

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Wednesday, December 2, 1987 2:30 p.m.**

Date: 87/12/02

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

[Mr. Speaker in the Chair]

PRAYERS

MR. SPEAKER: Let us pray.

Our Father, keep us mindful of the special and unique opportunity we have to work for our constituents and our province, and in that work give us both strength and wisdom.

Amen.

head: PRESENTING PETITIONS

MR. SCHUMACHER: Mr. Speaker, I wish to present the following petitions that have been received for private Bills:

1. the petition of James F. Kalmacoff for the Security Home Trust Company Act;
2. the petition of Cameron Millikin for the Fair & Millikin Insurance Company Act;
3. the petition of Hermo T. Pagtakhan for the Hermo T. Pagtakhan Bar Admission Act.

MR. SPEAKER: Member for Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Speaker. I wish to present a petition bearing 2,450 signatures of Albertans from all corners of the province calling on this Assembly to recommend all-party hearings on the Meech Lake accord. This petition lists specific concerns about the accord which the petitioners wish to see addressed in the all-party hearings.

head: PRESENTING REPORTS BY
STANDING AND SPECIAL COMMITTEES

MR. STEVENS: Mr. Speaker, as chairman of the Standing Committee on Legislative Offices I am pleased to table copies of the 1987 Select Special Ombudsman Search Committee report, which was distributed to all members on September 11, 1987, and as adopted by this special standing committee.

head: INTRODUCTION OF SPECIAL GUESTS

MR. SPEAKER: Deputy Premier, followed by . . .

MR. RUSSELL: Thank you, Mr. Speaker. On behalf of my colleague the Minister of Federal and Intergovernmental Affairs I'd like to introduce a guest who is sitting in your gallery today, Mr. David McFadden, a former Member of the Provincial Parliament from Ontario. Mr. McFadden.

MR. SHRAKE: Mr. Speaker, I'm very delighted today to introduce to you and through you to the members of this Legislature, 13 real energetic members of the 41st Trinity United Scout troop from beautiful Calgary. They came all the way to be here with us today, and we even took them out and had a lit-

tle visit to the West Edmonton Mall. They are accompanied by Akela Bob Coburn, and then we've got Hawkeye of the Beaver group, who is Terrance Robinson, and his wife Jayne. They're also accompanied by one of their senior Scouters Donavon Johnson. I'd like them to rise and receive the traditional warm welcome of the Legislature.

MR. PASHAK: Mr. Speaker, on behalf of my colleague from Calgary-Mountain View I'd like to introduce through you to the members of the Legislature, 11 students from Rundle College in Calgary. They are accompanied today by their teachers Mr. Frank Wright and Mr. Don Franklin. I'd ask that they rise and receive the typical warm welcome of the House.

MR. ANDERSON: Mr. Speaker, it's my great pleasure to introduce to you and to members of the Assembly, five prominent Albertans who in their own right should be recognized but are here today in their first day of meetings as members of the Municipal Statutes Review Committee, which will review all municipal legislation to make sure it gets into the 21st century the same time we do.

Mr. Speaker, these people are seated in the members' gallery, and the chairman of the committee is seated here in the Assembly, the Member for Calgary-McKnight. They are -- and I'd ask them to stand as I mention their names -- Gary Browning, Ross Alger, Dick Papworth, Ty Lund, and Robert Mathe-son. I'd ask that we thank them for their contribution to the province and to the Municipal Statutes Review Committee.

MR. SPEAKER: The Member for Vegreville.

MR. FOX: [remarks in Ukrainian]

Thank you, Mr. Speaker. Today I am happy to introduce my senior citizen friends from Vegreville. [a submitted]

Mr. Speaker, I'm pleased to introduce to you and to members of the Assembly, 47 friends of mine from the Vegreville Senior Citizens' Sunshine Club. This group recently moved into their beautiful new drop-in centre in Vegreville, funded with assistance through three levels of government, particularly noting the Recreation, Parks and Wildlife Foundation, and a great amount of volunteer effort in local fund-raising. They are seated in the public gallery, accompanied by their bus driver Mr. Orest Zubritsky, and I would ask that they stand in the gallery and receive the traditional warm welcome of members of the Assembly.

MR. TRYNCHY: Mr. Speaker, it's my pleasure today to introduce to you some 39 grade 8 students from the Sangudo high school. They're accompanied here by their teachers Robert White, Robert Morton, and two parents Mrs. Bakos and Mrs. Morgenstern, I met with them a while ago, and they were so excited and pleased with this building that they didn't even have any questions for me. They're seated in the members' gallery, and I would ask that they rise and receive the warm welcome of this Assembly.

MR. SPEAKER: Member for Red Deer-North,

MR. DAY: Thank you, Mr. Speaker. It's a pleasure to introduce today some students from a social studies class from Peoples Christian Academy in Red Deer here working on a government study. I'm pleased to announce, on a historical note, one of the students is a direct descendant of the very first MLA

from Red Deer-North. On that note, I'd like to ask my son and the other students and their teacher Mrs. Cazemier to rise and receive the welcome of this House.

head: **ORAL QUESTION PERIOD**

Free Trade

MR. MARTIN: Mr. Speaker, I'd like to direct the first question to the Premier. Yesterday the Premier finally admitted that natural gas producers will have to eat the FERC decision. Clearly, he said in the spring that he would not accept this agreement if that FERC decision stood. Now he's backing off. It seems this Premier is going to support the Mulroney trade deal come hell or high water, whether it's good for Alberta or not. My question is to the Premier: can he confirm that he now purports to justify his position by stating that gas producers will be able to appeal the next nontariff barrier brought in by the United States?

MR. GETTY: Mr. Speaker, as I said last year and as I've said twice so far this year, the trade agreement which I am supporting is one that will deal with FERC decisions. Once we have that agreement, it's what I said before, and that's one of the reasons why we're supporting it.

MR. MARTIN: Well, Mr. Speaker, it's nice that the Premier has such blind, naive faith in both Mr. Mulroney and the binational process. Let's look at that. Will the Premier confirm that only the government of Canada can appeal to the binational process, not the government of Alberta or any other private group?

MR. GETTY: Mr. Speaker, the agreement obviously is between two governments, the government of Canada and the government of the United States. Therefore, one of the members of the agreement can appeal. But obviously there would have to be a large input from the province of Alberta in a matter such as this, and that would happen.

MR. MARTIN: Again, Mr. Speaker, blind faith, blind faith. My question, then, is to this Premier. The panels must rule only on U.S. law and U.S. precedent. My question to the Premier: does he really believe that Americans routinely break their own laws and that in fact when they bring in decisions like FERC or any other protectionist measures, they're breaking their own laws? Does he really believe that?

MR. GETTY: Again, it's funny, Mr. Speaker, because I dealt with that yesterday and the day before. And again, it's the point that the dispute settling mechanism will stop any capricious, frivolous, or politically motivated charges or moves by the U.S. federal government in a harassing way. We believe the dispute settling mechanism will stop those.

MR. MARTIN: Mr. Speaker, I don't care what this Premier believes. We're trying to get to the facts here. Clearly, under there it says that they have to break their own laws or their own precedents. My question is to the Premier then: does he really believe that this binational process would stop any decisions like FERC or softwood lumber or potash or any of the things that they've been doing to us? Does he really naively believe that, Mr. Speaker?

MR. GETTY: Mr. Speaker, as I've just said, any of those moves that are developed in a capricious, harassing way, politically motivated, would definitely be stopped because they know if they brought one like that, it would be struck down by the dispute settling mechanism.

Now, it's interesting that the hon. Leader of the Opposition knows that without this agreement we would have absolutely no protection, but he is so wrapped up in trying to kill and hurt something that's an incredible opportunity for Albertans that he can't take the blinkers off, and he's just negative all the time.

MR. TAYLOR: Mr. Speaker, a supplemental. We had no protection then; we have no protection now with this Premier in the saddle here.

The FERC ruling is costing the gas producers \$200 million a year, and it goes on forever because, as you've said, it was retroactive. Because of our royalty rate, that means \$50 million a year roughly to the taxpayers of Alberta that is going to go ahead. Now, in point of the fact that Mr. Reisman was on the news this morning saying that they're renegotiating parts of the agreement, and in particular energy, will he not now take this opportunity to bring forward, to see if somehow or another we can get the FERC ruling deadline as of now so it won't go on forever?

MR. GETTY: Mr. Speaker, I guess I've dealt with the FERC matter now for three straight days, and the hon. leader of the Liberal Party just is unable . . .

MR. TAYLOR: It's like playing the coronet: you've got to keep doing it till you learn.

MR. GETTY: I sit there politely, Mr. Speaker, and let him ask his questions. When he doesn't like the answer, he can't sit there. Instead, he tries to disrupt the business of the House, and I think it's unfair.

MR. SPEAKER: Red Deer-South, supplementary.

MR. OLDRING: Thank you, Mr. Speaker. A supplementary to the Premier. It's nice to hear from the Leader of the Opposition representing Oshawa, and I recognized how closely tied he is with people like Ed Broadbent, but could the Premier comment on why people like Ed Broadbent are coming here to Alberta and telling us that American investment and free trade isn't good for our province considering what it's done for Oshawa? [interjections]

MR. SPEAKER: The House will continue in due course. Hon. Premier.

MR. TAYLOR: On a point of order, Mr. Speaker.

MR. SPEAKER: At the end of question period.

MR. TAYLOR: That's the only time he'll ever get up.

MR. GETTY: Mr. Speaker, I've never seen anybody with skin so thin that if you just prick them with a pin a little bit, they can't stand it. It's just unreal.

So let me say, Mr. Speaker, that one of the things that I found interesting to Albertans was the visit to Alberta of people from Oshawa and the vice-president of the NDP, who's a mem-

ber of the auto union, who came here to say to us: "We have all the foreign investment in Canada and we have no unemployment, but that would be bad for Alberta. We have trade with the United States and our industry is booming, but that would be bad for Alberta." So what I say to them is: stay away; Albertans don't need that kind of unbelievable advice.

MR. MARTIN: Mr. Speaker, this type of absolute rhetoric . . .

MR. SPEAKER: Order please. Order. The member has been recognized. Now the second main question for the Leader of the Opposition.

MR. MARTIN: Well, it's only fair play. Mr. Speaker. I'd like to designate my second question to the Member for Edmonton-Centre.

MR. SPEAKER: The Chair does indeed recognize Edmonton-Centre.

Women's Health Services

REV. ROBERTS: Thank you. Mr. Speaker, access to quality reproductive care for women in this province has been seriously eroded by the insensitivity and the cuts of the current Minister of Hospitals and Medical Care. In fact, a woman in my constituency last week could not get a tubal ligation (a) because she did not have her husband's permission and (b) because she did not have a \$450 certified cheque payable to the gynecologist in advance of the procedure. Will the minister end this gross unfairness to women and announce today the reinsurance of contraceptive procedures required by the women of this province?

MR. M. MOORE: First of all, Mr. Speaker, I reject totally the preamble to the hon. member's question. We continue to have in this province the finest health care system in Canada without question, and our health care insurance plan covers more items than any other health care plan in Canada by far.

Specifically with regard to the sterilization procedures which were removed from coverage by the health care insurance plan on August 1, I have indicated over the course of the last couple of months that we are monitoring some items that were deinsured to determine whether or not there are additional charges being levied by doctors for those types of operations that were performed previously at a fixed fee under the health care insurance plan. With regard to tubal ligations, what the health care insurance plan paid was about \$216, about \$175 for vasectomies.

It's our intention, over the course of the next couple of months at least, to continue that monitoring. We do it by way of getting information from patients about what they have paid for the actual operation. If the hon. member or other hon. members do have information about what the costs are, I'd be very happy to receive it. It will assist us in monitoring the situation.

REV. ROBERTS: Mr. Speaker, this determination, this monitoring, has already been going on by local boards of health, by Planned Parenthood, by health coalitions, and other women's groups. Does the minister not trust these groups which already have these reports and information and not trust their evidence which is already in, demonstrating the increased costs to women out of pocket?

MR. M. MOORE: Well, so far I've not received from all the groups the hon. member mentioned information that provides exact figures of what doctors might be charging in these areas. I would be happy to receive it. All the additional information that I get would be helpful.

One of the things that often happens is an individual phones my office or writes and says, "We've talked to the doctors, and they've said this is what they're going to charge." And then it turns out that they go somewhere else and wind up getting the operation for the same price that was paid by the health care insurance plan prior to August 1.

So it's a little too early, in my view, to accuse the medical profession across the board of having doubled their fees for tubal ligations. That appears to be the case in some circumstances, but in other areas it appears not to be. So anything the hon. member can provide me by way of exact specifics would be very helpful.

REV. ROBERTS: Well, Mr. Speaker, we can certainly provide the minister with lots of information from our office, I'm surprised he hasn't heard. Does he need some horror story? What sort of horror story does the minister need of the unfairness of the situation? Would you want the increase in the rates of hysterectomies, increase in the number of unwanted pregnancies, increase in perinatal costs, increase in tubal ligation fee to what, \$600 or \$700 before you do something about this?

MR. M. MOORE: I failed to detect a question in that last comment.

REV. ROBERTS: We asked what it would take. What will it take to get action?

MR. SPEAKER: Next supplementary, I guess.

REV. ROBERTS: Well, the young men and women of this province who are listening to and watching that lack of response know where this minister is coming from.

When he finally gets around to reinsuring these contraceptive services, will the minister then reimburse the women who are already out of pocket for these expenses, the women who have been used as guinea pigs in his experiments in deinsuring?

MR. M. MOORE: Mr. Speaker, I've already said that it's our intention to continue monitoring the situation to determine whether in fact an unfairness has been created. That information was communicated by the minister responsible for women's issues to the chairman of the women's council just a couple of days ago. It probably gave rise to the hon. member's sudden concern. We will continue to monitor the situation over the course of at least the next couple of months and then make a decision based on the information we have.

MR. SPEAKER: Additional supplementary, Edmonton-Centre? You have three. [interjection] Okay. Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. A supplementary to the minister. Yesterday we did have indeed the minister responsible for women's affairs' response to the advisory council on women's affairs relating to this same subject. Will the minister now please tell this Assembly, yes or no: will funding be made available to the Royal Alexandra hospital in Edmonton now to establish a family planning clinic?

