

**LEGISLATIVE ASSEMBLY OF ALBERTA**Title: **Wednesday, June 17, 1987 2:30 p.m.**

Date: 87/06/17

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

[Mr. Speaker in the Chair]

**PRAYERS**

MR. SPEAKER: Let us pray.

As Canadians and as Albertans we give thanks for the precious gifts of freedom and peace which we enjoy.

As Members of this Legislative Assembly we rededicate ourselves to the valued traditions of parliamentary democracy as a means of serving our province and our country.

Amen.

MR. SPEAKER: The Chair would depart from tradition just briefly, on behalf of all members of the Assembly I'm sure, to give best wishes and greetings to the member who has served on behalf of Little Bow constituency for 24 years as of this date. [applause]

MR. R. SPEAKER: Mr. Speaker, on that privilege that you've allowed me at this time to say a few words . . . [interjections] I don't know where it says that in the rules, but . . . [interjection] That's right.

I'd like to say these two things, Mr. Speaker. First of all, a thank you to Albertans and specifically the constituents of Little Bow for giving me that honour to represent them for 24 years as of today. That day, June 17, 1963, only seems like yesterday, but so many things have happened that I could enumerate, and I think many positive things for the province of Alberta and people in groups and as individuals.

I have thought over the years many times -- and I remember this in my first few years of politics. I read the statement of Will Rogers where he said, "I haven't met anyone that I haven't liked." And I would have to say with sincerity that no matter what political persuasion, no matter what attitude, no matter what problem, I found that people all had goodness in them and wanted to contribute something and do something good, either for the community or themselves or the broader Alberta society as a whole. Even those people that may at times have been rather 'agitants' in terms of pursuing some goal with you as the M.L.A. -- you always found, as you waited and watched and understood their objective, that it was a good objective, and they did it with sincerity and honesty. On that basis you always felt that you liked those people.

I hope that in my trail through 24 years of politics I have left that same feeling with other people, that they appreciated what I have done and I have left a good relationship with them in my history of 24 years.

So, Mr. Speaker, thank you for the honour to say that, and I'll try not to be any further loquacious and unbearable to the

group.

Thank you. [applause]

head: **INTRODUCTION OF BILLS****Bill 60**  
**Labour Code**

DR. REID: Mr. Speaker, I request leave to introduce Bill 60, being the Labour Code.

Mr. Speaker, this Bill has as its basic principles fairness and equity. It embodies provisions to develop the commonality of interest of employees and employers through communication and education. The employment standards that are included in it are enhanced in a number of areas. In free collective bargaining there is support through a new bargaining structure with enhanced mediation and a cooling-off period.

Mr. Speaker, this Bill will not proceed further at this sitting of the Legislature, as members would know. It will be sitting out over the summer for input, and I will receive that input with gratitude from all who care to give it.

[Leave granted; Bill 60 read a first time]

**Bill 59**  
**School Act**

MRS. BETKOWSKI: Mr. Speaker, I beg leave to introduce Bill 59, the School Act.

The Bill is the culmination of over two years of work in reviewing all aspects of the current legislation and sets out the government's plan for laying a firm new foundation of Alberta's education system as we approach the 21st century.

Mr. Speaker, this legislation is unique. It is unique in the manner in which it was developed through an unprecedented process of public involvement and participation. It is unique in that it reflects a clear set of underlying principles that focus on the student and reflect the values of Alberta society. Finally, it is unique because it reflects Alberta's leadership role by providing a visionary framework of social policy for the future in a vital area: the education of young Albertans.

[Leave granted; Bill 59 read a first time]

MR. SPEAKER: Edmonton Kingsway.

**Bill 235**  
**Alberta Economic Council Act**

MR. McEACHERN: Thank you, Mr. Speaker. I have two Acts I would like to introduce today. The first that I would like to move first reading on is Bill 235, the Alberta Economic Council Act.

This Bill would establish a 30-person Alberta economic council composed of representatives of the various sectors of Alberta's economy. The council would be charged with advising and recommending to the government strategies and policies by which Alberta can achieve the highest possible levels of employment and efficient production to bring about a high and consistent rate of economic growth, by which all Albertans may share in rising living standards.

[Leave granted; Bill 235 read a first time]

**Bill 247**  
**Provincial Pensions Liability Reporting Act**

MR. McEACHERN: Mr. Speaker, I also request leave to introduce for first reading Bill 247, Provincial Pensions Liability Reporting Act.

This Bill would require that the province's financial statements carry an annual report of the valuation of its pension plans and their unfunded liability. As well, a complete actuarial valuation of each pension fund would have to be done and reported once every three years.

[Leave granted; Bill 247 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. CRAWFORD: Mr. Speaker, I have for tabling the financial statements as of December 31, 1986, of the Special Areas Trust Account.

MR. ROSTAD: Mr. Speaker, I am pleased to table today a document containing proposals to implement a resolution concerning an amendment to the Alberta Act, a document entitled Implementation of Resolution 18. In so doing, I would ask the Legislative Assembly to recognize the co-operative efforts of the Alberta Federation of Metis Settlement Associations in the preparation of the proposals.

Thank you.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. TAYLOR: Mr. Speaker, it's my pleasure today to introduce 27 grade 10 students from the centre of my constituency, the Legal school, accompanied by their teacher, Miss Rosie Ryl. They're seated in the members' gallery, and if they would stand now, we would give them the traditional welcome of the Legislature.

MR. SPEAKER: Stony Plain.

MR. HERON: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the members of the Assembly, 79 grade 6 students from the Queen Street elementary school in Spruce Grove. They are accompanied by four teachers: Mr. Lindsay Peet, Mr. Don Sinkwich, Mrs. Carmen Mykula, and Mrs. Shirley Hill. They are seated in the public gallery, and I ask that they stand and receive the traditional welcome of this Assembly.

MR. ROSTAD: Mr. Speaker, it gives me great pleasure today to introduce to you and through you to the Assembly a number of the leaders of the Federation of Metis Settlement Associations. They're located in the Speaker's gallery, and I would ask as I call out their names that they stand and be recognized by the House. Mr. Randy Hardy is the president of the federation; Mr. Lawrence Cunningham is the vice-president; Mr. Richard Poitras is the treasurer; Mr. Walter Anderson is the secretary; Mr. Kevin Stringer is the executive director. With them also is the chairman of the Buffalo Lake settlement, Horace Patenaude, and Mr. Harold Blain, who is a councillor. From the Elizabeth settlement is Mr. Archie Collins; from the Fishing Lake settlement, Billy Parenteau; from the Paddle Prairie settlement, Albert Wanuch; from the Kikino settlement, Councillor Dean Thompson; and their legal advisor, Fred Martin. I'd ask now

that they all stand and receive the warm welcome of the Assembly.

DR. REID: Mr. Speaker, last summer and fall and into the depths of an Alberta winter nine very busy and active Albertans served Alberta very well on the Labour Legislation Review Committee. The fruition of all their efforts I introduced at first reading this afternoon.

This afternoon there are two representatives of those nine people, and typical of them, the other seven were too busy to make it. Seated in your gallery are Mr. Joe Berlando and Mr. Bud Coutts. I'd ask them to rise and receive, on behalf of all nine members, the recognition of the Assembly.

MR. SPARROW: Mr. Speaker, this afternoon I'm pleased to introduce to you and to members of the Assembly, 15 grade 6 students from the Sacred Heart school in Wetaskiwin. They're accompanied by their teacher, Miss M. Murphy. They are seated in the members' gallery, and I ask them to stand and receive the warm welcome of the House.

MRS. BETKOWSKI: Mr. Speaker, seated in the members' gallery are the chairmen of the Edmonton public and separate school boards, here for an important day in our Legislative Assembly. I would ask Mr. George Luck and Mrs. Alice Gagné to please stand and receive a warm welcome from this Assembly.

MR. SPEAKER: Edmonton Centre, then Minister of Education.

REV. ROBERTS: Thank you, Mr. Speaker. I'd like to introduce a dear elderly friend of mine who's here visiting with us today. Mr. Laskey has, as a dominion certified chef, not only cooked up a number of good things for the people of Alberta but a number of good community services that he's provided throughout his years. Mr. Laskey is in the public gallery, if he'd please stand and receive the warm welcome of the members of the Assembly.

MRS. BETKOWSKI: Mr. Speaker, I would also like to introduce two people who have been very instrumental in the development of the School Act and the whole public information process. One is Mrs. Sandra Smith, the School Act counsel, seated in the members' gallery along with her two sons Bradley and Kevin. She is accompanied as well in this order by my deputy minister, Dr. Reno Bosetti. I would ask the four of them to rise and receive the welcome of this Assembly.

head: **MINISTERIAL STATEMENTS**

**Department of the Solicitor General**

MR. ROSTAD: Mr. Speaker, on June 3, 1985, this Legislative Assembly passed a resolution concerning an amendment to the Alberta Act, commonly referred to as Resolution 18. This resolution committed the province of Alberta to transferring in fee simple, with certain exemptions, the Metis settlement lands to appropriate Metis corporate entities and to the entrenchment of these lands in the Constitution through an amendment to the Alberta Act.

Mr. Speaker, the document tabled earlier today, Implementation of Resolution 18, is the next to last step toward the realization of Resolution 18. The document was co-operatively prepared by the government of Alberta and the Metis settlers and

recognizes the commitment made by Premier Getty in his March 1987 address to the First Ministers' Conference on aboriginal rights when he stated:

... we remain committed to reaching a resolution that satisfies their desire for territorial integrity and allows us to fulfill our provincial responsibilities. We believe, with good efforts on both sides, that this can be concluded in 1987.

Mr. Speaker, there are three components to the document a revised Metis Betterment Act to be known as the Metis settlements Act, a proposal to transfer the land by means of letters patent, and a proposed amendment to the Alberta Act.

Mr. Speaker, it is and has been for some time the position of the government of Alberta that self-determination for Alberta's native peoples can be achieved in Alberta by Albertans working together. The Implementation of Resolution 18 document explicitly maintains provincial jurisdiction and responsibility for the Metis settlements. This is a principle firmly believed in by both the Metis settlers and the government of Alberta.

Mr. Speaker, the realization of Resolution 18 commitments will be the result of a lot of hard work. I would like to acknowledge the efforts of some of those who have participated in the process to date. First of all, I think that all those involved would recognize the contributions of the Hon. Neil Crawford. The hon. member's longstanding commitment to the Metis settlements and native Albertans in general is well known. His efforts were and are an example to everyone. The members of the Alberta Federation of Metis Settlement Associations also deserve the highest praise. The current executive of the federation of Metis settlements deserve special mention. They are Mr. Randy Hardy, president of the federation; Mr. Lawrence Cunningham, vice-president; Mr. Walter Anderson, treasurer, and Mr. Richard Poitras, secretary.

Mr. Speaker, the Implementation of Resolution 18 proposal should not be regarded as the irrevocable position of the government of Alberta or the federation of Metis settlements. The proposal has been prepared and initiated on the basis that it is one means of realizing the principles to Resolution 18. Today the government of Alberta is in effect seeking the participation of all Albertans in this unique and significant effort. Resolution 18 was a statement of intent. The Implementation of Resolution 18 document is a manifestation of that intent, not only by the members of the settlements but by the government of Alberta.

Thank you, Mr. Speaker.

MR. MARTIN: Mr. Speaker, back on June 3, 1985, when this was brought through, government members that were here at the time will recognize that we certainly supported the government at that particular time in Resolution 18, because it made a lot of sense, and it had been worked on by the people that were affected.

