going to be hit with -- that's roughly only 93 cents of every dollar -- provincially we have by far the most distorted taxation system in the country. The Treasurer and I may philosophically disagree. He may think this is good. I do not think it is good and I do not think it makes economic sense, because if that group is not paying their taxes, somebody else is, and it's the average people that are being gouged and being gouged dramatically in this budget that the Treasurer's brought down.

Mr. Speaker, I notice too that this is going to have a severe effect. The second impact is a lot of angry people. But we're going to start to feel the impact of this \$1 billion and this taxation hike after July 1 in terms of purchasing power, what people are buying at their local stores, and what the local stores are buying from the wholesalers. I notice that the retail market is down this year again. I say that this is going to have a severe impact on the retail market in the last half of the year, and that's going to have a severe impact on unemployment as we go into the winter.

Mr. Speaker, I know that we're not going to stop it here today, but I thought it important to bring this point up and say to the Treasurer: when we come back in the fall session -- as I

think and hope that we are going to be in a fall session; maybe the House leader can tell us that -- maybe by that time the results of this budget will be clearer and maybe we will have a new economic statement from the Treasurer. Now, I'm not going to hold my breath, Mr. Speaker, but hope springs eternal over here on the opposition side that somehow there will be some reality and some fairness for average people. I just say to the Treasurer that I hope he's monitoring what these tax hikes are doing, and specifically this tax hike, that they're monitoring it very closely, and if it's proving to really be a detriment to the economy and a downturn, they will at least recognize that, come back and change it, and at least look at it for the next budget.

Mr. Speaker, I conclude by being optimistic and hoping that that is being done, but saying to the Treasurer that I don't know who he's been talking to if he tells me that people are supporting him in the budget. Every poll I've seen and every person I've talked to tell me this is a rotten budget, and I say to you that this particular Bill 49 will be the most unpopular tax. What we have here in Bill 49 is the most unpopular tax and the most unpopular budget in the history of the province.

MR. SPEAKER: Edmonton Strathcona.

MR. WRIGHT: Yes, Mr. Speaker. This is the other half of the budget process in which the appropriations Bill was the first half. The province is faced with a very large deficit and it must be reduced. But the question is: how is it to be reduced, and over what period of time? The government has opted for a relatively rapid reduction and has done it, of course, by cutting expenses and increasing taxation. In cutting expenses, however, Mr. Speaker, it does seem to me, because I've seen no evidence to the contrary, that the thinking has been of the corner store variety; that's to say, in the corner store if you're losing money you bring the books into balance by cutting your expenditure or increasing your sales. That doesn't work for a province or a taxing body, because when you decrease your expenses by one dollar, you are also decreasing your taxation income by a fraction of that dollar -- occasionally by more than a dollar. So by decreasing certain expenditures, you can actually increase the deficit.

I can't speak with any accuracy of what is happening here because there don't seem to be those kinds of studies accompanying any of this. What's left out of that calculation, of course, is what's peculiar to Alberta: the tremendous dependence on income from nonrenewable resources, mostly petroleum and natural gas. There the same thing doesn't work, but here the government is particularly vulnerable, as a result of which we see the need for the tax increases that are faced in this Bill, because it has done nothing at all, absolutely nothing at all, since it came into power more than 15 years ago, to appropriate for the people of Alberta more of the profit from the oil and gas industry that should be theirs as a result of commercial operations.

The sole effort, which until the disastrous drop in oil prices was successful, was, because of the rise in prices, to take without discomfort to anybody a larger royalty, which is fair enough. But if in the meantime, and it should have started long before this government came in 1971, the province had itself moved into the area of petroleum and natural gas, then when the price of petroleum dropped, Mr. Speaker, the commercial operations, which have been going very, very profitably for the privately owned oil companies, could have sustained the income of the province to an extent which would have gone a measurable dis-

tance to filling that gap. There is none of that, so that we are completely at the mercy of (a) world oil prices, when it comes to a major component of the province's income, and (b) the operations of the multinationals.

The multinationals, Mr. Speaker, generated, according to Statistics Canada -- and this figure does include coal in the province so it is not totally accurate as to petroleum, but of course oil and gas is about 95 percent; the coal income is much, much smaller -- \$3.24 billion for the year 1986. That's \$3.24 billion. If there had been a democratic socialist regime that had moved into the resource area and had been carrying on commercial operations, a big chunk of that profit would have accrued to the people of Alberta to make it unnecessary to see the cutback on the expense side or the rise in taxation on the taxation side that this government has inflicted on it. The profit from the previous year was down 39 percent. Contrast that with the tremendous drop in income from royalties that the province has suffered. The multinationals have suffered far less than the province. Good management before, but unfortunately management that a Conservative philosophy refuses to accept, would have seen a different picture.

As for just raising taxes, it is on taxable income. Wealthy people, because of losses that they can show, will still escape, if it is a once-and-for-all effort that is made, as is alleged to be the case with the flat tax, which in itself is bad, as we've argued. Then why not a wealth tax, which would get at the people who can most afford it and who may be escaping in fact from any increase on taxable income because they have no taxable income because of losses? Instead, the government hands out money to industry.

The anomaly is that the Conservatives, because they will not involve the state in industry, hand out far more incentives to private industries, so that they themselves are creating a situation in which the major corporations now have on staff whole-time experts who are making sure that they are getting every last cent from those Conservative governments that is there for them to take. We say there is mismanagement.

It is not only a case of lamenting the fall in petroleum revenue. A farsighted government would itself have moved into -- can I call it vertical diversification? -- within the oil industry as well as attempting the harder job of horizontal diversification, and shown a different picture to the people of Alberta despite the disastrous drop in commodity prices, a drop which, however, would have been far less disastrous to this province had there been proper management of the province, and would have avoided the necessity for so draconian a treatment as exemplified in this Bill on the tax side and in the appropriations Bill on the expenses side, Mr. Speaker.