MR. M. MOORE: Again, this is the first time we've heard from the hon. member that indeed a family planning clinic is required at the Royal Alexandra hospital. Previous to now the hon. member and others have wanted this government to fund an abortion clinic at the Royal Alex hospital, and the answer to that was a flat no.

We suggested that if the Royal Alex thought that that was important, they could fund it from within their own funds. Since that time, I've had an opportunity to discuss this matter with the chairman of the board of the Royal Alex hospital. I've asked them if they would consider establishing a family planning clinic, which would do a great deal more than might have been done by an abortion clinic. The answer from the chairman of the board of the Royal Alex was yes, they would consider that. They're now in a process of reviewing how it might be set up, whether or not there's room for it in the hospital, how it might operate. We will have discussions after they've completed that work, probably early in 1988, relative to whether or not it can be funded from their existing global budget or other arrangements made for the next fiscal year.

MR. SPEAKER: Thank you. Additional supplementaries? Main question, leader of the Liberal caucus.

Free Trade (continued)

MR. TAYLOR: Thank you, Mr. Speaker. My question is to the Premier, on certain aspects of free trade that have concerned many Albertans. As the Premier pointed out earlier, it is possible for the U.S. to put countervail, because of what they believe may be unfair subsidies, on some of our products down the road. So I think it's quite a duty of this government to make sure that the millions of dollars of taxpayers' money may not be put at risk, be put into some of these projects that we'll be exporting to the U.S. which have been put together by guarantees or loans or grants from the Alberta government.

Now, the first question, Mr. Speaker, is with respect to the Millar or the Whitecourt pulp mill that's going ahead out here. The Alberta government will have at risk in excess of \$100 million there. Is the Premier able to assure us that that risk or that financing that we've done for the pulp mill will not be considered a subsidy and be countervailed by the U.S.? Has he had any assurances that our \$100 million-plus is not at risk here?

MR. GETTY: Mr. Speaker, I wouldn't want to try and give legal opinions for the hon. member, but I would certainly say that it would be my understanding, from the negotiations and agreement that we've been developing, that there would be no risk there.

MR. TAYLOR: Mr. Speaker, for \$100 million we need a little bit more than an understanding, but let's go on. For instance, on the upgrader, although I understand that the crash of the Hong Kong market might have jeopardized the possibility of that going ahead, nevertheless, there has been assurance given from time to time by the Premier that we could be upwards of close to \$1 billion at risk by the Alberta taxpayers in putting this upgrader plant together. Now, has he taken any precautions here to make sure that after putting the money in and building the plant, the U.S. won't countervail us because it's unfairly subsidized?

MR. GETTY: Well, Mr. Speaker, it's obviously a very hypothetical situation.

MR. TAYLOR: Mr. Speaker, I thought that was the cornerstone of his policy. He was going to go down in history for generations because he built the upgrader on his own, if nothing else. Now he says it's hypothetical.

Let's go on to another one, Mr. Speaker, with respect to the magnesite, or I think people more popularly call it the magnesium plant, that's going into the High River area. I believe, Mr. Premier, we have guaranteed \$265 million in loans to this plant. That's a \$265 million subsidy. Has he taken any precautions to make sure that our \$265 million won't go down the drain there if the U.S. decides to countervail our magnesium exports?

MR. GETTY: Well, Mr. Speaker, it is not a subsidy. It's interesting to have the Liberal Party of Alberta taking the case that somehow argues something for the United States.

MR. TAYLOR: Mr. Speaker, just the last question then. In view of this Millar subsidy, in view of the upgrader, in view of the magnesite -- this is just a small group that comes close to \$2 billion of taxpayers' at risk. As he said, he wasn't a legal expert. Will he at least get an independent legal opinion that it is safe to put these investments forward and that they do not conflict with our free trade agreement?

MR. GETTY: They are safe, Mr. Speaker, and they do not conflict with the free trade agreement.

MR. MARTIN: Mr. Speaker, to the Premier. In terms of the binational panels dealing with countervailing duties, will the Premier confirm again that these binational panels, besides having to rule only on U.S. law and precedent, will be forced to rule only on the administrative record; that is, they will not be able to hear evidence from any of our producers if there's a countervailing duty?

MR. GETTY: No, Mr. Speaker. I won't confirm that. I will confirm, though, that the agreement does provide that there will be high-level officials of both governments who will be working to rewrite totally the trading rules between our two countries, and in that rewrite I would anticipate there will not be the type of countervail and antidumping laws which currently exist both in Canada and the United States. With this rewrite and those laws being removed, there will be a considerably better attitude between the two countries in governing future free trade.

I think, Mr. Speaker, it's important to know that existing laws can't be canceled by agreements. While Canada's laws have not been changed -- nor have the United States laws, because that takes a process through Congress in the United States and of course through Parliament or Legislatures in Canada. You could not, in the time that we wanted to negotiate this agreement, change the laws of both countries, but the process has started to provide a new set of rules which will be transferred into laws, and then we will have laws that will govern one of the best trading relationships anywhere in the world.

MR. R. SPEAKER: Mr. Speaker, my question is to the Premier as well, and it's on the free trade matter. We've been discussing the dispute settling mechanism. There is concern at the present time that that mechanism may be changed in terms of the dis-

cussions and negotiations going on at the present time. Could the Premier indicate that he has made representation with regards to appeals, in terms of the dispute settling mechanism, to the various courts, that the Premier is not in favour of that and has made representation to the federal government that that should not happen?

MR. GETTY: Mr. Speaker, we've been meeting on these agreements now for some 18 months at nine first ministers' meetings, the designated ministers' meetings, and officials' meetings, on almost a daily basis. I confirm to the hon. member that this is definitely being discussed.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Premier: could the Premier give his assurance to this Legislature that the government of Alberta support for the free trade agreement is contingent upon the binational tribunal being the only route of appeal and that any type of a court procedure following that would be unacceptable?

MR. GETTY: Well, Mr. Speaker, I can't contemplate what might happen in a U.S. court. Therefore, I wouldn't want to try and deal with some hypothetical situation that might arise in another country.

MR. R. SPEAKER: Mr. Speaker, to the Premier. I understand that this is a very serious consideration as of today, with regards to the binational tribunal and the way it can be implemented and how it can be used. My supplementary: Simon Reisman, Canada's trade negotiator, has also raised the possibility that a judicial review of a binational panel decision may be necessary in potential conflict-of-interest cases involving a member of the panel. Could the Premier indicate whether the government has considered that matter at this time and is prepared to support that in the discussions that are going on, or is that unacceptable as well?

MR. GETTY: Mr. Speaker, Mr. Reisman says many things, and I do not follow the practice of trying to justify or not his various comments.

MR. MARTIN: Mr. Speaker, in view of the binational panel that this Premier has so much faith in, would the Premier confirm that even if the binational panel rules against the United States, the United States can then turn around and change its laws and continue the same countervailing duties? That's clear in that binational panel. In other words, what is this thing worth? It's worth nothing.

MR. GETTY: It's completely hypothetical, Mr. Speaker. Obviously, Canada can change its laws and another country can change their laws. But the hon. Leader of the Opposition totally misses the point. These are two nations that are coming together to enter into one of the most sought-after trading arrangements that any trading country in the world would like to have. Now, we've been able to obtain one, and it just drives the hon. members crazy because they don't like the word "free," and particularly free trade, because it reduces government intervention and government involvement, and that's their philosophy.

MR. CHUMIR: To the Premier. As we anticipate five to seven years of discussions to set new dispute resolution rules, does the Premier anticipate that the federal government will be coming to

the provinces for express consent and agreement with respect to legislative changes that will be needed for those new rules over the five to seven years?

MR. GETTY: Well, Mr. Speaker, there's nothing to say that the rules will take five or seven years to negotiate; it may be done within a year. I would anticipate there will be lots of discussions between the federal and provincial governments.

MR. SPEAKER: Red Deer-North, followed by Edmonton-Strathcona.

Tax Reform

MR. DAY: Thank you, Mr. Speaker. My question is to the Minister of Energy. The federal Minister of Finance, Mr. Wilson, has introduced some tax proposals which are causing no small amount of concern in the energy sector in Alberta. One of these proposals threatens to end the benefits of flow-through shares. Another one would negatively impact the building of plants and facilities in the province by a reduction in depreciation benefits. I wonder if the minister has had the opportunity to evaluate the impact that these proposals will have on Alberta's small and junior-sized companies and on the energy sector in general.

DR. WEBBER: Well, Mr. Speaker, we have had a review of the white paper and the impact of the proposed tax reform on the oil and gas industry. On the conventional industry, overall it's seen as a slight plus, essentially positive. However, the impact is not that great positively. There are, of course, the reduced corporate tax rates. There are the changes in the capital cost allowance.

The hon. member will remember that when we were trying to get assistance for the oil and gas industry, we were trying to get earned depletion with the flow-through shares for the conventional industry. We were not able to do that. However, we were able to get something very close to it with CEDIP, the Canadian exploration and development incentive program. So essentially we ended up with benefits similar to what is the case for the mining industry. However, the tax reform will be phasing out CEDIP and the benefits for the mining industry over a period of time.

On the nonconventional side the picture is different in that with the phaseout of earned depletion and the so-called "put in use rule," where the capital cost allowance is delayed until the assets are put in use -- it does have a significant impact on major projects, possibly up to 3 percent reduction in the rate of return on some of the major projects. However, we are encouraged by the federal government and their statements that they would, on a case-by-case basis, look to replacing the benefits that we're taking away by the tax reform white paper.

So in our discussions with the federal government on certain projects, we will of course be making a case that they have the obligation to put those benefits back in place before we discuss anything further. So, Mr. Speaker . . .

MR. SPEAKER: Perhaps, hon. minister, there might be a bit more for some supplementaries. Red Deer-North, please.

MR. DAY: Thank you, Mr. Speaker. In light of the fact that the flow-through share benefits brought in some estimated \$300 million in investment just last year alone, has the minister been

able to communicate to the federal minister of energy that a loss of investment of that size could negatively affect the drilling of literally hundreds of wells in western Canada in 1988 alone?

DR. WEBBER: Well, Mr. Speaker, certainly we don't expect an impact anything near what the hon. member is indicating. The outlook for drilling for the next year looks very good, with the fiscal regime that is in place, the finding costs that the industry is experiencing today, plus the pricing situation. However, we are working with the different umbrella groups in the industry, the Canadian Association of Oilwell Drilling Contractors, who have brought this concern to our attention, as well as the Independent Petroleum Association of Canada just this week. We'll be working with those groups to see if we can't see that some of these benefits will continue in the future.

MR. DAY: Supplementary, Mr. Speaker. Is the minister aware that this type of loss of investment would cause a shift in activity away from the smaller Alberta-based companies, which tend to be more labour intensive and have more impact on local economies?

DR. WEBBER: Well, Mr. Speaker, the concern of the IPAC group, the Independent Petroleum Association, this week, as well as the other group that I mentioned, is that some of the smaller companies may experience some difficulty in raising money for exploration and development. It is for that reason that we would be working with these organizations to see if we can't have the federal government continue to provide similar benefits that are in place now.

MR. DAY: Supplementary, Mr. Speaker, to the Provincial Treasurer. I have a nagging fear, which I hope is unfounded, that we're seeing some eastern interests again causing some things to happen which could hurt investment in the oil industry. I wonder if the Provincial Treasurer has taken the opportunity to formally list the concerns that the energy sector has with these proposals and presented them to Mr. Wilson, and if not, when does he propose to do so?

MR. JOHNSTON: Mr. Speaker, I appreciate the concern expressed by the Member for Red Deer-North on this important issue. I think the response by my colleague the Minister of Energy has adequately covered our policy response. I do appreciate and will convey to the Minister of Finance, on behalf of the Member for Red Deer-North, the views that he's expressed. I do share the point, though, that there could well be some negative investment impact on some of the smaller companies, as he's noted. And yes, we will both be conveying the message from the member and will make a formal presentation to Mr. Wilson on December 9 and 10 when the finance ministers convene in Toronto.

MR. SPEAKER: Supplementary, Calgary-Buffalo.

MR. CHUMIR: Yes. It'll be nice to see the government use some newfound negotiating skills to get some concessions in these areas for this province.

I have a supplementary for the Minister of Energy with respect to the government's plans to reduce the royalty tax credit down to 50 percent of royalties to a maximum of \$200 million. Will the minister ensure small oil companies that this will be the end of the cuts in that program and that there'll be no further

cuts in the foreseeable future?

DR. WEBBER: Well, Mr. Speaker, the hon. member is incorrect in his statement as to what we plan on doing. Besides, I fail to see how this question has anything to do with tax reform. So if the hon. member wants to ask a question on Alberta royalties at some stage, I'd be happy to answer him.

MR. SPEAKER: Calgary-Forest Lawn, supplementary.

MR. CHUMIR: Thank you, Mr. Speaker. When is the minister going to admit that his program of royalty reductions has been a failure, that it leads only to boom-and-bust activity in the oil patch, and brings no return to the Alberta Treasury?

DR. WEBBER: The hon. member doesn't know what he's talking about.

MR. SPEAKER: Edmonton-Strathcona, followed by Grande Prairie, Calgary-Buffalo, Edmonton-Mill Woods, Red Deer-North, Edmonton-Glengarry.

Principal Group

MR. WRIGHT: Yes, Mr. Speaker. My question is to the Premier, and I promise to be really positive about this. We were all gratified when he repeated his assurances that if the government is found responsible for the loss that accrued to investors in two recently notorious companies, the government would pay up. The findings on which this responsibility is to be based must be made by somebody, and the Premier has mentioned the courts, the Code inquiry, and the Ombudsman. Will the finding of negligence by any of these tribunals suffice to base the government's responsibility?

MR. GETTY: Mr. Speaker, I don't think I should get into that kind of hypothetical judgment in advance; it wouldn't be helpful. I would tell the hon. member, though, that I appreciate that he's getting more positive.

