

## Legislative Assembly of Alberta

Title: **Friday, June 26, 1992**  
Date: 92/06/26

10:00 a.m.

[Leave granted; Bill 45 read a first time]

MR. SPEAKER: Edmonton-Calder.

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

O Lord, grant us a daily awareness of the precious gift of life which You have given us.

As Members of this Legislative Assembly we dedicate our lives anew to the service of our province and our country.

Amen.

head: **Introduction of Visitors**

MR. ORMAN: Mr. Speaker, it's indeed a pleasure for me today on behalf of the Deputy Premier and myself to introduce to the Assembly some guests that we have in your gallery. Today we have Senator Ted Strickland, who is the president of the Colorado state Senate and chairman of the Energy Council. He's joined by Lori Cameron, who's the executive director of the Energy Council. We have a long association with this organization, and we continue to enhance it and strengthen it through our association. They held their last, most major meeting in Banff and Lake Louise, and the Deputy Premier and I were very pleased to participate in that.

Senator Strickland is a long-serving and respected member of the Colorado Senate and an active member of the Energy Council and, coincidentally, Mr. Speaker, a former business associate of my father's. Miss Cameron is a lawyer, and she's drafted a comprehensive national energy strategy proposal for the Energy Council. They're also joined by Ron Hierlihy from the Department of Energy. I'd ask them to stand and receive the welcome of the Assembly.

head: **Presenting Petitions**

MR. SPEAKER: The Member for Edmonton-Meadowlark.

MR. MITCHELL: Thank you, Mr. Speaker. I am presenting a petition signed by more than 630 nurses urging the Legislative Assembly to implement policies regarding public pension plans that provide guaranteed, reasonable pension plans with responsible management, accurate accounting, and full disclosure. The petition also urges the government to examine proposed changes to public pensions and to halt all unfair, unjust, and double-billing aspects.

Thank you.

head: **Introduction of Bills**

### Bill 45 Franchises Act

MR. ANDERSON: Mr. Speaker, I request leave to introduce Bill 45, the Franchises Act.

The purpose of this Bill is to promote an honest and fair franchise marketplace in the province by fostering fair market standards. This Act replaces a 20-year-old piece of legislation. Bill 45 provides for fuller disclosure to possible franchise operators, tougher penalties for abuses, the use of plain language, a requirement for ongoing good faith in contracts, and for the use of arbitration in settling contract disputes.

### Bill 243 Child Welfare Amendment Act, 1992

MS MJOLSNESS: Thank you, Mr. Speaker. I request leave to introduce Bill 243, the Child Welfare Amendment Act, 1992.

This Bill would expand handicapped children's services to include children with a mental illness or a severe behaviour problem in order that these children have access to services. It would also mean that parents would not lose custody of their children by having to surrender them to the child welfare system in order to receive those services.

[Leave granted; Bill 243 read a first time]

head: **Tabling Returns and Reports**

MR. SPARROW: Mr. Speaker, it gives me great pleasure to table the 1990-91 annual report for the Department of Tourism.

DR. WEST: Mr. Speaker, I'm pleased to file four copies of the 68th annual report of the Alberta Liquor Control Board for the year ended January 7, 1992, as required by statute, and four copies of the Health Disciplines Board annual report 1990-91. Significant in this tabling is that the Alberta Liquor Control Board report is the second filed this year and is right up to date for 1992.

MR. PAYNE: Mr. Speaker, it's my pleasure this morning to table with the Assembly the 1991 annual report of the Alberta Tourism Education Council.

MR. JOHNSTON: Mr. Speaker, I'm tabling today for all members the annual reports of the seven public-sector pension plans, including the MLA pension plan and the judges' pension plan, for the March 31, '91, year end.

MR. SPEAKER: Thank you.  
Edmonton-Meadowlark.

MR. MITCHELL: Thank you, Mr. Speaker. I'm tabling four copies of a petition signed by more than 1,400 nurses urging the government to deal with proposed changes to pension plans. The original was presented to the Treasurer in March of 1992 but has not been presented to the Legislature to this point. It's for that reason that I am tabling these as a report to the Legislature.

head: **Introduction of Special Guests**

MR. FJORBOTTEN: Mr. Speaker, I'm pleased today to introduce in your gallery three very special people: Mary Ellen, Christina, and Suzanne Riemann, who are here to spend a little time seeing how the Legislature works. The Minister of Education's not aware of it, but they're going to catch him after question period to encourage him on home schooling. I'd ask them to rise and receive the welcome of the Assembly.

MR. ANDERSON: Mr. Speaker, in the members' gallery today are two individuals who have assisted in the writing of Bill 45, which has taken two years of consultation and work. I'd like to introduce to the Assembly Marguerite Childs, the senior financial policy analyst of the Securities Commission, and Daryl Hanak, a

legal research counsel. I'd ask that they stand and receive the welcome and the thanks of the Assembly for their hard work.

MR. SPEAKER: The Member for Redwater-Andrew.

MR. ZARUSKY: Thank you, Mr. Speaker. It's a pleasure for me today to introduce to you and through you to the Assembly a group of people from Tibet who are touring our country and our province. They are the China-Tibet art ensemble, and they're doing a group of performances right throughout the country and also in the United States. I had the pleasure of viewing their performance on Wednesday night, and it was a class performance of song and dance and customs of Tibet. They're accompanied by leader, Mr. Bu Chong, and also by leaders of the Chinese community of Edmonton and Canada. They are seated in the public gallery, and I'd ask that they rise and receive the warm welcome of this Assembly.

MR. MITCHELL: Mr. Speaker, it's my pleasure to introduce to you two people who are here in support of the petitions that I presented earlier. They are Heather Smith, the president of the United Nurses of Alberta, and Sandie Rentz, the vice-president of the United Nurses of Alberta. I would ask that they rise in the gallery and receive the welcome of the Legislative Assembly.

head:

### Oral Question Period

10:10

MR. SPEAKER: The Leader of the Opposition.

#### NovAtel Communications Ltd.

MR. MARTIN: Yes, Mr. Speaker. Just when Albertans thought that the NovAtel fiasco couldn't get any worse, we find out that the government has found a way to have its friends benefit from the fiasco. Now, we know that North West Trust is run by a former treasurer of the Progressive Conservative Party and, of course, a friend of the Premier's. We know that hundreds of Albertans at the same time have lost their jobs in Calgary and Lethbridge because of this government's mismanagement, but miraculously half a dozen former NovAtel employees have been hired by North West Trust to collect the money that was lent out by NovAtel. How they were chosen is of course a mystery, but isn't it typical? Taxpayers are out more than half a billion dollars, workers are losing their jobs, but friends of the government are doing just fine. My question to the Treasurer is simply this: how can the Treasurer justify using the old boys' network to clean up the NovAtel mess?

MR. JOHNSTON: Well, Mr. Speaker, the member is just absolutely dealing with heresy. He has not come out at all and said what he's talking about. This is absolute nonsense; everybody understands that. If he wants to get specific, then get specific. What is he talking about?

MR. MARTIN: We're talking about friends of the government. I couldn't have been much clearer to the Treasurer. Now, he may not want to answer the question, but people know what's going on, Mr. Speaker. You know, Tory survivors get cushy jobs with the Gaming Commission, patronage runs rampant, taxpayers are losing money, workers are losing their jobs, but friends of the government are doing well. I couldn't be much clearer.

There have been similar survivors in the past. Let's look at North West Trust, which is going to collect the taxpayers' money. At least two senior officials of North West Trust are graduates of the Canadian Commercial Bank fiasco, Mr. Speaker. Now, with

the track record that these people had at the failed CCB, which already cost federal taxpayers millions of dollars, why is the Treasurer prepared to gamble with Alberta taxpayers' money with the same people?

MR. JOHNSTON: Well, Mr. Speaker, usually on Friday mornings we do have a bit of a zoo here in the Legislature, but I think that I have to say that I've never seen such a low level and really a disgraceful presentation by the Member for Edmonton-Norwood. This is absolutely atrocious. If you think that politics have gone to this level in Alberta, then we know for sure who's going to be unemployed. It's going to be unemployed socialist politicians across the way.

MR. MARTIN: Well, Mr. Speaker, the Treasurer can feign anger all he likes. The reality is that he's squandered over \$2 billion of taxpayers' money, workers have lost their jobs, and some Tories are doing well. Whether he wants to call that low or not, we'll let the people of Alberta decide that.

My question to the Treasurer is simply this then, if he'd answer the questions and stop feigning anger: how can he justify turning over the NovAtel loan portfolio to a company run by former Tory hacks and former employees of CCB? The taxpayers want to know.

MR. JOHNSTON: Mr. Speaker, in effect in this place you have immunity. Albertans know that anything said here is in fact immune from litigation. That is, if you affront somebody or in fact personally damage their reputation in this House, you are absolutely immune from legal prosecution. I suggest to this member that he step outside of the House and make these kinds of statements and name names. Let's get specific here, because I will not tolerate that kind of a slur against the people who work at North West Trust. These people are working for the future of Alberta. They're sincere, hardworking individuals. That kind of a statement is an outrage, and the Member for Edmonton-Norwood should know better than that. [interjections]

MR. SPEAKER: Order. [interjections] Order. [interjections] Order.

Second main question, the Leader of the Opposition.

MR. MARTIN: I'll leave him alone, Mr. Speaker. I'd like to designate . . . [interjections]

MR. SPEAKER: Order.

MR. MARTIN: Oh, they're a little excited today, feeling the wounds, Mr. Speaker.

Mr. Speaker, I'd like to designate my second question to the Member for Edmonton-Jasper Place.

#### Canmore Golf Resort

MR. McINNIS: Mr. Speaker, it took all week long, but yesterday the Minister of Forestry, Lands and Wildlife finally admitted the truth about the Three Sisters project. He said that the government secured all of the land identified as critical wildlife habitat that was on the map I tabled with the exception of a very small amount of land that was designated as private land. Well, that small exception happens to be about 500 acres of critical wildlife habitat along Wind Creek. I wonder if the minister will now answer the question which he evaded on Tuesday, which is, "when it became

government policy to promote condominium, golf course, and commercial development on critical wildlife habitat.”

MR. FJORDBOTTEN: Mr. Speaker, the Member for Edmonton-Jasper Place is continually not being accurate in his statements. He filed a map the other day that wasn't accurate. I filed with you yesterday a map that was accurate. I said that we attained – and the map proves that – most of the critical wildlife habitat that was in the area. There are some private lands and some critical habitat that were not attained, but we have worked arrangements with the company with respect to wildlife corridors and everything. That the hon. member would make statements like that is absolutely ridiculous.

MR. McINNIS: Mr. Speaker, you can't be a little bit pregnant, and you can't have a little bit of critical wildlife habitat. It's either critical or it's not critical. [interjections] Look up the definition of “critical,” Mr. Minister.

I would like to know why the government failed in 1979 to acquire the property according to the Kerr memorandum, why it failed again when Pocklington crashed and was in bankruptcy, and why it failed again a third time in the land swap to acquire this critical wildlife habitat for the benefit and enjoyment of the people of Alberta. Why, Mr. Minister?

MR. FJORDBOTTEN: Mr. Speaker, he's continuing to speak utter nonsense. I answered that question yesterday.

