

## Legislative Assembly of Alberta

Title: **Monday, November 26, 2001**

**1:30 p.m.**

Date: 01/11/26

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon and welcome back. At the conclusion of the prayer would you please remain standing for the singing of our national anthem.

Let us pray. Our Father, we confidently ask for Your strength and encouragement in our service of You through our service of others. We ask for Your gift of wisdom to guide us in making good laws and good decisions for the present and the future of Alberta. Amen.

Now will you please join Mr. Paul Lorieau in the singing of our national anthem.

HON. MEMBERS:

O Canada, our home and native land!  
True patriot love in all thy sons command.  
With glowing hearts we see thee rise,  
The True North strong and free!  
From far and wide, O Canada,  
We stand on guard for thee.  
God keep our land glorious and free!  
O Canada, we stand on guard for thee.  
O Canada, we stand on guard for thee.

THE SPEAKER: Thank you. Please be seated.

head: Presenting Petitions

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. I rise to present a petition signed by 1,273 Albertans urging the government of Alberta to support the establishment of the Chinchaga Wilderness as a legislated protected area where . . . the natural landscapes are preserved in a wilderness park for northwestern Alberta for the enjoyment of present and future generations.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. It is a privilege and my pleasure today to present 1,243 signatures on a petition, bringing the total to 2,516 people throughout the province who support the Chinchaga wilderness, urging the government to support it as a legislated protected area.

Thank you.

head: Tabling Returns and Reports

MRS. McCLELLAN: Mr. Speaker, with your permission I would like to file with the Assembly the appropriate number of copies of a letter sent earlier today from the Premier to Wally Buono, coach of the 2001 Grey Cup champions, the Calgary Stampeders. With your permission I would just read two short excerpts from the letter.

Congratulations, Stampeders, on your Grey Cup victory! It was a championship hard fought and well-deserved . . .

Again, I join with all Albertans in congratulating the Stampeders on their thrilling win, and for representing the city [of Calgary] and the province with such dignity and class.

I'm sure all members of the Assembly would want to join the Premier and I in congratulating the Stampeders for their victory and for representing the province with such class at the Grey Cup.

THE SPEAKER: The hon. Minister of Community Development.

MR. ZWOZDESKY: Thank you, Mr. Speaker. With your permission I rise today pursuant to section 22(4) of the Persons with Developmental Disabilities Community Governance Act to table the appropriate number of copies of the Persons with Developmental Disabilities 2000-2001 annual report. The PDD community governance and delivery system in our province provides very highly valued supports and services to almost 8,000 Albertans with developmental disabilities. This annual report is actually an accountability document of that work, and it provides a provincial perspective along with summary information from the six PDD regional boards and from the facility board for Michener Centre.

Thank you.

MR. JONSON: Mr. Speaker, I wish to today table five copies of a letter from the Premier to the Prime Minister outlining our desire for free trade and a long-term solution to the softwood lumber dispute.

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. BOUTILIER: Thank you, Mr. Speaker. It's my pleasure to table the requisite number of copies of the 2000 annual report of the Alberta Propane Vehicle Administration Organization.

THE SPEAKER: The hon. Minister of Environment.

DR. TAYLOR: Yes, Mr. Speaker. Once again in the spirit of openness and co-operation I'm really pleased to table five copies of the questions that arose at a previous committee meeting.

THE SPEAKER: The hon. Minister of Human Resources and Employment.

MR. DUNFORD: Thank you, Mr. Speaker. I'm pleased today to table booklets. They're called X-treme Safety, and they're safety tips for rookies in the workplace.

THE SPEAKER: The hon. Member for Edmonton-Glengarry.

MR. BONNER: Thank you, Mr. Speaker. With your permission I'd like to table the required number of copies of 19 requests from Albertans who want the government to vote in support of the Liberal opposition's class size targets bill "so that classrooms will no longer be overcrowded," to "end the need for parents to fundraise for classroom basics," and to "ensure that Alberta can attract and keep the best teachers for our children."

Thank you.

THE SPEAKER: The hon. Leader of the Official Opposition.

DR. NICOL: Thank you, Mr. Speaker. I rise today to table 108 requests from Albertans who want the Legislature to support Bill 218, which provides a mechanism to properly fund education.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you very much, Mr. Speaker. With your permission I have four tablings from constituents today. The first is the appropriate number of copies from Jeanette O'Brien, who is bringing forward her concerns regarding the status of education in Alberta.

The second is an e-mail from Carol Marcellus. Again, she's

deeply disturbed by the government of Alberta's policies in education and health that seem counterproductive to the health and well-being of citizens.

There's also an e-mail from Arlene Sittler, who raises some very good points about education and teachers and respect for teachers in Alberta.

The last one is an e-mail from Steve Baba, who's wondering why it is taking so long to process applications for the special-needs benefits program. As a senior not being able to chew for an extended period of time because he can't get dentures, it is a real hardship.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. I have two tablings today. The first is from teacher Marcel Tremblay, who writes a very detailed letter about his concerns and states to the Premier that he can complete his teaching career "without you or your government's approval. However, I cannot stomach or tolerate your government's and the public's disdain of my profession any longer."

The second letter is from a parent of five children who is very concerned about the situation developing in Alberta with the teachers and hopes the government will support teachers.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. With permission I have two tablings. The first is the required number of copies of a parent fund-raising survey, a study conducted by the Liberal Official Opposition in Alberta.

Second, Mr. Speaker, I'd like to table the required number of copies of 40 requests from Albertans who want the government to "vote in support of Bill 218," to "end the need for parents to fund-raise," and to "ensure that Alberta can attract and keep the best teachers."

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar.

1:40

MR. MacDONALD: Thank you, Mr. Speaker. I would like to table, please, the required number of copies of 26 requests from Albertans who want the government to vote in support of the Liberal opposition's class size targets bill "so that classrooms will no longer be overcrowded," to "end the need for parents to fundraise for classroom basics," and to "ensure that Alberta can attract and keep the best teachers for our children."

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. With your permission I would like to table five copies of a letter from Heather Fraser dated November 19, 2001, addressed to all MLAs and outlining severe cuts in children's services in Calgary.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Speaker. I have one tabling today. I am tabling five copies of a backgrounder on teacher

compensation prepared by the British Columbia Public School Employers' Association showing that Alberta teachers have significantly lower salaries than teachers in many other provinces.

head: Introduction of Guests

THE SPEAKER: The hon. Minister of Justice and Attorney General.

MR. HANCOCK: Thank you, Mr. Speaker. Today it's my pleasure to introduce to you and through you to members of this Assembly 25 grade 6 students and their teacher, Mr. Terry Gietz, from Westbrook elementary school in my constituency of Edmonton-Whitemud. Accompanying them today are parent helpers Mrs. Carol Ceroici, Mrs. Karen Chiu, Mrs. Velvet McSheffery, and Ms Deanna Crozier. They're here today to observe and learn with keen interest about our government, and they're also participating in the School at the Legislature program this week.

Now, Mr. Speaker, if I may, there are three significant things about this school that I want to bring to your attention. First and most important, I attend this school on a regular basis and answer questions, and the grade 6 students of Westbrook school typically ask the best questions of anybody that I've run into, and I commend them for that. Secondly, the daughter of Calgary-Nose Creek attends this school and is in attendance with the class. That would be Lauren. Thirdly, this is the first school picture that I've had taken with my new glasses.

I'd ask the class to please rise and receive the traditional warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Edmonton-Castle Downs.

Oh, how the chair would like to say something, but go ahead, hon. member.

MR. LUKASZUK: Well, Mr. Speaker, one is always tempted to say something good about Edmonton-Castle Downs.

I will take this opportunity to introduce to you and through you, Mr. Speaker, to this Assembly 67 bright faces from Edmonton-Castle Downs. Those are students from Lorelei elementary school. They are today accompanied by teachers Mr. Mark George and Miss Lori Howden and principal, Mr. Mike Cooper, as well by parent helpers Arlene Mickelsen, Allison Davies, and Gary Rudyk. I believe they're sitting in the public gallery. I would like them to rise and receive the traditional warm welcome of this Assembly.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Rutherford.

MR. McCLELLAND: Thank you, Mr. Speaker. To you and through you to all members of the Assembly it is my great pleasure to welcome from the constituency of Edmonton-Rutherford a group of 33 students from Richard Second elementary school led by their teacher, Bryan Rosychuk, and parent helpers Theresa Rupp and Chris Beebe. I'd ask them to stand and accept the warm welcome of the House.

THE SPEAKER: The hon. Member for Edmonton-Beverly-Clareview.

MR. YANKOWSKY: Thank you, Mr. Speaker. It is indeed a pleasure for me to rise and introduce to you and through you to this Assembly Dr. Fawzi Morcos on the occasion of his retirement from active practice in obstetrics and gynecology, having served some 32 years right here in Edmonton's Misericordia hospital. Dr. Morcos

and Mrs. Morcos, along with their daughters Theresa, Camila, and Rebecca and son-in-law Harold Visser, along with my wife, Katherine, are seated in the members' gallery. I would like to ask them to please stand and receive the very warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Calgary-West.

MS KRYCZKA: Thank you, Mr. Speaker. I am very pleased today to introduce to you and through you four members of the 14-member Seniors' Advisory Council for Alberta. They are meeting to work on an ad hoc project for the Minister of Seniors, the hon. Member for Stony Plain. From my left to right, I must start with Carol Ching, who is our very important co-ordinator from the Seniors Department; Carol Blyth from Calgary, who represents the Calgary and area region; Margaret Health from Grande Prairie, who represents the northwest region of Alberta; Peter Portlock from Edmonton, the Edmonton and area region; and Dennis King from Lethbridge, who is representing the southern Alberta region. I would ask these advocates for Alberta seniors to rise and receive the traditional warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Speaker. It's a pleasure to rise this afternoon and introduce to you and through you to all hon. members of this Assembly a group of Strathern elementary students. They're currently touring the Legislative Assembly and are going to join us in the public gallery at 2 o'clock. There are 20 students and two adults. The students this afternoon are accompanied by their teacher, Mrs. Vivian Bell, and parent helper Mr. David Cole. I would now ask all hon. members to please grant them the warm traditional welcome of this Assembly.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. I've got two introductions today. I'm very pleased to introduce two sets of visitors. The first are three visitors from the Old Strathcona Youth Co-op, that operates in my constituency of Edmonton-Strathcona less than 50 metres from my own office. The Old Strathcona Youth Co-op is a street-level, multi-agency team established to provide services and support to the youth around the Whyte Avenue area. With us today are Karen Ramsey, the director of the co-op, and two co-op supporters, Gen Sloan and Fenx Spaed. They're seated in the public gallery, and I would ask them to please rise and receive the warm welcome of the Assembly.

Mr. Speaker, my second set of guests, whom I'm also very delighted to introduce to you and through you to the Assembly, are seated in the public gallery. They're members of the Canadian Parks and Wilderness Society, known as CPAWS. CPAWS was founded in 1963 and has helped protect over 40 million hectares of Canada's most treasured forests and other wilderness places. CPAWS currently has 11 chapters with hundreds of dedicated volunteers and 20,000 active members across Canada. We're pleased to have six of their members with us today seated in the public gallery. I'm going to name them now and would request them to then stand and receive the warm welcome of the Assembly. They are Jill Sturdy, Tracey Smith, Gordon Eadie, Kim Smith, Leila Darwish, and Jay Moore. Would they please rise and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for St. Albert.

MRS. O'NEILL: Thank you, Mr. Speaker. I am pleased to acknowledge the presence of 30 members of the St. Albert Catholic high school who are present in the Legislature Building now and will be coming into the gallery at 2 p.m. They are accompanied by their teacher, Tamie Bentz. I would ask the Assembly to extend a warm welcome to them.

1:50

head: Oral Question Period

THE SPEAKER: First Official Opposition main question. The hon. Leader of the Official Opposition.

### School Fund-raising

DR. NICOL: Thank you, Mr. Speaker. My first question is to the Minister of Learning. Why do parents have to fund-raise through bingos, casinos, and other fund-raisers to provide basic educational requirements for their schools?

DR. OBERG: Mr. Speaker, the very short answer to that is that they don't, but what I will do is go a little bit into what money is fund-raised and what exactly that money is used for. The last reconciliation of dollars that we have on the school-generated funds occurred in the 1999-2000 year. I apologize for not having 2000-2001, but we have not yet fully tabulated that.

Around 9 percent went to donation-specific programs. This would be where a group of parents and a group of students raised money and, say, donated money to the Kidney Foundation or something like that. Another 7.2 percent went into cafeteria and lunch programs. Another 14 and a half percent went into athletics or field trips. The largest portion of the money that was fund-raised, 42.9 percent, went into general school activities, and I'll break that down, if I may. They are things such as yearbooks, graduation, student's union, bookstores, PACs fund-raising.

MS CARLSON: Textbooks.

DR. OBERG: No. Yearbooks, Mr. Speaker.

About another 11 percent went into some non core resources such as band, such as choral, such as supplies and printing, fine arts. The last, about 15.3 percent, went into capital equipment such as playgrounds, computers, vans, and field trips.

There's one other point that I would like to raise, and that is that this is an issue that was looked at by the Alberta School Boards Association about a year ago. I certainly have no trouble in tabling this whole document, but if I may just read the first two points, because I truly believe that they summarize the intent of the document. The first one says that "funds raised should complement – not replace – public funding for education." The second one says that "fundraised dollars should not be used for instructional purposes or basic education items, those being items required to complete a core course." Mr. Speaker, that's the Alberta School Boards Association, and it goes on to roughly seven or eight other points.

If there are schools out there that are fund-raising for textbooks, I would urge the hon. member to tell me which ones they are, and I personally will investigate it, because they are going against the Alberta School Boards Association policy and going against what our documents are telling us.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. What do you say to the parents, then, who constantly tell us that they are fund-raising for textbooks, for library materials, for educational aids? How do we deal with them when you tell us they aren't doing it?

DR. OBERG: Mr. Speaker, that's a little bit of an enigma that I've been dealing with myself, because when I sit and talk to them, I say: "Tell me exactly what you are fund-raising for," and they go through a litany of things. I say, "Are you fund-raising for textbooks," and they say yes. I then go to the school boards and ask the school boards, and they tell me no. That's why I need specific examples from the hon. opposition, and I personally will take a look into these, because they are not to be. There are plenty of dollars in the school budgets to pay for textbooks, and I will not accept any school board that says they do not have the funds to pay for textbooks.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. My next question is again to the Minister of Learning. Did you ever think that these parents may be afraid that if they tell you that they're raising money for basics such as textbooks, they will lose that and their children won't get a proper education because they don't have the textbooks?

DR. OBERG: Mr. Speaker, what the hon. Leader of the Opposition has just said is a huge indictment of our education system. If they feel that there will be repercussions because they actually tell the Minister of Learning what might be going on, I think that's a huge indictment of the school system. The parents that I know and the letters that I get are quite free in telling me all sorts of things, and I would encourage them to continue.

If this is occurring, Mr. Speaker, I certainly will personally look into it, but again I go back to the Alberta School Boards Association directive which states that there should be no fund-raising for basic educational items.

THE SPEAKER: Second Official Opposition main question. The hon. Leader of the Official Opposition.

DR. NICOL: Thank you, Mr. Speaker. Will the minister commit to studying the issue of fund-raising, looking into why the public is saying that they're fund-raising for basics yet your data says that they are not?

DR. OBERG: Sure, Mr. Speaker. In all fairness, I did look into this about a year and a half to two years ago, at which point the Alberta School Boards Association came out with this document. I said at that particular time to them: "We have two options, ladies and gentlemen. We can sit down and you can bring out directives for your school boards, or I can bring down regulations when it comes to fund-raising." The Alberta School Boards Association categorically stated that they would put recommendations forward on guidelines for their own member school boards, and that's exactly what they did.

Again, Mr. Speaker, if there are any school boards out there that are not following these guidelines, I'm sure the Alberta School Boards Association will want to hear about it, and I want to hear about it.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Will you tell the schools not to fund-raise? It's clear they have to fund-raise because the model that you use for funding doesn't provide the basics.

DR. OBERG: Mr. Speaker, I take offence with that question, because there is no way that every taxpayer should pay for uniforms for my child who takes athletics, and they shouldn't necessarily pay

for field trips. They shouldn't necessarily pay for a lot of things that occur. So I'm not going to tell parents that they should not fund-raise if they want to build the extras within their school. If they want to fund-raise for uniforms, if they want to fund-raise for various things, I'm not going to tell them not to fund-raise, but I will tell them that I do not want them fund-raising for textbooks, because that is not acceptable.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Mr. Minister, you tell them not to fund-raise for textbooks, yet they don't have enough textbooks to go around for every student in the classroom or for every classroom teaching the same subject. Why not?