MR. TAYLOR: Mr. Speaker, just a short comment, I think, on the tax Bill to the Treasurer. Getting near the end of the session, I thought I would leave him with one constructive thought, because we might not be back until November and I would not want to leave him without any guidelines during the summer months.

He has put in a tax system, a tax which he himself calls temporary, or one time only. I know his budget, the budget that we'd set out, was for around \$17 a barrel. And as you know, Mr. Speaker, or you may not know, the price has just exceeded \$20 a barrel -- this is U.S. dollars -- today.

Now clearly, what's easily possible to happen is that if the price stays where it is or even creeps up a little bit more, this government could end up with a large surplus for this year. I

suspect that they'd already planned the budget in such a way that the Treasurer would be able to say next February or March, "Lawsy me, Mr. Speaker, we have a huge surplus because we did such a lovely job of managing." In other words, I think there's already a huge -- it's called a B factor when you do budgeting in business, oriented towards a surplus.

Now, Mr. Speaker, what I want to suggest to the Treasurer is that in view of the fact that oil prices are holding higher than his own estimate -- in other words, about 20 percent over his estimate; they may well go to 30 percent over the estimate -- and in view of the fact that this is temporary taxing, and in view of the fact, most importantly, that this is a conservative government, small "c," if there's anything this government believes in -- outside of the Ten Commandments and that if you live a good and honest life and are kind to your animals and treat your family well, an oil well might spring up in your backyard -- it is that money in the hands of the taxpayers is better than in the hands of government.

So I would like to suggest to the minister that he take immediate steps to cut the present tax rate that he's now talking about putting in by, say, 25 percent, monitor it again, and by September, if the price of oil stays -- and my calculation shows that if the price of oil stays at \$20, by September 1 he could cancel it. Then he will have done two things: shown that indeed he and his government have faith in the public sector and that they will invest the money probably more wisely than a surplus accumulating in government, and secondly, he will have stabilized the budget in such a way that we don't end up with an unaccountable and unreasonable surplus at the end because of oil pricing. He will show that he is financing or budgeting on the basis of oil pricing rather than fixed taxation rates that indeed are going to run too low or too high; in this case, way too high.

Thank you.

MR. SPEAKER: Provincial Treasurer, summation.

MR. JOHNSTON: Mr. Speaker, with so much having been said on so many issues, it could take some time to craft a clear contrast between the position taken by the socialist parties across the way and that shared by most Albertans. I think what I can do instead is to say that we have seen here the first part of the great debate, a debate which talks about the socialist regime versus the capitalist regime, one which places emphasis on initiative of the individual, on the government playing a supportive role, but nonetheless providing clearly that the private sector is the one which generates economic growth, generates jobs, and essentially finds a resolution to the economic growth problem.

Now, if you listen to the speeches across the way, you'll find that all of the comments are peppered with the socialist dogma, clear dogma which perpetuates and drives all of their ill-assumed position. This debate, of course, has been ongoing for some time. It started a little while ago, and it will be continuing, I'm sure, through to the next election period. And it'll be at that election period that we'll have a chance to again formally say to the people of Alberta; "What is your choice? What is it you want for this province of Alberta? Do you want to have a free province, one based on individual initiatives, one which is based on the opportunity of the private sector to make the economic choices, and one where there's a freedom of choice? That's the fundamental choice before you."

All of us know that if you continue to allow the deficit to increase, you're simply burdening subsequent generations with another direct tax. And deficits, in no other way, however you

cut them, are nothing but additional taxation. This government stands opposed to additional taxes. There are times. Mr. Speaker, when in fact the responsibility is heavy upon the shoulders of government. They have to accept those responsibilities, and they have to provide clear choices to the people of Alberta, given the information and the circumstances before them. To know what to do and to fail to act is regrettable and irresponsible, and those are the kinds of choices that are coming from across the way.

One thing is clear, Mr. Speaker; one thing is very clear. I can describe the responsibilities of government for these people across the way, because only by description will they know what it's like. I can assure you that with the fiscal plans just outlined, with the theories of nationalization just expounded, with the expropriation notions which have been put forward by those parties across the way, we will have very little difficulty selling this plan to the people of Alberta, a plan which I should note has the lowest level of taxation in Canada, the highest level of services, and a plan that on a reasonable basis is dealing with the question of taxation and the question of the deficit. Therefore, Mr. Speaker, this Bill itself, as has been focused by the opposition -- and they're the ones who opened the door to this broad debate on the fiscal plan -- is in fact part of that plan to deal with the downsizing of government, to eliminate this deficit over the period of years.

No Albertan that I have talked to is encouraging us to increase the deficit, and no Albertan wants us to fail in our resolve to deal with that problem. Therefore, Mr. Speaker, if you want to call a debate on this issue with respect to the fiscal plan, then I must obviously take a defensive position and tell the people of Alberta that this is the right plan, the right course of action, and over the four-year period will solve the problems that we are now in.

Mr. Speaker, I know that the socialists are uncomfortable when they get into this issue, because it's nationalization, confiscation, and centralization that are the key words to their policies, and it's time that we see those out there. It's time we see them revealed, because in fact that's what it is. The Liberals with their profligate spending and high deficit would ruin this province. Let it never happen.

Mr. Speaker, I move third reading of this Bill.

MR. SPEAKER: The Provincial Treasurer has moved third reading of Bill 49, Tax Statutes Amendment Act, 1987. Those willing to give assent to third reading, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: Carried.