MR. McINNIS: Well, if he's going to lie about it, it's a different matter.

#### **Speaker's Ruling Parliamentary Language**

MR. SPEAKER: Hon. member, retract please.

MR. McINNIS: Mr. Speaker, there's no chance whatsoever that I will withdraw that comment.

MR. SPEAKER: All right, thank you. You're in contempt of the House. You will not be recognized until such time as you do withdraw and apologize. That will apply to debate as well as to question period, hon. member. [interjections] Sorry, hon. member; if we don't get a withdrawal, there's no progress.

Calgary-North West.

#### **NovAtel Communications Ltd. (continued)**

MR. BRUSEKER: Thank you, Mr. Speaker. Yesterday the Treasurer told the House that the NovAtel staff that had been hired by North West Trust came from the collection force side as opposed to the sales force side that had loaned \$300 million to U.S. cellular firms. But a March 10 letter from Gary Doyle to Peter Mitchell, that had been filed earlier in this House, reveals that Mr. John Dinning visited GMD's facilities on February 5 to review the accounts and determine the need for further financing. Subsequently, on February 24 NovAtel provided \$75,000; on March 17, another \$529,000; on March 25, another \$273,000; and on April 23, a further \$250,000, all to GMD. So my question to the Treasurer is: would the Treasurer please explain what the role of Mr. John Dinning was in going down and approving this extraordinary funding for GMD?

MR. JOHNSTON: Well, Mr. Speaker, he was protecting the assets of the province of Alberta. Collections are important to us,

and now he's moved to North West Trust to do the very same thing.

MR. BRUSEKER: Mr. Speaker, the minister says that he was there for collections, but subsequent to the collections occurring, money was given out. That doesn't seem like a very good collection process somehow. So could the Treasurer explain how he could be involved with both, on one hand, the lending of money, and now all of a sudden as of yesterday he's involved with the collection of loans. Isn't this a contradiction exactly of the statements you made yesterday in this House, sir?

MR. JOHNSTON: No.

MR. BRUSEKER: Well, I guess the minister should go back and read *Hansard* and check what he said yesterday.

Will the Treasurer please then tell the House: how many more of these experts – and I use that term very loosely – who were involved in the lending of the \$300 million are now being hired by North West Trust to be involved in the collection?

10:20

MR. JOHNSTON: There will be no more hired, Mr. Speaker.

MR. SPEAKER: Cardston, followed by Edmonton-Calder.

#### **Constitutional Reform**

MR. ADY: Thank you, Mr. Speaker. My question is to the Premier. Yesterday the federal unity minister, who is coincidentally an Alberta MP, was in Edmonton, where he appeared on a talk show and held several media sessions. During that time he was very adamant that Alberta is the culprit in the constitutional deadlock that now exists. Mr. Clark is calling on our Premier to move from Alberta's position on Senate reform. Mr. Premier, are you prepared to do it? Are you prepared to change your position and accommodate the unity minister, who seems to have the support of at least some of the federal MPs on this issue?

MR. GETTY: Mr. Speaker, it shouldn't be necessary to state but I will state that the Alberta position is for a united Canada, a united Canada with Quebec in it and with triple E Senate reform, Senate reform based on fairness and equality. I completely reject Mr. Clark's contention that Alberta is somehow putting our country at risk. We are representing the people of our province. We have consulted with them. They've told us what they want, and it's our duty to represent them. Now, here's my frustration: where the hell are the Alberta Members of Parliament?

#### **Speaker's Ruling Parliamentary Language**

MR. SPEAKER: I understand the Premier's emphasis, but perhaps we need another word. Perhaps that word could be withdrawn and we could use another one, please.

MR. GETTY: Yeah, I will withdraw it, Mr. Speaker, and I appreciate your drawing it to my attention.

#### **Constitutional Reform (continued)**

MR. GETTY: Well, then, where the heck are the Alberta Members of Parliament? Where are the western Canadian Members of Parliament? I mean, wouldn't it be refreshing and

wouldn't it be different, Mr. Speaker, if we had the Alberta Members of Parliament and the western Canadian Members of Parliament saying: "Look, we know that western Canada wants a triple E Senate, so therefore we are going to propose a triple E Senate, a Senate based on equality and fairness. Ontario and Quebec have run things for 125 years, so we will propose a triple E Senate, and then we'll ask Ontario and Quebec to vote against it and put the country at risk." That's surely what should be happening.

We want to hear from Albertans on this because we are very serious about this Senate reform. Wouldn't it be good to start to get support from Alberta's MPs, whom the people of Alberta sent to Ottawa to represent them? [interjections]

MR. SPEAKER: Cardston. [interjections] Order please. [interjections] Order.

MR. ADY: Thank you, Mr. Speaker. I believe we can assume that the Premier's message was reasonably clear.

My supplementary is also to the Premier. One of the key constitutional demands by Quebec is the power of the veto. I understand that the federal government is considering lending or pledging their federal veto power to Quebec if one is not granted to Quebec. In view of this new development, is the Premier prepared to give Quebec the veto power without any conditions attached?

MR. GETTY: Mr. Speaker, Albertans are asking for an equal and fair Senate because Ontario and Quebec have had the power in this country for 125 years. They still have the power in the House of Commons and the Supreme Court, and we're asking, for our children and their children, to have some balance in the future so that we are no longer second-class participants in national decision-making.

Now, one of the levers, I guess, that we have is the right of veto to the amending formula. I find it unbelievable that the federal government would now consider such special status for Quebec, that they would take the federal veto and hand it to Quebec in order to frustrate the provinces being able to exercise the very strength in the amending formula that the Constitution gives us. I find it completely unacceptable, Mr. Speaker. I just can't believe that an Alberta Member of Parliament came into our province and made that statement, and I hope the Prime Minister disassociates himself from it.

MR. SPEAKER: Edmonton-Calder, followed by Edmonton-Meadowlark.

### Child Welfare

MS MJOLSNESS: Thank you, Mr. Speaker. The Minister of Family and Social Services has recently stated in one of his brochures that the Child Welfare Act guarantees the protection of Alberta children. Unfortunately, at times this is not always the case. Although I realize that there are many excellent foster homes, I'm also aware of a young couple whose own children were all under the age of six and on several occasions had been reported by the medical profession for suspected child abuse, yet this home was approved as a foster parent home. They were given more children all under the age of six to care for, and this care was far from successful. I'd like to ask the Minister of Family and Social Services: what specific steps has he taken to improve the screening process within the foster care system?

MR. OLDRING: Well, Mr. Speaker, again, it's always hard to respond to specific cases when the member hasn't extended the courtesy of bringing the case to my attention, and I'm somewhat surprised that she wouldn't. I mean, if she's truly concerned about those children, surely if she's had a case like that reported to her, she'd be most anxious to draw it to my attention so that I can resolve it.

Now, in relation to our foster care program here in Alberta, I do appreciate that the member partially acknowledged the good work that foster parents do. I just want to go on the record, Mr. Speaker, as saying how much I appreciate the foster parents that we have across this province, the commitment and dedication that they bring to providing love, care, and treatment for Alberta children that need that kind of support.

Mr. Speaker, as it relates to the screening of foster homes, we go through exhaustive checks. There are police checks, reference checks; there are inspections of homes. But, having said that, I recognize that there's always room for improvement, and one of the things that I've most recently done is: I took the initiative of calling in the Ombudsman so that I could get an outside perspective, an outside assessment, an outside review. I've asked the Ombudsman to have a look at our screening process to see if he can't make some recommendations for how we can improve it.

MR. SPEAKER: Supplementary, Edmonton-Calder.

MS MJOLSNESS: Thank you, Mr. Speaker. If this minister would commit to taking some action, I would be glad to meet with him.

Mr. Speaker, most people are aware of some recent tragedies within the child welfare system. It is my understanding that a review was done in the case of Jason Carpenter, but no one has seen this report. I'd like to ask the minister: when will he release the report of the investigation into the Jason Carpenter case so that the Children's Advocate can conduct the complete and accurate review of the system that he is currently undertaking?

MR. OLDRING: Mr. Speaker, two things. One, again the member knows full well that the Carpenter case is before the courts. She knows what that means. In reference to the Children's Advocate she also knows that I have already asked the Children's Advocate to do an independent review of our child welfare system. I've already asked the Children's Advocate to do an exhaustive assessment. Again, we have a good program in place here in Alberta. We have very dedicated child welfare workers, who have an extremely difficult job, an extremely challenging job, but they perform it day in and day out in a very committed and very dedicated way. We have a good foster care system. We've just gone through some exhaustive changes there. The member knows that at a time of fiscal restraint this government found new dollars to put into our foster program because we consider it a high priority. We found new dollars to put into training for foster parents. We found new dollars to add foster care trainers, to add foster family recruiters. We're very committed to our foster program in Alberta. We're very committed to working with the Alberta Foster Parent Association, and we're committed to continuing to make progressive and appropriate changes.

10:30

### Coal Bed Methane

MR. MITCHELL: Mr. Speaker, in the United States the hasty exploration and production of coal bed methane has caused a dramatic impact on the environment. Alberta will potentially

follow the same path if responsible policies and regulations governing this activity are not developed. To the Minister of the Environment: what measures has the government developed to limit the environmental impact and govern the rate of production of coal bed methane?

MR. KLEIN: Mr. Speaker, in that this is an issue that also involves Energy and there's been some research relative to the ERCB on this issue, I would refer this question, if I may, to the hon. minister.

MR. ORMAN: Mr. Speaker, we are very much aware of the impact that coal bed methane is having on the natural gas market, and we also know that there is a number of unknowns with regard to research and baseline data with regard to coal bed methane. Certainly many areas of the United States are doing much more research, much more exploration than the province of Alberta. I know that the ERCB is looking at the issue. They, as a matter of fact, struck a coal bed methane task force that was designed to develop the baseline data. The ERCB allowed for the drilling of a couple of coal bed methane wells. As I understand, that was to facilitate broadening the baseline data. We're moving very cautiously as a matter of fact. This does not preclude at any point the possibility of a full formal hearing before the ERCB on coal bed methane development.

MR. SPEAKER: Supplementary, Edmonton-Meadowlark.

MR. MITCHELL: Thank you, Mr. Speaker. Presently coal bed methane operators are allowed to withhold information from the public about their exploration and production for three years. Since the potential impact upon the environment of this activity is so great, why will the government not grant public access to information on these proposed projects prior to three years?

MR. ORMAN: Mr. Speaker, I should first say that the hon. member should know that confidential information in the oil and gas business has to do with competitive advantage, proprietary information. On the issue of information, though, that is developed, all proprietary information does go to the ERCB, so there is nothing held proprietary from the ERCB. Whether or not the ERCB sees fit to release that within that three-year period is really their decision.

Mr. Speaker, let me underline that we are watching this issue very closely. We know that it is an important issue. We do not have the baseline data we need to make appropriate decisions at this time about the future of coal bed methane development. The ERCB is working on it very closely. I should say that I haven't talked to the ERCB since earlier this year on the issue, but I'll ask them if there are any current developments and respond to the hon. member.

MR. SPEAKER: Calgary-Foothills, followed by Edmonton-Strathcona.