Mr. Speaker, I have to say at this particular time that we're glad that finally in 1987 we seem to be moving ahead, although I have to question how far ahead because it seems we're just in the process again of talking about it. I would just say to the hon. minister: certainly we support this ministerial announcement today, but there is a fair amount of frustration at how long it seems to be taking. And I hope, as he says, that this can be concluded in 1987, because I think it's gone on long enough. I suppose that if this is done in 1987, it will be a credit to the government.

Mr. Speaker, I'd hope, though, that without prejudice they are still looking at such things at subsurface rights and that this

is part of the government's plans, because that's what ownership frankly means. But I want to say that we will watch and hope that it's done in 1987. I don't want to have to wait till 1988, 1989, and 1990. I think the people have been waiting long enough, certainly the people that are affected. In the spirit of generosity, I would say perhaps this government could start to look a little differently in the constitutional talks about aboriginal rights, because Alberta, along with B.C. and Saskatchewan, is getting a reputation that isn't particularly good as far as this whole area goes.

Thank you.

head: **ORAL QUESTION PERIOD**

### **Constitutional Accord**

MR. MARTIN: Yes, Mr. Speaker. I would like to direct the first question to the Premier. I understand the Premier is scheduled to make a statement today regarding the Constitutional Accord. My question to the Premier: will he give his assurance that he will not impose a rigid timetable for ratification by the Legislative Assembly, especially because he has refused to hold public hearings?

MR. GETTY: Mr. Speaker, in most cases like this the House determines what happens, and we'll certainly give all the flexibility necessary. As most members know -- I know I've expressed, I believe, the feelings of most Albertans -- this Legislature and our democracy is the place where we have the most important public hearings, and this resolution will be debated here and take all the time necessary for all the members to have input into it.

MR. MARTIN: Well, a supplementary question, Mr. Speaker. We're trying to get to the timetable. Maybe we're going to do this debate today; I'm not sure. I'm sure the Premier appreciates that any statute is going to be interpreted by judges once it becomes law, and this particular Constitution is no exception. But it will be very hard to amend, and I want to come back to this. Is the Premier totally satisfied that a deal worked out on an all-night bargaining session can be etched in stone to be interpreted only by nonelected judges? Is he absolutely sure of this document, and that's why we're not going to have public hearings?

MR. GETTY: Well, Mr. Speaker, I have dealt with that before, and I think there were two questions, more or less, in the hon. member's statement. It's my intention today to move the resolution and adjourn debate before completing my remarks and give to the House some of the background information that led to the document and the resolution that we have before us.

The second answer, to the "etched in stone" comment, is only to say that Alberta doesn't enter into important documents like this lightly. We have the best advice we possibly can get, and then we sign something and we feel bound to those things we sign. Nevertheless, as I've said in the House before, should there be something that becomes obvious to first ministers, some error -- a major, tragic error, some horrible mistake -- obviously we would meet together to correct that.

I think hon. members would also appreciate that if you had 10 separate documents coming forth -- the constitutional amendment procedures in our country have already determined that that can't happen, that the same document must be passed

by every Legislature. Therefore, you could hardly have them all being amended and changed throughout the country and then try and put them all together again. I think only realism would show that that isn't going to be the way to do it. Nevertheless, in our Legislature we intend to take all the time necessary to get input from the peoples' elected representatives here in the House.

MR. MARTIN: Well, a supplementary question. It seems to be a bit contradictory. We can't change it, yet we're going to get input, Mr. Speaker. Again, I say that with something as basic as the Constitution we should take our time; there shouldn't be a rush on this, Mr. Premier. If it's as well thought out as you say it is, then why not hold the public hearings and the people will certainly support you.

The Premier said the only way that there might be a change -- I think he said a "tragic error" or "horrible mistake." I want some clarification. Could the Premier indicate to us what would constitute a clear, horrible mistake in the accord that would at least cause them to consider public hearings?

MR. GETTY: The very question is hypothetical, but I'd only say that it would be a matter of judgment. All of these things are. We would judge, I'm sure, among the first ministers whether it was that type of an error, and then we would get together to correct it.

MR. MARTIN: Well, a supplementary question, Mr. Speaker. May I suggest one error that we could look at and ask the Premier: would he advise whether he has any explanation why the question of aboriginal rights is not included in the list of agreed-upon agenda items for constitutional conferences which are provided for in the accord? Surely if we can do it for the Senate, we should be able to do it in aboriginal rights till we get an agreement.

MR. GETTY: Well, Mr. Speaker, even constitutional amendments can only be dealt with when there is a certain time and place, a will, a political desire, and the conditions are right to do it. The last constitutional amendment was in 1982. That amendment provided for a series of constitutional conferences on aboriginal rights. There have been, I think, some six or seven such meetings -- certainly of ministerial and first ministers' meetings -- and they came to a lack of conclusion because some of the provinces wanted to have aboriginal rights defined before entrenching them in the Constitution.

Therefore, it's the judgment of the Prime Minister, as chairman of the first ministers, that it is not now the time to immediately start again on those procedures, but rather to let the effect of the other discussions settle in, let people consider how they might define those rights, and then at some appropriate time once again call a meeting on aboriginal rights. In this accord it provides for the constitutional meetings on Senate reform, which this House has unanimously backed, and fisheries, which was agreed to by the first ministers, and such other matters to be agreed upon. I would expect that sometime we will have aboriginal rights as one of those matters.

MR. TAYLOR: Mr. Speaker, a supplemental to the Premier. It is indeed lamentable that he can't seem to open his mind to public hearings, because he's often showed an impartial attitude in the past, openness, and putting this under party discipline doesn't seem correct.

But anyhow, Mr. Speaker, would the Premier covenant to give the House any of the research documents on this subject that may have been done internally in the party in preparing his stand on this and also submit or release to the public any hearings or submissions he may have from interested bodies or the government may receive from interested bodies so that the House can indeed make the decision as open as he wishes it to?

MR. GETTY: Mr. Speaker, I would have to review what material there is, because often material is presented to the government with no intent that it be made public. For my part it may well be that we can consider some items, and I would ask the hon. Minister of Federal and Intergovernmental Affairs and the Attorney General to see if there are such items that might be provided to members. But with relation to hearings, the onus is really on MLAs. MLAs meet with their constituents and then represent them here in this Legislature. Certainly this is the place that they were elected to do that job, and I think hearings would just detract from an MLA's responsibility.

MR. SPEAKER: Red Deer South, supplementary.

MR. OLDRING: Thank you, Mr. Speaker, a supplementary to the Premier. I know what difficulties the accord must pose for the NDs, who want to see all that power retained in central Canada, but now they're even trying to suggest that the accord is being rushed through. Could the Premier please advise the Assembly just how long this accord has been in the making? It hasn't been after just a 19 and a half hour meeting. It's gone on for a considerable period of time. Could the Premier advise us just how long it has taken?

MR. GETTY: Well, certainly, Mr. Speaker, once Canada had a Constitution -- and one that was so severely flawed that it was not supported by one of the governments of Canada, and some 6 million to 7 million people in Canada were not covered by that Constitution by their government -- I think at that point a procedure started of work to try and correct that flaw.

Now, on a more direct basis, I'm sure, over the last several years there have been constant meetings, probably coming together -- and I could mention this later when moving the resolution -- as focusing a start in the Premiers' conference here in Edmonton last August when we put out the Edmonton declaration. I think the momentum has gone on from there.

I recognize sometimes the role of opposition, which is: if you don't find anything wrong with something, at least try and delay it and call for hearings or something. Nevertheless, Mr. Speaker, I think the Legislature here is the place. We're all going to get a chance to deal with it and, I hope, very effectively.

MR. SPEAKER: Before the Chair recognizes the Leader of the Opposition for the second main question, the Chair would draw attention to *Beauchesne* 359(12):

Questions should not anticipate a debate scheduled for the day, but should be reserved for the debate.

The Chair has allowed this flow of questions to continue on this occasion, bearing in mind that the Chair assumes that the Leader of the Opposition did not know that the other motion was to be debated this afternoon.

MR. MARTIN: It's not to be debated.

MR. TAYLOR: He said he'd move adjournment; how could we

debate it?

MR. SPEAKER: The Chair is entirely pleased that some members have also pointed what the Chair was going to point out to the House. Leader of the Opposition.

MR. MARTIN: Thank you, Mr. Speaker. I'd like to designate my second question to the Member for Edmonton Beverly.

### Education Funding

MR. EWASIUK: Thank you, Mr. Speaker. My question is to the Minister of Education. Last night the Calgary school board learned of yet another sneak attack in cutbacks which will be forced onto their budgets by this government. Long after they had thought that the budget process had been completed, the department announced reductions in the discounts available for school textbooks ordered from the province from 40 percent to 25 percent.

Can the minister confirm that this decision amounts to a 15 percent increase in textbooks to the schools, and will she confirm the Calgary superintendent's statement that it will cost school districts hundreds of thousands of dollars more in addition to the previous cuts already made by the department?

MRS. BETKOWSKI: Mr. Speaker, I would like to have an opportunity to take the question as notice. But I would say that the textbook subsidy that the province has in place has been maintained at the \$2.1 million mark between 1986-7 and 1987-8. But with respect to the specific discount on textbooks, I will take the question as notice and report back to the hon. member either when the House is sitting or by letter.

MR. EWASIUK: Mr. Speaker, in light of that response the minister may want to check out that the budget for books for the school board district was \$2.2 million. This increase amounts to some \$300,000. The real difficulty here is that the school board didn't learn of this increase until after they had ordered their books. Does the minister have any idea where these funds are going to come from?

MRS. BETKOWSKI: As I said, Mr. Speaker, I will take the question as notice and check into the particular issue which the member has raised.

MR. EWASIUK: Mr. Speaker, the minister has indicated during this session of her intent to develop a co-operative attitude with the school boards and the trustees. I wonder is this an example of the kind of co-operative relationship she proposes to have with the school boards?

MRS. BETKOWSKI: Mr. Speaker, I do work co-operatively with school boards. It's certainly a major tenet of the way the Minister of Education currently and the Minister of Education in the past, in my view, have always striven to operate.

With respect to a particular discount with respect to a particular board, I will look at the matter, and I will respond back to the hon. member.

MR. EWASIUK: Well, Mr. Speaker, here once again the province has been ordering cutbacks in education which the trustees will be forced to implement upon the students in their school systems. Will the minister develop a budgetary framework

which will allow the school trustees to plan quality school programs without the constant fiscal warfare the government has indulged in this year?

MRS. BETKOWSKI: Well, Mr. Speaker, given that the province funds over 60 percent of the cost of education in this province, it would be rather difficult to give to school boards the complete fiscal responsibility for a jurisdiction which is constitutionally the exclusive jurisdiction of the province.

MR. TAYLOR: Mr. Speaker, a supplementary to the minister. The minister's 3 percent cuts have now moved out on an overall, school boards tell me, of very close to 10 percent -- 40 percent on community schools, 25 percent on the books. The minister is using a backhanded, underground method to cut budgets by 10 percent when the Treasurer and his fat cats are bragging about the price of oil and the amount of money he's making. Is there any consultation, or is there any limit to what this department will do when it continues in the cutting? Is this an end to it, or are there some more sneakies that you've got hidden in your kit bag?

MRS. BETKOWSKI: Mr. Speaker, I'm delighted to speak to the unprecedented role which the Department of Education and which education plays in terms of priorities within this budget this year. The reduction in the general grants which affect all students were decreased by minus 3 percent, and that of course will not take effect until September 1, 1987. Some grants were maintained at the same level, as is the case of the special education grant. Some grants were even increased, which is the case in the equity grant. No, there was not an across-the-board decision with respect to all grants in the department. Philosophically I have a problem with that kind of a move because basically it says that all of the grants in education -- and there are over about 35 of them -- have exactly the same impact on students, and that is not simply the case.

