

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Friday, November 27, 1987 10:00 a.m.**

Date: 87/11/27

[The House met at 10 a.m.]

[Mr. Speaker in the Chair]

PRAYERS

MR. SPEAKER: Let us pray.

From our forests and parkland to our prairies and mountains comes the call of our land.

From our farmsteads, towns, and cities comes the call of our people that as legislators of this province we act with responsibility and sensitivity.

Lord, grant us the wisdom to meet such challenges.
Amen.

head: TABLING RETURNS AND REPORTS

MR. RUSSELL: Mr. Speaker, I beg leave to table certain annual reports required by statute: the annual reports of Athabasca University, the Southern Alberta Institute of Technology, the Alberta Foundation for Nursing Research, the Alberta Council on Admissions and Transfer, and the Statistical Report for the Department of Advanced Education.

MR. NELSON: Mr. Speaker, I beg leave to table the annual report of the Alberta Alcohol and Drug Abuse Commission.

MR. ANDERSON: Mr. Speaker, I'm pleased to table, for the interest of hon. members, the 1987 Alberta Municipal Assistance Programs booklet outlining an inventory of grants and programs.

head: INTRODUCTION OF SPECIAL GUESTS

MR. ELZINGA: Mr. Speaker, it's my pleasure, sir, to introduce to you and through you to Members of the Legislative Assembly, 28 outstanding students that we have from the Pine Street school in Sherwood Park. They're here with their teacher David Harvey and two parents and dear friends Jan Bradley and Linda Lovig. I would ask if they would rise so they could receive the traditional warm welcome of the Chamber.

MR. GOGO: Mr. Speaker, seated in your gallery today are some very special people in the form of our Legislative interns. Alberta was one of the first provinces in Canada to institute this program, and this year, from over 80 applicants who applied for these positions, we have in the gallery today the winners who are serving their term. I'd like to introduce them and have them stand and be recognized as a group: Kathryn Brammall from the U of A, Andy Faust from the Camrose Lutheran College -- and I might add that this is the first graduate from the Camrose Lutheran College to be eligible as an intern -- Shaun Mellen from the University of Lethbridge, Michael Watson from the University of Alberta, Timothy Wild from the University of Calgary, and Craig Wood from the University of Lethbridge.

I'd ask that they rise, Mr. Speaker, in your gallery and receive the warm welcome of the members of this Assembly.

MR. YOUNG: Mr. Speaker, it is my pleasure today to introduce to you and to members of the Assembly, 23 special guests in the members' gallery from grade 6 in the Aldergrove school in the riding of Jasper Place. They are accompanied by their teacher Paul Gish and a parent Robert Hale. I would ask that they rise and receive the cordial welcome of the Assembly.

head: ORAL QUESTION PERIOD**Principal Group**

MR. MARTIN: Mr. Speaker, I'd like to direct the first question to the Treasurer. Financial statements issued by First and Associated Investors for 1985 and 1986 showed the companies basically to be insolvent. We know this because the companies released their information in the Securities Commission, but of course the government file still remains secret. Under the Investment Contracts Act the government had this information well before it was made public. My question to the Treasurer: did the government issue operating licences to these companies after it received this information?

MR. JOHNSTON: Mr. Speaker, again there's a sequence of events that has been noted by the Leader of the Opposition here, and of course, I would not want to get out of sync with the sequence of events which has taken place. This information, I'm sure the leader is well aware, will be well presented when the Code inquiry takes place. The only point that I can make is that with respect to the judgment as to the solvency of the company, it's not an easy question to answer simply by looking at the so-called financial statements, although that is one major guide.

But I think, Mr. Speaker, in terms of the way in which this question has been posed, which both asked me to express some view about the financial viability of the company going back some period and also to be involved in some sequence of events, it would be inappropriate, given the fact that the Code inquiry is now taking place, to proceed with that kind of an answer.

MR. MARTIN: Well, Mr. Speaker, I was not . . . We know the viability of the companies; there's no doubt about that. I was asking the minister if he issued operating licences. But the accounting firm of Deloitte Haskins & Sells advised the government in respect of First and Associated Investors that the firms' assets were grossly overvalued, and an asset base of these two companies was inflated by more than \$11.5 million. Now, Mr. Speaker, obviously the government should have had this information. My question is again: why did the government issue these operating licences to these companies to remain in business?

MR. JOHNSTON: Mr. Speaker, I think a point just on the order in which this process unfolded might be worth while. It should be noted that the application for the licences goes back some time. I haven't got the exact date, but I understand it's close to 30 years. Over that period the companies continued to operate in Alberta and in Canada, and over that period there was an annual assessment which was done based on the normal financial regulatory applications or tests which are applicable to this particular group of companies.

So it wasn't a question of continually to agree or not agree to

issue the licence, but at some point when I was involved in this I found, at least in my judgment and the advice that I received from a group of professional people, that the company was not viable. And that decision was made towards June 30, 1987, at which point the licences of the two contract companies were lifted or revoked. So they had a continuing operation, but when, in my view, the company was not able on an ongoing basis to continue to be viable and satisfy the asset test, which was referred to by the leader, and also the profitability tests, which were also referred to here, then in fact in our judgment the company was not viable, and that's when we acted in the best interests of the contract holders.

MR. MARTIN: Yeah, their best interests, Mr. Speaker; I'm sure there'd be a debate about that.

My question to the minister. Surely somebody gives operating licences. The fact that they've been there for 30 years should not be a determination of whether you keep getting operating licences. Even in 1985 the Alberta Securities Commission declined an application by First Investors to issue preferred shares on the market. Surely that should have been something . . .

MR. SPEAKER: Two statements so far, hon. member. Let's have the question, please.

MR. MARTIN: Mr. Speaker, my question is: in view of the fact that the Securities Commission turned them down, do you deny that the government issued operating licences to First Investors after this happened, when the Securities Commission turned them down?

MR. JOHNSTON: Well, once again, Mr. Speaker, we find a case where a point in time has been a reference and therefore drawing conclusions from that point in time, as I mentioned yesterday, the "after that" effect, which is a classic form of fallacious argument. What you can only draw from that, if you make a case on one point and then something happens subsequent to that, is that the first event caused the problem. It is unfortunate that that kind of argument is here today, because it's not the case.

Now, when you have a situation where somebody goes to the market and the market does not respond, then you have a market-sensitive application. But other events may take place and other processes may be in place which in fact have intervened between the date that is conveniently picked and the conclusion of this process. The point I'm making here, Mr. Speaker, is that you can't draw any conclusions from the point just made by the Member for Edmonton-Norwood as to the outcome of these companies. This process is going to be very difficult to explain.

It's taking a long time for experts, a tribunal of experts I might add -- lawyers, accountants, and others -- to sort it out, and it's now being done. At some point this report will be made public, the maze of transactions will be explained, the decisions made either by corporations, investors, or the government will be outlined, and I'm sure Mr. Code will draw some conclusions from us, and the people of Alberta will draw some conclusions as to what happened. That's the process, but to argue that one event triggered the downfall of this company or that the downfall of this company was premised on some prior information is not a logical argument and is not accurate.

MR. MARTIN: Mr. Speaker, we aren't talking about one event; we're talking about a series of events. The Ontario government wisely turned the Principal companies down for registration to do business in Ontario in 1983. so obviously they could make a determination. My question is: knowing all this information, not just one event, why in the world did the government keep issuing operating licences to these companies?

MR. JOHNSTON: Again, Mr. Speaker, what is a matter of record when this government was elected in May 1986: we proceeded to deal with a variety of problems in the financial institutions. At that period, just after the election and during the period of the first sitting of this House in the summer of 1986, it is a matter of record here that there was considerable debate about financial systems, including among those North West Trust, the Heritage Savings & Trust Company, the credit unions, and now in this one, the Principal Group. So over that period it is a matter of record that the government in fact did deal with these issues. We moved as expeditiously as we could. We recognize the concern of others who have expressed that you want to maintain the financial institutions in this province but at the same time apply a very careful analysis of all these financial institutions and come to a conclusion as to their financial profitability in the future.

And working upon those decisions, you saw that we worked through a series of steps to deal with the financial institutions in this province, and on June 30, as I have noted, it was our conclusion and our information that these two contract companies were not viable. Therefore, we revoked the licence. But one event did not trigger it; a series of careful analyses was at the heart of the decision, and it took some time to come to that conclusion involving a large number of people who provided expert information to us and whose dependency I'm sure will be defended when the Code inquiry completes its work.

MR. SPEAKER: A supplementary, Calgary-Buffalo.

MR. CHUMIR: Yes, to the minister. When did officials of his department first advise him of problems with respect to First Investors and Associated Investors, and what steps did he take after that to protect investors and not just the company?

MR. SPEAKER: Perhaps the minister would like to answer the first question. Only one question is allowed.

MR. JOHNSTON: Again, Mr. Speaker, I think this question would be more appropriately found in the Code inquiry. I think this is under his investigation. This explanation will be given by everyone who is available. I've indicated that a considerable list of government ministers and employees have been requested to testify, and we will give our full co-operation to the Code inquiry wherein we will set out either by correspondence, by decision documents, or by imperfect memory in some cases but memory at least as to the events which took place. That I think is more appropriately expressed in front of the Code inquiry, which is now conducting that investigation.

MR. SPEAKER: Procedural information at this stage to members of the House. Yesterday the Chair ruled out of order two questions or at least tried to get that wonderful phrase of reserving judgment to determine admissibility. Of the questions, with regard to the last two questions by the Leader of the Opposition, the information has been exchanged between the Speaker's of-

fice and the Leader of the Opposition. The Leader of the Opposition intends to designate his second question today, so now the Chair recognizes that the Leader of the Opposition may indeed ask one of the questions that occurred yesterday and one of the four questions that were in the second question. You see part of the fun of being the juggler when it comes to question period.

Leader of the Opposition, two questions.

MR. MARTIN: Thank you, Mr. Speaker. I'll try to read it to make sure that I stay in order on my third question from yesterday; it's a very simple one. In view of the fact that thousands of Albertans have lost millions of dollars, my question is: eventually who is going to take the political responsibility over there?

MR. JOHNSTON: Well, Mr. Speaker, we've made it clear that it's probably not one entire group that will take the responsibility. I think it's safe to say that Mr. Code is looking at all aspects of the problems affecting the Principal Group Ltd. There seem to be at least four different groups now who could be essentially involved: one was the decision-making group, the management and the board of directors if you like; the second was the sales force of the Principal Consultants Ltd.; the other was the government; and still finally, the last one was the investor. All of these people at various points had their own decisions to make as to how to operate.

The political responsibility will fall, I think, on those people. It won't be uniquely defined in my view, but it may well be that in terms of the government's role, as our Premier has said, should Mr. Code make a recommendation or a suggestion or the court order that in fact the government was entirely or partly negligible, negligent in its . . .

MR. MARTIN: They're negligible; that's for sure.

MR. JOHNSTON: It's the teacher coming out of the Member for Edmonton-Norwood, I guess. I appreciate it.

Then, of course, the government will respond accordingly, and that in fact is our position. But I think to a great extent the recommendations of Mr. Code will be at the heart of that explanation.

MR. SPEAKER: [Inaudible] question.

MR. MARTIN: Yes, I had the urge to go on, Mr. Speaker, but I'll come back to the question from yesterday.

The minister has announced that he's prepared to give \$10 million to accountants and lawyers to clean up this mess, and that's a political mess, Mr. Speaker. My question was: in view of the fact that this shows that this government was clearly negligent and they didn't do anything for four years, would the minister now, instead of giving the money to the lawyers and accountants, turn this money over to the investors? They're the deserving people.

MR. JOHNSTON: Mr. Speaker, I've tried to make this explanation before. Now I can see why the Member for Edmonton-Norwood is a teacher, because he does not understand the financial way in which the markets operate or in fact the way in which liquidation takes place, I'm sure as well that's why he'll remain the Leader of the Opposition.

Let me go on to say, Mr. Speaker, that in the liquidation of corporations which are either into receivership or in bankruptcy, fairly significant charges are assessed against the estate or the

remaining assets of the enterprise. They're assessed for various professional purposes. I agree that lawyers and accountants tend to have higher wages or perhaps are fairly elaborate in their charging practises. I'm saying that in the privileged room here, by the way. [interjections] But in any event, there are major costs involved in this process. Therefore, if the government has indicated that we would pay some of the costs of liquidation of these companies, what does that mean? That means instead of the estate or the money that's available for distribution to the contract holders being paid to the liquidators of the two companies, in fact that money will be available to be distributed to the owners themselves, the contract holders in this case.

