

Legislative Assembly of Alberta

Title: **Monday, June 24, 1991**

2:30 p.m.

Date: 91/06/24

[Mr. Speaker in the Chair]

head:

Prayers

MR. SPEAKER: Let us pray.

This prayer for Parliament is that used at Westminster since 1659.

We, Thine unworthy servants here gathered together in Thy name, do humbly beseech Thee to send down Thy heavenly wisdom from above to direct and guide us in all our considerations.

Amen.

head:

Introduction of Visitors

MR. HORSMAN: Mr. Speaker, it's a pleasure to introduce His Excellency Itzhak Shelef, who is the ambassador of Israel to Canada. His Excellency has been Israel's ambassador to our country since December of last year and is today paying his first visit to Alberta in that capacity. We hope that his visit will provide an opportunity to become better acquainted with Albertans, the beauty of this province, and the dynamism of our economy. Israel and Canada have a strong and stable trading relationship in which Alberta also plays a significant part. We trust that this relationship will be further enhanced to our mutual benefit in the future. I would ask that His Excellency, who is standing, receive the warm welcome of the members of the Assembly.

head:

Presenting Petitions

MR. CHUMIR: I would like to table a petition signed by 668 concerned Albertans calling on the Premier and the government to stop hiding financial information relating to the lease of the Kananaskis golf course and asking the Premier to enact freedom of information legislation so that public business will be conducted in public.

head:

Notices of Motions

MR. SPEAKER: Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. I wish to give notice that at the end of question period today I will ask for unanimous consent of the House to deal with a motion under Standing Order 40. The motion reads as follows:

Be it resolved that Bill 315, Annual Election of the Speaker Act, be moved to the top of the Order Paper under Public Bills and Orders Other than Government Bills and Orders so as to make it possible to elect the Speaker of the Alberta Assembly on an annual basis.

head:

Tabling Returns and Reports

MR. SPARROW: Mr. Speaker, I'd like to file with the Assembly today the response to Motion for a Return 295.

MR. HORSMAN: Mr. Speaker, I'm filing with the Assembly copies of the program called Alberta Days in Tokyo. Copies will be made available to all members of the Assembly as promised last week.

MR. DINNING: Mr. Speaker, I'm filing with the Assembly today a copy of the report of the French language working group. This is a group of people who were asked to provide advice to the Minister of Education and to the government on the implementation of the Supreme Court decision with respect to French language education.

MR. WEISS: Mr. Speaker, it's a privilege to file with the Assembly a series of four documents pertaining to apprenticeship in the work force: first, Final Report: Apprenticeship and Industry Training Review Committee; second, the Apprenticeship and Industry Training Review, which contains the comments of the advisory panel on the review committee's final report; third, Future Trends in Apprenticeship Training: Implications; and fourth and finally, The Alberta Workforce to the Year 2000.

MR. SPEAKER: Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Speaker. I would like to file with the Assembly copies of a document entitled Alberta Public Sector Pensions: Principles for Pension Reform prepared by Alberta Treasury and dated May 30, 1991.

head:

Introduction of Special Guests

MR. ANDERSON: Mr. Speaker, it's my pleasure on behalf of the hon. Minister of Energy and myself to introduce to you and to members of the Assembly members of the Gasoline Consumers' Information Committee, who have served our province well by providing for an independent adjudication of oil and gas prices through the period of the crisis in the Gulf and following that. They are seated in the members' gallery, and I would ask that after I name them all, they stand to receive our welcome.

There's Lynne Arling, the president of the Alberta branch of the Consumers' Association of Canada; Corinne Vander Linden, who is a member of the board of the Consumers' Association; Merry Chellas, the executive director of the Petroleum Resources Communication Foundation; and two resource participants who advised the committee: Miles Shaw, manager of public affairs for western Canada for Imperial Oil Limited, and Mr. Bill Kurtze, managing director of the Propane Gas Association. We're missing today Mr. Terry Bocock, who was the chairman, and David Barr, who also deserve the thanks of the Assembly for the work they've done voluntarily on watching those prices on behalf of Albertans. I would ask them all to rise now and receive the warm welcome and thanks of the Assembly.

MR. SPEAKER: The Member for Lacombe.

MR. MOORE: Thanks, Mr. Speaker. It's a pleasure today to introduce to you and through you to the members of the Legislature 30 grade 5 and 6 students from the Mirror school. They are accompanied by teacher Mr. Buchanan and parents Mrs. Piffer and Mrs. Andrew.

Now, Mr. Speaker, this is a quite a unique group that we have here today. They undertook a project within their school to emphasize their desire to protect the environment, and that was the collection of milk cartons and taking that out of our environment and our countryside. Today they arrived here with between 5,000 and 6,000 milk cartons, and they've just presented that to the Minister of Education and myself with a request that the minister consider a policy in the schools where students can get involved in environmental projects.

With that brief history, I would ask them to rise – they're in the members' gallery – and receive the traditional welcome of the Assembly.

MR. DINNING: Mr. Speaker, it's my pleasure today to introduce a number of the members of the French language working group, who toiled for many hours in several meetings on its recommendations for the government to implement the Mahé decision with respect to management and control of Francophone schools by Francophone parents. They are here to watch the tabling of this report today. I'm proud to introduce Mr. Louis Desrochers, who served as vice-chairman; Mr. John Brosseau, served as a member; Mme France Levasseur-Ouimet; Mrs. Mary O'Neill; and Mrs. Claudette Roy, with our good legal counsel, Ms Sandra Cameron. I'd ask them all to rise and receive the warm welcome and appreciation of all members of the Assembly.

MR. SPEAKER: Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. It's my privilege today to introduce to you and Members of the Legislative Assembly two guests from Moscow in the U.S.S.R.: Ekaterina and Alexander Kovalenko. They're accompanied by their Canadian host Helene Caryk. They're seated in the public gallery. I'd ask them to rise so that we can welcome them to Alberta and Canada.

MR. TRYNCHY: Mr. Speaker, it's not often that I have the privilege of introducing a grandson to this Legislature. Seated in the members' gallery are two special people: my grandson, James Peter, and his grandmother, my wife Lorraine. Would they please stand and receive the welcome of this Assembly.

head:

Ministerial Statements

2:40

French Language Education

MR. DINNING: Mr. Speaker, I was pleased to table earlier today a copy of the report of the Working Group on French Language Education. Members of the Assembly will recall that the 1990 Supreme Court decision in the Mahé case said that although Alberta has distinct Francophone schools and a large number of Francophone programs, section 23 of the Charter of Rights and Freedoms means that Francophone parents must be given the right to manage and control their own schools where numbers warrant.

As a result of the judgment and following extensive consultations throughout the province, the Working Group on French Language Education was established in January of this year to review the court's decision and to make recommendations on an effective solution for Alberta. The Supreme Court clearly said that it was up to the province to decide how best to meet the section 23 requirements within the Alberta context. They suggested one approach. That was putting a single Francophone trustee on an existing school board in places like Edmonton. The one clear thing we have learned through all of our discussions, Mr. Speaker, is that there is no support for this suggestion. Albertans have told us that it will not work, and we have accepted their advice.

Developing an appropriate solution has been a difficult task. The government had hoped to be in a position to introduce legislation during this sitting, but that simply was not possible. I received the working group's report just a few weeks ago, and for us to give the report the careful consideration it deserves

means that there is simply not enough time for us to develop appropriate legislation.

Mr. Speaker, this government takes very seriously its responsibility of introducing effective legislation because legislation affects the lives of all Albertans. Legislation on management and control of Francophone schools will affect parents and students, school boards and teachers in a number of communities throughout Alberta. These groups must have the opportunity to look carefully at the working group's report and to tell the government, to tell their MLAs, and to tell the Minister of Education whether the proposed approach is one that would work in their communities. The working group's report is a significant step forward. It allows us to focus our thoughts on what is the best solution for our province.

I'd like to express my thanks to my colleague Walter Paszkowski, who served as the chairman of the working group, as well as to all members of the group for the many hours they devoted to this challenging task and for the thoughtful recommendations they have provided. Over the coming weeks, Mr. Speaker, I will be asking for Albertans' views on the recommendations of the working group. That advice will help us to ensure that we meet our objective of developing the best possible solution here in Alberta.

MR. MARTIN: Mr. Speaker, I'm sure the minister must realize that there's going to be a lot of frustration from the announcement made here today in this Legislature. I recognize that it's not an easy issue; it's a difficult issue. However, this was going on before we had the ruling by the Supreme Court in 1990. People are expecting governments to lead and eventually make tough decisions whether everybody's going to like them or not. We know it's not going to be dealt with this session. We were pretty sure of that before this announcement. However, it's been left very vague. There's no time limit when this would be dealt with at all. I wish the minister could at least have been a little more forthcoming. Will it be in a fall session, next spring, 10 years from now, 100 years from now, or when? If something is not done here in the Legislature, this could end up back in the courts, and it could end up costing the taxpayers of Alberta a lot more money.

So I think it is disappointing, Mr. Speaker, that at this stage we're still back at square one. That's really what the minister is saying. That's not good enough. There should be at least some direction about when we are going to deal with this issue.

head:

Oral Question Period

Vencap Equities Alberta Ltd.

MR. SPEAKER: The Leader of the Opposition.

MR. MARTIN: Yes, Mr. Speaker. To the Minister of Economic Development and Trade. Last week the Official Opposition revealed that the Alberta Heritage Savings Trust Fund had shrunk by 13 percent since 1983 because of this government's waste and mismanagement, and of course we compared that with what's happening with the Alaska Permanent Fund. But I know these guys are shrewd business people. To continue further, we have just examined the recently released annual report of Vencap, and we see why the heritage trust fund isn't doing very well. Vencap's annual report reveals that for the 1990-91 fiscal year, Vencap returned an abysmal \$709,000 to the Heritage Savings Trust Fund. That's one-half of 1 percent on its \$200 million. Some performance, Mr. Speaker, some performance. My question to the minister is straightforward. What does the

minister have to say to Albertans about a one-half of 1 percent return on their \$200 million Vencap investment? Does he view this as an acceptable return for the people of Alberta?

MR. ELZINGA: Mr. Speaker, when one examines the return as it relates to the investment return from Vencap, we have to take into account that it is venture funding. If one examines venture pools of capital, the success rate is not near the success rate that Vencap has experienced over the last number of years. I'm surprised that the hon. member would only relay what has been returned as it relates to an investment on a percentage basis, because if one examines their investments and the contribution they have made to the diversification of this province and their involvement with companies in the high-tech area, creating jobs for the province of Alberta, there are manifold spin-off benefits that do accrue to the province notwithstanding the low return on a percentage basis on this investment.

MR. MARTIN: Mr. Speaker, he can say whatever he wants; \$709,000 on \$200 million is not exactly a brilliant return.

Let's look at the reason for the totally inadequate return. This government has consistently, a typical old story, used Vencap as a taxpayer-funded slush fund to give money to prop up the failing companies of its friends like BioTechnica, Churchill Corporation, Emery Apparel. In fact, one of the Vencap investors put it as well as anybody could. He said that Vencap is the worst case of cronyism he's ever seen. Same old problem: their friends again. To the minister, simply this: given Vencap's atrocious rate of return, how does the minister justify his government's policy of doling out Vencap dollars to companies based not on what they know but on who they know, Mr. Speaker? How does he justify giving the money to his friends again, the same as the loan guarantees?

MR. ELZINGA: Mr. Speaker, here we see again the inconsistency of the New Democratic Party, whereby they have indicated on a regular basis in this House that we should have an arm's-length organization involving themselves in investing for the diversification of the province. This is an arm's-length organization; it takes no direction whatsoever from this government, and for the hon. member to suggest otherwise is a total misrepresentation of the facts, in which this individual deals on a consistent basis.

You cannot solely base the return as it relates to this province on the percentage return on the investment that the government has involved itself in. There are many companies providing many jobs, providing many spin-off benefits to the province of Alberta. The reason Vencap was established in 1983 was so it could contribute substantially to the diversification of the province. It's doing its level best to do so. We recognize that if we had our druthers, the interest return would be higher, but we recognize more importantly the spin-off benefits that have accrued to the province of Alberta.

MR. MARTIN: Mr. Speaker, arm's length? It's just a coincidence that all these people getting this money and going broke happen to be friends of the government, right? Some coincidence.

Mr. Speaker, let's talk about venture capital and the spin-off he's talking about. This report shows that Vencap's venture investment portfolio is performing so badly that it almost completely ate up the earnings from two-thirds of Vencap's deposits that are held in bank accounts and bonds. I mean, this

is some venture capital. In other words, if it were not for the Vencap deposits that are not being used for venture capital, the venture investment portfolio would be a net drain on the taxpayers of Alberta. My question to the minister is simply this: considering that Vencap continues to keep two-thirds of its investments in bank deposits and bonds, how does the minister justify Vencap's venture investment portfolio's horrible performance, a performance that is so bad that it eats up profits made on two-thirds of its assets held in bank accounts and bonds?

2:50

MR. ELZINGA: Mr. Speaker, we're all aware that the leader of the New Democratic Party is unaware of what venture capital pools are involved in. If one examines venture capital pool involvement, we find that in excess of 50 percent of them usually do go through a failure pattern. Vencap has done extremely well when one examines their record as compared to other venture pools. The hon. member himself recognizes that there has been a return, small as it may be.

Let me re-emphasize for the hon. leader of the New Democratic Party that this is an arm's-length organization. It does not take any direct direction from this government whatsoever. If the hon. member is suggesting that we should have direct intervention, it's contrary to what they've indicated in the past, whereby they have suggested that we have a greater amount of arm's-length organizations.

MR. MARTIN: Mr. Speaker, I'm sorry; I won't laugh at the minister.