MR. WRIGHT: Mr. Speaker, the Premier has made the undertaking to Albertans, in this Assembly and elsewhere, and in particular to the investors, of course. They wish to know whether all he is saying is that if they get a judgment against the government, the government will pay, or whether he is in fact saying that that's not necessary; if Mr. Code makes some statements that help or the Ombudsman does, that is all that suffices. I think it's a positive and reasonable request to ask: is all he's saying that if there's a judgment, the government will pay?

MR. SPEAKER: That's hypothetical.

MR. GETTY: Completely hypothetical; I'm sorry, Mr. Speaker.

MR. SPEAKER: How does he expect there to be a rule on something that they haven't seen? But carry on. Good luck.

MR. WRIGHT: Now perhaps I will not be so positive, Mr. Speaker, since we expect that when the Premier makes these statements he means something. All we are trying to find out is what he means. Is all he is saying that the government will simply pay if they're obliged to pay anyway?

MR. GETTY: Mr. Speaker, I've dealt with it in the House before. It's in *Hansard*, and it's there for the hon. member.

MR. SPEAKER: Final supplementary.

MR. WRIGHT: Yes, Mr. Speaker. The Premier has made answers before; whether he dealt with it is another question. I point out and request an answer to this question. Mr. Code, as you know, by 223(2) of the Business Corporations Act, may not make findings regarding the government. Mr. Trawick, the Ombudsman, may do nothing else, but his inquiry is in secret, so we won't know what he is doing until it's too late. So how does the government get off the horns of that particular dilemma?

MR. GETTY: I don't see it, Mr. Speaker, as the horns of a dilemma. Mr. Trawick's investigation is not secret. It certainly will be carried on by him. He has been ordered by the government to report in public and to this Assembly. He conducted his review because he was ordered by the government. So I see no problems at all with the fact that both those investigations will get out all of the information necessary to make any judgments.

MR. TAYLOR: To the Premier, Mr. Speaker. In view of the fact that there is this dilemma that's been pointed out by the hon. Member for Edmonton-Strathcona and also the fact that the Premier has dodged niftily behind tree to tree here, would the Premier even at this late hour consider opening this up to a full court public investigation?

MR. GETTY: Mr. Speaker, we have.

MR. SPEAKER: Member for Grande Prairie, followed by Calgary-Buffalo, followed by Edmonton-Mill Woods.

Municipal Involvement Week 1987

DR. ELLIOTT: Thank you, Mr. Speaker. My question is to the Minister of Municipal Affairs. My question has to do with his Municipal Involvement Week 1987 program, which involved essay and poster contests for school children throughout Alberta. Two of the six winners, Colby Lieverse and Melissa Thoresen, are from the Grande Prairie constituency. On their behalf I wish to ask the minister: is the commitment still in place to have these six Alberta students visit our capital city and our Legislature and receive their awards at some special occasion?

MR. ANDERSON: Mr. Speaker, I appreciate the member previously mentioning to me the fact that those two individuals had not received that invitation. As a result of his intervention, I am pleased to inform the House that I've directed the department that we will fulfill fully the commitment made.

DR. ELLIOTT: Supplementary. When would they be coming to the . . . [interjections]

MR. SPEAKER: Member for Grande Prairie, you might as well wait.

Thank you, please proceed.

DR. ELLIOTT: Supplementary, Mr. Speaker. I was wondering if the minister can tell us when he would be holding this function for these six Albertans.

MR. ANDERSON: Mr. Speaker, we would naturally want to have the students here during a legislative sitting. Should we manage to finish this one during the calendar year, I would intend to invite them during the spring sitting of next year.

MR. SPEAKER: Member for Calgary-Buffalo, followed by Edmonton-Mill Woods.

Education Funding

MR. CHUMIR: Thank you, Mr. Speaker. That's a hard act to follow. [interjections]

MR. SPEAKER: Order please, hon. member. Order please. There's a growing tendency in the House to violate *Beauchesne* -- the custom of commenting with respect to answers given, whether they're adequate or not or questions and so forth. It's really better to just get on with the question, please.

MR. CHUMIR: Mr. Speaker, I'm very contrite.

To the Minister of Education. In the budget cuts last year the Minister of Education ended the Initiation to Teaching Project, which provided internship positions for 900 graduate teachers at an annual cost of \$14 million. We now have over 5,000 teachers unemployed. The minister's department released a report two days ago, of which I have a copy here, indicating that the intern program should continue and that by September 1988 every beginning teacher should be required to participate in such a program. I'm wondering whether the minister could advise this House whether, in light of this report sponsored by her own department, she will admit that the termination of the program was a shortsighted mistake and move to reinstate the program effective September of 1988 as recommended.

MRS. BETKOWSKI: Mr. Speaker, the analysis of the Initiation to Teaching Project was done independently by two people from universities in Alberta. I'm very pleased with the results which have come in, in terms of the importance of making the important link between the university environment and the classroom environment. How we best implement that in an economic restraint time is a question which is obviously before me, as minister, and our government. I will make no such commitment today to the hon. member.

MR. SPEAKER: Supplementary.

MR. CHUMIR: Yes. To the minister. School boards and teachers have been expressing alarm at the effect which staff cuts in schools are having on the quality of education. Why won't the minister recognize that this intern program is an excellent way of maintaining quality of education and providing teaching jobs for an annual cost only slightly more than that expended for the government to open up its opulent Calgary headquarters?

MRS. BETKOWSKI: Mr. Speaker, the quality of teachers in this province is second to none in Canada, certainly. We have the youngest teaching force in Canada and the most highly educated teaching force. Obviously, we want to be sure that we can get as many jobs in our school system for young, graduating, enthusiastic teachers, in order that they can be in our classrooms. How we do that is exactly why I am assessing so carefully the results of the analysis of the Initiation to Teaching

Project. It was a very forward-looking project, which was put in place by this government, and I think we've got a good deal we can learn from it.

MR. CHUMIR: Mr. Speaker, programs for children with learning disabilities and handicaps have been amongst the primary victims of the staff cuts. I'm wondering whether the minister will tell us what plan she has to ensure that we stop the decline and get some improvements in the quality of education for these learning-disabled and handicapped children.

MRS. BETKOWSKI: Mr. Speaker, as I have said on many occasions in this Legislature, the difficult decision we had to make last year as a government, with respect to our natural resource revenue falling off by 64 percent, was how we would apportion that, particularly in the key people areas, of which education is one. Special education, as I've said many times in the Assembly, was not reduced in the '87-88 budget to recognize the important leadership role Alberta has taken in developing special education programs in our classes.

I recognize that the size of some classes in Alberta has been changed as a result of economic restraint, but not all. Nor should the hon. member fall into the trap of thinking that class size of itself is the only measure of what is delivered in our classes across Alberta. The quality of education, I would suggest, has many more factors than simply the size of a classroom. In fact, there is no consistent evidence that the size of classrooms of itself is a major factor in quality.

MR. CHUMIR: Final supplementary to the Premier, if I might, Mr. Speaker. We all realize that we've been going through some budget difficulties, but my concern is that the percentage of total government expenditure on education has dropped from 14.6 percent to 12.2 percent, about 15 percent between 1979-80 and this year. Why has the government been decreasing its commitment to education on a proportional basis at the same time as the Premier states that education is our number one priority?

MR. GETTY: Mr. Speaker, I think it should be clear to the House that this government commits more funds to education than any province in Canada.

Postsecondary Education Funding

MR. GIBEAULT: Mr. Speaker, my question today is to the Minister of Advanced Education. Faced with the cutbacks of this provincial government, the University of Calgary now is proposing to cap its enrollment for 1988. The University of Alberta has accomplished almost the same outcome by raising the entrance requirements, and they're looking at having 700 fewer students registering in 1988. We had the University of Lethbridge representatives here discussing their concerns; the minister couldn't even show up for that debate. In light of all that, could the minister now give us the advice that he's prepared to give to the young people of Alberta who are not going to be able to get into the universities or the colleges? What is his advice to those people? Are they going to have any future other than as future clients for his colleague the minister of work for welfare?

MR. SPEAKER: With respect, hon. minister, for a half moment. Might we have permission of the House to complete this

set of questions, since question period has expired?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Thank you.

The Chair would also point out that it's inappropriate to comment on whether a member is in the House or not in the House at any time.

MR. RUSSELL: Mr. Speaker, there were several issues raised in the hon. member's question. First of all, with respect to what advice I would give to young people entering the postsecondary system, I think first of all I'd point out to them this government's commitment to the system, that it funds at a higher level than any other provincial government and at the same time keeps tuition fees lower than any other government outside of the province of Quebec. So I would give them that advice. I would also point out to them the excellent choice of institutions that are available.

With respect to the ceilings and quotas imposed by the two universities, Calgary and Alberta, the final result of this, of course, will be known this fall, when we compare the method by which they propose to reach those quotas with respect to the actual objective in mind. By objective I mean the numerical target. I am specifically mentioning that point, because the quota system, as it's proposed to relate to an admission requirement, has in fact been there for several years, and in many faculties the minimum entrance requirement already exceeds the proposed new entrance requirement. So we're not just sure yet of the number of students who may be affected by those quotas. That applies to the University of Alberta.

With respect to the University of Calgary, they have qualified their statement with respect to quotas with a clause on increased financial support, and it's too soon yet to say whether that may or may not be coming. But that is one option that the government will be looking at when we finalize the department's budget.

The last thing, Mr. Speaker, that should be mentioned is the capability of the system to deliver university transfer courses in the college system.

MR. GIBEAULT: A supplementary question, Mr. Speaker. The minister just referred to the college system. Can the minister now stand in his place and assure the people of this province, and in particular the colleges who are going to be trying to take the overflow or the turnaway from the universities, thanks to his policies, that they can expect more than simply a zero change in their budget for this year? Can they expect an inflation increase and hopefully some real increase in their purchasing power for next year?

MR. RUSSELL: Well, Mr. Speaker, those questions and others will be answered when the hon. Treasurer brings down his budget.

MR. GIBEAULT: A supplementary question, Mr. Speaker. The minister is aware, as we've heard in the news media recently, that the government has been fortunate in having some extra revenue now that they weren't aware of earlier. In light of those circumstances, has the Minister of Advanced Education given any consideration to meeting some of the special requests of the institutions of this province, including but not limited to the urgent request of the University of Alberta for \$1 million to

support the extra 1,000 students enrolled this year?

MR. RUSSELL: Well, Mr. Speaker, I think again it should be clarified that this windfall, or extra revenue, that the opposition refers to simply means that our proposed debt is smaller than what we originally thought it was going to be. So I'm not quite sure how the hon. member is suggesting that that "windfall" be spent, when it's simply a smaller debt than what was proposed.

MR. GIBEAULT: Mr. Speaker, the demand for student loans for students going through the system now has increased steadily, has nearly tripled in the last five years, and yet in this last budget year the amount provided was cut by about 10 percent. In conjunction with increasing fees and reductions, would the minister not agree that continually making these disparities is only going to lead to a two-tier system where only the wealthy will be able to get access to the university system?

MR. RUSSELL: No, I think the statistics and data from the Students Finance Board would certainly put down that argument very quickly.

MR. SPEAKER: Supplementary, Vermilion-Viking, followed by Calgary-Buffalo.

DR. WEST: Yes. To the minister, a supplemental. In spite of the insinuation by the hon. member that there is going to be a shortage of classroom space in postsecondary education, indeed there seems to be a great number of classroom spaces, especially in our colleges and that, and there is concern that we do get duplication and competition for student numbers in certain areas. Could the minister indicate if there's any thought by the department of looking at some rationalization and cutting down on the duplication of colleges competing for those positions?

MR. RUSSELL: Yes, there is, Mr. Speaker. I'm very pleased that that's been one positive response that has come out of this period of fiscal restraint, in that the system itself now is very anxious to identify that list of duplications or nonproductive competitions by way of duplications in courses, and I'm very optimistic that during the coming years, we're going to make significant progress.

MR. SPEAKER: Calgary-Buffalo, a supplementary.

MR. CHUMIR: Thank you, Mr. Speaker. The statistics for Advanced Education are similar to those in Education. They show a decline in percentage of 10.1 percent down to 8.7 percent in expenditures on advanced education from 1979 to this year, and in fact they went down 15 percent over the last year. I'm wondering whether the minister can do better than the Premier in explaining how the government can at the same time . . .

MR. SPEAKER: Order please, hon. member.

MR. CHUMIR: I'm wondering whether the minister can explain how this is happening and why the government is decreasing its percentage of expenditures to advanced education at the same time that it says education is our number one priority. Those two features are inconsistent with each other.

MR. RUSSELL: Well, Mr. Speaker. I don't know what the document was that the hon. member had in his hands or the per-

centage of what he was talking about. Certainly in any contemporary government that introduces new programs and expends its global budgeting, the percentage given to any individual department or program can continually go down as a percentage of the gross if the whole pie is continually growing, notwithstanding the fact that the piece of pie continues to grow within the whole. So that's a fallacious argument that has been dealt with on several previous occasions.

MR. TAYLOR: Premier Manning [inaudible].

MR. RUSSELL: Yeah, Premier Manning, I think, used to talk about those kinds of things. [interjection] Yeah, when I sat right where you . . .

MR. SPEAKER: To the Chair, please, hon. member.

MR. RUSSELL: I'm sorry. I thought I'd just discovered perpetual motion; it's the hon. leader of the Liberal Party's mouth. [laughter]

But the preference and the importance attached to education, I think, as a part of our budget is there in hard figures. For my colleague's department, in the basic education system those cuts were at 2 percent whereas the other granting agencies were at 3 percent, and then the rest of the departments throughout government went all the way up to 25 percent. So certainly that importance and priority is attached to education; there's no doubt about it.

MR. TAYLOR: A point . . .

MR. SPEAKER: A point of order.

MR. TAYLOR: A point of order, Mr. Speaker. Actually, I had two. They go with the same event though, and I note the first is with respect to supplemental questions. I would refer to *Beauchesne*, Fraser Birch Dawson, 371. It was with respect to Red Deer-South adding a supplemental which, Mr. Speaker, you allowed. And possibly you hadn't been aware that the questions were all dealing with FERC. I know the Member for Red Deer-South probably thought it was just another four-letter word, and so he threw it out, but his question had nothing at all to do with FERC and indeed went on with asking an opinion of the Premier about what the Member of Parliament for Oshawa thought. That's the first point of order, Mr. Speaker. I think the opposite back bench gets away with murder anyhow, on the question of whether roads are snowplowed or whether people are coming in to visit or whatever it is, and to put real non sequiturs like this I think makes a laughingstock out of the question period.

