

Legislative Assembly of Alberta

Title: **Thursday, December 6, 1990 2:30 p.m.**

Date: **1990/12/06**

[Mr. Speaker in the Chair]

Prayers

MR. SPEAKER: Let us pray.

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

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

Amen.

head: Introduction of Visitors

MR. SPEAKER: The Member for Drumheller.

MR. SCHUMACHER: Thank you, Mr. Speaker. I am pleased to introduce through you to members of the House Mr. Serhii Holovaty, a recently elected member of the Ukrainian Soviet Socialist Republic's Supreme Soviet. Mr. Holovaty is visiting our Assembly to learn about parliamentary democracy and over the past four days has been graciously hosted by your office, Mr. Speaker. I would ask Mr. Holovaty, who is seated in your gallery, to rise and receive the traditional warm welcome of the Assembly.

MRS. MIROSH: Mr. Speaker, I too would like to introduce to you and through you to members of this Assembly Mr. Bela Beloz, sitting in your gallery, who has been recently appointed as honorary consul for Hungary. Mr. Beloz is the sole consul for Hungary in Alberta and is the first person to be appointed in Alberta for central European countries. His jurisdiction is specifically Alberta, and his mandate is to further the trade and technical exchange in relations between Alberta and Hungary. Would Mr. Beloz please rise to receive the warm welcome from this Assembly?

head: Notices of Motions

MR. SPEAKER: The Member for Edmonton-Glengarry, followed by Edmonton-Centre, followed by Edmonton-Avonmore.

MR. DECORE: Mr. Speaker, I've already given written notice to the Chair indicating that after question period I'll be asking for unanimous support under Standing Order 40 to deal with the following motion:

Be it resolved that this House observe a minute of silence in remembrance of the 14 young women who were murdered on December 6, 1989, in Montreal.

MR. SPEAKER: Thank you.

Edmonton-Centre, not today? This is previous notice?

REV. ROBERTS: I'll defer to Edmonton-Avonmore, Mr. Speaker.

MR. SPEAKER: Thank you.

Edmonton-Avonmore.

MS M. LAING: Mr. Speaker, thank you. I wish to give oral notice under Standing Order 40 to have the Assembly consider the following motion:

Be it resolved that the Legislative Assembly does today commemorate the massacre in Montreal on December 6, 1989, of 14 women by observing two minutes of silence and by establishing a select standing committee of this Assembly to hold public hearings across the province in order to formulate and put in place a comprehensive action plan, with budgetary support, to work to eradicate violence against women and children in Alberta. This was given to you yesterday, Mr. Speaker.

REV. ROBERTS: Mr. Speaker, under the provisions of Standing Order 40 I'd like to present the following motion:

That the Legislative Assembly of Alberta congratulate the Grey Nuns of Canada and especially their superiors and members ministering in Alberta on the occasion of the canonization of their founder, Marguerite d'Youville, by His Holiness Pope John Paul II in Rome on Sunday, December 9, 1990. And we further commend all those who faithfully minister to the poor, the sick, and the needy, following in the example of this first Canadian-born saint.

head: Introduction of Bills

Bill 231

Public Service Pay Equity Act

MR. DECORE: Mr. Speaker, I beg leave to introduce Bill 231, the Public Service Pay Equity Act.

This Bill would require government to implement pay equity in the public service so that employees of government would be paid equitably for their services regardless of their gender.

Thank you.

[Leave granted; Bill 231 read a first time]

Bill 267

An Act to Commit Government to a Five Year Funding Planning Framework

MR. WICKMAN: Mr. Speaker, I hereby request leave to introduce Bill 267, An Act to Commit Government to a Five Year Funding Planning Framework.

This Bill would require government to plan funding levels for those groups receiving major operating grants for subsequent five-year periods on an annual basis. Announcements of the funding levels would have to be made by the first week in January and would include the following departments: Education, Advanced Education, Health, and Municipal Affairs. Announced levels would not necessarily be binding upon the provincial government but rather are to act as a guide for the affected groups when planning future expenditures.

[Leave granted; Bill 267 read a first time]

Bill 288

Telemarketing Act

MR. BRUSEKER: Mr. Speaker, I request leave to introduce Bill 288, being the Telemarketing Act.

This Bill would limit the hours during which telemarketers may operate and also ban telemarketing on Sundays and statutory holidays. It deals with all forms of telemarketing, whether in person or by machine, and covers the telephone and fax machines also.

[Leave granted; Bill 288 read a first time]

MR. SPEAKER: Edmonton-Gold Bar.

Bill 289

An Act to Amend the Alberta Health Care Insurance Act

MRS. HEWES: Thank you, Mr. Speaker. I beg leave to introduce Bill 289, this being An Act to Amend the Alberta Health Care Insurance Act.

This amendment is to allow for private clinics and agencies to bill the health care insurance plan for counseling and treatment services to family violence abusers and victims.

[Leave granted; Bill 289 read a first time]

head: Tabling Returns and Reports

MR. STEWART: Mr. Speaker, it's my pleasure to table the 1990 annual report for the Alberta Heritage Foundation for Medical Research entitled Eye on Health.

MRS. McCLELLAN: Mr. Speaker, it is my pleasure to table with the House the 1990-91 edition of A Child's Guide to Farm Safety. This guide will be distributed to rural schools throughout Alberta. Alberta Agriculture is proud of the co-operation of this year's corporate sponsors: TransAlta Utilities and Alberta Power. They continue to show industry's commitment to providing educational materials which enhance awareness towards a safe working farm environment for all of Alberta's farm families.

2:40 head: Introduction of Special Guests

MR. GETTY: Mr. Speaker, I'd like to introduce to you and through you to the Assembly a group of students from the Gadsby school in the Stettler constituency. I've had a chance to meet this group of students, as I usually do, and I must say that they are a bright, happy group who are enjoying their visit here to the Legislature. There are 24 students. They are accompanied by their teacher Steve McKnight and parent Pat McKnight, Steve's wife. They are seated in the members' gallery. I would ask them to stand and be welcomed by the Assembly.

MRS. McCLELLAN: Mr. Speaker, it is my pleasure to introduce to you and through you to the members of the Assembly three special guests with us today who are responsible for the production of A Child's Guide to Farm Safety. They are seated in the members' gallery. I would introduce Mr. Bob Westbury from TransAlta Utilities, Mr. Dan Vankeekin from Alberta Power, and Mr. Solomon Kyeremanteng from Alberta Agriculture farm safety branch. I would ask them to stand and receive the warm welcome of the Assembly.

MR. SPEAKER: The Member for Clover Bar.

MR. GESELL: Thank you, Mr. Speaker. It's my distinct pleasure today to introduce to you and through you to the members of the Assembly 62 guests from the Win Ferguson community school in the city of Fort Saskatchewan, in the Clover Bar constituency. I have two grade 6 classes seated in the public gallery. They are accompanied by teachers and parents and also by a bus driver. The teachers are Gaylene Smith and Sandy Godue. The parents accompanying them are

Mrs. McMaster, Mrs. Yurko, and Mrs. Marler, and their bus driver is Al Faubert. I would ask our guests to stand, please, and I would ask the members of the Assembly to extend their warm traditional welcome.

MR. SPEAKER: Edmonton-Gold Bar, followed by the Minister of the Environment.

MRS. HEWES: Thank you, Mr. Speaker. I'm privileged to introduce to you today and through you to Members of the Legislative Assembly 13 students from the Terrace Heights elementary school in Edmonton-Gold Bar. They're accompanied by their teachers Mr. Pomfrey and Mrs. Fairbank, and I understand they're seated in the members' gallery. I'd ask them to stand and receive the warm welcome of the House.

MR. KLEIN: Mr. Speaker, it's my pleasure today to introduce to you and through you to members of the Legislature four members of the Professional Council of Registered Nursing Assistants. I would like first of all to introduce an old boyhood friend of mine and a friend still today, Tom Minhinnett, along with his associates Patricia Fafard-Haaf, Eileen Boudreau, and Paul Boudreau. They are seated in the member's gallery, and I ask that they stand and receive the warm welcome of the Assembly.

MR. TANNAS: Mr. Speaker, I am honoured today to introduce to you and through you to the members of the Assembly a gentleman, Mr. Larry Clausen of Calgary. He's the chairman of the minister's advisory council on the Turner Valley gas plant and also director of the oilfield society who are championing the Hell's Half Acre interpretative centre. He's sitting in the members' gallery, and I'd ask him to stand and receive the warm traditional welcome of this Assembly.

head: Ministerial Statements

Violence against Women

MS McCOY: Mr. Speaker, 20 years ago tomorrow the Royal Commission on the Status of Women issued its groundbreaking report calling for governments across Canada to ensure equality of opportunity for women. Although we have made progress, we still have a long way to go in achieving full equality. One major barrier is something not even mentioned by the royal commission; I speak of violence against women.

Mr. Speaker, the tragic deaths in Montreal one year ago today, last December 6, this year's dramatic increase in the number of women and children seeking shelter, the stories we hear almost every day of brutality in the home: all of these underscore the urgency of the problem. Violence is a crime. It wounds and distorts the lives of countless individuals. It undermines the stability of the family. It destroys our collective soul. How can we work and live together in this province when for so many of our women and children it is unsafe to go home or to walk outside? That this state of affairs should exist is intolerable and unacceptable.

Mr. Speaker, I wish to table a copy of the Lake Louise Declaration on Violence Against Women. It's a declaration which was issued last May by the ministers responsible for the status of women from all across Canada when they were meeting here in Alberta. It calls on every individual community and government in Canada to do everything possible to help the women and families affected by violence. We must all work together to achieve a society free from violence.

Mr. Speaker, I know this declaration is not enough to stop violence. I know it's not enough to comfort the women and children who will seek shelter tonight. But it is a starting point, a starting point and a call to further action. Today as we recall the sad events of last December 6 and as we prepare to mark the 20th anniversary of the royal commission, I ask all members of this Legislature to join with me in endorsing the Lake Louise declaration and in reaffirming our commitment to eliminating violence against women. We must eliminate violence against women. We must do it, and, Mr. Speaker, we will do it together.

As a start, I would ask all members of this Assembly to rise and observe one moment's silence.

[The Assembly observed a moment of silence]

MR. SPEAKER: Thank you.

The Leader of the Opposition.

MR. MARTIN: Thank you, Mr. Speaker. Certainly we in the Official Opposition, along with the minister and I think all of us in the Assembly, would endorse and agree with the Lake Louise declaration. It makes common sense to do that. But I guess I would like to say that in the 20 years in some ways this province has gotten worse. If I look at some of the figures just for Alberta – probably this is a low estimate – over 66,000 women in Alberta were battered last year. Of those, 9,405 battered women were admitted to shelters, but unfortunately over 4,000 were turned away. That's a 346 percent increase from the previous year. As the minister is well aware, people at the Rape Crisis Centre are turning away those people who have been sexually assaulted.

I would say to the minister that what's happening to our women and children is perhaps the most serious social problem that we face in our society today, and that was certainly reinforced to us as we traveled across the province looking at what's happening to children in this province.

I certainly agree with the last statement the minister makes: "We must eliminate violence against women. We must do it, and, Mr. Speaker, we will do it together." That will lead me into question period. I'll give some suggestions about how this might be done, at least a step in that direction.

2:50 head: Oral Question Period

MR. SPEAKER: The Leader of the Opposition.

Violence against Women and Children

MR. MARTIN: Yes, Mr. Speaker. Following up on the Ministerial Statement I'd like to ask the Premier some questions. As already mentioned, we know that today marks the first anniversary of the tragic massacre of 14 young women in Montreal. Of course, on behalf of the New Democratic Party in Alberta and I'm sure all people in the Assembly, we wish to express our deep condolences to the families of these victims and to all women collectively, sharing in their grief.

Mr. Speaker, there can be no more appropriate day than this to examine what we as a province can do to address the very real problem of violence against women. As I mentioned already, this problem is extremely serious. It is estimated that over 66,000 women in Alberta were battered last year as a result of violence. To put this in perspective, roughly 3,000 people were injured as a result of impaired driving. My question is this: given that the number of women who were battered at the

hands of men is 20 times greater than those injured by impaired drivers, will the government immediately begin launching a comprehensive, publicly funded campaign targeted at ending violence against women, very similar to its very successful impaired driving initiative?

MR. GETTY: Mr. Speaker, our Minister of Labour, who has just spoken through the ministerial statement, was of course speaking for the government. That minister has also been carrying on a program of special initiatives for women. I would like her to respond to the hon. leader because she has, of course, been working in this direction.

MS McCOY: Thank you. The suggestion is an excellent one, and in fact we are acting on an initiative that is very similar to the one you suggest, following up on the Solicitor General's announcements last month, which were supported by the ministers of Family and Social Services of course: the policing initiatives in family violence. We are also planning to have a multimedia awareness campaign that will highlight the message that family violence is a crime and that if you need help, please call and there will be help available for you. That is planned for launching in the next month. We would hope that will also be one more initiative.

There's no one single initiative in this area that can eliminate violence. I think essentially it must come from the heart of each and every Albertan first, but we are going to be supporting those efforts.

MR. MARTIN: We look forward to that program, Mr. Speaker.

It's also an appropriate day, I believe, to examine what the province is not doing to address the problem of violence against women in Alberta. As I mentioned, last year 9,405 battered women and children were admitted to shelters but 4,000 were turned away, and I've already referred to the Rape Crisis Centre turning people away. My question, then, to either the Premier or the minister: will the government now show the women of Alberta that they are truly concerned about violence against women by immediately – not next year or two years from now but immediately – making funds available to the severely underfunded shelters and rape crisis centres in the province?