Aids to Daily Living Program

MR. MARTIN: Mr. Speaker, my second question is to the Minister of Health. I'd like to move from the government's atrocious mismanagement of public funds to who it expects will pay for this mismanagement. We all saw the Conservative government, the same one which throws cash at its corporate friends, slash funds to seniors to pay for the financial bath it's been taking, but now we see that the government is about to slash funds to the handicapped children of our province. Exactly one week from today this government's cuts to the Aids to Daily Living program will take effect, and parents of severely handicapped children will have to cough up more money to look after their children. Our office is getting a number of plaintive calls and letters from parents of those children. My question to the minister is this: how does the Minister of Health justify these cruel – and I stress cruel – and unfair cutbacks to this program, cuts that will hurt every handicapped child in this province?

MS BETKOWSKI: Mr. Speaker, as I've indicated on several occasions with respect to some of the areas of AADL and in particular some that we've discussed in this House like incontinence supplies and catheter supplies, many of which are being accessed through the handicapped kids being clients of AADL, it is not all that will be affected by the changes. As I've indicated before, about 70 percent of our clients, for example, with incontinence supplies have used less than what is now the ceiling on the supplies. We have launched an appeal process by which families who are affected in a major way because of the limit we've put on the supplies can launch an appeal. We're also going to the high users because, as I've indicated to the hon. member, the limits that we chose were limits that were consulted medically and were part of international research with respect to what is the appropriate level. However, I realize that through

appeal we've certainly allowed for those families who have an extraordinary medical or personal or financial circumstance to get beyond what is the normal limit of the program.

MR. MARTIN: Mr. Speaker, an appeal is not going to work. It's takes time and money from these parents. Most people are under stress right now. The policy is wrong.

Mr. Speaker, these parents are telling us that if these cuts go forward, they will have no choice but to consider institutionalizing their kids, which will end up costing the government much, much more in the long run. My question to the minister is simply this: considering that the institutionalization of only 17 kids as a result of these cuts will completely knock out the projected savings, will the minister explain how these cuts make any sense whatsoever from a financial never mind an ethical point of view?

MS BETKOWSKI: Mr. Speaker, obviously it is not the intent of the program to institutionalize people who were previously not institutionalized. Contrary to the Leader of the Opposition, I think that in fact the appeals can and do work. I'm hopeful that we'll be able to get through them as quickly as possible. Certainly all the workers within AADL are working to ensure that that is the case.

MR. MARTIN: Mr. Speaker, this is a government that has all sorts of money. They can hand out money to Pocklington, to Vencap, to their friends, and to everybody else, and we don't have money for handicapped kids. That's appalling, absolutely appalling.

The minister's already made one mistake with the seniors. I want to ask the minister this, the one who so cheerfully slashed benefits to the seniors of Alberta. I want a chance for her to avoid making the same mistake by slashing support to handicapped kids. The question is this: with one week to go, will she immediately reverse the cutbacks to the Aids to Daily Living program so that the handicapped children of our province have the opportunity to continue to be cared for at a decent level by their families in their own homes, not in institutions? That's what the bottom line is.

MS BETKOWSKI: Mr. Speaker, first of all, we haven't slashed benefits to seniors. We've increased our benefits to seniors by \$75 million.

With respect to the handicapped children's services program, that has not been changed. Handicapped children's families do access, however, the Aids to Daily Living program. With respect to handicapped children's services, I can tell the hon. member that we are in the throes of a very comprehensive review of that program to look at the value-added component of a handicapped children's services program. I know the associate member and other ministries in government are looking at that program to ensure that we are providing for handicapped kids a very good program in this province, which we do provide. However, on the changes in the AADL I think we are working through to ensure that we have increased those benefits, asking for some cost sharing on the benefits, and a very extensive appeal process, which I think will show that in fact our Aids to Daily Living program is one of the most contemporary and progressive in Canada.

MR. SPEAKER: Calgary-Buffalo, on behalf of the Liberal Party.

Pension Liability

MR. CHUMIR: Thank you, Mr. Speaker. This question is to the Ten Billion Dollar Man, the Provincial Treasurer. The \$9 billion unfunded pension liability affects all Alberta taxpayers in general and the 160,000 employees in particular. Now, the Provincial Treasurer, the most secretive minister in the most secretive government in Canada, has prepared a report dated May 30, 1991, which the Liberal caucus has obtained and which I filed earlier this afternoon, which sets out the unilateral decision of government on a number of matters. These matters include a proposal to have employers, such as municipalities and school boards, as well as employees pay a surcharge in respect of the \$9 billion liability. Now, the question to the Provincial Treasurer, Mr. Secrecy, is: in light of the fact that \$9 billion of liability has accumulated due to the incompetence of the provincial government, I'm wondering whether the Provincial Treasurer will tell all Albertans what percentage of this past liability he plans to off-load onto municipalities and school boards and particularly employees, since pension consultants tell us it's unheard of for employees to be asked to pay a part of a past unfunded liability, never mind one . . .

MR. SPEAKER: Thank you, hon. member.

MR. JOHNSTON: Well, first of all, the member is interrupting an important negotiating process, which fortunately he's not involved in and won't be involved in, a process between the boards which have the responsibility for dealing with policy questions and the government, which has responsibility for finding a solution, which we're now about to do. I only say, Mr. Speaker, that I hope the member's words were wrong when he said: we have had consultation with the consultants to the government, pension consultants, on these matters. If that's the case, I want the record to very clearly show that.

MR. CHUMIR: Whatever negotiations are going on there, let it be noted that it's behind closed doors.

Ontario didn't off-load their past liabilities onto their employees. I'm wondering, therefore, whether the Treasurer will agree, as Ontario did, to establish a committee of independent experts to report to this House within six months so that we can all see what's going on instead of having these matters dealt with behind closed doors.

MR. JOHNSTON: As usual, this government will continue to maintain its responsibility to these employees of the government across a variety of sectors. Certainly five or six pension boards are affected. It's our view, Mr. Speaker, that the major long-term security to anybody in a pension plan right now is to ensure that the funded liability is put in place. Now, the member's rambling dissertation is absolutely wrong. We will correct the unfunded liability by the end of this period. We have already had negotiations with the pension boards, and as the House knows, I've introduced legislation already on a consent basis, which allows us to change by way of regulation, with full consultation with the boards, the pension plans that Treasury's responsible for, which deals with the federal changes in income tax legislation.

The second part of this, Mr. Speaker, is a commitment to the boards and to the members of the pension plans to have discussions with them over the course of the next two to three months whereby we'll resolve by negotiation with the beneficiaries under the plans how it is we'll correct this unfunded liability.

We will not take the slipshod approach that the Member for Calgary-Buffalo or the socialist Liberal Party would recommend. We will deal with the participants firmly and fairly and in a discussion format.

3:00

MR. CHUMIR: Mr. Speaker, for years the minister has been hiding information with respect to these matters, and now he's again going behind closed doors. I know that the municipalities and school boards are concerned with the pattern of off-loading we've seen so far with respect to fuel taxes and medicare premiums, and I'm wondering what the minister is going to do to ensure that he consults with municipalities and school boards in terms of their concern about further off-loading of the amounts that should be paid by this government.

MR. JOHNSTON: Well, you can see from the member, who represents the Liberal Party's discursive policies, which are rambling and slipshod, as I've indicated, that he doesn't know what he's talking about at all. What we will in fact do is deal with the pension board members, as I've indicated. We will circulate in the next two weeks the very detailed position of the province of Alberta, which will set forth a series of recommendations that will be negotiated and discussed and are in the mutual interest of all parties involved. It's not going to be secretive or behind closed doors; it will be up front, in full, open discussion, as we have already done. Secondly, Mr. Speaker, any impact on other beneficiaries or participants will be fully discussed with them, as is the common policy of this government, as it will be in the future, as it is now, and as it will be evermore.

Teachers' Retirement Fund

MR. JONSON: Mr. Speaker, for the past year teachers across the province have been telling us that there is a very serious problem with their pension fund. There's a danger that the retirement fund may not be able to meet the future call on the fund from teachers retiring. My question is to the Minister of Education. Legislation has been introduced by the Provincial Treasurer, which has just been noted, to begin the process of putting the government-managed pension plans on a firm basis. What are the steps that are being taken to provide these same provisions for the Teachers' Retirement Fund?

MR. DINNING: Well, Mr. Speaker, as the hon. member and as my colleague the Treasurer just pointed out, we are ensuring that the Teachers' Retirement Fund as well as the other government-funded pension plans are fully on side with federal income tax legislation. I'm also pleased to advise the Assembly that we have reached an agreement with the Alberta Teachers' Association whereby we are taking an important next step in making sure that the TRF, the Teachers' Retirement Fund, is on a fully sound financial basis. The agreement that we have reached with the Teachers' Association is a memorandum of understanding that moves the TRF to a fully funded, defined benefits pension plan that ensures matching contributions by both teachers and the Alberta government and provides that current and future retirees will be provided with an annual cost of living adjustment based on 60 percent of the consumer price index. All in all, the memorandum of understanding ensures that teachers have a secure financial package which provides that security not only to teachers but to future taxpayers in this province.

MR. SPEAKER: Ponoka-Rimbey, supplementary.

MR. JONSON: Yes, a supplementary question, Mr. Speaker. It's my understanding, though, that if the memorandum of understanding reaches fruition, it must be followed by legislation in order to be effective. My question, then, to the Minister of Education is: what would be the follow-up steps, and when could we expect this legislation to actually take place and affect the Teachers' Retirement Fund?

MR. DINNING: Mr. Speaker, in keeping with what my colleague the Treasurer said, we went through a series of six meetings, six discussions with the representatives of the Alberta Teachers' Association. There was full consultation and full negotiation. The Teachers' Association itself will now take this memorandum of understanding and will provide information on the detailed content of the memorandum of understanding. It will then be followed by a representative assembly of teacher representatives who will be asked to consider and hopefully endorse the agreement. Once the ratification has occurred, then the government would introduce legislation at the next sitting of the Legislature.

Mr. Speaker, I want to reiterate that this important step is one that will put the Teachers' Retirement Fund on a sound, solid financial basis. It will provide the kind of security that many in our teaching profession have expressed concern about, fully recognizes the contribution that our teachers make in this province, and gives them that security for the future.

MR. SPEAKER: Edmonton-Jasper Place.

Whistle Blower Protection

MR. McINNIS: Yes, Mr. Speaker. On Friday the Minister of the Environment appeared to rule out the important matter of whistle blower's protection. He said that it was a policy not just for Environment but for the entire government. He went on to say some other things, but I think perhaps I better not repeat those. My question is for the hon. Solicitor General, who has recently encouraged Albertans to phone in and report drunk drivers to authorities so we can get them off the road. Now, I hate to be the one to accuse the Solicitor General of wanting to protect the purveyors of human carnage on the roads after all of the posturing that he's done, but I wonder if the Solicitor General would tell Albertans why he would be party to a government decision which leaves those who do their civic duty subject to harassment, intimidation, and possible reprisal in the absence of whistle blower's protection?

MR. FOWLER: Mr. Speaker, I'm not going to respond in respect to the "Whistle Blower's" Protection Act that the hon. Member for Edmonton-Jasper Place has pushed for a couple of years.

In respect to drinking and driving on the highways, it has been my initiative for the two-plus years that I have been here to get these drunks off the road. What I'm doing is tying into systems that are already there: Crime Stoppers, Neighbourhood Watch, Crime Watch, and these things, all of which encourage reporting crimes in progress. Somebody who is on the road driving while intoxicated is a crime in progress. I have a great concern for the damage and carnage that can be caused by that person and ask for the citizens of this province to take part in reporting that crime.

MR. McINNIS: Mr. Speaker, we share the concern about getting drunk drivers off the road. The concern today, though,

is for people who report those drunk drivers. Why would he want to leave them in a position where they are vulnerable to harassment, intimidation, and possible reprisal? Why not protect the witness in this case?

MR. FOWLER: Mr. Speaker, the reporting of crimes by responsible citizens has been going on for decades if not centuries. The responsible citizen who wants to report a crime does in fact do so and doesn't seem overly concerned about whether they are going to be reported or about something that arises from that in any case, and I don't think they will be in respect to reporting drunk drivers either.

MR. SPEAKER: Calgary-North West.

International Offices

MR. BRUSEKER: Thank you, Mr. Speaker. It seems that good old Tories never die; they just get cushy jobs overseas. For example, the executive assistant to the Minister of Economic Development and Trade, a former culture minister, a former cabinet committee secretary, and the manager of the Premier's office are all now agents general in our various Alberta offices. Albertans are concerned that we don't just have retirement homes for old Tories but that in fact we're getting these places staffed by the best available people. My question today is to the Minister of Federal and Intergovernmental Affairs. Could the minister confirm whether or not it is true that the director of research and special projects in the Premier's office, Mr. Gordon Young, has in fact been named as the agent general to Hong Kong in another political patronage appointment?

MR. HORSMAN: I can confirm that Mr. Young has not been named as the agent general for Hong Kong. When such appointments are made, they are done by order in council, and no such order in council has been passed.

MR. BRUSEKER: Mr. Speaker, then my supplementary question to the minister is: before the order in council is passed, will the minister agree to having an open competition to allow everyone a fair opportunity for this job and that we get the best person in there, not just another appointment?

MR. HORSMAN: I assume that the hon. member would like us to go through the same procedure as the federal government used in appointing the chairman of Canadian National. When the hon. Member for Edmonton-Gold Bar received that appointment, I don't recall any appointment being advertised. The fact of the matter is, of course, that anybody . . .

MR. TAYLOR: That was a generation ago.

3:10

MR. HORSMAN: The hon. Member for Westlock-Sturgeon says that "that was a generation ago," but I can assure the hon. member that I have observed with a good deal of care how appointments have been made to various positions where the government is served either at the provincial or at the federal level, and in most cases I believe the best people have in fact been appointed to those positions. Certainly in the preamble to the hon. member's first question it has been made very clear that the people who are serving Alberta in our foreign offices abroad are doing so very capably and effectively and efficiently and in the best interests of Albertans, and it will be the policy of the

government to continue that practice to see that that type of service is continued.