DR. OBERG: Well, again, Mr. Speaker, this is an issue that was raised a couple of years ago. At that time I did look at school boards and I asked them: "What's going on here? You have enough money for textbooks." They all gave me various answers as to why an individual student would not have one textbook. Many of them said: well, they don't need one; they can share it between classes.

Mr. Speaker, what I will say, though, is that this department and this government plans for the future. One of the things that we are very close to announcing is that our textbooks will be on-line, so rather than even worrying about this textbook issue, they will be able to go and print these textbooks from the Internet. I will be making the first signature on this later on this week. I think that that's a truly exciting development. That's truly the way that the Internet can be utilized to help our school system. Hopefully, these questions about fund-raising for textbooks and all the other questions that have been raised will become moot points over the next couple of years.

THE SPEAKER: Third Official Opposition main question. The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. The Minister of Learning has insisted that parents in the province are not fund-raising for basic classroom materials. Parents tell us quite a different story. How can the minister maintain that fund-raising for basics is a myth when parent groups on behalf of 110 schools across the province report that they are?

DR. OBERG: Well, Mr. Speaker, no offence intended, but what the hon. member did was write them a question and said basically: do you fund-raise for basic necessities at school? He did not define it; he did not say what exactly it was. So a lot of parents, for example, when they answered this, would say, "Yes, we do" or "No, we don't." When you actually take a look at his document, with all respect to the hon. member, there are some comments in the back such as: what exactly is basic?

Mr. Speaker, my same response is there. If there are people out there who are fund-raising for textbooks, I personally will take a look in to it and find out what's going on, because there is money there and they should not be fund-raising for textbooks.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you. To the same minister, Mr. Speaker: have the government claims to funding equity not been destroyed when, depending on where you live in this province, thousands of extra dollars are funneled into your school?

DR. OBERG: Mr. Speaker, the hon. member just hit on the whole

rationale why you cannot have school fund-raising going into basic curriculum, going into the basic core mechanisms of education. This goes back to the same issue that we had when we had taxation that would be delivered out to the various communities. He's absolutely correct: if you live in an affluent area and can raise a million dollars or \$100,000 or \$5,000 and nonaffluent areas cannot, then what you run in to is this inequity. That is why the Alberta School Boards Association came out with a report that said: don't do it. That's why I unanimously have said: don't do it. And that's why they don't do it.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you. My final question to the same minister, Mr. Speaker: how can the minister expect parents to report to school boards or to the government when the Learning ministry's web site threatens to investigate them?

2:00

DR. OBERG: Well, Mr. Speaker, one of the prerequisites, according to the Auditor General, is that the schools list all school-generated funds, and that includes fund-raising. This has been something that has been there for the last two or three years, and yes, it's absolutely an imperative that any money that is generated in the school is reported. We have to do accounts. The hon. opposition has been talking about deficits. If we don't have accurate accounting of how many dollars are raised in these schools, I think we'd have huge problems.

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

### **Children's Services**

DR. PANNU: Thank you, Mr. Speaker. The Minister of Children's Services is presiding over a bloodbath of cuts to frontline children's services. These cuts, contrary to the government's rhetoric, will hurt thousands of the province's most vulnerable children. Earlier I tabled a document outlining draconian cuts in the Calgary-Rocky View region designed to make up an \$8 million to \$10 million budget shortfall. To the Minister of Children's Services: how can the minister justify the unilateral termination of contracts of respected Calgary agencies effective December 31, thereby abandoning thousands of vulnerable children right during the middle of the upcoming holiday season?

MS EVANS: Mr. Speaker, for the last few days in the House we have been talking about the need to place priority and emphasis on those children who have need for protective services. Many of the other services, it's true, we would like to be able to support, but presently we are looking at that inordinately high caseload growth, which is similar to caseload growths throughout almost every province in Canada. We're asking why at this time we have the need to service more children for child protection. The agency supports that are being provided to certain programs in most cases have simply been reduced, have not been totally eliminated. Where they have been eliminated, we have through the authorities taken very careful accounting of whether or not these are duplications of other services that are being rendered through other agencies. The most important principle of all is that it is the programs for those children who are least likely to become statistics in the child welfare registry that are being affected.

THE SPEAKER: The hon. member.

DR. PANNU: Thank you, Mr. Speaker. My second question to the same minister: by closing the Connect program at the Salvation Army Children's Village, which has served as a home to these children in Calgary, how can the minister justify putting eight children 12 years and younger out of their home and back into an already overburdened foster care system?

MS EVANS: Mr. Speaker, once again, my invitation to all members of the House is that if there is evidence that any child is in jeopardy with any of these agency realignments, then please let me know, and by the end of December I'm very confident that Calgary Rocky View will have alternatives in place to deal with those children.

Mr. Speaker, last week in this House we heard about an agency that was going to reduce five beds. We had at that time 62 other bed options through 19 other placements or group homes that could be available. An open invitation to any member of the House that has circumstances that we should investigate: this is a case where, if they will turn it over to me, we'll look into it and assure the hon. member and indeed the people of Alberta that we will take care of those children, that alternatives will be found.

DR. PANNU: My final supplementary to the same minister, Mr. Speaker: will the minister either protect these children by reversing these draconian cuts or perhaps resign?

MS EVANS: Mr. Speaker, I would assume that the hon. member is seeking accountability for the children of this province, and I am prepared to be accountable, as Minister of Children's Services, for the care and protection of those children that we serve under the Child Welfare Act.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert, followed by the hon. Member for Edmonton-Riverview.

### **Medicine Hat Teachers' Negotiations**

MR. HORNER: Thank you, Mr. Speaker. We've been hearing a great deal about negotiations between teachers and their school boards recently. While teachers in Edmonton public schools are taking a strike vote later this week, I understand that last week teachers in the Medicine Hat local of the ATA voted on a memorandum of agreement presented to them by their school district. My question is to the Minister of Learning. Can the minister please confirm this, and would he tell the House what the outcome of that vote in Medicine Hat was?

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you very much, Mr. Speaker. Last Monday night the local of the Medicine Hat ATA voted more than 91 percent in favour of accepting the contract that they had been negotiating with the Medicine Hat school board. This contract basically had an 11 percent increase in it, albeit 4.3 percent was effective September 1 of this year and another 6.4 percent was effective April 1, making an overall effect of 7.5 percent. I just want to say that although this was over the 4 percent and 2 percent that we had allocated, this is what we've been talking about the whole time: local people sitting down and finding local solutions to their issues. There's no better example of this than what just happened in Medicine Hat.

THE SPEAKER: The hon. member.

MR. HORNER: Thank you, Mr. Speaker. My second question is

also to the Minister of Learning. You indicate that the agreement was tentative, and if the Medicine Hat school district and the teachers in the Medicine Hat local ATA have agreed to these terms, why don't we have a done deal?

DR. OBERG: Well, Mr. Speaker, I guess that's where the fly in the ointment comes in, in that the provincial Alberta Teachers' Association has to ratify this agreement. It is my understanding from media reports and my understanding about what has been said that the provincial ATA has chosen to go against their local ATA and go against the local school board on this. I don't know how they can do it when you have the local school board and the local ATA sitting together and arriving at a contract. Two signatories to the contract and they've decided not to ratify it.

So, Mr. Speaker, that's where it's at today. I hope that calmer heads will prevail. I hope that the Alberta Teachers' Association local in Medicine Hat has arrived at a deal they can live with, and I hope that it becomes ratified soon, but my understanding is that it will not.

THE SPEAKER: The hon. member.

MR. HORNER: Thank you, Mr. Speaker. Given what the Minister of Learning has just told us, my final question would be to the Minister of Human Resources and Employment. Are there any other options or processes that are available under provincial labour legislation that the Medicine Hat school board and the teachers could pursue to enable them to successfully conclude these negotiations?

MR. DUNFORD: Mr. Speaker, the board and the teachers would actually have two options. Now, both these options involve the Labour Relations Board. I want to affirm to the hon. member that the Labour Relations Board is independent from government, so it's not the government that can avail itself of any of these options. It's going to have to be one or both of the parties as it might apply. So the first option is that the parties could apply to determine whether or not there was a collective agreement actually in force, and the Labour Relations Board would then be asked to first of all review the ratification process in the context of the ATA rules – the minister commented on that in his previous answer – determine whether or not the rules had been followed, and then of course rule whether or not a valid collective agreement was in effect.

The second option would be an application to the Labour Relations Board for a proposal vote. If the Medicine Hat school board applied, the Labour Relations Board would conduct a vote of the employees. Now, if that application were granted, this vote could determine the will of the Medicine Hat local. It would not be subjected actually to the same ratification process as the recent vote that has been conducted by the teachers. The results of the vote, if held, would be binding on the parties.

Now, when we get into these kinds of situations, again I want to affirm that we always encourage all the parties to an agreement to come to a negotiated agreement, but if they cannot, then of course there are options that are available under the Labour Relations Code.

THE SPEAKER: The hon. Member for Edmonton-Riverview, followed by the hon. Member for Calgary-Currie.

2:10

### **Palliative Care**

DR. TAFT: Thank you, Mr. Speaker. Palliative care programs allow people to die with dignity under the care of compassionate staff who assist with everything from pain control to pastoral issues. These

programs can be as important to the family as to the patient. I think all MLAs recognize they are a sign of a society that cares. To the Minister of Health and Wellness: given that these programs are by definition not long-term care, can the minister explain why some regions are charging long-term care rates?

MR. MAR: Mr. Speaker, I wish to say at the outset that I agree with the preamble as set out by the hon. Member for Edmonton-Riverview, and I do believe that all members of this Assembly would agree that palliative care is indeed the expression of a great deal of compassion for people who are nearing the end of their life. The palliative care programs throughout this province, while good, do differ from regional health authority to regional health authority, and that is recognition of the fact that there are different needs that reside in different communities. We provide dollars to regional health authorities to deal with their health care needs, but of course there may be different demographics in different parts of the province. Accordingly, that matter is something which is left to the decision-making of regional health authorities.

THE SPEAKER: The hon. member.

DR. TAFT: Thank you, Mr. Speaker. Can the minister explain why the charges for hospice care in Calgary are 50 percent higher than in Edmonton and why the same service is provided without any charge in Lethbridge? Why does it cost so much to die in Calgary?

MR. MAR: Mr. Speaker, there are different methods of delivery of palliative care throughout the province. There is a mix of both public service as well as not-for-profits, and I cannot answer the particular question with respect to what the hon. member was asking. In Calgary I do not know the specific nature of the contract that may be held by a not-for-profit group with the regional health authority to provide services. But I can say that those services are provided, as I said in my earlier answer, by regional health authorities, and they may differ from place to place throughout the province, depending on policies as established by local regional health authorities.

THE SPEAKER: The hon. member.

DR. TAFT: Thank you, Mr. Speaker. Will the minister ask all regional health authorities to eliminate this user fee on dying?

MR. MAR: Mr. Speaker, I will not do any such thing except that I will undertake to review the particular contract arrangements that have been established in Calgary and ask good questions about why there is a large differential. There is probably a good reason for it, and I will endeavour to find out.

THE SPEAKER: The hon. Member for Calgary-Currie, followed by the hon. Member for Edmonton-Gold Bar.

### **Human DNA Patenting**

MR. LORD: Thank you, Mr. Speaker. My questions today are on a subject which I believe has profound public policy on health issues. The subject is human DNA patenting. Right now there is a company which is reportedly demanding a \$2,500 U.S. per person access fee before they will allow women to be tested to see if they have the gene linked to breast cancer. People are being discouraged from doing even basic medical gene research on a number of human diseases because those diseases have now been patented. There are

now over 100 companies involved in the human DNA patenting gold rush, and the U.S. department of health has even reportedly applied to patent the entire cell line of a human being, a tribesman from New Guinea. It appears that the U.S. Supreme Court and the patent laws are on the side of these companies. My questions are to the Minister of Health and Wellness. Could the minister tell us whether or not the health department is monitoring, and actively monitoring, the discussions surrounding the patenting of human genetic material?

MR. MAR: Mr. Speaker, the short answer to the hon. member's question is yes. It is worth pointing out that the whole issue of patents is constitutionally within the responsibility of the federal government. Companies do apply to the federal government for patents, and the federal government then decides whether such patent is issued. But I can assure the hon. member that Albertans and my department are both very concerned about the patenting of human genetic material in Canada. This type of patenting does pose a serious concern for all Canadians as well as specifically on the issue of future sustainability of our health care system, and that is the reason why we follow this closely and do work with our provincial counterparts across the country and the federal government to examine the validity of such claims in one particular case as it relates to a particular company that was referred to by the hon. member.

THE SPEAKER: The hon. member.

MR. LORD: Thank you, Mr. Speaker. My first supplementary question is again to the Minister of Health and Wellness. Could the minister tell us whether or not the department is currently paying any royalty or access fees to any companies as a result of patents on human genetic materials?

MR. MAR: The short answer, Mr. Speaker, is no, we are not. It is worth noting that we have been contacted by one American company, Myriad Genetics Inc., who claim that some of the testing being done by Alberta's Cancer Board violates their Canadian patents. The same company has contacted provincial health authorities in both the provinces of Ontario and British Columbia with a similar claim. Because this is a legal issue and involves a very complex patent, my department has enlisted the services of a professional patent agent who is currently reviewing the claim being made by Myriad. The results of this review by the patent agent will determine what our next steps in this matter will be, but in the meantime we will continue to fund the Alberta cancer genetics program to provide Albertans with affordable access to genetic testing.

THE SPEAKER: The hon. member.

MR. LORD: Thank you, Mr. Speaker. I guess my last question is just whether or not the minister could confirm that access fees and royalties emanating from these patents would become a major health care cost driver in the future if this stands.

MR. MAR: Yes, I can confirm that. We believe that the patenting of human genetic material poses a serious concern for all Canadians and, as I said, the sustainability of our health care system. Regardless of jurisdiction, Mr. Speaker, I can assure Albertans that we will continue to monitor the issue closely, working in collaboration with our provincial and federal counterparts as we are committed to protecting the health care interests of Albertans.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Red Deer-North.

### Low-income Review

MR. MacDONALD: Thank you, Mr. Speaker. My questions this afternoon are to the Minister of Human Resources and Employment. Acknowledging that all reports are complicated and take time to go through, when can Albertans, who have not seen an increase since 1993 in AISH or SFI rates, expect a response on the low-income review report? What is taking so long? What is so complicated?

MR. DUNFORD: Mr. Speaker, we have received two reports from the low-income review committee, and once again I would like to thank the chair and members of that committee for the fine work they have done. It is an extremely thorough report. The information that's been provided appears very comprehensive. This is not an idle issue. There are many Albertans that are extremely concerned about what the future is to hold in terms of assistance to Albertans, so we're looking at the report and working our way through it as best we can. While some people call for an expeditious review, I for one minister will not be held to other people's timetables. I will develop a timetable that I feel is prudent and responsible, and that is the timetable that we will deal with.

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you, Mr. Speaker. Again to the minister: will the recommendations from the report, which is expected to call for the first increase in assistance rates since 1993 to at least compensate for inflation, be exempt from the current round of budget constraints?

Thank you.

MR. DUNFORD: I'm not sure if I said it previously here in this House, Mr. Speaker. If not, I will do so now. In meeting the current objectives in terms of the adjustments we're making to our budgets, we've made the commitment that there would be no decrease in any of the programs to low-income Albertans.

2:20

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you. Again to the same minister: this minister has spoken about flexible federalism, but why is the government clawing back assistance from families who receive funding from the national child benefit, money directed at young people, the poorest of the poor, those in dire need who are not old enough or able to be out working for themselves or their families? Why are you persistent in clawing back this money from another level of government?

Thank you.

MR. DUNFORD: Mr. Speaker, I believe that most members of this House would agree that children within our families are of the utmost importance and in some cases of the utmost urgency. The Department of Children's Services has excellent programs in which they provide assistance as they need it. In our mandate, of course, we are concerned about social assistance for adult Albertans, but those adult Albertans in many cases are single moms or in other cases are families. We know that a way to deal with poverty wherever it might exist, a way to deal with difficulties or challenges that low-income families might encounter is really in helping them make a transition from wherever they are, wherever we find them, and moving them into the workplace.

I think the hon. member, based on what I understand to be his previous experience, would recognize the value of work. That is

why under the flexible federalism that we have, that's called the national child benefit program, we have used dollars that became available to us to provide for what we believe to be excellent opportunities and benefits for low-income Albertans to move into the workplace and to remain there.

THE SPEAKER: The hon. Member for Banff-Cochrane, followed by the hon. Member for Edmonton-Ellerslie.