MS McCOY: Mr. Speaker, we are ever aware of the growing need, and I think because public awareness is rising, so are those Albertans who are becoming aware that there is help available. Consequently, there is an ever increasing need to reach out and help these people. It seems to me that in the 20 years – I mentioned earlier that the Royal Commission on the Status of Women, signed by Mrs. John Bird and filed in 1970, did not even mention violence as an issue of importance to women and to men in Canada, yet today we are going more and more public with it. People who never even thought about the issue are now speaking out and acting publicly, and as a result we find ourselves reaching out to help more and more victims of violence and trying to keep that assistance fully available to them. I am sure that the needs of Albertans will be considered in the budget discussions that are ongoing now, and I'm sure there will be some responses to the full extent that this government can bring itself to do.

MR. MARTIN: Well, Mr. Speaker, for some that's far too long. That's not till March, April, and this is, as the minister herself indicated, a growing problem. There seems to be money for lots of other things. The Treasurer has \$330 million in special

warrants. It would have been much better to put it there than some of the other things he was talking about.

Mr. Speaker, we cannot talk about violence against women without also talking about violence against children. Traveling around the province from city to city, it certainly brought the message strongly to us that the province is not spending enough money in this area. They have a growing, growing problem. My question to the minister is simply this: if the government has money to give to AGT investors, money to throw away to its business friends and to paint railway cars in the province, can the minister explain why it has no money at this time to mend the broken bones and hearts of children in Alberta?

MS McCOY: Mr. Speaker, the Leader of the Opposition of course does not mean that money can mend broken hearts and homes, but there are things that we can do to help people in Alberta who are brokenhearted and whose dreams have been shattered because of violence. Those things we strive to do, and to help them, we will continue to do so to the best of our ability.

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

Canadian Broadcasting Corporation

MR. MARTIN: Yes, Mr. Speaker, to the Premier. A few years ago I recall Mr. Mulroney stating that if we gave his Conservatives 20 years, we wouldn't recognize this country. There's no doubt about that. But a lot of people are now wondering whether we're going to have a country left when Mulroney leaves. We have the free trade agreement, so called, and the GST; we already see them taking trains and post offices out of communities and now the CBC out of communities. And that's after only six years. I want to focus, of course, on the CBC carnage. While I realize that the Premier's government cannot reverse the cuts – and judging by its reaction to our motion yesterday, they don't even seem to care – I want to ask this very specifically: has the Premier made his opposition known to the federal government about the unacceptable closing of the Calgary CBC?

MR. GETTY: Mr. Speaker, I guess all members of the Legislature and all people watching us know that Canadians must all pull together in trying to reduce the horrendous debt that our country faces. There are a variety of ways of trying to reduce that debt. Now, some of the moves we may agree with; some individual moves, we may not. For my part, in the recent moves with the cutting of the CBC budgets in Calgary, my Minister of Technology, Research and Telecommunications is contacting the federal government. Why have the cuts in the regions? Why not have the cuts at the centre where there are huge CBC expenditures? Why not build the strengths, rather, in the regions? My Minister of Technology, Research and Telecommunications may wish to respond further.

There are, of course, other potential solutions, Mr. Speaker, and one would be that some of the things that governments try to do, including the CBC, should be handled by privatization as well.

3:00

MR. MARTIN: Well, Mr. Speaker, privatization has created a lot of the problems. It's not always the solution. The government shouldn't be so ideological that they can't see that. Look what's happening to Air Canada. Telus is another good example.

I want to ask either the Premier or the minister. If they really want to deal with the debt federally, if they just lowered the interest rate by 3 points, that would be \$5 billion right there. That's a helluva lot more effective. There is some interesting involvement with the Saskatchewan government. Perhaps the minister is aware. I have a copy of the *Regina Leader-Post*, where the government of Saskatchewan, a Conservative government, has offered to help its CBC employees in Saskatoon purchase their station if they wish. My question to the minister of telecommunications or the Premier: would the government consider approaching the Calgary CBC employees and discussing a similar type of proposal with them so we can preserve these jobs and, more importantly, make sure we have good public interest in quality media in this province, especially in the southern part of the province?

MR. STEWART: Well, Mr. Speaker, it is indeed a tough time for governments from the standpoint of making those tough decisions, and the CBC decision was obviously an economic decision. I think we all respect the jurisdiction of the federal government and the corporation itself in making the decision. Having said that, I think that at the same time we regret it. As a Calgary MLA obviously I'm concerned at the impact this may have on local news gathering in the Calgary area.

As the Premier has indicated, I have placed a call to the Hon. Marcel Masse, the Minister of Communications, to determine exactly what measures the corporation will in fact be taking to ensure that there is an appropriate level of local news gathering in the Calgary region in this restructuring process. I notice that in the press release there is an indication that regional production resources are being rationalized to ensure that each region has the capacity to provide appropriate program services as efficiently and effectively as possible.

We'll be following up with the minister to find out exactly what he has in mind in that regard.

MR. MARTIN: Mr. Speaker, the minister obviously didn't hear the question. I was trying to see if he was going to operate like the Saskatchewan government. Rationalize and disentanglement: that's all a bunch of right-wing rhetoric. It means nothing to people.

By the minister's nonanswer I take it that they're not looking at it in the same way as the Saskatchewan government, so I'll ask the minister to even maintain what we have. I notice that when asked about the Access Network, he said that he has no plans to make cuts there. So I want to ask him very specifically: will he go beyond this weak response and give Albertans his absolute assurance that the Access Network will not suffer cuts by this government like his federal counterparts have just imposed on CBC?

MR. STEWART: Well, it's interesting to note, Mr. Speaker, that what the Leader of the Opposition is suggesting is, in effect, loans to private people to purchase, which is, in effect, a mode of privatization.

With respect to Access, we are in the process, as the hon. leader knows, of our budgetary submissions. Submissions will be made on behalf of Access. I will be making those representations on behalf of Access to the Treasury Board. There's no doubt that Access has provided very valuable service in a number of areas, both in the production and acquisition of high-quality programming for Albertans and in multimedia learning resources for teachers and for students. So those representations will be made. I think it's fair to say as well that the Access

board and management have done very, very well in providing a very lean, mean ship in production. I think they deserve our congratulations, and we will be working with them as they pursue their mandate.

MR. SPEAKER: Thank you.
The leader of the Liberal Party.

Health Care Services

MR. DECORE: Thank you, Mr. Speaker. My questions are to the Minister of Health. Seventy-five Albertans are waiting for entry into the Misericordia hospital for hip and knee replacement operations. They must wait about six months. As of today a new occurrence has caused greater delay. Delay in the past has been caused by the lack of operating space and bed closures. Now the hospital administrators have informed our offices that the prosthetics, the hardware, needed for hip and knee replacements will run out in January so that in February and March there won't even be the hardware to do these operations. We're further informed that this delay means aggravated pain or more pain for people, and it usually means that there is a higher cost to the medical system in the end. My first question to the minister is this: given that the minister is supposedly aware of what's happening with the medicare scene in Alberta, I'd like to know how she can allow this sort of situation to exist and what her explanation is for it.

MS BETKOWSKI: Mr. Speaker, those Albertans who are on a waiting list, wherever that waiting list occurs throughout our health system, are Albertans who are constantly assessed medically, and if they need to be removed from that waiting list and be provided with services, that is what occurs. If the hon. member is suggesting that the only solution to the issue, which I suspect is where he's getting to, is to give more money for the purposes of running that particular hospital or any other that I'm sure he's going to list off in the next little while, it is simply something that I believe we've got to take a very careful look at, and we are taking a very careful look at it.

This year alone we've given \$3.4 billion to health in this province. We've given an additional \$240 million this year over last, and as well we've got the most expensive universal health care system in the world. I think we can come up with more creative solutions than just more money, and that's what this health system and this minister and this government are committed to.

MR. DECORE: Mr. Speaker, ministers are there to set priorities and to know what's going on. I get from the explanation that the minister has given that she's not aware of this serious situation, that the hardware, the prosthetics, are not available. I'd like to know: given that senior citizens are usually the people that are most affected by this sort of operation, will she do something now to solve the problem?

MS BETKOWSKI: Mr. Speaker, the technology which allows Albertans to have access to a procedure which replaces a joint is technology which I think is a marvel, a marvel and a credit to Alberta scientists and Alberta physicians and to people around the world who are committed to seeing that we perform procedures better. But let there be no doubt about it, those procedures are very, very expensive. The way we operate it in Canada so that all Albertans and all Canadians will have access where needed to those medical services in our universal health

system is to put them on a priority listing. As I said in the first answer, that listing is one that is constantly medically assessed, and I believe it's the right way to proceed.

[Mr. Deputy Speaker in the Chair]

MR. DECORE: Mr. Speaker, given that hospital capping, which is applied across the board like a broadaxe, is causing this difficulty and given that doctors are informing us that it would be cost-efficient for the minister to do something about this now so that added costs would not have to be borne by the medicare system, is the minister prepared to meet with doctors and administrators and experts involved in this field to get this problem solved now?

MS BETKOWSKI: Well, Mr. Speaker, number one, I have met with doctors, including doctors at the Misericordia who are involved in the procedure. I'm well aware of the issue on supplies. I'm well aware, as well, that under the acute care funding plan, which this government is leading the way in Canada in putting reform into our health system — one of the issues within that health care plan is looking at the issue of fixed costs. Fixed costs include supplies to the hospitals: are we putting an adequate amount here; should there be more in this area, less in that?

The third initiative that's under way in Edmonton that is changing the face of health in Alberta and in Edmonton is a committee of all of the chairmen of the hospital boards, the first time we've ever had that in Edmonton, that is looking at how we can look at capital development amongst the various health facilities, capital equipment amongst the various hospital facilities so we ensure that we're getting the best value out of the dollars we've got. I think we're making marvelous progress, and it is quite frankly a credit to the practitioners and people involved in health in this province that we are able to say that in fact we are leading reform in Canada.

[Mr. Speaker in the Chair]

3:10

Provincial Fiscal Policies

MR. DAY: Mr. Speaker, my question today is to the Premier and it focuses on one word; it's that awful T word: taxes. It's a little bewildering for the average working person in Alberta to try and sort out all the economic signals at the provincial, national, and international level in terms of what lies in the year ahead economically. My constituents are just asking me if I can give them a straight answer that affects their bottom line, which is their paycheques. Can the Premier tell us: are we indeed going to be holding the line on people's income taxes this year, or are they going to be seeing an increase? Can we just have a straight answer on that, please?

MR. GETTY: Mr. Speaker, there is a dynamic situation in Alberta these days that Albertans are noticing when they compare their province with other parts of Canada or other parts of North America, perhaps other parts of the world, and that is that we have a dynamic, strong economy, the strongest economy in North America.

At the same time, Mr. Speaker, we are able to have the lowest taxes in Canada and no sales tax. Now, when you put that combination together with the fact that there are more Albertans working this year than ever before in the history of our province because of the diversification efforts and the efforts of our

government to keep the economy strong, you then can see that the dollars are being left in the hands of the people, and therefore you have such things as the highest per capita retail sales in Canada and so on.

Now, Mr. Speaker, we're determined to keep Albertans working, and we're determined to keep Alberta's taxes the lowest in Canada. There'll be no increase in income taxes in Alberta. As a matter of fact, I remind you that the last move in income taxes in Alberta was to cut income taxes in Alberta.

MR. DAY: Supplementary. [interjections] You know, we're quiet and respect your right to ask questions; we ask you for the same decency.

The supplementary question that I'm asking, Mr. Speaker. I appreciate the Premier's optimism, and I know that he stands by his word, but the fact is that despite the Iraq oil price situation, our energy revenues are about a billion dollars less than five years ago. Does this commitment to hold the line on taxes mean we're going to have to abandon the commitment to balance the budget?

MR. GETTY: No, Mr. Speaker. As a matter of fact, I think that as the Provincial Treasurer has said before, we are on plan to a balanced budget in '91-92 for Albertans. We are determined to balance the budget. We have in fact the very ingredients that are necessary: the work we've done to have the strongest economy in Canada, the work we've done to have more Albertans with jobs than ever before in the history of our province. With that combination and with the tightest fiscal management of any government in Canada over the last five years – that's a fact: the toughest, finest fiscal management of any government in Canada over the past five years. [interjections] Maybe the universe. With that combination we're determined to balance the budget as we planned.

MR. SPEAKER: Edmonton-Avonmore.

Sexual Abuse of Children

MS M. LAING: Thank you, Mr. Speaker. Today we were shocked to learn that yesterday in Edmonton a 12-year-old girl was sexually assaulted while on her way to school, yet one more example of the pervasive problem of sexual violence against women and children. To the Premier: given that the Premier has recently received representation on this issue as well as a copy of the Rix Rogers report on the devastating impact of sexual abuse, will the Premier now commit to making his government's priority the treatment and prevention of child sexual abuse?

MR. GETTY: Mr. Speaker, I don't think there's a member in the Assembly who doesn't agree that when this happens, it is a shocking and a despicable event. There are things that happen in our society that no amount of money, no amount of spending, no amount of caring can stop.