MR. SPEAKER: Lesser Slave Lake.

Forestry Projects in the North

MS CALAHASEN: Thank you, Mr. Speaker. There has been a great deal of information about a cabinet decision regarding the proposed YFY pulp mill and Polyboard OSB projects in northwestern Alberta. These are in a region of the province that continues to have high unemployment, high welfare, and thus is poverty stricken. I would hope that the Environment critics from the Liberal opposition and the Official Opposition – or, as they're known, the whistle blowers – support these environmentally sound projects. We know they hate to deal with environmental problems in their own backyards. However, I would encourage that they continue to support these projects. Could the Minister of Forestry, Lands and Wildlife clarify the correct information and status about the cabinet decision regarding these two projects?

MR. FJORDBOTTEN: Well, Mr. Speaker, first of all, it's been very difficult to come to a decision on these proposals. There are two competing proposals for the area. They're both very good proposals, and both proponents feel that they can meet all the environmental standards that have been established in this province. Both MLAs, the MLA for Lesser Slave Lake and the MLA for Smoky River, have worked very hard in promoting the projects for the area. As well, the communities have worked very hard. We've gone through a number of committees in government. We've gone through cabinet and come to some conclusions, and in those conclusions I was directed to do some further work in certain areas. An example would be defining clearly the wood supply numbers for the area, and I'm in the process of doing that. I advised both companies of that last Friday, and they both are still very positive.

MR. SPEAKER: Supplementary.

MS CALAHASEN: Thank you, Mr. Speaker. It has been a long and involved process for the communities involved to get this far. Would the Minister of Forestry, Lands and Wildlife, again, indicate the time frame for a final decision?

MR. FJORDBOTTEN: Mr. Speaker, these projects will go through a different process than the projects that preceded them in that there will be no final decision coming from cabinet with respect to which project will proceed. The Natural Resources Conservation Board will be involved. That's a new board that's been established, and establishing the process that the proponents would go through with the Natural Resources Conservation Board is one area that we're working on. To answer the question directly, it's my undertaking to move as quickly as I can to identify the wood supply numbers that I talked about, and then the process would be that we would look to the Natural Resources Conservation Board.

Workers' Compensation Board

MR. GIBEAULT: Mr. Speaker, my questions today are to the minister responsible for the Workers' Compensation Board. When injured workers are referred to the Workers' Compensation Board's Rehabilitation Centre, they do not expect to face hazards and have additional injuries to compound their original

one, yet on May 30 one of my constituents was seriously injured at the rehab centre due to an elevator malfunction. Since my constituent has not even received so much as an apology from the WCB for this incident, I wonder if the minister would give a commitment today to investigate this matter and give some assurance to my constituent and other injured workers that this kind of hazardous situation has been rectified.

MR. TRYNCHY: I'm disturbed by the manner that I receive this. Here we have a personal, confidential application for compensation sent to me openly. I don't know how many more copies are floating around. Surely if the hon. member had this, he'd have been to my office this morning and dealt with it in confidence. It's an open application that's been floating around through the Legislature – where else? – and it's a personal and confidential document. Mr. Speaker, there's a process for all these applications to go through, and it's not through the Legislative Assembly or the minister's office. Now, if the hon. member cares to come to my office and deal with this in confidence, I'd be glad to do it.

MR. GIBEAULT: So he won't even bother to investigate the incident. What a shame. Well, let's try some other minister, and maybe we can get better results here.

Let's go to the Minister of Labour. I would like to ask this question: given that the Workers' Compensation Board is in violation of section 13 of the Elevator and Fixed Conveyances Act, which is under her responsibility and which requires the reporting of an elevator accident, will she launch a prosecution against the WCB as provided for in section 22 of that Act?

MS McCOY: Mr. Speaker, my department has indeed been inspecting the elevator that caused this unfortunate incident. It's my information that while this person was on the elevator, the elevator jerked, throwing him off balance and causing him to fall against some of the handlebars in the elevator, a most unfortunate incident. We are still, however, continuing our investigation of the elevator, and we will have more to report in due course.

MR. SPEAKER: Vegreville.

Farm Income

MR. FOX: Thank you, Mr. Speaker. My questions are to the Associate Minister of Agriculture. In addition to having to pay the high cost of inputs like fertilizer and herbicides, farmers in Alberta have had to borrow more money this year to cover costs imposed on them by government through cuts to the farm fuel distribution allowance program and premiums for the GRIP program. Now, the federal government has made some interim cash assistance available to farmers this year as long as the province participates in NISA, and for reasons known only to the ministers of Agriculture in this province, they refused to participate in this program. I'd like to ask the minister why she and her colleague the Minister of Agriculture have abandoned their responsibilities to Alberta farm families by refusing to negotiate, lobby for, and participate in a deficiency payment for farmers this spring?

MRS. McCLELLAN: Well, first of all, Mr. Speaker, I think all Albertans and certainly all farmers in Alberta would disagree with the statement that the member made that this Department of Agriculture has abandoned farmers. As I have said on other

occasions with similar questions coming from the member, this government, this department has a record of assistance to farmers that is unprecedented in Alberta. I could go through the list again, with your indulgence, Mr. Speaker, but I won't. As the minister has outlined in this House on a number of occasions on the same question, the federal government has accepted responsibility for the third line of defence, and there is nothing stopping the federal government from putting forth this payment to Alberta farmers at any time.

MR. FOX: Well, they can stall forever and nothing happens, Mr. Speaker. Now her colleague the Minister of Agriculture goes on television and says that farmers in Alberta don't have any problems, and that's just appalling. I'd like to ask the minister if the real reason they refused to participate in NISA is because she and her colleague don't really believe that farmers need or deserve the money?

MRS. McCLELLAN: Well, first of all, it's always very convenient to comment just on a one-liner from an interview and ignore the rest of it. In fact, what the minister and I have said on a number of occasions is that the agricultural sector in Alberta generally is strong. There is no question that the grains and oilseeds sector has faced some very severe challenges, and we have reacted to those by addressing them with assistance on credit for young farmers through the ADC beginning farmer program, on input costs on both fertilizer and fuels, and again in the very substantial commitment we made this spring in introducing the revenue insurance program, which has been introduced in this House and debated at length. So for the member to say that we have abandoned farmers is entirely wrong. Again, the level of support that we offer to our producers in this province is unprecedented in Canada, and I would challenge the member to show otherwise.

MR. SPEAKER: Edmonton-Gold Bar.

Aids to Daily Living Program (continued)

MRS. HEWES: Thank you, Mr. Speaker. Effective July 1 the changes in Aids to Daily Living will begin despite the tremendous amount of evidence we've all had on how devastating these changes are going to be to low- and fixed-income Albertans. We're still getting a lot of calls from Albertans who don't understand why the government keeps boasting that people on AISH, social allowance, widows' pension, and income supplements will not have to pay the 25 percent cost share, yet if these same individuals need incontinence supplies, the program will only pay a maximum of \$400 a year leaving the consumer to pay the balance, often as high as \$1,600. Despite the serious consequences for clients on government assistance, I'm alarmed at the silence of the Minister of Family and Social Services. My questions to the minister are: what will the minister be doing to help his clients who require more than \$400 worth of incontinence supplies: diapers, pads, catheters? Will the minister pick up the difference?

3:20

MR. OLDRING: Mr. Speaker, the Minister of Health already pointed out in the Assembly earlier today that there is an appeal process in place to address those unique situations.

MRS. HEWES: Mr. Speaker, to the Minister of Health then. The appeal board is made up of ADL employees, the very people who designed the program. I don't believe anyone could

expect that to be objective. Will the minister then undertake to appoint members from the public and from social advocacy groups to this appeal committee? Let's make it fair.

MS BETKOWSKI: Mr. Speaker, the AADL program panel, which would review, in this case, the numbers and the levels of maximum supplies, is one that includes medical analysis. I'll certainly look at the membership of that appeal panel and look to broadening that out in these circumstances. I thank her for the suggestion.

MR. SPEAKER: Calgary-Millican.

Electric Utility Rates

MR. SHRAKE: Thank you, Mr. Speaker. In the city of Calgary the cost of electrical power has now risen to a cost higher than the municipal property tax. They just got a 31 percent increase. It makes a total increase of 42 percent in 14 months, and many of the seniors and low-income families are having a hard time with this. I wonder if the Minister of Energy could please shed some light on why electrical power rates have had such a dramatic increase.

MR. ORMAN: Mr. Speaker, I should point out to the hon. member first and foremost that any increases in rates are interim, because the Public Utilities Board is having their rate case hearings as we speak.

The hon. member should know that there is a movement on the North American continent towards the more regulatory practice of user pay; that is, to do away with cost subsidies. I can tell you that the Public Utilities Board has that same attitude, although it is not being implemented in a holus-bolus manner. I should also say that the Department of Energy is now looking at a number of issues facing the electrical industry, such as rate design and industrial incentive rates, that will smooth out some of the bumps that occur in electrical rates.

Finally, Mr. Speaker, I know the hon. member is referring to the TransAlta situation in southern Alberta. In fact, TransAlta is requesting a 38 percent rate increase to cover what they maintain are their increased costs. There has not been an increase in rates to TransAlta since 1985, and if you compare their request of 38 percent to the CPI inflationary rate, which is about 33 percent, you can see that they are pretty much in balance. At the end of the day, the Public Utilities Board will judge the submissions made by the proponents, listen to the intervenors, and then make a decision.

MR. SHRAKE: A supplementary question, Mr. Speaker. We proceeded with the Sheerness plant, and then later we had the Genesee plant at a cost of hundreds of millions of dollars. I've been informed that we didn't really need that power, but we're going to have to pay for that power station which was not necessary at this time. Could you please advise who foolishly went ahead with the Genesee plant when we had the Sheerness plant almost completed?

MR. ORMAN: Mr. Speaker, one of the difficulties in the process of approving new power plants in the province is the disparity in the decision-making process between the Energy Resources Conservation Board and the Public Utilities Board. In our government's view the decision-making process should be one process; that is, whether the project gets approval will depend on whether or not there is a demand for power. In the

situation of Sheerness and the first Genesee unit there is no question that some of the rate increases in the system are a result of those plants being brought in, construction allowed to occur, and the cost going into the rate base when there is no significant increase in power forecast until probably around 1996. So those decisions, those recommendations at the desire of the city of Edmonton, have resulted in higher costs.

As I indicated, Mr. Speaker, the board will make that decision, take all of those matters into consideration. We are looking at rate design issues to deal with some of these disparities that we've discussed here just now.

MR. SPEAKER: Edmonton-Calder.

Poverty

MS MJOLSNESS: Thank you, Mr. Speaker. The poverty rate in Alberta is unacceptably high, so high that in Edmonton alone 34,000 children under the age of 12 years had to go to the food bank last year. A recent Statistics Canada survey shows that children born to poor families are at greater risk of having disabilities and other health-related problems and are 66 percent likelier to die before the age of one. The Minister of Family and Social Services' social reform package that he is so proud of offered a 10 cents a day increase in food allowance for adults, and families in this province continue to live in poverty. To the minister: in light of the serious effects that poverty has on these children and that many of these families are on social assistance, will the minister act immediately to raise the rates of social allowance to reflect the true cost of living?

MR. OLDRING: Mr. Speaker, let me make it very clear that we're not going to buy our way out of poverty. That may be the members' opposite solution, but it certainly isn't the solution of this government. As it applies to the poverty level, I would again remind the member that amongst the lowest levels of poverty in Canada exist here in Alberta as a result of some of the initiatives of this government. I would also remind the member that we've just seen a massive increase in our income security budget before this Assembly. We've seen the rates focused on children in particular increased by up to 19 percent. We've seen increased standard benefits as a result of the reforms. We're doing everything we can. We're not happy about poverty levels anywhere in Canada. We're not happy about food banks anywhere in Canada. But as we look at what we're doing in Alberta compared to other provinces, I would think the member would have to agree that at least in Alberta we're heading in the right direction.

MS MJOLSNESS: Mr. Speaker, 10 cents a day won't even buy an apple, and that's certainly nothing to be proud of, I would say.

Given that the health problems suffered by poor children begin before birth, I would ask the minister: will he at least agree to increase the meagre supplement available to pregnant women on social assistance, which was not increased in the social reform package last fall?

MR. OLDRING: Well, again, Mr. Speaker, let's talk about policies. I can assure the member opposite that we're certainly not going to follow the lead being offered by the Ontario NDP, where we're seeing food bank usage not just double or triple but quadruple: totally out of control in Ontario. I can assure the member that we're not going to follow that route. I can assure

the member that we're going to do everything in this province to continue to diversify, to make real alternatives available to Albertans, alternatives in the form of jobs. They might not think that's the answer, but I can assure you that the efforts of this government created in excess of 100,000 new jobs in this province in recent years, and not just jobs but good jobs, because we have amongst the highest family income in all of Canada.

Mr. Speaker, I would again point out some of the successes. They talk about statistics. This is a release from the Canadian Association of Food Banks. This is their newsletter, and I quote, "Edmonton's Food Bank has experienced a 42% drop in food demand since 1986, and an 11% decline between 1989 and 1990." That's the direction that we want . . .

MR. SPEAKER: Thank you, hon. minister.

From last week we have some tidying up. We have three questions from the Member for Edmonton-Mill Woods to the minister of Occupational Health and Safety.

3:30 Workers' Compensation Board (continued)

MR. SPEAKER: The first one we will deal with is the one that occurred on June 19. The question was: "When [will] the WCB start to adhere to its own principles of 'client satisfaction' and 'benefit of doubt goes to worker'?"