### **G-8 Summit in Kananaskis**

MRS. TARCHUK: Well, thank you, Mr. Speaker. Many Albertans, particularly those that live and work in Calgary and some of the communities in Banff-Cochrane, are concerned about next year's G-8 summit in Kananaskis. Constituents have passed on concerns about the safety and security of citizens and property, concerns about the protection of the environment as well as the costs associated with such an event. My questions are to the Solicitor General. What security precautions has the Alberta government taken to ensure the safety of Albertans and visitors during the summit?

THE SPEAKER: The hon. minister.

MRS. FORSYTH: Thank you, Mr. Speaker. I appreciate the question from the hon. member. I'd like to let the Assembly know, first of all, that this is a federal initiative and it's a federal responsibility. The federal government is responsible for all aspects of the G-8. Officials from my department, the minister of intergovernmental affairs, and myself have been meeting on a continuing basis with the federal government, the RCMP, the Calgary police, and other departments in government to ensure that the necessary measures are in place. Obviously, for security reasons I can't go into a lot of details, but I can assure this House that the needs of the community will be provided for and Albertans will be safe.

THE SPEAKER: The hon. member.

MRS. TARCHUK: Thank you. Again to the Solicitor General: what agreements are in place to ensure that the province of Alberta and Alberta towns and cities will not be stuck with the cost of the G-8 summit security?

THE SPEAKER: The hon. minister.

MRS. FORSYTH: Well, thank you, Mr. Speaker. The federal government is responsible for covering a hundred percent of the costs of the security at the G-8 summit. Our position is that these costs must be negotiated and agreed on before the summit takes place. On November 6 the federal government announced that it agreed in principle with our position. The city of Calgary has recently announced that the agreement with the federal government for security costs has been ratified and agreed on at a cost of \$34.3 million. We don't have all the details yet on our agreement on security costs, but officials from my department will be meeting with the RCMP this week to discuss our costs so we can build them into the details of our agreements.

THE SPEAKER: The hon. member.

MRS. TARCHUK: Well, thank you. My final question is to the same minister. What guarantees can the Solicitor General give that security measures will use appropriate force with demonstrators and protesters so as to not turn our communities into war zones?

THE SPEAKER: The hon. minister.

MRS. FORSYTH: Thank you, Mr. Speaker. The federal government, as I indicated earlier, is responsible for all aspects of summit security, including a police response outside Calgary. Within the city of Calgary we have the Calgary Police Service, who has the lead responsibility of working very closely with the RCMP and G-8 organizers. My role is to ensure that the agreements for security costs are in place and that the provincial police have the resources they need to do their job right.

Planning for an event of this nature is not easy. Security must plan for the worst possible scenarios and be flexible enough to moderate its response appropriately. Peaceful protest is part of a democratic society, and we must have room for that in the G-8, but I will say that we will not put up with any threat to life and that destruction of property is unacceptable. We don't know what protesters to expect, and we don't know if they'll be peaceful or destructive, but, Mr. Speaker, I want to assure this Assembly that the RCMP is trained and highly disciplined and will respond appropriately to them.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Edmonton-Highlands.

### **Genetically Modified Food**

MS CARLSON: Thank you, Mr. Speaker. My questions are on genetically modified organisms. Our environment is more than a collection of genetic resources to be seized, owned, and improved. My questions today are to the minister of agriculture. What studies has the government done on the environmental consequences of the wind-spread production of genetically engineered crops?

MRS. McCLELLAN: Mr. Speaker, there's a fair amount of debate around the issue of genetically modified crops. I think it's safe to say, though, that very few varieties of crops that we have today have not been modified in some way over the years to bring them to their productive value and, of course, strains that have improved many aspects of the crop. However, more recently there is a rising concern in the public with genetically modified crops.

This government, through the leadership of our Premier along with the western Premiers, has asked that we work with scientists to have some information based on science as to the concerns that could arise around this whole area. There is some work being done at the federal station in Lethbridge in this area, and of course there is a report that was released in Europe, and the conclusion was that, in fact, genetically modified foods could be as safe or even more safe than nongenetically modified foods.

MS CARLSON: But, in fact, Mr. Speaker, given that modified foods may have adverse health effects, does this government support labeling foods so that consumers can make informed choices as the European commission is now proposing?

MRS. McCLELLAN: Well, Mr. Speaker, that's a very interesting subject, and of course I am sure the hon. member knows that there's a private member's bill before the House of Parliament in Ottawa on this whole issue of labeling. She probably also is very aware that this is very complex because the degree of information that you might want to put on that could be fairly substantial.

I think what's more important to the public and certainly to me as minister is that the information that we have that the public has available to them is based on sound science rather than hearsay or



emotion or hysteria or, in fact, is being used as what can be a nontariff barrier to trade. Those are the issues that are out there today, and those are the issues that we need to deal with, and those are the issues that we're going to deal with on sound science.

MS CARLSON: Well, then, Mr. Speaker, at the very least has the government studied the effects of transgenic pollenation on Alberta's plant diversity?

2:30

MRS. McCLELLAN: Mr. Speaker, I'm sure that the hon. member knows very well that the government of Canada has the responsibility first of all in those areas, as the government of Canada has the responsibility for labeling food products. What we do is work with the government of Canada, whether it's Ag Canada or Health Canada, to ensure that the interests of Alberta producers and consumers are addressed in that. We have been in fact interacting with them, but it is the government of Canada through the Canadian Food Inspection Agency or through Agriculture Canada who deals with companies who have those trials or plots and deal with such things as pollen transference.

THE SPEAKER: The hon. Member for Edmonton-Highlands, followed by the hon. Member for Whitecourt-St. Anne.

#### **Postsecondary Tuition Fees**

MR. MASON: Thank you very much, Mr. Speaker. During the 1990s tuition fees in Alberta rose over two and a half times, a greater increase than in any other province. These enormous fees contribute to record levels of debt for Alberta students. Clearly, this affects the opportunity for many potential students to pursue a postsecondary education. My question is to the Minister of Learning, who today is certainly earning his pay. Will he tell the House how many Albertans abandon their dream of a postsecondary education because of high tuition and astronomical levels of debt?

DR. OBERG: Mr. Speaker, in all fairness, the hon. member has a very good question there. One of the issues that we have been trying to deal with is to get out the actual facts about what our tuition is, what the levels of debt are. In conjunction with ACTISEC and CAUS, the university association and the college and technical schools association, we did a questionnaire to find out exactly what some of the beliefs were out there about tuition, about levels of debt. The average cost of tuition on this questionnaire was something like between \$5,000 and \$6,000, I believe, and the average level of debt was quite astronomical. In Alberta, realistically, when it comes to colleges and technical schools, the average tuition is in the \$2,400 to \$2,500 range. When it comes to the universities, we're in the \$4,000 to \$4,300 range, which is very consistent across Canada. When you take a look at all the universities across Canada, of the some 45 universities, somewhere in there, the University of Alberta, the University of Calgary, and the University of Lethbridge sit right in around the 22nd to 25th or 26th level of tuition amounts.

MR. MASON: Mr. Speaker, how can the minister continue to allow a policy which supports tuition increases when a study his own department has done, the Ipsos-Reid Post-Secondary Accessibility Study, done in April of this year for Alberta Learning, shows that 70 percent of the respondents said that the high cost of education "can act as a barrier" to getting a postsecondary education?

DR. OBERG: Mr. Speaker, the study was actually the same study that I was just alluding to. That's one of the disconnects in those

studies: 70 percent of students say that the high cost of tuition or the high cost of university is the element that keeps them from going to university, but they also predicted the wrong amounts for those. We have sat down with the students' association, again, with CAUS and ACTISEC to publicize exactly what the costs are for postsecondary education.

I will remind the Assembly that in the past two years we have increased by 44 percent the aid to students who need the aid. We have brought in automatic remissions. So the remissions are automatically taken off. The most that you will owe after four years of university in Alberta is \$5,000 per year. The rest is given back. You can get a student loan up to \$10,400 and owe only \$5,000 at the end of it. So the taxpayers of Alberta are footing the bill for some \$5,400 plus interest over that time frame.

MR. MASON: Mr. Speaker, to the hon. minister: does he actually believe that the maximum debt that students can obtain under the programs his government supports is only \$5,000 a year? Why is government debt bad but student debt is okay?

DR. OBERG: Mr. Speaker, when a student gets a student loan, the most that they will have to pay back is roughly \$5,000 per year. So I will reiterate: a student that receives \$10,400 per year will pay back \$5,000. Are there students who have higher debt? Yes, there are. These are students who have not accessed our student loan program. The average amount of debt after a four-year program in Alberta is around \$17,000. I would like that to someone who starts a new business. If they could start a new business for only \$17,000, the world would be an ideal place.

THE SPEAKER: The hon. Member for Whitecourt-St. Anne, followed by the hon. Member for Edmonton-Glengarry.

#### **Softwood Lumber Trade Dispute**

MR. VANDERBURG: Thank you, Mr. Speaker. The softwood lumber dispute with the U.S. has been going on for some time, and I have concerns about the fate of this valuable part of Alberta's economy and those who work in this sector. The potential payment of the U.S. duties has already had a negative effect in my riding of Whitecourt-St. Anne on the softwood lumber producers, the workers in the mills, and the communities that are dependent on this industry. My first question is for the Minister of International and Intergovernmental Relations. Can the minister tell this Assembly how the province is working to resolve this harmful trade action and how the Alberta softwood industry is being impacted?

MR. JONSON: Mr. Speaker, the Minister of Sustainable Resource Development and I have been working with our departments to defend the industry in this particularly important sector of our economy. As members of the Assembly know, I think, this very important industry makes up export values of about \$500 million to \$600 million from this province to the United States, or about 21 percent of all the wood exports that we have in this province. My colleague and I are aware of the economic impact of a possible additional duty. This is something, of course, that the industry has experienced before and, combined with the overall economic slowdown, is certainly creating very significant problems for the region of the province that's affected here.

We are, though, working very hard with our departments to defend against the allegations that have been brought forward by the American industry. As well, of course, we're considering and looking at the possibilities of negotiating some kind of agreement

with respect to this overall dispute. We're certainly giving it a very, very high priority in our work. It is, I think, the top file, as you'd say, for both of our departments, and we're working hard on both fronts, in terms of defending against the allegations and looking at solutions, at this particular point in time.

THE SPEAKER: The hon. member.

MR. VANDERBURG: Thank you, Mr. Speaker. Again to the same minister: can you please tell me and my constituents if the province is contemplating changes to the province's forestry management system because of this dispute?

MR. JONSON: Mr. Speaker, certainly there are a number of other provinces involved in this particular dispute along with our own, and British Columbia, which is the largest exporter of softwood lumber to the United States, is contemplating certain changes in their particular forestry practices. We here in Alberta are working with the industry with respect to looking at possible changes, but up to this point in time our efforts have been focusing upon defending against the overall charges or claims of the American forest industry that we are in fact subsidizing our production here. Certainly we are also looking at the possibility of a negotiated agreement here as well, and we're working with provinces such as British Columbia, Quebec, Saskatchewan, and so forth to come up with a set of acceptable but nevertheless good recommendations that would be mutually beneficial to the United States in terms of being able to continue to get our softwood lumber and, of course, would allow our industry to survive.

2:40

head: Recognitions

THE SPEAKER: The hon. Member for Calgary-Mountain View.

#### **Calgary Stampeders**

MR. HLADY: Thank you, Mr. Speaker. How about those Calgary Stampeders? The Deputy Premier, the Finance minister, and I were fortunate enough to attend the game in Montreal yesterday, and let me tell you that the Canadian Football League is alive and well in Montreal. Sixty-five thousand wildly cheering fans, the second most in Grey Cup history, as well as people across Canada and around the world were treated to an exciting football game that came down to the last play of the game. With time running out on the clock, the Winnipeg Blue Bombers were looking for the end zone when the Stampeders defence produced a quarterback sack to end the game in heart-stopping fashion. The 27-19 win was a great way for past owner Sig Gutsch to end his time with the Stamps and a great way for the new owner, Mike Feterik, to take over. It is also rumoured that Mark McLoughlin, the second highest scorer in the history of the CFL, is about to announce his retirement, and I can't think of a better way for him to go out. Congratulations to the whole team, the coaching staff, and management in bringing the cup to Calgary and making all of Alberta proud.

THE SPEAKER: The hon. Member for Edmonton-Norwood.

#### **Crystal Kids**

MR. MASYK: Thank you very much, Mr. Speaker. It's with great pleasure that I rise in the House today to recognize a very special group here in Edmonton that works hard to keep our children off the streets. Crystal Kids at the Gordon Russell youth centre is a place where kids can read, do their homework, play sports, and just

generally hang around with friends. It was founded in 1992 and has grown considerably since. It's located on 118th Avenue, and over 10,000 kids have passed through the centre, which is a great indicator that they really know how to reach out to Edmonton's youth.

I'd like to take a moment to recognize each individual that participates in this wonderful program: Crystal Kids president, Mr. Phil Klein; vice-president, Louise Tod; secretary, Dorrene Belair; directors Henry Budnitsky, Kelly Cable, Brian Kearns, Henry Mah, John McDougall, Barbara York, Jack Macintyre, Tarig Chaudry, and Constable Dan Jones. In addition, I'd like to recognize the executive director, Frances Russell; treasurer, Shannon Smid; adviser, Gordon Russell; assistant, Franki Fairfield; program directors Patty Lymes and Dakota Basset; as well as the custodian, Linda Mount-Young.

Thank you very much, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Centre.

#### **Edmonton Viets Association**

MS BLAKEMAN: Thank you very much, Mr. Speaker. I'd like to recognize the Edmonton Viets Association, which is a community group located in my riding of Edmonton-Centre. This is a wonderful organization to have in my community. They promote tolerance and understanding and do an extraordinary amount of work to teach others around them and to teach members of their own community better citizenship. In September I was invited to attend an event which was about promoting religious freedom in Vietnam, and it was a unique opportunity for me. They had a special guest, who spoke to a capacity crowd that was in attendance, and the special guest was Le Huu Nguyen. He's the executive director of the committee to promote religious freedom in Vietnam. In fact, he was allowed two years off from his Catholic parish in Australia to travel the world. I really appreciated being able to listen to him.

Thank you very much.

#### **Dr. Fawzi Morcos**

MR. YANKOWSKY: Mr. Speaker, I rise to honour Dr. Fawzi Morcos on the occasion of his retirement. Dr. Morcos obtained his specialty degrees in the United Kingdom before immigrating to Canada in 1969 and joining the Misericordia hospital with the department of obstetrics and gynecology. Becoming department chief in 1978, he continued to promote childbirth education and family-centred maternity care. Recognizing the importance of maternal infant bonding, he was instrumental in changing the policy where healthy babies were admitted to the nursery instead of remaining with their mothers. Dr. Morcos introduced midwifery to the hospital, a project supported by the hon. Dave Russell.

Dr. Morcos organized and chaired 33 obstetrics and gynecology conferences, presenting numerous papers at national and international conferences. His many awards include recognition from the department of hospitals and medical care, American Medical Association physicians recognition, teacher of the year, Physician Management Institute certificate of achievement, and Capital region medical staff outstanding physician award.

May God bless you, Dr. Morcos, and your wife, Corry, with a long and healthy retirement.

THE SPEAKER: The hon. Member for Edmonton-Glenora.

#### **Cam Tait**

MR. HUTTON: Thank you, Mr. Speaker. This being the Interna-

tional Year of Volunteers, I'd like to take this opportunity and recognize a gentleman who has overcome great odds to excel in many areas of life. Mr. Cam Tait of the *Edmonton Journal* is a national journalist, an international comedian, and a much sought after speaker. Mr. Tait is an inspiration to many and a huge advocate and promoter of volunteerism and philanthropy in Alberta. Thank you, Cam Tait.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

#### Old Strathcona Youth Co-op

DR. PANNU: Thank you, Mr. Speaker. I'm very pleased to rise and recognize an outstanding agency that operates in the constituency of Edmonton-Strathcona. The Old Strathcona Youth Co-op is a street-level agency concerned with securing the safety, self-worth, and dignity of youth. I've visited the co-op a number of times and have seen firsthand the dedicated hard work that takes place to achieve their goal of mobilizing and securing resources that are easily accessible to youth. In addition to the support given to youth via a plethora of programs such as resume writing, youth leadership, and computer workshops, the co-op operates a job board to assist youth in acquiring employment. I'm very impressed with the work that this agency performs. The most important part of it is that they're there for youth and bring to these youth not only valuable information and resources but a sense of community, connectedness, and hope.

Thank you, Mr. Speaker.

THE SPEAKER: Hon. members, before calling Orders of the Day, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: Introduction of Guests

(*reversion*)

THE SPEAKER: The hon. Member for Edmonton-Meadowlark.