### Constitutional Reform

*(continued)*

MRS. BLACK: Thank you, Mr. Speaker. The unity minister, Joe Clark, these last few days has alleged through several media reports that the province of Alberta is not – and I say “is not” – in favour of dropping interprovincial trade barriers. My question is to the minister of intergovernmental affairs. Has the minister

in his meetings on constitutional change taken such a position on behalf of the government of Alberta?

MR. HORSMAN: Mr. Speaker, my good friend of 30-odd years, Mr. Clark, made quite a little foray into his home turf yesterday. During the course of that, he had occasion to speak publicly and made allegations, and I have checked the veracity of those by having transcripts, for example, of the hot line program yesterday morning on CJCA.

It is entirely inaccurate to state that Alberta is opposed to removing interprovincial trade barriers. In fact, Alberta has led the fight to see those interprovincial trade barriers removed, because we know that this country must work effectively and efficiently as a functioning economic unit, but we do not believe that that should be achieved by placing into the Constitution of Canada an amendment which would transfer to the federal Parliament the ability to overrule all aspects of a provincial government's efforts at economic diversification and the ability to diversify the economy of the individual provinces. I would point out that what is now being proposed by the federal government is precisely the same thing that Pierre Elliott Trudeau and his government proposed in 1980, and it's back again. [interjections]

I can tell the hon. Member for Edmonton-Belmont, who laughs so uproariously at this suggestion, that if he wants to check with somebody who has his same political philosophy, he should check with the Premier of Saskatchewan, who soundly denounced the proposal just the other day in the Saskatchewan Legislature.

Now, I would point out that that type of economic lever in the hands of the federal government will work solely for the benefit of maintaining the economic power of Canada in central Canada, particularly in Ontario, and that is why we oppose the proposal the federal government has put forward. What we must do is eliminate these interprovincial trade barriers by consultation and co-operation. We are doing that, and it is working.

MRS. BLACK: Well, Mr. Speaker, just as a short supplementary, then, I'd again like to ask the minister of intergovernmental affairs: what other provinces have expressed the same concerns over the economic union as Alberta has?

MR. HORSMAN: Well, certainly as I've just indicated, the Premier of Saskatchewan has been adamant in his opposition to the federal proposal, and I would point out as well that the government of British Columbia also has taken a very firm position on this matter, as have the governments of Manitoba and Newfoundland. So we have in that perspective a clearly nonpartisan approach on behalf of the smaller provinces in this federation. That is why we believe strongly in making the economic union work. We do not believe that it can be accomplished and should be accomplished best by transferring an enormous club to the hands of the federal government with which to beat down the smaller provinces and keep them subservient to the central core.

MR. SPEAKER: Edmonton-Strathcona.

### Goods and Services Tax

MR. CHIVERS: Thank you, Mr. Speaker. The Supreme Court's characterization of the Alberta legal challenge to the GST as implausible is certainly not surprising. The legal challenge, after all, was nothing more than posturing and an expensive exercise in public relations by the government at the taxpayers' expense. It's the same government that endorsed the federal Tories in the 1988 election. To the Minister of Consumer and Corporate Affairs:

will the minister now take steps to alleviate the confusion that exists in the Alberta marketplace and which plagues both consumers and businesses by enacting legislation to require a uniform practice to either include or exclude GST in retail pricing?

MR. ANDERSON: Mr. Speaker, the suggestion that the hon. member has made has been considered, investigated, and rejected by this government, and the reason is that Albertans clearly have spent a great deal of money in preparing for and dealing with the GST. That tax we opposed as a government. We have opposed it in the court case. Nonetheless, to now enter into the marketplace, require a whole new accounting procedure on the part of businesses, would be to add costs once more to consumers after they've been faced with the costs that were a result of the introduction of that tax.

10:40

MR. CHIVERS: Small solace it is to consumers.

Mr. Speaker, changes to the GST legislation are presently under consideration which would make it applicable to volunteer, nonprofit, public service organizations such as community leagues. Since these bodies receive most of their funding from provincial and local governments, the effect of these changes will be to permit Ottawa to indirectly tax these other levels of government. To the Minister of Consumer and Corporate Affairs: what steps is the minister taking to protect the interests of the volunteer, nonprofit sector to ensure that 7 percent of the funding will not go directly to the federal government?

MR. ANDERSON: Mr. Speaker, I'm not sure that I understand the question by the hon. member. He seemed to deal with several aspects of the GST. But I'll be happy to review the Blues or get further information from the member and talk to the Provincial Treasurer with respect to it. I do have to say, though, with regards to the tax that it's a federal tax which we've opposed and we disagree with. Its implementation is through the federal government.

With regards to the member's preamble, I clearly understand now that that side of the House wants more cost yet on an already beleaguered consumer and businesses who would have to have their computers changed and their costs added to in order to fit into one mould or another. We don't care for the tax any more than anybody else. We don't like the implementation of it, but to add more costs yet is a solution that I may expect from the opposite side.

MR. SPEAKER: Edmonton-Kingsway, followed by Edmonton-Gold Bar.

#### AGT Privatization

MR. McEACHERN: Thank you, Mr. Speaker. When the government decided to sell AGT, the Minister of Technology, Research and Telecommunications promised that there would be no jobs lost. I remember the debate clearly. Yet Telus has been downsizing for sometime and intends to keep on doing so. NovAtel laid off 600 workers last year, and we understand that the people who bought part of the NovAtel corporation, Northern Telecom and Telexel, are now laying off 300 more workers. Now, to whoever speaks for this government over there: the minister isn't here; the Premier isn't here. My questions were to the Premier; I don't know where he is. Can they assure us that that's the last of the layoffs? Can anybody assure us of that? [interjections]

MR. SPEAKER: Order please. The member asked if someone could answer the question. Someone has volunteered to answer the question. Let's hear what it is. [interjections] Order. Order please.

MR. OLDRING: Mr. Speaker, the minister responsible for Technology, Research and Telecommunications has already responded and explained that situation very well in this Assembly in the past.

MR. McEACHERN: The fact of the matter is that the government has totally lost control of the NovAtel mess to the unfair treatment of some of the long-term workers, not to mention the taxpayers' dollars that have been lost as well. Can the spokesman for the Premier please explain to me one good thing that has come out of the purchase of NovAtel, the sale of NovAtel, the repurchase of NovAtel, and the resale of NovAtel?

MR. OLDRING: Mr. Speaker, the Minister of Technology, Research and Telecommunications has responded ad nauseam to that member outlining the very question that he's asked.

MR. SPEAKER: Edmonton-Gold Bar.

#### Provincial Laboratory of Public Health

MRS. HEWES: Thank you, Mr. Speaker. The potential for effectiveness of the Provincial Lab of Public Health has been gradually diminishing. Now we hear that the lab, which is administered by the University of Alberta, has laid off 13 employees, most of whom had at least 10 years' seniority. Clearly this is a further clue that the fate of the Provincial Lab is uncertain. My questions are to the Minister of Health. Are these layoffs part of a master plan to reduce the mandate and to diminish the work of the Provincial Lab?

MS BETKOWSKI: No.

MRS. HEWES: Mr. Speaker, my supplementary to the minister: our office, and I'm sure the minister's office, has received several concerns related to management problems at the lab, the most recent being these arbitrary layoffs. Will the minister please investigate these complaints?

MS BETKOWSKI: Mr. Speaker, the hon. Member for Edmonton-Gold Bar is wrong in her assertion that the Provincial Lab doesn't have a sense of where it's going. In fact, one of the areas where we've had some major success in terms of looking at ways that we can differently manage the health sector is in the laboratory area and defining roles for the Provincial Lab, hospital labs, and private-sector labs. There was some discussion in the estimates of the Department of Health, but simply put, the role of each is very important and complementary to one another.

I know that the hon. member likes to delve into micromanagement of the health system. In fact, it is in the policy setting that we are looking at where the labs fit into the very important role they must play in health. What we're attempting to do is avoid the duplication, and believe me, the role of the Provincial Lab is better defined today than it was even three years ago.

#### Small Power Producers

MR. CARDINAL: Mr. Speaker, my question this morning is to the hon. Minister of Energy. The Alberta government introduced the Small Power Research and Development Act in 1988 mainly

to facilitate electricity production using renewable sources of energy. Under this program, Southview, Athabasca, has proposed a 30 megawatt plant in the constituency of Athabasca-Lac La Biche, investing \$75 million and creating over 95 much needed jobs in my constituency.

I just want to give a quick education to the NDs and the Liberals. This is a spin-off industry from . . . [interjections]

MR. SPEAKER: Order. [interjections] Order. Perhaps you'd give the Chair a quick education as to what your question is.

MR. CARDINAL: Thank you, Mr. Speaker. My question to the hon. minister is: would the hon. Minister of Energy advise this Assembly of the reaction to the program by other small power producers?

MR. ORMAN: Mr. Speaker, the Member for Athabasca-Lac La Biche appropriately identifies that the small power program legislation has worked well. As a matter of fact, an amendment that we made yesterday to the regulations through our government is really a response to the Clean Air Strategy for Alberta recommendations.

We have 125 megawatts of energy carved out of the electrical system with the co-operation of the utilities to promote, as the hon. member pointed out, biomass, waste wood, peat, small hydro, and wind. This program was amended yesterday, as announced, Mr. Speaker, to put some milestones in place. The program had been open-ended in terms of allocation. It was on a first come, first served basis when we announced the legislation in 1988. Yesterday we put milestones in place. That is, there are certain hurdles that the projects must achieve prior to receiving their final allocation. There are many projects that are down on the waiting list that are willing to go, willing to move based on this program. We've organized it in a way that will facilitate the most appropriate and the most advanced projects to proceed through the allocation process.

With regard to Southview, it is the same for them as it is for everyone else, Mr. Speaker. They have an allocation designated to them. They must achieve these milestones. They must have their final allocation by December 31, 1994, and their initial allocation must have power contracts associated with it and financing by December 31, 1993. If they don't achieve those milestones, they then lose their allocation to others in the queue.

10:50

MR. CARDINAL: Mr. Speaker, my supplemental to the hon. minister is: would the minister advise this Assembly as to the number of projects that may be in progress under this allocation?

MR. ORMAN: Mr. Speaker, not as many as we would like. The hon. member pointed out that this legislation came through in 1988. We have only six projects with 16 megawatts firm out of 125. We felt that because of that we wanted to move forward the best projects through the process, and that's why we have amended the regulations to accommodate that.

I should also point out, Mr. Speaker, that to deal with the teepee burner at Weyerhaeuser in Drayton Valley, as a result of representations I received from environmental groups, from the mayor of Drayton Valley, Mr. McGee, the company Weyerhaeuser itself, and the Minister of the Environment, what we have done is allowed for a cogeneration facility there to deal with an environmental problem and also identified it as alternative energy. It will proceed with an allocation of 28 megawatts to produce electricity

into the electrical grid.\* As you can see, this program brings a great deal of flexibility. Not only can we deal with an environmental issue and a job creation issue, but we can also deal with it on an alternative energy basis, which I believe all Albertans support.

MR. SPEAKER: Edmonton-Avonmore.