Therefore, Mr. Speaker, while I have estimated that the costs of liquidation of these three companies, the Principal Group Ltd. and the two contract companies, will be fairly significant because of the size and the complexity of the process, anything the government does to assist these companies for the Alberta contract holders themselves will simply enhance the distribution of assets back to the contract holders. So it isn't going to the professionals; it's going directly to the contract holders.

Now, there is a second intonation in this question, Mr. Speaker, and I have to deal with it because of course . . .

MR. SPEAKER: Please quickly.

MR. JOHNSTON: Well, I'm sorry; when the member raises two questions I have the right to at least deal with it, unless you cut me off quickly.

When the Member for Edmonton-Norwood suggests that the fact that we're assisting the contract holders in a variety of steps and processes which we have carefully outlined, which we think draws to the advantage of the contract holders themselves in terms of the provision of money for legal counsel, in terms of setting up a special committee, in terms of some of the costs that I just referred to -- we're doing that not because we believe we're guilty, but because we believe that this has been a very difficult sacrifice for these contract holders, and we're trying to do something on our behalf to assist them. It is not an admission of guilt at all; it's an expression of concern, and that distinction should be made.

Husky Oil Upgrader

MR. SPEAKER: Designated second question, Leader of the Opposition.

MR. MARTIN: Yes, Mr. Speaker. I'd like to designate my second question to the Member for Calgary-Forest Lawn.

MR. PASHAK: Thank you very much, Mr. Speaker. The people of Alberta, particularly those in the Lloydminster area, have been waiting for over three years for the ground to be broken in an upgrader project that would bring extensive economic benefit to the province. Indications are that the province of Alberta and the province of Saskatchewan and the federal government are close to completing a deal on this project. I've a few questions about that project this morning.

To the minister: will Alberta's participation in the upgrader project be restricted to direct equity investment, or will there be any other sort of royalty relief or any other kind of financial support provided to this project?

DR. WEBBER: Well, Mr. Speaker, the hon. member is correct

in that the discussions around the project have been going on for some time. Of course, the collapse in world oil prices had a significant bearing on the setback in activity on the nonconventional side of the oil industry. Of course, that caught the Husky project as well. But since the world prices have come up and nonconventional projects are looking more economic than they have in the past for a variety of reasons, the discussions did start up again on the Husky project, particularly between Alberta and Saskatchewan initially and Husky at the officials' level and then eventually Alberta, Saskatchewan, and the federal government. So the proposal that was put to Husky this week was a joint proposal from the federal government and the governments of Alberta and Saskatchewan.

I have indicated publicly, Mr. Speaker, that the three governments have indicated their desire to participate in this project in an equity way, but to say anything beyond that, I think at this stage would be inappropriate in view of the discussions that are going on.

MR. PASHAK: Well, Mr. Speaker, I want to know, and I think the people of Alberta have a right to know in terms of this free trade agreement, whether the government of Alberta is proposing to put more into the deal than just equity? A simple yes or no from the minister on that question is warranted for the people.

DR. WEBBER: Well, Mr. Speaker, the hon. member and the people of Alberta, if and when an agreement is reached, will find out the details.

MR. PASHAK: Well, my concern is: if we are considering putting royalty into that, what implications would that have for the free trade agreement?

DR. WEBBER: Well, Mr. Speaker, we all know where the party the hon. member is a member of stands on the free trade agreement, which is at odds with the development of the oil and gas industry in this province. We intend to work with the federal government and the government of Saskatchewan to see that these projects go ahead. Because of the free trade agreement we see a significant demand for development in the non-conventional oil sector in the future.

MR. PASHAK: Mr. Speaker, a final supplementary. The minister still hasn't answered my question. I'll put it in slightly different terms. What information does the minister have about our ability to provide incentives to construction and operation of a production facility under the terms of the Mulroney trade deal? Will he share that information with the Assembly?

DR. WEBBER: Well, Mr. Speaker, the hon. member should know and it's been made public, the free trade agreement, the details, the legal document of course is yet to come. But as far as incentives to the development of our reserves in this province, that is in place; we'll be able to continue to do so in the future as well.

MR. TAYLOR: Mr. Speaker, I'd like to have a supplemental to continue the very important question started by the Member for Calgary-Forest Lawn. Would the Minister of Energy inform us as to the reason for the delay in going ahead with the plant, because the federal and provincial governments had to get clearance through Washington because Washington would con-

sider it a bottom-load subsidy competing with their own independent oil producing? Are you waiting for Washington to give clearance for the project?

DR. WEBBER: Mr. Speaker, we obviously do not have to go to Washington to deal with this. The problem in the past has not been Washington; it's been Ottawa. When the party the hon. member is the leader of in this province has been in office, they've been the main problem.

MR. SPEAKER: Supplementary. Member for Wainwright.

MR. FISCHER: Yes, to the Minister of Energy. Do you have some cost figures on the upgrading of the heavy oil in the Wainwright/Lloydminster area?

DR. WEBBER: Yes, Mr. Speaker.

Free Trade

MR. TAYLOR: I'm glad to see their back bench doesn't have any more success than we do.

This question I'd like to direct to the Minister of Agriculture, and again it involves free trade. Certainly the worry I think many Alberta taxpayers have, as we do put a lot of subsidies, loans, and grants into agriculture -- Mr. Speaker, the Americans generally call this bottom loading. In other words, although it has not increased the price for the product, it does allow the product to be produced more cheaply. So I would like to ask the Minister of Agriculture -- the first one. For instance, his government is talking about a trial program for putting in the Crow rate subsidy to farmers. Has that been cleared with the U.S. authorities to make sure that will not be considered a bottom-load subsidy?

MR. ELZINGA: Mr. Speaker, in response to the hon. Member for Westlock-Sturgeon, I would refer him to the agreement that has been initialed, because there it makes specific reference to the western grain transportation offset, whereby those goods that are shipped through the west coast ports for delivery to the U.S. -- they have raised objection to that provision, whereby there was a payment to offset the transportation costs as it relates specifically to canola. What they have done is that they're going to remove the ad valorem tax of 7.5 percent on our canola going to the U.S., and the two will offset each other.

MR. TAYLOR: Mr. Speaker, that was not exactly my question. It was on the trial program, that the money would go into the pockets of the farmers.

However, let's move on. There is a Crow benefit offset program, or some people would call it a livestock subsidy, for hauling feed or the farmers feeding their own feed in many cases to livestock for market. That has been an Alberta characteristic for some time to help build up the livestock industry. Would the minister let the House know whether or not that will be an acceptable practice under the free trade agreement, or has that been cleared yet through Washington?

MR. ELZINGA: It is my understanding, Mr. Speaker, that would still be permissible under the free trade agreement.

MR. TAYLOR: Thank you, Mr. Speaker. I'll go on to the next area. The House, and I'm sure the minister, is quite aware that

the irrigation subsidies are paid in the form -- I believe we pick up about 84 percent of the cost of headworks and water delivery to irrigation farmers. A lot of what the irrigation farmers produce of course will be sold to the U.S., supposedly in a free trade pact. Now, will this 84/16 percent split -- 84 percent paid by the provincial government -- be considered bottom loading by the Americans and an unfair subsidy for products from our irrigation farms?

MR. ELZINGA: Mr. Speaker, as the hon. member is aware, both the Department of the Environment -- which is more so involved than ourselves -- and ourselves are involved in helping offset some of the irrigation costs in southern Alberta. It is our opinion that those programs we presently have in existence will be maintained, and we plan to keep them.

MR. TAYLOR: Mr. Speaker, I'm worried about his opinion. It doesn't carry too far in Washington, even less farther than it does on this side of the House. But I think those are very important things that should be checked.

The last question is that this government has announced a \$4 million grant -- not a guarantee, a grant -- to Cargill, one of the American multinationals, to proceed with a beef packing plant in southern Alberta. Now, was that \$4 million grant cleared, or do you assume just because it's a large American multinational that it will go anyhow? Was it a \$4 million grant cleared with Washington to make sure that beef sold from this plant wouldn't be considered bottom loaded, or is it because it's American owned that you don't figure there'll be any trouble anyhow?

MR. SPEAKER: The Chair looks forward to the answer, but these questions have been top loaded and bottom loaded.

MR. ELZINGA: Mr. Speaker, the hon. member who represents the Liberal party might run to Washington and Ottawa to receive his directions; we on this side do not. We made the decision based on what we believe is best for the cattle industry. It is going to allow us to develop further food processing within the province, and it's a very beneficial step for the agricultural sector within the province of Alberta.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. It's in terms of an examination of all of our various agricultural industries relative to the free trade proposal. Could the minister indicate what the approach is from the departmental level? After findings are determined in these various sectors of agriculture, will there be a paper presented to this Legislature that will be available to Albertans as well?

MR. ELZINGA: Mr. Speaker, we presently have a paper as it relates to the trade agreement in general terms that I'm more than happy to send to the hon. member, whereby it goes through a question-and-answer proposition as to how it will affect the various sectors. In addition, I understand -- and I must admit to the hon. member I don't know all the details as it relates to this agreement -- there is a mechanism included in the agreement, that we will have an opportunity to overview a number of programs that might be considered as not holding to the tradition of the agreement, which we will be making representation as time goes on.

But overall I would share with the hon. member, as I'm sure he would concur, that there is such a positive aspect to this agreement as it relates to our agricultural sector, when we ac-

knowledge the amount of agricultural goods that do flow to the United States specifically from our province, that it would be disastrous if that border was closed off to us.

MR. SPEAKER: The Member for Stettler, followed by Athabasca-Lac La Biche.

MR. DOWNEY: Thank you, Mr. Speaker. I was moved to rise on this question when I heard a reference by the Member for Westlock-Sturgeon calling our Crow benefit offset a livestock subsidy. I wonder if the minister could clarify exactly what the intent and function of the Crow benefit offset program is.

MR. ELZINGA: Mr. Speaker, I'm happy to respond to the hon. Member for Stettler because I'm sure he is driving at the inaccuracy of the hon. member's statement as it relates to a subsidy, because in reality it is an offset to what we consider a discriminatory program under the method of payment that presently exists. We are working very hard to try to have that done on a trial basis within this province so that we will have added further processing within the province of Alberta.

MR. SPEAKER: Athabasca-Lac La Biche.

MR. PIQUETTE: Yes, Mr. Speaker. To the Minister of Agriculture, a supplementary. Canada has agreed to eliminate its Western Grain Transportation Act subsidies on agricultural products shipped to the United States through western Canadian ports. Now, this will mainly affect the rapeseed and mill seeds exported. Now, would the minister please confirm that for the canola producers this will be basically a rape on their exports because they will still be facing, under the Mulroney trade agreement, the countervailing duties that the Americans have on the canola product?

MR. ELZINGA: Mr. Speaker, I'm happy to repeat what I indicated to the hon. Member for Westlock-Sturgeon in his original question as it related to the canola industry, whereby the U.S. has agreed in turn to drop the ad valorem tax of 7.5 percent, which equals fairly well the transportation assistance that our canola industry has received to date under the Western Grain Transportation Act. So the two will offset each other. There is a legitimate concern, though, as it relates to the time period, and we are making representations so that the time period is equal with the reduction of both those programs.

Treasury Branches

MR. R. SPEAKER: Mr. Speaker, my question is to the Provincial Treasurer. This week we've had a lot of discussion on the health of various financial institutions. My concern is the Treasury Branches of the province of Alberta, where we've had as of March 31, 1987, a \$118 million deficit. My question to the minister: could he indicate whether he or departmental officials have conducted an analysis of the major components of that deficit as to whether it relates to loans on a personal basis, small business, or from the farming sector of this province?

MR. JOHNSTON: Mr. Speaker, I'm pleased to provide some information with respect to the Treasury Branches, one of those fundamental institutions of Alberta which goes back to the populist movement during the period of the Social Credit Party. At least the Treasury Branches have survived, and I'm happy

that they have.

Let me indicate, Mr. Speaker, that we have done some considerable amount of work on the Treasury Branch problem. First of all, to correct the facts, the total losses this year are not \$118 million. If you allow me just the working of the rough numbers, it's about \$40 million this year and approximately the difference last year, so what we've seen here is a two-year effect. Similar to other financial institutions, Treasury Branches have had significant percentages of losses showing up in their loan portfolios. As I've said before, this is common to all financial institutions, including the large banks, by the way, who have suffered a considerable amount of loan losses in western Canada over the past three to four years.

We have found that the losses in the Treasury Branch are essentially of that order. There are losses in real estate, where in fact mortgages were foreclosed and property put back on the assets of the Treasury Branch itself and therefore had to be revalued in light of the new situation, some losses on the farming/manufacturing side, and significant losses on energy loans. So we'd expect, if those two sectors in Alberta have been poor performers or been under severe pressure from external forces, that the losses in the portfolio of the Treasury Branch would be similar to those of other financial institutions, and that's the case, as a matter of fact.