Hon. minister.

MR. TRYNCHY: Mr. Speaker, I guess the first question was: where is the minister? Maybe I could answer that first. Last week, starting on Monday, June 17, at 6:30 a.m., I had breakfast at Petro-Canada and spoke to a number of workers, contractors, and guests, then traveled to Lethbridge for a function there. On Tuesday I started at Whitecourt at 6 o'clock in the morning . . .

Speaker's Ruling Relevance

MR. SPEAKER: Thank you, hon. minister. You're out of order. You're not here to answer that question. You will answer the question that the Chair just raised. [interjection] Thank you, hon. members.

The question once again: "When [will] the WCB start to adhere to its own principles of 'client satisfaction' and 'benefit of doubt goes to worker'?"

Workers' Compensation Board (continued)

MR. TRYNCHY: Mr. Speaker, I'll abide by your ruling.

Since April of 1989 in my office we've communicated with approximately 3,500 injured workers. We have asked those injured workers that if they are not satisfied with Worker's Compensation decisions, they should appeal it to the Ombudsman. Out of that we've had 23 supported claims from out of 100,000 files opened by compensation in 1990. The percentage of that is .0023, a pretty good record. Mr. Speaker, of the seven people that were contracted by the Ombudsman, two were from the 1984 claims, two were from 1986, one was from 1987, one was from 1988, and one was from 1989. From January to May of 1990 the Ombudsman looked at 65 complaints. In the same period in 1991, from January to May, he's looked at 42 complaints, a decrease of 35 percent. We are moving in the direction of having less complaints go to the Ombudsman.

MR. SPEAKER: Thank you.

Edmonton-Mill Woods, on that issue.

MR. GIBEAULT: Mr. Speaker, a 44 percent increase in complaints to the Ombudsman is okay by this minister. Is he not going to take any action to reduce that level of complaints, or will he be happy to see it go up another 44 percent next year?

MR. TRYNCHY: Well, Mr. Speaker, I guess the member has difficulty listening or hearing. I just mentioned that in the same period in 1991 the complaints to the Ombudsman have decreased by 35 percent. That's going in the right direction.

Worksite Safety

MR. SPEAKER: From June 20 the question was:

When will this government finally show some leadership and insist on a full cleanup of these hazardous worksites across the province? The minister of Occupational Health and Safety.

MR. TRYNCHY: Well, the member would have to be more specific, but I think he was referring to the PCBs at Swan Hills. In our information that I received just recently, research has shown that the levels of PCBs in the workers there was 30 parts per billion. Those working in PCB environments have reached as high as 1,900 PCB parts per billion. Mr. Speaker, the department of Occupational Health and Safety has now identified those employees. They've been moved from those jobs to other jobs. This happened in January. I understand the PCB level of all those employees is below the 30 parts per billion, and they're now working again at the site.

MR. SPEAKER: Edmonton-Mill Woods, on this issue.

MR. GIBEAULT: Well, it's fine to move employees, but we wanted to know what exact action has been taken to clean up the contamination problem at the site where it happened so it doesn't infect other workers. Can the minister address that?

MR. TRYNCHY: Mr. Speaker, the people involved in running the plant have now advised us that they have that under control and that the PCB level is being reduced to a level that's acceptable. They have a monitoring system in place now that will give us the readings of PCBs in workers a lot quicker than they have in the past.

MR. SPEAKER: From June 21.

MR. TRYNCHY: Mr. Speaker, the June 21st one was in regards to a toxic chemical in fly ash at the Daishowa plant. My information today is that there was . . .

Tuberculosis in Elk

MR. SPEAKER: Hon. minister, no, that was for the previous day. The one for the 21st is with respect to what measures will be taken

to protect Alberta workers from biological hazards, especially those that have resulted from this government's misguided policy on game ranching.

MR. TRYNCHY: Mr. Speaker, if this is referring to the TB processing at a northern Alberta processing company, I'm informed today that there's been an order to shut the plant

down from handling or processing any further infected elk, and Occupational Health and Safety will be monitoring that situation to make sure that that TB dust, or whatever it is, is not present at the worksite.

MR. SPEAKER: Thank you.

Edmonton-Mill Woods, on this issue.

MR. GIBEAULT: It's reassuring to hear of an action there for a change. But let me just ask the minister further: given this outbreak of tuberculosis in this particular plant, is he going to look at the biological hazards that workers are exposed to in processing plants around the province or is he going to wait until there's an actual outbreak of the disease there? Will he do a check at the other processing plants as well?

MR. TRYNCHY: Well, Mr. Speaker, there's only the one plant that is processing the infected elk, and according to the report we received just today from the medical profession, a person can be positive with TB but not necessarily have a TB infection. If there are other plants that are working with infected animals, certainly Occupational Health and Safety will be moving as quickly as possible to make sure it's monitored.

MR. SPEAKER: Thank you.

head: **Motions under Standing Order 40**

MR. SPEAKER: A Standing Order 40 request, Edmonton-Gold Bar.

Annual Election of the Speaker Act

Mrs. Hewes:

Be it resolved that Bill 315, Annual Election of the Speaker Act, be moved to the top of the Order Paper under Public Bills and Orders Other than Government Bills and Orders so as to make it possible to elect the Speaker of the Alberta Assembly on an annual basis.

MRS. HEWES: Thank you, Mr. Speaker. I rise under Standing Order 40 to ask for unanimous consent of the Assembly to deal with the motion. I've read the motion into the record, and I won't read it again. It's been circulated to all members.

Speaking briefly to the urgency of the matter, we are not assured in the House that there will be a fall sitting of the Legislature. Mr. Speaker, we have placed this Bill on the Order Paper. There's no question in my mind that Albertans are concerned about parliamentary procedural reform. Their concern is not a fad, I submit, but a deeply held feeling that we need reform, and reform related to the office of the Speaker among other things. The federal government has seen fit to recognize the need for change in this regard. It's also important that both the House and the citizens of this province always have total confidence in the Speaker. Therefore, we believe that the Speaker should be confirmed or reconfirmed each year to guarantee that that confidence and that belief in the Speaker is maintained in this most significant function of the House.

Mr. Speaker, I believe that it's important that this Bill be debated in this sitting in order that the matter be resolved, and I ask for the support of all members.

MR. SPEAKER: Standing Order 40 request: those willing to give 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.

Speaker's Ruling Member's Apology

MR. SPEAKER: The Chair believes Edmonton-Glengarry has a statement.

MR. DECORE: Mr. Speaker, on Friday last I was named in this House for a conduct that the Speaker found unparliamentary. I've had the opportunity of reviewing *Hansard*, particularly the exchange that took place between the Speaker and the hon. Member for Edmonton-Whitemud. It is not, as I understand it, that I am being asked to apologize for calling the Minister of the Environment a mouse or mousy but that I am being asked to apologize for not sitting when the Speaker rose, and for that I apologize, sir.

MR. SPEAKER: Thank you, hon. member, but in actual fact it would have been very gracious of you to have withdrawn your remarks about the hon. Minister of the Environment. You were called to order for that because that is indeed not parliamentary practice.

With respect to being ordered from the House, the matter was not only that you continued to stand, but the comments that were being shouted back at the Chair. Nevertheless, the Chair accepts your apology. Thank you.

head: **Orders of the Day**

head: **Government Bills and Orders**
head: **Second Reading**

3:40
Bill 9
Arbitration Act

MR. EVANS: Thank you very much, Mr. Speaker. I'm pleased to rise today in second reading of Bill 9, Arbitration Act.

Briefly, sir, the new Bill is an entirely new piece of legislation which incorporates the existing provisions of the Arbitration Act and expands these provisions in a number of areas under two major headings: firstly, with respect to the appointment of arbitrators, and secondly, with respect to the power of arbitrators. The current Act, Mr. Speaker, also includes provisions dealing with gas price arbitrations. Bill 9 will not be including such provisions, since they are to be moved over to the Natural Gas Marketing Act.

[Mr. Deputy Speaker in the Chair]

The Alberta Law Reform Institute, Mr. Speaker, has identified two major problems with the existing Act. Firstly, a number of practical problems remain unsolved, and secondly, the scope of discretionary intervention by the courts is very broad, and that either defeats or at least potentially defeats the purpose of the Act and the purpose of the arbitrating parties, which is to avoid the courts. Bill 9 provides more details regarding appointing of arbitrators, the powers of the arbitral tribunal, and the conduct of an arbitration. The Bill provides limits on court

intervention and prescribes grounds upon which an award may be appealed or set aside.

Mr. Speaker, this Bill is a very positive initiative based on consultation and the report of the Alberta Law Reform Institute. It's responsive to the marketplace, and it may very well assist our courts by assisting in reducing the backlog of cases before our courts. I certainly encourage all members of the Official Opposition and the Liberal opposition to support the Bill, and I'm pleased to move second reading of Bill 9, the Arbitration Act.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Strathcona.

MR. CHIVERS: Thank you, Mr. Speaker. I rise on behalf of our caucus to express our support for this Bill. I want to say a few words about the process which brought it about and to compliment the government and the Alberta Institute of Law Reform for their participation in that process. I think this is very good legislation. Both the process and the product have combined to result in some legislation which I think will be of benefit to Albertans.

I think it important to note that the legislation applies only when the parties agree to arbitrate. This is a crucial component of the legislation. It is a voluntary process that the parties initiate of their own volition. The legislation will not, of course, apply to arbitration under other statutes where there are codes provided for that arbitration. I'm thinking here of the labour relations legislation under the Public Service Employee Relations Board and under the Labour Relations Code. The legislation will not apply in those circumstances because of course in those circumstances those Acts mandate resort to arbitration.

The Bill, as the learned member sponsoring the Bill has indicated, is brought about by the process with the Alberta Law Reform Institute. It's modeled after the uniform law code in this area. I think that's an important movement towards consistency and uniformity in laws in several jurisdictions, the Canadian jurisdiction at the federal level and the other provinces in the country. I think that's an extremely important and significant movement in that area, and I'm pleased that Alberta is leading the way in bringing about uniform legislation in this area.

Mr. Speaker, as is the practice with Alberta Law Reform Institute projects, we as a caucus have had an opportunity to review this legislation in advance. I appreciate that we've had that opportunity. I think that process has been useful in terms of giving us the opportunity to make input before the legislation is printed to come before the House. We made numerous recommendations with respect to changes that would improve the legislation, and I am happy to report that approximately two-thirds of our 25 suggestions were adopted and have been incorporated in the legislation. I think this is a very useful and constructive approach to the development of legislation, and I again applaud the government for following that approach in this instance.

I've also had the opportunity, Mr. Speaker, to speak with the Alberta Arbitrators and Mediation Society, who are critically involved with this legislation in practise, when it comes into law. I did have the opportunity of addressing them, along with the Minister of Labour, at their annual general meeting in Calgary a couple of weeks ago. I'm happy to report that they also support the initiatives that are outlined in the Bill.

The Bill is structured around two very crucial and fundamental principles: the need to recognize and provide for control of

the process by the parties – that's the voluntary aspect of the legislation – and the need to ensure and guarantee fairness and due process in the procedures. Mr. Speaker, I'm confident that this Bill respects those principles and will rationalize and strengthen and improve the arbitration process in Alberta, and I'm happy to speak on behalf of the New Democrat caucus in supporting this legislation.

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

MR. CHUMIR: Thank you, Mr. Speaker. I'm pleased to similarly second the support for this piece of legislation. It's very complex and represents a great deal of work by the Law Reform Institute and other interested parties in the province, including, I might say with compliments, a very thorough job of review by the Member for Edmonton-Strathcona, who came forward with some very positive suggestions which have been accepted by the government in a rare display of collegiality, which I hope will serve as a precedent.

From the point of view of this caucus we have been pressing for improvements and broadening of the different, alternative forms of dispute resolution and for improvements in ways of resolving legal disputes. This piece of legislation certainly falls within a category that suits and serves our concerns. I've spoken to members of the legal profession who work in the area of arbitration, and they're very pleased to see these improvements, which bring us to a state-of-the-art level in dealing with these types of matters in this country.

My compliments to the sponsor of this Bill, the Member for Banff-Cochrane, and to the government. We'll be supporting this with enthusiasm.

MR. DEPUTY SPEAKER: Is the Assembly ready for the question?

HON. MEMBERS: Question.

[Motion carried; Bill 9 read a second time]

Bill 52

Electoral Boundaries Commission Amendment Act, 1991

MR. ROSTAD: Mr. Speaker, I move second reading of Bill 52, the Electoral Boundaries Commission Amendment Act, 1991.

The principle of this Act is to extend the time allotted for the commission's report, which was to be nine months from the striking of the committee, which took their time line to I believe it was September 17 or 18, and extend that to December 31, 1991, or earlier.

The legislation is being brought forward at the request of the commission, which unanimously asked that the time line be extended to December 31 or sooner. The request was predicated on the Supreme Court of Canada judgment in the Saskatchewan electoral boundaries, which came more quickly than most people had anticipated. But in view of that Saskatchewan Court of Appeal judgment and the appeal to the Supreme Court, there was a motion put forward by the parties interested in the Alberta electoral boundaries to have our Alberta Court of Appeal reference extended. That extension was granted by the Court of Appeal to September 30. In view of the report now coming from the commission, under our present legislation, prior to the Alberta Court of Appeal judgment being heard, the commission has requested that the

December 31 date be acceded to by the Assembly. I would point out that it says, "or earlier," meaning that if our Court of Appeal moved with the alacrity of the Supreme Court and a judgment came early, the report could come earlier.

It's my pleasure to move second reading of this amendment.