It is true that I did meet with an Albertan yesterday who strongly expressed views regarding how we might do better in this area, and I expressed to that Albertan that we're always trying to do better in this area. Also in the meeting with me was my Minister of Health, who discussed some alternatives. She is going to work with the Minister of Family and Social Services. Together we'll see if we can do more; we're doing a lot but do more. It is something that you can't eliminate, but we want to

as much as possible alleviate the impact on the poor victims of that crime.

MS M. LAING: Mr. Speaker, this is not an isolated event; one in four children is sexually abused. We need more than words, and money will help for treatment programs.

The Rix Rogers report details links between child sexual abuse, drug and alcohol abuse, prostitution, runaway children, learning disabilities, dysfunctional relationships, and crime. The adult survivors require treatment if they are to overcome the results of society's failure to protect and nurture them during their childhood, and we need to eliminate this problem. Will the Premier now earmark funds to provide treatment resources for adult survivors of child sexual abuse?

MR. GETTY: Well, Mr. Speaker, there are funds. But I must draw to the attention of the hon. member that while you may set as a goal the elimination of that crime, and we would all try to, there's a heavy responsibility on families as well in this area. Governments can't do everything for everybody. At some point there has to be the responsibility as well for the families to move into the picture and to work along with the resources that the governments can provide. As I told the hon. member, my Minister of Health and my Minister of Family and Social Services will be working along those lines along with the Solicitor General.

MR. SPEAKER: Calgary-McKnight.

Canadian Broadcasting Corporation (continued)

MRS. GAGNON: Thank you, Mr. Speaker. Yesterday, as has already been indicated, the CBC top brass in Ottawa, because of federal Tory government underfunding, took a broadaxe and severed one of Calgary's major links with Canadian culture. I'm pleased to see that today the Premier is concerned and that he's asked his minister of telecommunications to take action, but this is a flip-flop. Yesterday the members on the other side refused to give unanimous consent to a resolution condemning the action of the CBC brass. I think the members opposite have heard the outrage of Albertans and are trying to cover up today. I was also outraged . . .

MR. SPEAKER: Hon. member. [interjection] Hon. member, thank you. Please. [interjections] Thank you, Calgary-Buffalo, for your less than constructive comment.

It is also the tradition of the House not to be commenting negatively on decisions of the House as previously made. Read your Standing Orders, Calgary-Buffalo. Thank you.

Now, could we have the question, Calgary-McKnight?

MRS. GAGNON: Mr. Speaker, my question is to the minister of culture, whose attitudes yesterday were different than those of the Premier today. He agreed with the cuts, and he indicated on a superficial basis that the CBC has more employees than do private broadcasters. I'd like to ask the minister if he's willing to recant and realize that he's the minister of all of Alberta, not only Edmonton and north, and turn up the heat also as the minister . . .

MR. SPEAKER: Thank you, hon. member. Come on.

3:20

MR. MAIN: Mr. Speaker, in answer to that question, which was very precisely and carefully put, I would answer that, yes, I do understand that I have cultural responsibilities for the entire province of Alberta.

MRS. GAGNON: Will the minister, therefore, attend the rally being planned tomorrow in support of Mayor Al Duerr and fight for the right of a million Albertans?

MR. MAIN: Mr. Speaker, I'm attempting to get this straight now. We have an Edmonton MLA who's a provincial minister attending a Calgary rally on a national question. I have other plans, thank you.

MR. SPEAKER: Thank you.
Highwood.

Grain Hopper Cars

MR. TANNAS: Thank you, Mr. Speaker. I wish to direct a question to the Minister of Public Works, Supply and Services, the minister who's responsible for the community facility enhancement program. It's come to my attention that there are a number of railway cars whose intended purpose is to haul grain. These cars are alleged to be newly painted with slogans which cost somewhere in the neighbourhood of \$4.7 million. Now, can the minister explain whether this is an example of extravagant government expenditure, which of course goes against the grain?

MR. KOWALSKI: Mr. Speaker, 10 years ago, in 1980, this Legislative Assembly, through the Alberta Heritage Savings Trust Fund, approved a program to purchase 1,000 grain hopper cars. That was part of a national initiative that was taken in Canada – it included the federal government of Canada and various provinces in Canada – that would allocate moneys to move grain across this country. Part of the condition of the arrangement was that in the 10th year after the purchase the grain hopper cars were to be repainted as part of the maintenance program, and all members in fiscal year 1989-90, when they approved unanimously the estimates of the Minister of Public Works, Supply and Services, gave me approval for \$1.63 million in the first year of a three-year program to repaint the hopper cars.

Earlier this year in fiscal 1990-91 the estimates of Public Works, Supply and Services carried \$2 million for this particular project. The contract has been awarded. Fortunately, an Edmonton firm won the contract to repaint the hopper cars providing jobs in the Edmonton area for Albertans, and all of these hopper cars will be repainted over a three-year time frame. We have got about 250 to 300 hopper cars painted to date, and we are going to continue the process of continuing the job.

The symbol on the hopper cars has been changed, Mr. Speaker, from the original intent, where it focused on the symbol of the Heritage Savings Trust Fund. Now we have focused on Alberta, the most beautiful province in North America, and we want to enhance Alberta in all of her majesty.

MR. TANNAS: I thank the minister for explaining why he's painting them, but how can the minister then justify logos and slogans which to date advise casual readers who are at a crossing to take an Alberta break in Barrhead? Why not Highwood? Why not Longview?

Mr. Speaker, I'd like to table this photograph to substantiate my question.

MR. KOWALSKI: Mr. Speaker, let's just put this into perspective. We have 1,000 Alberta hopper cars. We now have focused on the hopper car the name Alberta. All members will also recall that one of the most successful tourism promotion programs that this government has ever undertaken was one that focused on the phrase Take an Alberta Break. Now, after a lot of discussion and thinking about this, one could not have come up, I think, with a more useful way of using the hopper cars in addition to advertising Alberta but also putting the message on: Take an Alberta Break.

Then we went one step further. We have decided to put the name of each Alberta incorporated municipality on one of these hopper cars. So all incorporated towns, villages, and cities in Alberta will have a hopper car named in their honour. These hopper cars will go over every mile of rail in North America. They will have a potential market of 275 million North Americans who will see this for the next 10 years. They will see Alberta, they will be encouraged to take an Alberta break, and then they'll say, "When we come to Alberta, where will we go?" They'll be able to go to Stettler or Fort Assiniboine or Lloydminster or Edmonton or Barrhead, wonderful, wonderful Barrhead.

MR. SPEAKER: As a railroad buff, I look forward to being at some level crossing and seeing one that says, Take an Alberta Break: visit the Alberta Legislature.

Edmonton-Jasper Place.

Alberta-Pacific Project

MR. McINNIS: Mr. Speaker, all well and good, but is it art?

Earlier this year, after years of stonewalling, the government declared certain sections of the Peace and Athabasca rivers which are downstream of pulp mills off limits to anglers and other fishermen. The evidence now available suggests that what we previously thought were safe levels of dioxin are not safe at all. In fact, the U.S. EPA guideline is 100 times more stringent than the Canadian guideline is right now. In view of the fact that we now know that dioxin has been found in fish some considerable distance downstream from the existing pulp mills, I want to ask the Minister of the Environment if he will agree that the Alberta government must, I say absolutely must, find out the full extent of dioxin and furan pollution in our rivers, on the Peace and Athabasca in particular, before it approves any other pulp mills; that is to say, no Al-Pac decision until we have all the baseline studies done?

MR. KLEIN: I've said before to this member, Mr. Speaker, that that will be a government decision, and it will be based on not only the findings of the original Al-Pac report but the scientific review that was conducted just recently, our assessment of that review, the federal government's assessment of that review, and pulling all that information together. When it all comes together, we will make a reasonable and sound judgment with respect to that particular project.

Notwithstanding that, Mr. Speaker, the baseline studies on the Peace and Athabasca rivers as they lead into the Mackenzie River will be conducted jointly by the province and the federal government. If indeed those studies show that mitigative measures need to be taken to correct the situation relative to all

mills on the Peace and Athabasca river systems, then those mills will have to refit accordingly.

MR. McINNIS: Mr. Speaker, the minister disassociates himself from the decision when he says that it's a government decision, so I'll ask the Premier. It's aboriginal people today who are on the front line resisting the mega forestry development. They know that the clear-cut logging on disputed lands, dioxins, and half-rotting wood chips that are in the river are bullets aimed directly at them. That's why the Lubicon are resisting, and that's why the Little Red River Cree and the Athabasca Chipewyan Indians are doing the research that the government should be doing. That's why the Northwest Territories is poised to sue the pants off of this government if it approves Al-Pac. I want to ask the Premier if he's aware that people throughout this province won't put up with the way you've dragged your feet on northern water studies and the agreements with the Northwest Territories, with the way you use logging as a weapon to pressure Indian people, and the way you're prepared to ram your vision of the north down their throats without their say.

MR. GETTY: Mr. Speaker, as the hon. member must know – I think it would sink in even for him – the Al-Pac project has had the most comprehensive review, unmatched by any in the history of Alberta certainly and probably in Canada.

MR. MARTIN: Probably the world, the universe.

MR. GETTY: Maybe in the world.

Mr. Speaker, I think the people of Alberta now want a decision. As the hon. Minister of the Environment said, a decision will be coming, taking into account all of these hearings, all of the information. One other thing I know the people of Alberta want and appreciate is the fact that they have the strongest economy in Canada and that there are jobs for Albertans and that this government's going to keep it that way.

MR. MITCHELL: Mr. Speaker, zero effluent CTMP pulp mills are being built right now at Chetwynd, B.C., and at Meadow Lake, Saskatchewan, and a zero effluent, pressurized ground wood pulp mill will soon be built in Stewart, B.C. Despite this the Alberta government clings to this idea of an Al-Pac bleached kraft pulp mill, which will spew a minimum of 370 kilograms of organochlorides into the Athabasca River each and every day. To the Minister of the Environment: why does this government persist in its vision of making Alberta the bleached kraft pulp pollution capital of the world when at the very least this minister could replace Al-Pac with a zero effluent pulp mill?

MR. KLEIN: I don't think this minister could replace anything with anything else. You know, this member thinks that you can just go around waving wands and create anything you want to create. That's the kind of dreamland he lives in, Mr. Speaker.

3:30

Aside from that, quite simply the policy of Alberta, unlike any other jurisdiction in this country, perhaps in North America and perhaps in the world, is that whatever is deemed to be the best environmental technology must apply. If in fact the two mills that he mentioned – they're CTMP mills, and the application doesn't apply at this particular time to the bleached kraft process. Nonetheless, if that process proves out – and you have to understand that in Saskatchewan and in B.C. it's an experiment – if those technologies work out, then those are the

technologies that will have to be applied to the CTMP mills here. It's as simple as that, and even the hon. member should be able to understand it.

MR. MITCHELL: It's no more an experiment than this new Al-Pac proposed process, Mr. Speaker.

How can the minister risk further bleached kraft pulp contamination of Alberta's northern rivers when there is a growing demand for paper that can be produced without environmental damage and there is, in fact, zero effluent technology with which to do it?

MR. KLEIN: Mr. Speaker, that begs the question: is there the technology? Yes, two pulp mills are putting in a closed loop system. If that system works and that technology proves out, then it will be applied here.

Now, with respect to the bleached kraft process . . .

MR. MITCHELL: Then delay Al-Pac until you find out.

MR. SPEAKER: Order. [interjections] Order. Edmonton-Meadowlark, you've asked your question.

MR. MITCHELL: I'm not getting an answer.

MR. SPEAKER: Thank you, hon. member. You're not going to get an answer.

MR. KLEIN: Well, he's the Dale of the Chip and Dale of the environmental world.

MR. SPEAKER: Thank you, hon. minister.
Calgary-Mountain View.

Churchill Corporation

MR. HAWKESWORTH: Thank you, Mr. Speaker. In June of 1987 the Alberta government decided, along with the Churchill Corporation, to liquidate the portfolio of Alberta Investments Ltd. The government, on behalf of the pension fund, had a 28 percent share in AIL. The government then turned around and loaned \$3 million to the Churchill Corporation at a fixed interest rate of 8 percent. To the Premier: given that the \$3 million is very poorly secured and that the interest rate is way, way below what the government could have got from other similar investments, would the Premier admit that the deal was highly favourable to the Churchill Corporation and very unfavourable to the pension fund?

MR. GETTY: Mr. Speaker, I told the hon. member yesterday that I was unfamiliar with the item when he raised it. I've asked the Provincial Treasurer to take note of the question and give him his answer. The transaction, as I understand it, was made in 1981 or 1982: a former government, a former Treasurer. But the facts are being pulled together for the hon. member.

MR. HAWKESWORTH: The hon. member pulled the facts together from the Securities Commission with documents available to the public.

The situation, Mr. Speaker, is this. The government got rid of its blue-chip portfolio in Alberta Investments Ltd. and then exchanged it for a questionable loan to a high-risk company in 1987. Indeed, almost none of the other shareholders gambled their money the way this government gambled with the pension

fund. Then to add insult to injury, Churchill was paid half a million dollars to liquidate the AIL portfolio even though the government already had in place mechanisms to do the same thing. Would the Premier explain to us how this is not a sweetheart deal for Churchill Corporation?

MR. GETTY: Actually, Mr. Speaker, I've already answered the question for the hon. member. The Provincial Treasurer is following up on this matter, which was conducted back in '81 or '82 and then a subsequent transaction, I gather, in 1987. We'll give them the details, as the Provincial Treasurer always likes to do. I think that the hon. member merely has to wait and the information will come to him.