We would expect that in 1988 there will be improvement in the income of the Treasury Branches, but let me note that it is in fact a clear case where, going through these transitions, the company has had to adjust. They've had to take loan losses driven by the same tests applied to other financial institutions, and these are showing up now on the bottom line, so to speak, of the Treasury Branch.

AN HON. MEMBER: Filibuster?

MR. R. SPEAKER: Mr. Speaker, I'll soon be running out of supplementaries.

MR. TAYLOR: Just keep at it. He'll run dry eventually.

MR. R. SPEAKER: Hopefully not the Treasury Branches.

MR. SPEAKER: That's hypothetical, hon. member.

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. He has commented publicly that the government has, by inference or directly, urged that the Treasury Branches take higher risks in terms of loans to the people of Alberta and that that could have had an effect on this deficit. Could the minister indicate whether that statement is an accurate assessment of the government's policy up to this point in time, and will there be some restructuring in terms of that policy as a directive from government?

MR. SPEAKER: Two supplementary questions in one.

MR. JOHNSTON: Mr. Speaker, I think that during the period since 1983 -- certainly 1986 -- when it was reported or suggested that some of the large banks in particular were not providing adequate dollars to Alberta for normal kinds of investments, we, in discussions in our caucus and discussions with the management of Treasury Branch, suggested that if the banks are moving away from Alberta or backing out, which has been reported, in fact the Treasury Branches should do all they can to

secure the investment-driven decisions in this province. They have done that. Therefore, I think you might suggest that on a normal banking basis, they're taking marginally greater risks than some of the other financial institutions. At the same time, I think that's appropriate because that's why that entity was set up, and that's the way in which it is operating.

But they are still applying the normal tests with respect to prudent portfolio management, with respect to prudent loan decisions. But to a very great extent they are cognizant of the needs in Alberta for a secure and substantial flow of funds into investment decisions, and that's what they're doing.

MR. R. SPEAKER: Mr. Speaker, my final supplementary will relate to the filial phrase of my last supplementary in terms of restructuring. Could the minister indicate what type of directives or policy changes would occur for any kind of restructuring?

MR. JOHNSTON: Again, Mr. Speaker, I would hope I could get in on the last and make it clear what we intend to do. If in fact there is a problem, I guess it's incumbent upon the government to act, and we will do just that.

But let me point out that in the case of the Treasury Branches, this unique institution, they do not have a so-called equity base. I guess the equity base of the Treasury Branches is all the assets of the government itself. And still this province is the only province with net assets, I might say in parentheses. But the Treasury Branches as an entity do not have any equity. We haven't got any shareholders' capital, and against my arguments some time ago, the government has transferred any surpluses from the Treasury Branches into general revenue. I thought they should have left that in the Treasury Branches and could have dealt with the kinds of unforeseen losses which we had this year. However, that was not done, and so we have to find some way to put some capital, if you like, back into the Treasury Branches. Now, it's operating as a fund; it's operating under the arm of government, and therefore it's somewhat difficult, given our legislation in the Financial Administration Act, to do just that. But we're looking at ways that we can correct some of these problems. I think the Act may well be flawed to some extent in that that problem cannot be rectified or changed, and we're looking at ways to remedy that.

On a broader basis we're looking at ways to expand co-operation with the Treasury Branches, with other financial institutions as well, working in co-operation with current entities here to make it work. As a final point, let's remember that Alberta is the only province that has a Treasury Branch system, and when you say that the financial institutions in this province are eroding and moving, other provinces are looking at the Treasury Branches' example of ways to deal with the problem in their own province, and we should be thankful that this entity is operating as effectively as it is here in the province -- the 19th largest financial institution in Canada, by the way.

MR. GOGO: Mr. Speaker, to the hon. Provincial Treasurer. Has the Treasurer had a request from the Canada Deposit Insurance Corporation to have the insurance amount limited in the Treasury Branches to \$60,000, similar to other institutions in Canada?

MR. JOHNSTON: Again my colleague from Lethbridge raises one of the fundamental points I like to have on the record; that is, that all deposits in the Treasury Branches are 100 percent

guaranteed by the province of Alberta. We are not concerned with CDIC or other limits. It's a 100 percent guarantee for any deposit in the Treasury Branches in Alberta.

MR. SPEAKER: Edmonton-Meadowlark.

MR. MITCHELL: Mr. Speaker, thank you very much. To the Treasurer. Since the Treasury Branches have written down their assets over the last two years by less than 10 percent, in light of the fact that private-sector institutions have experienced write-downs of 30, 40, 50 percent, could the minister please inform the House whether more rigorous evaluations, more market-based evaluations, of Treasury Branch assets would in fact have resulted in greater losses, losses greater than the \$118 million experienced by the Treasury Branches over the last two years?

MR. JOHNSTON: I can't say no to that, Mr. Speaker, but I can simply explain the process we're going through. As I've indicated, valuations of real estate holdings in particular or certainly mortgages outstanding against real estate loans are under some pressure right now. But in conjunction with the Auditor General, who expresses an opinion on these financial statements, the management of the Treasury Branches, and to some extent the government, has been working with all three groups to try to bring together a formula which would recognize and put in place an appropriate way to measure losses similar to what's being done in other financial institutions.

To some extent the change in approach to writing off losses or providing for losses accounted for the significant increase in the losses last year, but I think it's safe to say that we are using the normal financial approach to recording these losses. Provision for the losses is similar to other financial institutions, and I would suggest that it's probably appropriate in that context and has not understated the value of the assets in Treasury Branches.

MR. SPEAKER: The Member for Lethbridge-West, followed by the Member for Calgary-Mountain View, followed by the Member for Calgary-Buffalo, and then Lloydminster, Edmonton-Strathcona, Red Deer-North, Wainwright, Edmonton-Glengarry, Highwood. Anyone else? Lethbridge-West, please.

MR. McEACHERN: Mr. Speaker, I have a supplementary on the last . . .

MR. GOGO: Thank you, Mr. Speaker, I have a question for the minister . . .

MR. SPEAKER: Forgive me, Member for Lethbridge-West. There is a request for a supplementary. But one should really be jumping up much faster, Member for Edmonton-Kingsway. The final supplementary on this question.

MR. McEACHERN: Yes, Mr. Speaker. My question to the Treasurer about the Treasury Branches is this: would he agree that much of the Treasury Branch problem is really because the Treasury Branches loaned some \$650 million to North West Trust between the years 1983, '84, and '85 and that the CDIC money of just over \$200 million was not enough to cover those bad losses?

MR. JOHNSTON: Well, Mr. Speaker, we've had this curious debate for some time with the member who just asked the ques-

tion, and I can only say that not only was he confused before but he is still confused on this issue.

In fact, the arrangement with North West Trust and CDIC, where in fact North West Trust was brought back to financial stability by taking federal government money, \$277 million, putting it into North West Trust, ending up with a very strong financial institution which is serving the needs of Albertans, well-financed, cleaned up, and with the real estate now in the government's hands as well: as a result of that transaction, which cost the people of Alberta not one cent, in fact some of the advances to North West Trust by the Treasury Branch became profitable and have added to the balance sheet, did not add to the losses at all. Now, the numbers that the gentleman used are simply not accurate.

MR. SPEAKER: Member for Lethbridge-West.

Public Health Inspections

MR. GOGO: Thank you, Mr. Speaker. I have a question to the Minister of Community and Occupational Health that was raised by a constituent of mine this past week. It concerns the Public Health Act and eating establishments in government-owned buildings. Inasmuch as the Public Health Act is not binding on the Crown, I wanted to ask the minister: could he advise the House what precautions are taken to assure the public eating in eating establishments in Crown-owned buildings as to the safety of both the food preparation and the serving of the food.

MR. DINNING: Mr. Speaker, private-sector operators operating within a government-owned facility are in fact bound by the Public Health Act; therefore, that protection should be in place because of that Act.

MR. GOGO: A supplementary, Mr. Speaker. In view of the fact that under the government's privatization program there appears to be a rapid increase in privately-owned operators within these buildings, could the minister then advise the House what the process is for public health inspectors of health units in Alberta to enter those provincial buildings without an order being issued?

MR. DINNING: Well, again, Mr. Speaker, regardless of the building in which the operation is housed, public health inspectors may have access to and have access to premises that are operated by private-sector operators. So it's simply not that there's no requirement for any kind of permit or special arrangements for access. And as for government-run operations that should be inspected by public health inspectors, we have arranged that those operations will be accessed by public health inspectors.

MR. GOGO: A final supplementary then, Mr. Speaker. In view of the minister's comments, could he assure the members of this House that the cafeteria within this building, which is operated by a private operator, has in fact recently been inspected by the Edmonton board of health?

MR. DINNING: Mr. Speaker. I don't keep track of public health inspectors in the 27 health units across this province, but I'm sure that if there is a concern that the hon. member would like to bring to my attention, I would certainly approach the Edmonton board of health to ensure that such an inspection would

take place.

MR. SPEAKER: Member for Calgary-Mountain View.

Mount Allan

MR. HAWKESWORTH: Thank you, Mr. Speaker. My question is to the Minister of Recreation and Parks. The provincial government has spent \$25 million to build a ski hill at Mount Allan, even when there was evidence and lots of advice that that was not the place to build it: there would be problems, not enough snow, and so on. Now there are indications that the private-sector operators lost \$1.2 million on operations there last year. Given the small number of skiers, less than expected, will the minister confirm that the provincial government received virtually nothing last year by way of concession and land-use fees and will receive nothing this year?

MR. WEISS: Well, Mr. Speaker, to the hon. member. The question is perhaps partially hypothetical but I think is deserving of an answer -- partially. Yes, the ski hill was built at a cost of some \$25 million, which I'm certainly pleased and proud that it was, because had it not been built, there would not be a facility in place to accommodate the Olympics or for the long-term recreational needs of Albertans and those who wish to pursue that activity.

Yes, the rental fee was restricted in income, based on the amount of skiers, partially due to the weather and partially due to the learning experiences that the operators had to be encumbered with as well. There were several World Cup events held on the facility and training runs that we accommodated for the Olympic Organizing Committee that went very successfully. I believe we'll look forward to some good long-term recreational needs with the development of the hill. I'm unable to predict or project at this time whether or not there will be any actual income in this calendar year.

MR. SPEAKER: Supplementary question, Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. Starting this past May of this year, OCO assumed the full-year operation of the ski area, including all the associated losses to run it, compared to Lake Placid, for example, which was closed only for the week prior to the '84 Winter Olympics. Would the minister confirm to the Assembly today that the estimated \$2.2 million loss OCO will assume under this arrangement is in effect a subsidy to keep the private operator afloat at Nakiska for another year?

MR. SPEAKER: With due respect, hon. minister, just a moment. The time for question period has expired. Might we have unanimous consent of the House to complete this series of questions?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Minister.

MR. WEISS: Well, thank you, Mr. Speaker. I appreciate the opportunity to respond to clarify that because it certainly is a misunderstanding by the hon. member as it's presented.

The first commitment is to the Olympics, to see that that

facility is in place and that we'd be able to fulfill those obligations.

AN HON. MEMBER: On time, under budget.

MR. WEISS: Yes, on time and under budget, as I've heard to my right. But in doing so, we've had to look at the overall expertise of the operators. They bring that skill in management to the overall facilities. But in view of the conditions that were being imposed to run the Olympics, we've had to turn around and separate the recreational component side of it to the Olympic side of it. In doing so, it would mean that there would be lost revenues, lost time, and to go back then to our first commitment and obligation to see that the Olympics took place, we made an arrangement with the organizing committee and Ski Kananaskis to see that that took place.

MR. SPEAKER: Supplementary.

MR. HAWKESWORTH: Thank you, Mr. Speaker. Last year's operating loss of \$1.2 million has basically eaten up the equity investment by the ski area's operators. Will the provincial government be prepared to extend further assistance such as equity financing, loan financing, or loan guarantees to Ski Kananaskis to enable them to keep afloat on an ongoing basis?

MR. WEISS: Well, Mr. Speaker, I can't answer that at this time, because it's certainly an ongoing area that we'd have to be reviewing, and there's no further discussion at this time or being entertained with regards to that. I might say though, while I'm on my feet, that maybe, and only maybe, does the initial decision to go ahead with the facility and with the operators support the fact that they, the operators, lost the \$1.2 million, and not the government or the taxpayers of Alberta, in the development of the hill.

MR. HAWKESWORTH: Mr. Speaker, to the minister. Given that we're collecting only about \$25,000 a year on a \$25 million investment, I'd like to ask how long the provincial government will allow these losses of \$1 million and \$2 million a year to mount up? How many years will these private operators be able to continue before the provincial government has to take over the operation of this ski hill?