There was a prioritizing of those grants. It was done in a very systematic way. That was a decision I made then and I will continue to make now. The impact on a school board will vary, but we have built a means in through equity and through contingency funding to address an extraordinary need within a school district.

But is it consistent across the province? Yes, in terms of how the grants were reduced, it is exactly consistent across the province. There is no change in the announcement I made in January as opposed to March 20, as the hon. member indicated.

MR. SPEAKER: Main question, leader of the Liberal Party.

### Suffield Block

MR. TAYLOR: My main question, Mr. Speaker, today is to the Minister of Energy. The background: in 1975 the Alberta Energy Company acquired mineral rights from the province to the Suffield Block, a thousand square mile piece of land north of Medicine Hat for a total of \$54 million plus a net profit interest down the road. Now, just the other day -- or actually at the tail end of last year -- the minister suggested . . .

MR. CAMPBELL: Question.

MR. TAYLOR: Somebody inoculated the Member for Rocky Mountain House with a gramophone needle.

To get back to the Minister of Energy, they announced that net profit interest had been sold for \$51 million, scattered out over the next few years, whereas many people evaluate that to be conservatively estimated at \$100 million, progressively conservatively estimated at \$200 million, liberally estimated at \$400 million. It was sold, Mr. Speaker, for \$51 million. [interjections]

MR. SPEAKER: There is a question? Good.

MR. TAYLOR: Was there any independent evaluation made before this huge gift was given to Alberta Energy Company?

DR. WEBBER: Well, Mr. Speaker, what an excitable man. He was so excited I wasn't sure what point he was making or even the question he was asking.

However, when rights were sold to Alberta Energy Company back many years ago, the government did want a payment for that. There were negotiations that took place, and the Alberta Energy Company did make a payment. However, an agreement was made with respect to payout down the road, and many years later the Alberta Energy Company approached the government with respect to wanting a buyout with respect to Alberta's net profit interest in that. The Department of Energy certainly did evaluate the situation in terms of what type of payment should be made to the government, and there was a difference in opinions with respect to what that amount should be.

But with respect to negotiations that took place, the final settlement occurred in the past year, with payments to be made in three different installments: one payment last year, one coming up in September of '87, and two more payments in '88 and '89.

MR. TAYLOR: Mr. Speaker, it's almost unbelievable that something worth \$50 million to \$300 million was not evaluated. To the Minister of Energy. Was there any effort made to get competitive bids for this net profit interest, or were the only negotiations that took place with Alberta Energy? Why were there no bids entertained for this parcel?

DR. WEBBER: Well, Mr. Speaker, first of all, the hon. member is wrong in that there was an evaluation. I indicated that we had an evaluation by the government. Also, obviously the other parties had an evaluation done from their perspective. As I indicated, back in the days when the rights were sold, the government wanted a particular payment to be made and in the negotiations settled for an initial payment plus a contract which related to involvement in a net profit interest. My previous answer, I believe, answers the questions, in that negotiations resulted as a result of the difference in opinions between the two parties on the evaluations, and a settlement was finally made.

MR. TAYLOR: Didn't it occur to the minister to offer something of this value out for competitive bidding? Could the minister tell me who made the final decision on a sale? Was it his alone, or did a cabinet committee make the final decision on this sale?

DR. WEBBER: Well, Mr. Speaker, with respect to decisions that are made, we as a government make decisions. A decision was made in this case, and the details of cabinet decisions and other decisions are not generally made public.

MR. TAYLOR: Mr. Speaker, this is shocking. This is a gift of

something like \$200 per every citizen in Alberta to the bunch of shareholders -- 50 million shareholders. This is a gift of \$200 million to \$400 million. And did you know, for instance, that five of the cabinet voting on this -- Mr. Adair, Fjordbotten, Russell, Shaben, and Webber -- owned Alberta Energy shares? Was there no effort made to ask whether or not there was a conflict of interest here?

MR. SPEAKER: The Chair recognizes Calgary Forest Lawn.

MR. PASHAK: Mr. Speaker, given this extremely generous way in which the Alberta Energy Company was treated by this government, why is this government continuing to reduce its equity position in Alberta Energy Company?

DR. WEBBER: Well, Mr. Speaker, the hon. members are making some very great presumptions with respect to the generosity that was involved. Negotiations took place. There was a difference of opinions on the part of two parties with respect to what the settlement should be, and we ended up with a satisfactory settlement to both parties. So when they say that we were overgenerous, that's simply their opinion. In our opinion, it was a fair settlement.

#### National Defence Contracts

MR. R. SPEAKER: Mr. Speaker, my question is to the minister of economic development, and it's with regards to the federal proposal of Mr. Beatty on the defence program, spending \$50 billion over the next 15 years within Canada and outside of Canada on various defence upgrading. Could the minister indicate what representation has been made to the federal government on behalf of Alberta to secure as many contracts for Alberta as possible at this time?

MR. SHABEN: Mr. Speaker, we are now in the process of reviewing the paper that has been tabled by the Hon. Perrin Beatty on long-term defence spending and analyzing its potential for Alberta manufacturers, particularly based upon the strengths that exist in Alberta. Those strengths are in aerospace capability, in high technology, particularly in the application of software and communication devices. Some would say that there's some capability in underwater craft as a result of the West Edmonton Mall experiment, but there is some considerable experience and capability in Alberta that we are analyzing, and we'll be making our views known to the federal minister.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. Could he indicate whether this program will be a major part of the western diversification package for Alberta specifically, or is this going to be a minor proposal from the federal government in terms of enhancing western diversification?

MR. SHABEN: Mr. Speaker. I have no information that would lead me to believe that this is a part of any announcement that's expected.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the Premier. Could he indicate whether co-operation will be sought from the other three western Premiers with regard to a sort of a western economic proposal to the federal government that would bring more contracts out to the west in terms of these defence contracts?

MR. GETTY: Mr. Speaker, as the hon. Minister of Economic Development and Trade said, assessment is now being made of the white paper -- and it is that, a white paper -- and resulting from that assessment, there may well be some things that Alberta can move on by themselves. It might also be something that can be handled in co-operation with the other western provinces. If that is so, then we'll pursue that line.

MR. R. SPEAKER: Mr. Speaker, a final supplementary to the minister of economic development. The minister indicates that it is a white paper at this point, but my understanding is that contracts have already been confirmed with Ontario companies, Paramax for example, and the money is being expended. What is going to be left for Alberta? Has the minister any indication that we will have a certain percentage that is our fair share?

MR. SHABEN: Mr. Speaker, I wasn't aware that the \$50 billion dealt with in the white paper had been budgeted by the federal government. There certainly are contracts now being tendered by the federal government, and there are a number of Alberta companies that are pursuing contracts related to certain defence spending. Wherever possible the provincial government is assisting those companies in being successful in being successfully awarded those contracts.

MR. TAYLOR: Mr. Speaker, a supplementary to the minister. Has he considered supporting the Edmonton Chamber of Commerce request to the federal government that they move the headquarters of CIDA, Canadian International Development Agency -- as far as the Asia department and the natural resource development department -- to Edmonton? That would be a good move in the right direction. Is this minister supporting it, or is he working on it?

MR. SHABEN: Mr. Speaker, recently officials from CIDA were in Alberta, and I had discussions with them on a variety of matters where Alberta companies are seeking concessionary financing. We did not, however, discuss the location of the offices of CIDA. But I'll take it into consideration and perhaps have that discussion.

MR. SPEAKER: Edmonton Belmont, followed by Edmonton Meadowlark.

#### **West Edmonton Mall Accident**

MR. SIGURDSON: Yes. Thank you, Mr. Speaker. On May 28 the Minister of Community and Occupational Health advised the Assembly that a complete departmental investigation was under way into the needless and tragic death that occurred at the West Edmonton Mall submarine ride. Given the public's concern for the deceased, I'm sure the minister has directed that the investigation be conducted in both a thorough and timely manner. To the minister: will he advise the Assembly of the results of his department's investigation?

MR. DINNING: Well, Mr. Speaker, all members share the sadness that this tragic incident suffered on the family of Mr. Rick Lesurf some 23 days ago. We have been carrying on our investigation. We have interviewed and talked with a number of the people who were on-site at the time. The investigation is ongoing, and I hope to have the results of the investigation and any recommended action in my hands sometime during the

summer.

MR. SPEAKER: Supplementary question.

MR. SIGURDSON: Thank you, Mr. Speaker. Can the minister advise whether the 12 very well-considered and very reasonable recommendations provided to him by the family of the deceased have been forwarded to the investigating body as evidence?

MR. DINNING: Yes, Mr. Speaker, I did receive a very comprehensive and very good letter from the family of the deceased, and I have provided that directly to the investigators and asked them to consider all 12 suggestions and others in the formation of their recommendations.

MR. SIGURDSON: Thank you, Mr. Speaker. And perhaps I could just file the copy of the letter for other members who may not have received it.

Since the minister has said, as is noted on page 1468 of *Alberta Hansard*, that the buddy system is "just good common sense," will he then follow the most sensible route and have this provision incorporated into the provincial safety regulations for divers?

MR. DINNING: I trust, of course, Mr. Speaker, that the hon. member has done the courtesy of consulting with those who wrote the letter before he tabled it in the Assembly.

Part of the action we've taken in the interim, before the results of the investigation are completed and found, is to issue one particular order, and that is that a code of practice be prepared and well enforced for future diving at the West Edmonton Mall. And certainly one key aspect amongst many of that code of practice would be the buddy system for diving.

MR. SIGURDSON: My final supplementary, Mr. Speaker. And may I just assure the minister that I have indeed checked with the family, and they have assured me that it's quite acceptable to file that letter.

Will the minister grant this inquiry the public scope it deserves so that present and former employees of the mall, the family of the deceased, and experts in commercial diving can contribute to the review of diving procedures and regulations, which is really clearly in order?

MR. DINNING: Mr. Speaker, once the investigation is completed I will have to look at the results and then determine whether the report should go to the Attorney General for him to consider whether any legal action ought to be taken. And at that time it would be considered whether a public inquiry would be necessary or appropriate.

MR. SPEAKER: Member for Edmonton Meadowlark. Supplementary, or main question?

MR. MITCHELL: Both, Mr. Speaker. First a supplementary. To the minister: given the series of accidents -- fatal -- and near accidents that have occurred over the last number of months and years in the mall, has the minister considered sitting down with management to review their safety procedures at a general level in the mall? Could he please comment on that?

MR. DINNING: Well, Mr. Speaker, I'm not quite certain what the hon. member is referring to, but we are conducting a very

thorough investigation of this very tragic accident at the worksite. There was a most comprehensive, and there has been a most comprehensive, inquiry into a tragic accident with the roller coaster at the mall. And our occupational health and safety inspectors and educators are working with all employers as best they can to inform them and work with them to make sure that the number of hazards are reduced if not eliminated at all worksites in the province.

#### **Vencap Equities Alberta Ltd.**

MR. MITCHELL: Mr. Speaker, my question is to the Premier. The government's stewardship of the taxpayers' money must be beyond question. We understand that Vencap is of course an arm's-length organization, but when Albertans have entrusted the government with their money and when that government in turn entrusts that money to another party, government has a responsibility to ensure that the money is being spent properly. Saying that he doesn't know, as the Premier said yesterday when asked how taxpayers' money is being spent and whether it is being spent properly, is a breach of the trust given to him by the people of Alberta.