MR. SPEAKER: Thank you.
The Member for Edmonton-Belmont.

Industry Training Legislation

MR. SIGURDSON: Thank you, Mr. Speaker. The proposed industry training Act is fraught with problems, and it's exacerbated by the attitude of the government. The proposed Act will directly affect workers, yet not a single worker was interviewed for their input into the Act because, to quote a department document, "It is very costly and time consuming to locate journeymen." At the same time, more than 2,000 employers have been interviewed for their input. So I would ask the Minister of Career Development and Employment: will he commit today to have his department interview at least an equal number of certified journeymen tradespeople so as to get a more balanced approach to this piece of legislation?

MR. WEISS: Well, Mr. Speaker, and to all hon. members of the Assembly, I believe we have taken a balanced approach. The hon. member referred to the word "single." Well, you know, it's quite interesting, because I know that over 5,000 copies of the discussion paper on the proposed industry training Act were distributed to key groups. Those included the Apprenticeship and Trade Certification Board members, the local and provincial apprenticeship committee members, as well as labour and industry groups. In addition, Mr. Speaker, and to all hon. members, some 43,000 letters have gone out requesting written submissions that pertain to the discussion paper. To date some 1,000 have been received, primarily all from journeymen. Of the 2,000 employers the hon. member has referred to, 70 percent of those are journeymen. I've met individually with many, many, many groups. As well, we've had public meetings in Fort McMurray, Edmonton, and Calgary. I've personally met with numerous representatives of all employer groups and employees and some individual 50 to 60 trade union representatives as well. If anything, the balance weights in favour of the journeymen and the individual.

MR. SIGURDSON: Well, Mr. Speaker, let's just look at the balance. In the current Manpower Development Act there is provision for equal representation between employers and employees on the local apprenticeship committees, and you have to be a member of the LAC in order to advance to the PAC, the provincial apprenticeship committee. Yet in the proposed Act there is no provision for worker representation on the new board. Now, I put it to the Minister of Career Development and Employment: is he willing to reinstate the requirement for labour representation on those boards, and if not, why not?

MR. WEISS: Mr. Speaker, I appreciate the representation made by the hon. member but would like to allay his fears and perhaps some misunderstanding. There is really nothing to reinstate. All appointments to the provincial and local committees as well as the apprenticeship board would continue so as to ensure equal representation from the employers and from employees. I would accept this, as I said, as representation from the member and would ask him to wait until the legislation is introduced. It's proposed that it would be in the spring, and I would assure the hon. member and members of the Assembly that that consideration will certainly be resolved at that time.

MR. SPEAKER: The time for question period has expired. Might we revert briefly to Introduction of Special Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried. Thank you.
The Minister of Energy.

head: Introduction of Special Guests (reversion)

MR. ORMAN: Thank you, Mr. Speaker. I'd like to introduce to you and also to members of the Assembly a group of students, parents, and teachers who are with us from Pineridge community school in the constituency of Calgary-Montrose. There are some 63 of them. I would ask that they stand and be recognized by this Assembly. Let me also say that they are joined by teachers Jennifer deVillenfagne, Judy McKay, and Jennifer Stewart; by parents Mr. Laight and Ms Carter; and by volunteer Laura Devitt. They are in both galleries, and I'd ask that members give them the warm welcome of the Assembly.

MR. SPEAKER: Additional?
The Minister of Culture and Multiculturalism.

MR. MAIN: Thank you, Mr. Speaker. I'd like to introduce someone who works for a very prominent, historical Canadian firm with great cultural ties to this nation. I'm referring, of course, to the Hudson's Bay Company, that for more than 300 years has had a prominent place in the history, culture, and fabric of this nation. This individual is employed by the Hudson's Bay Company at its Southgate branch, which is a prominent landmark in the great and beautiful constituency of Edmonton-Parkallen. I'm referring to Lee Arial, who today is accompanied by the wife of the member who represents Edmonton-Parkallen in this Legislature, Judy Main. I'd ask them to stand and receive a warm welcome.

3:40 head: Motions under Standing Order 40

Montreal Women's Massacre

Mr. Decore:
Be it resolved that this House observe a minute of silence in remembrance of the 14 young women who were murdered on December 6, 1989, in Montreal.

MR. DECORE: Mr. Speaker, the hon. minister has already scooped me, as it were, but with the indulgence of the Chair I wonder if I would be allowed a few moments to state our case. We do appreciate and acknowledge the sensitivity that the minister responsible for women's issues has shown and continues

to show. We hope that more can be done, but speaking personally, I like the way she attempts to address these problems.

Mr. Speaker, it is a fact that two women were assaulted yesterday on the streets in Edmonton. We need to honour this day annually as a constant reminder that women in our society continue to live in fear of abuse and of violence. We must never stop trying to solve this problem. One in four Canadian women can expect to be sexually assaulted at some time in their lives. This is a horrible statistic. One million women are abused each year by their husbands or other male partners; 56 percent of Canadian women are afraid to walk in their own neighbourhoods after dark. In 1988 in Canada 98 women died as a result of domestic violence.

As legislators we must use our conscious effort to work toward an environment in which women are no longer the victims and targets of senseless violence by condemning these acts of violence and abuse — that's the action we must take — by educating our courts and our judicial system, by providing comprehensive treatment programs for victims and abusers. Our responsibility to women is clear. We must send out the message that violence of any kind against women will not be tolerated.

The massacre in Montreal stands as a horrific reminder of what happens when society ignores the everyday occurrences of violence inflicted on women: wife battering, sexual assault, mental and physical abuse. When we ignore or overlook these criminal actions, the actions escalate. As legislators we cannot allow any further escalation.

Today we express our outrage and mourn for the loss of 14 young and promising Canadians. Let us also accept our responsibility collectively today and for the rest of our lives to ensure that this kind of action will never, never happen again.

Thank you, Mr. Speaker.

MR. SPEAKER: Hon. leader of the Liberal Party, is the Chair to understand, then, that having made the statement, there is no necessity to proceed with this request?

MR. DECORE: Yes, sir.

MR. SPEAKER: Thank you, hon. member.

The Member for Edmonton-Avonmore, please.

Violence Against Women and Children

Ms M. Laing:

Be it resolved that the Legislative Assembly does today commemorate the massacre in Montreal on December 6, 1989, of 14 women by observing two minutes of silence and by establishing a select standing committee of this Assembly to hold public hearings across the province in order to formulate and put in place a comprehensive action plan, with budgetary support, to work to eradicate violence against women and children in Alberta.

MS M. LAING: Thank you, Mr. Speaker, and I would thank the minister responsible for women's issues and the members of this Assembly for joining today in our expression of sorrow in concert with people across Canada in regard to the tragedy in Montreal a year ago today and for the tragedy that is in the lives of so many Canadian women and children. It is also a day not only to express sorrow but to look to solutions, to offer hope that the violence against women and children will be ended. Let us honour all the women and children who suffer violence

against them by giving a strong commitment to funding and putting in place solutions so that our world will become a safe place for all of us.

Mr. Speaker, we need to put a human face on the violence that is perpetrated against women and children. I would recommend this exercise. Look at a group of 50 children and ask: how many live with mothers who are being beaten? Eight of them probably. How many of them will be abused by the time they've reached adulthood or are in their adult years? One in four of the girls, one in 10 of the boys. How many will be raped? Out of that group of 50, one or two of the girls. How many will be sexually harassed? How many will be discriminated against?

Mr. Speaker, the violence and the threat of violence changes the meaning of the world for women and children. We are afraid to venture out alone on the streets, in our parks, to be alone in our homes, but more than that, we are not safe in our homes with those that say they love us, for that is where battering, rape, child abuse, psychological abuse occur at an alarming frequency. There is no safe place for women and children. I therefore ask that we consider this a motion to put in place a major government initiative, a major initiative of this Assembly, to bring an end to the violence against women and children in our society.

MR. SPEAKER: The Chair interprets this as a request under Standing Order 40 to receive unanimous consent to proceed. Is that correct, Edmonton-Avonmore?

MS M. LAING: Yes.

MR. SPEAKER: Thank you.

All those in favour of giving unanimous consent for the matter to proceed, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: The matter fails.

Thank you.

SOME HON. MEMBERS: Shame, shame.

Speaker's Ruling Cries of "Shame"

MR. SPEAKER: The House has been admonished about the use of the word "shame," in accord with the House of Commons at Westminster. [interjections] Hon. members, please examine the motion as proposed: two parts. Thank you.

Orders of the Day. Oh, I'm sorry, hon. members. It's a bit uncommon to have three Standing Order 40 requests in one day.

The Member for Edmonton-Centre, please.

Marguerite d'Youville Canonization

REV. ROBERTS: Thank you, Mr. Speaker. I did want to address the urgency of the motion under Standing Order 40 which I presented earlier. I guess the urgency would be maintained insofar as the canonization will be happening this weekend, and we were hoping to get this message to many of the superiors and members of the Grey Nuns before that time.

MR. SPEAKER: The Member for Edmonton-Centre has made a request for unanimous consent to proceed under Standing Order 40. Those in favour, please say aye.

HON. MEMBERS: Aye.

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

Moved by Rev. Roberts:

That the Legislative Assembly of Alberta congratulate the Grey Nuns of Canada and especially their superiors and members ministering in Alberta on the occasion of the canonization of their founder, Marguerite d'Youville, by His Holiness Pope John Paul II in Rome on Sunday, December 9, 1990. And we further commend all those who faithfully minister to the poor, the sick, and the needy, following in the example of this first Canadian-born saint.

REV. ROBERTS: Thank you, Mr. Speaker and members of the Assembly. Over 250 years ago the first hospital in Canada was established in Montreal, a hospital which took in sick women and children, many of whom had been left on the street to die. From that courageous and pioneering beginning a religious order of women called the Grey Nuns worked where very few others would to establish centres of health and care for hundreds and thousands of needy Canadians. In 1859 the Grey Nuns came to Alberta and began their health ministry: first in St. Albert under Bishop Lacombe, then up to the native peoples in Fort Chipewyan, down to Cardston and Stand Off, then began the Holy Cross hospital in Calgary and the Edmonton General here in Edmonton. As well, Mr. Speaker, the Grey Nuns worked in the fields of education and, in fact, began the first crisis shelter for women in Calgary, called the Youville Women's Residence.

Much of this pioneering, innovating health care work took place because a woman named Marguerite d'Youville of Montreal over 250 years ago decided to change much of what she saw around her. This is not to say that Marguerite d'Youville, or any other saint, is perfect: far from it. Recent reports about her being involved in the slave trade that went on in New France in the 1700s is both contextual and regrettable. But those who have studied hagiography, the history of saints, know well that many of the saints were also among the chiefs of sinners. Saint Paul, in fact, used to go around and stone people, and Saint Peter was known to have betrayed his best friend. But by means of grace saints can for many be held up as examples of the miracles that can happen when people struggle amidst the injustices, despair, and cynicism of life with the imperfect gifts of faith and of hope and of love.

Thank you, Mr. Speaker.

MR. SPEAKER: The Deputy Government House Leader.

MR. GOGO: Thank you, Mr. Speaker. The government would certainly recommend to the Assembly endorsement of this motion by the hon. Member for Edmonton-Centre. I understand Marguerite d'Youville is certainly the first Canadian nun to be canonized. It's a very, very important occasion for all of Canada including Alberta. In recognition of that the hon. Solicitor General, Mr. Fowler, is in Rome today to attend to the canonization of Sister Marguerite. I'm sure all members of this Assembly would endorse heartily the motion put forward by the hon. Member for Edmonton-Centre who has been so courteous to draw this matter to the attention of the members of the House.

Thank you, Mr. Speaker.

3:50

MR. SPEAKER: The Member for Edmonton-Gold Bar.

MRS. HEWES: Mr. Speaker, thank you. Very briefly, the Liberal caucus is pleased to support this motion. The Grey Nuns of Canada and the Grey Nuns orders in Alberta have been a model of caring in our health care communities for many years. They've served over 250 years in our country, and their work continues today. They're a wonderful illustration to both voluntary and public health care institutions, and one hopes that they will continue to do so. I believe we've all benefited in our communities from the creative initiatives of this order and their abilities. It is our wish that the canonization of their founder, Marguerite d'Youville, will in fact give further momentum to the order to continue their loving ministry.

MR. SPEAKER: Thank you.

There's a call for the question.

SOME HON. MEMBERS: Question.

MR. SPEAKER: All those in favour of the motion as proposed by the Member for Edmonton-Centre, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. The motion carries, let the record show unanimously.

Orders of the Day

head: Written Questions

MR. GOGO: Mr. Speaker, I move that all written questions appearing on today's Order Paper stand and retain their places on the Order Paper.

MR. SPEAKER: Thank you.

Speaking to the motion, Edmonton-Kingsway.

MR. McEACHERN: Yes. Just briefly, Mr. Speaker. I am more interested in the motions for returns, so we'll get to that in a minute I'm sure. It does seem to me that some of these questions have been around for a while. I'm sure the hon. minister is aware that the session is probably going to wind down soon, and it would be helpful if we had that information before the end of the session. It's been a practice of the government quite often to answer written questions and motions for returns after the session is over. A month later you sort of get this stuff that comes through in the middle of summer to the researchers, and by that time, of course, it's too late to really put the information to good use and not too far from the time when the public accounts come out and we can get it anyway. So really the minister should at least bring forward some of these questions at this time.