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

[Eight minutes having elapsed, the House divided]

For the motion:

Adair	Drobot	Oldring
Ady	Elzinga	Orman
Alger	Getty	Osterman

Anderson	Gogo	Payne
Betkowski	Heron	Pengelly
Bogle	Hyland	Reid
Bradley	Isley	Schumacher
Brassard	Johnston	Shaben
Campbell	Jonson	Shrake
Cassin	Koper	Sparrow
Cherry	Mirosh	Stewart
Clegg	Moore, M	Trynchy
Crawford	Moore, R.	Webber
Cripps	Musgreave	Weiss
Day	Musgrove	West
Downey	Nelson	Zarusky

Against the motion:

Barrett	Laing	Roberts
Chumir	Martin	Sigurdson
Ewasjuk	McEachern	Strong
Fox	Mjolsness	Taylor
Gibeault	Pashak	Wright
Hewes	Piquette	Younie

Totals	Ayes - 48	Noes - 18
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[Bill 49 read a third time]

[It was moved by the members indicated that the following Bills be read a third time, and the motions were carried]

No.	Title	Moved by
42	Miscellaneous Statutes Amendment Act, 1987	Crawford (for Horsman)
55	Nova, An Alberta Corporation Amendment Act, 1987	Johnston
57	Municipal District of Big Horn No. 8 Incorporation Act	Bradley (for Stevens)
58	Dairy Industry Amendment Act, 1987	Jonson

Bill 56

Financial Administration Amendment Act, 1987

MR. JOHNSTON: Mr. Speaker, I move third reading of Bill 56, Financial Administration Amendment Act, 1987.

MR. MARTIN: Mr. Speaker, just more for clarification, as I understand it, after a \$2.5 billion increase in debt last year, now less than a year later we're asking for another billion dollars, which leaves us where we could be at a total of \$6.5 billion. We can say as much as we want about the trust fund, but at least this is collateral against the trust fund, and there's some basis that we may have to delve into it permanently.

Mr. Speaker, I understand why the Treasurer needs this at this particular time. There's no other way around it, as I would understand it. But perhaps the Treasurer could tell us -- he says that he's going to attempt to balance the budget, and in a few years; I believe 1990-91, in that realm of time. I know, again, that you can't predict totally the world oil prices and gas prices, but there must be a scenario of at least three different levels of debt that we'll be looking at, at that particular time. I'm saying to the Treasurer that even with a cutback in government expenses, by that particular time we're probably looking at anywhere from \$9 billion to \$12 billion that we'll be in debt. I

would just like to ask the Treasurer, in closing debate, to try to fill us in on what this means and where we're going by 1990-91.

MR. SPEAKER: Provincial Treasurer, summation?

MR. JOHNSTON: Mr. Speaker, it is true that with a risk we could have moved without this billion dollar adjustment to the debt and probably could have survived until the spring of next year with a \$5.5 billion limit. Yet to take those kinds of risks were not, to my view, prudent. Moreover, because of the uncertainty of a variety of energy prices, as the Member for Edmonton Norwood has pointed out, we do not want to take any risks. And finally, I think it's appropriate that we come to the Assembly to ask for an increase in debt in the context of the budget plan because it reinforces in Albertans' minds the fact that we are continuing to borrow, and the debt of the province of Alberta becomes widely understood. And it is that understanding, I think, that essentially guides the people of Alberta, who have given us the direction at least that we should be careful about the size of the aggregate debt and the size of the addition to that aggregate debt over the years. So as part of the plan, we will continue to bring forward amendments to the Financial Administration Act on an annual basis to ask for an increase in that loaning limit if it ties in with our fiscal plan.

Now, if we look at the accumulated deficit, Mr. Speaker, assuming that it's, as I say, \$3.3 billion at the end of the last year and that we add another, say, \$2 billion to it, including the capital funds, that comes to \$5.5 billion. Over the balance of the picture, the four-year period, we're looking again at about another \$2 billion. So I would expect that by the end of this planning period we'd have an accumulated deficit or aggregate debt of not more than \$9 million; in fact, below \$9 million is my target. I would suspect it would be of the order of \$8 billion.

Now, I believe, Mr. Speaker, in the budget document itself there is a forecasted debt level attached to the four-year plan, and I think it calls for that kind of a debt scenario. Remember that even if we balance the budget, we still have the additional responsibility to repay the debt via either giving up some of the programs which are important to all of us or increasing taxes to retire the debt and pay the interest charges. That still would be a fairly heavy responsibility over the near term after the four-year period and one which obviously requires some fairly prudent financial plan.

We're not speculating too much with respect to the price of oil. We've had some comfort. The Member for Westlock-Smurgeon has advised us that he thinks we have a second plan here. There's no second plan. The frailty of that market still exists. I appreciated the fact that it did trade through \$20 on the New York Merc yesterday and today, but whether that will continue or be sustained over the balance of the period remains to be seen. We're all hopeful that it will, and we will continue to obviously use those dollars.

Nonetheless, Mr. Speaker, I think the balance is that after the first three months of our fiscal plan it appears to be on target both on revenue and expenditures, and we're hopeful, with some finger-crossing, that we can come close to that \$1.8 billion, \$1.9 billion deficit through this fiscal year. We hope as well, Mr. Speaker, that Albertans understand that we're increasing this deficit, increasing the borrowing, so that the level of services can continue, and I think that's essentially well understood at this point.

Mr. Speaker, I move third reading of Bill 56, the Financial Administration Amendment Act.