Will the Premier assure this Assembly that he will examine whether Vencap's investments conform to the guidelines set down by the previous government and by this Legislature?

MR. SPEAKER: The hon. member has also breached a practice of the House, which is to comment about answers or non-answers, Hon. Premier.

MR. GETTY: Mr. Speaker, Vencap is obviously a company run by a board of directors who answer to shareholders, and within that broad purview, that's how they carry out their responsibilities. The government doesn't get involved with those decisions in any way. And as I said yesterday to the hon. member's leader, I had no knowledge of the decision by Vencap nor would I under any normal circumstances. The Minister of Economic Development and Trade does have more ongoing relationships with Vencap in his responsibilities for economic development within the province and may have something he could add to my answer or to any other question that the hon. member wants to pose.

MR. MITCHELL: So the Premier is saying no to guidelines to review what Vencap does with our money. If he's saying no, as he is, how does he know if the taxpayers' money is in fact being used properly? There are millions of dollars of Albertans' money being utilized by that company. This is not like any other company with its relationship to shareholders.

MR. SHABEN: Mr. Speaker, we have on a number of occasions in the Assembly discussed the relationship between the government and Vencap, and also the member has access to the legislation. I also provided to his leader a letter of guidance from the former Premier with respect to the relationship between the government and Vencap. The structure of the loan has also been described -- the manner in which the loan has been provided to Vencap -- a \$200 million loan. Also, the hon. member would know that the legislation and the letter provide that the board of directors ought to conduct themselves in a certain manner. Annual reports are made available to shareholders, and Albertans have invested some \$44 million in the company.

We do not as a government get involved in decision-making

with respect to individual loans. Mr. Speaker, nor do we direct the company as to how they should function in relationship with individual companies. I do from time to time -- if companies approach us seeking financial support, I will suggest that they approach Vencap and will advise the chairman that this company is seeking investment funds or equity funds. That's the relationship, the way we function, and we think it's appropriate and consistent with the legislation and the directions that have been given to Vencap.

MR. MITCHELL: Vencap was given a very clear direction to diversify, use this money only on projects that diversify the economy. Stuart Olson Construction does not diversify the economy. Does the Premier not agree that this government has some responsibility to ensure that the money that has been spent by Vencap, invested by Vencap, is being invested as it was directed to be done by this Legislature, and if not, why not?

MR. SHABEN: Mr. Speaker, Vencap has made investments in a number of companies. I believe it's in excess of 20, for a total investment now of close to \$80 million. The companies are involved in a variety of activities. We as a government do not get involved -- I'm repeating for the hon. member's benefit -- in the decision-making; that is entirely in the hands of the board of directors. He is free to pursue the matter in terms of whether or not any of those 20-plus companies and what aspects of economic diversification they're involved in. The hon. member need not raise it in the House; he's free to enquire as any shareholder might.

MR. MITCHELL: But surely the House is the place to raise a question of \$200 million of Albertans' money.

To the Premier once again, and I would appreciate an answer from the Premier actually. Will the Premier at least instruct his party to not accept campaign contributions from firms that have received investments from Vencap?

MR. SPEAKER: The question is out of order. The Premier is not here as leader of the Progressive Conservative Party to answer questions in this House.

Supplementary, Edmonton Kingsway.

MR. McEACHERN: Thank you, Mr. Speaker. Will the minister now commit himself to redraft the legislation then so that he doesn't totally abdicate his responsibility for that \$200 million?

MR. SHABEN: Mr. Speaker, I fail to understand how one can come to the conclusion that a responsibility is being abdicated when legislation that has been approved by this Assembly, debated through the three readings and committee study -- where the member can conclude that we're abdicating our responsibility. The policies of the government with respect to investment capital or matters related to finance are ones that we deal with on an ongoing basis. Should there be a policy change of the government we will advise all members of the Assembly.

MR. SPEAKER: Edmonton Centre, followed by Edmonton Glengarry.

#### **Health Care Costs**

REV. ROBERTS: Thank you, Mr. Speaker. To the minister of hospitals and eye care. Among the many Albertans concerned



about accessibility to eye care in the province are not only those who are now forced to pay out-of-pocket for basic eye examinations but also numbers of others who are awaiting cataract surgery. Those who need cataract surgery and have a minimum of \$800 can have them removed within weeks at the three free-standing surgery centres in the province, including Gimbel's in Calgary. Those who don't have that money must wait from over six months to a year for the same surgery at hospitals. Is it the policy of the Minister of Hospitals and Medical Care to further this two-tier approach to eye care, one tier for those that have money and the other tier for those average Albertans that can't afford the extra charges?

MR. M. MOORE: No, Mr. Speaker.

REV. ROBERTS: I wonder if the minister is going to shut down the ... What steps does the minister intend to take to reduce the length of waiting for those who need cataract surgery at public Alberta hospitals as opposed to those who have to pay the extra \$800 minimum at the Gimbel clinic and others?

MR. M. MOORE: Mr. Speaker, the availability of cataract surgery in Alberta is the best of any province in Canada.

REV. ROBERTS: Sure. So the user pays an extra \$800. and it's your sight or your money for a lot of Albertans in the province. Mr. Speaker. Is it the intention then of the Minister of Hospitals and Medical Care to further reduce hospital budgets so they can't put up the day surgery clinics they need for cataract surgery in the hospitals, forcing Albertans then to continue this method of having to go to private clinics and pay the \$800 to \$2,000 for cataract surgery?

MR. M. MOORE: If the member returns to the Assembly next spring, he will no doubt get a chance to look at the next budget that's presented.

REV. ROBERTS: I wonder if the minister's looking at the accounts of the numbers of people who can't afford the money for \$800. Is the minister not concerned that this two-tier policy as it pertains to cataract surgery will also lead to an extensive network of private surgery centres available only to those Albertans who can afford them and not to many others who can't?

MR. M. MOORE: Mr. Speaker, the hon. member knows full well that he is being critical of the foremost centre in North America and the leader across North America when it comes to [cataract] surgery in terms of the Gimbel eye clinic in Calgary. The standard physician's fee is provided by the health care insurance plan for the work carried out by Dr. Gimbel.

In addition to that, we've recently made arrangements to ensure that the lenses are provided through the Foothills hospital to the Gimbel eye clinic. The service that's provided there is well above and beyond that which is provided in any other institution in Canada, if not the United States, and people are free to go there or to use the hospital system. A great number of people take the opportunity to use the Gimbel eye clinic. In the 12 months that I have been Minister of Hospitals and Medical Care, I have not received one single complaint from a citizen about the costs of the Gimbel Eye Centre. The only thing I have ever heard is rhetoric from the hon. Member for Edmonton Centre about one of the best clinics that exists in North America for eye care. [interjections]

MR. SPEAKER: The Chair will recognize an hon. member when there is indeed silence on the floor of the Chamber.

Edmonton Gold Bar, thank you.

MRS. HEWES: Thank you. Mr. Speaker. Well, the minister may not have had complaints, but the rest of us have.

Mr. Speaker, this is of course leading to a two-tiered system. Does the minister recognize that many working people of modest means must wait now for cataract surgery? They're going to be faced with leaving employment and requiring social assistance or institutional care. Human costs and dollar costs will accrue that can be avoided.

MR. M. MOORE: I can only repeat what I've said earlier. Mr. Speaker. The wait for that kind of vision care in this province -- the situation is better than any other province in Canada. We provide, indeed, a lot of services to people outside this province in the Northwest Territories, the Yukon, and elsewhere. So I don't understand the hon. member's comments. If the hon. member has complaints about the Gimbel eye clinic, it would her responsibility, I think, to pass them on to me -- if she does have any; I rather doubt that she does.

MR. SPEAKER: Time for question period has expired. Might we finish this series of questions with unanimous consent?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Any other members with supplementaries?

The Chair would recognize the Minister of Education to supplement information given earlier today in this question period, then with the appropriate response from the member who raised the issue. Minister of Education.

### **Education Funding** (continued)

MRS. BETKOWSKI: Mr. Speaker, I've researched my files on my desk and can provide the following information with respect to the question raised by the Member for Edmonton Beverly today.

I believe the hon. member suggested that the total discount on learning resources and textbooks within schools dropped from a 40 percent discount currently to a 25 percent discount and that the school board in question had found out about the change last evening. In fact he is mistaken on both accounts. The total discount was 40 percent, but it is now a 36 percent discount on the price of learning resources. As well, school boards discussed the change with officials of the Department of Education during the important consultative process which took place during January and February of this year.

MR. EWASIUK: Well, Mr. Speaker, I think the real question here is: will the minister develop a budgetary framework which will allow school boards to plan their budgets without being hit on a sneak attack as this situation was?

MRS. BETKOWSKI: In fact, Mr. Speaker, the budgetary framework has been developed in a very important model in this province. We were discussing effects of a budgetary change which -- no, it would not take place until September 1987, and those discussions took place in January and February of 1987.

MR. SPEAKER: Thank you.

MR. SPEAKER: The Chair recognizes Westlock-Sturgeon on a point of order.

MR. TAYLOR: The point of order, Mr. Speaker, is that you ruled out of order a question of my colleague from Edmonton Meadowlark about the Premier instructing those companies that get investments from Vencap not to donate to the Conservative Party. I would submit that under *Beauchesne*, section 359(6), it says: "A question must be within the administrative competence of the Government."

Surely, Mr. Speaker, now that we have an Election Act which was put through by this government, all donations have to be registered. It's all subject to government rules and laws. The question did not ask the Premier to do something outside the ambit of his post as chief officer of this government. It was, I think, a very reasonable question and quite in order, and we would like to get an answer.

MR. SPEAKER: On the point of order, Mr. Premier.

MR. GETTY: Yes, Mr. Speaker, because really both the hon. leader of the Liberal Party yesterday and his cohort, the Member for Edmonton Meadowlark, today have made an effort, through innuendo, to cast aspersions on both the government and some parties who are not here in the government. I frankly say to them, Mr. Speaker, that when I challenged the leader yesterday to respond and make his case in or out of the House, I guess he didn't have the spine for it. He passed it off to the little guy from Meadowlark. And he, in the true style of the Nunziatas and the Copses and the rat pack, has now tried to bring into our Legislature that kind of thing.

MR. SPEAKER: In response to the purported point of order of the Member for Westlock-Sturgeon, it's an unusual procedure when the leader of the party jumps up to raise the point of order rather than the member himself or herself who had been interrupted. Nevertheless, I'm sure the Member for Westlock-Sturgeon, in addition to the Member for Edmonton Meadowlark, in reviewing the Blues will indeed see that the question was really about Progressive Conservative funding policy rather than that of the government. So in actual fact the citation as given by the Member for Westlock-Sturgeon is indeed correct -- 359(6). If you read exactly what the words say, they do not relate to any provision of the general portfolio of the Premier of the province. So 359(6) is indeed in effect. There's no point of order.

#### ORDERS OF THE DAY

MR. SPEAKER: Might we have unanimous consent to revert to Tabling Returns and Reports?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?  
Minister of Education.

#### head: **TABLING RETURNS AND REPORTS** (*reversion*)

MRS. BETKOWSKI: Thank you, Mr. Speaker. I would like to file with the Assembly copies of framework highlights for a new School Act. The document will be available for members and Albertans generally to outline the important features of Bill 59, which was introduced and read a first time today.