MR. MASKELL: Thank you, Mr. Speaker, for giving me the opportunity to make this introduction. I'm pleased to introduce to you and through you to the Members of the Legislative Assembly two members of the Learning Resources Council of the Alberta Teachers' Association. The Learning Resources Council is a professional development arm of the ATA for teacher/librarians, and as all members appreciate, the library is the heart and the hub of the school. April Tilson is president of the Learning Resources Council. April is also teacher/librarian at Lord Beaverbrook high school in Calgary. Lois Barranoik is president elect of the Learning Resources Council, and Lois is a part-time teacher/librarian at Centre High here in Edmonton and is working on her PhD in school libraries at the University of Alberta. Would April and Lois please rise and receive the traditional warm welcome of this Assembly.

head: Orders of the Day

head: Government Bills and Orders

head: Second Reading

#### Bill 30 Appropriation (Supplementary Supply) Act, 2001 (No. 2)

THE SPEAKER: The hon. Minister of Finance.

MRS. NELSON: Thank you, Mr. Speaker. It is with great pleasure that I move second reading of Bill 30, the Appropriation (Supplementary Supply) Act, 2001 (No. 2).

This bill provides funding in some very critical areas for our government: Health and Wellness, Agriculture, Food and Rural Development, Justice, Learning, Sustainable Resource Development, and in the office of the Ethics Commissioner. It also provides for some operating expenses that are in the nonbudgetary disbursements that are listed and in the Legislative Assembly support.

Mr. Speaker, it is with great pleasure that I move second reading. As per the discussions with the opposition, we will return to this bill apparently this evening, and therefore I move to adjourn debate.

[Motion to adjourn debate carried]

head: Government Motions

#### Amendments to Standing Orders

21. Mr. Stevens moved:

Be it resolved that the Standing Orders of the Legislative Assembly of Alberta be amended as follows:

1. Standing Order 4 is struck out and the following is substituted:
  - 4(1) If at 5:30 p.m. on Monday, the business of the Assembly is not concluded, the Speaker leaves the Chair until 8 p.m.
  - (2) If at 5:15 p.m. on Monday, the Assembly is in Committee of the Whole and the business of the committee is not concluded, the committee shall rise and report immediately.
  - (3) If at 5:30 p.m. on Tuesday or Wednesday, the business of the Assembly is not concluded, the Speaker leaves the Chair until 8 p.m. unless, on a motion of the Government House Leader made before 5:30 p.m., which may be made orally and without notice, the Assembly is adjourned until the next sitting day.
  - (4) If at 5:30 p.m. on Tuesday or Wednesday, the Assembly is in Committee of the Whole and the business of the committee is not concluded, the Chairman leaves the Chair until 8:00 p.m. unless, on a motion of the Government House Leader made before 5:30 p.m., which may be made orally and without notice, the Assembly is adjourned to the next sitting day.
  - (5) At 5:30 p.m. on Thursday the Speaker adjourns the Assembly, without question put, until Monday.
2. Standing Order 5 is amended by adding the following after suborder (1):
  - (1.1) If, during a sitting of the Assembly, a question of quorum arises, the division bells shall be sounded for one minute and if a quorum is then not present, the Speaker may declare a recess or adjourn the Assembly until the next sitting day.
3. Standing Order 7 is amended by striking out suborder (1) and substituting the following:
  - 7(1) The ordinary daily routine business in the Assembly shall be as follows:
    - O Canada* (First sitting day of each week)
    - Introduction of Visitors
    - Introduction of Guests
    - Ministerial Statements
    - Oral Question Period, not exceeding 50 minutes
    - Recognitions (Monday and Wednesday)
    - Members' Statements (Tuesday and Thursday)
    - Presenting Reports by Standing and Special Committees

- Presenting Petitions  
Notices of Motions  
Introduction of Bills  
Tabling Returns and Reports  
Projected Government Business (Thursday)
4. Standing Order 8 is amended
    - (a) by striking out suborders (1) to (3) and substituting the following:
 

8(1) On Monday afternoon, after the daily routine, the order of business for consideration of the Assembly shall be as follows:

Written Questions  
Motions for Returns  
Public Bills and Orders other than Government Bills and Orders

(2) On Monday evening, from 8 p.m. until 9 p.m., the order of business for consideration of the Assembly shall be as follows:

Motions other than Government Motions

(3) On Tuesday, Wednesday and Thursday afternoons, on Monday evening commencing at 9 p.m. and on Tuesday and Wednesday evenings, the order of business for consideration of the Assembly shall be as follows:

Government Motions  
Government Bills and Orders  
Private Bills
    - (b) in suborder (4) by striking out “55 minutes of debate” and substituting “60 minutes of debate and 5 minutes for the mover of the motion to close debate”.
    - (c) by adding the following after suborder (4):
 

(4.1) Before the mover closes debate on a motion under suborder (4), a member may move a motion, not subject to debate or amendment, that provides for the motion under consideration to be moved to the bottom of that item of business on the Order Paper.
    - (d) by striking out suborder (6) and substituting the following:
 

(6) Before the mover of a motion for second or third reading of a Public Bill other than a Government Bill closes debate, or the time limit is reached for consideration at Committee of the Whole under suborder (5)(a)(ii), a member may move a motion, not subject to debate or amendment, that the votes necessary to conclude consideration at that stage be postponed for 10 sitting days or the first opportunity after that for the consideration of the Bill, unless there are other Bills awaiting consideration at that stage in which case the Bill will be called after the Bills at that stage have been considered.
  5. Standing Order 18 is amended
    - (a) in suborder 1(h) by adding “, except as provided under Standing Order 49” after “committee”;
    - (b) by adding the following after suborder (2):
 

(3) In this Standing Order, “adjournment motion” includes daily adjournment motions and any motion to adjourn the proceedings of the Assembly for a specified or unspecified period.
  6. Standing Order 20 is amended by striking out suborder (1) and substituting the following:
 

20(1) In a debate on a motion, if a member moves an amendment, that member may only speak to the amendment and the main question in one speech.
  7. Standing Order 21 is struck out and the following is substituted:
 

21(1) A member of the Executive Council may, on at least one day’s notice, propose a motion for the purpose of allotting a specified number of hours for consideration and disposal of proceedings on a Government motion or a Government Bill and the motion shall not be subject to debate or amendment except as provided in suborder (3).

    - (2) A motion under suborder (1)
      - (a) that applies to a Government Bill shall only refer to one stage of consideration for the Bill;
      - (b) shall only apply when the Bill or motion that is the subject of the time allocation motion has already been debated in the Assembly or been considered in Committee of the Whole.
    - (3) A member of the Executive Council may outline the reasons for the motion under suborder (1) and a member of the Official Opposition may respond but neither speech may exceed 5 minutes.
  8. Standing Order 23 is amended by striking out clause (g) and substituting the following:
 

(g) refers to any matter pending in a court or before a judge for judicial determination

    - (i) of a criminal nature from the time charges have been laid until passing of sentence, including any appeals and the expiry of appeal periods from the time of judgment, or
    - (ii) of a civil nature that has been set down for a trial or notice of motion filed, as in an injunction proceeding, until judgment or from the date of filing a notice of appeal until judgment by an appellate court,

where there is probability of prejudice to any party but where there is any doubt as to prejudice, the rule should be in favour of the debate;
  9. Standing Order 29 is struck out and the following is substituted:
 

29(1) Time limits on speaking in debate in the Assembly on Government motions, Government Bills and orders and private Bills shall be as follows:

    - (a)(i) the Premier,
    - (ii) the Leader of the Official Opposition, and
    - (iii) the mover on the occasion of the Budget Address

shall be limited to 90 minutes’ speaking time;

    - (b) the mover in debate on a resolution or on a Bill shall be limited to 20 minutes’ speaking time in opening debate and 15 minutes in closing debate;
    - (c) the member who speaks immediately following the mover in debate on a resolution or on a Bill shall be limited to 20 minutes;
    - (d) except as provided in clauses (a) to (c), no member shall speak for longer than 15 minutes in debate.
    - (2) (a) Subject to clause (b), following each speech on the items in debate referred to in suborder (1), a period not exceeding 5 minutes shall be made available, if required, to allow members to ask questions and comment briefly on matters relevant to the speech and to allow responses to each member’s questions and comments;
    - (b) the 5 minute question and comment period referred to in clause (a) is not available following the speech from

- (i) the mover of the resolution or the Bill in opening or closing debate, and
  - (ii) the member who speaks immediately after the mover.
- (3) Time limits on speaking in debate on motions other than Government motions, public Bills and orders other than Government Bills and orders, written questions and motions for returns shall be as follows:
  - (a) the Premier and the Leader of the Official Opposition shall be limited to 20 minutes' speaking time;
  - (b) the mover in debate of a resolution or a Bill shall be limited to 10 minutes' speaking time and 5 minutes to close debate;
  - (c) all other members shall be limited to 10 minutes' speaking time in debate.
- 10. Standing Order 30(4) is amended in clause (a) by adding "the debate proceeds and" before "the Speaker".
- 11. Standing Order 32 is amended by adding the following after suborder (2):
  - (2.1) When a division is called in Committee of the Whole or Committee of Supply, a member may request unanimous consent to waive suborder (2) to shorten the 10 minute interval between division bells.
- 12. Standing Order 34 is amended by adding the following after suborder (2):
  - (2.1) Amendments to written questions and motions for returns must
    - (a) be approved by Parliamentary Counsel on the sitting day preceding the day the amendment is moved, and
    - (b) be provided to the mover of the written question or motion for a return no later than 11 a.m. on the day the amendment is to be moved.
- 13. Standing Order 37 is amended by adding the following after suborder (3):
  - (4) For the purposes of this Standing Order and Standing Order 37.1, a tabling must be in paper form.
- 14. The following is added after Standing Order 37:
  - 37.1(1) Documents may be tabled by providing the required number of copies to the Clerk before 11 a.m. any day the Assembly sits.
  - (2) When the Clerk receives a tabling under suborder (1) that is in order, the Clerk shall read the title of the tabling when Tabling Returns and Reports is called in the daily routine.
- 15. Standing Order 39.1 is amended by renumbering it as Standing Order 39.2 and adding the following before Standing Order 39.2:
  - 39.1(1) The sequence of motions other than Government motions shall be determined by a random draw of names of members who have submitted written notice to the Clerk no later than 3 days prior to the date of the draw.
  - (2) The draw referred to in suborder (1) shall be held on a date set by the Speaker in the July preceding the session that the motions are expected to be moved.
  - (3) Prior to a motion other than a Government motion being moved, members may switch the positions in accordance with the guidelines prescribed by the Speaker.
  - (4) A member who has a motion other than a Government motion on the Order Paper may, upon providing 4 sitting days' notice, withdraw the motion before it is to be moved in the Assembly.
- (5) When a motion is withdrawn under suborder (4), the Order Paper shall indicate "withdrawn" next to the motion number.
- 16. Standing Order 48 is amended by renumbering it as Standing Order 48(1) and by adding the following after suborder (1):
  - (2) Dissolution has the effect of nullifying an order or address of the Assembly for returns or papers.
- 17. The following is added after Standing Order 48:
  - 48.1 A member of the Executive Council may, on one day's notice, move a motion to reinstate a Government Bill from a previous session of the current Legislature to the same stage that the Bill stood at the time of prorogation and the motion shall not be subject to debate or amendment.
- 18. Standing Order 49 is struck out and the following is substituted:
  - 49(1) At the commencement of each session, standing committees of the Assembly must be established for the following purposes:
    - (a) Privileges and Elections, Standing Orders and Printing, consisting of 21 members,
    - (b) Public Accounts, consisting of 17 members,
    - (c) Private Bills, consisting of 21 members,
    - (d) Alberta Heritage Savings Trust Fund, consisting of 9 members,
    - (e) Legislative Offices, consisting of 11 members.
  - (2) At the commencement of the first session of each Legislature, the Assembly must establish the Special Standing Committee on Members' Services consisting of 11 members.
  - (3) The Assembly must determine the membership of the committees established under this Standing Order by resolution which shall not be subject to debate or amendment.
  - (4) The composition of the membership of the committees established under this Standing Order must be proportionate to the number of seats held by each party in the Assembly.
  - (5) The proportionate membership of committees as prescribed under suborder (4) may be varied by an agreement among all House Leaders.
  - (6) The Clerk of the Assembly shall post in the Legislature Building lists of members of the several standing and special committees appointed during each session.
- 19. Standing Order 52 is struck out and the following is substituted:
  - 52 The Standing Committee on the Alberta Heritage Savings Trust Fund shall report to the Assembly on the Fund as prescribed in the Alberta Heritage Savings Trust Fund Act.
- 20. Standing Order 56 is amended by striking out suborders (2) to (8).
- 21. Standing Order 57 is amended by striking out suborders (1) to (6).
- 22. Standing Order 58 is struck out and the following is substituted:
  - 58(1) In this Standing Order, "sitting day" means any afternoon or evening that the Committee of Supply considers estimates for not less than 2 hours unless there are no members who wish to speak prior to the conclusion of the 2 hours.
  - (2) The number of sitting days that the Committee of Supply is called to consider the main estimates shall equal the number of members of the Executive Council with portfolio.

- (3) The Committee of Supply shall consider estimates in the following manner:
- (a) the Minister, or the member of the Executive Council acting on the Minister's behalf, and members of the opposition may speak during the first hour, and
  - (b) any member may speak thereafter.
- (4) Subject to suborder (5), the vote on an estimate before the Committee of Supply shall be called after it has received not less than 2 hours of consideration unless there are no members who wish to speak prior to the conclusion of the 2 hours.
- (5) On Tuesday, Wednesday or Thursday afternoon, during the consideration of the main estimates, the Committee of Supply shall be called immediately after Orders of the Day are called and shall rise and report no later than 5:15 p.m.
- (6) The Leader of the Official Opposition may, by giving written notice to the Clerk and the Government House Leader prior to noon on the day following the Budget Address, designate which department's estimates are to be considered by the Committee of Supply on any Tuesday, Wednesday or Thursday afternoon during the period in which the main estimates are to be considered by Committee of Supply.
- (7) When the Leader of the Official Opposition fails to provide notice in accordance with suborder (5), the Government House Leader shall designate the department for consideration by Committee of Supply for that afternoon.
- (8) The estimates of the Legislative Assembly, as approved by the Special Standing Committee on Members' Services, and the estimates of the Officers of the Legislature shall be the first item called in the Committee of Supply's consideration of the main estimates and the Chairman shall put the question to approve the estimates forthwith which shall be decided without debate or amendment.
- (9) In respect of the supplementary estimates and interim supply estimates, a member of the Executive Council may, with at least one day's notice, make a motion to determine the number of days that the Committee of Supply may be called, and the question shall be decided without debate or amendment.
23. Standing Order 59 is amended
- (a) in suborder (1)
    - (i) by striking out "Monday," and
    - (ii) by striking out "midnight" and substituting "11 p.m.";
  - (b) by striking out suborder (2).
24. Standing Order 60 is struck out and the following is substituted:
- 60 Committees of the whole Assembly shall rise and report prior to the time of adjournment.
25. The following is added after Standing Order 68:
- 68.1(1) The sequence of Public Bills and Orders other than Government Bills and Orders shall be determined by a random draw of the names of members who have submitted written notice to Parliamentary Counsel no later than 3 days prior to the date of the draw.
- (2) The draw referred to in suborder (1) shall be held on a date set by the Speaker in the July preceding the session that the Bills are expected to be introduced.
  - (3) Members may switch their positions in accordance with guidelines prescribed by the Speaker.
26. Standing Order 83 is amended
- (a) in suborder (2) by striking out "received, shall be read by the Clerk if the member so requests" and substituting "presented during the daily routine";
  - (b) by adding the following after suborder (2):
    - (3) Petitions must be submitted for approval by Parliamentary Counsel at least one sitting day prior to the petition being presented in the Assembly.
27. Standing Order 83.1 is amended
- (a) in suborders (1) and (2) by striking out "read and received" and substituting "presented";
  - (b) by striking out suborder (3).
28. Standing Order 102 is amended by renumbering it as Standing Order 102(1) and adding the following after suborder (1):
- (2) The Clerk shall be responsible for the printing of the Votes and Proceedings and the Journals of the Assembly.
29. Standing Order 109 is struck out and the following is substituted:
- 109 The Speaker shall, after the end of the fiscal year, prepare an annual report on the Legislative Assembly Office and lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.
30. Standing Order 114 is amended by striking out suborder (2).
31. This motion supersedes the House Leader agreement for the 25th Legislature dated April 10, 2001.
32. This motion comes into force on the first day of the Second Session of the 25th Legislature.
- [Adjourned debate November 21: Mr. MacDonald]
- THE SPEAKER: The hon. Member for Edmonton-Gold Bar.
- MR. MacDONALD: Thank you very much, Mr. Speaker. I am very anxious to continue my remarks on Motion 21. There is a lot to cover here in the limited amount of time that a person has left. However, again I would express my disappointment in this motion. I certainly don't see any need for further limiting, in my view, or restricting the opposition, whether it's the Official Opposition or the opposition provided by the third party, in keeping this government accountable.
- This press release, for instance, that came out on October 24, 2001: I don't know whether this is an abuse of the executive power of the government or it is an example that the government perhaps doesn't understand the role of the executive branch in the legislative process. I certainly hope it is the latter, Mr. Speaker, because when you have a look at this press release, it states that it's the government of Alberta, and this is the furthest thing from the truth. It is the Progressive Conservative caucus who has come up with this proposed recommendation for changes to the Standing Orders, Motion 21. This isn't government legislation. This isn't a government motion. This is a mechanism or a motion to deal with the rules of the Legislative Assembly. It has absolutely nothing to do with government.
- 2:50
- There are certainly individuals within that government that want to restrict and limit the role of the opposition in this Assembly, and if these rules unfortunately do pass, these proposed recommendations are going to further erode democracy as we know it in this province. There's no way around this. Now, if we look at this and we look at question period and we look at the minutes that are allocated to question period and we compare ourselves to other jurisdictions, well, in some jurisdictions, it is only members of the Official Opposition . . .