MR. WEISS: Well, Mr. Speaker, it isn't the intent of the government to take over, and I'm surprised that the hon. member would ask that question because he was the one who raised on so many different occasions to have the opportunity to review the overall conditions and lease agreements and so forth, which were provided to the hon. member. So if he'd like to go back and review his homework, perhaps he'd find that the term of the lease was five years and the other conditions and factors that he's well aware.

MR. SPEAKER: Supplementary question, Calgary-Buffalo.

MR. CHUMIR: Thank you. To the minister. Now that it's clear that Nakiska is on its way to being an ignominious failure . . . [interjections] Facts speak for themselves. I wonder whether the minister might comment on the reported policy of the government to encourage much greater development of facilities in the national parks.

MR. WEISS: Well, Mr. Speaker, I really view that as a separate . . .

MR. SPEAKER: Hon. minister, indeed it is not a supplementary germane to the first question, the main line of questioning.

Might we revert briefly to the introduction of special guests?

HON. MEMBERS: Agreed.

ORDERS OF THE DAY

head: INTRODUCTION OF SPECIAL GUESTS (*reversion*)

REV. ROBERTS: Thank you, Mr. Speaker. In the public gallery are some students of the English as a Second Language program in my constituency, with their teacher Joan Farhall. I'd ask that they stand and receive the warm welcome of the members.

MR. R. SPEAKER: I'd like to introduce three progressive young businessmen in the province of Alberta that have had the opportunity of working with me in a number of ways. I'd like to introduce the president of the Representative Party, Tom Carlton, if he would stand, and Tom Caruso and John Voorhorst from southern Alberta, three young gentlemen that are going to add lots to the economy of this province.

MR. SPEAKER: Additional guests for introduction? Westlock-Sturgeon.

MR. TAYLOR: If I may add, Mr. Speaker. I'd also, although I hesitate because of where she is sitting, introduce one of my co-workers for many years in the Alberta Liberal Party, Pat Raymaker from Calgary.

MR. SPEAKER: The Chair would just like to point out for future reference that if there are indeed additional introductions of guests to be made, the Chair would be most appreciative if notes would continue to flow so that we don't miss anyone. Thank you.

head: GOVERNMENT MOTIONS

21. Moved by Mr. Young:

Be it resolved that the Standing Orders of the Assembly be amended by the addition of section 17.1 as follows:

- 17.1(1) The working language of the Assembly, its committees, and any official publications recording its proceedings shall be English.
- (2) Notwithstanding suborder (1), subject to the prior approval of the Speaker or Chairman, French and languages other than English may be used upon the following basis:
 - (a) in the course of question period, to ask a main question, provided that in each case written advance notice of the question is given not less than two hours prior to the relevant sitting of the Assembly together with a true and accurate English translation thereof, to the Speaker, the Clerk, and to any other member or officer as the Speaker may direct;

(b) at any other time in the Assembly and its committees other than proceedings where an immediate response is expected or requested from another member, provided that the member making the statement or address supplies to Mr. Speaker or the Chairman an English translation or brief description of the content thereof when approval is sought;

- (3) Mr. Speaker or the Chairman may at any time read aloud the English translation or brief description of the address, statement, or question, as applicable, or portion thereof, for the benefit of all members where he deems it advisable.
- (4) The address, statement, or question shall be recorded in the official publications of the proceedings by printing only the translation or brief description supplied by the member, subject to editorial changes to ensure accuracy when necessary.
- (5) A government motion relating to the constitution of Canada may be printed in the official languages of Canada.
- (6) A member providing an English translation under this standing order shall be responsible for ensuring that the translation or brief description represents the true substance, meaning, and spirit of the address, statement, or question spoken or made by the member, and any deviation or alteration therefrom may be treated as a breach of the privilege of the Assembly.

MR. YOUNG: Mr. Speaker, I move Motion 21 on the Order Paper and, in so doing, would indicate that this motion has as its intent to provide clarity to a procedure which would allow the use of languages other than English in the Legislature for certain purposes and under certain conditions. Mr. Speaker . . .

MR. SPEAKER: Government House Leader, with apology to the House, with regard to the motion as printed in Orders of the Day, the Chair needs to draw to the attention of all members a misprint which was caused by our facilities. It's subsection (3). The second line presently reads, "Mr. Speaker or the Chairman may at any time read aloud the English translation or brief translation . . ." The word "translation" is an error, and should be "description" to conform to the motion as approved by the House last evening.

Forgive me, hon. members. Is that . . .

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Thank you. Government House Leader.

MR. YOUNG: Thank you, Mr. Speaker. The motion is before us today as a result of a number of events, and perhaps I should trace those very briefly. The matter which gave rise to the motion which would amend, if adopted, the Standing Orders of our Assembly commenced on April 7, 1987, and it led to a question of order with respect to the use of French within the Chamber during question period.

This was the first time in my memory, since 1971, that any question had been raised about this matter, and I think most members, as in my own case, had come to just simply not think about it. It was a matter which had not been raised to our attention. As a consequence of the developments which occurred following that incident, a committee, the Standing Committee

on Privileges and Elections, Standing Orders and Printing, was charged with the examination of four questions by this Assembly. Those questions are to be found in the report of the standing committee.

The committee examined the questions very carefully and made some recommendations. In the course of its examination it explored the potential of the adoption of simultaneous translation in the Legislature and observed with regard to the expense of such a system and, I think, as well with regard to the practicality, and it appeared that the committee, to my best information, although I was not a member of it, is unanimous that that was not an approach which should be considered at this time.

The committee also reviewed the nature of the difficulty that was posed by the questions before it, and those questions and difficulties can perhaps be enumerated this way: there were views that there is a constitutional right, other views that there is not a constitutional right. As I looked through the committee's report, perhaps just for those members who may not have had the opportunity to read the transcript of the Committee on Privileges and Elections, Standing Orders and Printing of June 23, 1987, there is there a summary of some of the evidence given, albeit from a particular point of view, some members may suggest. Nevertheless, it is clear that the committee heard from Dr. Kenneth Munro; from Dean Tim Christian of the University of Alberta, the dean of the Faculty of Law; from Dr. Leslie Green; from Dr. Dawson, an acknowledged expert on parliamentary procedure; from Dr. Forsey; and I believe there were a couple of others.

The end result of all this, Mr. Speaker, is that the committee found itself seized with a great deal of conflicting and, I think, rather firmly held evidence as to, first, the constitutional issue itself and, secondly, the relationship of this Assembly, or for that matter any Assembly but in particular this one, to make decisions regarding a matter of constitutional import, and I won't go further into that.

I just want to conclude with this other thought. The committee also apparently determined that there were in fact a number of cases before various courts. Some of those cases apparently deal with the use of language, particularly the French language. In some instances those usages turn on in what forum the languages would be used, whether it would be a forum which is of federal responsibility or a forum of provincial responsibility. From my personal point of view, I understand the committee's position when they declined to take a position at the present time other than to bring forth the recommendations, which we understand.

I would point out in particular, Mr. Speaker, that it is my understanding that there is a case proceeding in the courts -- I know it only as the Saskatchewan constitutional reference -- concerning the use of the French language in the Saskatchewan Legislature. I believe that case is probably the most on point of all the cases that could be alluded to in respect of the matter before us. But again, that case is definitely not decided.

Mr. Speaker, in the proposal before us, I draw to hon. members' attention that there is some deviation from the committee's recommendation. I will deal with that change from the recommendation which was advanced when I get further into my comments, but I point it out now as some difference between the rules proposed and the recommendations in the report.

Mr. Speaker, I would state the objectives of this proposed amendment to be the following. First, we want to ensure clarity of procedure for the use of French or languages other than English in this Assembly. We want, in determining that clarity,

to do so in a manner which provides for ease of usage, ease of interpretation of the rule, and also, on the part of members, as much flexibility and ease of approach -- a relaxed approach, if you will -- as is possible, consistent with the need to maintain order in the Chamber and to provide for an effective procedure as far as all of us are concerned. That must be one of our objectives: to maintain a good, effective working situation in the Chamber and the decorum of the Chamber, as well as as much liberty as is reasonable, under those circumstances, for the use of French or languages other than English.

Turning to the motion at hand, I would address it in three elements. First, the question: the use of languages other than English in the question period. I single that out. The rules, as proposed here, I think conform absolutely to the committee's recommendation. Mr. Speaker, my interpretation of the proposal here and its intent is to permit the use of French or another language for the asking of a main question on the conditions that the Speaker has been provided with notice, a minimum of two hours notice, and a written translation in English of the main question at the time of notice and subject to the Speaker's approval. The result of that would be that the first or the main question of an hon. member could be asked in French or another language; subsequent supplementaries would, however, have to be asked in the English language, the working language, as stated, of the Legislature.

This second area, which also conforms absolutely to the committee's report -- and I should turn to the committee's report to reference it; actually, it's found in the resolution that we have tabled and are debating, in section (2)(b).

at any other time in the Assembly and its Committees other than proceedings where an immediate response is expected or requested from another Member . . .

In other words, where an immediate response is expected or requested, then English would have to be the language of usage. Now, my understanding is that that would probably mean that in exchanges such as at committee study of Bills where immediate response is expected from ministers or from the sponsors of a Bill, that exchange would all have to be in English.

I'm expecting, Mr. Speaker, that in committee a similar situation would prevail on the study of estimates, again where there's a lot of give-and-take of an immediate kind, where the whole purpose of the give-and-take is to get an immediate answer to a specific question. That would be a similar kind of situation as would prevail in the asking of supplementaries which, by their very nature, must be asked on the spur of the moment. The nature of the question flows from the response previously given. No one can predict, and it's very difficult to provide a set piece or a translation in advance.

The third area which is covered in this proposal to amend the rules concerns what I consider to be the broader area of debate. I reference that by way of illustration to suggest it is a debate upon a motion, debate on a Bill at second reading, for instance, where usually there isn't an immediate response expected in a sense of responding to questions. That's an area that I believe the third possibility covers. Accordingly, this is where the variation has occurred from the report of the committee. The committee, as I read its report, has recommended, again, that there would be required approval of the Speaker, that approval would have to be sought two hours in advance of the commencement of the sitting day, and that full translation would have to be provided. What the proposal provides, as we are debating it now, is that while approval of the Speaker would need to be obtained, it wouldn't necessarily need to be obtained two hours in

advance. It could be obtained on reasonable but relatively short notice.

Further, rather than having to provide a total translation, a complete translation, there could be, in the words of the motion before us, a "brief description." It is my understanding that a brief description would require that the essence of the point or points to be made by the hon. member would need to be stated in that brief description and that the spirit and intent of that brief description need be followed. But from there on, the hon. member would have latitude to express, as how the member may wish, the import of that brief description. That's a great deal of flexibility, I believe, hon. members, and it's one that may in fact lead us into some reconsideration eventually.

On that point, I'd like to suggest that this amendment of the rules as proposed is one which we, if it proceeds, will need possibly to examine at a subsequent time. I would ask all hon. members: let's try it and get some experience with it. And at that point, hon. members could perhaps speak to their respective House leaders about how they perceive it to be working or if it is not working, and we could get together and see if it's possible to add a little polish, if we believe that to be useful. But I think that that can only be accomplished effectively after there has been some experience.

There is a second eventuality which I'm sure all hon. members recognize, and that is that if there is a clear constitutional determination that we need to proceed in some other manner, then obviously that would have to be taken into account. While I can't predict when and whether that might happen, I'm sure that there are opinions in the House about the potential import of some of the cases that are going through the courts. We may not agree on the potential import, but at least we should be alert that there is a potential there, and if that would result in a clear constitutional determination as to a change in our procedure, then obviously it would have to occur.

Mr. Speaker, I want to close my comments today by saying that in my view our objective should be, on the one hand, if we follow this through, a friendly tolerance on the part of some members who may not understand fully everything that would be said in the use of French, or whatever language might be used here, especially if the members have only at their hand a brief description. So from those of us who might be in that position, I would hope that we would display a friendly tolerance and that we could have as easy a working relationship in this Legislature as possible. On the other hand, Mr. Speaker, in my view this motion, if adopted, would impose a considerable responsibility on those who choose to use French or any other language. They would obviously have to be very alert to section (6) of the resolution before us, which requires that their comments should be true to the substance, the meaning, and the spirit of the address, statement, question, or brief description that had been provided.

Mr. Speaker, as I conclude, I realize that this is a challenging situation for us all. It is a situation that I for one, as I mentioned at the opening of my comments, have not thought about before in the 16-plus years that I have been in this Legislature. It is one that I think Alberta has a great record in terms of its ability to resolve, and I would look forward this morning to an effective resolution in the Assembly for our continued relaxed, easy working relationships, but ones which have about them a clarity and a certainty greater than has been the situation in the past.