The second point, if I may make it . . .

MR. SPEAKER: One point of order at a time, hon. member. Are there members wishing to speak . . .

SERGEANT-AT-ARMS: Order in the press gallery, please. Mr. Speaker is standing. Thank you.

MR. SPEAKER: Are there succinct points with respect to the purported point of order? [interjection] No, on the first one, hon. member.

MR. CHUMIR: Yes, I have a short comment on that, Mr. Speaker, and that is that I have no objection to flexibility, latitude, and liberalism with respect to the nature of supplementary questions, but I certainly would like to see them applied uniformly with respect to all members of all parties. I think that is the principle that should govern, and I would support, in fact, a liberal interpretation so that this question period can be an effective mechanism for questioning the ministers of this government.

MR. SPEAKER: To your point of order: it would be interesting.

Carry on.

MR. FOX: Mr. Speaker, on the point of order, if I may. Back and forth between you and I, you expressed the concern that there was a high level of noise in the Assembly at the time, and I can appreciate that it's at times difficult to hear what's going on. But the supplementary that the hon. member asked was what caused the noise on this side of the House, because it was so outrageous, dealing with some travelogue of people from Ontario and not the important issue at hand. And I submit, sir, that it was . . . [interjections] Yeah, or tongues so tied.

MR. MARTIN: Don't be so shrill, Dick.

MR. FOX: No, I just think that the question was asked and was obviously off topic, and then the noise arose.

MR. SPEAKER: Member for Red Deer-South.

MR. OLDRING: Thank you, Mr. Speaker. On the point of order. I'm sure that the leader of the Liberal Party is really trying to bail out his friend from the NDPs, but 371 clearly only deals with the extent to which supplementary questions may be asked at the discretion of the Speaker and not the content of the questions themselves.

MR. SPEAKER: Government House Leader, and then that will suffice on this purported point of order.

MR. YOUNG: Mr. Speaker, I want to make a very brief observation, and that is that section 371, under which the point of order is purportedly raised, is a section which concludes by giving the Speaker the absolute discretion in terms of the extent of supplementary questions which may be asked. In the light of that discretion, which I think has been exercised in a maimer to provide a considerable ambit for the supplementaries that have been raised by the opposition as well as other members of the House, I would submit that the point of order is without foundation.

MR. SPEAKER: [interjection] No, no. As the member is well aware, with regard to points of order, the process is to speak once to the matter without summation.

With regard to the purported point of order as raised, the Chair has listened carefully. The Chair was the recipient of two notes within the course of question period, and the Chair reacted to explain what had indeed gone on. Therefore, we have the comments by the Member for Vegreville on behalf of the New Democratic caucus with respect to the noise that was in the Chamber. So with regard to whether that particular supplementary was in order or not, I'm sure one can peruse the Blues

and discover he could make a case that indeed it was not germane to the real issue. Nevertheless, it takes us all back to the matter of supplementary questions in this House. Hon. members who are the ones who ask most of the questions have to realize that there has indeed been a high degree of latitude. So for this to be seen as a point of order -- the Chair doesn't see it as a point of order; it sees it as a difference between members and as a matter of complaint. But again, those who are making the complaint on either side of the House should realize that you have to live with the interpretation yourself.

I can look down the order of questions for today, and to examine the matter of relevancy, it's stretching the point with regard to a number of the questions that were raised today. Some questions are raised and say, "Well, all right, in my mind the interpretation is that I'm going to ask any question I want with respect to the whole Department of Education or the whole Department of Advanced Education or any other department."

It's very difficult sometimes to figure out what is the real issue and then to hold hon. members to it. With due respect, that occurs, and from the Chair's own experience in the back benches, that's a very difficult thing, to be able to keep to the matter of relevancy.

Now, with respect to what indeed did happen this afternoon, the Chair, as is often the case, has other issues that are going on up here at the same time. The noise level in the Assembly . . . There had been other issues going on, and there had been an uproar in the House, a mild uproar. The Chair had, at least once if not twice, tried to bring the House to a better noise level, if you will, so that the Chair could hear what was going on. With respect to the question, the supplementary as addressed to the House by the Member for Red Deer-South, the Chair had great difficulty hearing what was indeed being said.

SERGEANT-AT-ARMS: Order in the press gallery. Mr. Speaker is standing, please. Thank you.

MR. SPEAKER: Twice should be sufficient, Sergeant-at-Arms. Once should be sufficient.

So with respect to the point of order as raised by the Member for Westlock-Sturgeon, the Chair listens, and perhaps all of us together in the House will be much more attentive to what the order of business is.

Second point of order, Westlock-Sturgeon.

MR. TAYLOR: My second point, Mr. Speaker, I've decided to cancel for the time being. It'll recur time and time again, so I'll get another chance.

MR. SPEAKER: Oh, good.

ORDERS OF THE DAY

MR. SPEAKER: Might we revert briefly to the Introduction of Special Guests?

HON. MEMBERS: Agreed.

head: INTRODUCTION OF SPECIAL GUESTS (reversion)

MR. SPEAKER: Member for Redwater-Andrew.

MR. ZARUSKY: Thank you, Mr. Speaker. At this time I'd

like to introduce two outstanding citizens of the village of Andrew to you and through you to the Assembly. I'm sure they've waited here patiently and enjoyed this afternoon very much. They are the mayor, Dennis Ostafichuk, and the village administrator, Albert Holubowich. They are seated in the members' gallery, and I'd ask that they rise and receive the warm welcome of the Assembly.

head: **GOVERNMENT MOTIONS**

20. Moved by Mr. Young:

Be it resolved that the report of the special committee appointed April 27, 1987, for the purpose of recommending to the Assembly the person it considers most suitable for the position of Ombudsman for the province of Alberta be now received and concurred in.

MR. YOUNG: Mr. Speaker, just very briefly, Motion 20 completes the process of the appointment of the new Ombudsman, Mr. Aleck Trawick, by way of receiving the report of the standing committee which was assigned for that task.

Perhaps I could take just a moment to express appreciation of the government to the standing committee, first, for bringing in a unanimous report; secondly, also to the personal staff who worked with the committee and assisted by means of consultants and otherwise to conclude the deliberations of the committee; also to the staff of the Legislative Assembly who worked with the committee. Finally, Mr. Speaker, I think the Assembly should acknowledge the tremendous work of the acting Ombudsman, Mr. Marcel Arcand, for that period when the position was vacant.

MR. FOX: If I might speak briefly to Motion 20 on behalf of members on this side of the House, the selection of a new Ombudsman is indeed a very significant event in Alberta, maintaining a tradition that goes back a number of years, Alberta being, I believe, the first province in Canada to have an Ombudsman and, indeed, perhaps one of the first jurisdictions in North America to have an Ombudsman. It's a proud tradition, and in terms of the process, working on a committee, I think the committee that I was privileged to be a part of might set an example for how other committees might function in this Legislature, where we take people from both sides of the House and pool their efforts and insights and work together for the benefit of all Albertans. Indeed, the visitor introduced by the Deputy Premier in your gallery today was someone I met, along with the former Member for Chinook, in Washington as part of an all-party committee studying free trade last year.

Anyway, in terms of the selection of an Ombudsman, it's very important that the selection be a scrupulous procedure and that we come up with someone with unquestioned independence who is not afraid, if necessary, to stand up and challenge a government's department if its procedures are found to be wanting or hurting average Albertans. I'm confident that we've found that person. Whether Mr. Trawick is an Ombudsman in the term of this government or some other government, I'm confident in his commitment to the province and his determination to stand up and make recommendations when they're required; for example, that the scope of the Code inquiry be broadened if the desired results are to be achieved. So I commend fellow members on the committee and urge all members to give this unanimous support.

SOME HON. MEMBERS: Question.

[Motion carried]

17. Moved by Mr. Getty:

BE IT RESOLVED THAT:

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

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

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

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

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

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

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

Attendu:

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

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

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

que le projet reconnaît le principe de l'égalité de toutes les provinces et prévoit, d'une part, de nouveaux arrangements propres à renforcer l'harmonie et la coopération entre le gouvernement du Canada et ceux des provinces, d'autre part la tenue de conférences consacrées à l'étude d'importantes questions constitutionnelles, économiques et autres;

que le projet porte en partie sur des questions visées à l'article 41 de la Loi constitutionnelle de 1982;

que cet article prévoit que la Constitution du Canada peut être modifiée par proclamation du gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du

*See pages 2004-11

Sénat, de la Chambre des communes et de l'assemblée législative de chaque province, l'assemblée législative a résolu d'autoriser la modification de la Constitution du Canada par proclamation de Son Excellence le gouverneur général sous le grand sceau du Canada, en conformité avec l'annexe ci-jointe.*

Amendment moved by Mr. Martin:

- (1) in section 1, in the proposed section 2 of the Constitution Act, 1867,
 - (a) in subsection (1)(a), by adding "a multicultural" after "a fundamental characteristic of", and
 - (b) in subsection (2), by striking out "the Parliament of Canada and" and substituting "the Parliament of Canada to preserve and promote the role of";
- (2) in section 2, by adding "or territory" after "the government of the province";
- (3) in section 6,
 - (a) in proposed section 101C.(1) of the Constitution Act, 1987,
 - (i) by adding "and territory" after "the government of each province",
 - (ii) by adding "or territory" after "the bar of that province", and
 - (b) in proposed section 101C.(4) of the said Act, by adding "or territory" after "the government of a province";
- (4) in section 7, in proposed section 106A.(1) of the Constitution Act, 1867, by striking out "is compatible with the national objectives" and substituting "meets national standards";
- (5) in section 9, in proposed section 41 of the Constitution Act, 1982, by striking out clauses (b), (c), and (i);
- (6) in section 13,
 - (a) in proposed section 50.(2) of the Constitution Act, 1982, by adding the following after clause (b):
 "(b.1) Aboriginal people's rights, including the right to self-government," and
 - (b) by adding the following after the proposed section 50.(2) of the said Act:
 "50.(3) The Governor General in Council shall issue invitations to bona fide organizations of aboriginal people and to the territorial governments to send representatives to participate in the discussions held pursuant to section 50.(2)(b.1).";
- (7) in section 16, by striking out "25 or 27" and substituting "25, 27 or 28"; and
- (8) by adding the following after section 16:
 "16.1 Where an amendment is proposed to the Constitution Act, 1867, the Canadian Charter of Rights and Freedoms, or the Constitution Act, 1982, neither the House of Commons nor any provincial Legislature shall approve or disapprove the proposal until it has held public hearings on the matter."

- (1) dans l'article 1; dans l'article 2 proposé de la Loi constitutionnelle de 1867,
 - (a) au paragraphe (1)(a), en ajoutant "d'un multiculturel" après "une caractéristique fondamentale," et
 - (b) au paragraphe (2), en rayant "le Parlement du Canada et" et en le remplaçant par "le Parlement du Canada à le rôle de préserver et de promouvoir

et";

- (2) dans l'article 2; en ajoutant "ou du territoire" après "le gouvernement de la province";
- (3) dans l'article 6;
 - (a) au paragraphe 101C.(1) proposé de la Loi constitutionnelle de 1867,
 - (i) en ajoutant "et territoire" après "le gouvernement de chaque province",
 - (ii) en ajoutant "ou territoire" après "au barreau de cette province", et
 - (b) au paragraphe 101(C).4) proposé de ladite Loi en ajoutant "ou territoire" après "le gouvernement d'une autre province";
- (4) dans l'article 7; au paragraphe 106A.(1) proposé de la Loi constitutionnelle de 1867, en rayant "compatible avec les objectifs nationaux" et en le remplaçant par "qui va à la rencontre des normes nationales";
- (5) dans l'article 9; à l'article 41 proposé de la Loi constitutionnelle de 1982, en rayant les alinéas (b), (c), et (i);
- (6) dans l'article 13;
 - (a) au paragraphe 50.(2) proposé de la Loi constitutionnelle de 1982, en ajoutant le suivant après l'alinéa (b):
 "(b.1) Les droits des peuples autochtones, y compris le droit à l'autonomie," et
 - (b) en ajoutant le suivant après le paragraphe 50.(2) proposé de ladite Loi:
 "50.(3) Le gouverneur général en conseil adressera aux organisations de bonne foi du peuple autochtone ainsi qu'aux gouvernements territoriaux, une invitation à envoyer des représentants pour participer aux discussions tenues en vertu de l'alinéa 50.(2)(b.1).";
- (7) dans l'article 16, en rayant "25 ou 27" et en le remplaçant par "25, 27 ou 28"; et
- (8) en ajoutant le suivant après l'article 16.
 "16.1 Là où une modification est proposée à la Loi constitutionnelle de 1867, à la Charte canadienne des droits et libertés, ou à la Loi constitutionnelle de 1982, ni la Chambre des Communes ni une législature provinciale quelconque n'approuvera ou ne désapprouvera de la proposition tant qu'elle n'aura pas tenu des audiences publiques sur cette question."

[Adjourned debate November 30: Mr. Hawkesworth]

MR. HAWKESWORTH: Thank you, Mr. Speaker. Before adjourning debate -- I would just like to refresh the memory of members of the Assembly -- I focused in my comments, first, on how the process of arriving at this constitutional amendment had been flawed, and some ways in which the document itself is flawed. In saying that, I urged all members of this Assembly to support the amendment put forward by the hon. Leader of the Opposition.

I'm particularly concerned about the effect which this amendment has on the territories north of 60, Northwest Territories and the Yukon. First of all, the Constitutional Accord will make it virtually impossible for those territories to achieve provincehood, and secondly, it creates a second class of citizen for those who live north of 60 in denying them some of their rights which other Canadians might enjoy. One of them, as I pointed out in my debate earlier, was the right to be appointed as

*See pages 2004-11

a member of the Senate. The process brought forward by this Constitutional Accord does not make any provision for that. But more importantly, this accord denies the ability to appoint a member, a citizen of Yukon or the Northwest Territories, to the Supreme Court of Canada.