#### head: **GOVERNMENT MOTIONS**

17. Mr. Getty proposed the following motion to the Assembly:  
BE IT RESOLVED THAT:

WHEREAS the Constitution Act, 1982, came into force on April 17, 1982, following an agreement between Canada and all the provinces except Quebec;

AND WHEREAS the government of Quebec has established a set of five proposals for constitutional change and has stated that amendments to give effect to those proposals would enable Quebec to resume a full role in the constitutional councils of Canada;

AND WHEREAS the amendment proposed in the schedule hereto sets out the basis on which Quebec's five constitutional proposals may be met;

AND WHEREAS the amendment proposed in the schedule hereto also recognizes the principle of the equality of all the provinces, provides new arrangements to foster greater harmony and co-operation between the government of Canada and the governments of the provinces and requires that conferences be convened to consider important constitutional, economic, and other issues;

AND WHEREAS certain portions of the amendment proposed in the schedule hereto relate to matters referred to in section 41 of the Constitution Act, 1982;

AND WHEREAS section 41 of the Constitution Act, 1982, provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and the House of Commons and of the Legislative Assembly of each province;

NOW THEREFORE the Legislative Assembly resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.\*

Attendu:

que la Loi constitutionnelle de 1982 est entrée en vigueur le 17 avril 1982, à la suite d'un accord conclu entre le Canada et toutes les provinces, sauf le Québec;

que, selon le gouvernement du Québec, l'adoption de modifications visant à donner effet à ses cinq propositions de révision constitutionnelle permettrait au Québec de jouer pleinement de nouveau son rôle dans les instances constitutionnelles canadiennes;

que le projet de modification figurant en annexe présente les modalités d'un règlement relatif aux cinq propositions du Québec;

que le projet reconnaît le principe de l'égalité de toutes les provinces et prévoit, d'une part, de nouveaux arrangements propres à renforcer l'harmonie et la coopération entre le gouvernement du Canada et ceux des provinces, d'autre part

\*See pages 1975-80

la tenue de conférences consacrées à l'étude d'importantes questions constitutionnelles, économiques et autres;  
 que le projet porte en partie sur des questions visées à l'article 41 de la Loi constitutionnelle de 1982;  
 que cet article prévoit que la Constitution du Canada peut être modifiée par proclamation du gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de chaque province,  
 l'assemblée législative a résolu d'autoriser la modification de la Constitution du Canada par proclamation de Son Excellence le gouverneur général sous le grand sceau du Canada, en conformité avec l'annexe ci-jointe.\*

MR. GETTY: Mr. Speaker, just before proceeding with the motion, I wonder if I might ask the House . . . I understand when the last constitutional amendment motion was presented to this House, it was thought proper to ask for unanimous consent in that the motion, as members will look at it, has a preamble in the 'whereases' and I gather that our Orders may not allow that. Also, it is presented in both English and French, as required by the Constitution of Canada, and we're uncertain about the Orders in that regard -- whether we could have unanimous consent, as was given in 1982 I understand, to proceed in the form that it currently is.

MR. SPEAKER: There's a request for unanimous consent with respect to two issues. Is there consent of the House? Those in agreement, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

The motion is carried unanimously. The Chair would point out that the matter of language with respect to debate is somewhat different than question period in the Chair's opinion.

MR. GETTY: Thank you, Mr. Speaker. I want to thank the members for their consideration in providing unanimous consent.

Mr. Speaker, I consider it an honour and a privilege to move this resolution standing in my name on the Order Paper, Resolution 17. I think also it's a historic moment for this Legislature, because if we endorse this constitutional amendment, we will have provided for the first time in Canada's history a Constitution made in Canada that is endorsed by all the governments and people of Canada. You only have to look, Mr. Speaker, at the first part of the preamble, the "whereas," which reads

WHEREAS the Constitution Act, 1982, came into force on April 17, 1982, following an agreement between Canada and all the provinces except Quebec.

So, Mr. Speaker, if members do support this resolution and this constitutional amendment, we will in fact be striking a historical moment for our nation. It's interesting that a note just came to me from Federal and Intergovernmental Affairs to advise that Quebec at 5:30 their time today, which would be 3:30 our time, will be also introducing this resolution into their Legislature. It's interesting, Mr. Speaker, that they intend to pass it before their session is ended.

MR. TAYLOR: After committee hearings.

MR. GETTY: No, Mr. Speaker, their hearings did not come before this accord was signed at all. As a matter of fact, I correct that. Their hearings came before the accord was signed, not since.

Mr. Speaker, I don't intend to be long with my comments today, but I thought it might be helpful to give members some insight into the thinking that went into this agreement, some of the background that our government felt was important in going into these negotiations and then concluding them. Before I get into it in more detail, I would like to mention just briefly for the members -- and I think they'd be interested in this -- several of the people who provided the government with exceptional constitutional advice. Now, naturally in our Department of Federal and Intergovernmental Affairs and in our Attorney General's department, we have people with great competence in these matters, but as a Premier going into the meetings I had the feeling -- and I think it was recognized amongst my colleagues as well -- that Alberta's constitutional advice was probably as good or better than any participant in the constitutional negotiations. A great deal of the responsibility there laid with and was in the hands of our Attorney General and Minister of Federal and Intergovernmental Affairs, but he is not in the background in the same way as some people are. While I recognize that he certainly was on the leading edge of all constitutional discussions over the period of time I've been Premier and has done a superb job in this regard, he has some people who advise him that do get to be operating in the background, I would suggest. Probably the best constitutional mind who advised our government was Dr. Peter Meekison, vice-president of the University of Alberta. He provided us in every case when there was a question, a problem with regard to wording, and the implications for any constitutional amendment, any sentence -- he has the ability to immediately grasp the various problems, the implications, and advise us. And Dr. Peter Meekison being one of the outstanding constitutional minds in Canada, I believe this Legislature should and does owe him a vote of thanks for the tremendous job he has done.

I have to say a special word about the Attorney General's department as well. They provided us with a great deal of good advice. But then one individual in the Department of Federal and Intergovernmental Affairs -- all members know there were 11 first ministers in the meeting and we participated for some nineteen and a half to 20 hours without effectively stopping. But there were two other people in that meeting as well. The Prime Minister, as chairman of the first ministers, was given the opportunity to bring in one person, a Mr. Norman Spector, who advised the meeting and helped the Prime Minister. But Alberta, with myself being the chairman of the Premiers' conferences for this year, was allowed to bring one person also into the meeting, and Mrs. Oryssia Lennie sat in the meeting with us for every minute the Premiers were there. She hung in there. She provided invaluable advice to me. She was with the Department of Federal and Intergovernmental Affairs when I was a minister back in 1971-75, and of course she is there with the current minister. But she provided that advice and assistance not only to me but to other first ministers, and she played a tremendous role in this Constitutional Accord. I think we should recognize that contribution as well.

Mr. Speaker, as I said earlier, this process started in the more current time frame in Edmonton at the Premiers' Conference last August. When the Premiers met, I think we were able to establish a certain spirit and will to try and solve the flaw we saw in our constitutional process. The process culminated of

\*See pages 1975-80

course with, first, Meech Lake and then the Langevin Block and coming to the final document which we have here.

Alberta entered those discussions with really three objectives. The first was to see if we could work with the other first ministers to correct the flaw we see in our constitutional process, the flaw I alluded to in reading the first part of this resolution. That is, one government is not a part of our Constitution and therefore some 6 million or 7 million people do not participate in the fullest way. So we set out to see if we could get Quebec into the Constitution and remove the flaw in our constitutional process.

The key to Quebec's coming into the Constitution, though, was the second objective we had, and that was to establish the equality of provinces, an equality of provinces that we feel so strongly about; that we have 10 equal provinces coming together with the federal government to form the federation of Canada, that there would be no special status and that Quebec would want to come into the Constitution and not be bribed into the Constitution but rather come in on a fair and equitable basis. That was our second objective.

The third objective was to in these negotiations, recognizing how important they were to all parts of Canada, also obtain something this Legislature has asked for and western Canadians feel strongly about, and that is Senate reform entrenched in the Constitution -- not a handshake to talk about it, not a letter agreement, not a word-of-mouth agreement between first ministers, but entrenched in the Constitution and not be able to get it out. The only way you can get Senate reform out of our Constitution is by reform itself, and Alberta had that as its third objective. In considering the three objectives we had and the accord we have before us, Mr. Speaker, I feel very good about the fact that Alberta was able to reach on a reasonable basis with other first ministers our three objectives.

I think I should just say: why the emphasis on Senate reform? I think most members in this Legislature would agree that our parliamentary system has a flaw in representing this nation, because our House of Commons is understandably dominated by the large population centres in Canada and by those provinces that have the huge populations because there is a representative vote and therefore more than half the members of the House of Commons come from Ontario and Quebec. But the flaw is that our second House, the Senate, is also dominated by Ontario and Quebec in the membership. Therefore we have a parliamentary system that is flawed. We do not have the balance that is necessary, because we now have both the House of Commons dominated by Ontario and Quebec in the population and the Senate dominated by Ontario and Quebec.

When that happens, I think inevitably the House of Commons' and Parliament's agenda becomes the agenda of Ontario and Quebec. It's just a fact of life in any political situation that that would happen. We felt there needed to be a balance, that one of the parts of our Parliament had to represent on a more equitable basis the regions and the provinces. And we felt, too, that that should best be done by our Senate. Of course this Legislature has unanimously endorsed the Triple E option for the Senate, and that is the one we are urging the first ministers to adopt as part of our Senate reform.

Now, members have asked me, "What do people across Canada, what do the first ministers think about the Triple E Senate?" I think it's fair to say this. The first ministers really believe that the Senate should be effective. In our democracy, with an elected House of Commons, there is general agreement that in order to be effective in balancing an elected House of

Commons, a Senate must be elected as well. It's rather impossible in a democracy, I think, to have real effective powers going to an appointed Senate to overrule or change the views of an elected House of Commons. So basically the first two E's are pretty well accepted by not only the first ministers but, I think, their governments -- there may be one or two exceptions, but the majority by far -- and most people in Canada.

So that brings the debate then to the equal feature of Senate reform, and I think that's where we will have considerable discussion across this nation. Some have argued with me -- the first ministers -- that the E should stand for equitable rather than equal. However, I believe that the equal feature is an extremely important part of the Triple E and one of the reasons the government of Alberta pushed so hard in this Constitution for the equality of provinces, the constitutional equality of provinces. If members look through this resolution, they will see that at least in two places that is confirmed by this resolution and therefore will be confirmed in our Constitution.

So we are going to, I think, work very hard as members of this Legislature. Albertans and I hope -- and the indications are that that hope is well founded -- Canadians will accept the idea of the Triple E Senate. When Canadians accept the feature, then of course, Mr. Speaker, we'll find that their political leaders, under the pressure of those who vote for them, would well see the wisdom in it -- as equally see it.

Some people have raised with me the problems of getting reform of the Senate now that it's no longer the seven provinces and 50 percent of the population in order to get Senate reform. It's always been my belief that that is not the way to build a country, to take seven provinces and 50 percent of the population and somehow try and jam down the throats of the other 50 percent something you want. As a matter of fact I would say under current circumstances you could get Senate reform very easily under the seven and 50 percent formula. I don't know why people argue that the unanimity isn't protection for Triple E, because right now we know publicly we have British Columbia and Alberta in favour of a Triple E Senate. If we were to get together, therefore, and endorse those positions right now, what would we have if we had the seven and 50 percent? We would get Senate reform, but since we're only two provinces who believed in Triple E, obviously we would get Senate Reform we didn't like. And the very effective feature of the unanimity is that we will not get Senate reform we don't like unless somehow or other we are persuaded as Canadians and as a government that there is something better to take its place. So I think those that have immediately jumped up and down and said that the current accord somehow hurts Triple E have really not thought their way through it. In fact it gives Triple E its absolute best opportunity for the future.