MR. SPEAKER: Before the Chair recognizes the Member of Athabasca-Lac La Biche, the Chair would like to go on record

as stating that the Chair indeed welcomes the motion which is before the House at this time, but would also make reference to the continuing discussion with respect to Motion 21, that it really is relating to a portion of the report of the Standing Committee on Privileges and Elections, Standing Orders and Printing. Therefore, just the gentle direction to the House that the real focus of debate today is really with respect to Motion 21 rather than the free-ranging and wide-ranging discussion of all the issues.

The Member for Athabasca-Lac La Biche.

MR. PIQUETTE: Thank you very much. Mr. Speaker, I want to emphasize that it was never my intention on April 7 to challenge your authority to regulate proceedings in the Assembly or to question your ability to make judgment on the proceedings therein. My concern was to clearly establish my constitutional right to speak in either official language in this Assembly.

Mr. Speaker, both you and I have been under a tremendous amount of stress in the past eight months as we swim through these very much uncharted waters about our constitutional history here in western Canada and in Canada. And I hope that all of us here today will leave these deliberations at least in a spirit of co-operation and friendship.

What transpired on April 7 was simply an accident of our history which forces us to review and rethink our western Canadian history and current policies dealing with languages in our Legislature and also dealing with our policies relating to educational rights and services to our two founding cultures in Canada.

I'm a proud Canadian and a very proud Albertan. My parents came here in 1908, my grandparents on one side in the late 1800s. If you look at the history of Alberta, we see over 40 communities which are originally Francophone communities. We look at Alberta history, and the French Canadians, along with the people of other nationalities, were one of the two founding peoples in western Canada. However, I'm not proud of the fact that French Canadians in western Canada, even though they were proud co-founders in Confederation, very often have had their constitutional right not respected. Regardless of the injustices of the past, today I stand here in a spirit of reconciliation, hoping that all hon. members understand that, above all, our conduct and respect for the constitutional rights of our two founding peoples must be respected in all parts of Canada and especially in our provincial Legislature.

The spirit of the Meech Lake accord, which we'll be very soon deliberating here in the Legislature, makes this very clear, about the federal and the provincial responsibilities relating to the two official languages in Canada. I would like to read and remind all hon. members about the importance of this accord:

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.

And that is:

the recognition that the existence of French-speaking Canadians, centered 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 also, which we're also prepared to do:

the recognition that Quebec constitutes within Canada a distinct society.

Now, Mr. Speaker, the Franco-Albertans and Francophones living outside Quebec are that bilingual nature of our country that we are called upon here to respect today.

When I read the government motion here, I agree with almost all of it except when it addresses the use of French. I think it's a very fair -- very fair -- interpretation of the reality of our multicultural society, of all the various groups of immigrants who came into Canada after 1867 and after the province of Alberta was formed in 1905. I think we have to have respect for other languages, and this motion does deal with that very substantially. However, here we are dealing in terms of the French language, a constitutional right. That must be recognized by this provincial Legislature as well as all provincial Legislatures. It is not, in my opinion, a privilege to speak the two official languages in any provincial Legislature across the land.

So, Mr. Speaker, in terms of making a simple amendment here which would solve what I feel is the perception here that French is considered as not an official language in this country of ours, where we have put in the words "subject to the prior approval of the Speaker or Chairman, French and languages other than English may be used upon the following basis," I would like to move that:

in clause (2) of the proposed Standing Order 17(1), by striking the words "approval of and substituting the word "notification to"

by the member wishing to use French or any language other than English." I would like to submit that motion, Mr. Speaker.

MR. SPEAKER: Hon. member, no procedure until the Chair has a chance to look at it, and the Table officers, but you'll be recognized in due course. Thank you.

The amendment is in order, and therefore we'll put it in motion by allowing the Member for Athabasca-Lac La Biche to continue to speak to the precise amendment. Amendment, Member for Athabasca... All right. One moment please. We'll wait until all... Thank you, hon. member. Just a moment more. Please proceed, Athabasca-Lac La Biche, speaking to the amendment.

MR. PIQUETTE: Mr. Speaker, what I'll be attempting to do here is to basically give the reasons why this amendment is very appropriate, which would resolve this whole situation, and that we have to go back in our history and learn a lot about our Constitution. I think one of the whole aspects of this event is that a lot of western Canadians are not really aware of their real history. I think in terms of defending or speaking to this motion...

MR. SPEAKER: Sorry, hon. member. The member has proposed the amendment. The member's comments must relate specifically to this matter, substitution and deletion, rather than back to the whole issue. Please, hon. member.

MR. PIQUETTE: May I make an argument in favour of this amendment?

MR. SPEAKER: Absolutely.

MR. PIQUETTE: Okay. What I'd like to do today is to go back and indicate the reason for the reasonableness of this amendment, where by putting in the word "notify", we would allow the Speaker to be aware of what is taking place in the House and would also be providing the necessary translation which would be required under this present rule.

Now, when we go back to the status of the French language in western Canada, we have heard that the British gained control

of the Northwest Territories and the present provinces of western Canada in 1670 when they created the Hudson's Bay Company. During 200 years this company ruled the region and administered justice in the name of the British monarch. In 1868 the British Parliament decided to negotiate the transfer of these territories to the Canadian government. Section 5 of the Imperial Act of 1868, the Rupert's Land Act, established the status of these territories by submitting them to the authority of Ottawa.

Research indicates that in 1868, if we include, for example, the Metis population -- which spoke mainly French in Manitoba, Saskatchewan, and Alberta -- the French-speaking population represented almost a majority in western Canada up to that part of our history.

In 1869 the federal government appointed a Lieutenant Governor and a member of the council who would form a local government. The North-West Territories Act of 1869 contained...

MR. DAY: A point of order.

MR. SPEAKER: A point of order, hon. Member for Athabasca-Lac La Biche. Point of order, Red Deer-North.

MR. DAY: Thank you, Mr. Speaker. Under Standing Order 23(b) a member is required to speak directly to the amendment. What we are hearing is a rambling historical dissertation which is questionable in terms of how directly it applies to this amendment. [interjection]

MR. SPEAKER: To the point of order?

MR. WRIGHT: Yes, Mr. Speaker. I am surprised by the point of order raised by the hon. member. The purport of this amendment and the gravamen of it is to accord the speaking of French, amongst other languages, but dealing with French, rather more status than that which would require the Speaker's approval before its use. In order to lay the groundwork, surely the hon. member must state the historical reason for the importance of French in this province, and that's what he's doing.

MR. SPEAKER: Further to the point of order. The Chair earlier on, not once but twice and also by virtue of sending a note to the Leader of the Opposition, has tried to point out the difficulty the House is now precariously close to being in. The Chair doesn't want to be forced into having to rule on the member speaking to the narrow definition of the amendment as proposed. No matter how much the Member for Edmonton-Strathcona wants to try to enlarge that, the member himself knows that that indeed is stretching the point. The normal way the procedure would have gone would have been for the Member for Athabasca-Lac La Biche to indeed have presented the whole case and then given the amendment at the last moment and gone from there.

So the Chair will allow a bit more in terms of latitude for additional comments by the Member for Athabasca-Lac La Biche. But if a member has inadvertently switched around in terms of notes or what the intent was, the Chair can do nothing more than what is being done now: to allow a bit more latitude for a few more comments to have set the stage. But surely the House cannot allow it to go on at great length. The Chair is certain that the Member for Athabasca-Lac La Biche will make salient points as rapidly as possible, because the member has

perforce tied his own hands and that of the House.

Member for Athabasca-Lac La Biche.

MR. PIQUETTE: Okay, basically what I'm trying to do, Mr. Speaker, is to provide the history of how section 110 of the North-West Territories Act was implemented. It was because of a Francophone community that existed in western Canada back in the 1800s. So what transpired is the implementation of section 110 of the Constitution Act, which provided for the North-west Territories Legislature to be officially bilingual, French and English. A Haultain resolution was entered in 1891 to attempt to change that. However, it only basically was passed relating to the printing, that it be recorded in the English language only.

I would like to read here in terms of an eminent legal opinion of Edward McWhinney from Simon Fraser University, who puts in context why this amendment. This amendment, which would be to simply notify the Speaker in order for the constitutional right to be respected, is a very important amendment. In the creation of the Alberta Legislature in 1905 all of the history, the procedures, the laws, et cetera, which were enacted under the North-West Territories Act were brought forward into the Alberta Legislature as part of our procedures and laws.

I'll just start reading directly from Mr. McWhinney:

Evidence, such as it may be (and the evidence in the Records of the Standing Committee is contested) of the practice or absence of practice in the use of French in the proceedings of the Legislative Assembly of Alberta, is irrelevant to the existence of a legal right to use French where that right stems, as here, from validly enacted federal statute applicable to the Province of Alberta. It is elementary that even a Convention of the constitution could prevail over a countervailing statute law; nothing in the ratio decidendi, or the reasoning, of Reference re Amendment of the Constitution of Canada (nos. 1, 2, and 3), 125 . . . changes the basic proposition. (On the actual evidence of practice as to language use present in the Record of the Standing Committee, it cannot in any case credibly be suggested that any Convention of the Constitution has developed in this area).

There is nothing today legally to prevent the Province of Alberta from moving to reexamine section 110 of the North-west Territories Act, though any such action would have to be achieved by way of Constitutional Amendment under Part V, sections 38-49 of the Constitution Act of 1892.

Any such action by the Province of Alberta would, however, fall under section 43 of Part V of the Constitution Act of 1892 and thus require Resolutions of the federal Parliament and the Legislature of Alberta, only. (The Meech Lake/Langevin constitutional accord of 1987, if constitutionally adopted, would not change this legal situation).

Now, until 1982, according to a series of legal opinions here that I have been doing research with -- and this would be Michel Bastarache, Michener, Lash, Johnston, Gérald Beaudoin, who made submission to the Supreme Court on the Mercure case, indicate that when we signed the Constitution Act of 1982 all of the procedures and laws, et cetera, which stem from section 110 into the 1905 Alberta Act were also put into the Constitution Act of 1982. Any changes to the language of debate had to be made prior to 1982; otherwise, the provincial Legislature would have to make a constitutional amendment to the Constitution Act of 1982 before this resolution could actually take place.

So what I'm arguing about here is that this document is basically flawed. If the Mercure case judges in a few weeks from now that the section on languages is in fact constitutional, we will be faced with a document here where, as a member, I do have the constitutional right to speak both official languages in this House, and I will have to have prior approval, which is a

privilege as opposed to a right. So I'm arguing here that we must today, in making sure that we have a resolution that is workable . . . Let's make a good job today, because I think it's important here that when we are talking about constitutional matters -- you know, these are not frivolous things. There is a lot riding on making a proper decision today. So I call on the Assembly here to carefully reflect this motion that we put in the word "notify" as opposed to "prior approval" to make sure that the constitutional rights of any member who wishes to use the two official languages in this House are not treated as a privilege but are treated as the rights they so deservedly are. I believe even under the Meech Lake accord the government believes that a duality of Canada does exist, and they do have a constitutional responsibility to live up to the spirit of our bilingual country.

So today I stand as a proud Albertan, a proud Canadian. Let us make sure that this amendment is unanimously adopted by all members of this Assembly. I think this not only will go a long way to solve what we've been talking about but also will provide a model for all Canadians that indeed we do respect the two official languages and indeed we respect the many languages of our country and the many cultures of our country who have come to Canada after the foundation and the partnership agreements were signed between French and English Canada in 1967, reconfirmed in 1982 under the Constitution Act of 1982, and to be reconfirmed through the Meech Lake accord.

Thank you very much.

MR. SPEAKER: Member for Calgary-North Hill.

MR. STEWART: Thank you, Mr. Speaker. I am very pleased to have the opportunity to participate in this debate, and while speaking to the amendment may I at least indicate my support and encouragement for the motion as a whole. Because I do believe that it does come forward from the committee and its recommendations in a spirit of a very positive initiative of the committee -- and by that I mean all members of the committee -- to deal with this matter in a very constructive way. I think there was a common objective among all members of the committee to arrive at a workable and meaningful procedure for members to participate in the proceedings of the Assembly in French and indeed other languages other than English.