MR. SPEAKER: Thank you.

Call for the question.

SOME HON. MEMBERS: Question.

[Motion carried]

head: **Motions for Returns**

MR. GOGO: Mr. Speaker, I move that all motions for returns appearing on today's Order Paper stand and retain their places on the Order Paper.

MR. McEACHERN: That is ridiculous. I mean, I can put up with the fact that a few of the questions, and there aren't that many, stand and retain their places. What are there? One, two, three, four, five, six, seven, eight: eight questions. But, Mr. Speaker, there must be at least 40 motions for returns. The session is winding down, and the minister doesn't want to deal with any of them today. So when is he going to deal with them? When are we going to see any movement on any of these well-thought-out – many of these questions are very important – very fundamental questions?

I'll just address one or two of them briefly to give an idea of the importance of these questions. Take a look at the first two, for example. Motion for a Return 332 is by Rev. Roberts, the Member for Edmonton-Centre, asking about health care premiums. Now, there's a major issue that this province should be debating. The government just raised health care premiums in the last budget and, of course, said they didn't raise taxes. Well, may as well; it's on the backs of all the working people of this province anyway, and the minister doesn't want to deal with it. "Oh, no; we don't need to talk about that." When are you going to talk about it? After Christmas? How long is this House going to sit?

Next, Question 334 by the Member for Edmonton-Avonmore, another important question. She's been trying to get some answers out of the member responsible, the chairman of AADAC, and can't get anything much out of him. Well, maybe you'd have to give her some decent information or at least explain why if this question were to be put on the floor.

I then note that there's a series of questions I have particular interest in put forward by the Member for Calgary-North West. There's six of them to do with various aspects of AGT and some of its subsidiary companies, very important questions. I mean, this government just privatized Telus. There's a lot of information we don't know about AGT, some of the detailed facts. The subsidiary company's books tend to get thrown in with the whole company. So it's important if we're going to look at what happened with that company, the pros and cons of it, that we be able to get to some of the details about some of these subsidiary companies.

Mr. Speaker, we saw the magnitude of the problem you can get into when in fact there isn't much public knowledge about what some of these companies are doing or not doing in the NovAtel thing, another subsidiary of AGT that this government was trying to privatize. Now it looks like we're going to have to buy it back at a premium of some \$50 million. In fact, in order to get at that more specifically than the questions that I've referred to so far do, I've put forward a motion myself. You will see it at the bottom of page 6 in the Order Paper, Motion for a Return 418. It is:

Mr. McEachern to propose the following motion:

That an order of the Assembly do issue for a return showing: the share purchase agreement dated July 24, 1990, between Robert Bosch GmbH [which just means limited] and Telus, whereby Bosch agreed to acquire a 50 percent interest in NovAtel.

That question along with Motion for a Return 419, which asks for documents that the government has

which supported projected net income of NovAtel for the period July 1, 1990, to December 31, 1990, at \$16.9 million, and the

documents which supported amended projected net income which resulted in the September 23, 1990, amendments to the prospectus which, incidentally, indicated that the projections were \$21 million over what anybody could reasonably expect. Now subsequent information tells us it may be as much as \$30 million extra that the government might have to come up with to make up for the fact that they sold these shares on a basis that later turned out not to be correct.

Now, Mr. Speaker, the reason we've worded the question this way very specifically was so we could try to get at the timing of when the minister got the new information, because it's very easy to suspect that it was right in the middle of the sale of the Telus shares and that the government sat on the information and waited.

Point of Order Relevance

DR. WEST: A point of order, Mr. Speaker.

MR. SPEAKER: Point of order, hon. member?

DR. WEST: Yes, Mr. Speaker. Under Standing Order 23(b)(i), as it points to "the question under discussion," I believe the hon. member is way off base on this. He's speaking to the motion directly, some of the motions that are on the list, and he's supposed to be speaking to the fact that we're not going to be discussing them today.

MR. McEACHERN: On the point of order, Mr. Speaker, I'm trying to show the importance of some of the information we're asking for, because that's what helps to make it urgent and necessary that we discuss this before this House adjourns, and we do know that the House will adjourn in the not too distant future. So I rest my case on the . . .

MR. SPEAKER: The Chair is quite certain that the member will be able to now saliently conclude his remarks on that particular motion for a return and deal with the procedural issue. The Chair hears murmurs from all parts of the House that indeed the House is going to be in session for some period of time yet. So until it's proved otherwise, we work on the theory we're going to be here.

Please continue with your comments on the procedural motion.

Debate Continued

MR. McEACHERN: Thank you, Mr. Speaker. I will make my remarks in that context. I was just picking out two of the particular motions I put forward that hit at some very important questions that should be before this Assembly soon. We may sit quite a while yet. I'm certainly willing. I'll be here Christmas Eve if the government so decides. I will not be the first one to want to leave; everybody knows that. I'm willing to stay here as long as the government is, but I know this government very well. I've been around for a few years now, and I know they can't wait to get out of here most of the time and that they only have a couple of Bills on the Order Paper to deal with and that they will be pushing ahead as far and fast with those as they can to get out of here very soon. They certainly will not want to be here when the Strathcona election is over. So I think I am on the right track, that this government does want to get out of here quickly and it's therefore all the more mandatory that we get on with these motions for returns. I would request that the House defeat the minister's motion that we not deal with these

now, because we've got a perfect opportunity. Like I said, there are some 40 motions here, and we cannot deal with them all in one day. We cannot deal with them in two days. They are worth several days' discussion. We get only about an hour and a half, depending on the time we take with other business, on Tuesday afternoon and Thursday afternoon. Therefore we cannot leave these until the last minute and hold up this House, because I know they won't want to get held up; they'll want to get out of here.

4:00

The two questions I put forward on Telus and Bosch specifically are very important questions that should be addressed. I would like to just make a little mention of the next one, Motion 420, that I also proposed. Here I'm asking for the documents dealing with "all expenses associated with the sale of Alberta Government Telephones." Now, the minister did tell us earlier that it cost \$35 million to sell AGT. This was on the point of, you know, how much the underwriting costs, the brokerage fees, the advertising costs, that sort of thing. It's a very important question, Mr. Speaker. We want to know not only exactly how much it cost now that the figures should all be in, but that will give us some idea what selling the next 44 percent of Telus is going to cost the taxpayers of this province. So those are very important questions that should be dealt with. I do not understand how the deputy House leader has the gall to stand up at this stage of the game and just say that they shall all stand on the Order Paper and retain their places. We'll deal with them when? What are you waiting for? The second coming of Christmas?

Motion 425 is also another one of . . .

MR. SPEAKER: Thank you, hon. member. The Chair allowed the latitude of referring to two. That's sufficient. Thank you. The Member for Edmonton-Belmont.

MR. McEACHERN: You're saying that's sufficient examples?

MR. SPEAKER: That's sufficient examples.

MR. McEACHERN: Okay.

MR. SPEAKER: Now I've got two members at once here.

MR. McEACHERN: Then I will wind up my remarks, Mr. Speaker.

The Government House Leader seems to think that there are 40 questions there that can just stand and wait. We put those questions on because we have strong feelings about those particular issues. The motions other than government motions are all listed from last spring. We each put forward two motions on our side of the House, and I think most other members did as well. Those become out of date . . .

Speaker's Ruling Relevance

MR. SPEAKER: Thank you, hon. member. That's got . . . [interjection] Order please. It has nothing to do with motions for returns. Thank you. The reference was made to motions other than government motions. You're way off the topic, so finish your remarks, please.

MR. McEACHERN: Mr. Speaker, with your indulgence, please, the point I was trying to make was merely that in . . .

MR. SPEAKER: Hon. member, I'm sorry. [interjection] Thank you. Thank you. Your concluding comments with respect to motions for returns. Don't bother to embroider it with anything else at this stage of the game.

Debate Continued

MR. McEACHERN: These motions for returns are the most up-to-date things that have happened over the summer that we could not get on the Order Paper last spring; therefore we want them dealt with now, this fall. For the minister just to put them off and decide that we can do it sometime, God knows when, is not acceptable. He should be trying to deal with these numbers as they come up. We get only Tuesday and Thursday afternoons for nongovernment business, and these motions are our chance to get issues on the floor that need more than just a question period sort of treatment, because the facts behind them are complicated enough that that is not easy to explain in a couple of statements in a question period. That's why we put them on here, and I don't understand why the government wants to sit back and say we don't need to deal with them.

MR. SIGURDSON: Mr. Speaker, speaking to the motion that was proposed by the Deputy Government House Leader, I quite frankly am upset and shocked that here we are, winding down this session of the Legislature, and we propose to not deal with motions for returns. As my colleague the Member for Edmonton-Kingsway has pointed out, we've got some 40 questions on the Order Paper. With respect, Mr. Speaker, I have a motion for a return on there as well, Motion 407, which deals with a matter I raised in the Assembly in question period on a number of occasions last spring session. It has to do with a matter that I think is very important. It has to do with a matter of discrimination. Now, when I dealt with it in question period, the Minister of Labour responded by saying that my question was going to be followed up, that she would undertake to follow up my question if I provided her with information, and I did, sir. I provided copies of handwriting from the person that wrote this discriminatory paper about trade unionists and gave it to the minister. She said that that wasn't good enough, that there had to be more information forthcoming. I provided more information to the minister by securing, out of my budget – my budget – a forensic handwriting analyst's analysis of who had written the paper. I provided that to the Minister of Labour.

We adjourned the Assembly in July, and over the course of the summer I wrote to the Minister of Labour on more than one occasion. I always got my response from the press, saying that the matter was closed, that there was nothing more that could be done. Well, that's not good enough, Mr. Speaker, and that's why I put a motion for a return on the Order Paper. I put it on the Order Paper because I need detail with respect to this matter.

At any time in that paper had the words "trade unionist" been taken out and substituted by any ethnic minority, we would have the basis for a discrimination investigation conducted by the Human Rights Commission. But what have we got now? Because it's trade unionists that are being discriminated against, we have the Minister of Labour saying: too bad; case closed. Well, Mr. Speaker, that's not good enough for me, that's not good enough for my colleagues in the New Democratic Party, and quite frankly it's not good enough for the workers of Alberta to have this case closed without some justification coming forward from the Minister of Labour proving her point. I want her evidence to stack up against my evidence. If I haven't got the opportunity to get that evidence, then there's

something wrong with the system. So for the Deputy Government House Leader to stand up and say, "Well, let them stand and retain their places" – perhaps I'm anticipating, but if next Tuesday is the last day for business other than government business, that's not an awful lot of time for me to get that information and debate it with the minister. That's just not good enough.

Mr. Speaker, we don't put motions for returns on the Order Paper because we want to increase our workload. We put motions on the Order Paper, as we're often reminded by you, sir, because we want the information. The Minister of Labour has an obligation to come back to this House and deliver that information. She has an obligation to come back to this House and show me the evidence she acquired over the summer that said the case was closed, because my evidence says that the case should go on.

Mr. Speaker, we should reject out of hand the motion that's been moved by the Deputy Government House Leader. We should get on with the business that's here and answer these motions for returns while we've got the opportunity. To say that it can be done next Tuesday or next Thursday or the Tuesday or Thursday after that isn't good enough. He knows it and every member of the Assembly knows it. Let's get on with the business of the House and deal with these motions for returns today.

MR. SPEAKER: Thank you. The Chair recognizes Edmonton-Highlands, followed by Calgary-North West.

MS BARRETT: Thank you, Mr. Speaker. I want to lend my voice in objecting to the motion of the Deputy Government House Leader as well. The reason is this. In the spring sitting the government could at least make a claim such as, "We're going to have to wait on most of these; we're getting budget together; we've got half a million Bills to deal with," et cetera, et cetera. Right now there are no budget estimates in front of us. Although I think there should be, there are not. We've got two Bills left on the Order Paper, one of them in active debate, one of them waiting for the return of the Treasurer. That's not a lot of government business. Don't tell me that the government and the various ministers who are being asked questions on the Order Paper under motions for returns can't comply with some of these requests. I think most of the information that is requested in these motions for returns is timely. In other words, you need to deal with it soon or it will just go away and become part of history that was unresolved. I think there's a show called . . . What's it called? *Unsolved Mysteries*? This government's full of them.

4:10

The point is that they've got enough time on their hands. The staff who would be researching some of this material is not wrapped up at this point in developing last-minute touch-ups to new legislation. Legislation from the government is probably just starting to be under contemplation now and is at debate in caucus and cabinet, and nobody's even working on drafts at this point. It's not like they're working on budget, because they're still debating budget. If I'm wrong about that, Mr. Speaker, then we've been lied to by members of cabinet. I don't believe we've been lied to. Therefore I would suggest that budget documents are not being worked on right now because it's still at the level of debate and discussion. There's no reason that certain cabinet ministers could not assign one or two of their

staff – and Heaven knows sometimes they've got a lot of them – to answer a couple of these questions.

Finally, Mr. Speaker, I would like to suggest that there is an element of goodwill that is absent in this motion that says let them all stand. We exercise a great amount of tolerance, usually, at the beginning of spring sittings. We don't want all our answers right away, and we don't stand up and debate when the Deputy Government House Leader says, "Let them all stand." We'll let that happen for a couple of weeks because we know life is busy, the ministers are busy, and you've got to get some things in order. But after a couple of weeks in the spring sitting when they're giving us only one or two, that gives us cause for debate. By the end of the spring sitting, when there's a whole bunch on there, that's going to give us lots of cause for debate.