### Supports for Independence

MS M. LAING: My questions are to the minister responsible for Family and Social Services. The Alberta Advisory Council on Women's Issues recognizes that many women who have been through the supports for independence program remain in poverty because of the failure to provide the information and supports available which are necessary for women to rise out of poverty. One of the shortcomings noted by the advisory council is the limiting of training to two years and disallowing support for university education. Will the minister now act on the recommendation of the advisory council and have these restrictive limits removed?

MR. OLDRING: Mr. Speaker, I very much appreciate the recommendations that have been brought forward by the advisory council. A number of them we've already partially acted on. I would also want to note that I appreciate the overall endorsement that the council gave to the new supports for independence program.

In response to the specific question, I can assure the member that we are following up on the recommendations, that the committee that they reference should be in place is already in place to be able to look at the suggestion the member is bringing forward. I can assure the member that I will work very closely with my colleagues to make sure that we do take the appropriate steps.

MS M. LAING: Well, Mr. Speaker, the advisory council endorsed the concept, but they said that the program is not working. They note that training options available under supports for independence often limit women to traditional work that may not even be available in their own home community. Given that the minister responsible for women's issues often speaks of supporting women moving into nontraditional work – and I would hope that this minister would also endorse these objectives – and given that supports for independence, the council says, thwarts these objectives, what changes will the minister seek to make this program consistent with the objectives of women moving into the nontraditional workplace?

MR. OLDRING: Mr. Speaker, I fully appreciate what the member has just said, and I concur. The council's thinking and the council's recommendations are very much in line with the supports for independence program and the objectives of the supports for independence program. Again I reiterate that I appreciate the endorsement the council has given to the program. I appreciate that they also had some suggestions on how the program could be strengthened, could be improved. I've said on many occasions in this Assembly that I welcome constructive recommendations. I welcome constructive suggestions. Once in a while I even get some constructive suggestions from across the way, and I welcome those as well.

We on this side are always looking for opportunities of building on existing programs, of taking good programs and making them

\*see page 1678, left col., para. 9

better. The recommendations which have been brought forward by the advisory council in this instance are to myself and a number of my colleagues, and I can assure the member that we take these recommendations very seriously and will be working very closely together to continue to strengthen this program.

MR. SPEAKER: Edmonton-Whitemud.

### Social Assistance Policy

MR. WICKMAN: Thank you, Mr. Speaker. The new system of client reporting cards under the Minister of Family and Social Services has been under way for a period of time now, to the grievance, I believe, of many, many people. Specifically to the minister: can the minister inform me as to whether the department he is responsible for is holding up any cheques if cards are improperly filled out?

MR. OLDRING: Well, Mr. Speaker, as we've implemented the CRC, the client reporting cards, across the province, we have had a trial period in each office. As it's being brought up, we give clients every opportunity to make sure that they understand it. We put help desks in district offices. There are help desks in facilities like the Bissell Centre here in the inner city. We do everything we can to help clients make the adjustment. For the most part, I might add, it's gone extremely smoothly when you take into consideration that there are some 85,000 clients across this province that are now being asked to fill out these cards, but it reaches a point where if the cards are not being filled out or if they're not being returned or if the effort isn't being made, then, yes, it can impact their benefits and the timing of them.

MR. WICKMAN: Mr. Speaker, my supplementary question to the minister: how is the minister dealing with those situations where the cheque has been held up because of a mistake made by a client not knowingly, not intentionally? How is the minister dealing with providing assistance to that family where there may be children involved?

MR. OLDRING: Mr. Speaker, in a very compassionate and fair way. If there is an instance such as the member has described, there are emergency opportunities. They can go into our offices. They can have the situation remedied on a very timely and a very quick basis.

Again, Mr. Speaker, clearly there is a responsibility on the client to make sure that these cards are filled out properly. They're not that difficult. There is the help there to help them do it if it is a problem, recognizing that the card and the information are ultimately there to help that client receive those benefits on a timely and appropriate basis.

MR. SPEAKER: Question period has expired, but the Minister of Energy wishes to correct a figure that he used earlier in question period.

### Small Power Producers

(continued)

MR. ORMAN: Thank you, Mr. Speaker. I believe that I used the wrong figure, and in anticipation that I did, I'd like to correct it right now. I believe I said that Weyerhaeuser received an allocation of 28 megawatts.\* The total reallocation was 28

megawatts. Weyerhaeuser received 23 and Westlock Power received an additional five for a total of 28.

MR. SPEAKER: Thank you.

### Speaker's Ruling Parliamentary Language

MR. SPEAKER: Order please. The Chair is in receipt of a note. Edmonton-Jasper Place, please.

MR. McINNIS: Mr. Speaker, during question period I responded inappropriately to the suggestion from the minister that a map I tabled was full of nonsense, and I wish to apologize to the House for my disorderly conduct.

MR. SPEAKER: Thank you, hon. member, for being so gracious. At that time, of course, the Chair was invoking *Beauchesne* 192 and 193 but again appreciates the very fact that you've withdrawn and made the apology. Thank you.

### Point of Order Imputing Motives

MR. SPEAKER: Yesterday there was an exchange between Edmonton-Whitemud and the Premier. The Chair has reviewed the transcript and really sees it as an interesting exchange of opinions by both members and not as a point of order.

### Speaker's Ruling Redundant Motions

MR. SPEAKER: With regard to an item on the Order Paper yesterday, it was a matter where we had an interesting number of things occur at about the same time. The Chair has to make the ruling to the House in fairness to members preparing motions for debate for next Thursday. So this then must the ruling to be read into the record.

Motion 222 on the Order Paper, proposed by the hon. Member for Edmonton-Glengarry, is substantially the same in subject matter to Government Motion 20, the Select Special Committee on Parliamentary Reform, which was passed by the Assembly. As a result, Motion 222 cannot stand. Authority for this is *Beauchesne* 563, which reads, and I quote:

A debate on a motion effectively blocks debate on another notice of motion when both deal with essentially the same subject matter.

Again, *Beauchesne* 558(1), and I quote:

An old rule of Parliament reads: "That a question being once made and carried in the affirmative or negative, cannot be questioned again but must stand as the judgment of the House." Unless such a rule were in existence, the time of the House might be used in the discussion of a motion of the same nature and contradictory decisions would be sometimes arrived at in the course of the same session.

As a consequence, hon. members, Motion 222 is redundant, and the Chair is obliged to withdraw it from the Order Paper.

MR. SPEAKER: The Chair would also like to point out that today is the last day for the head page, Charity Stephenson, and also for Tina Poag. I hope that hon. members would recognize those pages. [applause]

### head: Orders of the Day

11:00

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

\*see page 1677, right col., para. 1

HON. MEMBERS: Agreed.

head: **Introduction of Special Guests**  
(*reversion*)

MR. SPEAKER: The Chair will recognize, in this order, Redwater-Andrew and also the Member for Red Deer-North.

MR. ZARUSKY: Thank you, Mr. Speaker. It's a pleasure for me again to introduce to you and through you to the Assembly a group of people from Smoky Lake council and the town of Smoky Lake visiting the Legislature today. They're seated in the public gallery, and as I call their names, I'd ask them to rise and receive the warm welcome: Mayor Peter Goruk, councillors John Jusypink, Eugene Makowichuk, and Carole Carpenter, and administrator Harvey Prockiw.

MR. DAY: Mr. Speaker, the Legislature is brightened today by the attendance of 50 students and parents and teachers from Central elementary school in Red Deer. The teachers accompanying the group are Keith Hitchings, Jack Van Vliet, Marina Rivamonte, Larry Slinger, and Howard Gopher. The parents attending are Doug Hegge, Carla Baugh, Linda McFadden, Linda Conrad, and Bonnie Bellamy. I would ask the entire group if they would stand and receive the warm welcome of the Assembly.

head: **Private Bills**  
head: **Third Reading**

**Bill Pr. 1**  
**Cynthia Lynne Rankin Adoption Act**

MR. SPEAKER: The Member for Wainwright.

MR. FISCHER: Thank you. I move third reading of Bill Pr. 1, the Cynthia Lynne Rankin Adoption Act.

HON. MEMBERS: Question.

MR. SPEAKER: Call for the question.

[Motion carried; Bill Pr. 1 read a third time]

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

**Bill 32**  
**Appropriation Act, 1992**

MR. JOHNSTON: Mr. Speaker, I move third reading of Bill 32.

MR. SPEAKER: The Member for Edmonton-Kingsway.

MR. McEACHERN: Yes, Mr. Speaker. We've made a lot of comments on the estimates and for Bill 32, so I don't intend to repeat all of the discussion except just to make a couple of quick points.

The appropriation Bill of course does not cover all government expenditures, and I've explained that several times. Also, the government claimed that this was a stimulative budget. I've just been doing some examining of the totals, particularly in economic portfolios, and I find that it's not so much a stimulative budget as it's been a carry-on of the same kind of \$2 billion deficits that we've had over the last several years. Since nothing's really changed, it's just an admission of defeat that in fact they didn't balance the budget and they haven't been able to stimulate the

economy. I will give some more details on that and explain in more detail on Bill 37, the borrowing power Bill.

MR. SPEAKER: The Member for Edmonton-Meadowlark.

MR. MITCHELL: Mr. Speaker, I rise simply to reiterate first my caucus' opposition to this Bill and to remind each of the government members who failed to argue in this Legislature against this Bill, who will vote for this Bill unanimously in this Legislature, that when they vote for this Bill, they are sending a very, very clear message to each and every one of their constituents. They are saying that they endorse the seventh consecutive deficit budget of this government; that they endorse a \$2.6 billion deficit; that they endorse an accumulated debt of as much as \$25 billion; that they endorse an Appropriation Act which reflects that budget that contains no concrete plan for overcoming the deficit, for overcoming the accumulated debt; that they endorse the promise of four more consecutive deficit budgets; that they endorse ultimately a "Spending Control Act" which in fact places higher caps than they claim that they have already achieved; that they endorse an accumulated deficit, debt, now of \$10,000 per every Albertan or \$40,000 for a family of four; that this government caucus that has failed to argue publicly against this Bill is categorically endorsing an Appropriation Act which encompasses and reflects a budget speech and budget ideas which are little short of a disaster and which demonstrate that this government is literally out of control when it comes to spending.

[Mr. Deputy Speaker in the Chair]

MR. DEPUTY SPEAKER: Any further?

HON. MEMBERS: Question.

[Motion carried; Bill 32 read a third time]

**Bill 33**  
**Appropriation (Alberta Capital Fund) Act, 1992**

MR. JOHNSTON: Mr. Speaker, I move third reading of Bill 33.

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

MR. McEACHERN: Yes, Mr. Speaker. Just a couple of comments. I would like to say again, and I'll do it very shortly as we've made this point before, that the Treasurer should in summarizing the expenditure plans of the government give us some kind of a consolidated statement indicating the total expenditures of the province, what he expects to be the total revenues of the province, and the balance so that we don't have to wait a year to two years later to get the Auditor General's report to tell us what the deficit will actually be. [interjections] Well, I think that I understand perfectly well. What we have is the situation where the Treasurer likes to give us the figures piecemeal so that he can use whichever one's convenient and keep people confused about the kind of numbers he's using.

MR. JOHNSTON: It's working with regard to you, Alex.