Now, one section of the accord says that a member, and I would quote -- it's from section 6 of the Meech Lake accord, and it amends the appointments of Supreme Court judges, section 101B.(1):

Any person may be appointed a judge of the Supreme Court of Canada who, after having been admitted to the bar of any province or territory . . .

Reference is made to territory,

. . . has, for a total of at least ten years, been a judge of any court in Canada or a member of the bar of any province or territory.

So, yes, Mr. Speaker, this section provides a possibility for such a member to be appointed to the Supreme Court. However, when a vacancy occurs within the Supreme Court of Canada, there is no mechanism set up whereby that person, that individual's name, can be brought forward.

We go down to section 101C.(1):

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

The subsection, Mr. Speaker, makes no reference to territory.

It is that amendment that we are bringing forward today as part of the omnibus resolution introduced by the Leader of the Opposition, because by omitting the words "and territory" where it follows after "the government of each province," it effectively denies any opportunity for a member of the Bar of any territory in this country to have their name put forward. As I understand it, it is only from the list submitted to the government of Canada that that person is appointed or would be appointed to the Supreme Court of Canada.

So, Mr. Speaker, it's my belief, or my hope, that this is nothing more than a flaw in the drafting of the Meech Lake accord. It would be a flaw that this technical amendment would correct. Given that I presume it's a technical flaw in the way this accord has been drafted, the government no doubt would be willing to accept that for what it is, that being the technical change.

Now, perhaps I'm wrong. Perhaps this was intentional. Perhaps it was more than simply an oversight by those 11 men who met to make the deal that brought this constitutional amendment before us. Mr. Speaker, if it's more than a technical flaw, if it was intentional, I can only say that that is clearly an injustice, clearly discriminates against certain of our fellow Canadians, and it ought to be rectified. If it were intentional -- again I stress that I'm not saying it was. But even if it was not intentional, if it was simply a sin of omission, that seems to me to highlight the lack of attention, the lack of awareness, the lack of importance, the lack of priority which the 11 first ministers have towards Canada's two northern territories and, perhaps more than anything, underscores the internal colonial relationship that exists between those territories and the rest of Canada. In highlighting that inequity, that discrimination, that oversight, this Meech Lake accord more than highlights it; it embeds that relationship, that colonial relationship.

Mr. Speaker, the government leader in the Yukon, Mr. Tony Penikett, said in his presentation to the Senate committee hearings on the Meech Lake accord, in referring principally to the

unlikelihood of the Yukon ever becoming a province:

Why are the rules being changed for new provinces? What was wrong with the method used by the present 10 to join Confederation? Prior to 1982 the door was open to us. After 1982 it was closed. Now in 1987 it is being locked.

Mr. Speaker, it is that leader's plea, his statement, that what we have in Canada is a relationship of a colonial power overseeing the two territories in the north, and we are now embedding into our Constitution in a permanent way that relationship.

I believe it's unfortunate. As William Phipps, executive secretary of the Alberta and Northwest Conference of the United Church of Canada, said in the hearings held by the Official Opposition earlier this summer:

. . . the Yukon and Northwest Territory governments have evolved into responsible legislatures for their vast constituencies. Now is not the time to cut them out of their emerging status. The Accord smacks of eleven men keeping for themselves and their successors power and authority to the exclusion of others whose development is reaching a critical and well deserved stage.

As well, Mr. Speaker, D.J. Hall, an historian at the University of Alberta, also in commenting on this flaw in the Meech Lake accord, said:

No province has ever been created with the consent of the other provinces, and this seems to be a direct slap at the aspirations of an element unrepresented at the talks, namely Yukon and Northwest Territories. To make such a decision affecting their future without even going through the motions of consulting them is the reverse of democratic.

Mr. Speaker, I concur. Because of this flaw, I would urge all hon. members to adopt the amendment being put forward, particularly as it relates to changes in the Constitution affecting our territories in Canada.

Well, Mr. Speaker, there is also another colonial relationship that exists in this country, and that is the relationship between Canada and its aboriginal peoples. We had a chance to put into this Constitution a definition of aboriginal rights that would make it clear and would extend to them self-government. Six provinces indicated their willingness to proceed with that, but Alberta's, Saskatchewan's, and British Columbia's first ministers were a block to our being able to achieve that in this country. We came close. We know that perhaps that amendment was not perfect, but what we believe is important is that at least the process continue until an agreement is reached that is one of a relationship and establishes a relationship of self-government, self-determination for native people, so that it's no longer the relationship of colonialism that exists between the department of Indian affairs and the native people of this country.

All we're saying, Mr. Speaker, in this amendment is that that should be on the agenda of the first ministers for each and every year, just as Senate reform is, just as the fisheries are. This is at least as important as those other changes required in the makeup of our society and our country. Those two particular colonial relationships require a change, and I urge the members to support the amendment in front of us.

MR. SPEAKER: Edmonton-Avonmore, speaking to the amendment.

MS LAING: Thank you, Mr. Speaker. I'm honoured today to be able to participate in this debate on a most important piece of legislation, our Constitution. I rise today to speak in support of the omnibus amendment moved by the hon. Leader of the Official Opposition and to ask members of this House to reflect

upon it and indeed to support it.

Mr. Speaker, a nation's Constitution embodies that nation's view of itself, its values, and its aspirations. The writing of a Constitution is a serious matter because it provides a frame of reference against which the future policy and action is judged. It therefore requires a thoughtful and reflective process. Although we hear that many months of negotiation and consultation went into the drafting of the Constitutional Accord, we know that the final draft was achieved through a marathon 19-hour session. An agreement reached under such conditions cannot, I would suggest, be a thoughtful or well considered document. A Constitution is not a labour contract. A Constitution has implications for a whole nation as that nation creates its future.

[Dr. Buck in the Chair]

After the accord was achieved -- and many individuals and groups raised very legitimate concerns -- we were told that, yes, the accord was flawed, it required compromise, but it was too fragile to be amended, to be fixed, that it would indeed unravel. Well, I as a Canadian do not want a fragile and flawed Constitution, and I do not believe that the majority of Canadians want a flawed and fragile Constitution. Indeed, we face difficult times, and we need a real commitment from all our peoples to a strong Constitution that embodies a vision of a nation that is committed to social justice and equality of opportunity and guarantees the rights of all our nation's peoples.

Mr. Speaker, before speaking to the specific aspects of the amendment now being considered, I wish to bring to the attention of this Assembly some of the comments made by my constituents in regard to the Constitutional Accord. One was, "No one knows what this will mean to us." Another: "I am against the accord as it is especially discriminatory against women and the territories." "It's a haywire deal for the Canadian amending formula." "Grossly unfair to northerners, natives, and women." "Stop pushing; you're going too fast." "The fastest passed, least publicized accord I've ever heard of." "A referendum should be held after everyone has the facts." These comments clearly demonstrate a lack of consensus in regard to this accord.

When we ask questions, when we challenge the government to answer questions about what this accord means for women, for aboriginal peoples, for Canadians who live in the north, when we ask questions about the amending formula, we are accused of being against Quebec. I heard a native woman from the Northwest Territories ask: "Why was it that in opening the door to let Quebec enter into Confederation it was necessary to close the doors on our aboriginal peoples, northern Canadians, and women?" This amendment before us today welcomes Quebec into the Constitution, but these amendments keep the doors open for other Canadians and provide a blueprint for Canada's future founded in equity and social justice for all Canadians.

Mr. Speaker, this Constitutional Accord was said to be the work of nation building, of national consensus, but where were the peoples of this nation? The accord was reached by 10 men at a bargaining table trading the rights and privileges of the peoples of their provinces. . . . [interjection] No, Premiers. Sorry. But who had a vision of Canada? Who said, in the face of this bartering process: "What will Canada look like?" Well, I think it looks like a patchwork quilt, loosely sewn together in a somewhat haphazard manner without a commitment to an overall understanding or vision of what the whole will or should be.

Who said at these deliberations: "I speak for Canada, which includes all our peoples?" Our Prime Minister? I think not.

We can further ask who was at the bargaining table. Not women, not people from the north, not aboriginal people, not people who depend on national programs like child care and health care, not people speaking for Francophones outside of Quebec. How, I ask, can we build a national consensus, a nation, with so many people absent? Our provincial hearings tried to bring these absent people's voice to bear on the bargaining process, and it is their voice that is being heard in this amendment.

When we speak of consensus, we are speaking of consent. But true consent involves a number of conditions, criteria to determine if it is true consent. These conditions include knowledge and an understanding of the Act; knowledge and an understanding of the implications, however far-reaching they may be, of the Act; and the capacity to say no as well as yes. I would submit that for most Canadians none of these criteria were met. Few understand what the accord really means, and they were denied an opportunity to determine what it means through nationwide public hearings. Few, if any, can predict the implications of this accord because of its ambiguity and a reliance on the courts to determine what different sections of the accord mean. And apart from the 11 first ministers, no other Canadian has the right or the ability to say no.

The peoples of this country, of this province, were not involved in building a national consensus. When amendments were proposed to the Senate committee they were rejected, not because they were frivolous or unnecessary but because it was said the accord was too fragile. Mr. Speaker, I believe those amendments, as well as the amendments before us today, would strengthen the accord, would aid the achievement of a national consensus and would be truly nation building.

I would now like to turn my attention to one group of people who, although they represent 52 percent of the population, were not consulted in this process of national consensus and nation building. Mr. Speaker, women were left out by the Fathers of Confederation in 1867, and 50 years passed before the women of this province gained the vote. Another 12 years passed before they were considered persons. These very issues were addressed in my mother's lifetime and less than a decade before I was born. Many women in Canada today were born before women were considered persons or were even allowed to vote. The struggle for equality continues as women work for human rights legislation to prohibit discrimination on the basis of sex, for affirmative-action programs and for recognition of our differences, especially in terms of reproduction and our primary responsibility for caring for children.

In this province women are now struggling, and continue to struggle, for pay equity legislation. Indeed, our Prime Minister in 1984 said:

As the women of Canada know, there is some distance between the principle of equality, widely accepted, and its reality, still far short of achievement.

In 1987 a Secretary of State report on fairness and funding stated:

We heard evidence which confirms that women have not yet achieved equality, that serious barriers remain, and that new areas . . . are emerging.

Mr. Speaker, in 1981 the Fathers of Confederation again excluded women and their concerns, saying, "Trust us; trust the courts." But the courts have not in the past been guardians of women's rights. Our Supreme Court ruled in 1928 that women were not persons. Subsequently, our Supreme Court ruled that a

pregnant woman denied unemployment insurance benefits was not being discriminated against as a woman but rather as a pregnant person. And our Supreme Court ruled that Mrs. Murdoch's contribution to matrimonial property was not recognized because her efforts were only those expected of any ranch wife. Indeed, today we heard in this very Assembly where a woman was required to get her husband's signature before she could have a medical procedure performed. I daresay there isn't a medical procedure performed on a man that requires his wife's signature.

Indeed, it was only at the insistence of women that equality rights for women were enshrined in the Charter of Rights and Freedoms in 1982, and it was only through women's efforts that in 1983 there was an entrenchment of equality rights for aboriginal women. Mr. Speaker, the Fathers of Confederation and our courts have failed to protect women in the past, and we have no guarantees that this has changed. And because women have carried the burden of inequality and injustice, they now call for careful consideration of entrenchment of women's equality rights in the Constitution by amending section 16 of the accord and by adding to the list of provisions of the accord section 28 of the Canadian Charter of Rights and Freedoms.

[Mr. Musgreave in the Chair]

Our first concern is that section 16 of the accord as it stands will invite the courts to interpret the Constitution as providing a hierarchy of rights. Because section 16 of the accord expressly singles out aboriginal and multicultural Charter rights for protection, other Charter rights, including women's constitutional guarantee of equality, may be excluded. If one assumes that thought and care went into the drafting of this legislation, we may well ask: why were not women's rights to equality entrenched as well? Was it that it was forgotten, or was it held to be unimportant or not necessary? None of these reasons offer comfort to the women of Alberta or to the women of Canada. John Laskin and Mary Eberts, representing the ad hoc committee of Canadian women on the Constitution, stated:

Given the present state of development of Charter jurisprudence, the small weight accorded by the Supreme Court of Canada to the statements of public officials concerning the meaning of the Charter, and certain problems of interpretation caused by the language of the Meech Lake Accord itself, it is our view that one cannot say that the courts would hold the sex equality guarantees of sections 15 and 28 of the Charter of Rights to be unaffected by the Meech Lake Accord.

A 1987 court decision upheld the belief that the Charter would not be used to invalidate a section of the Constitution Act. Madam Justice Wilson stated:

It was never intended, in my opinion, that the Charter could be used to invalidate other provisions of the constitution . . .

What needs to be recognized here is that we have two separate documents: the Constitution Act of 1867, amended for the most part by the accord of 1987, and secondly, the Charter of Rights and Freedoms of 1982. It is held by this decision that the Constitution Act, 1867, as amended by the accord of 1987, stands as superior to the Canadian Charter of Rights and Freedoms of 1982. In addition, section 16 of the 1987 accord is not an amendment to the Constitution Act, 1867, but stands on its own.

Many reasons have been given for not including the women's equality section in section 16 or section 2 of the amendments to the Constitution of 1867, otherwise known as the Meech Lake accord. But women have heard these same excuses

for their exclusion from the affairs of state in the past and are dismayed that the struggle for recognition and entrenchment of equality never ends. I believe, as many women in this province do, that it would be an affront to continue the ratification process of this accord without the inclusion of guarantees for equality rights for women.

It is suggested that women represent but one of the many narrow interest groups asking for changes. But 52 percent of the population is not a narrow interest group. And given our country's record in matters of equality for women, it is not a minor issue.

Other parts of the accord also have a significant impact on women. When we look at cost-shared programs, we see that they address a number of areas of concern that were identified by women for the 1981 constitutional debate. These include human rights, aboriginal women's rights, family law, economic policies, education, income security, health and welfare, communication, cultural policy, housing, and the environment. These areas in many ways have required joint federal/provincial social policy and funding in addressing the issues of equality and inequality in our society, and they affect the quality of our lives. The evolution of these social programs has been a complex evolution of social, economic, and political strategies.