[Motion carried; Bill 56 read a third time]

head: **PRIVATE BILLS**
(Third Reading)

[It was moved by the members indicated that the following Bills be read a third time, and the motions were carried]

No.	Title	Moved by
Pr. 1	First Canadian Insurance Corporation Act	Taylor (for Mitchell)
Pr. 2	The Alpine Club of Canada Amendment Act, 1987	Payne
Pr. 3	An Act to Incorporate the Sisters Servants of Mary Immaculate (Polish) of Alberta	Taylor (for Mitchell)
Pr. 4	The King's College Amendment Act, 1987	Barrett
Pr. 5	United Farmers of Alberta Co-operative Limited Amendment Act, 1987	Brassard
Pr. 6	Alberta Wheat Pool Amendment Act, 1987	Cherry (for Elliott)
Pr. 7	Calgary Beautification Foundation Amendment Act, 1987	Stewart
Pr. 8	Edmonton Economic Development Authority Amendment Act, 1987	Heron
Pr. 10	The Calgary Hebrew School Amendment Act, 1987	Mirosh
Pr. 11	Scott J. Hammel Legal Articles Act	Wright
Pr. 13	Central Western Railway Corporation Amendment Act, 1987	Downey
Pr. 14	Acts Leadership Training Centre Act	Cassin
Pr. 15	Lake Bonavista Homeowners Association Ltd. Tax Exemption Act	Payne
Pr. 16	Parkland Community Centre Calgary Ltd. Tax Exemption Act	Payne
Pr. 17	Lake Bonaventure Residents Association Ltd. Tax Exemption Act	Payne
Pr. 18	Midnapore Lake Residents Association Ltd. Tax Exemption Act	Payne
Pr. 20	Institute of Canadian Indian Arts Act	Jonson
Pr. 21	The William Roper Hull Home Amendment Act, 1987	Payne
Pr. 22	Rhea-Lee Williamson Adoption Act	Hyland
Pr. 23	Federal Canadian Trust & Bond Corporation Act	Alger
Pr. 24	Jimmy W. Chow Bar Admission Act	Nelson

head: **GOVERNMENT MOTIONS**

14. Moved by Mr. Johnston:

Be it resolved that the Legislative Assembly finding a breach of privilege to have occurred, the Assembly orders that the Member for Calgary Buffalo apologize in the Assembly at the earliest possible opportunity to the Minister of Career Development and Employment, the Provincial Treasurer, and the Assembly for service of a statement of claim within the precincts of the Legislative Assembly while the Assembly is sitting.

[Debate adjourned May 8: Mr. Wright speaking on point of order]

MR. WRIGHT: Mr. Speaker, the ship that is sailing the waters of Standing Order 15 is not the ship that was launched by the Assembly, and therefore, we can't really deal with it. That motion was put down on the Order Paper and the next day, quite contrary to the rules or the Standing Order of course, was changed by a government member. Actually it was the Provincial Treasurer who, with a covering letter to the Clerk of the Assembly, just substituted one motion for another.

This is not a mere technicality, Mr. Speaker, because the substituted motion, the one we see before us, was a substitution for a motion which was out of order and said something quite different from what we properly can address under the rules. That was the reason for the change; instead of going through the amending process, which may or may not have been successful, the motion was unilaterally substituted. That cannot now be corrected, because to get back to doing it properly, to lay the thing properly, to have it launched, as I say, by the Assembly, it is now too late, since under the Standing Order the motion must be given notice of not later than at the conclusion of the next sitting day of a motion to deal with the matter further.

Just to remind hon. members, the motion that was voted on was: be it resolved that the Speaker finding a breach of privilege to have occurred, and so on. Of course, the only motion we can deal with under the Standing Order is one in which the Legislative Assembly finds that a breach of privilege has occurred. So I'm afraid that the whole matter is out of order and cannot be dealt with.

Mr. Speaker, this may be unfortunate, because it is a matter of some interest, the substance of this motion. I say nothing as to the merits of it; that's not in point. What is in point is that we follow the rules. Nor are the rules simply a matter of technicality. They are there, as all good rules should be, to deal with fair dealing, to lay out fair dealing within the rules, and fair dealing within the rules in this case means that you know what you're dealing with before you come to deal with it, and you have filed them in accordance with the rules.

Just to sum up then, I remind hon. members that the service of the statement of claim that is the subject of the ...

MR. SPEAKER: Order in the House, please.

MR. WRIGHT: The service of the statement of claim which is the subject matter of the action occurred on April 30. On Friday, May 1, a complaint was made by the Minister of Career Development and Employment and by the Treasurer, the two people served, under Standing Order 15(6). On day two, which was Monday, May 4, a ruling was made by you, Mr. Speaker, that there was a prima facie case, and an invitation was made for a motion from a member, if they were so inclined, under Standing Order 15(6). That motion was duly made in point of time, the following day, Tuesday the 5th. On day four, Wednesday

the 6th, quite clandestinely, one might say, the motion was substituted because someone spotted the error. That is a nullity, and that is what is before us and cannot be proceeded with under the rules, Mr. Speaker.

MR. SPEAKER: To the point of order.

MR. ORMAN: Yes, Mr. Speaker, on the point of order. I and my colleagues believe firmly that a matter as important as a matter of privilege should not be ruled out of order because of the form by which it is presented to the House. As a matter of fact, prior to 1977 in the House of Commons, I believe that this was the case. In fact, it was ruled on March 10, 1966, that the Speaker could not accept the motion as presented but agreed that there was a prima facie case of privilege. Following that, in debates on April 19, 1977, the Speaker in fact ruled that it was too important a matter to be discarded on the grounds of form and that it could be amended and that it does not reflect on the matter of privilege.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Hon. members, there's no question. It's a matter that the point of order has been dealt with, has been raised and has been discussed. The Chair realizes a great deal of difficulty is involved: the fact that the events transpired a considerable length of time ago and a fair number of question periods ago as well. Nevertheless, the Chair has taken under advisement the text of the comments as made by the hon. members for Calgary Buffalo and Edmonton Strathcona, as well as other members of the House, and the ruling has been developed.