3:50

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Speaker. I'm wondering, given what happened with the decision of the Supreme Court of Canada, whether it's even necessary at all for the reference that's been sent to the Alberta Court of Appeal to even be heard. It seems to me that it might be appropriate that that matter be adjourned until such time as we have a map, whether it's the interim map or the final map of the commission, so that the Court of Appeal can take a look at the actual boundaries that Alberta proposes to have for the next election. It would appear, again, from the decision that the Supreme Court of Canada handed down just this month that the Alberta legislation would hold and that in all likelihood what would have to be considered is the final map that the commission comes up with and that the Legislature deals with, not now the legislation that was passed.

You're looking at two very different matters. Currently the legislation is in its abstract form. Lines can be drawn anywhere in the province, given the legislation. It just provides for a commission to go out and draw those lines. Let's wait and see what the lines look like before we take that matter to the Court of Appeal.

Secondly, Mr. Speaker, the dates that the commission currently has are September 17, 18, in that area. That's sufficient time for the Alberta Electoral Boundaries Commission to come up with its interim map. We don't think we need this extension to December 31. I appreciate the comments that the hon. Attorney General made when he said that they will have now, with this amendment to the Act, to December 31 "or earlier." Well, the way commissions work, seemingly what happens is that if you've got a time line, people tend to work to that deadline. I'm quite concerned about having a December 31 deadline. December 31, you know, right at New Year's Eve: traditionally what happens is that in January around here many members of government, of cabinet, are away on vacation. So there's going to be a long period of time, I fear, before the interim boundaries would be dealt with at all.

[Mr. Speaker in the Chair]

During the committee's hearings when we tried to come up with some time lines for a commission to report – I'm sure that the chairman of the committee would correct me if I'm wrong – if memory serves me correctly, it was the Official Opposition that tried to even shorten the time line of nine months for an interim report down to something less than what's currently in the Act and that nine months was indeed the compromise we came up with. To grant an extension of three and a half months certainly seems to be, well, excessive at the least, especially in light of the Supreme Court decision.

As I said, Mr. Speaker, I think that the decision of the Supreme Court of Canada is such that it follows that the Alberta Electoral Boundaries Commission will have the authority to go ahead and draw the boundaries. But what we'll have to have is the actual map before we can determine whether or not we

can consider the boundaries to be fair and acceptable. At that point, I think we'd be better off taking a reference then, once we have that map, to the Alberta Court of Appeal to determine whether or not that is fair. As I said, in its current form I don't think there's any doubt at all that the legislation would hold.

MR. SPEAKER: Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I, too, would just like to make a few comments about this. The Attorney General has suggested we amend one section that deals with the time limits. There are two sections that deal with time limits in this particular Act, and there's no reference made to the other section, which I believe is the subsequent section to section 19. It talks about a final report. During the debates the Official Opposition and the Liberal opposition both tried to shorten up the time frame from what had been in place before, which was 18 months, amended in I believe it was Bill 57 last year. The Electoral Boundaries Commission Act shortened it down to a proposal of 15 months. But now it looks like we're in fact extending it back up to the 18-month maximum again or at least back to what we had before.

Now, my concern is that if we accept this amendment that we have before us today and we don't change the time for revision and review of the interim report – and again, as the hon. Member for Edmonton-Belmont has said, it's typical that students and teachers and commissions and committees tend to work to a deadline. If they have an additional six months, we could find ourselves a year from now in this Legislative Assembly still not having received the final report. That is a possibility under that legislation, which would mean, therefore – if, as in past experiences, the House adjourns for a summer session – that it's possible we would not have new electoral boundaries. Actually, the Act that enshrines those new boundaries as proposed by the report would not in fact be dealt with until perhaps a fall session in 1992 or, if there is no fall session, perhaps not until 1993. Now, that is a bit of a concern. We would perhaps be four years into the mandate of this government without having new boundaries drawn. I mean, that is a possibility that could occur.

What I'm wondering, if we are to accept this particular amendment that we have before us today, Bill 52: is there going to be any proposal to shorten that interim time frame so that in fact we can deal with legislation to create new boundaries in the spring session of 1992? Because if we don't get the report until late in the session, it might be the case that we would not be able to deal with it. I'm concerned about that. I'm on record in *Hansard* as having expressed that concern before on behalf of the Liberal caucus, and I would like to see us in fact ensure that we move as expeditiously as possible. I think the suggestion made by the Member for Edmonton-Belmont – that in fact the committee proceed with boundaries, go ahead and draw them anyway; we still have a six-month time span to review that – does not inhibit, on one hand, the commission, nor would it, on the other hand, of course, inhibit the Alberta Court of Appeal, who is to review Bill 57 we passed in this House last year.

So I really have some concerns about passing Bill 52 as it stands by itself because there is another piece that I think should be going along with it.

MR. BOGLE: Mr. Speaker, I'm pleased to rise to make some brief comments on Bill 52. I think it's important for each of the last two members of the Assembly who spoke, the hon. Member for Edmonton-Belmont and the hon. Member for Calgary-North

West, to reflect back on the Attorney General's opening comments, in which the Attorney General indicated that a unanimous request has come forward from the Electoral Boundaries Commission. That is not a request by the majority of the commission nor by the chairman alone. It is a request by all five members of the commission, and I'm certain that the request was not made lightly. The request was made because of the uncertainty placed on the whole area of electoral boundaries relative to the Charter of Rights when the Court of Appeal in the province of Saskatchewan ruled that Saskatchewan's legislation was not in keeping with certain provisions of the Charter of Rights. Now, all members are aware that that subsequently has been struck down very decisively by the Supreme Court of Canada. The Supreme Court of Canada has ruled very effectively and in a very forthright way that the Saskatchewan legislation is indeed appropriate and within the bounds of the Charter of Rights.

4:00

I recall that when we were debating our own legislation last winter, the hon. Member for Vegreville indicated that he believed that our legislation would withstand a Charter challenge. Keeping in mind the fact, Mr. Speaker, that the Electoral Boundaries Committee, the all-party committee which developed the framework used for our own legislation, had the advantage of visiting with the late Justice Culliton from Saskatchewan, who had chaired the boundaries commission in Saskatchewan and had input from both British Columbia and Manitoba, we were able to make recommendations which, in our opinion, would make our legislation even more Charter-proof than that in Saskatchewan. But keeping in mind that we do have a recommendation from the commission which is unanimous, it's important to give that very due consideration.

I would also suggest to the two members who have previously spoken that it would be highly irregular for the commission to go ahead and proceed with its work of drawing lines and disregard the Court of Appeal dates in September of this year. I think that's the very reason that the commission has requested a three and a half month deferral. It is the legislation which is at issue in the Court of Appeal in Alberta. It is not lines being drawn. The lines to be drawn are based on the legislation, are based on the principles within the legislation. Therefore, it is the legislation which will be tested in the Court of Appeal, not the lines. To proceed and draw lines in advance of that is, in my view, the basis for the unanimous request by the commission to defer the time lines.

It's important for members to understand that when the interim report is presented, it is not up to this Assembly to do anything. The report is presented. If the House is sitting, it's presented to the Assembly. If the House is not sitting, it's presented to the Speaker, and it is made public. The purpose of the interim report is to advise the public in Alberta of the proposed boundaries so that they in turn may decide whether or not representation should be made to the commission in terms of any alterations in their own particular areas.

Now I'm addressing my comments, Mr. Speaker, particularly to Calgary-North West. When we talk about compressing lines even further, it's important that we not lose sight of the recommendations and the advice that we were given by the Chief Electoral Officer. We did compress the time lines for the interim report from a full year, a 12-month period, which had been the case in the 1983 report, down to nine months. We now have a request to add three and a half months back to that. To suggest in any way, as the Member for Calgary-North West did,

that we can now go back and in some way compress the six months between the issuing of an interim report and a final report would fly in the face of the recommendations and the advice we were given by the Chief Electoral Officer. It is important that the public, that individuals, that local governments, that other interested parties have an opportunity to voice their concerns with any lines, with any proposed boundary changes which indeed have been made.

Clearly, Mr. Speaker, the Court of Appeal will be looking at the framework which is contained within our legislation. They'll be looking at the plus/minus 25 percent criterion, which has already been dealt with in the Saskatchewan case by the Supreme Court of Canada. They will be looking at our provision which requires the commission to use the most recent census figures available, and members will recall that we agonized over that, because the most recent census figures available are 1986. Had we waited until the 1991 census figures were available, the commission could not have begun its work until 1992, when those figures are all available in detail. To use the census figures that are compiled by some but not all municipalities, say the 1990 figures, would be incomplete: again, advice given by the Chief Electoral Officer. That is another matter which no doubt will come to light in the Court of Appeal hearings. The single- and the multi-municipality constituencies: an issue which no doubt will be raised – no doubt – as was discussed very fully by the committee. The concept that in large urban centres where through recent annexations there are large rural areas with acreages; possibly those acreages should be in a neighbouring constituency and not part of the traditional urban constituency. We wanted to ensure that the commission had the flexibility to look at that.

In closing, Mr. Speaker, I'd like to support Bill 52 in light of the fact that it has come to us as a unanimous request by the Electoral Boundaries Commission to give them the necessary time to hear the results of the Alberta Court of Appeal decision so they may complete their work in developing the new constituency maps, draw lines, and proceed to the December 31 date for an interim report, recognizing a final six months for the final report.

MR. SPEAKER: Thank you.

The Member for Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Speaker. I just wanted to continue a bit if I could along the line taken by the Member for Edmonton-Belmont and elaborate a bit further. I, too, am having trouble with why they're delaying pushing forward. The hon. Member for Taber-Warner mentions the Supreme Court ruling from Saskatchewan, and as we all know, that's come in after the government has apparently put in motion the time lines.

But what I think it says fairly clearly is that one of the recommendations that came out of the hon. member's committee, which all parties were represented on, was the hybrid constituency that was part rural, part urban – I don't think either the urban people or the rural people are happy with it. It was put in there as sort of a Byzantine scheme to get around keeping a certain amount of rural representation up at a high level. Actually, I think it could have easily worked out that the government could have shot themselves in the foot on something like that. Nevertheless, I think that putting that in the legislation, and now what we've seen that's happened with the Supreme Court, it might be wise if we took time for the committee to take that possibility back away from our commit-

tee. I think that a setup of a possibility of constituencies with a small concentrated centre in the spoke of the wheel going out to a wide underpopulated rural area is going to be anathema to both rural and urban people. Certainly, if you turned an engineer loose with a slide rule and a computer, being an engineer myself, that's exactly what he or she will come up with, because they are the type that would build a highway right through the Louvre in order to make a straight road across Paris.

So when we look at that possibility which has been occasioned by the committee in order to try to preserve rural power, which is no longer necessary because of the Supreme Court decision, Mr. Speaker, I would like to see something that would take that possibility away from the committee; that is, of putting together a rural/urban type of riding that nobody is going to like.

Thank you.

MR. SPEAKER: Edmonton-Jasper Place.

4:10

MR. McINNIS: Thank you, Mr. Speaker. It's another session of the Legislative Assembly and another piece of government legislation again delaying the reform of the electoral boundaries in the province of Alberta. That's how we measure our lives. Every year there must be another Bill delaying the process of electoral boundary reform further, and of course this session is no exception. The Third Session has its Bill 52, as have the other two sessions of this Legislature.

I think probably the request from the commission is entirely predictable, given the regrettable pattern of delay in dealing with this matter in the government to this point in time. It all began by assigning to a group of MLAs, however well-intentioned, the task of determining whether and how the Charter of Rights and Freedoms applies to this particular circumstance, a question which never was, on the face of it, a political question to be decided by politicians but rather was always a question that had to be litigated upon and decided that way. So for the Member for Taber-Warner to stand up and say that, well, we were right and you were wrong, reminds me of the adage that you should never bet on a race unless you're in it. I wouldn't bet on what a court was going to decide unless I was a member of that court, and I think the other members should do as well.

The last general election, as everyone knows, was held on March 20, 1989. We've well passed the second anniversary of that election. Normally, sir, the enumeration process would be under way, commencing in a couple of months' time to set matters on a foundation that the government may call the election at any given time. The purpose of this legislation is to further delay the process by setting back the date of the report of the Electoral Boundaries Commission until December 31, 1991. Presumably the Legislative Assembly may deliberate upon that report in a spring session a year from now, and we may have boundaries in place, I suppose, shortly after the third anniversary of the last provincial general election. Now, that's gets us into a period of time when it's definitely open to any government to call an election, so I think we're playing a fairly dangerous game here.

I think there are a number of things that are needed at this stage. I don't think there's a great deal that we can do but honour the unanimous request of the commission under these circumstances, because the commission has been given a job to do. They didn't create the legislative mandate that they work under; they didn't create themselves. That commission was created by an Act of the Legislature and the personnel struck by

order in council. So they've inherited a situation which is the result of the previous 18 months of stalling on the part of the government. They've looked at their responsibilities under the legislation, the state of their organization, and they've asked that they be given a further three months and two weeks to complete their mandate.

Now, there's been some discussion of the impact of the court case, again initiated by the government, by the Attorney General. It was the Attorney General who framed a question based on, I think, the question that that original select committee was supposed to answer, which is whether or not any of this is in violation of the Charter of Rights and Freedoms. Obviously, the committee and the government feel that having an answer to that question in the abstract by the Alberta Court of Appeal has some bearing on whether or not the results of it are legal or not. I think there's a problem with that, and the problem is that the courts are usually – I say "usually"; you know, you can't bet on these things because they're decided by other people – not willing to answer abstract questions, and this in effect is because the legislation, as was pointed out by the sponsoring members time and again, is permissive, sets out some rules that the commission has to follow, and none of us at this date, not even the Appeal Court of Alberta, knows what the end result of that process will be.