May I focus on the amendment before us? The requirement for prior approval of the Speaker and the suggestion that mere notice should be adequate I think requires our careful consideration. The requirement for approval by the Speaker of course does embody the necessity of notice and, I would suggest, goes a little bit further than that, though. It is based on the fundamental traditions of our parliamentary system, which upholds the total authority of the Chair to control the proceedings of the Assembly for the purposes of ensuring order. It is not there to provide a mechanism for partisan arbitrary manipulation of the rules by the Chair. Our parliamentary system is based on a trust and a belief that the Speaker does carry out the authority given to the Chair in a fair and impartial manner. That role is traditionally, of course, the role and responsibility of the Chair.

Mr. Speaker, I point out that I noted the current Standing Orders of the Assembly have many examples of the degree of authority and control of the Chair and the absolute discretion of the Chair in many instances throughout our proceedings. I just came up with about five or six that I think show that the provisions in clause (2) of the proposed motion to which the amendment refers are not unusual but, indeed, are part and parcel of

the general thrust of our rules that govern our proceedings in this Assembly. I point out, for example, the absolute discretion of the Chair in allowing certain Bills to come forward, the absolute discretion of the Chair with respect to ruling certain motions out of order and not allowing them to come forward, the absolute discretion to determine *prima facie* cases of privilege, the absolute discretion with respect to all questions of order, the complete discretion of the Chair in respect to the parliamentary officers, and of course the absolute discretion when a question or a matter goes on the Order Paper. These are mere examples of the degree of authority which the Assembly entrusts to the Chair -- as I say, part and parcel of the normal proceedings and our rules of this Assembly.

The parliamentary system works, Mr. Speaker, because of that authority, and without it matters of order and decorum, I suggest, would erode. Our system relies upon respect for that authority, and over the many years of parliamentary history the occasions where that authority has been abused are indeed few. So I believe it's a matter of trust but, at the same time, knowing that the Chair is in fact duty-bound to uphold the rules of the Assembly in a fair and equitable manner. Rules, regulations, procedures are fine, but you do require someone in a position to supervise and to monitor and indeed control the whole process or it will fail. That I would suggest, Mr. Speaker, is the root of the current wording that has come before this Assembly and indeed was embodied in the recommendations of the committee.

I think the hon. Member for Athabasca-Lac La Biche has perhaps centred his reason for this amendment upon his basic and sincere belief that he has indeed a constitutional right to speak French in this Assembly. That is his feeling; it's a feeling and the opinion of many others. At the same time, it must be recognized that there are others, experts, and indeed cases that do not reflect that same conclusion. The committee itself wrestled with that. It heard from many experts, received more than one point of view on it, and indeed I think it's fair to say that all members of the committee recognized that the committee itself was not the proper forum to be determining such important constitutional questions nor did it have the capability to do so. But it did recognize that there were doubts out there, that there was more than one point of view in respect to the constitutional rights, and it did recognize that cases are going through the courts, as the member suggested, that relate to these matters. They're not on point, but they at least relate to them. For that reason, I think, it was the common conclusion of the committee that we were unable to really be conclusive in our determination with respect to that constitutional right. As I say, I believe it's the hon. member's view, and the reason why he feels that only notification should be required is that there is that constitutional right that exists out there.

I think it's important to note, for example, that with respect to the cases that are out there and are going through the courts, many of them -- in fact, indeed, all of them -- are not on point specifically in respect to the rights of this Legislature to set its own rules for the governing of its proceedings. Basically, the case to which the hon. member has referred, and some others, relates to criminal justice matters, which is within the jurisdiction of the federal government. I think it's important to recognize, for example, the most recent decision, one that has come down subsequent to the conclusion of the hearings of our committee: the Paquette case. In the Paquette case, again it dealt with matters of criminal justice, the right to trial, and so on. The court, as I read that judgment, said yes, it is so that section 110 of the North-West Territories Act did carry through and

is binding here in Alberta, but only in respect to matters that fall within the federal jurisdiction.

One can therefore not conclude automatically that that is a given, that there is a constitutional right to speak French in this Assembly or that this Legislature cannot control and make rules with respect to its own proceedings. So that matter is still very much up in the air, and I think it is not appropriate for us to count on that constitutional right until such time as it is determined once and for all, either by constitutional amendment itself or by case law that is totally on point and which we know governs us. At that point in time, we may very well be in a situation where we would have to consider our entire Legislative Assembly Act, as indeed it may be *ultra vires*. But at this point in time, I would suggest that no such constitutional right has been established, and for that reason I don't think it's appropriate to deviate from the normal thrust and provisions that we have in our Standing Orders that relate to the Speaker's authority, the Chair's authority to govern the affairs of this Assembly.

For that reason, Mr. Speaker, I cannot support the amendment that has been proposed. I look forward to perhaps the opportunity of speaking to other aspects of the motion, but to contain myself, at this point in time at least, to the amendment, I urge all members to defeat the motion.

MR. SPEAKER: Member for Westlock-Sturgeon, speaking to the amendment.

MR. TAYLOR: Thank you, Mr. Speaker. In rising to speak on the amendment -- to speak in favour of the amendment, in case there's any doubt -- I question indeed whether the amendment goes far enough. However, it certainly is light-years ahead of what the original wording was of where it would seek approval.

I don't think there's any question that this motion in its entirety is trying to relegate French to an also-ran position in languages used in the Legislature. I don't see how a government that has said it was going to call out the whip to make sure that Meech Lake goes through can do that. I would point to the matter that Meech Lake, in its clause 2 amendment, says, "the recognition [of] the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada." In other words, I think their very Meech Lake agreement that the party is going to use the whip for in the government to put through recognizes French as being more than just another language. Consequently, the original, which had said "French and languages other," puts French in the category of Cree, Esperanto, or any other now.

There will be those that say: "All right, the bilingual, multicultural society -- the multicultural, if we take French and relegate it in with the others -- we'll be moving multicultural up." But I would suggest to them that bilingualism is the first line of defence for multiculturalism, and if official bilingualism goes, multiculturalism will not be far behind. In other words, those multiculturalists that think that removing French or bringing it down would help them are thinking along the wrong line. Indeed, it would just open up to leaving us very similar to the Americans, using the crucible of our blowtorch, as they say, of a universal culture and a universal language, and everything else disappears. Consequently, bilingualism -- entrenched bilingualism -- is one of the first protections of multiculturalism.

Now, the hon. Member for Calgary-North Hill did mention the Constitution, and while I'm just remarking on his debate, he said that in the Constitution, unless it's legally decided, we'd

just go ahead with this. Which leads me to the thought, Mr. Speaker, of why the committee or why the government doesn't think, now that maybe it's not too late, of tabling the whole thing until the decisions have come out of the courts. I can't quite understand the rush to go ahead with this amendment to the Standing Orders. We could have operated as we did in the past, imperfect as it may seem, until the courts had decided on our rights, and then it would be a much easier type of thing to put forward. Now we're in the grave danger of going in the wrong direction from what the courts will decide.

But let's just go to the actual word "notification." Notification here does not mean to me that you're interfering in any way with the Speaker's authority -- as the Member for Calgary-North Hill, I believe, was dragging a red herring across the tracks -- that it interferes with your right, Mr. Speaker, to rule on the validity of questions, the question of whether it's up to you to say or whether it prejudices in any way. No way does that interfere at all. Because if we look at the very first couple of words of the resolution put forward by the House leader, it says: "The working language of the Assembly . . ." We're talking about the working language. So the notification is only with regard to the working language. It does not interfere, as far as this amendment is concerned, and it's a red herring to say so, that it interferes with the traditional parliamentary rights of the Speaker as far as ruling questions out of order or questions that are in some way or form not acceptable to the general rules, maybe even using some of the language that you remarked upon the other day that occurs in the Legislature. In no way, shape, or form does this resolution touch on that.

It says "the working language." That's what we're talking about, the working language, and consequently, to get the approval to use a working language that is generally accepted across Canada and is enshrined in our Constitution, seems to me absolutely ridiculous. All we need to do is to use notification, and as far as I'm concerned, Mr. Speaker, it doesn't go far enough. But certainly it is light-years ahead of the idea that you have to ask the Speaker of a parliamentary Legislature, as we have today, whether we can use French as a working language. That, to me, is absolutely ridiculous.

MR. SPEAKER: The Chair had recognized Calgary-Mountain View, followed by the Minister of Municipal Affairs, followed by Calgary-Buffalo, with respect to the amendment.

MR. HAWKESWORTH: Thank you, Mr. Speaker. The motion introduced by the government is a resolution to amend our Standing Orders. Now, our Standing Orders, Mr. Speaker, are the rules, the law, so to speak, under which we operate within this Assembly, and so we have to treat the Standing Orders seriously and amendments to them. And because they play that sort of role in what we do in this place, those Standing Orders, I believe, should reflect the values and the principles we would like all of the laws within our province to reflect. It should reflect the principles which we want to promote in our province.

Given that we have signed the Constitution Act in 1982 and that the government has introduced an amendment to that Act, the Meech Lake accord, both of which stress that in this country we uphold the principle of two founding languages and that those ought to be reflected in the life of our country, so our Standing Orders, it seems to me, Mr. Speaker, should also to the same extent reflect those principles. Now, these Standing Orders are binding on all members, and they, to a certain extent, confer authority on Mr. Speaker and his ability and his

authority. Therefore, it seems to me quite appropriate that the amendment brought in by the hon. Member for Athabasca-Lac La Biche ought to be supported by all the members of this Assembly.

What this amendment does, Mr. Speaker, is attempt to resolve and set out a set of procedures which all members would follow in the course of using languages other than English. But I believe it's flawed to the extent that it does not, in the way it's written, reflect those principles which I think as an Assembly we want to promote. Because what it does is imply that the right to use languages other than English, but particularly French, is a concession that's being offered to individual members. It doesn't resolve this question as to what extent the speaking of French should be a right open to members in this Assembly. By allowing the Speaker to give his approval before a member can use a language other than English, it conveys on Mr. Speaker a veto power, so there's a limit that this resolution, these Standing Orders, would place on individual members.

Now, I doubt that in practical terms the present incumbent would limit that ability, provided these procedures were pursued. Nonetheless, Mr. Speaker, this amendment to our Standing Orders may be with us for some time, and therefore I believe it important that it resolve this issue and not continue to allow a veto approval or veto power to the Speaker in the present or in the future. The reason the procedure has been set out here, Mr. Speaker, has to do more with the practicality of our situation in this Assembly in that no one is asking for a full, instantaneous translation available at all times to members of the Assembly, and so in that event there has to be some procedure set out that would allow languages other than English to be used and for translations to be made available to members of the Assembly. And no one is questioning that some sort of procedure needs to be put in place.

Along with that, then, rests an onus on the individual member who wishes to use a language other than English to provide some form of translation or brief description of what that individual member is saying in the language other than English, and concern has been expressed that this might open up some possibility for an individual member to abuse this opportunity that our Standing Orders would provide. Mr. Speaker, it's not, to my way of thinking, any problem then to allow an individual member to simply provide a notification to the Speaker ahead of time. Then all these procedures would fall into effect. Rather than the Speaker approving the ability of the member to use these procedures, it would mean that giving prior notification to the Speaker, these procedures would then fall into place. That would then leave with the individual member the onus and the responsibility to provide an accurate and true description of his remarks, in English, of his remarks in the other language.

There's a caveat found at the end of these procedures to ensure that abuse would not take place, in that a member that would be providing an English translation under the standing order would maintain their responsibility for ensuring that that translation is true and accurate. If that were abused, this order states that that might be treated as a breach of privilege of the Assembly. It's a very, very strong caveat, Mr. Speaker, to prevent any potential future abuse of this standing order by any member coming in, saying one thing in a language in a language other than English, and providing a different translation to the Speaker. So I can't understand what practical reason there would be to insist ahead of time on the right of Mr. Speaker to approve that member using a language other than English, because the standing order would, in and of itself, prevent any

member from abusing that opportunity.

It would be better, Mr. Speaker, given that the House leader in his opening remarks mentioned that given practice over the years, we'd have some experience with this, and if there were some difficulties, it could be re-evaluated. Well, that's fine. But I believe it would be better to allow the wider responsibility being placed on the individual members initially, and then let's see how this works. But I know that given this caveat, found at the conclusion of this standing order, there is no reason that any member would ever abuse this privilege or right.

So there is that check and that balance within the standing order, Mr. Speaker. It seems only right, given our intention as a country and as a province to recognize that we are bilingual, as the founding languages of this country are English and French, and given the multicultural nature of our province, that all members be extended a right, not subject to the veto of Mr. Speaker, and for that reason I would ask members to support this amendment.

Thank you.

MR. SPEAKER: Minister of Municipal Affairs.

MR. ANDERSON: Thank you, Mr. Speaker. It's been interesting thus far in the debate with respect to the amendment proposed by the hon. Member for Athabasca-Lac La Biche that there have been really three elements discussed by hon. members. The one is constitutional, the traditional role of the Speaker in terms of debate, and the practical application of this kind of proposal that's before us today.