Hon. members, pursuant to *Beauchesne*, citation 397, further elucidated in the 20th edition of *Erskine May*, page 377, the Chair has been asked to consider the notice that has been given of Government Motion 14 dealing with the point of privilege. On Monday, May 4, an original notice of motion was filed which read:

14. BE IT RESOLVED THAT a prima facie case of privilege having been declared by Mr. Speaker on May 4, 1987, the Assembly orders that the Member for Calgary Buffalo apologize in the Assembly at the earliest possible opportunity to the Minister of Career Development and Employment the Provincial Treasurer, and the Assembly for service of a statement of claim within the precincts of the Legislative Assembly while the Assembly is sitting.

Having listened carefully to the argument as made by the Member for Edmonton Strathcona, nevertheless it is the opinion of the Chair that because of a technical deficiency which demands that a remedy or reparation for a breach of privilege cannot be founded on the prima facie ruling of the Speaker but must be on a finding of the House, a modified version of the notice of motion was filed on Wednesday to replace the original notice pursuant to *Beauchesne* 397. The modified notice of motion reads as is printed in Orders of the Day.

The question the Chair has been asked to consider by the hon. Member for Calgary Buffalo is whether the second motion changes or exceeds the scope of the original motion. If it does not and is merely viewed as an amendment to comply with the rules of the House, the notice will stand and the matter can be dealt with. If it is found, however, that the modified notice of motion exceeds the scope of the original notice, the modified notice must be considered a brand-new motion, which would

then fail on a point of order because notice of the new motion was not filed within the deadline pursuant to Standing Order 15(6).

The question is whether the second version of the motion as printed in Orders of the Day exceeds the scope of the first or differs materially from it. If it does, then the requirements of Standing Order 15(6) have not been met as to the time of notice of the motion. If it does not, then the notice in May 5's Votes and Proceedings is sufficient. The Chair notes that the subject matter of both versions of the motion is the same. The difference is that the second includes a specific finding of breach of privilege, whereas the first refers to the *prima facie* ruling by the Chair. The Chair feels that to determine whether or not the new motion exceeds the scope of the original one, parallels must be made and examined between this amendment process and other means by which a motion for a resolution may be amended.

Erskine May, the 20th edition, page 397, provides that an amendment may be given on a motion even after it is introduced in the House. The amendment is deemed in order provided that the amendment is relevant to the original question posed. *Erskine May*, page 393: a motion may be amended even after it has been voted upon in the House by simply introducing another motion to amend the first resolution. In this case, the amendment is deemed in order provided it does not reverse the meaning of the first motion.

The Chair rules that this amendment comes well within other examples of allowable amendments and, in doing so, also notes that the irregularity as pointed out was corrected at a much earlier stage than most allowable amendments are carried out. Motion 14 as printed in Orders of the Day therefore stands.

To the original motion, first. . .

ANHON. MEMBER: Point of order.

MR. SPEAKER: Is it indeed a point of order, or is it a discussion of the ruling which has been given?

MR. WRIGHT: No, a point of order in my case.

MR. CHUMIR: A point of order in my case as well

MR. SPEAKER: Thank you. Edmonton Strathcona, followed by Calgary Buffalo.

MR. WRIGHT: Yes, Mr. Speaker.

MR. SPEAKER: The citation, please.

MR. WRIGHT: Well, the citation I'm reading from is 397 in *Beauchesne*, but I'm sure the analogue of it is in Standing Orders too; I suppose so. And that is: when may we expect notice of the motion to make the amendment? It has to be in Votes and Proceedings, of course, and so on. There must be a notice of motion to make the amendment, and that's been missing so far. When may we expect it?

MR. SPEAKER: That's a discussion that challenges the decision, hon. member.

Calgary Buffalo.

MR. CHUMIR: This does not relate to the Speaker's ruling at all, Mr. Speaker; it relates to the order of business here. As I have mentioned to the hon. Leader of the Opposition and the

Provincial Treasurer, I am unable to be present in the House this evening or tomorrow. It's been over six weeks since this matter has dragged on, and what I was going to suggest is that there is an option available to be able to deal with this matter substantively, which I anticipate would take perhaps 30 minutes, and that would be to extend the House. Failing that, the option is for the House to proceed this evening without me, which would be certainly not in accordance with fair procedures. Although Klaus Barbie seems to like the process, I don't find it palatable.

MR. SPEAKER: With respect to the matter being raised at the moment, indeed following the decision of the Chair, the motion is now available to be spoken to and of course is capable of being amended if that is the wish of the House. So that indeed would be the answer to the first part of the question that was raised. It's a question of procedure more than a point of order.

As for stopping the clock, the Chair is always open to that kind of an option if that is indeed the wish of the House.

The Chair recognizes the Minister of Career Development and Employment.

MR. ORMAN: Mr. Speaker, I wish to speak to Motion 14, and I wish to deal with two matters. One is with regard to *Erskine May* and his view of the motion, and I also wish to speak to matters of conduct with us as Members of this Legislative Assembly. However, in light of the hour I beg leave to adjourn debate.

MR. CRAWFORD: Mr. Speaker, I move that when the clock reaches 5:30, the Assembly agree to stop the clock for one-half hour.

MR. SPEAKER: The Chair will entertain that motion, Government House Leader, after the motion to adjourn debate as moved by the Minister of Career Development and Employment. Should that motion of course fail, then perhaps we could carry on.

Motion by the minister to adjourn debate: agreed?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?

SOME HON. MEMBERS: No.

MR. SPEAKER: The motion fails.

The minister perhaps would allow the motion by the Government House Leader to be entertained. The Government House Leader has moved a motion with respect to the time.

[Motion carried]

MR. SPEAKER: Please take note: till 6 p.m.

Minister of Career Development and Employment speaking.

MR. ORMAN: Thank you, Mr. Speaker. This matter has been dealt with at some length by both sides of this House, and I'm sure that you have given it great consideration. With regard to Motion 14, though, Mr. Speaker, I have done some research on my own, and I'd like to share that with this Legislature. I'd also like to share some of my views as a member of this Assembly and the conduct of members in terms of their role as elected members by the people of the province of Alberta.