What I know of it, in reference to the matter referred to by the Member for Westlock-Sturgeon, is that some number of thousands of dwellers in the two major cities will be booted out into surrounding rural ridings in order to make the numbers balance, and what those numbers will be remains to be seen. Now, that's clearly not even a slightly disguised attempt by the government to freeze the cities of Edmonton and Calgary with the same number of seats in this Assembly as they've had previously. I'm sorry, Calgary gets one more seat; Edmonton gets none. The quid pro quo to balance that is to toss these people out into a neighbouring riding where, depending on how big the toss is, they will either swallow up or be swallowed up in the surrounding riding.

Those things are not spelled out in detail in the legislation. All that's spelled out is that there shall be no more than X number of seats within the city of Edmonton and the city of Calgary. For the courts to look at that and not be able to see how it's going to work out in practice – I think it's very unlikely that they will render a judgment that is satisfactory in the sense of being completely definitive on all of the issues, and I think it will leave us in the situation where there will continue to be some further litigation potentially, depending on what the commission comes up with. That's exactly the situation that Saskatchewan found itself in, with their boundaries having been impugned at the eleventh hour and then a hiatus period and then re-established according to a decision which, the way I read it, really doesn't say a lot about anything other than the circumstances that are right there before the court at that moment. [interjection] That tends to be the way courts operate, Mr. Member for Athabasca-Lac La Biche.

MR. CARDINAL: Effective representation.

MR. SPEAKER: Order please. Through the Chair, hon. member.

MR. McINNIS: The courts don't look at these questions in the abstract, and they don't look at your empty rhetoric either. What they look at is the question of whether the Charter

guarantees that the things that apply to each of us as citizens of this great country are met fairly or not.

So what we have today is a further delay of several months before we find that question out; again no firm commitment to a timetable in terms of when the next enumeration is. That's the key to the whole thing. Until we have a date fixed for the enumeration, no one can say in this province when the process will be finished, because it all works back from there. You have to have poll map boundaries in order to have an enumeration; you have to have riding boundaries to have poll map boundaries, and we still have only a vague time frame of when that could be. It is quite possible that the next election could be called before any of this is done. It's also more and more likely that there would be some litigation under way dealing with these boundaries at the time that the election is called, or at least at a time when a government may be thinking of it.

So we have a regrettable pattern of delay which has resulted in some innocent people on the boundaries commission finding that they're ill equipped to do the task assigned to them by this Legislature. That's the background to the request today: another session, another delay.

MR. SPEAKER: Vegreville.

MR. FOX: Thank you, Mr. Speaker. I'd like to make some comments on Bill 52. I had the opportunity to participate extensively on the debate on the Electoral Boundaries Commission Act in the fall. I've had numerous conversations with members on the committee. Indeed, the Member for Taber-Warner and I have shared some views on these things.

I've been of the opinion all along, I guess, that the reference to the Court of Appeal in the province of Alberta was a somewhat academic process. I felt that it was an attempt by the government to try and get some before-the-fact vindication of the ensuing process. It was my opinion that the Court of Appeal would rule that there isn't anything in the Electoral Boundaries Commission Act that offends the Charter of Rights and Freedoms. Now, I'm not in a legal position to make that assessment, Mr. Speaker, but it was my judgment, I guess, that the Bill is permissive – the language in the Bill is permissive; it says "may" instead of "shall" in many cases – and that we wouldn't really have something that could be examined or measured against the Charter until there were lines drawn on a map and one had a chance to see how the commission in the first instance and the Assembly in debate, following presentation of the final report, applied the guidelines expressed in the legislation to the actual process. So I felt it was somewhat academic.

4:20

I guess it's my view now, Mr. Speaker, that the reference is perhaps moot given the recent decision by the Supreme Court based on the Saskatchewan boundary situation, and I'm not sure whether this unanimous request from the commission was made to the government before or after the Supreme Court decision. I'm not sure of the timing of that. It seems to me that there were some guidelines, some statements made by the Supreme Court justices in their judgment, some judgments made by them, that do give us some guidelines, some methods to follow in terms of redrawing electoral boundaries, and I wonder really to what degree we need this Court of Appeal reference if this isn't just a process that further delays something that the people of Alberta consider very important, and that is the establishment of electoral boundaries for the purposes of ensuing elections.

The Member for Taber-Warner referred to some of the things that the court will be looking at: the issue of single- and multi-municipality ridings. Well, if that's not a bogus issue, I haven't heard of one, Mr. Speaker. I made this argument in the fall. Describing ridings as single- or multi-municipality just describes what has, in fact, been the status quo since Canada became a country. Some ridings are indeed single-municipality and some are indeed multi-municipality; that's always been the case. You know, it's like saying all of the ridings drawn under the provisions of this Act shall be in the province of Alberta. Well, of course they are. I don't think you need a court to decide whether or not these ridings do in fact exist or shall exist in the future; they have, do, and will.

There are many ridings that are currently constituted in the province that contain a mix of urban and rural residents, Mr. Speaker. Wetaskiwin-Leduc, Stony Plain, Fort McMurray, Grande Prairie: a number of ridings like that come to mind. What I found of particular concern in that designation, I guess, is the restrictions in the Act placed on the numbers of seats in the cities of Edmonton and Calgary. I'm not offended by the notion that Edmontonians or Calgarians would be grouped in some cases with rural residents, because I think as Albertans we have much in common, but I think that when you've got jurisdictions as large as Edmonton and Calgary, single-municipality jurisdictions as large as those two are, it's really unnecessary and counterproductive to bring forward measures that don't see all of those citizens being in the same jurisdiction.

The Supreme Court ruling I suppose could be interpreted in a number of ways. I heard government members rubbing their hands with glee after the decision came down and saying: well, this vindicates us and everything we've ever thought; now we can go out and regardless of what the commission comes up with, we can make sure that the resulting boundaries conform to our wishes. For some government members I suspect that is that the margins be used in every instance, that the rural ridings, the so-called multi-municipality ridings, be 25 percent smaller than the average in almost every case, and that the urban ridings be 25 percent larger than the average in almost every case.

If that's what the commission did, or that's what the government by way of its majority in debate on the report sometime in the future did, I think it would fly in the face of some of the things that were said in that Supreme Court judgment, Mr. Speaker. They offered vindication of the Saskatchewan boundaries, but if you look at those boundaries, they don't use the margins of the legislation in every case; they use them in some instances. They, in fact, came very close to targeting the average in a great many cases. You'll find some of the urban ridings in Saskatchewan, Regina and Saskatoon, begin very close to the average, as were some of the rural ridings, and the margins were used, apparently, in areas where they felt there was justification based on some of the things that the Supreme Court justices referred to, like community of interest, geography, distance, and history.

It would be my sense that the Supreme Court ruling did not say to the province of Alberta: "Go ahead and use the extremes of your legislation. Make half the ridings in the province have populations of 35,000 people and half of them have populations of 21,000 people, with four of them at 14,000." I don't think that's what it said at all. In fact, if you look at the Saskatchewan boundaries, the two northern ridings that were permitted to have populations lower than 25 percent of the average didn't approach the margins either. I think they were 35 to 38 percent. They weren't 50 percent smaller. So I think if the government wishes to interpret that decision as vindicating a process that

would still result in a great discrepancy in the principle of equality in representation in the province of Alberta, I think it would be a mistake.

It would be my hope, Mr. Speaker, that we could now expedite the process, that the Supreme Court has in a sense cleared up some of the issues that are before legislators in Canada in various provinces, and that we could now expedite the process. Perhaps even the government might want to consider proposing that the reference to the appeal court be withdrawn and that we get on with the process of redrawing the electoral boundaries in the province of Alberta and give the men and women on that commission the tools they need to get the job done, because what really concerns me is that we're going to continue to wallow in a sea of electoral uncertainty for some time in the province of Alberta. It's now two years since the last election. If this Bill is passed, the interim report wouldn't appear till the end of 1991, the final report at the end of June 1992. It's likely the Legislature won't be in session at that time. The government may wait till the fall of 1992, if indeed we have a fall session, to have the final Bill debated in the Alberta Legislature. I mean, my gosh, we could be well into 1993 before we even have an enumeration, and we'd be long past what has been the traditional average term for governments in the province of Alberta since 1971. That average is slightly less than three years and six months. So I think we need to move forward and try and get some things done and give the commission the tools they need to redraw the electoral boundaries.

I sponsored a motion in the House, as the Member for Taber-Warner will well remember, trying to shorten the nine-month, six-month time frames for the interim and final reports to six months and four months, believing that if the will was there and the tools were given to the members of the commission, we could handle that. That was defeated, and we were left with the nine months, six months. Now I guess it's being recommended that that be extended to sort of a 12-month, six-month process, which I think is just unacceptable.

There's no doubt, Mr. Speaker, that the longer the boundaries remain uncertain, the longer Albertans don't know which constituency they'll live in after the boundaries are redrawn, the greater the advantage to the government in the province of Alberta, because with 59 incumbents the process of renomination, gearing up the election machine, and getting ready is really much easier for the governing party than it is for any opposition parties that may wish to challenge. I think what Albertans want is to be given the opportunity to make decisions on their own without the powers that be trying to manipulate those decisions by process, and I think that's to some degree what we have here.

We've got a very serious situation in the province of Saskatchewan where they had a set of boundaries. Those boundaries were challenged; it went to the Supreme Court. In the interim the government along with the co-operation of the opposition in the Saskatchewan Legislature came up with a whole other set of boundaries that everyone agreed they could live with in the province of Saskatchewan. Now that the Supreme Court vindicated the earlier boundaries, I don't know if anyone knows which boundaries they propose to use when an election is eventually held, unless the government decides to cancel elections in the province of Saskatchewan. Apparently, they've abdicated the throne in the last week or two: a Conservative government with their tail tucked firmly between their legs and running for the hills.

MR. SPEAKER: Thank you, hon. member. Let's get back to the Bill.

4:30

MR. FOX: Well, thank you, Mr. Speaker. In fact, the Supreme Court decision based on the Saskatchewan boundaries is something that is very germane to the debate on Bill 52, and I'm pleased to make reference to it, referred to by members moving and speaking to the Bill, Mr. Speaker. I think the . . . [interjection] Well, you're right; there aren't many hills in Saskatchewan for them to hightail it to.

Anyway, we don't want to get into that situation in the province of Alberta. I think we need to recognize that two years and three months since the last election we've all known that this process was mandated by legislation in the province of Alberta, that after every second election the boundaries shall be reviewed and a commission established to redraw if necessary. But as my colleague for Edmonton-Jasper Place outlined, there's been a number of delays, every one with an apparent excuse, an apparent good reason for establishing a committee and then extending the committee's time lines and then the legislation and extending that. You know, we're going to be in a situation where quite frankly, Mr. Speaker, the government may choose to call an election before the process of redrawing the existing boundaries is complete, and they'll look to the Supreme Court decision to say that, you know, it's our right to do that.

So I have grave concerns about extending the deadline to December 31. I believe we've got the resources to make it happen a lot sooner than that, and I wish the government would reconsider trying to delay this process. Let's get involved in redrawing the electoral boundaries in the province of Alberta so that people know which constituency they're going to live in. We're getting into that electoral limbo, that time period where MLAs from all over northeastern Alberta are stampeding into the Vegreville constituency pretending that they're going to be the next MLA representing different areas. And I welcome company; I enjoy seeing them there, Mr. Speaker. It's a free country and a free province. But I think it would be helpful for Albertans to know which constituency they're going to be in and who purports to represent them now and who will be seeking their mandate in the future to attempt to represent them with dignity in the future.

MRS. OSTERMAN: Mr. Speaker, I rise to support some of the comments made by the hon. Member for Vegreville. Indeed, we must end the uncertainty. I know that the people who live in the south end of the Three Hills constituency, who are now part of the city of Calgary on acreages and so on, feel very much that they need some certainty in their lives. They have a community where they live, and while they in fact have been incorporated for the purposes of municipal boundaries into the city of Calgary, their eyes look in a very different direction in terms of their representation provincially. So in regards to the certainty that we're looking for, I would certainly agree with a number of the hon. members who have spoken.

As well, Mr. Speaker, I agree with the hon. member who said that the commission needs the tools to do the job. It is interesting that so many hon. members who have spoken obviously feel they can interpret the Supreme Court decision, put it into an Alberta context, and say that the appeal is no longer needed. It occurs to me that the appeal has an Alberta context to it. I am not learned in legal matters, but I believe Alberta for some purposes is an entirely different situation, and had there not been, as I understand it, a unanimous request, in particular that the chairman of the commission be a judge, this Legislature could well argue the merits of having an extension.

Mr. Speaker, I believe we should accede to the request of the commission. I want to put an end to the uncertainty and not look at a number of things that could happen after the process is well under way by the commission if they do not hear the Court of Appeal first. I have a sense that that may well be why they have asked that this delay occur, so that in fact we won't be in the situation Saskatchewan now finds itself in, that we will have all the legal matters behind us, that the principles will be well established one way or the other, and that the commission can feel very free to get on with their job and have Albertans respond to the boundaries that are struck. After all, I think that's who we all work for: all Albertans out there. Certainly I would like to see them as quickly as possible have their opportunity to respond to whatever boundaries are drawn, and I know my constituents feel that way.

Mr. Speaker, on that basis I hope we'll support the legislation now before us.

MR. SPEAKER: Edmonton-Strathcona.

MR. CHIVERS: Thank you, Mr. Speaker. The purpose of Bill 52, of course, is to extend the time lines for the interim report of the Electoral Boundaries Commission. In view of the fact that there has been a unanimous request by the Electoral Boundaries Commission for that extension, I believe we will have to grant them that additional time. I think it makes sense in view of those circumstances.