MR. McEACHERN: I've managed to work out most of the tricks that you've brought forward and usually in time, although once or twice I've had to stop and do a double take to try to figure out what the next wrinkle was.

You know, the Treasurer used to put the heritage trust fund expenditures together with the general revenue expenditures and call that his combined deficit, but of course the Capital Fund was separate. Right? I mean, he already had one way to isolate that, plus there's another \$2 billion or so of expenditures with some revenues offsetting some of that which the Auditor General has to account for. So one year the Treasurer switched from doing that to deciding that the nearest he would come to putting a combined figure of any sort together was to go for what he called net cash requirements. He threw the heritage trust fund expenditures out, which he used to include, and threw in the Capital Fund. So we now have this net cash requirement figure.

I just want to remind everybody how last year when the Treasurer said that he had a balanced budget, we then looked at the net cash requirements. I'm sorry; it was the year before, when he said that he had a \$780 million deficit on the budget side. Then you look at the net cash requirements. He's including the Capital Fund in that, which was only some \$256 million, yet somehow the net cash requirements came out at \$1.76 billion. I had a lot of fun trying to ask the Treasurer to explain that to me. He never did, and then when he got to his forecast, he changed his accounting methods once again.

#### 11:10

It was interesting that in the final analysis, when the Auditor brought the papers in, the Auditor brought out the figure \$1.8 billion, so the net cash requirement turned out to be a reasonable facsimile of what the Treasurer was really going to spend. It would be nice if he was just a little more up front and straightforward with it and put together the general revenue expenditures, the Capital Fund expenditures, the heritage trust fund expenditures, and then some kind of a summary of some of those other expenditures which the Auditor General keeps track of that we don't hear about until a year to two years later.

I guess it's too late for this Treasurer to really mend his ways and start telling the people of Alberta straightforwardly exactly what's going on. It will be for us to interpret it and then rearrange it, I guess, when we form the government, because nobody believes this Treasurer any more.

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

MR. MITCHELL: Thank you, Mr. Speaker. I would like to note briefly once again for the record that when the members of this government caucus endorse this Bill, endorse the efforts of their Treasurer yet again, they are saying something very, very clear. In this case they're saying two things. They're saying that it's okay, that they accept that the deficit, which on the General Revenue Fund is already \$2.3 billion, is going to be increased to \$2.6 billion. They are authorizing through this Capital Fund an extra unfunded expenditure – that is, funded only by debt – of about \$300 million. They're standing up and voting – and I expect of course it will be unanimously – for that specific accomplishment by this Treasurer.

To compound matters, they are in fact also endorsing the manner in which the Treasurer reports this Capital Fund and its relationship to deficit. They are accepting that it is okay for a Treasurer of the province of Alberta to spend \$300 million on capital projects funded only and solely by debt and not have to count that in his deficit. That's what they're saying. So they're saying it's okay to increase the deficit and it's okay not to report it properly and not to take responsibility for it. So I look at Calgary-McCall and I say: "You know, there's a renowned fiscal

Conservative, tough minded, hard nosed. He didn't stand up and resist this Bill. In fact, he's going to stand up and vote for it." I noticed the Reform member from Edmonton-Parkallen, the Reform minister of culture. That hard-nosed, tough-minded, right-wing Conservative, fiscally responsible kind of guy didn't stand up and argue against this Bill. No. He said, Mr. Speaker, very, very clearly by not arguing against this Bill that he supports this Bill. I expect, if he has the courage to be in here when the vote is called, that in fact he'll stand up and he will very, very clearly endorse a budget that involves a \$2.3 billion General Revenue Fund deficit and, in endorsing this Bill, a \$300 million extra Capital Fund deficit.

Mr. Speaker, there is nowhere these people can run; there is nowhere they can hide. They are in the glare of the public eye. They have been led there boldly by this Treasurer to an unprecedented record of seven consecutive deficits, to which Capital Fund expenditures have contributed significantly. They are there. They have seen. They have not resisted it. They will vote for it unanimously. It is quite an accomplishment, and it is a message that each and every one of their constituents is going to be very, very interested to receive.

[Motion carried; Bill 33 read a third time]

#### Bill 34

#### Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1992

MR. JOHNSTON: I move third reading of Bill 34, Mr. Speaker.

MR. McEACHERN: Mr. Speaker, of course again I would like to have the Treasurer account for these expenditures out of the general revenue budget rather than out of the heritage trust fund. It's a way of hiding the expenditures from the people of Alberta.

I can't help remarking about the comments that have been made on the last couple of Bills. These are all appropriation Bills, and this is the third one of the three. We don't get a proper accounting of the full expenditures of the province out of this Treasurer. It's interesting the line taken by the Liberal spokesperson, who is talking about fiscal responsibility and really trying to gain the support of the Reform Party members that this government thinks they're trying to hang onto by their limiting spending Bill. They bring in a stimulative budget Bill, Bill 37, saying that they want to borrow \$4 billion more – that is, the government – and then they bring in another Bill, Bill 36, saying that they're going to limit spending to try to hang onto the Reform vote. Now we've got the Liberals standing up and saying: but with all this spending and this big deficit, you can't hang onto the Liberal vote.

I would like to remind this Liberal member about the Liberal government of Ontario that was in power for six years during the biggest boom of the '80s and spent all the money and left the province in a disastrous situation. I would like to remind them of the Liberal government in Ottawa that started this \$420 billion deficit we've got hanging over our head at the federal level. From 1974 through '84 they stacked up a \$160 billion deficit, handed it on to the Conservatives who doubled it in five years, and now we wonder why the Canadian government can't do anything to stimulate the economy to get it moving again.

That Alberta government because of the heritage trust fund isn't in quite as bad a shape, and it does have some room to stimulate the economy, but I would argue – and I'll give you some numbers to back it up – that this so-called stimulative budget is not really stimulative because it's no bigger deficit than what we had last year and the year before, unless of course he intends to spend all

that \$4 billion increase in borrowing power. I suppose maybe that is the plan.

In any case, it is the New Democrat governments of this country that have been the prudent spenders of the taxpayers' dollars. We are the ones that have put the taxpayers' dollars where they're supposed to be put – into education, health care, social services, those kinds of things – and not wasted them on the NovAtel situations and fantastic levels of spending on perks and giveaways to friends like both the Liberals and Conservatives have done. It is the New Democrat government that will look after the taxpayers' dollars in a prudent and sensible manner. Wait and see.

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

HON. MEMBERS: Question.

[Motion carried; Bill 34 read a third time]

### Bill 19

#### Mobile Home Sites Tenancies Amendment Act, 1992

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

MRS. B. LAING: Thank you, Mr. Speaker. I've just one little point I wish to make before I move third reading. There was a question as to how a tenant would challenge the maintenance standards that the landlord had at the mobile home site. Under sections 34 and 40 of the Act the tenants have the ability to challenge the maintenance standards, and now that these amendments are going into place, they will have the protection that I think will encourage them to use that power to challenge the maintenance standards.

I would like to move third reading of Bill 19, Mobile Home Sites Tenancies Amendment Act, 1992. Thank you.

[Motion carried; Bill 19 read a third time]

11:20

### Bill 1

#### Constitutional Referendum Act

MR. HORSMAN: On behalf of the hon. Premier, I would like to move third reading of Bill 1, the Constitutional Referendum Act.

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

HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: On the motion for third reading of Bill 1, Constitutional Referendum Act, all those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Oh, excuse me.

AN HON. MEMBER: Who's going to speak, both of you?

MR. DEPUTY SPEAKER: I'm sorry, hon. member. You did not stand before the vote was called, and we are proceeding with the vote.

The ayes have been called. Those opposed to this Bill, please say no. Carried.

[Bill 1 read a third time]

### Bill 23

#### Environmental Protection and Enhancement Act

MR. KLEIN: Mr. Speaker, it gives me a great deal of pleasure to move third reading of Bill 23.

MR. DEPUTY SPEAKER: Are there any questions?

MR. McINNIS: Mr. Speaker, the opposition will be supporting third reading of Bill 23. I know this brings to a conclusion a very long process on the part of a lot of people in the province of Alberta, and they all deserve to be congratulated for their part in it. We've indicated that this Bill is a major improvement over the existing state of the law in the environment, and I think the minister in particular should be congratulated for persevering and making certain that a version of this Bill did emerge from the government caucus into the House and had the opportunity to be passed in this particular session.

As I read the public mood in Alberta, I think despite the fact that there are concerns about the economy, people want our environment taken care of. They want a sense that there is order in the way that we approach our natural world, that decisions are made based on sound reasons and values and not on political expediency. I think there's a feeling that the environmental impact assessment has to be tightened up so that we have less margin for error in the future, that we need to have a process which includes as many points of view as possible and provides funding for those who have a valid point of view to express and don't have the means to do it otherwise. I think we have to understand that that's not the same thing as saying people want to be paid to do things. You have to have money in this world to get the kind of professional advice, technical expertise, and analysis interpretation of data which is needed, because a lot of these questions are very complicated, factual, data based, which involve a projection into the future, and I think in our society we need to recognize that.

I think that people in our society are ready for the idea that inappropriate decisions by anyone on an environmental matter deserve to be challenged in a court of law. Now, nobody likes to go to court about anything. It's time consuming, it's expensive, it's sometimes frustrating, because it can be a winner take all, win/lose type of situation. Of course we would like to resolve issues through dialogue and discussion, of course the round table process works and works well for the vast majority of issues, but there are always those issues upon which reasonable people disagree, and in the end they have to be decided according to values and scientific judgment. If anyone, whether it's a corporation or a government or an individual, violates that, they should be accountable. There must be an "or else," and that is why we need to have environmental rights and access to the courts in order to achieve that.

[Mr. Speaker in the Chair]

We need a much stronger forest policy in Alberta. Sixty percent of our lands are forest lands, but the Environmental Protection and Enhancement Act really skirts around forestry decisions. A lot of very, very important forestry allocation decisions with very significant environmental impacts are made and have been made by the government without environmental scrutiny, without public hearings, without independent scientific review, without intervenor funding, and I don't think we can afford this Berlin Wall that exists between the Department of Forestry, Lands and Wildlife and the Department of the Environment. The real Berlin Wall came down, and I submit this wall will come down eventually and the

Environmental Protection and Enhancement Act will have to be amended to encompass a greater involvement in forestry lands.

I think that in the future the questions of land use will need to be brought under tighter environmental control. Land use is a fractured type of jurisdiction within the government. Municipalities have authority over land use within their areas. There are various departments that are involved in land use decisions through the integrated resource planning process. There are the other land use decisions made by forestry. I think that we need to consolidate our position there.

One way which I commend to the government is the idea of an endangered species/endangered spaces type of program. I think that could find a place within the framework of the Environmental Protection and Enhancement Act. Ways of working with private landowners to ensure critical wildlife habitat is preserved: we had an example discussed today in question period about the Three Sisters project where a portion of the land is in the private sector because it was an old coal mine from the last century. A portion of that land is without very much doubt critical wildlife habitat, yet the process of government failed to recognize that fact and to communicate it in the environmental impact assessment. Somehow the environmental impact assessment got through the process without that being flagged and identified. It took an outside intervenor at the Natural Resources Conservation Board process to bring that information forward, and it's still unresolved. Somehow we have to find a way in our environmental legislation, whether it's this Act or another Act, to make sure that we don't have development on critical wildlife habitat which will be destructive of that habitat. There's only so much critical wildlife habitat. We have a large number of endangered species in our province, large in relation to the base that it comes from, so that question of land use of endangered spaces needs to be dealt with in a stronger way in this legislation.