Although many major social programs have originated through provincial initiative, women in Canada have looked to the federal government to exercise leadership so that a comparable range of services and opportunities is available throughout Canada. This requires clarity and commitment to provide comparability in both quality and quantity. The fundamental principles of cost-shared programs are well exemplified by the Canada Health Act, which guarantees universality, access, comprehensiveness, accountability, portability, and public administration. It embodies a commitment not only to national objectives but also to national standards.

At the present time, as we study and commit ourselves to a national child care policy and funding, we need to be ensured that in the accord there is not only a commitment to national objectives but a commitment that national standards be also met in order to ensure the quality of that care. Women are a large consumer group in respect to social services such as medicare, extended health care, social assistance, old age assistance, and child care. They have the most to lose if the federal position as to standards of quality of care is ambiguous. I would suggest that the term "a program or initiative that is compatible with national objectives" is indeed ambiguous and fails to provide the safeguard that the term "national standards" would provide.

Mr. Speaker, there are many other areas of this accord addressed in the amendment now under consideration which require thoughtful attention. I believe that we are a bilingual nation with two official languages, French and English, and that this recognition of our bilingual nature recognizes our two founding nations and constitutes an essential ingredient of our national identity and uniqueness. We are each of us enriched by knowing a second or even a third or fourth language. We should embrace and joyfully promote bilingual and multicultural policies in our country. It is not good enough just to preserve these characteristics of our nation, but we must act to support and promote both of our official languages and this unique feature of our country.

Mr. Speaker, I see much in this accord that weakens our Confederation, that betrays my vision of Canada. Many of my concerns are addressed in the amendment before us. I would ask that all members of this Assembly give due consideration to

the amendment and that they give it their support.

Thank you.

MR. ACTING DEPUTY SPEAKER: The hon. Member for Edmonton-Calder.

MS MJOLSNES: Thank you, Mr. Speaker. I am proud today to speak in favour of the amendment that was moved by the hon. Leader of the Official Opposition last week in this Assembly. I appreciate greatly the opportunity to participate in a discussion of something as fundamental and important as the Constitution of our country. I am also proud, as I stand here, knowing that the Official Opposition recognizes that all Albertans should have an opportunity to have input to something as important as our country's Constitution. In recognizing this, we took on the responsibility, even though I feel it was clearly the government's responsibility, and did give Albertans the opportunity to express themselves and be directly involved in the process of improving and making changes to this accord by holding public meetings throughout the province.

I sat in these public hearings in Edmonton, Mr. Speaker, with my colleagues from Edmonton-Highlands and Edmonton-Strathcona. We heard from many groups and organizations and individuals that did have some concerns about this accord or parts of the accord. Every presenter with an organization or individual expressed their appreciation and commended the Official Opposition for giving them a chance to have input on their own Constitution. When looking at the process, however, that was used in the formation of this accord, there was concern expressed by numerous presenters that politicians were making decisions without listening and without considering the opinions of ordinary men and women across this country. As one presenter said, "Our Constitution is far too important to be left only to politicians."

So again, I want to emphasize how important the public hearings were that we held across this province that enabled so many people to express their opinions on this particular constitutional accord. This accord is an extremely important document for all Canadians. I think most of us recognize how crucial it is that all 10 provinces become active participants in Confederation and that this accord brings Quebec into Confederation, something that was not achieved in 1982. I am a proud Canadian, Mr. Speaker, and feel strongly that we must have a unified country, including all 10 provinces -- not eight, not nine, but 10. Bringing Quebec into Confederation is a very significant move and indeed has very positive implications for this country and for this country's future as a nation. We know that this Constitution declares Quebec a distinct society and that this distinct society clause will allow Quebec to maintain and protect their own language and their culture. I'm sure that all members of the Assembly recognize the significance and importance this accord has for the province of Quebec and this country of ours.

This Constitution not only sets out direction and has implications for governments at all levels, but it also makes a statement and is symbolic to the people of Canada and will influence their lives in the years to come. That is why, when we examine this document, we recognize that it does have flaws, and it is important that we attempt to correct those flaws with this amendment that was introduced by our hon. leader. These amendments have been well thought out and are in part a result of the presentations given by so many Albertans, so many organizations and individuals, during our public hearings. A lot of effort and time, Mr. Speaker, has been devoted to going through the presenta-

tions, drawing out the common recurring concerns, and drafting up this amendment. With that in mind, I think all members of the Assembly should consider this amendment very, very seriously.

In reference to the flaws, Mr. Speaker, first of all, I had great concern about the process that was used in developing this particular Constitution. What we saw was 11 men behind closed doors wheeling and dealing into the wee hours of the morning in order that they come up with this agreement. Unfortunately, many people may accept the notion that the process of writing our Constitution is done in isolation exclusively by the 11 elected officials of government in this country. Many do not believe, however, that this is the correct process, and they do object. Mr. Speaker, it's so important that the writing of Canada's Constitution be an act of the Canadian people and that opportunities be given in order that all Canadians can participate if they wish to do so. But that was not done.

The Official Opposition did attempt, however, through our public hearings, as I mentioned before, to solicit the public's input, something that in my opinion was clearly the government's responsibility. The response was overwhelming, with a total of 131 submissions, a clear indication that people of this province certainly had something to say. Through these submissions, it was evident that people had similar concerns regarding this accord. The government stated that public hearings were not necessary, that all people had to do was to speak to their MLAs. I'm wondering, if the government feels that this process is just as effective as public hearings: why haven't we heard support for these amendments? Because these are clearly what people across this province were saying to us. Or why haven't the government members introduced their own amendments to the accord?

Mr. Speaker, I have concerns with the amending formula in this particular document. It now requires unanimity for any institutional changes to take place. We can recognize how difficult it will be to ever achieve unanimity, and this has serious implications for the Yukon Territory and the Northwest Territories ever attaining provincial status and will also affect how easily we'll be able to respond and adjust to new challenges in our future years. The unanimity requirement of consent was never applied to any of the existing provinces, and I think it's unfair all of a sudden to change the rules and expect unanimous agreement regarding the Yukon Territory and the Northwest Territories gaining provincial status.

Another concern is the effect this accord may have on women and their right to equality. I am concerned, Mr. Speaker, about section 16 of this accord, which guarantees that nothing in section 1, which refers to Quebec as a distinct society, will affect multicultural and aboriginal rights in the Charter of Rights. Mr. Speaker, women have fought long and hard to ensure that their rights and freedoms are entrenched in our Constitution. To include multicultural and aboriginal rights and to exclude women's rights is cause for concern and leaves an uneasy feeling that women's rights are not protected under this agreement. Although we have been given assurances that this will not be the case, it makes sense to me that if we find it necessary to include multicultural and aboriginal rights in this section, then certainly we should have added sexual equality rights as well.

Mr. Speaker, I'd like to talk a bit about the clause in this agreement that deals with opting out of national programs.

MR. RUSSELL: Mr. Speaker, on a point of order. This speech

and the one previous to it are very interesting and well constructed, but it appears that they're both being read from prepared text. I refer to *Beauchesne* 309 for your interpretation.

MR. ACTING DEPUTY SPEAKER: The Deputy Premier is absolutely right. In *Beauchesne* it does say, and I would quote to the hon. members, that

It is a rule in both Houses of Parliament that a Member must address the House orally, and not read from a written, previously prepared speech.

I was going to point this out to the hon. member when she had completed her address. But it has been raised, and I find it's a valid point of order.

MS MJOLSNESS: Thank you, Mr. Speaker. I worked hard and long on this piece, so I'll try and continue. [interjection] I know that. I'll glance up more often; how's that?

Mr. Speaker, I am concerned about the clause in this agreement that deals with the opting out of national programs for the provinces. I'll look at you, okay? This particular clause states that compensation will be provided to the government of a province that chooses not to participate in a national shared-cost program that is established by this government of Canada if the province, however, carries out a program or initiative that is compatible with national objectives.

Now, the concern we have in the Official Opposition and from the presentations that were given at our public hearings was with the word "objectives." Numerous presenters at our public hearings were concerned about this particular clause and the implications this particular clause has on the implementation of future national programs. Presenters expressed the importance of the fundamental role that the federal government does play when promoting and developing social policy in this country. In the past we have been able to appreciate the role of the leadership the federal government has been able to play in the development and implementation of social policy in our country in co-operation and in the context of provincial jurisdiction. It was felt by many of the people presenting to the public hearings that this federal leadership is so important to maintain a national vision in regards to social policy development and that this vision is implemented in building a healthy Canadian society.

Currently, Mr. Speaker, as section 7 stands, any province can opt out of a national program as long as the province establishes a program that is compatible with national objectives. Now, what do we mean by the word "objectives?" Well, we're not sure. So far we have had no definite direction in terms of what this word "objectives" means. But we do know that the word "objectives" is very vague and, in essence, simply means a goal. We know when we speak of goals that this can be very broad indeed. With that in mind, it is easy to understand why so very many people that made presentations were very concerned about the word "objectives" being used in this particular accord. That is why we have made an amendment, or part of the amendment the hon. Leader of the Opposition introduced was to substitute the word "objective" for the word "standard."

It has been argued that the generality of this clause as it now stands could mean that a number of provinces could opt out of a national program. They could set up their own program in their province, one quite different from that of the federal government program, and yet still receive money for that particular program if they have met national objectives. In other words, the possibility is certainly present that provinces may receive compensa-

tion for programs that may differ widely from each other.

There also is a danger that this particular clause with the word "objectives" could allow provinces with little commitment in providing a good quality program to still receive federal funding. In addition, if program objectives are broad and they're not distinct, provinces -- it has been said in many cases -- might not even spend that money on the program for which that money was intended. As one presenter stated:

It seems to me it would be possible for a program to be compatible with national objectives without being the same as the national objectives or having the same goals as the national objectives.

I recognize, Mr. Speaker, that this particular accord only applies to new programs and new cost-shared programs, that existing programs now in place will not be affected. Which brings us, I suppose, to discuss some of the concerns brought out by many people in this province about the national child care program that will be introduced tomorrow by the federal government. People across this country are anticipating and hoping that tomorrow, when a program is announced, a strong, progressive child care policy will be forthcoming from the federal government, that it will address areas like accessibility, quality, affordability, and accountability in the area of child care.

With the term "objectives," however, in this accord, there is a concern that provinces will be allowed tremendous flexibility within that program and still receive money from the federal government. However, we feel strongly that if we substitute the word "standard" for the word "objective," this is a much stronger term, it's a much narrower term, and it means that we can actually measure something very concrete. The word "standards" would also provide stronger direction to the federal government when they are drawing up plans for a particular program and would give the provinces less flexibility in steering away from the guidelines, if you like, of the national program when they set out a national program. We do not want in this country a checkerboard of social programs across Canada, and I think that if we substitute the word "standard" for the word "objective," this would certainly reduce this possibility.

I think it's also important, Mr. Speaker, that we do not underestimate the importance of certain national programs. As stated by one presenter: "Cost-shared programs have been a unifying force within our country." With this Constitutional Accord it is important that this continue to be the case. The federal Parliament determines who will get what money, and they set out certain criteria under which that money is available. I think it's very important -- it's crucial as a matter of fact -- that clear, firm conditions be laid out in order that we do have effective cost-sharing programs in this country. We must not lose sight of this in order to ensure that concise conditions be laid out, and to facilitate that process the word "standards" would be substituted for the word "objectives" in clause 7 of this accord.

Mr. Speaker, it is the federal government's responsibility to maintain and improve the national standard of our social and health care programs in this country. It is crucial that they accept this responsibility and ensure that the standard is maintained and even increased. The Leader of the Official Opposition has introduced an excellent amendment to the Constitutional Accord in an attempt to iron out some of the flaws that we see present in this accord. I would ask in all seriousness that all Members of this Legislative Assembly consider this amendment, and I would ask that all members support this amendment wholeheartedly.

Thank you, Mr. Speaker.

MR. ACTING DEPUTY SPEAKER: The hon. Member for Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Speaker. At this stage I'm going to restrict my comments to a portion of the amendment that relates to the Charter of Rights, a subject with which I have had some experience, and refer in particular to item (7) of the amendment as proposed. I would like to note that I agree with the amendment with respect to item (7), insofar as it goes. I agree that the provisions of section 16 of the Meech Lake accord have great potential impact on women's rights. It has been stated that it's not intended, but regardless of that there is a potential impact; there is a risk. There's no need to run the risk and the matter is easily resolved.

However, I believe it is important that we go farther than the amendment in item (7), and I would like to move a subamendment to that amendment, Mr. Speaker. To that end I have here copies of the proposed subamendment, which I would ask be circulated to the members of this Assembly.

While the proposed changes are being circulated, perhaps I might refer members to section 16 of the proposed Constitutional Accord, which provides in its relevant portion at the present time -- and that is on page 10 of the Orders of the Day -- that:

Nothing in section 2 of the Constitution Act, 1867, affects section 25 or 27 of the Canadian Charter of Rights and Freedoms, and it continues on with respect to other matters. The amendment as has been proposed by the Leader of the Opposition adds to those sections 25 or 27 a reference to section 28, with the intention thereby of providing additional protection with respect to women's rights.

Our amendment would propose that we eliminate the reference to sections 25 or 27 or 28 altogether, so that the section 16 provision would henceforth read as follows:

Nothing in section 2 of the Constitution Act, 1867, affects the Canadian Charter of Rights and Freedoms . . .
And it continues on, of course. The reason we are making . . .

MR. ACTING DEPUTY SPEAKER: Order please. Is the hon. member moving that as an amendment? If so, would you so state and give the members an opportunity to read the amendment? It appears to be in order, and I just want . . .

MR. CHUMIR: I am indeed moving that as an amendment, provided I have not inadvertently overlooked a rule which will preclude my comment on it.

MR. ACTING DEPUTY SPEAKER: It's quite satisfactory, and I think all members have a copy of it.

MR. CHUMIR: Is the tenor of the amendment understood by all members? Is there anyone who would wish me to explain exactly what has been done any further?

SOME HON. MEMBERS: Yes.