My concern, however, is with respect to the logistics and efficacy of the balance of the process of electoral reform. Just dealing with the Member for Three Hills' comments, would it were true that the result of the constitutional reference presently before the Court of Appeal of Alberta would in fact make a final determination of the issues of electoral reform. Unfortunately, that is not the case. In view of the Supreme Court of Canada decision, it is patently obvious that that process will not resolve the legal issues, the Charter issues, because Madam Justice McLachlin in her judgment has made it very clear that with respect to the Charter issues involved, they are to be measured by the result of the process of electoral reform and not by the mechanism which brought it about. In other words, the legal principles of the legislation could very well be upheld by the Court of Appeal in the sense that in the abstract there is found to be no infringement of Charter-protected rights. On that basis, the boundaries could be drawn on the basis of relative equality of voting power, which would meet the Charter requirement.

But the difficulty is, as Madam Justice McLachlin has pointed out in her judgment, it's the result of the process, not the process itself. The result of the process can only be finally judged once the process of electoral reform is concluded, and unfortunately that would mean after the final report is presented to the Legislature and that report is adopted. Now, at that point in time there is a possibility, and a distinct possibility depending on how the legislation is applied and the boundaries are drawn, that there could be further litigation.

It seems to me that the suggestions that have been made by a number of the members on this side of the House with respect to ensuring that the Court of Appeal at least has before it the map drawn by the Electoral Boundaries Commission for the purposes of its interim report make eminent good sense in terms of the evolution of this process. The reason I say that is that at least at that point in time the court would have a map which they could measure on the basis of the result of a process, albeit an interim result, that they could measure against the Charter.

Therefore, the proceedings would not be a purely academic exercise, and I suggest that a review by the Court of Appeal on that basis would make eminent good sense and would provide this Assembly with some guidance with respect to how to deal with the final report when it arrives before the Assembly. It seems to me that in terms of the logistics and the efficacy of the process, it does make eminent good common sense for there to be at least an interim map available to the Court of Appeal for its deliberations. Given these time lines – and as the Attorney General has noted, he's hopeful the Electoral Boundaries Commission will be able to move expeditiously – it's presumably possible that they could have their interim map available by the time of the scheduled hearings for the reference in September. However, it does seem to me that at the very least the government may wish to consider the possibility of deferring or adjourning the Court of Appeal process in order to enable the court to have available to it the interim map.

4:40

I agree with the comments that have been made by the hon. Member for Three Hills with respect to how we don't want to find ourselves in the position which occurred in Saskatchewan. There was a great deal of uncertainty, a great deal of confusion, and a great deal of inconvenience to the public, to the sitting members of the Legislature, to persons who were seeking to be nominated as candidates, and to the communities which were involved in the impact of the redistribution. I believe we in Alberta do not want to be involved in that sort of situation where there continues to be uncertainty and confusion for a good period of time. I think the best measure we can adopt to ensure we minimize the extent of that uncertainty and confusion is to make available to the Court of Appeal an interim map from the Electoral Boundaries Committee and to take whatever measures are necessary in order for the Court of Appeal to have that kind of information before them so they can test the legislation in practice on the basis of the interim report and not simply on the basis of the hypothetical situation, the abstract situation that exists now.

What has been made clear by the Supreme Court of Canada decision is that it doesn't matter what the nature of the process is. It doesn't matter whether you have, for example, a purely partisan electoral boundaries committee. It would be conceivable that rather than the model that's been adopted by this Legislative Assembly, you could have a committee that was totally partisan in the sense that it consisted solely of government members of the Legislative Assembly. That would not matter one bit in terms of whether there's been compliance with the Charter. What would count is whether or not the map they draw complies with the Charter requirements of relative voting equality.

So my concern is that we not allow ourselves to be constantly in a position of confusion and uncertainty. We should structure the sequence of events that occur from here on in in such a fashion as to ensure that the Court of Appeal has something meaningful upon which it can make some kind of determination as to the application of the legislation in concrete terms. It seems to me that the members on this side of the House who have suggested that it would be academic for the Court of Appeal to proceed, in view of the Supreme Court of Canada decision as to the issue being the result of the process and not the process itself, are indeed correct. I wonder as to the expenditure of public moneys on the basis of a hypothetical and academic question. In view of the Saskatchewan decision it seems likely that the Court of Appeal is not going to really get

to the meat of the matter and deal with the question on the basis of some practical boundaries, some idea as to how the Electoral Boundaries Commission is going to be proceeding in these circumstances.

Those are my submissions, Mr. Speaker.

MR. SPEAKER: Call for the question?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Attorney General, summation.

MR. ROSTAD: Thank you, Mr. Speaker. Just a few closing comments. Contrary to the comments by the hon. Member for Edmonton-Jasper Place, it is not the government of Alberta that is trying to delay this process. In fact, that is why the Bill is before the House in the very, very latter days of this session. It's because the commission, after due consideration of the Supreme Court judgment in Saskatchewan, are concerned that they go out and they do an awful lot of work and in fact, as has been suggested, draw up some boundaries. Those boundaries aren't the issue at hand.

In any legal case where there's been a pronouncement, as there was by the Supreme Court of Canada on Saskatchewan – our Act is not foursquare with the Saskatchewan Act. In fact, there are a number of intervenors in this reference that are quite delighted in the way the Supreme Court has put out their judgment. They do see some material that they can grab on to and in fact challenge the Alberta Act. That's what the reference is about. The reference is also being made by the government because of a commitment that was made. I understand the representations being made by the members opposite that fine, we won't ask you to push on with it; quit. But I think it's important that we have this reference continue so we know the parameters under which the commission is to operate are correct. Even if we did withdraw, there were at least two legal actions I can think of currently which were commenced against the boundary Act that have nothing to do with whether we withdraw, and they would continue. I think at that stage we're back into the same thing and that we should get on with our reference and find out if, in fact, we are not foursquare with Saskatchewan and the definitive judgment, or somewhat definitive judgment, that Justice McLachlin gave us so that our Court of Appeal can with clarity and definiteness tell us where we may be varying from that or where we are square on.

In terms of the time lines, taking the extension from September 18 to the end of December is an outside time line. As I mentioned earlier, if the Court of Appeal comes quickly and if they've got good factums with good fact situations before them, good arguments, they could perhaps bring a judgment very, very early, which would allow the commission to carry on with their work.

In reference to the second stage, after the interim report, section 8 of the Act spells out that the report will be "within 6 months," and it's within six months. Again, after the further representations there's an extremely good possibility that they can bring that forward and have it "within." So with the understanding of the commitment and I think the legal need to carry on with this reference, to find out whether our Court of Appeal thinks our legislation is foursquare with Saskatchewan's in terms of the elements that Justice McLachlin has given us, we should continue with that. I also think that with the time line that's been requested by the commission, there is enough leeway that we can have our final report before the Assembly as we

had originally determined when the legislation, Bill 57 of the last Legislature, was passed.

With that, I would move second reading of Bill 52. Thank you.

[Motion carried; Bill 52 read a second time]

Bill 51 Pension Statutes (Transitional Arrangements) Act, 1991

MR. JOHNSTON: Mr. Speaker, I am pleased to move second reading of Bill 51, Pension Statutes (Transitional Arrangements) Act, 1991.

Although the Act is quite elliptical in its form, it does have quite important ramifications for all the pension plans that are administered by the Minister of Education and myself; that is, six pension plans. I should say, Mr. Speaker, what this legislation does is to reflect in our own pension plan authorities the new era in pension regulations that have been dictated by the federal government. Virtually every registered plan in Canada will be impacted by the federal changes, and really what this legislation does is to put in place an opportunity for the government by regulation to change as best we can determine the federal adjustments on all our pension plans. The reason I say "as best we can determine" is that at this point we really only have a very broad description as to what the impact will be on our own pension plans. Moreover, the federal government has not yet released its own regulations which deal with these changes.

These changes come into place on January 1, 1992, and any plan which is now covered that does not satisfy the changes stipulated by the federal government will find itself offside or deregistered, if you like, and all the benefits which are accruing to members will have to be reflected in a corrected position. Otherwise, the substantial tax benefits that you and I achieve by charging against our taxable income our contribution to these pension plans will be lost.

4:50

There are three major areas where these plan changes will be reflected. First of all, in the area of maximum pensionable payments it is now dictated by the federal legislation that a wage above \$86,111 in 1984 will in fact be offside, and moreover, Mr. Speaker, only 2 percent of pensionable services can be used as a contribution to a pension fund arrangement. So the maximum pension payable is going to be impacted by the federal regulations. Here in Alberta clearly several of our plans, if not all our plans, are touched by some member who is receiving more compensation than that and, moreover, contributing more than 2 percent to the salary.

Secondly, Mr. Speaker, early retirement sections have to be changed. We're in the process now of reviewing all our legislation in the context of the federal changes to see if in fact we'll have to make changes. I can expect we will. As a result, those regulations will be forthcoming as well.

Thirdly, with respect to the so-called successor benefits, most of the plans in Alberta now call for a 75 percent successor benefit. The federal legislation, as we now understand it, limits that to two-thirds, or 66 percent. So you can see that at least in these three areas, Mr. Speaker, in fact, most of the Alberta plans at some point will be offside with the federal legislation.

Let me talk briefly about the process. I've had discussions with the five boards that I'm responsible for. The Minister of Education has had discussions with the teachers retirement

group, the Alberta Teachers' Association in particular, and they have written to us agreeing to the process which I have outlined. The process is as follows, and it is, in fact, in this legislation. Number one, we will pass this legislation with enabling provisions so that regulations can be passed in the period between now and the end of 1991 to have the regulations in place for January 1, '92. Secondly, consultation will take place with the boards themselves so that they are attuned to the adjustments we would make by regulation. Thirdly, should the regulations not be passed, then in fact there is a sunset provision discontinuing this provision given to the Lieutenant Governor in Council. And finally, Mr. Speaker, it is my intention to bring legislation forward in 1992 which will reflect these substantial changes passed by regulation.

So we've had a consultative process; we have agreement from the boards to proceed on this basis. This first step, Mr. Speaker, will allow us to bring our legislation, insofar as it's impacted by the federal legislation, into line with what is expected.

That's the real skeleton outline of this Bill, Mr. Speaker, and I move its second reading.

MR. SPEAKER: Edmonton-Jasper Place.

MR. McINNIS: Thank you, Mr. Speaker. A few words, by and large in support of the principles contained within the Bill before the House, Bill 51, Pension Statutes (Transitional Arrangements) Act.

There's no question that pension arrangements are an important part of any employee's compensation package, as important as ongoing benefits and take-home pay are, although those elements are certainly the ones that affect family life most on a day-to-day basis. Retirement income is something that's on everybody's mind these days with the demographics in our society. We know that we have an aging population. We know the potential exists for a declining taxpayer base to be asked to support a very large older population. Many people look at the economics of that and say it doesn't add up. So there's a great deal of desire on the part of those who participate in pension plans to make certain they're as close as possible to being funded by assets as opposed to a future promise of payment from income that hasn't even been earned yet, let alone remitted. There's no doubt that future generations of legislators will look at this thing and have to make some of their own tough choices.

[Mr. Jonson in the Chair]

So the legislation as mentioned by the Provincial Treasurer is beginning to address that question. I shouldn't say beginning to address; I appreciate that the government has set aside some assets in recent years against future liability in pension plans. But the Treasurer clearly recognizes that those assets are not sufficient, that there is an unfunded liability at present of some \$9 billion that has to be addressed.

There's also the very important question of, I think, Bill C-51, the federal legislation that impacts heavily in this area. I don't know if it's a coincidence that both of these Bills are numbered 51 – maybe that's the pension number – but there's the question of bringing the benefits under our various plans onside with that legislation, an effort by the federal government to standardize compensation, retirement arrangements, and to try to create rules for registered pension plans to put most people more or less on an even keel from a tax assessment point of view.

There are in the document entitled Alberta Public Sector Pensions: Principles for Pension Reform several objectives which are mentioned. The question of future pension benefits is a very important one. The portability question is to be addressed as well – portability is not bad as between public-sector plans, but between public and private and between private plans it's absolutely terrible at the moment – to ensure that the plans conform to Revenue Canada, which we mentioned. An additional housekeeping measure is related to providing plan members with actuarial information, regular reviews. An area, and I find this kind of interesting, that the government is considering eliminating is

reciprocal agreements and prior service purchase, with the proviso that transfers between some of the Alberta family of plans would be allowed on a pro-rated basis.

So these are very significant and substantial reforms.

Now, the principle of Bill 51 is that these matters will be discussed with the people who are involved prior to bringing into force regulations which will operate on a time-limited basis: a sunset provision of August 31 next year.

The only area I have reason to quarrel with the way the government is moving is the reference made by the Treasurer earlier in debate to discussion with the pension boards. I would like to see the government approach the consultation process a little more broadly than the pension boards, and I have reason to believe that in some respects that's already being done. It was just curiosity on my part why that particular language was chosen. I know the pension boards have some expertise, and they are themselves representative in some ways of the client groups. But I think what's happened in this legislation, contrary to what I heard from the Member for Calgary-Buffalo, is some effort to institutionalize the consultative process around pension issues in our province, and that's long overdue in my opinion, Mr. Speaker.

The decisions have been made up to this point in time by government on the basis of whatever information it would seem to them appropriate at the time. That's part of a pattern that's got us into a situation where there is a certain degree of concern among pension plan members about how secure their pensions are in an absolute sense and also how secure they are from the ravages of inflation, which is the introduction of the COLA clause, an issue which has been addressed in many jurisdictions in the past. In my opinion, the only successful examples are those which proceeded with full consultation and negotiation and proceeded to the point of an agreement before legislation was passed and before changes were made.

I would like to say one more word, Mr. Speaker, and that's about the Members of the Legislative Assembly Pension Act. Obviously, there are some elements of that plan which will need to be addressed as a result of federal Bill C-51, and they are being addressed. It seems clear to the New Democrats that we will need to set up a separate plan to deal with those issues because of the view, widespread among participants in the other plans, that somehow mixing the finances of them all causes a subsidy in the MLA plan from the other public-sector plans. I don't believe that's ever been the intention of the government – it may not even have been the practice – but I think it's better that these things be done openly and aboveboard and that the plans be separated in the long run so that the elements are clear to all concerned and there isn't a feeling that funds may be improperly subsidizing the MLA plan from the others.