What I'm indicating, Mr. Speaker, is that we're supporting progress, but we're indicating that there's more that needs to be done. It shall be done in the future if not by this government by the next.

MR. SPEAKER: Edmonton-Whitemud.

MR. WICKMAN: Thank you, Mr. Speaker. Just a couple of brief words on this Bill 23. I think this is one of these types of Bills that demonstrates a process – and I think a very, very healthy process – of responding to citizen demands. I think it's very, very clear that citizens in the last few years have demanded much greater protection of the environment, and they've demanded that the government respond accordingly. Yes, the minister has to be given credit for his role in that whole process of recognizing that the electorate, Albertans out there were saying, "Enough is enough; it is now time to get tough with the environment." I would suggest that a few years from now the demands will be there to rewrite the Bill to make it even tougher and tougher. That's a healthy process, and I think it's a process we have to welcome, it's a process we've got to accept, and it's a process that we learn by, but we never, never, never short sell the citizen participation involved, the demands made by Albertans to create this, just like we'll probably see a year or two down the road the same type of demands from Albertans to clean up the fiscal mess the province is now in.

MR. SPEAKER: The hon. Minister of the Environment in summation.

MR. KLEIN: Thank you very much, Mr. Speaker. I'm going to speak very fast in case there's a glitch. First of all, I would like to thank the hon. Member for Edmonton-Jasper Place for his very thoughtful and gracious remarks relative to this Bill, and the hon. Member for Edmonton-Whitemud. I would like to, I guess in summation, say that I thought that there would be a bigger crowd.

I would like to take these few brief moments, Mr. Speaker, to hand out some thanks, first of all, to my friend and my colleague the hon. Member for Banff-Cochrane who headed the review panel that basically involved Albertans in writing this Bill. It's a Bill that provides a framework for environmental legislation, environmental policy, and I think, Mr. Speaker, it's more than just that. It's an agenda that indeed will take us through this decade and into the next century. Indeed, as the two hon. members from the opposition parties have pointed out, nothing is perfect and nothing is carved in stone, and as this Bill works its way through society and through the system, and as we find out what the problems are, of course, amendments can be forthcoming.

I would like to thank also the many volunteers who spent countless hours in conducting the hearings and who contributed through written comments and verbal comments their thoughts on what should go into this Bill.

I would like to last but not least thank my staff for the countless hours that they put into writing this Bill, making sure that all people were consulted, and that everyone had an opportunity for input. They have been a tremendous help to me, Mr. Speaker, and when I talk about environmentalists, sometimes I think that many of the real environmentalists are right within the Department of the Environment, dedicated and concerned and committed individuals.

With that, Mr. Speaker, I think I'll sit down in case something else happens. Thank you very much.

11:30

HON. MEMBERS: Question.

[Motion carried; Bill 23 read a third time]

### Bill 27 Fisheries (Alberta) Act

MR. FJORDBOTTEN: Mr. Speaker, I'd like to move third reading of Bill 27, the Fisheries (Alberta) Act.

MR. McINNIS: Mr. Speaker, on third reading of the Fisheries (Alberta) Act. This Bill co-ordinates the system to market and sell fish products in the province of Alberta. The subject of fisheries is, as we know, divided or at least shared in a way between the federal government and the government of Alberta. The primary jurisdiction is of course federal. There have been very important agreements under which the provincial government administers some of the federal responsibilities in this particular area.

By and large, this legislation is worthy of support, but I would like to note that under federal/provincial agreement there are many Albertans who have been concerned about destruction of fisheries habitat in our province because of certain kinds of developments, whether it's forestry developments in the northern part of the province or dams in the southern part. I was reading recently a lengthy history of the involvement of Martha Kostuch in attempting to make various authorities account for the damage that was done to the trout fishery on the Oldman River. I think it's Kafkaesque to say the very least what Martha has gone through before the courts time and again proving that there's a prima facie case under the Fisheries Act and time and again having the process

thwarted and frustrated by the provincial Crown in its capacity before the courts.

I hope that in the future the government will take a more serious attitude towards fisheries habitat. I recognize that this is primarily a federal Fisheries Act, but there is the important role of the province managing the court system, the role of the prosecutors, and the rest of it. If a citizen makes a prima facie case before the courts dealing with Fisheries Act violations, they should have a right to see that through. I believe that principle will be upheld by the courts in the long run, but it's going to be a very long run to get there, thanks to the antics of the Attorney General of Alberta.

HON. MEMBERS: Question.

MR. SPEAKER: There's a call for the question. Mr. Minister? Thank you.

[Motion carried; Bill 27 read a third time]

**Bill 29**  
**Consulting Engineers of Alberta Act**

MR. ISLEY: Mr. Speaker, on behalf of the Minister of Public Works, Supply and Services, just prior to moving third reading, I'd like to clarify one item that came up in earlier discussion. It's my understanding that some of the members opposite were of the impression that APEGGA, the Association of Professional Engineers, Geologists, and Geophysicists, did not support this Bill. I'm filing with the House this morning a letter from APEGGA indicating that they have reviewed the Bill and they do approve of the Bill.

With that, I would like to move third reading of Bill 29.

MR. WICKMAN: Mr. Speaker, just very, very briefly. I know I addressed this during second reading. It was pointed out again during Committee of the Whole, and the hon. minister Mr. Kowalski did assure me that consultation had taken place. However, just to have it on record, we're still getting – and I think there is some confusion there, but I'm not sure at this particular point whether there is or not. Just to have it on record, even after that time we have gotten further correspondence from engineers that say they did not feel they were consulted on this particular Bill.

HON. MEMBERS: Question.

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

[Motion carried; Bill 29 read a third time]

**Bill 38**  
**Alberta Income Tax Amendment Act, 1992**

MR. JOHNSTON: Mr. Speaker, I move third reading of Bill 38.

MR. SPEAKER: Edmonton-Kingsway.

MR. McEACHERN: Yes, just a brief statement. We on this side of the House would have preferred that the Treasurer reduce his flat tax rather than reducing the graduated progressive tax. We think that would have made more sense. In terms of stimulation of the economy, he would have got more stimulation out of a flat tax because the people at the lower end of the scale, whom it would help the most, would certainly have spent their money because they need it for food, groceries, rent, those kinds of

things, whereas reducing the upper percentage rates for middle and upper income people, given the shakiness of the economy and the difficulty we're having in getting out of this recession, a number of those people will put it in the bank rather than spend it, and the Treasurer will not get the stimulative effect he was hoping to get out of that kind of a tax change.

MR. WICKMAN: Mr. Speaker, just very briefly. One can't really criticize a reduction in taxation for the sake of criticizing that particular reduction. However, when I look at this and I kind of in my mind analyze the series of events that led up to it, I can recall the Premier going to a First Ministers' Conference on the Economy and asking the federal government to have a 1 percent reduction across the board. I guess there was a feeling that the Premier was kind of locked in when he came back, but I assume, after consulting with the Provincial Treasurer, the Treasurer would have said: look, the impact of a 1 percent reduction in provincial tax across the board would be a tremendous loss of revenue. Rather, it was restricted to the surcharge, which of course does not impact or provide that same benefit to any degree as to what the Premier had asked the feds to do.

HON. MEMBERS: Question.

[Motion carried; Bill 38 read a third time]

**11:40**  
**Bill 39**  
**Alberta Corporate Tax Amendment Act, 1992**

MR. JOHNSTON: Mr. Speaker, I move third reading of Bill 39.

HON. MEMBERS: Question.

[Motion carried; Bill 39 read a third time]

head: **Private Bills**  
head: **Third Reading**  
*(continued)*

[It was moved by the members indicated that the following Bills be read a third time, and the motions were carried]

No.	Title	Moved by
Pr. 2	First Canadian Casualty Insurance Corporation Act	B. Laing
Pr. 3	Carmelite Nuns Of Western Canada Act	Black (for Elliott)

**Bill Pr. 4**  
**Caritas Health Group Act**

MR. SPEAKER: Clover Bar.

MR. GESELL: Thank you, Mr. Speaker. It's my pleasure to move third reading of Bill Pr. 4, the Caritas Health Group Act.

During committee study I provided an undertaking that I would respond to some of the questions that may have been left. There are three items that are left, and I briefly want to respond to them. The Member for Edmonton-Strathcona raised a question about section 25, about the minister's ability to remove the board that would operate Caritas. In response to that question, I'd like to state that, no, the minister would not have authority to remove that board. This is a voluntary health care sector, and the minister would not be able to influence that board in that fashion.

Secondly, a question was raised with respect to other boards joining. Those hospitals that are now under the control of the

minister would require the approval of the minister. Those entities that are not under the control of the minister would not require the approval to join the entity of Caritas. That relates to section 1, the question that the member was asked.

The third point relates to the public interest, and there was some discussion on that. The important part here is that there was concern expressed about the Bill being maybe deficient in that it did not adequately protect the public interest. Well, one needs to look at and evaluate and determine how public interest is obtained. I think that has to be done on the basis of past performance, the intentions, and the motivations of those bodies that one looks at and also the reasonable expectations of what we might see in the future. Well, I'm not asking the member to take an extraordinary leap of faith, something that Soren Kierkegaard might ask members to do, but to look at the facts as they are here in this particular instance, and those institutions have operated for some considerable period of time. For instance, the Misericordia hospital was incorporated in 1900 by the Sisters of the Misericorde. They established a home for unwed mothers in Edmonton on 111th Street and 98th Avenue, and they've performed these services since that time. Similarly, the General hospital was opened in 1895 under the ownership of the Sisters of Charity (Grey Nuns) of North West Territories. That initial opening consisted of 35 acute care beds and was located at Edmonton as well.

So I would ask the member to look at those facts and the public interest that has been shown in order to make that evaluation. I should state that our Progressive Conservative government and this member representing Clover Bar are convinced of the integrity and the genuine dedication of these institutions and that our progressive government reinforces through this legislation our commitment to the voluntary health care sector.

Thank you, Mr. Speaker.

MR. SPEAKER: The Member for Edmonton-Strathcona.

MR. CHIVERS: Thank you, Mr. Speaker. I will be very brief. I appreciate the hon. Member for Clover Bar having clarified the issues that I asked him to address. I think what is clear is that the point that I raised regarding section 1 is accurate: that it is not merely preserving the status quo and that indeed other groups may join this health care group and then would be bound by the same rules with respect to the bylaws and rules of organization of the corporation. So although he has clarified my concern, my concern still remains, and I want to reiterate once again that I do indeed recognize, and did in my comments in earlier debates, the dedication and outstanding public service that has been provided by the three institutions that are directly involved in this legislation. I wanted to make that clear.

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

MRS. HEWES: Yes, Mr. Speaker, just a comment. I support entirely this Bill. I believe it is an excellent example of the kind of collaboration that can take place and is taking place in many of our health care institutions. I would draw to members' attention that not only is it now legitimizing and formalizing the association of three institutions but that these institutions are also all involved in outreach programs. I believe this is the sign of future direction, and I thank and congratulate Caritas for the kind of leadership they're showing here and hope other institutions will follow.