In dealing with those, Mr. Speaker, first I am most curious that the hon. Member for Athabasca-Lac La Biche has taken the constitutional approach to this particular amendment. I would have expected it perhaps in other aspects of the motion or in other dealings with respect to his position regarding Canada's two official languages. But with regards to this amendment I find it very curious, to say the least, that he ties the constitutional dimension to this. I say that for two reasons. First of all, I think there is little doubt nationwide that we are yet evolving with respect to what the interpretations are regarding a bilingual Canada. There's no question about our recognition of the nature of the founding languages of our country. There's no question about this province's support in terms of Quebec's involvement in Confederation and recognition of those Canadians and those Albertans who have come from Francophone backgrounds or who are Francophone.

There is also, Mr. Speaker, no question regarding the position that we feel, at least from a government perspective, of the other Albertans who speak other languages and who have come to this province to add to the multicultural nature of our community. The constitutional questions regarding whether or not one should or should not or has a right or a privilege to speak French in any given spot are, without question, still under consideration.

[Mr. R. Speaker in the Chair]

So, Mr. Speaker Speaker, I do think that we have to leave aside, at this point, any consideration of what court cases might determine in the future. We can hardly, in this Assembly, hypothesize as to what conclusions may be reached by very complex issues that are to be determined by the Supreme Court and bodies which we will not have a direct participation in.

I frankly believe, though, that even if we were in a situation

where the constitutional conclusions reached were that there's a right rather than a privilege to speak French in this Assembly, this would not change that right. I frankly believe that in terms of obtaining the approval of Mr. Speaker, it would be, in fact, a matter of practicality as opposed to one of constitutional discussion. Maybe I could perhaps deal with those. The traditional role of the Speaker in adjudicating debate in determining what's in the best interests of the Assembly for the purposes of ensuring that things are reasonable and logical has evolved over the centuries and has evolved through the British parliamentary system and has been well articulated in the debate this afternoon.

But, Mr. Speaker, I quite firmly believe that this application is practical in nature and that Albertans that we all represent, my constituents included, want us above all to ensure that our roles and the way we operate in this Assembly are practical. It's hard to foresee circumstances in which the Speaker might say that indeed it's not appropriate, given the other determinations in the motion, that a member speak a different language. I suppose one can get into the ludicrous when trying to evolve those. But we all know, as in fact is underlined by this case being brought to the Assembly, that circumstances do arise in which we need that kind of flexibility and judgment.

If four members wanting to speak four different languages approach the Speaker on a given day and give notice as opposed to information, perhaps those four members not even realizing that that was in fact the case -- I think that the Assembly might have difficulty in countering, in moving into, and concluding in the best interests of Albertans that kind of debate. So a Speaker may well in that case say that for this particular debate, one of crucial importance to the province, it would not be practical to do that lacking immediate translation devices for all of the languages that might be involved.

[Mr. Speaker in the Chair]

I suppose one can go on to hypothesize other instances. But above all, it's my belief that we have to be practical. We have to have rules that we can operate by on a practical basis. Again, just to capsule, I believe that, first of all, there is not a constitutional issue involved in the question; that if there were, this resolution would not in fact affect that; that in terms of the traditions of upholding the role of the Speaker, that's in the best interests of all of us; and most of all, that our citizens of the province of Alberta want us to be able to ensure that their voices are heard in this Assembly, heard practically and heard regardless of their ethnic origin. Frankly, I believe the motion as originally presented allows for that, and in a minor way the amendment jeopardizes that possibility. Consequently, Mr. Speaker, I'd be unable to support the amendment as proposed.

MR. SPEAKER: Member for Calgary-Buffalo, followed by Little Bow, followed by Edmonton-Strathcona, speaking to the amendment.

MR. CHUMIR: Thank you, Mr. Speaker. I very strongly disagree with the comments of the Minister of Municipal Affairs and rise to support the amendment. As I see it, there is no purpose or benefit to the government proposal other than to deny that there is a right to use French in this Assembly. There is no reason that I can envisage for requiring approval other than the statement which the government wishes to make, that we refuse to make this a right in our Legislature even though we can do so if we want.

Now the Minister of Municipal Affairs has indicated that we should bury our head with respect to the constitutional parameters of this issue. In fact, what he is almost saying is that we should decide this issue as if we were using the terms "approval" or "notification" as sterile words without meaning or context. But in fact, they are concepts and important concepts. It's a very important issue as to whether approval is needed before use of the French language in this Assembly or mere notification. It's the difference between a right and a licence, and it's important that we refer to history, because we are debating not what we have to do but what we should do. For this reason, we need to know where we have come from in order to know where we are going in this country. So I must say that I did find the comments of the Member for Athabasca-Lac La Biche with respect to the historical context quite useful, and I listened with a degree of interest that my former constitutional law professor would be very proud of.

Now, I support the right to use French in this Assembly as a right and not as a licence. I do this based on the history of this province: the recognition of where we've come from, the background of our North-West Territories Act -- and particularly section 110 -- and I do so in recognition of the role of French as one of the two official languages of this country.

Now, I have mixed emotions with respect to procedural constraints, but I recognize that some such constraints are necessary. There is a degree of practicality; in fact, it is necessary, although the government's proposal goes far beyond that which is necessary to make the statement with respect to the right of use of the language that I mentioned. The practical aspect of it is that the many members of this Assembly are not -- and I'm sure it's to their regret -- conversant with French or other languages that might be used, and some form of process of notification and translation and interpretation is necessary to take account of the realities of the limited language skills of many members of this Assembly. So we get into a question of what form of procedures are required to establish the goals of accommodating the needs of this Assembly and of members.

I've been thinking about the resolution; I've listened to members, and I have heard no argument which makes any convincing case that anything other than notification should be required. If it's a question of the authority of the Speaker, the Speaker still has the right to call a question out of order. The present proposal of the government with respect to approval in fact sets out no standards by which the Speaker is to make the decision, nor any indication on what basis denial of approval may be made. It is, in fact, a totally arbitrary provision. It's neither practical nor necessary, contrary to the suggestions of the Minister of Municipal Affairs. As I've said earlier -- and I reiterate -- I can see no reason for the government proposing a requirement for such approval other than their desire to make a clear and unequivocal statement that they refuse to make the speaking of French a right in our Legislature even though we can do so as an Assembly if we so desire.

So what we have in the bottom line is really a test of attitude, and it's time, I would suggest, that we in this Assembly took an open-minded -- indeed, I'm moved to use the term a liberal -- attitude on this question. That's why we in the Liberal Party support the amendment very strongly and oppose the government proposal commensurately.

MR. R. SPEAKER: Mr. Speaker, I would like to address the amendment that is before us. I want to speak in support of it. I would like to say that first of all and hopefully give some rea-

sons why government members at this time could reconsider their position.

The question of whether French in the Legislature being a right or a privilege is not before us. I don't see that as the question; it's really the authority that we wish to give to the Speaker in terms of this procedure. That's really the question that is there. Now, if we leave it in terms of the "approval of," then we are giving the Speaker certain authority which could lead to the comments made by the hon. Member for Calgary-Buffalo, whereby the biases, maybe the personal biases, of the Speaker at a point in time could come into effect, biases towards maybe French or other language, as is stated here in the resolution. Now, that would be unfortunate, because that is not the intent of this procedural resolution that's before us, not to allow personal biases to come in at a point in time. But the ground rules we are attempting to establish for our House are those of accommodation, to accommodate a person that wishes to speak in some language other than English. It's accommodation.

In that procedure, as I saw it and as I have witnessed in the past 24-some years that I've sat in this Legislature, we have been able to accommodate notification at times where it was given to the Speaker -- and I think of a former member that sat as the Member for Bonnyville, where he more than once spoke in French in this Assembly. Notification was given. We as other members in the Legislature knew that he would be speaking in French for his constituents, and we accepted that. Here, we are attempting to do the very same thing.

Now, the question is the authority of the Speaker. The language in which a question is asked or in which a presentation is made in this House is not where the authority of the Speaker is to be extended, but it is the other rules of the House. I believe that a question asked in French or Ukrainian or any other language or in English that is really out of order -- the present House rules would apply to that. And if that question, whether notification was given or whatever, is out of order, it's out of order, and that would apply. So the Speaker has the authority to act in that situation.

We establish here in this resolution, in sections (2)(a) and (2)(b) and (3) to (6), guidelines by which the presentation is made in another language. If we are to do anything, I would think that those guidelines would need to be strengthened. I don't have any suggestions at the moment, but if we're concerned as to what type of question is asked in French or in another language, then we should strengthen the guidelines there, but not give the Speaker the authority at a point in time when I bring a question to the Speaker in French and say, "Will you approve that?" and he says, "No" -- maybe because I am French -- "that's not acceptable." And this could happen in the future. But if he says no because of the guidelines, because it contravenes the guidelines (2) to (6), then that's an acceptable reason for me.

So, Mr. Speaker, as I see the amendment before us, it's acceptable to me. I'm certainly prepared to support it because I can distinguish in my mind a difference between the matter of the Speaker's authority. He has it now in terms of questions and other matters, but he hasn't the authority at this point to judge on just the question of right or privilege in terms of the French language.

MR. SPEAKER: Speaking to the amendment, Government House Leader.

MR. YOUNG: Mr. Speaker, very briefly to the amendment.

First of all, I'd like to pick up on an observation made by the hon. Member for Little Bow in which he pointed out that the right or privilege of speaking French is not the issue in the amendment that's proposed. I think that's quite so.

Secondly, there's been some question about why the need for the word "approval" as opposed to the expression "notification." I think -- at least I tried in my opening comments to address that; I shall try again -- there are three different situations. One, what is a question, and when is it a question? Secondly, as I very carefully tried to point out, English as a working language under this provision would apply, and only English would apply in those proceedings where an immediate response is expected or requested from another member.

Finally, there is the situation of debate. Now, one of the decisions that has to be made -- and it is a judgment decision -- is how do we distinguish between those three situations? I believe it should be the Speaker who should distinguish in those situations between debate, between free-flowing give-and-take with a requirement for immediate response, and questions. I do not believe it should be, nor can this House function properly and easily if it is, up to individual members who will be making -- as we all know, each one of us has a different set of criteria and will draw on that differently. I think there has to be one set of criteria apply. That is the very practical reason why this amendment, in my view, is not acceptable. It's not a question of being able to notify. It's a question that we have to have one standard by which approval, as the result of a judgment decision on whether we're into free-flowing debate or whether we're into an exchange requiring immediate response -- that's an important decision, and it should be done on a standard basis.

With respect to the question of confidence in the Speaker of the House, also raised by the hon. Member for Little Bow, I would just put on the record that I believe all of us are well aware that for this House to function we must at all times have confidence in the Speaker of the Assembly, as we surely do in our present Speaker.

Thank you.

MR. SPEAKER: Question on the amendment. There's a call for the question.

[Motion on amendment lost]

MR. SPEAKER: Are we now back on to the main motion? Thank you.

MR. WRIGHT: Mr. Speaker, there's a wonderful irony about the motion, and it's this: much of the discussion in the Committee on Privileges and Elections, et cetera, turned on Mr. Haultain's motion in 1892. That was a motion that required that henceforth the records and statutes, the ordinances, of the Northwest Territories be continued only in English, not in both French and English, as was the law up to that point. That motion was passed without much debate, and it seems that it was never recorded. No evidence can be found that it was ever published in accordance with the section of the North-West Territories Act that would have given it effect. That's another argument.

[Mr. Deputy Speaker in the Chair]

What we have in this motion here is an attempt to rehabilitate or to put into effect, after a fashion, Mr. Haultain's motion. Because subject to the scope of this word "approval,"

which has now been confirmed to be in the motion, members will have a right to speak in languages other than English, just as even after the Haultain motion was passed, members of the Assembly of the Northwest Territories had the right to continue to speak in French, because that was not the subject of the Haultain motion, but the records -- there was no *Hansard* then, you recall -- were to be maintained only in English. So here we have, after all these years, an attempt to do just that: to put the Haultain motion into effect with the difference that (a) languages other than French and English would be permitted, and (b) it would not -- this is very much to my regret, of course -- seem to be a matter of right to speak any language other than English.

It's ironic, Mr. Speaker, that on the same Order Paper, on page 3, we have the text of the Constitutional Accord, which recognizes that the existence of French-speaking Canadians, centred in Quebec but also present elsewhere, is a fundamental characteristic of Canada, and yet, though it is a fundamental characteristic, the right of French to be spoken is not assured. I think my caucus are going to take it that the approval that the motion speaks of, to be exercised by the Speaker, is with regard to procedural matters only, that everything is in due form, and not to exercise a wider judgment as to when it's appropriate to speak French and when it isn't, or other language.