With those provisos I would like to indicate our support for this legislation.

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

MR. CHUMIR: Thank you, Mr. Speaker. I'm supportive of this legislation as well to the extent that the principle of the legislation is to mend our pension rules in order to meet and accommodate the federal tax requirements. I must say, however, that I do have some concern to the extent that the principle is we're going to do this through regulation rather than firm legislation with the particular criteria before this House.

5:00

Now, if I understood the minister correctly, there are some negotiations still to take place. Perhaps in second reading I'll inquire a little bit more about what obstacles . . .

AN HON. MEMBER: This is second reading.

MR. CHUMIR: In committee, Mr. Pettifogger. In committee I will inquire a little more precisely as to why we've not been able to come up with some specifics if we know what we're trying to meet with respect to the federal legislation, because we would very much have preferred to see specific provisos rather than further governance by regulations becoming more and more the *modus operandi* of the government.

The supplementary pension plan proposal as provided for in section 3 appears to us to be a methodology of getting around the pension limits established by the federal income tax rules of \$60,000 in 1991 and \$87,000 in 1995 by moving benefits in excess of those amounts into supplementary plans. We'll be asking more about that in committee.

The minister commented in his opening statement about some of the broader issues of the pension problem which are not in fact addressed by this Bill, particularly that of the \$9 billion liability, inflation protection for employees, and so on. In the press release his office released on June 18 at the time of the release of this Bill, he did indicate that to some extent he would be proceeding to address these matters and talked in rather global terminology with respect to the direction. I'm pleased to see that finally they're going to be addressed but continue to be concerned with respect to the closed-door, secret manner in which this whole issue is being addressed and the fact that the parameters have been set out in the May 30 document which I tabled in the House earlier today rather than being dealt with in an open, public, and independent manner such as was done in Ontario where this matter was reviewed by an independent public commission which made some recommendations. So I hope the process will be opened up to some extent, and I'm pleased to see it's finally being addressed.

Finally, Mr. Speaker, this would be a good occasion to review the MLA pension plan, which has been the subject of a great deal of public concern I've been hearing, particularly with respect to double-dipping provisions where pensions are received by individuals while still acting as MLAs and receiving a salary in that regard. Issues of the magnitude of the benefits are being raised in relation to the new severance package and in relation to remuneration for committees, which amounts qualify as pension benefits, and there is a tremendous amount of public concern at the present time. It would certainly serve us well to have some independent review and input, some independent advice, with respect to what's going on. There is some perception that some of the things being done through Members' Services would result in that committee being better named "the help yourself committee." So I hope we'll take the occasion to

review that, keeping in mind the need to restore respect for the political process which is in such a low state of repute that the present time.

MR. ACTING DEPUTY SPEAKER: May the Treasurer close debate?

MR. JOHNSTON: Mr. Speaker, perhaps I should just take one second to talk a bit about the principles, which may allay some of the time later on since we do have a bit of focus on this legislation presently. I must say that the federal legislation provides for something called an RCA, a retirement compensation arrangement, and that is fully contemplated by this legislation. In the case of our MLA or ministerial pension plans, it is the intention of the government to form a so-called RCA to deal with the offside benefits. I've made it clear to my caucus and make it clear now to members of the Assembly that there will have to be two plans, a so-called butterfly, if you like, where the offside benefits will be dealt with elsewhere. The Speaker and his group are working on this aspect of it as it affects us, and I'm simply recommending that we follow that process.

Second, with respect to the consultation process, Mr. Speaker, we have already had some introductory comments whereby we have met, both with respect to this aspect of pension reform and with respect to the principles of pension reform, with the various boards. I fully expect I'll have to take it a little wider than simply boards, but at this point I see the fundamental responsibility at the board level since, as the member points out, it is in fact a representative group that reflects a cross section of those people who participate in the pension plans at the present time. However, I do see a need to talk to other groups, and I fully anticipate doing that when I bring down a more detailed paper setting out in very specific terms how we expect to move, at least for discussion purposes, with the amendments on a more specific basis. So we fully intend to use a consultation process. It will be fairly wide, fairly involved, and somewhat time constrained.

Now, the reason I'm bringing this legislation today is that we're not too sure what's going to happen. As I've already said, we've had some problem with the regulations. I've drawn this to the attention of the Minister of Finance and his deputy minister. They understand that they're in fact holding up the process. But I have no full understanding of what the future holds for us in terms of either this Legislative Assembly process or the preparation of the regulations by the federal government, in which case I simply cannot take the risk of not having our legislative position in place and fixed in advance of the federal government requirement of January 1, '92. So that's why we're doing it by regulation. The boards are satisfied with what I have suggested. They have given me a letter confirming the position, and I'm moving in that effort.

[Mr. Speaker in the Chair]

With respect to the Member for Calgary-Buffalo, I listened carefully to his discourse both during question period and today. The first thing I want to do is to express my appreciation to him. I always find that if you put out a leaked document, it gets wider circulation. I appreciate the fact that he has now called it a leaked document. I can expect it will in fact provide a wider distribution, which may enhance this consultation process ultimately. Unfortunately, it is not a leaked document; it is a document I circulated under no conditions whatsoever to members of the board, and I fully expected it would go to the

opposition members. That was the intention. I wanted it to go to them obviously. Now my friend from Calgary-Buffalo simply has confirmed the plan; it worked, and he has made it a public document in an indirect way, which always gives it a higher flag. It's like putting up a semaphore document and, you know, flying your flag upside down. So I certainly appreciate my colleague the Member for Calgary-Buffalo's help.

Now, he has made some expatiating comments – which I have referred to already – that he has confused the process. It's not a behind-door process; it's a fully open and consultative process. It's not a secret document. I don't know what external advisors you turn to. This is not a very difficult process when it comes to dealing with the unfunded liability, and there is quite a record and history of how to deal with this particular set of changes to our own pension plans to make them more functional and workable. I think, Mr. Speaker, there is a frailty here, that if we don't make substantive changes and deal with the unfunded liability, then as the member has pointed out, the certainty of payment is subject to a lot of pressure, the whims of the government of the time, and that would be a concern to me. So I think if we fix the unfunded liability today – that is, in the next six months – we provide the greatest long-term protection for those people participating in the pension plan, and that's why I see it to be an important part of this process.

When I get to point of changing the MLA pension plan, Mr. Speaker, I'll be sure that I can count on the Member for Calgary-Buffalo to agree to the rollback of his own pension plan. He knows there's a small frailty in the Act right now, but I'll be expecting him to confirm that all members of the Liberal Party will roll back their own pension plans, as he has pledged, to ensure that the reduction in pension plan benefits will be reflected properly. That, of course, is an agreement I'm sure I can get from him.

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

[Motion carried; Bill 51 read a second time]

5:10

Bill 54 Psychology Profession Amendment Act, 1991

MRS. MIROSH: Mr. Speaker, I'm pleased to introduce second reading of Bill 54, the Psychology Profession Amendment Act.

The purpose of this Act is to make the Psychology Profession Act consistent with the new policies and principles governing all professions. The amendment will also confirm that the educational qualifications to register as a psychologist in Alberta will remain a master's degree in psychology rather than a PhD. I'd like to thank the association for their co-operation and thank them for the letter of support for this Bill.

Mr. Speaker, the amendments proposed in this Bill were first contained in Bill 37, which I introduced in this House on May 17, 1991. Bill 37 also amended the Optometry Profession Act and the Ophthalmic Dispensers Act. We as the government have decided to hold over the changes for these two Acts until the next sitting of the Legislative Assembly in order to give these groups a chance to have more input into their legislation. During the next few months I plan on having several meetings with these groups pertaining to eye care. This has been agreed to.

With regard to the Psychology Profession Act, there are 1,400 registered psychologists in Alberta, and 37 percent of these psychologists are currently PhDs. If we were to allow only the PhD as a qualification, it would leave many of those members who are currently registered with the Psychologists Association of Alberta with no association at all if they remained only with

a master's. It seems from my correspondence with members of the association that they're very much in agreement that the master's qualification is certainly adequate.

With that, Mr. Speaker, I move second reading of the Psychology Profession Amendment Act.

MR. SPEAKER: Edmonton-Strathcona.

MR. CHIVERS: Thank you, Mr. Speaker. I'm pleased that the government is proceeding with those aspects of Bill 37 that deal with the Psychologists Association. With the removal of the section that empowered the government to enact and repeal regulations, I think by and large the provisions in that legislation are not all that controversial. My concern, however, is that it's been necessary for the government to separate the amendments to the psychologists' legislation from the amendments to the optometrists' and ophthalmic dispensers' legislation. I find that quite regrettable. It's unfortunate that as a result of a successful lobby by the optometrists some very good legislation in the public interest is being delayed, and people will suffer as a result of that. It's no secret that optometrists do not make their prescriptions freely available to their clients.

Speaker's Ruling Relevance

MR. SPEAKER: I'm sorry, hon. member. This is the Bill.

MR. CHIVERS: Mr. Speaker, I'm addressing matters that were in the original Bill 37. My comments go to the fact that this legislation omits matters which were in the Professional Statutes Amendment Act.

MR. SPEAKER: I'm sorry. It's a separate Act, hon. member.

MR. CHIVERS: I believe, Mr. Speaker, I'm entitled to deplore the fact that these provisions are not contained in this legislation.

AN HON. MEMBER: It's the principle.

MR. CHIVERS: I think this is dealing with the . . .

MR. SPEAKER: Excuse me. I'm sorry, hon. member, shouting back and forth. The title of the Bill is Psychology Profession Amendment Act. [interjections] Thank you.

Hon. Member for Edmonton-Strathcona.

Debate Continued

MR. CHIVERS: Mr. Speaker, as I said at the outset, the situation here is clear. The legislation with respect to the psychologists is not controversial. I think the issues have been explored, and the process that was followed with the psychologists was a very useful process. There was time made available, as there was to all the professional groups that were involved in the omnibus situation. There was time made available for the psychologists to make their views known to the government, and the government properly received them. There was time made available for those groups to make their submissions or their points of view available to the members of the opposition, and they did so. We've had an opportunity to receive those comments and peruse them. The same sort of constraints applied to the other professional groups. It is true that the legislation presently before the Assembly is not controversial, but I submit it's deplorable that the government did not proceed with the legislation in its entirety.

MR. SPEAKER: Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Speaker. We're supportive of this legislation. I'm pleased to see a beefing up of the nonprofessional members, the general members of the public who will be involved in the council of the profession. I must say I'm somewhat concerned that there be more open consultation with the public and perhaps open applications received from general members of the public with respect to membership on these councils for this profession and other professions, as there is a perception that perhaps there's a bit of a closed shop and a bit of a cabal or conspiracy in handpicking individuals. However, we're moving in a positive direction, and these are matters that hopefully we'll be able to address as we get further experience down the line.

I'm similarly pleased to see as a principle of this legislation the ongoing dedication to opening up the disciplinary process with respect to hearings before the discipline committee and the council. The qualifications therein seem to be reasonable, and again we're feeling our way along by experiment and experience in terms of attempting to develop a system which balances the needs of the public and the general community with the professional responsibility of the members of the profession.

With those very general observations, I would propose to support this legislation. Thank you.

MRS. MIROSH: Mr. Speaker, I sincerely appreciate comments from members opposite and their support. I now move second reading of the Psychology Profession Amendment Act, Bill 54.

[Motion carried; Bill 54 read a second time]

head: **Private Bills**
head: **Second Reading**

Bill Pr. 3
Lutheran Church-Canada,
The Alberta-British Columbia District
Corporation Act

MR. SPEAKER: The Member for West Yellowhead.

MR. DOYLE: Thank you, Mr. Speaker. I'd like to move Bill Pr. 3, Lutheran Church-Canada, The Alberta-British Columbia District Corporation Act.

Members of the committee will recognize this Bill as just a housekeeping order on behalf of the Lutheran church to bring the standards of today in other Bills up with those of other churches and corporations so they can get on with the duties of their church under this Act. I hope all members would support this and not use the tactics they did in Bill Pr. 2.

[Motion carried; Bill Pr. 3 read a second time]

5:20

Bill Pr. 4
An Act to Amend an Ordinance
to Incorporate Alberta College

MR. SPEAKER: Banff-Cochrane.

MR. EVANS: Thank you, Mr. Speaker. I'm pleased to move second reading of An Act to Amend an Ordinance to Incorporate Alberta College, being Bill Pr. 4.

[Motion carried; Bill Pr. 4 read a second time]

Bill Pr. 5
An Act to Amend the Calgary
Convention Centre Authority Act

MRS. MIROSH: Mr. Speaker, I rise to move Bill Pr. 5, An Act to Amend the Calgary Convention Centre Authority Act. It's just a housekeeping Act. Thank you.

[Motion carried; Bill Pr. 5 read a second time]

Bill Pr. 7
The Camrose Lutheran College Corporation Act

MR. HYLAND: Mr. Speaker, on behalf of the hon. Member for Drumheller, I'd like to move Bill Pr. 7, The Camrose Lutheran College Corporation Act.

[Motion carried; Bill Pr. 7 read a second time]

Bill Pr. 8
Jennifer Leanne Eichmann Adoption Act

MR. PAYNE: Mr. Speaker, I move for second reading Bill Pr. 8, the Jennifer Leanne Eichmann Adoption Act.

[Motion carried; Bill Pr. 8 read a second time]

MR. GOGO: Mr. Speaker, I move that when members reassemble this evening at 8 p.m., they do so as Committee of the Whole.

MR. SPEAKER: Having heard the motion, those in favour, please say aye.

HON. MEMBERS: Aye.

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

[The Assembly adjourned at 5:24 p.m.]