Mr. Speaker, the discussion that I'd like to pursue this afternoon is contained in *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*. Without going into a great deal of recital from the various sections of that manual that deal with privilege, I'd like to simply point out that in simple words, and as has been identified by members of the Assembly, politicians cannot be molested or hindered or impeded in any way from serving the parliament to which they have been elected unless they have committed a criminal act. I'd like to refer to a committee of privileges in the United Kingdom, which puts it this way:

A Member of Parliament as such is not privileged from service of process.

If, therefore, he is immune from service of process within the precincts of the House, while the House is sitting, it must be in virtue of a privilege enjoyed by the House in its corporate capacity. If any such privilege is enjoyed by the House, while sitting, service of process within its precincts must constitute a breach of that privilege regardless of whether the person served is a member or merely a stranger.

In other words, the process server not only runs a risk of being charged with a breach of privilege when he attempts to serve an M.L.A. while the House is sitting, but runs the same risk if he tries to serve [one] if . . . in the precinct during a legislature session.

Parliament, under our system of government, has the unchallengeable right to govern without impediment of any kind, and packs great power to protect that right, if it should ever decide to exercise it.

We have identified in our research -- and I'm sure all members of this Assembly have identified in their research -- that there is considerable discourse in *Erskine May* and in various other authorities dealing with the matter of privilege. It is very clear in my view that in fact the rules are clear, and we in fact make the rules as legislators. We must at all times obey the rules. We are the ones that make those rules, and we must change those laws and those rules if in fact they do not meet the needs or if they're not current to the particular time.

We must recognize how we are selected as M.L.A.s in this Assembly. We are selected by a variety of ways, the first being in many cases through a record of service to our local communities, service at another elected level, or we are elected through support and work with a wide range of special interest groups. Most of all, Mr. Speaker, we are elected because we are perceived to have a high level of integrity, good judgment, concern for others, and a commitment to the community that culminates in their belief that we have an ability to make laws and make good laws. If we do not, we will soon suffer the wrath of the people that sent us here.

We must recognize that the laws that prevail in this Assembly and in other legislative jurisdictions are not always laws and rules which meet with our own personal judgment. Particularly in Alberta, we must deal with the regionality of the province, with the rural/urban split, with the north/south split, and with the east/west split. We all bring different perspectives to this Assembly. However, we do come into this Assembly with the understanding that we are allowed to provide our input to our colleagues on both sides of the House; we are willing to make the strongest case that we can for our arguments. If it results in a modification of a law or the generation of a new law, then in fact justice does prevail.

However, we must recognize that if we as legislators do not agree with individual presentations in this Assembly, it is very

important for us to take the high road and to accept the general will of this particular precinct. It is then important for us to empower the law, Mr. Speaker -- not just obey the law, but empower it. And when I say "empower it," it means that we must set by example a following of the current law of the land, and we must provide that following and that obedience of those laws at such a level that the people of Alberta respect those laws. For in fact if we do not respect those particular laws, we then set a bad example for the rest of Albertans, and the extrapolation is that in fact there will be a disinclination by the people of Alberta to follow the law. So it is very important for us to provide the power of those laws by our observance of them.

History deals with politicians, Mr. Speaker, who do not follow the laws of this Assembly, who do not recognize them and who will not obey them based on the position taken by previous members of this Assembly or the current members of this Assembly. It is unacceptable to the people of this province to show a disdain. I believe that Albertans, over and above any other Canadians, have a very strong belief and a support for the law. And again, as I stated, it is important for us to follow those laws and set good examples, we as legislators and as Albertans. If we do not support the laws, there are ways; if we do not support the rules of this Assembly, there are ways, and those ways can be changed in the absolute democratic process that exists here today.

Mr. Speaker, in summary I want to submit that we must act in a responsible way. Particularly with regard to the issue under Motion 14, it is my view that there has been demonstrated a contempt and a disdain for the actual workings and the laws that have prevailed, not only in this land but in the land of the United Kingdom from which we draw our precedents. And I do not believe that legal manoeuvrings or nuances or subtle interpretations of those laws are the way to handle this particular issue.

In my view, the rules are clear, the laws are clear, and we must empower them and we must respect them and to not respect them inside or outside of this Legislature, Mr. Speaker, I believe is one of the biggest mistakes, one of the biggest sins we can commit as legislators. We must empower the laws. If we are not satisfied with them, we must change them. I believe that in the case of Motion 14, Mr. Speaker, the latter is the case.

MR. SPEAKER: Member for Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Speaker. In rising to speak, I'd like to move an amendment which resolves that the Legislative Assembly refer to the Standing Committee on Privileges and Elections, Standing Orders and Printing whether and to what extent to recommend to the Legislative Assembly the following motion . . .

and then it goes ahead with Question 14, if I may give copies for distribution.

In speaking to the amendment, Mr. Speaker . . .

MR. SPEAKER: The Chair keeps the option open as to whether or not a motion to refer to committee is debatable and assumes so under Standing Orders. Please continue.

MR. TAYLOR: Speaking to the amendment, certainly as we've heard over the . . . you might say, months -- maybe not that long but weeks -- and all the opinions we've heard on all sides of the House, it is a very complicated issue. What we have to decide here, in effect, if we stay with the original motion, is asking the

House, with very little input, to go ahead.

I'd like to quote, first of all, a question of privilege, *Beauchesne*, section 20(4). Referring to the United Kingdom House of Commons, it says:

As Parliament has never delimited the extent of privilege, considerable confusion surrounds the area. Well, that's an understatement, as we've seen here on the privilege.

Recourse must therefore be taken, not only to the practice of the Canadian House, but also to the vast tradition of the United Kingdom House of Commons.

Then going on further, Mr. Speaker -- I lost my notes here for a minute; if you'll be patient with me -- also using *Beauchesne*, sections 85 and 86, it says:

85. A complaint of a breach of privilege must conclude with a motion providing the House an opportunity to take some action.