MS BLAKEMAN: In most jurisdictions.

MR. MacDONALD: In most jurisdictions; I'm corrected by the Member for Edmonton-Centre. In most jurisdictions it is up to the opposition to ask the questions, but here in this Assembly I believe it's a tradition or a change in the rules that goes back perhaps 20 years that government members get to ask questions. So whenever people talk about changing the rules and rearranging the minutes and looking at our time, that is one thing that I do not believe has been considered.

Now, we look at some of the reasons, perhaps, for wanting this Motion 21 by hon. members across the way. It is two years ago that the Premier of this province stated that there was no justification for the Official Opposition, and here's the quote: no justification for the Official Opposition Liberals to exist.

AN HON. MEMBER: What's wrong with that?

MR. MacDONALD: Now, an hon. member over there says: what's the matter with that? This is a reflection of this government. For instance, out in the constituency of I think it's Drayton Valley-Calmar in the last provincial election there was even a sign, Mr. Speaker, that it was un-Albertan, I believe it was quoted, to vote Liberal. What's the matter with that? That is antidemocratic. That is what's the matter with that.

Now, we have this attitude, as I expressed earlier, that reflects over two years ago, Mr. Speaker, and this attitude is again reflected in this motion. It is antidemocratic. It is a further erosion of the democratic principles from which this Legislative Assembly works.

Again, it is noteworthy that one of the proposals would eliminate Standing Order 49(1), which requires a striking committee at the beginning of each session to determine the membership of the various committees. Now, earlier in the remarks from the spokesperson from the government there was a comparison done with the federal House of Commons. Well, I would remind all hon. members of this Assembly that in the House of Commons in Ottawa – and surely the Member for Edmonton-Rutherford has a great deal of experience with this one – all hon. members of the Assembly, regardless of which party they belong to, get to play constructive roles with committees. Here we have committees that don't meet. We have committees that certainly don't allow opposition members on them, and we are now looking at eliminating, as I understand it, two committees . . .

REV. ABBOTT: That never meet.

MR. MacDONALD: As the hon. Member for Drayton Valley-Calmar has correctly stated, they never meet. Well, perhaps they should meet. Perhaps it's time that the standing committees on Public Affairs and Law and Regulations were to meet and have a comprehensive review of electricity deregulation in this province. I'm sure the Member for Drayton Valley-Calmar's constituents are concerned about the high cost of electricity in the province and this whole boondoggle that we call electricity deregulation. Instead of taking a standing committee and eliminating it, perhaps we should put it to work.

Mr. Speaker, the hon. Minister of Human Resources and Employment earlier this afternoon was talking about putting all Albertans to work, the clients of AISH and the clients of SFI, and how beneficial it is to put those individuals to work. Well, perhaps with this large majority an all-party committee could be struck under Law and Regulations to exam this issue of how we have squandered, how we have gone from one of the lowest prices of electricity in North

America to one of the highest and now are settling back into the middle range with this electrical deregulation. That is only one purpose that the Committee on Law and Regulations could be used for.

For the members of this Assembly, the powers of committees should be noted. When we're thinking of doing away with two committees, I remind members that Standing Orders of the Assembly are largely silent on the powers of standing committees. In effect, these committees function in accordance with the provisions of section 14 of the Legislative Assembly Act. I'm not going to go into any more detail on that, but I would encourage all members of this Assembly to have a look at that, the Legislative Assembly Act, and perhaps there would be a better understanding of the differences between the various levels of government and the independence of these levels of government, whether they be the executive, the judicial, or the legislative branch.

Mr. Speaker, another curtain on democracy, in my view, is the section that is dealing with sub judice, section 8. Earlier an hon. member of this Assembly replied to me that there is a period of about 35 days in which members of the opposition could perhaps raise a question in this Assembly between different filing dates in court cases. Thirty-five days may seem like a long time, but when a Legislative Assembly such as this one sits so infrequently, that perhaps is not the right thing to do. There was a very, very interesting conversation at our caucus meeting this morning regarding this, and there were many, many good issues in regard to section 8 brought forward.

So at this time, Mr. Speaker, I would like to bring forward an amendment to the Assembly. If I could ask one of the pages to please bring it to the attention of the table officers and have it distributed to all members.

Thank you.

THE SPEAKER: Hon. members, while this amendment is being circulated, it simply reads that "Government Motion 21 be amended by striking out section 8." That essentially is what the amendment is.

Hon. member, you have approximately five minutes still in your speaking allocation if you want to proceed. You're on the amendment now.

3:00

MR. MacDONALD: Thank you, Mr. Speaker. Yes. The amendment is to move that Government Motion 21 be amended by striking out section 8. As I said earlier, this restricts the Official Opposition's role, and it is a muzzle to prevent us from doing our job, which is to hold the government accountable.

For instance, if this section is not to be removed and it is to go ahead, this would essentially render this House, this Legislative Assembly, incapable of inquiring about issues such as West Edmonton Mall or the Jaber case or any other criminal case for the years that it may take them to be resolved. This narrow window, this little opening in the window, this 35 days as it is described, would be gone.

Research indicates that this section is tougher than in any other jurisdiction. Now, why shouldn't members be allowed to ask the tough questions? What is being hidden? What exactly is being hidden? There are limited resources on this side of the floor, Mr. Speaker. There may be more to this than meets the eye. We do not have the opportunity, the research resources to have a look at every issue in detail. When we stand up in this Assembly, whether it be a government member or one of the members of the opposition, and ask one of the hon. members in Executive Council a question and

they stand up and they say: oh, Mr. Speaker, I can't comment; it's before the courts – we will hear this day in and day out in the future.

Not only is that a poor reflection on this Assembly and the members in it, but it is a poor reflection on all of the province, because the public, whenever the statement "I can't comment; it's before the courts" is made, is immediately going to become even more suspicious of their elected officials, and we have to be careful of this. This amendment is a way for everyone to ensure that this does not happen. What is the matter with the existing Standing Orders? Why do we need to go even further? That is my question, and I would ask all hon. members of this Assembly to please support this amendment.

Now, I see the hon. Member for Calgary-Glenmore smiling, and I don't know whether that's a positive or a negative. I hope the hon. member certainly supports this amendment, but in light of the time that I have left, Mr. Speaker, I would be very anxious to hear the arguments from the hon. member about why we need to limit even further the ability of the opposition to ask the tough questions that need to be asked in order to hold this government accountable.

Thank you, Mr. Speaker.

**THE SPEAKER:** The hon. Member for Edmonton-Centre on the amendment.

**MS BLAKEMAN:** Absolutely. And thank you very much, Mr. Speaker. I'm pleased to be able to have the opportunity to rise and speak on the amendment as proposed by the hon. Member for Edmonton-Gold Bar. Briefly, the amendment is proposing that section 8 be struck from these proposed Standing Order changes. What's being suggested in section 8 is quite a widening of the understanding and interpretation of sub judice and gives it a very wide scope, indeed, as it relates to our business here in the Assembly.

Well, what does that really mean to us? There needs to be a separation between what's done in the Assembly and what's done in the courts. Often I get people phoning me, and they'd like me to be able to phone the courts and say that this person's son is a good person – or so they tell me – and this shouldn't go against them, and can I do something to help them. I always explain to these people that it's important that there is a separation between what we're doing in the Assembly and what happens in the courts. The reason that it would be equally wrong for your neighbour to phone another MLA or the same one and have them phone the courts and go, "We think this particular person is really bad, and the sentence should be twice as hard on them" is the same reason why I can't be interfering. There has to be a separation so that we do have an unbiased court system. Our job in this Assembly is to write good legislation which can then be clearly interpreted and implemented by the court system.

We have had a sub judice rule in place under our Standing Orders for some time, and the interpretation of that sub judice has been that it included criminal proceedings. This change would be including civil proceedings and any appeals and any notices of any motions, which extends the prohibition of speaking or of questioning around any case that's active in front of the courts to cover the whole thing now, which could be a very long period of time.

My colleague from Edmonton-Gold Bar had talked about that window of opportunity, of the 35 days before an appeal had to be filed, I think, that gave members of the Assembly an opportunity to ask questions of the government around a case that in fact had been decided, and that 35 days before the last possible opportunity for an appeal to be brought forward was an opportunity for the House to ask questions. The way this is being suggested now essentially

renders the House incapable of inquiring into issues that are before the courts in any way.

Let me be specific here.

(g) refers to any matter pending in a court or before a judge for judicial determination

(i) of a criminal nature from the time charges have been laid until passing of sentence including any appeals and the expiry of appeal periods from the time of judgment, or

(ii) of a civil nature that has been set down for a trial or notice of motion filed, as in an injunction proceeding, until judgment or from the date of filing a notice of appeal until judgment by an appellate court.

[Mr. Shariff in the chair]

Now, I mean, notices of motions can be filed on anything for all kinds of reasons, and in fact multiple ones can be filed, which severely limits the ability to question the government on issues that are so serious that they have appeared before the courts. I think that there is probably a reasonable use of sub judice, but I don't see what's happening here as being reasonable in any way, shape, or form. It is really muzzling the ability of the opposition or in the case of the Alberta Legislature any private member to ask questions of the government.

3:10

Where does this have other effects? I'm in my second term in this House, and I have already seen where commercial interests or other interests can attempt to control MLAs by throwing a suit at them and charging them, usually in a civil suit, with something. That has a pretty chilling effect on MLAs, and really it would be possible to shut down discussion of just about any issue that an MLA was bringing before this Assembly. If an outside interest decides to sue them or bring a charge against them in whatever way, that's the end of the discussion of that issue in this House. So it's a very interesting way to put a lid on just about any issue you can think of.

Now, obviously there would have to be a working in concert between what the members of the government did not wish to discuss and partners in the community that would be looking to bring forward the charges, but frankly I think we've seen that in the past. It puts a severe onus and a difficulty upon the MLA who now has this charge against him, because you have to try and go and find a lawyer and you've got to come up with the two or three grand that's going to get you into court just to answer that first motion or that first charge.

There's always a question about how this risk management fund actually works in this House and whether, in fact, nuisance suits that are brought against members of the opposition would be covered by the risk management fund. You would think that they would be, but given the way this government operates, that's not a for sure thing. Even if it does, we have a situation where in wanting to muzzle an issue from being brought forward in front of the Assembly, we have a charge being brought by private interests out in the community, and then, in fact, taxpayers' money has to be spent if there's an approval by the risk management fund to cover the cost of the MLAs going into court to defend themselves against whatever charge this is. So we're now limiting the discussion in the House of a number of issues, pretty wide issues, anything that anyone can think to bring a suit forward on, and we're incurring additional costs for the taxpayers by having to pull in this risk management fund.

Where have we seen this before? What's possible here? Without looking too far back, there have been a number of issues that have come before this House that have involved some of the issues and points that I'm raising here. We had the Principal Group. That's



fairly far back but certainly involved the government's choices and policies in how certain things were regulated, and there were some questions that were able to be asked. Under these changes there would be no discussion on that. That affected an awful lot of Albertans and even wider than that, people across Canada. We wouldn't be able to have questions asked or answered on that under these new rules.

We still have cases ongoing right now around the involvement of government policy with West Edmonton Mall and Alberta Treasury Branches. We don't know what's happening there. We can't ask the questions, but there's another example of taxpayers' money being involved in something, choices and policies of the government that may have enabled private interests to benefit, conflict of interest. We don't know what all is involved with that, because we can't examine it.

Here's one. We had a seniors' report that was commissioned by the government which was then shredded, and we weren't able to get any information on that. Now, there wasn't, in fact, a court case brought forward about that, but there could have been very quickly, which would have prohibited anyone from discussing that in this Assembly. So you can see that very quickly just about any issue one can think of someone could bring a suit forward on, and that would be verboten to be discussed or questioned in this Assembly.

What about Bill 11, the privatization of health care? Certainly there were a number of private interests there who were itching to shut that discussion down as quickly as possible. It's not hard to imagine something coming forward from that. Or let's look a little further back when we had the Hotel de Health, which brought a charge against a member of the opposition which shut down that discussion and that member's ability to go forward and question the government any further on Hotel de Health. Now, that was an issue that really got Albertans hot under the collar, and they wanted to hear more about this. They wanted the questions asked and answered in the House. It certainly put a chill on that MLA when they had a suit brought against them, and then of course under these circumstances they now would be totally shut down and wouldn't be able to talk about it.

Here's another one. It may not even be where there's a suit or a charge directly against a member of the Assembly, but what about other cases that are brought up out there that affect government policy or perhaps should affect government policy? An example there is the Jaber case that was up last spring and brought forward questions about a lobbyist registry and whether the government had considered that and whether it was appropriate and whether they'd be working on it. In fact, we've never heard back from the government on that, although we were told that we would hear back in two weeks, but that was two weeks an awfully long time ago. Because that case went on and then there was consideration of an appeal and there were a number of notices of motion in there, that would have been the end of that. No more questions could have been asked around that.

So now I've talked about the kinds of issues and how the change in the sub judice rule could be used by others to severely limit what's being discussed in this Assembly and what the government is questioned on and can reply to. Around that I've talked a little bit about the risk management fund and whether it's accessible to members, and we don't know that. There are still questions out there. In fact, there's a court case out there about whether it was appropriate for that risk management fund to have been used by a previous member of this Assembly. Now, here I'm starting to watch what I'm saying very carefully because . . . [interjections] Oh, I'm being cautioned with good advice – I hope it's good advice – from the members across the way. But right now I'm having to think very

carefully and tread very carefully on the words that I choose to put this issue before this House. How appropriate is that?

Now, I think it's perfectly appropriate that one does not sling people's names around and drag them through the mud, but if this is a legitimate issue that is of concern to taxpayers, is of concern to citizens in Alberta, we should be able to be discussing it in here. That's why we have privilege as members. That's part of our job as members, to be bringing those issues into this House. Our ability to speak about things without being limited and censured is about to change in many ways, but this is one of the ways specifically that it's going to change.

This has been an interesting process overall, because as the Member for Edmonton-Gold Bar was pointing out, there does seem to be an attitude that this Assembly is a department of the government. When we're talking about changes in Standing Orders that are affecting this Assembly and it comes out on government letterhead – it doesn't come out on letterhead from the party caucus. No. It comes out on government letterhead. This is not government business. It is the business of the Legislative Assembly, and that's always interesting.

I know that the Speaker has been very careful when he opens this Assembly – and he speaks to new members who are elected about being very careful – when talking about members of Executive Council, which are members of cabinet, and private members, which would be everyone that isn't in cabinet, including the opposition. Those distinctions are being made, and in fact that's appropriate. We do have members of Executive Council, private members, and members of Her Majesty's Loyal Opposition. What happens in here is that we're all supposed to be equal. That is the setup of that, and that's not what I see.

I even have the Minister of Environment shaking his head somewhat sadly at me as though I don't understand the principles of parliamentary process in the Commonwealth.

DR. TAYLOR: That's because there are 74 of us and seven of you, and that's not equal.

MS BLAKEMAN: Well, the Minister of Environment is pointing out once again . . .

THE ACTING SPEAKER: Through the chair, please.

3:20

MS BLAKEMAN: Of course. I'm happy to speak through the chair.