Those were the matters that I felt were extremely important to us, but I'll just touch briefly on the others, Mr. Speaker. First, the matter of control of federal spending power. This is something I shouldn't treat lightly at all, because Albertans and our government have been working for this since 1972. When people talk about the ability of the federal government to provide federal programs and that this somehow hurts that I advise them that they haven't really looked at the accord. The accord is dealing with controlling federal spending power in areas of exclusive provincial jurisdiction. In Canada we do not have levels of government. We don't have a senior government and a junior government in federal and provincial. We are equal governments with different responsibilities in our Constitution. And the federal government should not be able to end-run the

Constitution; unilaterally amend it. if you like, by using their spending power to move into our areas of exclusive jurisdiction and force something to happen. Alberta was working to restrict that federal spending power back in 1972. So was Quebec. And I was pleased that we were able to work together in this accord to make sure that we were able to restrain that spending power.

Now. I understand that this will be a debate in this Legislature -- I've said so before -- because I do understand, and I don't say it in a negative way, that the members of the Liberal Party and the NDP do believe they feel better with a larger central government dominated by Ottawa. We have had expressions to that effect; first, the leader of the Liberal Party saying they need the federal government to whip the provinces into shape by using their spending power, which is hardly protecting or recognizing provincial rights. Of course, we've had -- as I referred to before -- an expression from the NDP in this province saying that they were pleased the Premier of Manitoba was able to make sure that federal spending power was powerful in the future and therefore, just by logical conclusion, obviously not standing up for provincial rights. But that is something we absolutely reject. We believe those rights are the rights of all Albertans, and this government is going to stand up for those rights at every possibility.

Mr. Speaker, the input to the appointments to the Supreme Court is an important factor in this accord; also the input to Senate appointments. I must say that in terms of the Supreme Court I find it pretty hard to take that some people out of Ontario and Quebec will tell us that because of provincial input somehow the quality of the Supreme Court would be lowered. I find that extremely offensive really, to think that somehow or other a federal government with their views on appointments to the Supreme Court would come up with better selections than the provinces. There's nothing special about being elected as a Member of Parliament that makes you care any more about Canada than a member of a Legislature, or about the strength and quality of the Supreme Court. So I think it would be extremely good balance to have provincial input into the Supreme Court and into Senate appointments. Now, we hope that the input into Senate appointments is a short-lived one, because we hope that we're able to convince people to have an elected Senate, the Triple E Senate, and it would not be necessary any longer.

The input into immigration is understandable. It was part of our desire that if Quebec wanted greater input into immigration we insisted on equality and therefore we also have greater input into the immigration process.

I should just touch briefly on the distinct society. First ministers were really trying to reflect the actual facts of life in Canada when they wanted to say for Quebec that Quebec was a distinct society in the total Canadian nation. We only have to drive there, fly there, visit there and know that there's a difference in Quebec, and by reflecting that in this accord, we reflected on the reality of a fact of life, a current situation in Canada. But we were extremely careful to ensure that by that statement we did not lower the rights of anybody in Canada or give additional powers to the government of Quebec. As I think I've said to the House before, on at least two occasions we had constitutional advice brought into the room, questioned very directly on the matter, that that statement -- and the other statements regarding Quebec -- did not give Quebec additional powers, nor did it derogate any rights of the English-speaking people in Quebec or give additional rights to French-speaking

people in any other parts of Canada; rather it reflected the fact of Canada as we know it now.

Also. Mr. Speaker, it is important to know one of the things that we made sure of: that none of the amendments in this Constitutional Accord takes anything away from the very valuable multicultural rights of people in our nation or aboriginal rights of people in our nation.

Just one other word about the veto. Mr. Speaker. Going into our constitutional discussions, it seemed that many Canadians were prepared to say that Quebec could have a veto. Some said, "Well, if Quebec has a veto, then Ontario's big like Quebec; they probably should have a veto too. And then you should have groups of provinces, if you get enough of them together, also have a veto." Well, obviously that flies in the face of equality. It was Alberta's position that if anybody is going to have a veto, every province should have it; certainly Alberta should have it. As I said earlier, it is one of the best assets we have going for us other than the qualities of a Triple E Senate -- that Senate reform will reflect the needs of Alberta because we now have that veto, and that you cannot have Senate reform in this country without Alberta agreeing to it. And that, I think, is probably the key factor that will allow us to get a Triple E Senate.

I should just touch briefly on first ministers' conferences, which are guaranteed in this Constitutional Accord. That's a tribute certainly not to me but to the previous Premier, Premier Lougheed, who was fighting for first ministers' conferences over the years -- some nine or 10 years. I know when I was minister of intergovernmental affairs working with him, he was working to get that ability to hold first ministers' meetings to discuss matters that were essential to the entire nation and have them in a way so there would be open discussion about matters important to Canada. Up to now, they've been at the whim basically of a Prime Minister, and that obviously hasn't been the way to have it. But now, at Alberta's insistence -- and while I didn't list this as one of our highest objectives -- it's in there because of Alberta that there will be first ministers' conferences. They must be held every year. It's entrenched in the Constitution and will give a chance to bring that "sitting together as equals around a table" consideration to problems that are national problems.

In conclusion then. Mr. Speaker. I should just say that taken all together. I believe the various matters that are in this accord are extremely important, and they make it a good accord. They give for Albertans balance, I think, to our Constitution -- a feeling that we can be equally represented and, with Senate reform, a feeling of playing a bigger role in the Parliament and making sure that our rights are considered.

In conclusion, Mr. Speaker, I should congratulate also the Prime Minister and the other first ministers. I feel they all showed remarkable flexibility and political will to have this constitutional amendment. I know that there were hours and hours of arguments, that at times I felt perhaps we wouldn't be able to be discussing today such a historic event. But I'm pleased that they worked so hard at it and that we were able to do it.

And I think, Mr. Speaker, it's proper that here in our Legislature is the place where this accord is debated and, should the House agree, passed -- and not just our Legislature; every Legislature in our country, the House of Commons, and the Senate. We will have, as I've assured members, the fullest possible discussion, the fullest input from our constituents; that is. Albertans participating in the fullest way possible through their members. We will have time to discuss it. It's printed. We can take it

throughout our constituencies, have meetings and explain it. I think the big feature is explaining it. When you explain it, and I've had opportunities to explain it to Albertans, I find there's tremendous support for this constitutional amendment.

So, Mr. Speaker, I ask all members to support this. I look forward to debating it again in the future with them, after they've had a chance to consider it and discuss it in more detail. At this point I would advise that while I'm looking forward to dealing with it again in the future, I would now like to adjourn debate.

MR. SPEAKER: A motion to adjourn the debate. All those in favour, please say aye.

HON. MEMBERS: Aye.

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

MR. CRAWFORD: Mr. Speaker, Her Honour the Honourable the Lieutenant Governor will now attend upon the Assembly.

[Mr. Speaker left the Chair]

head: **ROYAL ASSENT**

SERGEANT-AT-ARMS: Order! Her Honour the Lieutenant Governor.

[The Honourable W. Helen Hunley, Lieutenant Governor of Alberta, took her place upon the Throne]

HER HONOUR: Please be seated.

MR. SPEAKER: May it please Your Honour, the Legislative Assembly has, at its present sitting, passed certain Bills to which, and in the name of the Legislative Assembly, I respectfully request Your Honour's assent.

ACTING CLERK: Your Honour, the following are the titles of the Bills to which Your Honour's assent is prayed.

No.	Title
4	Supplementary Allowances Repeal Act
5	University of Alberta Foundation Repeal Act
6	Insurance Amendment Act, 1987
8	Real Estate Agents' Licensing Amendment Act, 1987
10	Court of Queen's Bench Amendment Act, 1987
12	Emblems of Alberta Amendment Act, 1987
13	Alberta School Trustees' Association Amendment Act, 1987
15	Assessment Appeal Board Amendment Act, 1987
17	Surveys Act
18	Land Surveyors Amendment Act, 1987
19	Boundary Surveys Amendment Act, 1987
20	Marketing of Agricultural Products Act
21	Consumer and Corporate Affairs Statutes Amendment Act, 1987
22	Rural Electrification Revolving Fund Amendment Act, 1987
23	Glenbow-Alberta Institute Amendment Act, 1987
27	Agriculture Statutes Amendment Act, 1987
28	Social Care Facilities Licensing Amendment Act, 1987

29	Young Offenders Amendment Act, 1987
30	Agricultural Operation Practices Act
31	Alberta Hospital Association Amendment Act, 1987
32	Water Resources Commission Amendment Act, 1987
34	Occupational Therapy Profession Act
35	Business Corporations Amendment Act, 1987
36	Podiatry Amendment Act, 1987
37	Wild Rose Foundation Amendment Act, 1987
39	Appropriation (Alberta Capital Fund) Act, 1987
40	Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1987-88
41	Small Producers Assistance Commission Act
42	Miscellaneous Statutes Amendment Act, 1987
43	Alberta Civil Service Welfare Fund Dissolution Act
44	Advanced Education Statutes Amendment Act, 1987
45	Gas Resources Preservation Amendment Act, 1987
46	Hotel Room Tax Act
47	Fuel Tax Act
48	Tobacco Tax Amendment Act, 1987
49	Tax Statutes Amendment Act, 1987
50	Chartered Accountants Act
51	Certified Management Accountants Act
52	Certified General Accountants Act
53	Construction Industry Collective Bargaining Act
55	Nova, An Alberta Corporation Amendment Act, 1987
56	Financial Administration Amendment Act, 1987
57	Municipal District of Big Horn No. 8 Incorporation Act
58	Dairy Industry Amendment Act, 1987
Pr. 1	First Canadian Insurance Corporation Act
Pr. 2	The Alpine Club of Canada Amendment Act, 1987
Pr. 3	An Act to Incorporate the Sisters Servants of Mary Immaculate (Polish) of Alberta
Pr. 4	The King's College Amendment Act, 1987
Pr. 5	United Farmers of Alberta Co-operative Limited Amendment Act, 1987
Pr. 6	Alberta Wheat Pool Amendment Act, 1987
Pr. 7	Calgary Beautification Foundation Amendment Act, 1987
Pr. 8	Edmonton Economic Development Authority Amendment Act, 1987
Pr. 10	The Calgary Hebrew School Amendment Act, 1987
Pr. 11	Scott J. Hammel Legal Articles Act
Pr. 13	Central Western Railway Corporation Amendment Act, 1987
Pr. 14	Acts Leadership Training Centre Act
Pr. 15	Lake Bonavista Homeowners Association Ltd. Tax Exemption Act
Pr. 16	Parkland Community Centre Calgary Ltd. Tax Exemption Act
Pr. 17	Lake Bonaventure Residents Association Ltd. Tax Exemption Act
Pr. 18	Midnapore Lake Residents Association Ltd. Tax Exemption Act
Pr. 20	Institute of Canadian Indian Arts Act
Pr. 21	The William Roper Hull Home Amendment Act, 1987
Pr. 22	Rhea-Lee Williamson Adoption Act
Pr. 23	Federal Canadian Trust & Bond Corporation Act
Pr. 24	Jimmy W. Chow Bar Admission Act

ACTING CLERK: These are the Bills to which Your Honour's assent is prayed.

[The Lieutenant Governor indicated her assent]

ACTING CLERK: In Her Majesty's name, Her Honour the Honourable the Lieutenant Governor doth assent to these Bills.

HER HONOUR: Mr. Premier, Members of the Legislative Assembly, I have followed with interest the activities of this Second Session of the 21st Legislature. I am well aware that you've been busy, but not only with legislation, and I believe it's a good thing that the Legislature is adjourning today.