MR. CHUMIR: The result of the amendment once again is that section 16 of the Constitutional Accord, which is on page 10 of the Orders of the Day, would read:

Nothing in section 2 of the Constitution Act, 1867, affects the Canadian Charter of Rights and Freedoms . . .
And the difference between our proposal and the proposal previously is that it previously provided that nothing in the Constitu-

tion Act would affect sections 25, 27, or 28. We agree with the provisions as far as they have gone so far, but we feel that they should go farther. And the reason is that we believe there is a significant potential impact of the Constitutional Accord upon all provisions of the Charter of Rights, and not merely multicultural, aboriginal, and women's rights. We subscribe to the basic thesis that by exempting some sections of the Charter from being affected by the Constitutional Accord, we imply that others are thereby affected. In fact, by referring to section 25 and sections 27 and 28 the situation is made worse than had there been no reference. The problem is in fact compounded very slightly by the existing amendment.

Aside from attempting to broaden protection to other Charter rights, we have a specific concern that while the amendment proposed by the opposition does assist the rights of women, it does so imperfectly by omitting section 15, which guarantees equal treatment and rights from the element of protection. That is one of the sections which would be looked to by women for primary protection under the Charter. Our subamendment would in fact strengthen the rights of women with respect to the potential impact of the Constitutional Accord.

In addition to that, as I alluded earlier, the amendment as proposed leaves out of its ambit other provisions of the Charter which merit protection, such as freedom of expression, association, religion, and otherwise. There is in our view no reason why these rights should be left subject to whatever interpretational vagaries might be discovered by a court. They can be protected as well. We believe they should be protected. Yes, the rights of women are an important concern; we endorse them and we strengthen them. But we are also, by our subamendment, strengthening other Charter rights as well when we believe that that is the right thing to do.

So I do move that subamendment in that spirit, Mr. Speaker.

SOME HON. MEMBERS: Question.

MR. ACTING DEPUTY SPEAKER: The question has been called on the subamendment proposed by the hon. Member for Calgary-Buffalo. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. ACTING DEPUTY SPEAKER: Opposed?

SOME HON. MEMBERS: No.

[Motion on subamendment lost]

MR. ACTING DEPUTY SPEAKER: Hon. Member for Edmonton-Mill Woods.

MR. GIBEAULT: Thank you very much, Mr. Speaker. I'm very pleased to have a chance to participate in the debate on the Constitutional Accord this afternoon. Certainly the whole House and the province, I am sure -- all the citizens of Alberta -- are pleased that one of the great achievements of this accord is that it does in fact bring Quebec into the constitutional family.

We have to understand the history of the country to have the full appreciation of that significance, Mr. Speaker. If we follow the history of this country, the province of Quebec, the people of Quebec, were shut out in the 1982 constitutional process, and those who are students of the history of our country will know that we came perilously close to having the country in fact come

apart. As someone who had a chance to visit Quebec for some period of time to study there for a year, but having grown up in western Canada before I had a chance to visit and learn a little bit more about the feelings of people in Quebec, I always had this question in my mind: "Well, what does Quebec want? Why are they always complaining?" And having had that opportunity to visit La Belle Province, it became very much clearer to me, Mr. Speaker, that really the people of Quebec wanted the same things that the people of the rest of the country want: they want to have that opportunity to feel like they're full partners in this country and not second-class citizens.

As I said, there was that referendum earlier in our history that was a very dicey proposition for the future of Canada as we know it, and my fear is that if this accord is not passed -- and we're hoping to have it with amendments, Mr. Speaker -- we are going to give an opportunity, an excuse if you like, for the latent feelings of Quebec nationalists once again to rise and once again jeopardize and threaten the very existence of our country. We have across the world, I would suggest to all of the members of the House, a reputation that I think we want to preserve. It's one that is well regarded. It's one of the few countries in this world that has a tradition of bilingualism; two major founding cultures who have lived together in peace for some 100-and-change years now. And that's not something that we want to toss away, unless of course there are members or people in this province who subscribe to those far-right separatist fringe elements in this province. We know there are some of those, but really those are a very marginal element in this province, and we surely should not be pandering to that kind of an extremist sentiment.

Mr. Speaker, to the extent that Quebec is now going to be included in the Canadian family, this accord is a positive development and one which should be supported by the members of this Assembly. However, I have to say that I share many of the misgivings that my colleagues have announced and that have been discussed in various forums throughout the country about a number of areas of this particular accord.

I'd like to say, first of all, that the amendment that is before the House, the first section of it, proposes that in section 1 of the accord, in the proposed section 2 of the Constitution Act, 1867, in subsection (1)(a) we're proposing that we add "a multicultural" after "a fundamental characteristic of". That might sound like a modest amendment, Mr. Speaker, but I would suggest it's more than that. Because just this spring on the government side there was very much made of the fact that the government introduced a change to have the Department of Culture now be named the Department of Culture and Multiculturalism. Now, I would have wished that that change had been accompanied by some real progressive legislation, some legislation that would have provided for equity in public-sector employment for visible minorities, and it didn't. But we're going to continue to press for that as we have the opportunity.

But the government made a lot of dramatic hoopla about that particular change, and I just challenge them, Mr. Speaker. If they're really serious about the fact that multiculturalism is part of the fundamental characteristic of this country -- and I'm not sure from some of the comments that members from other parts of the province have made that they really are -- but if they are, then let us support this amendment. Let's have the government support that. Because I have seen at many multicultural functions across the province that many of the representatives of the government, cabinet ministers, have been there, and they have spoken eloquently about how we're all in favour of multicultu-

ralism and they're pleased to have a chance to appear before ethnocultural communities who are doing various activities. And that's commendable, Mr. Speaker, but let's put a little more teeth into it. In the very fundamental document of this nation, our Constitution, let us be a little bit bolder than the 10 Premiers and the Prime Minister. Right at the very beginning, when we're talking about the nature of this new accord, our new constitutional agreement, the law of our land, let's talk about putting in there a distinct recognition that a fundamental characteristic of this country is in fact its multicultural nature.

So I'd suggest to the government members that if they're serious about multiculturalism and its future in our province and in our country -- and I commend their support for events like Heritage Days, and I see them out at functions like that -- but let's just go a step further. Let's have a little bit more action. Let's support this amendment, which, I would suggest, would be a very serious and very important enhancement to the accord that was developed by the 11 first ministers.

The second area that I do have some concern about, Mr. Speaker, is in the second provision of the hon. Leader of the Opposition's amendment. We're proposing -- that is to say, in the first section, subsection (b):

in subsection (2), by striking out "the Parliament of Canada and" and substituting "the Parliament of Canada to preserve and promote and the role of

Now, what we're trying to accomplish with that amendment, Mr. Speaker, is something that is clearly understood by the 500 or so Franco-Albertans who demonstrated on the steps of the Legislature itself here just yesterday. We have a large community of Franco-Albertans who are very concerned. They see things like the inability of a member to even ask a question in French in the Alberta Legislature, and they are appalled. They see a ruling by a court that says a person is not entitled, apparently, to have a trial in the French language in this province. They see those kinds of developments, Mr. Speaker, and they're very alarmed.

They see the Meech Lake accord, and they're looking to their provincial representatives as well as their federal representatives to show some leadership and to underscore the fact that it is in fact the responsibility of the Parliament of Canada not only to preserve the fundamental characteristic of this country, the English/French duality, but to actively promote it and to guarantee that the rights of the two founding cultures are protected and not compromised.

[Mr. Speaker in the Chair]

As I said, Mr. Speaker, the evidence just yesterday for everyone who saw it out here in the Legislature and those who saw it as the lead story on television and in the papers, on the front pages, there is a great apprehension among the Franco-Alberta community about the future of their rights as they felt that they were guaranteed under the Constitution. They're very apprehensive about what the Meech Lake accord may do to jeopardize those rights.

So now I suggest to all the members of the House, if they in fact do believe and subscribe to that fundamental characteristic of Canada, the English and French duality, that they do in fact endorse and support this amendment that we are proposing; that it must in fact be the role of the Parliament of Canada to promote as well as to preserve that fundamental reality.

A third area that I want to express some concerns, Mr. Speaker, and to solicit the support of the members of the House

is in section 2, which is trying to get at the whole question of the future of the north: our two territories, Yukon and Northwest Territories. And it has been made clear, Mr. Speaker, on many occasions, by many people and many authorities, that this Constitution -- constitutional amendment, shall we say -- if it is passed as it is, is really going to compromise the future of our fellow citizens in the two territories. And while we're very delighted that this constitutional amendment has brought Quebec into the Canadian constitutional family, let us not use this opportunity to exclude those in the northern territories.

We want to be able to have those territories in the very near future, I would imagine -- the reasonably near future -- take their rightful place as full provinces. The very serious apprehension of the government leaders in the territories and the people of the territories and anyone who cares to really think about the implications of this accord is that those two territories in fact are going to be relegated to subservient second-class status on a permanent basis. This unanimity provision, for example, is another serious roadblock, in the view of many northerners, to their full participation in the constitutional process of this country. It's a serious defect, Mr. Speaker, in the accord. We suggest that this particular section of the hon. leader's amendment, section (2), would go a long way to straightening out that oversight.

I want to talk now a little bit again about this whole area of national objectives versus national standards. You can see, Mr. Speaker, in section (4) of the proposed amendment that we are suggesting:

in section 7, proposed section 106A.(1) of the Constitution Act, 1867, by striking out "is compatible with the national objectives" and substituting "meets national standards".

The reason that is important, Mr. Speaker, is: objectives are fine; but how do you measure an objective? You can measure much more clearly a standard. A standard means there's a certain performance that is required here and that we can't simply confine ourselves to talking about generalities and objectives. Objectives set a particular stage. You start with goals; you then proceed to objectives. But unless you have specific standards, you're never going to know whether your objectives have been met.

Unfortunately, Mr. Speaker, there are instances in our history -- and I would just point to the government in our sister province of British Columbia, for example, who subscribed to, I imagine, the same national objectives in terms of advanced education. But the record is clear that the money that has been allocated under that program -- transfer payments -- has clearly not gone to programs for which it was intended. And the standards in that province, if you take a look at them, in no matter what way you care to measure them, are simply not equal to the standards in the particular area of advanced education as they are in the other provinces. And that really concerns many of us.

The next perhaps social initiative that may be coming before us is this whole area of national day care policy. Many of us are concerned that if we leave it to that airy-fairy "national objectives" phrase we could have a whole hodgepodge of programs around the country that vary in standards all over the map. Mr. Speaker, the children of Canada deserve better than that in that particular case. And if there are other initiatives and other . . .

MR. SPEAKER: Relevancy, hon. member. Day care is hardly in this area, but perhaps continue.

MR. GIBEAULT: I'm referring specifically to the amendment,

Mr. Speaker, section (4), talking about our proposal to replace national objectives with national standards. We need, of course, to understand what that means, and one of the examples is this whole provision of new initiatives in day care, and there may be other areas. Advanced education is certainly one that has some concerns across the country, and there are many others.

My point basically simply is this: that standards are something that we can measure, and objectives are not. Objectives are fine, but if we're really serious about providing service to the people of our country, we really should be supporting this amendment, which provides for national standards rather than national objectives.

I want to move on, Mr. Speaker, to section (6) of my hon. leader's proposed amendment, in which we are trying to improve one of the most glaring and shameful oversights of the proposed accord. And that is the fact that there has been no acknowledgment, no provision, for aboriginal peoples' rights. In particular, we talk here in (b.i) that

Aboriginal peoples' rights, including the right to self-government

should be included in this accord.

Now, I would suggest that the government of the day in the province of Alberta has really not shown much leadership in this particular area of aboriginal rights. In fact, I would suggest, Mr. Speaker, that they have really gone a long way to disgrace Albertans nationally and internationally through their lack of willingness to participate in a just settlement of the Lubicon Lake Band claim among others. So I can imagine that they may not be that sympathetic to this particular amendment. But I have to suggest that I as an Albertan and many of the people I represent are getting a little sick and tired of provincial and federal governments who keep dragging their feet and stalling and hemming and hawing about self-government for the native peoples of this country. It's a disgrace, it's a shame, and it's something that we could be using this particular accord to address, to say to the first peoples of this country, "We realize that there have been mistakes in the past, and we want to negotiate with you together to provide some redress and to provide for the full participation of the aboriginal peoples of this province and this country in the future direction of Canada."

And so I want to speak as passionately and as strongly as I can for the support of all the members of the House for this particular section, section (6) of the hon. leader's amendment, Mr. Speaker, because anyone who is familiar with the history of our country knows that we have never had a history that we can be proud of in terms of our treatment of aboriginal peoples. In fact, it's been one that's been replete with examples of very shameful treatment. Here is an opportunity for us to try and set a new path, to show some leadership, and I would urge all of the members of the House to support this. Because if we don't support this amendment, Mr. Speaker, and if we pass this accord which has said yes to Quebec but we can't seem to bring ourselves to doing right by the aboriginal peoples of this country, how much longer is that national disgrace going to continue? How long is it going to fester? How long are we going to continue to be having international governments and peoples condemning Canada like so many other countries with abysmal human rights and poor treatment of their native peoples? So the opportunity is here for us, and I can only say again as strongly as possible that I would urge all of the members of the Assembly to support section (6) unanimously.

I want to also turn my attention now, Mr. Speaker, for a moment, to one of the last articles of the hon. leader's amendment

that is before us. And that is section (8), which is proposing that:

Where an amendment is proposed to the Constitution Act, 1867, the Canadian Charter of Rights and Freedoms, or the Constitution Act, 1982, neither the House of Commons nor any provincial Legislature shall approve or disapprove the proposal until it has held public hearings on the matter.

Now, Mr. Speaker, I know this is a foreign concept to some of the members opposite. I mean, we've been pressing, for example, for public hearings on the Workers' Compensation Board -- and we still haven't got them yet; I don't know how much more stonewalling there will be on that -- and other areas. It seems like making decisions behind closed doors is much easier, much cleaner, much more clinical for the government. But for anyone who really believes in some of the principles of a democratic society, processes of public hearings for review, particularly on such a fundamentally important law as the Constitution of the land -- we really have to support that. I think it's a shame that the government of Alberta didn't seem to have the wherewithal, the initiative, to follow those initiatives in other provinces such as Manitoba, where they had full public hearings.