HON. MEMBERS: Question.

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

[It was moved by the members indicated that the following Bills be read a third time, and the motions were carried]

No.	Title	Moved by
Pr. 5	Lee Justin Littlechild Adoption Act	Black (for Ady)
Pr. 6	Rocky Mountain College Act	B. Laing
Pr. 7	Medicine Hat Community Foundation Act	Musgrove
Pr. 8	Calgary Municipal Heritage Properties Authority Amendment Act, 1992	Mirosh

11:50

**Bill Pr. 9  
United Farmers of Alberta Co-operative Limited  
Amendment Act, 1992**

MR. SPEAKER: The Chair wishes to raise the question with the House as to whether members who have been absenting themselves because of this next Bill wish to have their names recorded or not. The Chair awaits a little direction here. For the second time of asking, do hon. members associated with this Bill wish to withdraw? For the third time of asking. Thank you.

Calgary-Bow.

MRS. B. LAING: Thank you, Mr. Speaker. On behalf of my colleague from Smoky River I would like to move third reading of Bill Pr. 9, United Farmers of Alberta Co-operative Limited Amendment Act, 1992.

[Motion carried; Bill Pr. 9 read a third time]

[It was moved by the members indicated that the following Bills be read a third time, and the motions were carried]

No.	Title	Moved by
Pr. 10	St. Mary's Hospital, Trochu Amendment Act, 1992	Black
Pr. 12	Calgary Foundation Amendment Act, 1992	Mirosh
Pr. 14	Carolyn Debra Peacock Adoption Act	Woloshyn

**Bill Pr. 15  
Victory Bible College Act**

MR. McINNIS: Mr. Speaker, it's my great pleasure to move third reading of Bill Pr. 15, the Victory Bible College Act.

[Motion carried; Bill Pr. 15 read a third time]

MR. SPEAKER: The Chair was tempted to say that any members wishing to vote in the affirmative could have shouted hallelujah. [laughter]

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

**Bill 41  
School Amendment Act, 1992**

[Adjourned debate June 24: Mr. Woloshyn]

MR. WOLOSHYN: Thank you, Mr. Speaker. I would like to say it gives me pleasure to continue responding to this Bill, but

I'm afraid it does not because, again, I have to return to the fact of the way it was organized. I notice on news releases issued by the department nice little comments here and there about bits and pieces that were going to go in, but I couldn't find a news release on one of the most important sections, a section amending the attendance board.

The more I reflect on this particular section of the Bill, the more I feel the minister should do the responsible thing and withdraw that section from this current amendment. I feel that the amendment, if it goes through, will give the attendance board powers far beyond anything they should have in our current democratic system. I would agree with the minister's reasoning and his concerns with wanting to grant the powers, and those concerns I would suspect, and I think rightly so, would be that there is a wish on the part of the minister to protect people who have had troubled backgrounds which were identified to the attendance board. I concur that perhaps these things are better dealt with in private.

However, the pursuit of a troubled child through the legal system – and that's what the attendance board is; it's a quasi-judicial system – can do absolutely no good for the child involved, the parents, or any of the other authorities. If the minister would reflect on the current Child Welfare Act, he would quickly concur that when a situation arises through the attendance board where there are extenuating circumstances that go beyond, if you will, a child wishing to be delinquent, a child who does not respond to their parents but does in fact have the area of some other traumatic experiences involved such as, for example, sexual abuse, then that case should be turned over to social services to be dealt with under the Child Welfare Act. It should be removed totally from the attendance board's area of jurisdiction. The attendance board's area of jurisdiction – and I stress this – should remain with and deal only with either (a) parents who do not, for whatever reasons, want to abide by the law of the land and send their children to school or (b) students who, for whatever reasons, choose not to attend. These children would be choosing not to attend from their own choices, not because of events in their lives that have put them on a path greatly needing repair.

I would suggest that perhaps one of the big reasons this came about was the publicity surrounding the recent contempt of court that resulted from an attendance board's ruling and a young person spending five weeks in jail . . . [interjections]

12:00

MR. SPEAKER: Order please.

MR. WOLOSHTYN: Thank you.

. . . for contempt of court, whereas we all know that that contempt of court resulted from the attendance board's rulings which then become legal in the sense that they have the same effect as if it were court directed under the current Act. Now, in looking into this particular individual's situation, you would find he was already a ward of the government, meaning he was under the care of social services, so I wonder who should have been in court, whether his grandfather or particular members of the department.

What that case showed was that perhaps the wrong person was handled in the wrong way. That case would have been handled better totally under the guidance of social services, under the Child Welfare Act, under those people, to determine what the problems were so that that young person could have gone ahead and hopefully been put on the right track. Instead, he got a five-week crash course on how to hot-wire cars and other good little events that happen to young people when they go into the youth detention centre to have an education given to them by the

inmates, if you will, rather than the teachers there. So I have stressed to the minister that he should reconsider this particular amendment and withdraw it.

We have a very good Child Welfare Act if the provisions are followed, and I think we have to be realistic and put school attendance in the proper perspective. I certainly would be totally supportive of the attendance board rulings almost to the limit, if you will, for people who are defying the order to go to school, but not for young people who can't comply because of events in their lives they do not have control over.

I would say that if there are going to be amendments to section 110, if anything it should be more a matter of reducing their authority rather than increasing it. Again, I stress that there are situations which can occur where keeping matters private would be in the best interests of all concerned, and I would say at that point the attendance board's responsibility would be to turn it over to social services to deal with it.

Now, we have a situation in this particular Act where we want to send children to school, and that's fine. Then we turn around and have another amendment that's going to help keep kids out of school. Home schooling in this province – I believe it's about five years since it was introduced – has taken on various dimensions of growth. It was a new idea. It wasn't a very good idea. As a matter of fact, I think it was a very tragic idea in many instances. However, it came about through public pressure, and governments do respond to some degree to public pressure. If you look at what is happening now, there are problems. The minister is fully aware of the problems of school boards administering home-schooling situations. In some places it does work; in many more places it does not. We have school boards because of lack of proper regulation taking students on as home-schooling members, if you will, and then subletting these very same students to other jurisdictions to deliver the supervisory service. That is wrong. That should not be permitted, and I think it can be addressed through regulations. The other aspect: I believe when the home-schooling provisions were introduced, in order for school boards to enter into it – they didn't have an awful lot of choice. They were more or less coerced into it. They were supposed to have drawn up regulations to be approved by the department, and I do believe many school boards, responsible ones, drew up and followed very good policies and regulations which were submitted through to Alberta Education. Now, why we would take a situation that isn't working and expand it arbitrarily without any good cause is beyond me. [interjection] Yes, and I hope they're listening.

I would like to state for the record that there are many, many good accredited private schools. These very same private schools are in existence because they want to deliver their Christian education in school to the students. The independent schools, as they're otherwise known, have been lobbying quite severely for expanded funding. I was pleased to hear that, for example, special needs was now going to be following the student, and that would mean that private schools would have access to funding for special-needs students within these schools.

I haven't heard of any private schools asking for the right to home-school. I haven't heard of any private-school parents coming and asking to have their child home-schooled by private schools. I have heard they have accomplished the setting up of private schools, the accreditation of private schools, and the participation there. So this particular amendment may be relevant in the future, but at this particular time the minister should have been more responsible and looked at curing current problems with home schooling, making the system work efficiently and properly for the sake of the student, and if that were accomplished at that

point, then consider expanding the role of the home-schooling authorities. Had that been done, I certainly wouldn't have any objection to it. But I find it rather contradictory that on the one hand we're going to all ends to get children into school, as we should be, and then in the same amendments we make it that much easier and more convenient to slip kids away from attending school.

Looking at this whole business of school attendance, perhaps we should have a look at what we're doing. We'll go back to the young fellow from McMurray. Had he attended school and been delinquent in school, he likely would have been suspended and excused from school. Instead, he didn't go. Perhaps he should have, but he didn't attend school, so then he became incarcerated for contempt of court. In other situations where children don't listen to their parents for whatever reasons or the school is having problems with students, they negotiate a home-schooling situation. In this particular instance, home schooling could have been set up for this boy, I suppose. The monitoring of it is very weak and perhaps the school board in question was responsible and chose the right route and went with the school truancy approach as opposed to it.

Mr. Speaker, I think we should have had four distinct pieces of legislation, amendments coming up. One would deal with section 23, parents and their desire to have schools. I think that would have been very, very appropriate. The amendment at least would have stood on its own and would have received the recognition it deserves. I must stress that the reaction to section 23 of the Charter, the reaction of the legislation to do that, was imposed by the Supreme Court of Canada, so we have no choice in that. So to try to delay or stop that legislation in my opinion would be irresponsible, and I'm not prepared to do that.

I feel that the minister is including other very contentious areas along with this particular amendment to the School Act. Dealing with Francophone education was most irresponsible.

AN HON. MEMBER: And very offensive.

12:10

MR. WOLOSHTYN: As my colleagues states, it borders on being offensive.

The business of collecting school user fees. With that particular amendment the minister had no choice, but it would reflect on what should be happening instead of having user fees. Instead of changing the legislation to accommodate the user fees, perhaps more attention should be paid to dealing with the equity problems in education, dealing with the overall funding in education, dealing with the inordinately extreme downloading on residential properties because of the backing out and capping of education funding by this government. There are a lot of things that could have been done and should have been done as opposed to that. I can understand why that particular amendment is there, and I would say that it would be perhaps better to amend the legislation and avoid costly court cases if you're not prepared to be responsible and fund education to the levels it should be funded.

When I say that, I'm referring to education as a whole but more specifically to the small and not so small boards that are being ripped off by capping procedures through regulations in what they thought two or three years ago they were entitled to in terms of equity funding formulas, as I raised in the House on June 19. When I posed the question to the minister if he's going to commit the \$66 million he was going to put in the education trust fund to equity funding, I was glad to see that his answer was that that's exactly what the province is doing. I'll be checking with the school boards to see if their equity requests are going to be funded

to the hundred percent according to the formula. I was very pleased to see that he agreed with me that he should be funding at least the equity portions to the fullest extent.

Mr. Speaker, in conclusion, with respect to the business of the particular section on the attendance board, I think it's important that we not lose track of the fact that in our society not only must justice be done, but it must be seen to be done. In the case of this particular legislation, not only will justice not be done; it will not be seen to be done by anybody.

Included with the others, I think I've made my comments as well as possible to this point. In that case, I'd like to say thank you very much.

MRS. HEWES: Mr. Speaker, in our Liberal caucus we have strongly supported the notion of enshrining the Charter rights of Francophone parents regarding governance of their schools and have begged the minister to introduce this legislation. For that reason, we certainly support that part of this particular Bill. We also like the two-tiered plan that the minister has outlined, and we even support the user fee amendment because it's a case of obeying a court decision. The first part of the Bill certainly brings us in line with Supreme Court decisions and Charter rights. It's been long awaited by Francophone parents, and we welcome it. However, I have to question the minister's judgment, which I think may in fact border on – is “irresponsible” a no-no?