This has happened here. But then it goes on to say that that action is normally . . . and I underline "normally"

. . . the reference of the matter to the Standing Committee on Privileges and Elections for examination.

Therefore, Mr. Speaker, in my opinion, if we are to do justice by this matter -- and it is a complicated matter. We have had some precedents in this Legislature before on a question of precedents, because the question of using French by the hon. Member for Athabasca-Lac La Biche was referred to the privileges committee, which is in the process now of hearing witnesses and looking at the whole area. I submit to the House that there would be something that would stand to guide the House and the members in years and years ahead if this was done thoroughly and thoughtfully in the privileges committee.

Thank you.

MR. SPEAKER: Hon. Member for Calgary Buffalo on the amendment.

MR. CHUMIR: Thank you, Mr. Speaker. I know we're all stunned by the rapidity of events which have culminated in our presence here today. I believe the motion was originally set down on May 6, and we're into a chapter in what has become the longest saga in North America since *Dallas*. I've been trying to press this matter on on a daily basis, and I'm delighted we're able to get it on and regretful at the shortness of time available.

I might note in my preliminary comments that the hon. minister of career development and manpower talked fulsomely about respect for this institution and respect for law of the land, which I believe I have noted in comments earlier smacks of chutzpah, which, as I've noted before, is defined as an individual who kills his parents and then appears before the court and pleads for mercy because he's an orphan. It hardly stands in the mouth of the minister to speak of respect for law, because it's our concern for the disrespect which has been shown for the law that has led to our actions and our being here today.

Now I'm going to be somewhat lawyerly with respect to this issue. The matter is legalistic in nature, and if we first note that the matter relates only to the issue of service of the statement of claim, the matter of the point of privilege, and not to the silly statement in the minister's letter which would have us think that it is a breach of privilege simply for a member of this House to complain about government illegality in the House, nevertheless, even with that limitation the matter is a complex one, and

our amendment is based on the view that it's totally inappropriate for this House to hustle through an unconsidered decision on this issue. It smacks of being told that I'm going to get a fair trial and then they're going to hang me. The proper course is to send this matter to the Committee on Privileges and Elections where it can be dealt with thoroughly and with proper reflection, and I'm going to deal with some of the need for that thoroughness and reflection.

The Member for Westlock-Sturgeon has already referred to *Beauchesne*, section 85, which noted that the normal procedure in these matters is to refer the matter to the Standing Committee on Privileges and Elections. Exceptions might be made in simple and obvious matters, but this matter is neither simple nor obvious. Indeed, we find from paragraph 66 of *Beauchesne* that it's the practice in the federal House not to treat these services of this nature to be breaches of privilege. We have *Erskine May*, which the minister of career development and manpower indicated discourses openly and freely and voluminously, he implied, with respect to this subject. The reality is that it hardly mentions it. It talks voluminously about freedom from arrest, but you have to look to veritable footnotes to find anything dealing with this matter and then only very, very briefly.

Cases are cited. We have heard from the noted attorney and legal scholar, and the minister of career development will undoubtedly hear from his partner in law the Provincial Treasurer about their views on the practice of the English Parliament. The minister of career development and manpower referred to his having done some research and expressed the assumption that other members of the House would have done the same. Well, let's get real. I mean there isn't another member on the government side other than the Provincial Treasurer that has cracked a book about this tiling. What's happening is that the whip has been cracked. These members would rather be in Philadelphia, as W.C. Fields said. However, if I'm wrong, I'd be interested to hear how many members of this House have read any other background material from the English Parliament. Note the roars of "Me; aye, aye." Where is the learned brief from Parliamentary Counsel dealing with these cases? I don't see the government members having presented anything on this.

Now, we have a recent Ontario situation which was referred to in the *Globe and Mail* of May 1, and I have a copy of that decision here which I would file with the House for posterity. It's a report of the Ontario Standing Committee on the Legislative Assembly, and it deals with a case of service of a libel action in the committee room of the Legislature upon a member. It was decided in that case that indeed a breach of privilege did take place, but no action was taken by the Legislature in those circumstances. The decision in that instance was that members should not be served within the precincts of the House, but I might note that it was specifically based on section 38 of their legislation, which states, and I quote:

Except for a contravention of this Act, a member of the Assembly is not liable to arrest, detention, or molestation for any cause or matter whatever of a civil nature during a session of the Legislature or during the 20 days preceding or the 20 days following a session.

Well, it's much more enlarged and much different than the section we are dealing with, which is section . . .

MR. SPEAKER: Order please. Just a moment. The Chair is having some difficulty with the latitude of the discussion because the issue before the House at the moment is the amendment which basically is to refer to the committee. Perhaps the

balance of the comments could come back to the point as already made with the reference to the committee.

MR. CHUMIR: The importance of referring the matter to the committee is totally based on the complexity of the issue, and that point has to be made. If this were a simple matter, it would be of no consequence. But this Ontario decision deals with some subtleties, some of which are present here.

So with concern for the time, the bulk of my comments, I might note, Mr. Speaker, will be with respect to the amendment and will be somewhat shortened with respect to the main substance of the motion. But I believe it's fundamentally important to point out how justifiably justifiable this amendment is and how wrong the procedures of the government in proceeding in this hasty and unconsidered way are.