The same is true right now. We know that this House will not be sitting three weeks from now. If it was going to be, then maybe it's okay that you pass a day by and give no answers. But almost certainly the House is not going to be sitting three weeks from now. It probably will not sit again until March. Right? A lot of this stuff should be answered long before then. As far as I'm concerned, the government has a vested interest in answering some of these questions in any event. I mean, Lord knows they've made such a mess of some of the issues contained herein, particularly things like AGT, that they would want to clear the air instead of letting clouds of suspicion about their competence continue to hang.

Mr. Speaker, I hope that in his summing-up remarks on the motion, the Deputy Government House Leader will tell us why it is that he's asking us to just sit and wait for these answers.

Thank you.

MR. SPEAKER: Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I want to join with the New Democrat caucus in voicing my objection to this particular motion. The reason for my objection, speaking against the motion to let them all stand on the Order Paper, goes directly back to June 28, 1990, in this Legislature, page 2303 of *Alberta Hansard*. I'm quoting from the Minister of Technology, Research and Telecommunications in response to one we almost dealt with but not quite, and that was motions for returns 369, 370, and 371 that stand on the Order Paper under my name. Those motions all deal indirectly with the proposals for Alberta Government Telephones privatization, which did occur. The Minister of Technology, Research and Telecommunications on June 28 said:

I will check into that a little bit further, though, and if indeed there is a separate annual report for the company, then I don't see any reason why it wouldn't be forthcoming, and we'll have to look at it . . .

Perhaps on that basis it could be left on the Order Paper until I have a chance to respond more specifically to it. Then further down he also says:

Mr. Speaker, I apologize to the hon. member. Motions 370 and 371 are in the same sort of a classification as the one that was referred to earlier.

Since that date the Minister of Technology, Research and Telecommunications has had five months and eight days to find out if there's an annual report for those companies. That does not strike me as being a particularly difficult task. Either a yes or a no, but to let them all stand on the Order Paper after such a span of time when the minister has . . . I would interpret this as giving a commitment to providing an answer one way or another. Still we have no indication as to today, tomorrow, next

Tuesday, next Thursday, if there is a next Thursday in this Legislative Assembly for us. I don't know if we're ever going to get any answers.

Mr. Speaker, I would suggest that in that period of time clearly the minister responsible should have had ample time to deal with those questions. Clearly the government caucus often refers to the superiority of their research staff. They should have no difficulty dealing with new questions which are put on the Order Paper, and for that reason I would speak against the motion.

REV. ROBERTS: As well, Mr. Speaker, I cannot accept the motion from the Deputy Government House Leader to have all these motions for returns stand and retain their places. Mine is the first, at the top there, Motion 332. As I pointed out before, it's been on the Order Paper since at least last June. I don't know really what's going on here.

I'd like to make a couple of comments. Firstly, it seems to me that if the government were truly serious about freedom of access to information, if we had an information officer in this government, in this province, in this Legislature, for instance, I would submit that many of these motions for returns wouldn't be on here anyway, they'd go to an information officer instead. In fact it would be much more efficient use of our time in a more effective manner and one that's part of the precedents of other parliaments and Legislatures. So if the government has some problem with these motions for returns – and I can only say that by the constant delaying tactics of government over this, they do – maybe they should again consider just how genuine and sincere they are about freedom of access to information and set up an information officer. I think Alberta's own Ged Baldwin, that famous MP from Peace River, was the one that first brought this in. It's not that radical; it's not something that's going to blow them over in terms of their political ideology. Members of their own party have advocated this same position.

Secondly, Mr. Speaker, it seems to me that many of these motions stand and retain their places the day the cabinet minister rushes out of here right after question period. It seems to me it has more to do with the degree to which members of the Executive Council and cabinet take their responsibility seriously here in the Assembly, even after question period. I was told, "Well, we can't answer this today because the minister's in a meeting." Well, we are here only for a short while this time, however many weeks, and it would seem to me that due honour and respect for this place would mean that we would have concerted time and effort to be in this place and debate the people's business. So many of these issues have to do with the people's business.

My Motion 332, for instance, is a prime example. I know, as has been said, that the government is currently scurrying around putting in their budget proposals, what's on the A budget and the B budget and what they want to get funded for the budget next spring. Well, this motion would help me decide how I might want to vote on that budget or how they might want to vote on that budget, because there's talk about increases in health taxes again, Mr. Speaker. They want to jack up health taxes in this province again. Who knows? They might want to increase cigarette taxes and other user fees and other hidden and not so hidden taxes. I want to know if it's true: if the Minister of Health has some studies or some documents, something in her department at her great disposal, to have made a claim in this House last May 10, saying that members should realize that when we raise health taxes in this province, as we did 15 percent

and then 10 percent – and next year, I'm told, 20 percent – that in fact creates a greater awareness on the part of Albertans of the health care system. I think that's an incredibly naive statement that has been made. I can find no substantiation for it in talking with health care economists, with policy analysts, with everybody in the entire health care field. No one agrees with that naive statement.

4:20

If the Minister of Health in this province, and the acting Treasurer when the Treasurer's away, can stand up in this House and make such a statement about health economics and health taxes and about a justification by this government going into their budget planning process – if she has evidence to support that, I'd like to see it. I think other Albertans would like to see it, because I just don't think it's true. I think it's naive, and I think it's part of a Tory ideology, a philosophy of "Well, let's ding them where we can." Despite the fact that every other province has done away with this extra health surtax – every other province except the Vander Zalm and Getty governments in B.C. and Alberta, the only two remaining right-wing Conservative provinces that have a tax like this – we have the minister stand up and say, "Well, we have to do this because we want a greater awareness of the health system, and by raising health taxes and premiums by another 20 percent, we're going to get Albertans to be more aware of the system." If that's true, I want to see the information for that. She might even persuade me that it is true, because Heaven knows we need to have people aware of some of the costs involved in the health care system.

I tried to search this issue out. I have found no one who substantiates that fact or that opinion. I thought it would just be a courtesy that the Minister of Health could say, "Well, opposition health critic, here is some information I have which does substantiate my point of view." But that was last June. I thought she had time over the summer to easily come in the fall and say, "Well, here's the evidence; here are some things that can prove my point. As a result, based on this kind of evidence, we in this government are going to – get ready Albertans – increase health taxes again." But it's not forthcoming. I mean, I sit here patiently, I wait; I see things going on over there. What is the trouble? There's no information officer I could go to to get such studies. I've done all I possibly can and could to substantiate such a claim on behalf of the two and a half million Albertans who are paying health taxes in this province. I'm told by the Treasurer that taxes are going to go up again next year, and I want to know the basis upon which that jacking up, pulling dollars out of the pockets of Albertans, is being justified.

So, Mr. Speaker, I really regret that for . . . I mean, I hate to cast further suspicion or cast delusions upon members over there for certain reasons. I don't know what's going on. It seems to me pretty simple and straightforward that this kind of information could well be forthcoming. I will learn greater patience, maybe with Job, and sit down and wait until next Tuesday and then maybe next Thursday. But I tell you, if we have to wait until next March to get this information and we don't get the information before we hear from the Treasurer and the Minister of Health that in fact they're going to jack up health care premiums again, without this evidence I can tell you that I and a lot of Albertans with me will be condemning this government for blindly continuing an attack on their pocketbooks, which I think bears no basis in true reality or the facts of this issue particularly.

Thank you.

MS M. LAING: Mr. Speaker, I would rise now to voice my opposition to the motion before us. Like the speakers before us, I've come into this Assembly thinking that it is a democratic Assembly, that we will ask questions and get information. Indeed we ask questions in question period, and sometimes the information given is less than adequate. So a way to get further information is to put the questions on the Order Paper, and in fact that's what I have done, as many of us have done.

Concerns are brought to us from our constituents, from the community. They say: "What's going on? Will you please check into this?" Usually we don't have months or years to wait because something is going on. We fear or are concerned that something wrong is going on, that maybe funds could be spent more wisely. In the case of Motion 334, I've heard some very real concerns about the need to protect young people who are having difficulty in regard to alcohol and drug abuse. We know that a significant number of these children have experienced childhood sexual abuse, violence in their homes; they have been victims. The kind of information that has come to me is that they may be further victimized in this program that apparently is being established in concert with or with the blessing of the member responsible for AADAC. So people say to me: "What's going on? Will you check it out?" I ask questions in question period and I am told, "Please trust us; we know what we're doing; you don't need to worry about it." I have long ago given up trusting politicians, like most Canadians probably.

So I'm saying give us the facts. If there's nothing to be concerned about, the facts will bear that out. Each of these motions is simply a request for the facts. If there is nothing to be hidden, I don't know why the information isn't brought forward. Certainly in my past experiences there seems to be a refusal to give the information whether there's something to be hidden or not. So what's going on? We say, "We want to know this; our constituents have a right to know." It often involves public funds, their tax dollars. Don't they have a right to know how their tax dollars are being spent? Don't they have to know that the laws of Alberta are being followed by government-funded agencies, as in the case of the motion I have on 334? Don't Albertans have a right to hold their government accountable? Is it not through us, members of this Assembly, that we hold the government accountable? I think one of our roles as opposition is to say, "We want to hold you accountable." Our constituents have elected us so we can hold the government accountable. So what's going on? Our attempts to do that are thwarted by this unending putting over of motions for returns: another day, another day. Well, I'm thinking we could wait if we were here two weeks from today. Is that correct? Two and a half weeks from today it would be Christmas Day. Think of the Christmas gift we could have: all this information we've been asking for for six, eight, nine, 10 months. So what's going on? Why is the government unwilling to give us our information? Usually when something is hidden in secrecy, we say, "Something's being hidden because they don't want us to know." That may not be the case all the time.

The best way to do it is to clear the record and give us the information rather than hiding behind a smokescreen of whatever, putting them on the Order Paper for yet another day. So, Mr. Speaker, I must voice my strong objections to what again goes on today.

Thank you.

MR. SPEAKER: The Member for Calgary-McKnight.

MRS. GAGNON: Thank you, Mr. Speaker. I also will vote against this motion. I have two requests for information, and I need the information in order to make good decisions and help my caucus in its policy-making. I have asked, for instance, what the situation is between the government and the financial collection agencies which it hires to collect provincial student loans. We have heard that there's an abuse of student loans, that it's difficult to get students to pay, and we would like to know the facts when we deal with this matter.

I have also asked, for instance, what the effect of the GST would be on operating and capital costs incurred by Alberta's postsecondary institutions, and of course none of this information is forthcoming. How can we assess whether funding is adequate unless we know the impact of the GST? I suspect it isn't secrecy that's the cause of this lack of willingness to come forth with information. It's possibly that the government itself does not have the information, something which I think would be very sad.

Thank you.

MR. SPEAKER: Standing Order 8(3) applies.

head: **Public Bills and Orders
Other than
Government Bills and Orders
Second Reading
Bill 220
An Act to Amend
the Landlord and Tenant Act**

MR. HAWKESWORTH: Thank you, Mr. Speaker. I am pleased to be able to rise this afternoon and speak to my private member's Bill, Bill 220, An Act to Amend the Landlord and Tenant Act.

Mr. Speaker, the need for changes in the Landlord and Tenant Act was brought home to me very graphically some years ago. A couple of years ago, one summer, I received a call in my constituency office from a constituent who indicated that she and some others would like to come and meet me in my office to go over a concern they were having with regard to their resident manager in the complex in which they lived. Being that this complex was situated in Calgary-Mountain View and I was their MLA and the Landlord and Tenant Act was a matter under provincial jurisdiction, they called and asked if they could meet with me.

[Mr. Jonson in the Chair]

4:30

Well, there was a group of probably eight or 10 parents and half a dozen children at that meeting, and they spent the next hour and a half reviewing, I guess, a litany or a number of issues that they had concerns about with regard to the management of their particular complex. We itemized those, and I made a list of them. It struck me that it seemed to be one of those kinds of disputes that arise from time to time and that it would simply be a matter of mediation in order to get some resolution that might set about a better relationship between the resident manager and the tenants. I think it was quite appropriate, therefore, that I tried to call the resident manager. I spoke with him and believed that by doing so it would be simply resolved, and I could get on with my life, the tenants could get on with their lives, he could get on with his life, everybody would go away a winner, and the matter could be sorted out. I was into

the phone conversation only for a few brief moments when the resident manager made some comment about those tenants, using a number of expletives to describe them, and said to me, "I know how I can get rid of them."

Mr. Speaker, this call between myself and the resident manager took place about the middle of August. On the last day of August a number of notices to vacate were given to three families in that complex. Now, of course the resident manager wouldn't give any reasons for it, but there's no doubt in my mind that that was his way of dealing with what he considered to be troublemakers. People who go to their MLA and ask for some assistance, and just to even call the landlord and find out what the problems were, resulted in people getting notices to vacate. In fact, one family who had been there for 11 years – I would think that if you've been a tenant in a complex for 11 years, the landlord wouldn't have too many complaints about you – received this notice, called up the resident manager and said, "What are you doing giving us this notice to vacate?" The reply they got was: "Well, why don't you go talk to your MLA, Hawkesworth? He'll tell you the reason you got that notice."