On behalf of the people of Alberta, I thank you for your interest in their affairs, for your diligence in your attendance here, and for the judgment you have brought on their behalf into this Assembly. I wish you all a very pleasant summer.

SERGEANT-AT-ARMS: Order!

[The Lieutenant Governor left the House]

[Mr. Speaker in the Chair]

MR. SPEAKER: Hon. members, last year there was an interesting presentation made on behalf of all members of the Assembly to the pages, and I wonder if each of the pages would come forward, please, at this time so we might carry on that fine tradition. This means you can move while the Speaker's standing.

Robert Remmer. Karmin Zielinski -- she's writing an exam?

PAGE: No, she's photocopying for Mr. Day.

MR. SPEAKER: She's photocopying for Mr. Day. Does the hon. Member for Red Deer North realize that this is the last day? Shannon Guim -- she's writing an exam. Karmin. Denise Lavallee. Michelle Sewchuk. Bruce Heringa; short Bruce. Karen Thom.

I congratulate the organizers, but we're one short, folks. Shannon is writing an exam. Well, for the looks of all this, would you hold onto this on behalf of Sharon? I know that they're going to get it organized for you, Dianne. The Chair nevertheless thanks the members for Calgary McCall and Calgary Millican for having joined in this festivity.

Finally, this lets me know how old I am, because this individual I baptized as a baby: Chris Lounds.

The Chair would like to make special mention of some people, of all the support people in all the caucuses for all the work that is indeed done to help make a Legislative Assembly function as well as it does. But in particular on this occasion, I want to express my sincere appreciation, and hopefully that of the members, to the Table officers who performed so magnificently during this ... [applause]

Government House Leader. [applause]

MR. CRAWFORD: On this motion, Mr. Speaker, I want to be heard. I move the Assembly now adjourn in accordance with Motion 18 passed yesterday.

[The House adjourned at 4:28 p.m.]





head: **SCHEDULE**  
**CONSTITUTION AMENDMENT, 1987**  
**Constitution Act, 1867**

1. The Constitution Act, 1867, is amended by adding thereto, immediately after section 1 thereof, the following section:

"2.(1) The Constitution of Canada shall be interpreted in a manner consistent with

(a) the recognition that the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada; and

(b) the recognition that Quebec constitutes within Canada a distinct society.

(2) The role of the Parliament of Canada and the provincial legislatures to preserve the fundamental characteristic of Canada referred to in paragraph (1)(a) is affirmed.

(3) The role of the legislature and Government of Quebec to preserve and promote the distinct identity of Quebec referred to in paragraph (1)(b) is affirmed.

(4) Nothing in this section derogates from the powers, rights or privileges of Parliament or the Government of Canada, or of the legislatures or governments of the provinces, including any powers, rights or privileges relating to language."

2. The said Act is further amended by adding thereto, immediately after section 24 thereof, the following section:

"25.(1) Where a vacancy occurs in the Senate, the government of the province to which the vacancy relates may, in relation to that vacancy, submit to the Queen's Privy Council for Canada the names of persons who may be summoned to the Senate.

(2) Until an amendment to the Constitution of Canada is made in relation to the Senate pursuant to section 41 of the Constitution Act, 1982, the person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted under subsection (1) by the government of the province to which the vacancy relates and must be acceptable to the Queen's Privy Council for Canada."

3. The said Act is further amended by adding thereto, immediately after section 95 thereof, the following heading and sections:

**"Agreements on Immigration and Aliens"**

95A. The Government of Canada shall, at the request of the government of any province, negotiate with the government of that province for the purpose of concluding an agreement relating to immigration or the temporary admission of aliens into that province that is appropriate to the needs and circumstances of that province.

95B.(1) Any agreement concluded between Canada and a province in relation to immigration or the temporary admission of aliens into that province has the force of law from the time it is declared to do so in accordance with subsection 95C(1) and shall from that time have effect notwithstanding class 25 of section 91 or section 95.

**ANNEXE**  
**MODIFICATION CONSTITUTIONNELLE DE 1987**  
**Loi constitutionnelle de 1867**

1. La Loi constitutionnelle de 1867 est modifiée par insertion, après l'article 1, de ce qui suit:

"2.(1) Toute interprétation de la Constitution du Canada doit concorder avec:

(a) la reconnaissance de ce que l'existence de Canadiens d'expression française, concentrés au Québec mais présents aussi dans le reste du pays, et de Canadiens d'expression anglaise, concentrés dans le reste du pays mais aussi présents au Québec, constitue une caractéristique fondamentale du Canada;

(b) la reconnaissance de ce que le Québec forme au sein du Canada une société distincte.

(2) Le Parlement du Canada et les législatures des provinces ont le rôle de protéger la caractéristique fondamentale du Canada visée à l'alinéa (1)(a).

(3) La législature et le gouvernement du Québec ont le rôle de protéger et de promouvoir le caractère distinct du Québec visé à l'alinéa (1)(b).

(4) Le présent article n'a pas pour effet de déroger aux pouvoirs, droits ou privilèges du Parlement ou du gouvernement du Canada, ou des législatures ou des gouvernements des provinces, y compris à leurs pouvoirs, droits ou privilèges en matière de langue."

2. La même loi est modifiée par insertion, après l'article 24, de ce qui suit:

"25.(1) En cas de vacance au Sénat, le gouvernement de la province à représenter peut proposer au Conseil privé de la Reine pour le Canada des personnes susceptibles d'être nommées au siège vacant.

(2) Jusqu'à la modification, faite conformément à l'article 41 de la Loi constitutionnelle de 1982, de toute disposition de la Constitution du Canada relative au Sénat, les personnes nommées aux sièges vacants au Sénat sont choisies parmi celles qui ont été proposées par le gouvernement de la province à représenter et agréées par le Conseil privé de la Reine pour le Canada."

3. La même loi est modifiée par insertion, après l'article 95, de ce qui suit:

**"Accords relatifs à l'immigration et aux aubains"**

95A. Sur demande du gouvernement d'une province, le gouvernement du Canada négocie avec lui en vue de conclure, en matière d'immigration ou d'admission temporaire des aubains dans la province, un accord adapté aux besoins et à la situation particulière de celle-ci.

95B.(1) Tout accord conclu entre le Canada et une province en matière d'immigration ou d'admission temporaire des aubains dans la province a, une fois faite la déclaration visée au paragraphe 95C(1), force de loi et a dès lors effet indépendamment tant du point 25 de l'article 91 que de l'article 95.

(2) An agreement that has the force of law under subsection (1) shall have effect only so long and so far as it is not repugnant to any provision of an Act of the Parliament of Canada that sets national standards and objectives relating to immigration or aliens, including any provision that establishes general classes of immigrants or relates to levels of immigration for Canada or that prescribes classes of individuals who are inadmissible into Canada.

(3) The Canadian Charter of Rights and Freedoms applies in respect of any agreement that has the force of law under subsection (1) and in respect of anything done by the Parliament or Government of Canada, or the legislature or government of a province, pursuant to any such agreement.

95C.(1) A declaration that an agreement referred to in subsection 95B(1) has the force of law may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of the province that is a party to the agreement.

(2) An amendment to an agreement referred to in subsection 95B(1) may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized

- (a) by resolutions of the Senate and House of Commons and of the legislative assembly of the province that is a party to the agreement; or
- (b) in such other manner as is set out in the agreement.

95D. Sections 46 to 48 of the Constitution Act 1982, apply, with such modifications as the circumstances require, in respect of any declaration made pursuant to subsection 95C(1), any amendment to an agreement made pursuant to subsection 95C(2) or any amendment made pursuant to section 95E.

95E. An amendment to sections 95A to 95D or this section may be made in accordance with the procedure set out in subsection 38(1) of the Constitution Act, 1982, but only if the amendment is authorized by resolutions of the legislative assemblies of all the provinces that are, at the time of the amendment parties to an agreement that has the force of law under subsection 95B(1)."

4. The said Act is further amended by adding thereto, immediately preceding section 96 thereof, the following heading:

#### **"General"**

5. The said Act is further amended by adding thereto, immediately preceding section 101 thereof, the following heading:

#### **"Courts Established by the Parliament of Canada"**

6. The said Act is further amended by adding thereto, immediately after section 101 thereof, the following heading and sections:

(2) L'accord ayant ainsi force de loi n'a d'effet que dans la mesure de sa compatibilité avec les dispositions des lois du Parlement du Canada qui fixent des normes et objectifs nationaux relatifs à l'immigration et aux aubains, notamment en ce qui concerne l'établissement des catégories générales d'immigrants, les niveaux d'immigration au Canada et la détermination des catégories de personnes inadmissibles au Canada.

(3) La Charte canadienne des droits et libertés s'applique aux accords ayant ainsi force de loi et à toute mesure prise sous leur régime par le Parlement ou le gouvernement du Canada ou par la législature ou le gouvernement d'une province.

95C.(1) La déclaration portant qu'un accord visé au paragraphe 95B(1) a force de loi se fait par proclamation du gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de la province qui est partie à l'accord.

(2) La modification d'un accord visé au paragraphe 95B(1) se fait par proclamation du gouverneur général sous le grand sceau du Canada, autorisée:

- (a) soit par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de la province qui est partie à l'accord;
- (b) soit selon les modalités prévues dans l'accord même.

95D. Les articles 46 à 48 de la Loi constitutionnelle de 1982 s'appliquent avec les adaptations nécessaires, à toute déclaration faite aux termes du paragraphe 95C(1), à toute modification d'un accord faite aux termes du paragraphe 95C(2) ou à toute modification faite aux termes de l'article 95E.

95E. Les articles 95A à 95D ou le présent article peuvent être modifiés conformément au paragraphe (38)(1) de la Loi constitutionnelle de 1982, à condition que la modification soit autorisée par des résolutions des assemblées législatives de toutes les provinces qui sont à l'époque de celle-ci, parties à un accord ayant force de loi aux termes du paragraphe 95B(1)."

4. La même loi est modifiée par insertion, avant l'article 96, de ce qui suit:

#### **"Dispositions générales"**

5. La même loi est modifiée par insertion, avant l'article 101, de ce qui suit:

#### **"Tribunaux créés par le Parlement du Canada"**

6. La même loi est modifiée par insertion, après l'article 101, de ce qui suit:

**"Supreme Court of Canada**

101A.(1) The court existing under the name of the Supreme Court of Canada is hereby continued as the general court of appeal for Canada, and as an additional court for the better administration of the laws of Canada, and shall continue to be a superior court of record.

(2) The Supreme Court of Canada shall consist of a chief justice to be called the Chief Justice of Canada and eight other judges, who shall be appointed by the Governor General in Council by letters patent under the Great Seal.

101B.(1) Any person may be appointed a judge of the Supreme Court of Canada who, after having been admitted to the bar of any province or territory, has, for a total of at least ten years, been a judge of any court in Canada or a member of the bar of any province or territory.

(2) At least three judges of the Supreme Court of Canada shall be appointed from among persons who, after having been admitted to the bar of Quebec, have, for a total of at least ten years, been judges of any court of Quebec or of any court established by the Parliament of Canada, or members of the bar of Quebec.

101C.(1) Where a vacancy occurs in the Supreme Court of Canada, the government of each province may, in relation to that vacancy, submit to the Minister of Justice of Canada the names of any of the persons who have been admitted to the bar of that province and are qualified under section 101B for appointment to that court.