We must remember, Mr. Speaker, that the case for the carrying forward of that regime established by the North-West Territories Act is a great deal stronger than is generally accepted, because the cases so far have been cases dealing with what goes on in the courts and the printing of the statutes. And so they have relied on section 16 of the Alberta Act, and section 16 of the Alberta Act is one that deals with all laws and orders and regulations made under the North-West Territories Act continuing to apply until changed. But what seems to escape notice generally, because it has not been yet before the courts in recent times, is section 13 of the Alberta Act, which says

Until the said Legislature [i.e., the Legislature of Alberta] otherwise determines, all the provisions of the law with regard to the constitution of the Legislative Assembly of the North West Territories and the election of members thereof shall apply, *mutatis mutandis*, to the Legislative Assembly of [Alberta].

So the Constitution of that Assembly must apply, and the language of debate is clearly a part of that Constitution.

So it is a belated recognition, I submit, of the right, particularly in the case of the French language, for that to be spoken, and there are rules that are sought to be applied to its use. And the extension to other languages is certainly nothing that we would do other than welcome on our side. We submit that there is a certain primacy to the other official language of Canada to be spoken in this Chamber. One unusual feature that will result, but it is one that evidently was faced before this province came into effect, is that there will not be a verbatim record of the proceedings in *Hansard* or in the *Journals*, but that is something that we can deal with as we go along.

The objection, though, that we see, secondly to the one that we've just debated, on this side is this: that the motion does after all put the use of French on a precarious footing in this Legislature, as it does other languages than English and French, but that there is a large constitutional question as to its status, and that constitutional question will be obliquely addressed when the Supreme Court of Canada brings down its decision in the case referred to by the House leader, the Minister of Technology, Research and Telecommunications. That case is also known as the *Mercure* case. It's on appeal from the courts in Saskatchewan. I must make a gentle correction to the House

leader there in that it was a case dealing with, I think, a speeding ticket, but something in the courts.

It does, nonetheless, deal with the obligation to print the statutes of the province of Saskatchewan in English only. So it does involve a consideration of Mr. Haultain's resolution, and it certainly entails the proposition of the carrying forward of section 110 of the North-West Territories Act, which is the one that all the argument is about. However, if we read the judgment from the Court of Appeal of Saskatchewan, the curiosity is -- well, no, it's not a curiosity; it's the only thing that could be done -- that it's based solely on section 16; whereas, as I say, there is a much stronger basis when you come to dealing with the language in the Legislature, being section 14.

So, Mr. Speaker, I would think it unwise to have an open-ended adoption of this motion, open-ended in the sense that there is no sunset period, no set time for review. It is true, as the hon. House leader has said, that if the Supreme Court of Canada, in the case I have mentioned or in any other case, clearly sets out a regime that is inconsistent with the motion we are here reviewing, we'll have to do something about it. But it is a matter, of opinion very often whether a court judgment, even from the Supreme Court, clearly says a particular proposition -- some would say "clearly says anything occasionally," but I don't quite believe that -- clearly says this proposition we're talking about here as to the use of French, yea or nay, in the Assemblies of Saskatchewan or Alberta. For one thing, it would be obiter, as they say, because the case concerns the language of the courts. For a second thing, it could be argued on some grounds, I know not what, that what applied to Saskatchewan would not apply to Alberta, and I think it's on all fours on that respect.

But the point is this, Mr. Speaker: there should be a review of this motion once that very important Supreme Court case has been decided, to see if our motion continues to conform with the law as it applies to this province and this Legislature, as we can deduce from that case, and, if so, to what extent and what should be done about it. It should not be left up to the discretion or judgment of the government alone to make that decision.

With that end in view, Mr. Speaker, we would propose an amendment to the motion to deal with that case. I have the amendment in writing, so we can have it handed round. It has been initialed by the Clerk.

MR. TAYLOR: Mr. Speaker, may I make a point of order for a minute, while they're circulating that? It doesn't apply to the amendment.

MR. DEPUTY SPEAKER: Order please. Perhaps we could pause until the amendment is distributed to each member in the House.

MR. TAYLOR: It doesn't apply to the amendment.

MR. DEPUTY SPEAKER: On a point of order, Liberal leader.

MR. TAYLOR: Maybe the House leader can help me out on this; I'm not a lawyer. I notice the way the resolution is drafted: "Be it resolved that the Standing Orders of the Assembly be amended by the addition of section 17.1 . . ." Well, there is a section 17 already, where it says that "when two or more members rise to speak, Mr. Speaker calls upon the member who first rose in his place." When I look at the way the rest of the Act is put together . . .

MR. DEPUTY SPEAKER: Order please. Clearly, that's not in order. Perhaps the hon. Liberal leader would withdraw from the House with the Government House Leader and discuss that and come back in.

MR. TAYLOR: Mr. Speaker, what I'm saying is that the way the rest of the Standing Orders are put together, there's no such thing as having a rule as we have in 17 and then starting 17.1. What's there now is 17.1, and this should be 17.2. It doesn't make sense.

MR. DEPUTY SPEAKER: Order please, hon. leader. With respect, perhaps it's a matter the Parliamentary Counsel can ratify for you, or if you wish to, withdraw with the Government House Leader, discuss that, and come back in.

The hon. Member for Edmonton-Strathcona. On the amendment.

MR. WRIGHT: Thank you, Mr. Speaker. Now, the case referred to is that of *Mercure* versus the Attorney General of Saskatchewan; that's its title in the reports. It was decided in the Saskatchewan Court of Appeal as long ago as October 28, 1985. However, it has not yet been decided that we know by the Supreme Court of Canada, although it has been argued. I am told that the judgment in it was expected in the middle of this month and has not come down. In the Supreme Court of Canada, unlike the Queen's Bench or Court of Appeal here, there are judgment days upon which judgments are delivered. So it is expected to be delivered on the next judgment day, which is sometime in the middle of next month.

This amendment is self-explanatory:

At the first practicable opportunity following the release of its judgment . . .

in the case I am talking about,

. . . but not more than five sitting days following such release, paragraph 1. shall be moved again in the Assembly by the Government House Leader . . .

That is, the resolution before us shall be moved again.

. . . notwithstanding any prohibition in the Assembly's Standing Orders . . .

et cetera.

I've explained the purpose of it. Now, let me go to the exact reasons why this is important. The decision in *Mercure* was a constitutional reference, I believe, on the point of the accused's right to have the trial conducted in French. It was in fact a speeding charge. But no matter, they had four questions to decide, the Court of Appeal. Oh, I know what it was. It wasn't a constitutional reference in form; in fact it was of course. It was an appeal by way of stated case. And these were the four questions:

(1) Did the trial judge err in law in holding that s. 110 of the North-West Territories Act was continued by s. 16 of the Saskatchewan Act?

Section 16 of the Saskatchewan Act is exactly the same, except for the word "Saskatchewan," as section 16 of the Alberta Act, and section 110 of the North-West Territories Act is of course the one dealing with the language of the courts and of the Legislature that I've been speaking of.

(2) Did the trial judge err in holding in law that s. 110 of the North-West Territories Act as continued by s. 16 of the Saskatchewan Act does not require that the trial be conducted in the French language if requested by the defendant?

(3) Did the trial judge err in law in holding that s. 110 of the North-West Territories Act as continued by s. 16 of the Saskatchewan Act does not require statutes of Sas-

katchewan to be proclaimed and printed in both English and French?

(4) Did the court's refusal to allow the trial of the accused to be conducted...

and so on.

Now, two of the four deal with trials so are not relevant in any direct way to the motion before us, but the other two questions are. Did section 110 of the North-West Territories Act come forward into the law of the province of Alberta in the sense of keeping the Constitution of the Legislature of Alberta exactly the same as that of the North-West Territories Assembly until it was changed by the Legislature of Alberta? The other one concerns the printing of statutes in both English and French, because that one entails a consideration of Mr. Haultain's motion.

[Mr. Speaker in the Chair]

So it is plain, Mr. Speaker, that the case that is before the Supreme Court of Canada, whose decision we await, is of the greatest importance and bearing on the validity of the motion before us, and we would not wish to be in a position of being seen to have a Standing Order that was inconsistent with the ruling of the Supreme Court of Canada without any mechanism or forethought in place to deal with that.

Thank you, Mr. Speaker.

MR. SPEAKER: Speaking to the amendment. The Member for Calgary-North Hill.

MR. STEWART: Mr. Speaker, very briefly, to the amendment. I think it would be very strange and very unusual to adopt a procedure whereby our rules are made contingent upon potential decisions of the courts, which may or may not come about. If indeed by constitutional amendment or from the ultimate decision of a court it in fact is binding upon us, then certain things will result automatically from that and will have a bearing on the matters before us.

I think, though, that the case to which the hon. member refers and indeed some of the other cases have indicated that while they have a certain amount in common with the issues that are before us, they are certainly not on point, and any decision that might ultimately come may certainly not be definitive in any sense of the word that would give us the appropriate guidance that the hon. member wishes. Therefore, I feel that to adopt such an amendment puts us in a position of setting our rules on the basis a sort of "what if hypothetical circumstance, and I don't believe that's a normal or usual or desirable way for this Assembly to go about its business.

In any event, Mr. Speaker, it's always open for us at any time, as indicated by the hon. Government House Leader, to look at our rules from time to time, as we should do, and to ensure that they are in keeping with the appropriate practices of this Assembly. So I would not support the amendment.

MR. SPEAKER: Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Speaker. In rising to speak to this amendment, I want to start off by saying that I don't see this at all as being hypothetical in nature. We know full well that we are going to have the opportunity in a short while to look at the decision that will be handed down by the Supreme Court. That is going to determine how we are going to

handle matters in the future, not only in the Legislative Assembly of Alberta but also in the Legislative Assembly of Saskatchewan and the courts of both provinces as well.

Now, Mr. Speaker, I understand that the decision is going to be handed down in but a few very brief days in all probability; that's my understanding. We all know full well that sometimes when the justices of the Supreme Court of Canada or justices of any court get behind closed doors, they can deliberate for extended periods of time. However, in this case we can anticipate perhaps, hopefully, a decision soon.

The decision that's going to be handed down is one that is going to have, as I said, a terribly significant impact on both Alberta and Saskatchewan, because both Alberta and Saskatchewan were carved out of the same Northwest Territories in 1905. French language rights were recognized in the courts of the Northwest Territories and in the Legislature of the Northwest Territories. Indeed, it is from the North-West Territories Act that some, perhaps even many, are of the opinion that French language rights were transferred to the courts and Legislatures of Alberta and Saskatchewan.

Mr. Speaker, the Committee on Privileges and Elections has met on a number of occasions to hear from expert witnesses as to whether or not a member in this Assembly has the unfettered right to speak either of Canada's two official languages here. A variety of witnesses said, yes, he did. The Dean of Law from the University of Alberta said yes; a noted historian on Alberta history from the University of Alberta said yes; an esteemed expert on constitutional matters said yes. An expert on international terrorism said no.

So, Mr. Speaker, we have a difference of opinion as to whether or not a Member of this Legislative Assembly has the unfettered right to speak either of Canada's two official languages. The committee has decided to accept the opinion, for the most part, of the expert on international terrorism, but in its generosity the government has come back with an amendment to our Standing Orders. In that, there is not the unfettered right to speak either of Canada's two official languages in the Assembly. The very question of deciding whether a member of this Legislature can use the French language is now before the Supreme Court in the *Mercure* case. Surely to goodness, when that decision comes down, we will know whether or not that unfettered right is going to be allowed. But we, too, can delay in how we approach that decision, and that's what we fear, the delay. That's why the Member for Edmonton-Strathcona has moved an amendment to the motion, and, Mr. Speaker, it's a motion that I would commend to all members for their consideration.

Thank you.

SOME HON. MEMBERS: Question.

MR. SPEAKER: There's a call for the question on the amendment.

[Motion on amendment lost]

MR. SPEAKER: Speaking to the main motion.

SOME HON. MEMBERS: Question.

MR. SPEAKER: There's a call for the question on the main motion, Motion 21.

[Motion carried]

MR. YOUNG: Mr. Speaker, in view of the hour I would move that we call it 1 o'clock. Perhaps, Mr. Speaker, I'm not proceeding in the right order by . . . I should also like to indicate the business of Monday, but I could do that after or right now,

whichever is . . . Right now? All right. It is not the intention to sit on Monday evening next, and I anticipate that we will be dealing either with the motion with respect to free trade or with Motion 17 dealing with Meech Lake on Monday afternoon.

[At 12:53 p.m. the House adjourned to Monday at 2:30 p.m.]