AN HON. MEMBER: No, that's perfectly in order.

AN HON. MEMBER: Hardly.

MRS. HEWES: No? All right; I won't use it then.

I have to question the minister's judgment, Mr. Speaker, in rolling in some of the other amendments he has in this particular Bill. Some of these are very creative and innovative and probably are supportable. However, they are controversial and do have some grave implications – some good, some bad, perhaps some neutral. My point is that the additional amendments to the Francophone and user fee amendments in fact have received no consultation or discussion with the stakeholders in the province. I have some real anxiety that in fact these other amendments that are controversial and questionable and do need a great deal of discussion in our province with parents and school boards may in fact jeopardize something we urgently believe in, and that is the legislation for Francophone parents.

Mr. Speaker, I submit that this should have been at least two Bills and perhaps, as the hon. Member for Stony Plain suggests, more. I don't believe the minister has given us any kind of satisfactory explanation about why he has muddied up the waters here. I don't think there's any intention here to make it more difficult; I would not want to attribute that kind of motivation to him. But to give any potential to scuttle the Charter of Rights by including the controversial issues without discussion and consultation on those controversial issues I think would be cruel and brutal. I want and I believe we all need some explanation as to the minister's intention here. Omnibus Bills often have some dangers and difficulties in them, so the minister needs to account for this to the House and to the stakeholders.

We see the idea of regional boards being put forward here. Certainly this one needs extensive consultation, Mr. Speaker, because the consequences, which might be very positive, need to be examined thoroughly before we are called upon to make a final decision in this regard. The minister, I'm sure, as a responsible minister, wants the support of all the stakeholders in this innovative and creative idea, but you don't get support without that kind

of consultation, and the last thing we need is for the stakeholders to resist.

Mr. Speaker, I'm sure all members of the Legislature have had a letter from the Public School Boards' Association of Alberta. It's a fairly extensive letter detailing their concerns, which are very similar to mine: that in this Bill we have for whatever reason rolled in a number of very new ideas that need extensive discussion in the electorate and in the school boards and with the parents and communities of our province before we ask for any firm commitment in legislation.

In the meantime, Mr. Speaker, I again want to reiterate my support and our caucus's support for that part of the Bill that without equivocation gives to Francophone parents their Charter rights.

MR. SPEAKER: Edmonton-Calder.

MS MJOLSNESS: Thank you, Mr. Speaker. I just want to make a few brief comments about Bill 41. It's difficult to talk about the principle of this Bill in second reading because there are so many principles in the Bill. Other speakers have commented on the fact that there are many different areas contained in the Bill, but I'd like to talk a little bit about the section on school user fees. Of course, no one disagrees with the fact that the Bill contains the Francophone education component. I think we all support that particular component in this Assembly.

Now, section 44, page 7, deals with school user fees. I have to express my strong opposition to this particular section, although I do know why the minister needed to clarify who has to pay for school user fees or if in fact they should even be allowed. Mr. Speaker, I know that many school jurisdictions are in a predicament in that they don't often have the funds they may need to offer various programs without charging the students. We do know that the provincial government has continually decreased funding in the area of education throughout the years, that the local property taxpayers are having to pick up a lot of that funding.

12:20

So, Mr. Speaker, there's an issue in all of this in terms of who is responsible for the funding. I do realize that school jurisdictions are put in a particular predicament. They want to offer their students the best programming they can, and oftentimes they just don't have the funding, so they're forced in many situations to charge the students. It's not only the local school jurisdictions that find themselves in this situation. Oftentimes the schools themselves find that they want to offer certain programs to their students and make the decision to charge the students.

Now, oftentimes, Mr. Speaker, I'm in disagreement with the kinds of things schools are charging children for these days. I don't think the staff in these particular schools are doing it to be mean to the students, but I think they often don't understand what the implications are for students, especially if those students come from low-income families. Now, we know in this province that we do have a number of low-income families, whether they're working or whether they're on social assistance, and we've got a very high unemployment rate in the province of Alberta. This, I believe, makes this issue all the more serious.

I've been personally involved in a few instances where children have not been included in school activities simply because they cannot pay for the fees that are being charged. I did work in one school jurisdiction where they took the stand that under no circumstances would children be charged for any activities during school hours. I was really pleased that they had taken such a

strong stand, and I see no reason why the provincial government couldn't take a leadership role in this whole area and send out the message that charging school user fees, Mr. Speaker, is not appropriate, although I do realize, having said that, that many of the school jurisdictions, as I've said before, are in a predicament where they may not have a choice.

Thank you.

MR. SPEAKER: Additional? Edmonton-Strathcona.

MR. CHIVERS: Thank you, Mr. Speaker. I have a few comments with respect to this Bill. I want to echo the comments that have been made that it is indeed, in my submission, unwise to join in a single Bill a number of uncontentious matters with controversial matters because of the difficulty in dealing with the real issues in controversy.

One of these issues is, of course, the amendment to section 110 by the addition of subsection (5). It is, of course, a common feature of our laws that administrative tribunals issue orders that are subsequently filed with the courts and then become enforceable by the courts as orders of the courts. I take no exception to that principle. It's common practice, and it is indeed a feature of many of our laws, including the Individual's Rights Protection Act and the labour relations laws. However, what is different here is that once the attendance board order is filed with the court here, the amendment to subsection (5) will create a curious situation whereby the attendance board order, which is now filed with the court and therefore now has the same force and effect as if it were an order of the court, will not become public if in the opinion of the attendance board it is in the public interest to keep it confidential. That, in my submission, creates a difficult anomaly for the courts. The court processes are now going to be available for the enforcement of an order which is a confidential order. I submit that the courts should not be placed in those situations.

Now, I understand the reasoning behind the amendment and the public interest, and I recognize the public interest in confidentiality in certain circumstances, but I question the wisdom of handling the problem in this fashion. It seems to me more thought needs to be given as to how to properly balance the interests of the individual and indeed the public in certain circumstances in confidentiality with the need to preserve confidence in the courts. After all, the judicial system is a public and open process, and to put the courts in the position where they are, in effect, being asked to enforce through the court processes confidential orders is, I submit, an open invitation to abuse of the courts. It can be seen as an abuse of the court process.

I submit that the common statement that justice must not only be done but must be seen to be done is at stake here. The courts will not be in a position of being able to open their processes to the public so the public can examine what it is they are doing and why they are doing it. The problem is that if the public is to maintain confidence in the courts, it can only be done if the court process is open. In my opinion, in my submission, it is extremely unwise and places the courts in a quandary with respect to forcing them to enforce confidential orders. I suspect you will find that there will be a great deal of reluctance on the part of the courts, because the order will automatically become an order of the court, the enforcement procedures will then be available in the case that the order is defied once it is filed, but you will still have to go to the courts to request that they enforce a confidential document. I suspect that the courts will be very concerned with being placed in that situation.

Will this mean that the courts will have to hold the enforcement proceedings in camera? This is probably a necessary consequence

of the requirement for confidentiality. I suspect that the courts will not desire to be placed in that position. I suspect also that the section may not stand up to Charter scrutiny for that very reason, and I'm wondering if the minister has checked that out.

In any event, in my submission there are legitimate competing interests: the interests of the public, the interests of the courts, the interests of the individuals concerned with respect to confidentiality. That is a legitimate issue, but those interests have to be balanced in a proper fashion that does not impose on the judicial system an undue burden.

I will make two other brief comments. I support the Francophone education regions provision of the legislation. I have some concerns with respect to the establishment of regional divisions, the procedures that are established in the matter in that fashion.

Mr. Speaker, I beg leave to adjourn debate on this Bill at this point in time.

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

HON. MEMBERS: Aye.

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

head: **Royal Assent**

12:30

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

[The Premier and the Sergeant-at-Arms left the Chamber to attend the Lieutenant Governor]

[The Mace was draped]

[The Sergeant-at-Arms knocked on the main doors of the Chamber three times. The Associate Sergeant-at-Arms opened the door, and the Sergeant-at-Arms entered]

SERGEANT-AT-ARMS: All rise, please. Mr. Speaker, His Honour the Lieutenant Governor is without.

MR. SPEAKER: Sergeant-at-Arms, admit His Honour the Lieutenant Governor.

[Mr. Speaker left the Chair]

SERGEANT-AT-ARMS: Order!

[Preceded by the Sergeant-at-Arms, His Honour the Lieutenant Governor of Alberta, Gordon Towers, and the Premier entered the Chamber. His Honour took his place upon the Throne]

HIS HONOUR: Please be seated.

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

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

No.	Title
1	Constitutional Referendum Act
2	Historical Resources Amendment Act, 1992

4	Public Contributions Amendment Act, 1992
5	Landlord and Tenant Amendment Act, 1992
10	Energy Resources Conservation Amendment Act, 1992
11	Petroleum Marketing Amendment Act, 1992
12	Natural Gas Marketing Amendment Act, 1992
13	Agriculture Statutes Amendment Act, 1992
14	Motion Picture Development Amendment Act, 1992
15	Universities Foundations Amendment Act, 1992
16	Public Trustee Amendment Act, 1992
17	Irrigation District Rehabilitation Endowment Fund Act
18	Mines and Minerals Amendment Act, 1992
19	Mobile Home Sites Tenancies Amendment Act, 1992
23	Environmental Protection and Enhancement Act
24	Public Safety Services Amendment Act, 1992
26	Water Resources Commission Amendment Act, 1992
27	Fisheries (Alberta) Act
28	Jury Amendment Act, 1992
29	Consulting Engineers of Alberta Act
32	Appropriation Act, 1992
33	Appropriation (Alberta Capital Fund) Act, 1992
34	Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1992
38	Alberta Income Tax Amendment Act, 1992
39	Alberta Corporate Tax Amendment Act, 1992
Pr. 1	Cynthia Lynne Rankin Adoption Act
Pr. 2	First Canadian Casualty Insurance Corporation Act
Pr. 3	Carmelite Nuns of Western Canada Act
Pr. 4	Caritas Health Group Act
Pr. 5	Lee Justin Littlechild Adoption Act
Pr. 6	Rocky Mountain College Act
Pr. 7	Medicine Hat Community Foundation Act
Pr. 8	Calgary Municipal Heritage Properties Authority Amendment Act, 1992
Pr. 9	United Farmers of Alberta Co-operative Limited Amendment Act, 1992
Pr. 10	St. Mary's Hospital, Trochu Amendment Act, 1992
Pr. 12	Calgary Foundation Amendment Act, 1992
Pr. 14	Carolyn Debra Peacock Adoption Act
Pr. 15	Victory Bible College Act

[The Lieutenant Governor indicated his assent]

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

SERGEANT-AT-ARMS: All rise, please.

[Preceded by the Sergeant-at-Arms, the Lieutenant Governor and the Premier left the Chamber]

[Mr. Speaker took his place in the Chair, and the Mace was uncovered]

MR. SPEAKER: Be seated, please.  
Deputy Government House Leader.

MR. ANDERSON: Mr. Speaker, before moving that we adjourn for the weekend, I would indicate only that we'll be dealing with Government Motions and Bills throughout Monday, given the stage of the House that we're at in the Order Paper.

[At 12:40 p.m. the Assembly adjourned to Monday at 2:30 p.m.]