The Minister of Environment is speaking once again about a particular party, one with 74 seats, and the fact that that made them government. It may have made them government; it did not make them God. It did not. In this Assembly there are still private members who are supposed to have equal standing, and we're having that eroded.

Now, let me pull back in to be specific to the amendment that we're discussing, in which the rule of sub judice is being expanded to the point where any issue could be made out of bounds and off topic. The time period that is involved in this also stretches almost a lifetime, because when you look at some court cases – and let me look at the West Edmonton Mall/Alberta Treasury Branches court case and whatever the heck is happening in there. Now, that court case has been up the entire time I've been elected – that's five years – and I don't think we've even gone into the appeal process on that. But, gee, come next spring when we're back in session and these amendments to the Standing Orders kick into place, I won't be able to talk about it anymore even in the times between appeals. I'm saying this to underline how long a period of time it takes certain

issues out of this House and takes away from the ability of the opposition to question the government on its involvement in these cases. I think it puts the government's actions and involvement out of bounds. It insulates them.

I don't know, but government may well have been intimately involved in decisions that enabled or allowed companies to do things, and they're now before the courts as a result of it. I'm not being specific to any given case here. My point is that it puts government actions out of bounds, and therefore there's a lack of accountability to the people. The accountability now is only coming through the courts, and that's not the courts' job. They're not there to hold the government accountable – that's what the members in this Assembly are here to do – and all they can do is make a decision on the facts of law that are before them, but that isn't about whether government policy enabled this bad thing, whatever it is, to happen.

When I looked at all of the amendments that are being made to the Standing Orders, it struck me that the government had set out to change everything that had been done in the last seven or eight years that irritated them. I've been able to sort of go through and pick out memorial amendments or attribute different amendments back to individuals who have made use of parliamentary process to do something. I think this one I'm going to call the Howard Sapers memorial amendment, because in fact he was a member who was involved in a suit from an outside source around private health care that did muzzle him in this House. He tried very hard to bring the government to account and to get information on whatever the government's involvement is around West Edmonton Mall and the Alberta Treasury Branches. So this is the Howard Sapers memorial amendment.

DR. TAYLOR: Do you see where Howard is today?

MS BLAKEMAN: The Minister of Environment is wondering how I say that this is possible. It truly is. I think the amendments that are being proposed here are punitive, and they're meant to be punitive. I can go through and identify in each case what action they are trying to stop that in fact legitimately had been brought forward, usually by a member of the opposition.

So this particular amendment I will note as the Howard Sapers memorial amendment change in the Standing Orders, and I do ask people to vote in favour of this amendment. Thank you very much, Mr. Speaker.

THE ACTING SPEAKER: On the amendment, the hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. I take this opportunity to speak on the amendment before the House. The amendment proposes to move that Government Motion 21 be amended by striking out section 8. Section 8 in the government's motion is an attempt to replace a subsection of Standing Order 23, which at this time is effective and is used to govern the business of this House. The Standing Orders currently in place and in use were updated and became effective on April 23, 2001, so that's the copy I'm speaking from.

When I look at the proposed change to the existing Standing Order 23, I find that it's subsection (g)(i) that is being replaced. The replacement means that this Assembly will lose the right to ask questions and engage in debate with respect to a matter that may be before a criminal court from the time that the charges are laid to the time that the final decisions in the appellate court are made. This time may extend to years and years.

All of this already, the way the Standing Order currently stands,

I think is sufficiently restrictive to protect the rights of people charged, because charges in criminal court, when they're laid, are laid along with the presumption that the person who is being charged is innocent until proven guilty. So we do have to be careful about what we say about such cases when they are being heard in the court. The existing Standing Order 23 and its subsection (g)(i) I think are sensitive to the need for us to stay out of saying or doing anything that might prejudice a trial when it's under way. But when a trial comes to a certain stage and it ends, from that point to the time when a notice of appeal may be issued, there is that interim period during which the present orders allow us to ask questions, to raise questions that may be relevant with respect to the accountability of the government or the conduct of a member of the Assembly, whether that person is on the government side or on the other side. All of this is done.

When I read the last provision there, which is the concluding paragraph of subsection (g), it says, "Where there is probability of prejudice to any party but where there is any doubt as to prejudice, the rule should be in favour of the debate." So the existing Standing Order recognizes the clear division of powers between the three important branches of government: the executive, the judiciary, and the Legislature. I think those powers, the ability of each branch of the government to maintain its control over its jurisdiction, is an exceedingly important principle. The proposed amendment from the government side as part of Motion 21 I think in a sense questions the separation of powers and the principle that the Legislature, unless absolutely necessary, must never surrender the powers that it is given by the citizens, by the electors, by the voters in a democratic society. So that's the principal issue involved here.

3:30

There is the question of whether or not these changes are needed, the manner in which they have been proposed and brought forward. There are clearly other issues on which we will continue to express serious concern and reservation. Examples of particular cases before the courts have been given where this Assembly has had the opportunity and has used that opportunity in the past to ask questions on matters in which the conduct of the government or a particular decision of a minister or someone else has been put to question; I think rightly so. The government has not in proposing this change in the existing Standing Orders – I think one thing that will be required of us is to make a persuasive case, hopefully a compelling case, for a change in the rules which have proven more or less helpful in both respecting and protecting the rights of this Assembly, the rights of the Legislature, the rights of each one of us as members of this Legislature.

The case has to be made on the grounds that the use of those rights by this House or by a member of this House have in fact in the past prejudiced the dispensation of justice, the trial that might have been under way. No such evidence has been produced. In my more or less five years in the Assembly there are several of those cases, when they were concluded after the first charge was laid and the trial was held and the decision was given by the court – from that point on until the notice of appeal was given, there was a period in which questions in this House were raised, and at no time, on no occasion did the raising of those questions in any way prejudice the system of justice or the procedures of judicial function and activity. No person has been harmed. No principles of, quote, procedure have been compromised.

Given the fact that the existing rules have worked to protect the rights of the Assembly, the rights of the Legislature, and have at the same time not caused any harm whatsoever either to the authority of the courts or to the interest of the accused, I ask the question: where

is the need? Where is the problem? Where is the need to do this? If there is no such evidence and we can't demonstrate the need for this change in terms of the harm done to the parties or doing anything that will harm the rights of the courts and the judicial system, then one is led to ask: why is it being proposed at all? Is it poor judgment, or is it motivated by some other concerns?

Mr. Speaker, I'm led to speculate that there may be other reasons, that the reasons are such that they're more to do with taking away from this Legislature, from this House, the opportunity to ask legitimate questions, questions about accountability for particular actions or of particular persons, whether they're on the government side or on the other, for having done things that in the judgment of the person asking questions require scrutiny, require public challenge, and require debate. To me, to take away that right, to take away that opportunity is to undermine the very process which we all value and seem to want to say is desirable. Otherwise we wouldn't have this on the books.

An issue like this, where changes in Standing Orders may affect the rights of the Assembly, the powers of the Assembly, the powers of each member of this Assembly, should not be seen in partisan terms. It is true that it's our obligation as members on the opposite side, in opposition, to ask those tough questions that sometimes are unpleasant to ask. It's not always terribly enjoyable to ask a member on the other side of the House questions that may reflect on the conduct of the individual, but those questions must be asked. That's our public obligation.

If one occupies this office that we all occupy, I think we have certain obligations. Those obligations compel each one of us to ask those tough questions.

DR. TAYLOR: Not to cast aspersions.

DR. PANNU: Whether they are seen by some as casting aspersions is a matter of judgment, but in my view the principle that must prevail is the ability of each member in this House to be able to raise those questions so long as in the judgment of the person who's asking those questions the questions being raised are crucial to the protection of the integrity of institutions, protection of public interests. Clearly, these are matters of judgment. All of us can't always agree on those matters of judgment. So given that we're all human, that we're all fallible, we should be modest enough to at least say: well, there can be mistakes made.

Nevertheless, because mistakes are made, the right that we all have as elected members of the Assembly must remain primary. That should never be challenged, and in my view this amendment would challenge that right. It challenges the right of the Assembly. I, therefore, ask all members to reconsider this. I ask the House leader, the deputy House leader, and members of all caucuses, including the government caucus, to reconsider this. I think it's going in the wrong direction to take away what's in Standing Order 23(g) and replace it with the proposed amendment, and that's why I guess the amendment that's before us seeks the striking of that section 8 in the motion.

I did refer very briefly to the fact that the existing order, Standing Order 23, works. There's no place that it has failed us or the government. Therefore, changing it in a way which may restrict the ability of us as elected members to raise questions, to hold the government accountable isn't justified.

So I speak, Mr. Speaker, in favour of this amendment being proposed, and I would hope that I have succeeded at least in part in persuading members on all sides of the House to vote for this amendment on which I've just concluded speaking. Thank you.

THE ACTING SPEAKER: The hon. Member for Edmonton Mill Woods on the amendment.

DR. MASSEY: On the amendment. Thank you, Mr. Speaker. I am pleased to speak in support of the amendment, which asks that Government Motion 21 be amended by striking section 8. Section 8, of course, is all about sub judice. One of the concerns that we have with sub judice is the balance that we have to strike between freedom of speech and the due process of law, and that's at the heart of the sub judice rules.

Freedom of speech is a cornerstone of our democracy, Mr. Speaker. It's the hallmark of most democracies. It's such an important principle to us that we have fought wars to protect that freedom, and we're not alone. There have been many around this world who have fought and died to protect that freedom of speech. There's been a whole body of law developed around free speech and challenges to those that would in any way curtail freedom of speech, and most democratic governments' constitutions make mention of freedom of speech, including our own. So it's a freedom that is at the heart of democracy, and I think that if you were to ask most laypeople to name the freedoms that they value most, freedom of speech would certainly rank high among those.

3:40

It's a bit of a two-edged sword, because freedom of speech allows people to say anything they want, within limits of course. They can talk about the untenable. They can talk about things that just don't seem to make sense to the mainstream population. They can talk about the unorthodox, and they can talk about things that are unpopular. They can make proposals that people take offence with. They do that without fear of punishment from the government, and that's at the basis of freedom of speech and concerns around freedom of speech, that you be able to say what you think and what you feel without fear that there'll be retribution.

Again, as I said, it's really critical to democracy and the way that our democracy works. The intent, of course, is that people will be able to say what they want and that it will allow ideas in our society to develop, that through that freedom our culture is refined, and it's through that freedom that arrogance or the abuse of power is controlled. So it's something that is essential to not only democracy but the growth of our culture and democracy, and it's a check on those that would abuse the benefits of living in a free and open society.

As we've seen in the discussion this afternoon, freedom of speech is not absolute. There are times when there are other interests that outweigh that freedom of speech. If there's a chance that speech may prejudice a particular case, then there are constraints put on freedom of speech, and that's based on some assumptions about court cases, of course. The assumption is that jurors and witnesses who are exposed to material that's not part and parcel of a court case, that hasn't been tested in a court will be influenced. I'd like to come back a little later to talk about a number of studies that have looked at just that question in terms of how influential media stories and comments that are made in Legislatures are on the behaviour of jurors and the kinds of decisions that they make.

There's a concern that impartial verdicts are impossible without some constraint on information prior to a trial being undertaken, and I guess the other assumption is that you have to curtail the things that are said prior to a trial. It might not be neutralized in the court with the use of evidence or judicial warning or mechanisms that are available within the court. So the fear for the kinds of damage that people speaking freely about a case might do in terms of the accused are used as reason for sub judice.

There are other reasons, of course, why freedom of speech is set aside. We've seen some discussions in the last number of weeks as we look at some of the terrorism legislation. When state security is at risk, there have been actions taken by people to protect them through curtailing freedom of speech. If there have been instances when public order has been, again, at risk, there have been some restrictions placed on the freedom of speech. There have been restrictions put on freedom of speech when individual citizens and their reputation could be damaged. So that freedom of speech is not an absolute freedom that is unfettered and not interfered with in our society, yet I think we're very, very careful and pause before we do anything that would interfere with that freedom.

[The Speaker in the chair]

That freedom was hard won, Mr. Speaker. It has its precedent in England, of course. The right to free speech stems from the right to freedom of the press established in England in the 17th century, and that's really where the notion of freedom of speech came about. Free speech was only extended to Members of Parliament initially. At one time, in the late 1600s, all the presses had to be licensed, and it was only when those press laws were not renewed that freedom of speech became more generally available and became a matter of principle. So freedom of speech has a long history, and as I said, it's been long, long defended and fought for.

I guess the question we have before us as we look at this amendment, Mr. Speaker, is: can justice be done and be seen to be done in the absence of sub judice? If we look at the amendment this afternoon, the government is saying no, that without sub judice justice in the province and elsewhere won't be done. From the perspective of the opposition, of course, the answer is the opposite, that sub judice and extending sub judice or interpreting it even more broadly than it already is does not serve us well and is an unnecessary restriction of freedom of speech.

I think there are a number of concerns we have with the sub judice rule and our reasons for not wanting one. One, of course, has been alluded to before, and that's time limits. Time limits for those of us in the Legislature, of course, are of the essence. When events happen that are of concern to this House, the faster they can be raised the better in terms of serving the public interest. The effect of extending sub judice, of course, is to postpone those debates and to drag them out. In many cases I would suspect that the effect is to put topics off the public agenda until court proceedings are completed. That can have some political benefits for a government, in particular when they can rest easy that any involvement they may have with public issues that are before the courts will not be raised or will be postponed for some time, and sub judice becomes a bit of a shelter. So for the opposition the time limits are of considerable concern.

3:50

One of the concerns, of course, is the influence of the media and the claim that the media will be reporting on items that are raised here in the Legislature or there'll be the publication of issues raised here, questions in *Hansard*, so that the debate becomes public. The charge is always made that that publication by the media or by *Hansard* is going to influence jurors. There are some counterarguments to that. I think the most common argument is that media stories tend to be quickly forgotten and that maybe – and I think it's certainly the case here – we tend to overestimate the public's awareness of news and issues that are being discussed here. I think it also ignores the fact that many people are fairly critical readers of news reports and of things that are said in this Legislature too, I suspect, Mr. Speaker. Most readers are fairly critical. So the charge

that it has an undue influence on jurors I think is one that is really open to question.

It also, I think, is based on the assumption that jurors come to a trial without prejudices and preconceptions, that it's sort of a tabula rasa, this blank slate that they walk into a courtroom with, that you have to make sure that you don't do anything to disturb that slate. I think that's fairly hard to defend. I think it's really difficult to think that jurors would be wholly unacquainted with the facts of high-profile cases in this province. I think that's really an unreasonable expectation. I think the fact that they'll come to a jury with a diversity of opinions also speaks against not trusting them to be able to listen and to hear information about a case without being unduly influenced. Most jurors are average people, fairly well informed, and if there's something high profile happening in the community, they're going to know about it and even have some opinions.

There have been some American surveys for and against, I have to admit, the hypothesis that prejudicial pretrial publicity can lead to bias in jurors. A number of groups have looked at that. The conclusions, as I said, are contradictory:

Although jurors were more likely to believe that a defendant was guilty after reading a "sensational" story than a conservative story, there was no difference in how the jurors who had read the "sensational" story and those who had read the conservative story would vote for conviction.

So the kind of profile that a story had, sensational or not sensational, didn't seem to end up influencing their decision.

There's evidence from some of the studies that there may be stories before a trial but that the trial process itself takes and eliminates any of that prejudice that might exist. There are indications that those "persons not exposed to pre-trial prejudicial news coverage found the defendant guilty more often than those who were exposed to such coverage." So there's a discrepancy in the findings in terms of the coverage that we have.

Mr. Speaker, when you put it all together and you look at what's in the balance – and that is the balance between freedom of speech, in this case freedom of the opposition to raise matters in the Legislature, versus a broader interpretation of sub judice – I think that the amendment before us makes good sense, and that's that we should make sure we don't err on curtailing the kinds of questions and issues and speeches that can be made on issues in our province.

With that I conclude. Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Riverview on the amendment.

DR. TAFT: On the amendment. Thank you, Mr. Speaker. My understanding of sub judice rules in many other jurisdictions under the British parliamentary system is that they are not handled in specific Standing Orders but that they are handled by convention. The effect of this amendment would be to achieve that same outcome for our Legislature here, to remove sub judice issues from the Standing Orders and to leave them to convention. Now, I suppose the crucial question would be: is convention adequate? If we pass this amendment, how would things work? I take it on the experience of British parliamentary systems throughout the world, not just in Canada but throughout the world, that it would work just fine. In fact, a great deal of the British parliamentary system relies on convention, relies on precedent, relies on an ongoing interpretation of the current circumstances and how those can be judged by historic events. So I think that the effect of this amendment would be simply to bring us into line with what's done elsewhere.