That was a rude awakening for me and for those people as to the lack of protection for tenants in this province. We have human rights laws. We have the Individual's Rights Protection Act. We've got presumably all kinds of legislation in this country that would protect people from capricious and unwarranted punishment for pursuing their democratic rights: freedom of assembly, freedom of speech, freedom to go down to your local MLA's office and ask for his assistance in resolving a small problem with your landlord.

In other provinces of Canada, Mr. Speaker, people would not receive a notice to vacate for having done that. In Alberta, however, because of our Landlord and Tenant Act, there's no such protection. As a result, people can be put out on the street literally within a matter of 90 days for doing anything that the landlord or the resident manager might object to, including going to see their MLA, including – and I guess the instance that we're talking about – parents dragging a little six-foot-wide plastic swimming pool onto the lawn, filling it with water on a hot summer's day, and letting their three- and four-year-olds play in that swimming pool. For that, the family got a very harsh dressing-down by the resident manager, saying that that sort of thing is not allowed in this particular complex. That was just one example, Mr. Speaker, of why those residents came to talk to me to see if I could mediate the problems they were facing. As a result, those three families were out on the street. Two families had been there for 11 years, and the third family had been there for six years.

Now, what kind of legislation do we have in this province where people can be forced out onto the street at the whim of somebody who's in a power relationship over them? If it were justified – that is; if they were destroying the property or creating a nuisance for other tenants or any of a number of reasons – I could see a landlord being quite justified in getting rid of people in an even shorter period of time than waiting for three months. But in this particular instance, that landlord had no justification whatsoever.

Our Landlord and Tenant Act in this province allows certain individuals every right to circumvent all the legislation governing human rights and the Charter of Rights in this country. In the case of the particular relationship between a landlord and tenant, people can be literally forced out onto the street in a very capricious way for doing even very minor things that someone might find obnoxious. I can't imagine that any member of this Assembly would condone that kind of action; therefore,

I would assume that the members would adopt and would see the merits in making some of the amendments to the Landlord and Tenant Act that I'm proposing today.

I'd like to suggest, Mr. Speaker, that there are very legitimate reasons for a landlord to give notice to vacate to a particular tenant. In fact, the Bill outlines what some of those reasons might be. If a landlord who is the owner of the property requires that residential unit for his own use or for a close family member, I think it's quite legitimate for that landlord to be able to give a tenant a notice to vacate in order for that person or that landlord to assume the occupancy of that unit. If a residential complex or residential unit has been sold and a condition of the sale is that that unit or complex is required to be vacant at possession, that again is a very legitimate reason for a landlord to be able to give notice to vacate. If a tenant doesn't give a landlord a security deposit, again I don't think a landlord should be bound to continue to rent that unit to that tenant. A violation of various standards, uniform building codes, or if there are problems with fire or sanitary or heating bylaws and other such reasons for a unit not to be occupied, I think it's quite proper that a landlord have the right to give a tenant a notice to vacate.

You will note, Mr. Speaker and members of the Assembly, that in reading through this particular Bill in front of us, you will find these and some other reasons as well itemized as to legitimate reasons and legitimate rights under which a landlord requires the possession of a unit and can therefore give a tenant notice to vacate. But let's not forget that the fundamental principle underlining this listing of reasons is that when a landlord then gives a notice to vacate, it has to be for a legitimate reason. What I object to is where a landlord is in a power position over a tenant and can give that person a notice to vacate on 90 days' notice without any reason. He may not like something that person has said or has done, or he's just changed his mind about him for some obscure reason, including reasons that would otherwise be a violation under the Individual's Rights Protection Act, and out that person goes.

4:40

We need to have in our legislation, Mr. Speaker, security of tenure. A family that has lived on good terms in a residential unit for 11 years – not somebody who moved in a week ago, a month ago, or a few months ago – that has paid their rent, looked after the property, took on their responsibilities, and conducted themselves properly for 11 years should have some security in knowing that they can continue to occupy that unit indefinitely so long as they continue to meet their obligations as a tenant. That should be a right of our legislation. We should not have a piece of legislation so weak in its provisions that it allows certain members of our community to have powers to circumvent human rights legislation in our province and in our country. So I feel very strongly about this particular provision, and I feel very strongly that this kind of legislation is required in Alberta.

Now, there are a number of other provisions contained in the legislation, and I don't intend to itemize all of them. People have the opportunity to review the Bill itself, but I think there are some other important provisions that need to be identified. For example, Mr. Speaker, in this province the only obligation a landlord has is to provide a habitable dwelling at the beginning of a residential tenancy. If in 1975, for example, a tenant occupied a unit and it was habitable at that date, even after 15 years of reasonable care as a tenant on behalf of that property, with ordinary wear and tear and the dilapidation of buildings

that takes place, there are certain kinds of maintenance and ongoing repairs that are required in any residential unit. There's nothing in our legislation that requires the landlord to maintain that state of repair throughout the term of the tenancy. Even if a tenant were to take the reasonable care of a property that is expected of any tenant, a residential unit could fall into major disrepair, yet there's nothing in this Act requiring that landlord to go in and do the repairs and maintenance to those residential premises.

We have a situation in many cases where the board of health, for example, is called to a particular unit. They can give notices to the landlord to ensure that work gets done, and then they can require that that unit be vacated. Here we have a situation where the tenant is out on the street again. It seems that the existing legislation only allows for drastic measures, whereas if the legislation were to require that a unit be maintained and be in a state of repair that complies at least with the minimum standards acceptable in the community, I think we'd see better residential stock. We would also, I think, see a reduction in the number of tenants' complaints about the quality of housing that often they're forced to live in.

Another area that requires attention by the legislation, Mr. Speaker, is the whole area of security deposits. I've had a whole host of people contacting my constituency office over the years complaining about having provided a landlord with a security deposit, and there are a number of things that can happen as a result. One is that if a company gets sold, the security deposit can disappear along with the assets of that company into the hands of another company. When it comes time for that tenant to vacate the unit, the company who's purchased the property may say. Tough luck; we don't have your security deposit. That's gone. You're not going to receive your security deposit."

I know of an example in Calgary where even a new resident manager in taking over a complex couldn't find the records of security deposits that were provided to the previous manager, and I know for a fact that when many of those tenants came forward as a result of moving out and asked for their security deposit, they said, "We have no record of it, and unless you can provide us with a record, we're not prepared to even consider refunding anything to you, whether it's justified or not." So people in those circumstances certainly feel like they've been ripped off if that's their experience.

What this legislation attempts to do, Mr. Speaker, is ensure that there's some security over the security deposits, so that they're accounted for and it's understood that the purpose for which they're given on deposit to the landlord is to ensure that as a result of a change of ownership or otherwise, those security deposits don't disappear. There's also a requirement in the legislation that requires a move-in report prior to a landlord being able to receive a security deposit. For those members who wish to refer to the Act in front of them:

A landlord shall not require a tenant to provide him with a security deposit prior to providing the tenant with a written report, to which the tenant has signified his agreement by signing, on the physical state of the premises and the facilities and appliances the landlord has furnished therein.

It's an incentive on both parties. The security deposit becomes due when the tenant receives a move-in report from the landlord. It's then signed, and that tenant has a copy of the move-in report.

I've had numerous tenants complain to me that they never did receive a move-in report. The unit was in a certain state when they moved in. They gave over their security deposit, but they never received a move-in report, and when it came to moving

out, they were assessed for damages that they claim they were never responsible for. What this addition, this provision of the Landlord and Tenant Act would do, Mr. Speaker, would provide surety to anyone that a report had in fact been done and that a copy had in fact been placed into the hands of the tenant. It just is a quid pro quo and one that I believe would ensure more fairness and objectivity in the whole use of security deposits.

I would make note of another provision, Mr. Speaker, that brings roomers and boarders under the provisions of the Act. At the current time there is no protection, not even the limited protection of the Landlord and Tenant Act, yet in virtually all respects that particular relationship is often a landlord/tenant relationship and ought to be dealt with under the legislation.

4:50

Mr. Speaker, I know that the Minister of Consumer and Corporate Affairs has previously appointed an advisory committee to review the landlord and tenant legislation. They conducted broad-ranging public hearings across the province; they heard from tenants and landlords in every area of the province. The report that they tabled last April is called *Achieving a Balance*, and I think the report's title very accurately reflects the kinds of recommendations contained in that legislation. Some, I note, are recommendations that we find in front of us in the private member's Bill that I'm sponsoring today.

One that I would note has been examined by the committee and one that I would commend to the government is a provision to set up, I'd guess you'd call it, an alternative disputes mechanism, whereby they look at what they call a residential tenancy commission and discuss what some of those powers might be and how it might operate. What we find today in current dispute resolution, Mr. Speaker, is a heavy reliance on the court system, either through the small claims court, or, in order to try and get orders through the court, applications have to be made both by landlords and by tenants. It tends to overcrowd what's already an overcrowded court system. If we could put in place an alternative mechanism that allows these disputes to be readily dealt with in a less bureaucratic and a less formal sense, I think resolutions could be resolved much more quickly and expeditiously.

While Bill 220 doesn't really go into this particular mechanism, I would commend members of the government to look carefully through the report of the minister's advisory committee, because I believe they have taken considerable time and thought, including the legislative framework in this country and in this province, to come up with this particular mechanism. I would commend their recommendations to the Assembly for their consideration when, I hope, the government would be bringing forward its own amendments to the Landlord and Tenant Act.

Mr. Speaker, in this province the Landlord and Tenant Act has not been working. We have examples of frustration from the landlord and tenant advisory boards all over the province and a sense that there's really very little that can be done to prevent actions that hurt individuals. After all, when we're talking about tenancy, we're talking about housing, which is one of the basic needs of all of us in this province and in our communities. So we have a situation where people live in their homes at the whim of somebody else's discretion. We have a situation that requires change and requires it quickly.

Throughout most of the 1980s the protection that tenants had in this province was a high vacancy rate. That is, there was a surplus of residential housing, and therefore landlords were in a position once they had good tenants of wanting to keep them. Thereby in an informal way there were good relationships that

went on. But now that we have a much lower vacancy rate and a dropping vacancy rate, where housing becomes much tighter, all of a sudden the tenants don't have the protection they had for the last 10 years through the marketplace, and they're finding that a capricious action by a landlord can spell disaster for a family, especially families on limited incomes who don't have many means to find alternative accommodation.

What we need, Mr. Speaker, is better legislation. I'm not saying that the Landlord and Tenant Act should be written solely for tenants, and I've gone to some pains this afternoon to explain, to members of the Assembly that both tenants and landlords have rights that ought to be protected and recognized under our legislation. I recognize those rights, and I believe this legislation, Bill 220, that I'm bringing forward today helps to re-establish the balance that ought to exist but does not at the present time exist in the Alberta Landlord and Tenant Act. I would ask members of the Assembly to support the Bill in front of them today.

Thank you.

MR. ACTING DEPUTY SPEAKER: The Member for Clover Bar.

MR. GESELL: Thank you, Mr. Speaker. I rise today to speak to Bill 220 in second reading, An Act to Amend the Landlord and Tenant Act.

From the outset, let me say that it's clear to me that there are some aspects of this Bill I would have very little trouble endorsing, and there are some examples I want to cite. It seems to me that the Bill would grant greater protection to tenants, and that's been referenced by the Member for Calgary-Mountain View. Bill 220 also addresses some popular tenant complaints, and I think that's referred to in the Bill under 14. But the Bill also clarifies certain areas of the Landlord and Tenant Act, and I think these points are good. They're excellent points that are made.

Mr. Speaker, I listened carefully to the member when he was speaking to this Bill, and in his preamble he referenced that the idea or the principle for this Bill originated with some tenants' concerns that were raised with the Member for Calgary-Mountain View. He talked about some need for changes that arose a few years ago, some constituency concerns. I think that's a valid initiation for some of these changes. He said he talked with some parents and some children, and they listed, in his words, "a litany" of issues and some disputes, which he tried to resolve. He indicated that what he wanted to achieve was for everyone to go away a winner. Well, I think that's great, and I think we should be trying to achieve that. I'm sorry to say that the Bill that's been introduced here doesn't quite do all of those good things. I'll deal with the specifics of that, but perhaps not in the same order that the member has discussed them in his preamble to the Bill.

Now, he mentioned freedom of speech and freedom of choice, and those are important considerations that need to be taken into account. He references the hearings that were conducted when the then Minister of Consumer and Corporate Affairs, the Hon. Elaine McCoy, appointed that Ministerial Advisory Committee on Residential Tenancies. That was done in January of 1989, and that advisory committee was established to review in particular the Landlord and Tenant Act. Now, I know the Member for Calgary-Mountain View followed that advisory committee and their hearings closely. As far as I understand it, he also attended quite a number of those. I guess he showed his

interest there, and he garnered some idea of what the overall concerns were.

When I first looked at the Bill we've got before us, Mr. Speaker, I found it to be surprisingly conservative to have been proposed by a member of the NDP Party, the Official Opposition. I find that somewhat strange . . .

AN HON. MEMBER: The NDs.

5:00

MR. GESELL: Yes, the ND Party.

Mr. Speaker, I initially found that kind of surprising, but in thinking about it and looking at the concern and attendance that the member has shown in the advisory committee and their hearings, I have changed that "surprisingly" to maybe "suspiciously" conservative. I'm putting forward a hypothesis here, and I want to specify that. I believe that maybe when one participates in hearings and garners a fair understanding of the concerns that are out there, I think one then also garners a fair understanding of some of the solutions that may solve some of those concerns. I think in that sense maybe the member has taken the opportunity to address some of those concerns and some of those solutions that he may have perceived in the gathering of this total information, but he hasn't incorporated all of them.