(2) Where an appointment is made to the Supreme Court of Canada, the Governor General in Council shall, except where the Chief Justice is appointed from among members of the Court, appoint a person whose name has been submitted under subsection (1) and who is acceptable to the Queen's Privy Council for Canada.

(3) Where an appointment is made in accordance with subsection (2) of any of the three judges necessary to meet the requirement set out in subsection 101B(2), the Governor General in Council shall appoint a person whose name has been submitted by the Government of Quebec.

(4) Where an appointment is made in accordance with subsection (2) otherwise than as required under subsection (3), the Governor General in Council shall appoint a person whose name has been submitted by the government of a province other than Quebec.

101D. Sections 99 and 100 apply in respect of the judges of the Supreme Court of Canada.

101E.(1) Sections 101A to 101D shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws under section 101 except to the extent that such laws are inconsistent with those sections.

(2) For greater certainty, section 101A shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws relating to the reference of questions of law or fact, or any other matters, to the Supreme Court of Canada."

**"Cour suprême du Canada**

101A.(1) La cour qui existe sous le nom de Cour suprême du Canada est maintenue à titre de cour générale d'appel pour le Canada et de cour additionnelle propre à améliorer l'application des lois du Canada. Elle conserve ses attributions de cour supérieure d'archives.

(2) La Cour suprême du Canada se compose du juge en chef, appelé juge en chef du Canada, et de huit autres juges, que nomme le gouverneur général en conseil par lettres patentes sous les grand sceau.

101B.(1) Les juges sont choisis parmi les personnes qui, après avoir été admises au barreau d'une province ou d'un territoire, ont, pendant au moins dix ans au total, été juges de n'importe quel tribunal du pays ou inscrites au barreau de n'importe quelle province ou de n'importe quel territoire.

(2) Au moins trois des juges sont choisis parmi les personnes qui, après avoir été admises au barreau du Québec, ont, pendant au moins dix ans au total, été inscrites à ce barreau ou juges d'un tribunal du Québec ou d'un tribunal créé par le Parlement du Canada.

101C.(1) En cas de vacance à la Cour suprême du Canada, le gouvernement de chaque province peut proposer au ministre fédéral de la Justice, pour la charge devenue vacante, des personnes admises au barreau de cette province et remplissant les conditions visées à l'article 101B.

(2) Le gouverneur général en conseil procède aux nominations parmi les personnes proposées et qui agrément au Conseil privé de la Reine pour le Canada; le présent paragraphe ne s'applique pas à la nomination du juge en chef dans les cas où il est choisi parmi les juges de la Cour suprême du Canada.

(3) Dans le cas de chacune des trois nominations à faire conformément au paragraphe 101B(2), le gouverneur général en conseil nomme une personne proposée par le gouvernement du Québec.

(4) Dans le cas de toute autre nomination, le gouverneur général en conseil nomme une personne proposée par le gouvernement d'une autre province que le Québec.

101D. Les articles 99 et 100 s'appliquent aux juges de la Cour suprême du Canada.

101E.(1) Sous réserve que ne soient pas adoptées, dans les matières visées à l'article 101, de dispositions incompatibles avec les articles 101A à 101D, ceux-ci n'ont pas pour effet de porter atteinte à la compétence législative conférée au Parlement du Canada en ces matières.

(2) Il est entendu que l'article 101A n'a pas pour effet de porter atteinte à la compétence législative du Parlement du Canada en ce qui concerne le renvoi à la Cour suprême du Canada de questions de droit ou de fait, ou de toute autre question."

7. The said Act is further amended by adding thereto, immediately after section 106 thereof, the following section:

"106A(1) The Government of Canada shall provide reasonable compensation to the government of a province that chooses not to participate in a national shared-cost program that is established by the Government of Canada after the coming into force of this section in an area of exclusive provincial jurisdiction, if the province carries on a program or initiative that is compatible with the national objectives.

(2) Nothing in this section extends the legislative powers of the Parliament of Canada or of the legislatures of the provinces."

8. The said Act is further amended by adding thereto the following heading and sections:

### **"XII – Conferences on the Economy and Other Matters**

148. A conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year to discuss the state of the Canadian economy and such other matters as may be appropriate.

### **XIII – References**

149. A reference to this Act shall be deemed to include a reference to any amendments thereto."

### **Constitution Act, 1982**

9. Sections 40 to 42 of the Constitution Act, 1982, are repealed and the following substituted therefor:

"40. Where an amendment is made under subsection 38(1) that transfers legislative powers from provincial legislatures to Parliament, Canada shall provide reasonable compensation to any province to which the amendment does not apply.

41. An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

- (a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;
- (b) the powers of the Senate and the method of selecting Senators;
- (c) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;
- (d) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province was entitled to be represented on April 17, 1982;
- (e) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;
- (f) subject to section 43, the use of the English or the French language;
- (g) the Supreme Court of Canada;
- (h) the extension of existing provinces into the territories;

7. La même loi est modifiée par insertion, après l'article 106, de ce qui suit:

"106A(1) Le gouvernement du Canada fournit une juste compensation au gouvernement d'une province qui choisit de ne pas participer à un programme national cofinancé qu'il établit après l'entrée en vigueur du présent article dans un secteur de compétence exclusive provinciale, si la province applique un programme ou une mesure compatible avec les objectifs nationaux.

(2) Le présent article n'élargit pas les compétences législatives du Parlement du Canada ou des législatures des provinces."

8. La même loi est modifiée par insertion, après l'article 147, de ce qui suit:

### **"XII. – Conférences sur l'économie et sur d'autres questions**

148. Le premier ministre du Canada convoque au moins une fois par an une conférence réunissant les premiers ministres provinciaux et lui-même et portant sur l'économie canadienne ainsi que sur toute autre question appropriée.

### **XIII. – Mentions**

149. Toute mention de la présente loi est réputée constituer également une mention de ses modifications."

### **Loi constitutionnelle de 1982**

9. Les articles 40 à 42 de la Loi constitutionnelle de 1982 sont abrogés et remplacés par ce qui suit:

"40. Le Canada fournit une juste compensation aux provinces auxquelles ne s'applique pas une modification faite conformément au paragraphe 38(1) et relative à un transfert de compétences législatives provinciales au Parlement.

41. Toute modification de la Constitution du Canada portant sur les questions suivantes se fait par proclamation du gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de chaque province:

- (a) la charge de Reine, celle de gouverneur général et celle de lieutenant-gouverneur,
- (b) les pouvoirs du Sénat et le mode de sélection des sénateurs;
- (c) le nombre des sénateurs par lesquels une province est habilitée à être représentée et les conditions de résidence qu'ils doivent remplir;
- (d) le droit d'une province d'avoir à la Chambre des communes un nombre de députés au moins égal à celui des sénateurs par lesquels elle était habilitée à être représentée le 17 avril 1982;
- (e) le principe de la représentation proportionnelle des provinces à la Chambre des communes prévu par la Constitution du Canada;
- (f) sous réserve de l'article 43, l'usage du français ou de l'anglais;
- (g) la Cour suprême du Canada;
- (h) le rattachement aux provinces existantes de tout ou partie des territoires;

- (i) notwithstanding any other law or practice, the establishment of new provinces;
- (j) an amendment to this Part."

10. Section 44 of the said Act is repealed and the following substituted therefor:

"44. Subject to section 41, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons."

11. Subsection 46(1) of the said Act is repealed and the following substituted therefor:

"46.(1) The procedures for amendment under sections 38, 41 and 43 may be initiated either by the Senate or the House of Commons or by the legislative assembly of a province."

12. Subsection 47(1) of the said Act is repealed and the following substituted therefor:

"47.(1) An amendment to the Constitution of Canada made by proclamation under section 38, 41 or 43 may be made without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the adoption by the House of Commons of a resolution authorizing its issue, the Senate has not adopted such a resolution and if, at any time after the expiration of that period, the House of Commons again adopts the resolution."

13. Part VI of the said Act is repealed and the following substituted therefor.

#### **"Part VI Constitutional Conferences**

50.(1) A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year, commencing in 1988.

(2) The conferences convened under subsection (1) shall have included on their agenda the following matters:

- (a) Senate reform, including the role and functions of the Senate, its powers, the method of selecting Senators and representation in the Senate;
- (b) roles and responsibilities in relation to fisheries; and
- (c) such other matters as are agreed upon."

14. Subsection 52(2) of the said Act is amended by striking out the word "and" at the end of paragraph (b) thereof, by adding the word "and" at the end of paragraph (c) thereof and by adding thereto the following paragraph:

"(d) any other amendment to the Constitution of Canada."

15. Section 61 of the said Act is repealed and the following substituted therefor:

"61. A reference to the Constitution Act, 1982, or a reference to the Constitution Acts, 1867 to 1982, shall be deemed to include a reference to any amendments thereto."

- (i) par dérogation à toute autre loi ou usage, la création de provinces;
- (j) la modification de la présente partie."

10. L'article 44 de la même loi est abrogé et remplacé par ce qui suit:

"44. Sous réserve de l'article 41, le Parlement a compétence exclusive pour modifier les dispositions de la Constitution du Canada relatives au pouvoir exécutif fédéral, au Sénat ou à la Chambre des communes."

11. Le paragraphe 46(1) de la même loi est abrogé et remplacé par ce qui suit:

"46.(1) L'initiative des procédures de modification visées aux articles 38, 41 et 43 appartient au Sénat, à la Chambre des communes ou à une assemblée législative."

12. Le paragraphe 47(1) de la même loi est abrogé et remplacé par ce qui suit:

"47.(1) Dans les cas visés à l'article 38, 41 ou 43, il peut être passé outre au défaut d'autorisation du Sénat si celui-ci n'a pas adopté de résolution dans un délai de cent quatre-vingts jours suivant l'adoption de celle de la Chambre des communes et si cette dernière, après l'expiration du délai, adopte une nouvelle résolution dans le même sens."

13. La partie VI de la même loi est abrogée et remplacée par ce qui suit:

#### **"PARTIE VI Conférences constitutionnelles**

50.(1) Le premier ministre du Canada convoque au moins une fois par an une conférence constitutionnelle réunissant les premiers ministres provinciaux et lui-même, la première devant avoir lieu en 1988.

(2) Sont placées à l'ordre du jour de ces conférences les questions suivantes:

- (a) la réforme du Sénat, y compris son rôle et ses fonctions, ses pouvoirs, le mode de sélection des sénateurs et la représentation au Sénat;
- (b) les rôles et les responsabilités en matière de pêches;
- (c) toutes autres questions dont il est convenu."

14. Le paragraphe 52(2) de la même loi est modifié par adjonction de ce qui suit:

(d) les autres modifications qui lui sont apportées."

15. L'article 61 de la même loi est abrogé et remplacé par ce qui suit:

"61. Toute mention de la Loi constitutionnelle de 1982 ou des Lois constitutionnelles de 1867 à 1982 est réputée constituer également une mention de leurs modifications."

**General**

16. Nothing in section 2 of the Constitution Act, 1867, affects section 25 or 27 of the Canadian Charter of Rights and Freedoms, section 35 of the Constitution Act, 1982, or clause 24 of section 91 of the Constitution Amendment, 1867.

**CITATION**

17. This amendment may be cited as the Constitution Act, 1987.

**Dispositions générales**

16. L'article 2 de la Loi constitutionnelle de 1867 n'a pas pour effet de porter atteinte aux articles 25 ou 27 de la Charte canadienne des droits et libertés, à l'article 35 de la Loi constitutionnelle de 1982 ou au point 24 de l'article 91 de la Loi constitutionnelle de 1867.

**TITRE**

17. Titre de la présente modification: Modification constitutionnelle de 1987.