One of my concerns if we don't proceed with this amendment is that the sub judice clauses under Standing Order 23 – one of them in

particular is poorly worded. I think everybody would agree to that. The first section – and I'm here referring to section 23(g)(i) – referring to "criminal nature," I think is pretty clear. Anybody reading that is going to be pretty clear. But if you refer to the subsequent paragraph, that relates to civil issues, it reads:

Of a civil nature that has been set down for a trial or notice of motion filed, as in an injunction proceeding until judgment or from the date of filing a notice of appeal until judgment by an appellate court.

The confusion and what worries me particularly about this clause, if we do not pass the amendment, is that it could be interpreted to mean that civil proceedings are sub judice from the moment notice of motion is filed onward, and notice of motion can be filed at the very beginning when a statement of claim is filed. At least that's my understanding. So there is a risk with the wording that sub judice rules will be greatly extended, and I think we would all share that concern.

I think some of the members in the gallery are with environmental groups, and I'm thinking of a situation in which a civil matter could be raised on an environmental issue, a statement filed, and depending on how this clause was interpreted, suddenly that particular issue would be out of bounds for us to raise in question period or for us to raise in other forms of debate in the Legislature. That's just one very simple but immediate example of why I am concerned about this particular proposal and why I would support the amendment to strike it.

Indeed, I think there is more generally a risk to good parliamentary debate that this sort of precedent could be extended to all kinds of nuisance lawsuits or SLAPP suits. So if a particular issue were to be raised or deserved to be raised in the Legislature and some party outside the Legislature did not want it raised, I would be concerned. Indeed, although there is debate on this, we certainly have had some legal advice to confirm this concern that a SLAPP suit could ultimately shut down all kinds of meaningful debate, meaningful questions in this Legislature.

Now, there are two sides to this, and I've got legal views arguing: yes, you're right to be concerned. I've got legal views arguing: no, there's no need to be concerned. The variance is a result of the awkward wording of clause (g)(ii) under Standing Order 23. I do notice that the proposed amendments actually add one comma to this clause. I've read it without the comma and then I've read it with the comma, and it's not clear to me why the comma is being inserted.

4:00

MS BLAKEMAN: Punctuation is important.

DR. TAFT: Yes, punctuation is indeed important. Shifting a comma around can fundamentally alter the meaning of a sentence.

So we've inserted a comma in a location where it doesn't seem to have any particular effect at all except that maybe it heightens my concerns. So it might be useful if anybody here, the House leader or anybody else, has a view on that to enlighten us as to why the comma was inserted there and why not elsewhere. That simply illustrates the confusion that's raised by this clause, and I think it confirms and supports the idea that we should perhaps just strike the clause and rely on convention. As we need to draw on precedent, we can draw on precedent from other Legislatures.

Due process is not an inconvenience. Due parliamentary process is crucially important for us to respect. It has arisen over centuries and centuries of debate and, as other hon. colleagues have raised here, even war. Wars have been fought over the proper way to handle parliamentary debates, and the due processes of the Legislature versus the courts are inevitably from time to time going to be in tension, going to be in conflict. Certainly the courts need to be

concerned that what occurs in this Chamber not prejudice their proceedings and prejudice the administration of justice. If, for example, somebody was standing trial or some charge had been laid against an individual on a particular issue and we were to raise that in a particularly inflammatory way or particularly irresponsible manner in this Assembly and the media were to proceed, perhaps conceivably that court case could be affected and the administration of justice could be affected, although some evidence was brought forward here earlier that casts doubt even upon that. Nonetheless, we do have to be extraordinarily sensitive to the administration of justice.

At the same time, we need to be very sensitive to our own rights and indeed responsibilities as MLAs to raise issues that deserve raising and to ask the tough questions that need to be asked and to be free to pursue that and free to speak our minds and free to raise the issues as we see them. There certainly are a number of cases that come to my mind, just sitting here making notes over the last several years, that would raise concerns that there may be moments and maybe, indeed, prolonged periods when we cannot raise particular issues because of lawsuits before the courts.

Some suits have been raised here that may or may not have affected debate but certainly easily could under an interpretation of the sub judice issue. Probably the biggest case that has affected the most people in this province was the Principal Group case. There was a case around West Edmonton Mall. There was a case involving the former Treasurer. There was a case from a private health care company against the former leader of the third party. There's a case by another private health care company against a previous member of the opposition caucus. So we're not just talking theoretically here. There are lots and lots of cases that could be brought forward to stifle debate in this Legislative Assembly. We need to have the maximum flexibility to interpret those and to decide when a stifling may be justified and when it isn't.

Now, on the possibility that this amendment is not passed – and I have to be conscious that some of our amendments may not always succeed.

MS BLAKEMAN: We live in hope.

DR. TAFT: Yes, we live in hope.

There is some consolation to me in the final clause of that particular subsection, assuming it is interpreted in the way I think it was intended. It reads: "Where there is probability of prejudice to any party but where there is any doubt as to prejudice, the rule should be in favour of the debate." So it seems to me that if this amendment does not pass, we will need to then ultimately rely on the interpretation of this final clause. "Where there is any doubt as to prejudice" – in other words, if there's any possibility that prejudice will not be visited upon people in a criminal or civil case – "the rule should be in favour of the debate." So we will in fact be able to proceed. My unease around this is that this is not how the rules have always been interpreted. The sub judice clause could be invoked and frankly, I'm concerned, could be used to shut down legitimate debate here.

These days I think we all need to be particularly conscious of protecting the freedom of speech, and when I say "these days," I'm meaning in this period after September 11. Certainly there is a concern about improving security within our society and monitoring for so-called terrorist activity or activity that could become terrorist activity, but as we are seeing in public debate in the last several weeks, it is not always a clear line between what's terrorism and what's legitimate dissent. My concern is that as we expand the so-called antiterrorism legislation, more and more criminal charges

could be applied to more and more groups, who before September 11 would simply be regarded as participating in a legitimate dissent but now run the risk of being charged as terrorists. Even though the charge may ultimately be dropped, throughout that entire process it seems to me that there's a clear risk under this Standing Order that we could not then address the issues related to that charge in this Assembly.

We need ultimately to protect and to stand for freedom. We need to stand for our ability to raise issues, to hammer them out, to agree to disagree, to argue, to even heckle. That certainly happens in here. Ultimately those are freedoms that we have to cherish and freedoms that we have to stand on guard for. I am concerned that as time unfolds and as the personnel of this Assembly change, the people responsible for the operations of this Assembly change, the sub judice rule will be used to inhibit those freedoms, to constrain our ability to raise issues, and that it could ultimately be abused.

So I am going to be voting enthusiastically in favour of this amendment, as I'm sure many of the rest of us will be also. I think I've made my reasons clear. I think it will be a vote for freedom.

Mr. Speaker, thank you.

4:10

THE SPEAKER: Hon. Member for Edmonton-Strathcona, you've already participated in this amendment.

The hon. Deputy Government House Leader.

MR. STEVENS: Thank you, Mr. Speaker. I have a few words that I'd like to say this afternoon. I listened with interest to the varied and wide-ranging opinions expressed by the members opposite. So I think it's important to go back to what exactly we're talking about so that the many individuals who are following this debate in the galleries and on the Internet and, I'm sure, those who read *Hansard* will have some clarity.

The amendment put forward by the hon. Member for Edmonton-Gold Bar is that Government Motion 21 be amended "by striking out section 8." Now, section 8 says that "Standing Order 23 is amended by striking out clause (g) and substituting the following," and the words follow. The hon. Member for Edmonton-Riverview has said that the effect of this is to have us revert to a convention. The fact is that that is not correct. The effect of this is to revert to the existing Standing Order 23(g). Convention has little to do with this. This Assembly has a history of having a Standing Order dealing with sub judice, and we will continue to have a history of dealing with an order of sub judice regardless of how this amendment is dealt with.

Now, in dealing with what actually is done in section 8 of Motion 21, there are some words added to the existing sub judice rule, and they are the words that deal with the expiry of appeal periods from the time of judgment as it relates to matters "of a criminal nature." As a number of the hon. members have noted, there is a purpose to the sub judice rule. *Beauchesne's Parliamentary Rules & Forms*, 6th edition, at pages 153 and 154 contains some comment about that, but I'd like to simply refer to paragraph 505, which in general terms sets out what the purpose of sub judice is.

Members are expected to refrain from discussing matters that are before the courts or tribunals which are courts of record. The purpose of this sub judice convention is to protect the parties in a case awaiting or undergoing trial and persons who stand to be affected by the outcome of a judicial inquiry. It is a voluntary restraint imposed by the House upon itself in the interest of justice and fair play.

As a number of hon. members opposite have noted, there is a test outlined in the existing and indeed in the amended Standing Order 23(g), which talks about the "probability of prejudice to any party" being the essential element that is important in determining whether

sub judice has applicability. To those who are following this, it seems to me apparent that in fact a question that is posed in this House while there is a trial on, which is prejudicial to the party to that particular case, is equally prejudicial to that party if that question is asked during the period between the sentence and the filing of the notice of appeal, just as it would be during an appeal period. So what this particular provision does is cover off the relatively short period of time when a party to a case could be at prejudice, and therefore it seems to me it's very much in accord with the concept of justice and fair play being at the heart of the sub judice rule.

I think it is important for people who are following this matter to understand that there is no defined period of a trial; that is, when it begins and when it ends. And there is no defined period for an appeal; that is, when it begins and when it ends. But the issue of a notice of appeal is very much a defined term which is capable of understanding by those who work in the area of criminal cases. It is a very small time period compared to the time of trial and the time of appeal.

So I cannot support the amendment being put forward by the hon. Member for Edmonton-Gold Bar and would encourage the members to vote against it.

[Motion on amendment lost]

THE SPEAKER: The hon. Member for Edmonton-Strathcona on the main motion.

DR. PANNU: Thank you, Mr. Speaker. I'm pleased to rise and speak on Government Motion 21, the main motion. Looking both at the proposed motion with all the amendments proposed in it and also the introductory remarks made by the hon. House leader when he was introducing the motion, one general thrust of his argument as I listened to him was that the changes proposed in Motion 21 are intended to make our work in the House more effective and make the Standing Orders more effective: it'll save us time, it'll provide more opportunities for private members to speak to the private members' bills, and it will rationalize the proceedings of the House if we change the order of business of the House. Those sorts of comments have been made.

He also of course made an interesting comment about why we need to perhaps cut back the time that we have available to speak from 20 minutes to 15 by using the analogy of the high school debate. That I found quite intriguing actually, comparing the business of the Assembly, which is about running a government, about governance and holding governments accountable and passing legislation, as somewhat analogous to a high school debate. He said he was impressed by the rules by which high school debates are conducted, allowing five minutes of questions for all parties taking part in the debate. He wouldn't want to of course bring in that model here to help us sort out our activities in the interest of improving our overall functions in the House. I'll come to that, but I just want to draw attention to the context first, Mr. Speaker, in which this motion is being brought forward and debated.

We have a changed House. We have on the opposition side nine members, and the amount of time that nine members can take to debate any bill, any motion is necessarily much more limited than was the case in the last Assembly, when there were 17 members on the opposite side to speak. So the issue of somehow saving time is one that doesn't make sense to me. That isn't in my view a problem that needs to be addressed by making changes to the our Standing Orders.

4:20

I also want to draw the attention of the House to the fact that I tried to look up the number of days that we sit. That is one of the arguments made, by the way, in Motion 21, that we need to reduce the time that members have to speak on private members' bills from 20 minutes to 10 minutes. That will allow more members to speak on bills, and I certainly see the logic of why we should provide opportunity to as many members as elect to speak on private members' bills. I think that's a good idea. But why do we not ask the question of whether or not to allow them to have time to speak on it can be fixed in more than one way. One way, of course, would be to reduce the length of time for which we speak. The other one would be to increase the number of days that we sit in the Legislature. That will certainly allow us more time, give private members more time and all members more time to speak on issues that they feel strongly about.

To compare the number of days that we sit in the House for the year 2001 – and this information has been taken from on-line research on Assembly web sites. This year, for example, the year 2001, the Saskatchewan Assembly sat for 71 days, Nova Scotia for 60 days – and they're back in the fall session now – Ontario, 55 days – and they returned to the Assembly for the fall sitting on September 24. Quebec sat for 49 days, and again resumed the sitting on October 16; Manitoba, 49 days; and New Brunswick, 41 days. We, compared to them, of course, had sat only 26 days this year until we resumed the sitting a couple of weeks ago. Today is our eighth day in session, and 26 plus eight makes 34. How many more days we will go I don't know, but I think we will probably not be able to say that we have sat at least as many days as New Brunswick, which sits for the lowest number of days of the provinces that I mentioned.

So the way to fix the problem is certainly more than one, and I would have liked to see the matter addressed perhaps in presenting the rationale for Motion 21 and the amendments that it proposes to the Standing Orders of the House.

Mr. Speaker, I have heard some other interesting arguments, as I said, with respect to private members' bills. I think we should seriously consider extending the sitting days for the Assembly to fix the problem of members not having enough time to speak on private members' bills. On government bills the argument is that the only people who need to speak, that do normally speak are members of the two opposition parties, and therefore it's only appropriate that we provide an opportunity for government members to ask the opposition members some questions when they are speaking on government bills. Well, the government members, I am told, the private members from the government side, don't speak on government bills because they've already had the extended opportunity via standing committees, public hearings, caucus discussions to have spoken on the government bill. So the only time they need to speak is in the form of asking questions of us.

That has two interesting aspects to it. First, in a parliamentary system I guess there's nothing wrong with seeking information on the argument that's made. I think I'd be very happy to answer questions of fact, questions of information at the end of 20 minutes. So we could extend to 25 minutes that time available for any one member, and we can afford to do that if we are willing to sit for a few more days rather than going in the opposite direction of cutting the time back to 15 minutes and then saying: now you'll be interrogated from the government side.

The other side to this argument is to sort of turn the parliamentary procedure upside down, that somehow we should have what would become a sort of question period from the government to the opposition side. I find it intriguing that this should be suggested as a way of improving the business of the House. As I said, I don't

mind getting into some sort of exchange of information provided that we allow for more time to do this. Otherwise it makes no sense, Mr. Speaker.

The intent of changing the order of business – the argument is made that we want to make predictable the time of the question period so that Albertans know exactly when it's going to start. Well, that's certainly one reason why we could do this. There are other Assemblies in this country, Mr. Speaker, who televise all the proceedings of the House, many other Legislatures, from Newfoundland to Saskatchewan, Ontario, Nova Scotia, and B.C. All of these Houses or Assemblies have learned and televise all of their proceedings. So rather than just trying to play around with the one and a half hours of televised time in the Assembly so that we can make a particular part of this proceeding more predictable or fixed in terms of time, I think what we need to do is increase access to the debate in the House to Albertans. In a province as large as ours someone sitting in Pincher Creek should be able to just click on the TV and watch the debate at any time, including question period.

So I don't think the argument given to change the order of business to accommodate interests Albertans have just in the fixed hour for question period makes much sense. We need to go in the opposite direction and increase access, increase visibility to Albertans so they have a sense of participation or at least the ability to watch anytime they want to see what we do here in the House. It certainly would be good for our own discipline, I think, Mr. Speaker.

Mr. Speaker, I have a few other comments here. I think the point has been made – I'll reiterate it at the risk of repeating what has been said, I guess, more than once already. That's the manner in which this change in the Standing Orders is being sought. I think it's inappropriate for the government caucus to proceed unilaterally to bring in these amendments, some of which are quite far reaching, which will impact the ability of this House and particularly the ability of the opposition parties. For a very small caucus like mine, the New Democrat caucus, it would certainly further restrict our ability to contribute to the debate if we were to accept many of the changes that are being made here.

The unilateral way in which the whole process has been undertaken is something that I find unacceptable. I have worked as House leader with other House leaders during my time in this Assembly. I worked with you, Mr. Speaker, and we were able to work out through negotiation, agreements the needed changes in the existing Standing Orders without too much difficulty. I think that's the process that needed to be used. The fact that that route was not even tried suggests that the intention is to steamroll some of these changes regardless. That's unacceptable and should be unacceptable in the Assembly, because these Standing Orders affect all of us. They belong to the Assembly and to all of us, not to one party or one caucus. So the method used to make the changes is not quite the one that should have been adopted in the first place.

I should qualify my remarks by saying that we were consulted once the decision was made and the agenda changes were determined, but those consultations haven't gone very far in terms of allowing us much of an influence in affecting the items of the agenda that we have before us.

I want to turn now to one particular part of the proposed amendments. That is that I want to propose an amendment to Motion 21, proposing by way of this amendment that Motion 21 be amended in section 18 in the proposed Standing Order 49(1). I just want to draw the attention of the House to this. I have the amendment here. Mr. Speaker, do you want me to read the amendment or to circulate it?