Section 10(2), if interpreted in a parallel manner to the Ontario decision, would mean that members of the Assembly could never be served with legal process under any circumstances whatsoever, not just in the precincts of the House. That may be a good idea, but it doesn't make good social policy. So this Ontario decision adds another layer of complexity to the matter, and it states very clearly at page 9 of the decision that there is a great deal of uncertainty with respect to the rules in this area, a matter that none of us can deny. At page 9, I quote, the report states:

The committee is of the opinion that sufficient uncertainty exists with respect to the interpretation of section 38 of the Legislative Assembly Act that the section should be repealed and provision made to specifically prohibit the service of civil process upon any person in the Legislative Building, in any room in which a properly constituted committee of the House is meeting while the committee is meeting away from the seat of government, and in the legislative office of a member which is not located within the Legislative Building. In the latter case, such an office would not include the constituency office of a member but would include a member's office in the Whitney Block or in a similar office assigned to a minister of the Crown or a parliamentary assistant.

Well, the need for clarification is the point that was being made by the committee in that comment and that is a matter which is very definitely pertinent in this instance. But in that comment they also raised another complexity which is here, and that is the question of service in office of members. Because we have here two situations, one of which dealt with the service, by myself, of the Provincial Treasurer in his office, and it requires particularly thoughtful consideration as to what the scope of the precincts of this House actually are. And there's an additional complication that in this instance the service was by myself, as a member upon a member, in a suit against the Crown. No strangers invaded our precincts, which tends to be the basis of some of the precedents upon which the members rely, and there's a question as to what extent this is relevant.

So there is manifest uncertainty about the rules of the House on this matter, I would suggest, Mr. Speaker, and if this House is going to subject members to this kind of proceeding, it has a duty to deal with the matter fairly and thoroughly. Otherwise, there is a duty on them to follow, I would submit the procedure in the federal House, which is not to treat this as a breach of privilege.

I must say personally that I was astonished to hear that a breach of privilege was in fact involved in my service of the

minister. I had no knowledge of such a privilege. I'd be interested to hear other members' views. Were they aware of such a breach of privilege? It was certainly not my intention to flout the privileges of this House. Service would not have been effected in the manner in which it was had clear information been provided to members of this Assembly that such service is considered to be breach of privilege. Such clear information was not and is not available, but . . .

MR. SPEAKER: Hon. member, the Chair hesitates to interrupt again, but does draw the member's attention back to the substance of the amendment, which is to refer to the committee.

MR. CHUMIR: Well, again, there must be some justification to refer. It's certainly not based simply on my taste buds, Mr. Speaker; it's based on the complexity of the matter, and I feel it merits discussion, as this is a matter which was raised by the members opposite. They described it as serious and urgent some six weeks ago . . . [interjection] if there would be some indulgence, I'll be through shortly.

In any event the issue is whether or not we do have such a privilege in this House. The federal practice is against such a privilege. I believe that this House is not a proper forum to decide . . .

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

MR. SPEAKER: The hon. minister of telecommunications: point of order.

MR. YOUNG: Mr. Speaker, on a point of order. There is a rule of relevance, and the hon. member well knows it. He should be speaking, I submit, to the narrow point of referring to the committee. If not we should get on with the business of the House.

MR. CHUMIR: Our senses of relevance differ, because I consider it highly relevant. I think it's the sense of timing which now differs. I've pressed, first for some six weeks on a daily basis, asking: when is this going ahead? But in any event my submission is that the matter should go to the Committee on Privileges and Elections. *Beauchesne* provides for complex situations. In fact, rule 86 states that:

It is customary for the Law Clerk and Parliamentary Counsel to present a brief and to assist the Committee [on Privileges and Elections] in reaching its conclusion. If this House approves the motion, it will be proceeding without such assistance.

We have other lawyers in this House who I'm sure will agree with me that to deal with this matter on this hasty basis is a process fraught with the potential for error and injustice. The ministers have constantly said this is a serious matter. Why, then, are we proceeding in a manner which doesn't even give the barest opportunity for sober second thought which should be the uppermost consideration? I believe the House would be wrong to proceed on an important matter like this, to deny itself the benefit and the opportunity of reflection on this important issue. This is the wrong procedure.

HON. MEMBERS: Question.

MR. SPEAKER: Call for the question on the amendment. Those in favour of the amendment as proposed by the Member for Westlock-Sturgeon, please say aye.

[Motion on amendment lost]

SOME HON. MEMBERS: Question.

MR. SPEAKER: Call for the question on Motion 14. Those in favour of the motion? [interjections]

The member had already spoken to the motion. Check the records. One half moment. On the main motion, the Member for Calgary Buffalo had not spoken previously.

MR. CHUMIR: I have at most five minutes on this. Perhaps . . .

MR. SPEAKER: Order please. The Chair recognizes the previous motion. The House will rise at 6 o'clock.

MR. CHUMIR: I've given many of my arguments in dealing with this matter, and I simply repeat the practice of Parliament in *Beauchesne*. Insofar as an apology is concerned, I made it clear to this House that while I am arguing for the practice in the federal Parliament, my actions in serving the minister were based on a perception of my duty to the people of this province in carrying out my job, and there was no intention to breach the privileges of this House.

So in conclusion, Mr. Speaker, I would suggest that the actions of the government in not allowing the debate of the expenditures and otherwise are far more serious than any alleged breach of privilege and that this motion should be defeated.

MR. SPEAKER: The proposer of the motion, the Provincial Treasurer, concluding remarks?

SOME HON. MEMBERS: Question.

[Motion carried]

MR. SPEAKER: Did the Chair understand the Member for Calgary Buffalo to say the member would not be in the attendance of the Assembly either this evening or tomorrow?

MR. CHUMIR: That is my intention.

MR. CRAWFORD: I was wondering if the member would want to reply to the motion now, and then I will move that the Assembly rise and adjourn until tomorrow at 2:30.

MR. CHUMIR: I'm sorry. I missed the . . .

AN HON. MEMBER: Do you want to reply now?

MR. CHUMIR: It's a surprise to me, Mr. Speaker, that the House did not agree with the very sensible amendment we presented, and I would prefer some time to think over my reply. Thank you.

[At 6 p.m. the House adjourned to Wednesday at 2:30 p.m.]