I want to cite specifically the comment he's made with respect to the residential tenancy commission. I'll deal in more detail with the specific tenancy commission, but he said that Bill 220 does not go into it in sufficient detail. Now, the member agrees that he hasn't included the same careful and thoughtful consideration that the advisory committee brought forward in their 57 recommendations. In this particular instance he has admitted that, but I would indicate to you, Mr. Speaker, that that applies to quite a number of the items that the hon. member has incorporated in his proposed amendment.

Let me concentrate specifically on some of these shortcomings that I see. The argument here is somewhat similar to the argument that the ND Party has prepared and discussed with relation to rent controls. The member has actually referenced that to some degree when he talks about the lower vacancy rate, tighter housing, less protection, and the surplus of housing, and I'll get into that, Mr. Speaker. When they were discussing these rent controls – and even as recently as yesterday there were some discussions about that. I think the Member for Edmonton-Beverly raised the question about housing rent increases. There is much to-do about, you know, implementing these controls, and the same applies in this instance here, on this particular Bill, but the marketplace actually takes care of that.

In the example I'm citing here with respect to the housing rent increases, I want to refer to an article just in today's paper, in the *Edmonton Journal*, and I quote.

Housing prices in Edmonton and Calgary are among the cheapest in a quarterly survey of Canadian house prices by Century 21, the real estate company.

In addition, prices dropped in 11 of 16 home categories in Edmonton, along with 10 of 22 categories in Calgary, over the past four months, the company reported, even though the two cities have "the healthiest real estate markets in the country."

So the point that was raised with respect to rent controls and all the other arguments that were made in that respect, that the government should intervene and initiate controls, fell by the wayside, because the market actually takes care of these fluctuations.

Mr. Speaker, the specific shortcoming I want to talk about is, number one, the definitions section of the Bill. Now, the proposal here includes a number of accommodations. It includes senior lodges, it includes nonprofit housing, it includes co-operative housing, and it doesn't make too much of a distinction in housing. It talks about rooms with board or portions of a hotel or tourist home, and it sets out a time frame of four months of residency as the necessary duration to establish a principle residence.

Now, in comparison to the MacLachlan report, the ministerial advisory committee, which I've referenced, these definitions appear lacking, Mr. Speaker. They're lacking here as they were lacking with the comment the member made with respect to the residential tenancy commission. So there's another example of where the member has missed some of the thrust of the comments that were made to the advisory committee and the solutions they have come back with, the 57 recommendations. That report, the MacLachlan report, is much more comprehensive in its definition of what constitutes residential premises. It excludes some of the seniors' lodges, like those that provide medical care, it excludes students' residences, and it excludes halfway houses and so on. In the case of room and board, tourism homes, portions of hotels and motels, the MacLachlan report recommends that occupancy should have to exceed six months. Six months is, I believe, the generally accepted duration for residency. It applies even to the ability to vote. So it's fairly well entrenched; it's not something that is just a number pulled out of the air. The MacLachlan report, the definition portions that I'm referring to, I find would be much more comprehensive and more workable than the member's amendments to the Landlord and Tenant Act. The amendments have missed some of the definitions that are essential in order to achieve that balance, and achieving the balance is really what we're talking about here.

Let me talk a little bit about termination. The amendment considers repealing a number of sections of the current Act and replacing them with some four new sections under Bill 220. The amendments would result in some very significant changes as far as termination is concerned. Bill 220, the way I read it, Mr. Speaker, would allow either the landlord or the tenant to terminate tenancy, and it sets three months' notice as the requirement for monthly or yearly tenancy, but for weekly tenancy it sets seven days' notice as an appropriate duration of time. Now, I feel that that may be unacceptable to the landlords. When I say that, I keep in mind that the purpose of this whole exercise – the legislation, the review – was to achieve a balance, and the report is called *Achieving a Balance*. If it does not achieve that balance, then it does not serve the purpose in the initial investigation that was undertaken by this particular commission. Some of these limitations remove too much of the ability to manage, and I want to stress that landlords, the same as tenants, have to plan ahead. When you do not provide that opportunity, it creates difficulties with a strategy for the future.

Now, Mr. Speaker, I think that's very important as far as property rights are concerned, because we're talking basically about affecting the property rights of tenants – I think they have certain rights to accommodation – but also of landlords, who own the property. Those are critical, and when we shift that balance to where we infringe on some of those rights, then we no longer have a balance. The member has referenced them. He talked about the basic rights that we should adhere to and briefly mentioned them initially. Freedom of speech, freedom of choice: very basic rights. When we shift from these rights and the state imposes certain conditions and eliminates or

reduces some of these rights, then I have great difficulty with what is being proposed, because some of these shifts are so gradual that most people don't really recognize that they're coming. I think historians refer to the process of shifting as gradualism. It's basically that a bit of individual freedom is replaced by a bit more state control at every opportunity. In that tug-of-war, the individual and the state – or let's say Albertans or Canadians – are a little worse off every time that occurs.

5:10

Let me talk a little bit – and the member hasn't referenced that, but it's in the amendment – about the conversion of residential to condominium housing. I think section 10 of the current Act deals with that. It deals with notice when the landlord wants to terminate a tenancy – and it's 180 days – for the purpose of converting those residences to condominiums. Now, under Bill 220 here that section would be expanded to also include notice of termination for some other purposes, such as "making repairs or renovations," demolition, or conversion to "other than residential premises," other land uses, and "in the case of government-owned property, if the [owner] wished to sell the unit." I think those additions again severely limit the landlord's ability to manage that property. It's an infringement of those individual property rights that I talked about just briefly earlier. For those reasons I think the present Act makes more sense and the 57 recommendations make more sense than what is proposed in Bill 220.

In addition, what is being proposed is that landlords would be forced to pay \$2,000 under this amendment in compensation for, I guess, inconvenience and stress for any tenant that's served notice under this particular section as proposed. That would definitely deter landlords from abusing their management rights, and the member has referred to that, but to me it would be an unjust burden for landlords who would be acting maybe under very legitimate circumstances. You know, when we're trying to achieve a balance, that burden, when someone is acting legitimately, should not be imposed.

Mr. Speaker, the next section that I wanted to deal with deals with rules of tenancy. I think most of the amendments that have been proposed here are very good until you get, in the amendment, to the additions that the member has proposed. These additions are basically some new provisions which outline the rules of tenancy, and the disclosure and enforceability of these rules and fees – yes, fees – seem very complex and unnecessary. I say unnecessary because in my understanding this has not been a major concern in the past. Now, I would invite the Member for Calgary-Mountain View or any other member, if I'm mistaken in this respect, to clarify that for me. If there are some major concerns with respect to this, I would like to hear about them, because then these proposed additions would make some sense. But I haven't heard any argument with respect to that particular matter.

Now, the member has talked about wear and tear and repair of premises. I missed that in the opening remarks with respect to definitions, Mr. Speaker; there is no definition in this proposed amendment of "wear and tear," although it is discussed. It's a very difficult term to identify and define because it's somewhat subjective. Nevertheless, if it forms part of this amendment, then there needs to be a definition so that both the landlord and the tenant know what we are talking about. To me, good definitions in legislation will always avoid some confrontation and dispute, so they're very essential. I find a shortcoming there as well.

The member talked about security, and that's not the security deposit but the security of the premises. No, I don't think the member talked about that, Mr. Speaker, but he has it in the amendment, in Bill 220, subsection (2.1). To me that would seem unnecessary because tenants, I feel – and I have been a tenant for a number of years – install their own security devices, and they do it at what they can get, their minimum cost. That is important, and I think it would be an onerous burden to place on the landlord to ask him to provide these security measures when individuals have personal choices in how they want to protect themselves and how they want to secure their home.

There's a section in the proposed legislation under abandonment of premises, and I want to deal with that. The proposed amendments to section 21 of the present Landlord and Tenant Act would simplify the process for landlords to try and remedy situations in which the tenants abandon their premises, and that occurs. But I have some misgivings about that, Mr. Speaker, because even though this Bill proposes to create a balance, it removes an important obligation on the part of the landlord, and I think those obligations should remain. In one sense, this amendment is not balanced in that it skews it towards the tenants, but in this particular section it goes the other way. I don't think that's right either. If you're trying to achieve a balance, I don't think that's proper. Under the current Act landlords must demonstrate reasonable efforts to mitigate their loss, and I believe that's an important requirement to retain.

MR. McEACHERN: It's in there.

MR. GESELL: Well, exactly. It's right in the present Act, and it should remain. The member is proposing to delete that portion, and that obligation should be there as part of the landlord's obligation. It's part of this fairness situation and this balance that we've been talking about.

Now, we've got some sections that deal with breach of the lease. Hon. members will remember that section 23 deals with termination of tenancy for substantial breach of the lease. The current Act requires 14 days' notice, I think a fair time, to terminate for such a breach. The amendment here calls for seven days, half of that time. Maybe I should go back to the MacLachlan report, sort of as a compromise between these two extremes, I guess. It proposes the idea and calls for a 10-day notice. Maybe that's a fair compromise. I would consider it to be fair.

[Mr. Speaker in the Chair]

In addition, the MacLachlan report recommends that notice of objection must be filed within a reasonable period of time, within five days. I think that's a superior plan. I think it's adequate notice for tenants, and it's expedient enough for the landlords. So, again, I think the MacLachlan report in those specific recommendations is balanced, and it tries to achieve a balance. I'm not so sure that the amendment, Bill 220, tries to achieve that same balance. Now, this notice portion that's recommended in the MacLachlan report also ensures that the action on the part of the landlord is taken within a reasonable and an acceptable period of time.

5:20

Let me go on, Mr. Speaker, to the damage deposit, or the security deposit, as the member has referred to it. Again I see some shortcomings. This is, again, similar to the recommendations made by the MacLachlan committee yet not quite to the

same extent, because the tenant is not quite as protected in this proposed Bill 220 as he would be with the recommendations in the MacLachlan report. In the MacLachlan report recommendations the committee advises that the landlord should not be able to make a claim on the damage deposit unless there is an incoming and an outgoing inspection report. They're both completed, and they're both signed. Now, the member talked about an incoming one, but he misses the outgoing one. Well, if you only have one side of that inspection report, you are not able to value that wear and tear we were talking about earlier, that wear and tear that needs to be defined to some degree. So there are no guideposts to evaluate what has actually occurred over the period of tenancy. Now, to me that aspect of incoming and outgoing reports would add to the protection awarded to the tenants. I think that is a critical aspect, and because it's fair and it protects the tenant, I think it's worthy of consideration and it should be included. The hon. member only has half of that protection incorporated by the incoming inspection report.

Now, he talks further about the Landlord and Tenant Advisory Board, and I have got great difficulty with that. In that section he calls for the government to

ensure that every Alberta residential tenant has access to the services of a Landlord and Tenant Advisory Board by establishing regional Landlord and Tenant Boards.

That was a quote, Mr. Speaker. The current Act already grants municipal councils the right to establish these boards, it outlines the procedures under which they can be established, and it also defines some of the functions under which they operate. I have difficulty when the Member for Edmonton-Highlands today stood up just earlier in the House under Motions for Returns and made some comments about the staff and mentioned that – and I'm quoting – heaven knows they've got enough of them, referring to staff.

Here we have the member proposing that we set up these boards at considerable expense to the government and the taxpayer – because that's who eventually ends up paying for this; let's face it – and duplicate something that is already in place, that the municipalities can put in place, without significant new benefits to anyone. Now, I don't know if the members don't realize that we're in a recession here. We're trying to balance the budget. But with motivations such as this, where they are going to propose to establish boards left, right, and centre, there really is no fiscal responsibility there whatsoever. That bothers me, Mr. Speaker, when this occurs, this proposal for unnecessary duplication of government. I don't think it's right, especially when it does not protect either the tenant or the landlord or, for that matter, anyone else.

Now, the end result of the amendments, Mr. Speaker, would be the creation of a regulatory agency to set standards. He's referred to that, a residential tenancy commission. Under 51 he's got another regulatory agency. The same applies to that particular body, because to me that is not essential as well. I think it's unnecessary because those standards are already established. The member was talking about damage, he was talking about the health board, and he was talking about municipal bylaws, but those already apply to all residences. Those are in effect, and I can't see the purpose of incorporating them again in a Landlord and Tenant Act. Maybe I'm misreading that, but it appears to be another unnecessary duplication of what is already regulated.

[Mr. Gesell's speaking time expired]

MR. SPEAKER: Thank you, hon. member.

Edmonton-Whitemud was gaining the attention of the House earlier.

MR. WICKMAN: Thank you, Mr. Speaker. I came prepared, but I guess the clock's beaten me out. In view of the time, I'll move we adjourn.

MR. SPEAKER: Thank you.

Having heard the motion to adjourn debate, those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. The motion carries. Acting Government House Leader.

MR. WEISS: Mr. Speaker, I rise on behalf of the Government

House Leader and wish to advise that business of the House tonight will be Committee of the Whole, dealing with Bill 57, the Electoral Boundaries Commission Act. I move that when members reconvene at 8 p.m., they do so as the Committee of the Whole.

MR. SPEAKER: The motion that when we reconvene, it'll be in Committee of the Whole: in favour of that motion, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. The motion carries.

[The Assembly adjourned at 5:27 p.m.]