We have done public hearings -- the Official Opposition -- to the best of our ability and within our resources, talking to people around the province. Out of those hearings have come many of these amendments, Mr. Speaker. But I'm not one to suggest that that has been a proper process for a document that is so fundamental to the future of our country as the Constitution. So I want to again ask for the support of members for this particular provision. It is important in any society that purports to call itself democratic that people must have a complete, full, comprehensive opportunity to speak to constitutional change.

So in summary, Mr. Speaker, the amendment here proposes a number of enhancements to the Constitution, many of which will go a very long way, I would suggest, to improving the Constitutional Accord. I would hope that the Members of the Legislative Assembly of Alberta will support these amendments. They will improve the Constitutional Accord immeasurably. I'm sure if they take these amendments to their colleagues and counterparts in the other provinces, they will be well heard, because I'm sure many of these comments and the public input we got in our hearings around the province of Alberta have been heard by others in other jurisdictions.

The Constitutional Accord, on the positive side, has said yes to Quebec. That, of course, is something we can all be very proud of and support. There are many defects in the accord that we have tried to address by these particular amendments, Mr. Speaker, I would urge all members of the Assembly to give these amendments their serious consideration and their support.

MR. SPEAKER: Member for Red Deer-North.

SOME HON. MEMBERS: Question.

MR. DAY: Give me a break.

MR. SPEAKER: I'll give you a break. Please continue, Red Deer-North.

MR. DAY: Thank you, Mr. Speaker, I am pleased to address the elements of this historic accord today and only have some small regret in that I must be alluding to the amendments that are being suggested by the NDP leader because I feel those amendments severely detract from the strength and positive na-

ture of this accord.

This particular accord which we call the Meech Lake accord -- actually, it was on April 30 at Meech Lake that Canadian first ministers unanimously agreed on six proposals for constitutional change, and those proposals on these changes were again unanimously approved by the first ministers on June 3 in Ottawa. As we look at the accord in light of the suggested amendments, not only do we note the extreme historical significance of this event, of this document -- and not just the benefits to all Canadians of this accord -- but the fact that 10 Premiers and the Prime Minister, representing in a personal way diverse personal backgrounds and philosophies, widely diverse provincial concerns, a wide range of political perspectives from strongly socialist NDP to the weakly socialist Liberal parties to the Social Credit and Conservative parties in this country, actually unanimously agreed on a document of this significance. That is remarkable in itself.

The Leader of the Opposition is suggesting that we not pass this document as agreed on by the 10 Premiers and the Prime Minister and some provinces and a joint federal committee made up of party members from all the parties represented in Ottawa, that we should not pass this but that we should look at amendments. I want to look at that suggestion first in a broad way in light of the possible risk and the loss of doing this. I think there is not one person here today naive enough to say that every piece of legislation, constitutional or otherwise, is perfect or even that any piece is perfect, since agreements of all natures, of all types such as this, are made up by individuals, and conclusions are drawn by individuals. Even with the depth of resource like Harvard backing from across the room, we've yet to tap into a person who can come up with perfect legislation or perfect proposals. So as a whole, Mr. Speaker, we look at this document, and we realize it has tremendous positive impact for Canada and for the provinces.

In this Chamber alone we have so far received three pages of suggested amendments from the NDP, a page representing a subamendment from the Liberal Party. That's four pages right there in one province. If we were to multiply that across 10 provinces, we would be looking at the prospect of having some 40 pages of amendments on an agreement that has such a powerful and positive impact on all of Canada. Mr. Speaker, I would suggest that that is not only unreasonable; it's irrational to even begin to think of approaching this process from that point of view. It is not at all without precedent that a document of this stature would be asked by its signatories to be passed unanimously. That is not at all without precedent.

We need to look at the amendments being brought forward and the effect of them bogging down the whole process for years if every single provincial Legislature were to discuss some 40 pages of amendments and say: "What would we lose? What do we run the risk of as we stop to consider these amendments?" We risk losing provinces evolving and advancing and having more say over areas that specifically apply to their own jurisdiction. And we risk losing that at the risk of increased, ongoing, excessive federal power.

As we look at these amendments and we look at the wonderful possibilities of the agreement itself, it's of interest to note that it took this amendment to bring a former Prime Minister out of the closet, if I may use that expression, a man who has gone down in history as stating very clearly that he is opposed to provinces having the kind of sovereignty we're talking about, that he is a strong advocate of very strong fist-and-boot type federalist power. And here we have the leader of the NDP op-

position, and the Liberals to an extent, agreeing with that type of philosophy through the accord being bogged down and mired in these amendments. Mr. Speaker, what this whole debate clearly reflects is the philosophical basis from which different parties operate. Very clearly, we see opposition to this accord from those people who very strongly believe in a strong centralist form of government with high levels of intervention and people that believe provinces are still groups of colonial mental midgets that cannot speak to their own concerns.

As we look at these amendments, Mr. Speaker, we have to ask those people in the opposition proposing them where they get the audacity to say that they know what is best, for instance, for Newfoundland and how Newfoundland should be spending money on programs with national objectives. Where do they get that audacity? Only from a strong centralist, interventionist type of philosophy that makes up the warp and woof of their entire thinking on every subject. And I say that that is an affront to Canadians. We look at these amendments . . . We heard just recently from across the floor that we should support the amendments on the basis that nobody knows what's going to happen. Nobody knows: a very clear reflection on a lack of willingness to do anything unless it's clearly mapped out and laid out by some kind of centralist power that can keep everything under control.

In 1867 when a group of provinces in the centre and to the east in Canada looked at the formidable forces facing them, when they looked at the fact that the reciprocity treaty had ended and they no longer had free trade with the United States, and they looked at the impending economic doom that was upon them, they agreed to sign a document which was the beginning of our nation from sea to sea. Mr. Speaker, if they had been bogged down with amendments and had not had the courage and the foresight to agree together on a document, they would've been disintegrated and fragmented beyond recognition. But those Fathers of Confederation did not say: "We can't sign this. We don't know what the future holds. We don't know what it means." No, they took the risk that comes with every agreement, that the provinces individually could make up a strong whole because the individual members were strong. And so massive amendments were not forthcoming.

Mr. Speaker, there's concern expressed in these amendments about loss of rights, for instance, to women's groups, to native groups. Even a superficial reading of this agreement shows that there isn't the slightest suggestion of any loss of rights to any groups whatsoever. Now, the argument being put forward by the amendment is saying that because the particular group is not mentioned in this document, therefore, somehow, we're to take a blind leap of faith and believe that that means their rights have been abrogated. Do we have any idea of the bureaucratic jungle and nightmare we would run into if in this agreement the Premiers and the Prime Minister had tried to list every single interest group in this nation that has any kind of a stake at all in anything? And then the risk of leaving one group out. What if they had tried to list women's groups, native groups? What about the handicapped? They're not mentioned in this agreement. Have their rights been abrogated? What about senior citizens? They're not mentioned in this agreement. Where is the amendment calling for senior citizens' rights? What about language groups? They're not specifically mentioned. What about amateur sports councils? They're not mentioned in the amendments. Have we shattered their rights? What about cultural groups? These types of groups aren't mentioned in the amendments brought forward by the Leader of the Opposition. Have their

rights been shattered? I hope, Mr. Speaker, that you and other members can see the point I'm getting at. Because a group is not listed in here does not mean their rights have been minimized in the least.

We're told that this particular agreement was put on a fast track. We hear stories of, "All of a sudden, 19 hours and an agreement formed." That has been a basis of suggestion for these amendments. It was six years ago that Quebec rejected the constitutional agreement, and work has been ongoing for the last six years. It was a year ago that Quebec submitted five proposals on constitutional agreement -- over a year ago. That became the basis of discussion which formed the Edmonton declaration in August of 1986. Those were again later agreed to at the First Ministers' Conference in Vancouver, November 21, 1986. Mr. Speaker, this has been a long and ongoing process, culminating in a meeting at Meech Lake. I guess it had to come to an agreement sooner or later, and maybe that's what seems to mystify the members opposite: that groups of people can actually come to an agreement on something.

Another basis for amendment is that there have not been public meetings. As I have polled just my colleagues here in our own caucus, I would suggest that this caucus alone has had over 100 public meetings throughout this province on this very one issue. In Red Deer-North, in my own constituency, at the public meeting which I held on this particular issue, I would dare say I had three to four to five times the amount of people turn out to any of the public meetings which were held by the members opposite on their tour through the province. Public meetings have been widespread, and support has been significant.

There's concern that the territories are being left out. There is nothing in here which leaves out the territories. As a matter of fact, this agreement should make it even more attractive to a territory to want to become part of this Confederation. I would hope that those people would be affronted severely by comments from members opposite like, "They are subservient, second-class citizens." I find that abhorrent, that a group of citizens of this nation would be referred to in that particular way in an attempt to sully this agreement.

We risk, with these amendments, losing a tremendous breakthrough in the area of Senate reform, which our Premier achieved. Our Premier was told and warned before this discussion ever took place: "Whatever you do, don't bring up Senate reform. It's going to botch the whole thing. You better not bring that up." Our Premier did bring it up; as a matter of fact, had it entrenched in the Constitution so that at every constitutional meeting that is held from here to eternity, Senate reform has to be debated and discussed until it is achieved at a unanimous level throughout the country. We risk, through these amendments, losing the special veto that every province has, thanks to the initiative of our Premier, who said: "Yes, Quebec in, but special veto for Quebec, no. If Quebec gets a special veto, all provinces get a special veto." We will never, Mr. Speaker, see the day when several provinces can gang up on another province and force down their throat a type of Senate reform which that particular province does not wish to see. We have guaranteed that that will not happen.

Through these amendments bogging down the process, we risk losing a say in immigration policy. And just to give you an idea of how important policy is going to be, I'm going to share a statistic with you which may be shocking, even alarming. It will be surprising. Here it is. This is the impact that immigration will have on our social and economic policy. It has been identi-

fied clearly that with our aging senior citizen population, the "gray wave" as it has been called, with the corresponding decline in the birthrate, if we continue at our present population rates without doing anything to adjust that, within 25 years from now the population of Canada will be 12 million. That's a statistical fact -- without any kind of adjustments. The only way to rectify that is to triple the immigration rate.

MR. FOX: Have more babies.

MR. DAY: Have more babies would be an excellent suggestion. I'm glad to see that on an odd occasion a productive statement comes from the other side.

AN HON. MEMBER: A reproductive statement.

MR. DAY: Mr. Speaker, it clearly shows that immigration is going to be a major policy consideration, given the fact that unless we triple our immigration rate, our aging population and declining birthrate means that 25 years from now Canada's population will be 12 million. This agreement gives every province more say in that immigration policy. Because every province is different, with different social and economic realities. But the members opposite risk throwing that away through these amendments.

Mr. Speaker, I would like to suggest that this is an historic and momentous time in our history. For us to be willing to throw it all away, to risk having it bog down and disappear, would be a tragedy. For us to remain with the type of thinking that says that provinces must stay as colonial mental midgets and not have this type of say in their destinies is something I cannot accept. Therefore, I urge all members of this House to vote against this amendment and to support in its entirety the Constitutional Accord as originally presented.

Thank you, Mr. Speaker.

MR. SPEAKER: Member for Edmonton-Glengarry.

MR. YOUNIE: Thank you, Mr. Speaker. I feel compelled to follow the last speaker, as certainly if I had decided before hearing all of the debates how to vote on this and was planning to vote for it, he may well have changed my mind with that dissertation of arrogance on these particular amendments. Fortunately, however, I will try to reason through what he has said and separate the wheat from the chaff and save the one or two kernels that may have been there before I do make up my mind on it. Right now I'd like to look at the need for some amending of this.

The previous speaker, it seems to me, has stated very bluntly that this Legislature does not have the power or the wit or the intelligence to amend this document. He certainly has the power to do so, and we're discussing some amendments, but he suggested that we must therefore lack the wit or wisdom to amend it in a way that would be acceptable to other Canadians. I personally take great offence to that. I think these amendments are very good. I think they will improve the document. I think they will in fact assuage the worries of many Canadians who don't like what they see so far, who would like to see some

of these changes. So to say that we must take it as it is, that our racetrack Premier did everything that was necessary to make it perfect, and it is therefore perfect, at least the other 10 people who met with him did so ...

DR. WEST: Point of order. I would just like to refer to Standing Order 23, section (j). The hon. member just cast an aspersion that the members of this Assembly -- and I will have to check the Blues -- didn't have the intelligence or the direction in order to do something. It says, "uses abusive or insulting language of a nature likely to create disorder." [interjections]

MR. SPEAKER: You can speak to the point of order, yes.

MR. YOUNIE: Thank you. I think it was very clear to anyone who listened to what I said that I felt the content of the previous speaker's speech hinted that the Members of this Legislature lacked that and that I was sticking up for the intelligence and wit of all Members of this Legislature to amend this document and to amend it wisely, and I ask the members to consider the wisdom of those amendments. [interjections]

MR. SPEAKER: On the purported point of order, Edmonton-Strathcona.

MR. WRIGHT: Much obliged, Mr. Speaker. I think to suppose there is something improper or disrespectful about racetracks is an awful knock on racetracks.

MR. SPEAKER: That's a rather exceedingly racy comment for the Member for Edmonton-Strathcona.

The Chair recognizes that there is no point of order but indeed a disagreement as to some of the contents of previous members' speeches and interpretations, and that's allowed in the House. [interjection] The hon. Member for Edmonton-Glengarry should indeed proceed when recognized, but taking due care with the clock with respect to the proceedings of the House. Edmonton-Glengarry.

MR. YOUNIE: Thank you, I will do so, Mr. Speaker.

One more point. I think it would be not only erroneous but dangerous of us to assume that any document presented for our consideration is so good that it cannot be amended and cannot be made better. I would like to give members time to consider that and adjourn debate until this next comes up.

MR. SPEAKER: Motion by the Member for Edmonton-Glengarry to adjourn debate. Those in favour, please say aye.

HON. MEMBERS: Aye.

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

MR. YOUNG: Well, Mr. Speaker, I had assumed that the business would continue until 5:30 p.m.

[At 5:27 p.m. the House adjourned to Thursday at 2:30 p.m.]