4:30

THE SPEAKER: Hon. member, why don't you just give it to the page for circulation and read your amendment at the same time.

DR. PANNU: Thank you, Mr. Speaker. The amendment, as I said, is to the proposed Standing Order 49(1), by adding the following after clause (e). The additions are:

- (f) Justice and Government Services, consisting of 11 members,
- (g) Learning and Employment, consisting of 11 members,
- (h) Energy and Sustainable Development, consisting of 11 members,
- (i) Agriculture and Municipal Affairs, consisting of 11 members,
- (j) Health and Community Living, consisting of 11 members, and
- (k) Economic Development and Finance, consisting of 11 members.

These are the standing committees, and I'm proposing by way of this amendment that the proportionality principle be applied in the composition of these committees as an addition to the amendment of Motion 21 in the section that I just referred to.

If we go this route rather than striking out some committees, Mr. Speaker, it seems to be better to make the standing committees, the policy committees, all-party committees so that they reflect the true composition of the House. Thereby those committees would become more effective, more representative, and be able to reflect more successfully what Albertans want. Such committees would certainly become forums where Albertans can come and speak to their concerns and the issues that they want the government and the Legislature to consider. If this were to be done, I think the work of the Assembly – the job of policy-making, the legislation and statutes that this Assembly proposes, debates, and passes – would reflect comprehensively and truly a broad cross section of the concerns of all the voters of this province, all the citizens of this province.

In addition, of course, they will provide an important role to all three caucuses – my caucus, the New Democrat caucus; the Official Opposition, the Liberal caucus; as well as the government caucus – and will be able to raise issues and concerns and examine and scrutinize proposals that come before those committees either from the government or from interested groups and organizations in the province or from individuals who may have concerns with respect to government policies and issues. In doing that, I think we'll make the functions of these committees much more democratic, much more open, much more representative.

So this amendment that we're proposing, if passed by this House, will be of great consequence. It will mean a great improvement in the way the government does its business, the way the House does its business, the way we all have a say in the substance of the business as well as the manner in which business gets conducted in this House. I would ask all members to give serious consideration to this amendment that I'm proposing and ask them to support this amendment.

With those comments, Mr. Speaker, I conclude, and we'll have other speakers.

MRS. McCLELLAN: Mr. Speaker, I would welcome an opportunity to enter the debate on this amendment. I listened very carefully to the hon. member's comments when he proposed that rather than removing some committees that today probably do not fulfill a function that contributes to the process we enter into here, we add a number of committees. The hon. member spoke of the people's ability to provide input to the process, to participate, I think to paraphrase, in debate in the House. You know, I believe that Albertans reflected what they wanted on March 12. I believe Albertans understand that they live in what we call a parliamentary democracy, and I believe Albertans understand that under our Premier's leadership we have a process of standing policy committees that cover all of these. Those committees meet on a regular basis. They are policy-making bodies, and I believe that the people elected these members on the government side to develop policy.

The opportunity to debate that policy is in this Legislature, and I believe that's what parliamentary democracy is all about.

The opportunity for debate, Mr. Speaker, does occur in this Legislature. It occurs in the period of time when we debate the Speech from the Throne that Her Honour delivers in this House, which outlines the government's plan. It occurs when we debate in this House for a set number of days the budget of the government, which affects every department in the government, all of which are here. At the same time, the government presents its business plan for not only each department but for the government as a whole, and the opportunity to have that debate is here in this Legislature. So I have not in my experience, some 14 years last Friday, had a lot of calls from constituents from one of the very large constituencies, in geography at least, and had them say: we don't have an opportunity to participate. They believe they've elected a member, they believe they have an opportunity through that member, and they believe that every four years they elect a governing body who, until the next election period, will develop the policy and enter into debate with other parties in the Legislature on that policy and pass it. I think that's how the people's voice is heard in the parliamentary democracy which we enjoy and should cherish in this country.

4:40

Mr. Speaker, I believe so very, very firmly in the parliamentary process and parliamentary democracy that I don't want to support amendments to the Standing Orders, that govern the rules of this House, which I feel would not contribute to the continuance of that tradition and that form of government that has stood this country and this province in good stead for many, many years. I think that sometimes we complain a bit about our system, but when we look afield, we come back and say: you know, this works pretty well.

So I cannot support what I think would be a repetition of a process that we already have in place. I believe in having the standing policy committees and the many opportunities for other people from the public and/or opposition parties to participate in open meetings of those standing policy committees; in the opportunity for every member to be in this House right now at this moment to debate the Standing Orders, as we're doing; but, most importantly, in the time that we set aside where we debate the government's plan, the policies that we set for how we're going to expend the dollars that the people of this province entrust us with, and I think we have a very good system.

The other thing that I just wanted to make a brief comment on, Mr. Speaker, was when we get into comparisons with other Legislatures. I think we want to be very careful when we do that, and I think when we talk about this Legislature, let's talk about the hours that we put in rather than using the term "days." Some Legislatures do not sit in the evening. They sit at a different time of the day. They may start in the morning, pause at noon, sit for a while in the afternoon, and they call that a day. We start at 1:30 in the afternoon, recess or stop for supper hour, sit sometimes till midnight, and we call that a day.

AN HON. MEMBER: Sometimes longer.

MRS. McCLELLAN: Yes, this Legislature has been known on occasion to call a day 36 hours or some such figure.

So I think when you start comparing the number of days you sit, whether it be in Prince Edward Island or Quebec or the state of Montana, you should look at the hours you spend in the Legislature. Maybe what we should all consider more than anything is the quality of the time and how we spend our time here.

So, Mr. Speaker, with those brief comments I do not feel that I can support the amendment and would recommend to our members in this Legislature that they do not support this amendment.



THE SPEAKER: The hon. Member for Edmonton-Centre, followed by the hon. Member for Edmonton-Rutherford.

MS BLAKEMAN: Thanks very much, Mr. Speaker. I've been drawn into this debate, and occasionally we actually do have a debate in this Assembly which I find really exciting, where we have people putting forward their heartfelt belief in what is right. I believe that the Minister of Agriculture, Food and Rural Development genuinely, absolutely believes what she's saying, but what I find interesting is that the defence she is making, that the Progressive Conservative caucus committees replace the committees of the Assembly, is not acceptable to me.

Those caucus committees are caucus committees, and the government is perfectly entitled to have its caucus develop policy for government, perfectly entitled to do that, absolutely entitled to do that. However, let's be clear: that is the Progressive Conservative caucus developing policy for itself; that is not legislative committees. It is not, and we have always objected on this side to taxpayers' funds being used to pay for essentially a caucus committee that is developing policy.

Now, the minister says: oh, these standing policy committees are open and people can come and there can be debate. No, they're not open. Most of those meetings we don't even know have taken place. They're closed meetings. They are closed. Occasionally they are opened up for members of the public or the media to sit in. The media and the public cannot ask questions, and other members of this Assembly are treated as though they are members of the public. They do not have the same rights as those that are sitting around the table, and right there is the defining factor.

Again, I repeat: the government is perfectly entitled to give itself advice from its own party policy. Absolutely. But it does not replace the committees from this Legislative Assembly, and I say that it should not be paid out of taxpayer dollars for those committees. Those committees and any additional sums they're going to pay for their committee chairperson should come from PC Party moneys.

Now, the member also talks about the public having decided on March 12 the way it's going to be. Yes, they did, but we have to remember that in this province 30 percent of those who were eligible to vote put this government in power: 30 percent, not 60 percent, not 100 percent. Thirty percent of the voting public. That is not a slam dunk by any means, ladies and gentlemen. There are 70 percent of Albertans . . . [interjections] Oh, this always gets people upset, gets them engaged, Mr. Speaker. I find that very exciting, and I hope they're all going to get up and debate on it rather than just heckling me.

So what we've got is that 70 percent of the people that were eligible to vote did not vote for this party that formed government, did not vote for them. [interjections]

THE SPEAKER: Hon. members, please. The chair has recognized the hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you very much, Mr. Speaker. I think we have to be very clear. This government, in having such a large majority for such a long period of time, has come to believe that it replaces parliamentary procedure. It doesn't replace parliamentary procedure. This political party's approach to government does not make democracy. It does not make this Assembly, nor does it replace it in any way, shape, or form. So it is perfectly legitimate to say that if the Progressive Conservative Party caucus is going to have policy committees to advise itself, we can have those committees for the Legislative Assembly, and it is not even a duplication.

One is giving policy of a political nature. The other is an all-party committee to work out how we're going to approach things in the Legislative Assembly. That would be true democracy. That is the problem with having a party in power for so long.

It's been interesting for me when I've been able to travel out of the province and speak with people in other provinces, and the minister cautioned against comparisons. You know, with these rules that are being put in place tonight, members of the government opposite would be horrified to have to work as opposition members under the restrictions that are being contemplated under these Standing Orders today, horrified at how limited their ability to perform as representatives of the people would be. But then the members that are on the government side here assume that they are never, ever going to be in opposition. Who knows? We will see in the future. But you have to consider, as you put these rules in place, that you will have to operate under them as well. Do you really want to be operating under these Standing Orders that are being put in place?

4:50

Now, just imagine, as horrific as I know this will be to all of you, that the Liberals are in power and the Liberals have their personal party policy committees. The rest of the members of the Assembly are not able to participate in that, and they bring forward an amendment that suggests that they want to have these committees in the Assembly and want to discuss that business in the Assembly. Of course, it's not possible because the Liberals, who've now been in power from 2004 to 2075, won't allow that. What's left for the other members of the Assembly is very restricted in what they're able to participate in, what they're able to bring forward, how long they're able to speak, what committees they can influence policy on, et cetera.

So while I appreciate that the minister believes very strongly that the Progressive Conservatives will form government in perpetuity, I do not think that that is the case. They were not elected by 100 percent. This is still supposed to be an Assembly that reflects a Commonwealth parliamentary tradition, and therefore it's perfectly appropriate that we do have all-party committees that reflect this Assembly. The payment for those – it's appropriate – would come out of taxpayer dollars.

The last thing is the public's ability to access and influence these committees. What the government has is not accessible by members of the public, but the Assembly is. They can come, they can watch, they can read it in *Hansard*, and they can listen to the live audio online. They are able to watch what's happening, and they're able to influence what's happening through their representatives. That is not the case through the PC caucus committees, not the case at all. There is no access there. There are no minutes kept. There's no *Hansard* kept. When the committee meetings are closed, nobody knows what's going on. So the public does not have access to that system even through their elected representatives. They have no way of holding their member accountable, because they can't tell whether their member spoke in those committee meetings or not. They have no way of tracking. Now, their member can come back and say: yes, indeed, I raised your point in the committee meeting. We have no way of knowing. We have to take the member's word, and of course we're all honourable members in this House. We would all want to accept any hon. member's word on this.

I don't want to take up any more time on this. I appreciate the Member for Edmonton-Strathcona bringing it up. I appreciate very much the Minister of Agriculture, Food and Rural Development speaking so passionately to it, but I disagree absolutely with her interpretation of it, and I disagree absolutely that internal party politics replaces the business of this Assembly.

Thank you very much.

THE SPEAKER: The hon. Member for Edmonton-Rutherford.

MR. McCLELLAND: Thank you very much, Mr. Speaker. I did want to add a few comments to this debate because of the members presently sitting in the House, there aren't very many who have been in Legislatures that have both kinds of committees. I do have some sympathy for the intent behind this motion. Whether it's workable or not is a whole other question. I did want to put on record, though, the fact that the standing policy committees of the government are an exceptionally good way to provide for backbench members to have input into developing policy, and that's what is lost in this debate or lost in the greater debate in the public on just what these committees can and cannot do. The standing policy committees of the government, as represented through the caucus committees, have incredible oversight and incredible power as compared with my prior experience.

The prior experience that I have with committees is also such that because they're controlled by the government completely – not a little bit but absolutely completely – and the committees are creatures of their own and not governed directly by the Legislature, they are an exceptionally handy place for controversial items to go and suffer a quiet death. They're referred to committee, never to be seen or heard from again. Committees can also do some pretty good work in listening and becoming a listening post for all of the Legislature. So there are pros and there are cons, but I think that for the moment, in my experience, the capacity of the standing committees of the caucus to have meaningful input into legislation is quite remarkable. I did want to put that on the record.

Thank you, Mr. Speaker.

[Motion on amendment lost]

THE SPEAKER: The hon. Member for Edmonton-Rutherford on the main motion.

MR. McCLELLAND: Thank you, Mr. Speaker. I'll be very, very brief. I did want to also in debate – I've heard members speak to the question of questions and comments and whether or not that takes capacity or time from the opposition to make their point. The reality is that if the opposition chooses to, the opposition can actually get more time, because each time a government member speaks, the opposition is able to use five minutes, in fact, to question the government member speaking. The chair occupant normally will go to the opposite side of the aisle to select people for questions and comments. So while it will put considerably more responsibility and pressure on the chair occupant to control the debate, it will have the effect of actually generating debate in the House.

AN HON. MEMBER: Government members don't speak.

MR. McCLELLAND: The member says that government members don't speak. Well, if the opportunity presents itself, we will.

Thank you very much, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods on the main motion.

DR. MASSEY: Thank you, Mr. Speaker. I'm pleased to have an opportunity to make some comments about the motion before us with respect to Standing Orders. As I go through the changes that will occur, I guess the one I'd like to spend a little time on is the change that would be made to Standing Orders with respect to the Law and Regulations Committee. The proposal, of course, is that

that committee be eliminated. I think that's an unfortunate proposal. From the time I've been in the Legislature, the opposition has made reference and attempted on numerous occasions to refer legislation to the Law and Regulations Committee. That committee operates in many Legislative Assemblies and parliaments. Australia and a number of the states have such a committee, and I think they have that committee with good reason. The purpose of such a committee, of course, is to scrutinize bills and regulations, bills that are passed and then regulations that are formulated to support or to carry out the legislation. They look at the bills with the intent, I think, of making sure that it's very clear, that any unclear references are cleaned up.

I think that it could be particularly useful in our Legislature as we look at the language that is used in legislation. I've taken the opportunity on a number of occasions to point out the promise that was made by the government in 1993 to bring forward plain-language legislation. I remember the discussion at the time. There was a commitment to make sure that the legislation that was introduced would be plain-language legislation. There was good reason for them to make that commitment at the time, Mr. Speaker. I think a number of bills demand plain language.

5:00

As I've mentioned before, the School Act is a bill that I think has to be open to all. The School Act, for instance, would have been a bill that would have benefited from an examination by the Law and Regulations Committee. It's become very convoluted over the last number of years. If you look at the Bill 16 debate that we just concluded last week and passed, for ordinary citizens to take that piece of legislation and actually trace back through the bill and through the amendments and then to the School Act itself, it takes a fair amount of perseverance and, I think, makes a demand that's really unnecessary on citizens who would like to understand laws that pertain to them and to their children and to the operation of their schools. So I think that it's a bill that would have benefited immensely in terms of suggestions for clarity should it have been referred to the Committee on Law and Regulations.

Such a committee scrutinizes bills for clarity. They make sure that those bills are not redundant, that they don't put in place laws that are already on the books. They have a bookkeeping function in terms of looking at past legislation, looking at other acts and how a particular bill might impact other legislation that's on the books in the province.

A third function of that committee is to make sure that laws are not ambiguous, that the references made in legislation are clear and easily understood. So those are generally three of the scrutinizing functions that the Law and Regulations Committee undertakes. I think that in looking at clarity and redundancy and ambiguity, someone has to make sure that legislation doesn't trespass on the freedoms or the rights of others. That's been a major function of law and regulations committees as they operate elsewhere. I remember reading some information about Australia where that is a major concern.

There's been legislation here. I can recall, since I've been in the House, that Bill 26, the bill that would have limited the rights of sterilization victims, when it came forward, was one such bill where scrutiny by a body such as the Law and Regulations Committee would have been very beneficial. That's the most glaring example, but I think that there were other pieces of legislation where we've raised issues about the rights of particular groups and how they're being affected by the legislation.

Another function is that it can make sure that the freedoms and the rights or the obligations that are embedded in legislation are reviewable, that they aren't shuffled off to administrators, never to

see the light of day again. Such a committee has a role in making sure that there's sunset legislation, that there is some mechanism in place to make sure that legislation is going to be reviewed. In particular, there was an opportunity missed here that we didn't have an active Law and Regulations Committee working when we were looking at changes to the health act and practices that might have an adverse effect on the privacy of health information. That's been a topic for a number of law and regulations committees as the whole issue of changes to health legislation have occurred in a fairly large number of jurisdictions lately.

I think that a last commitment of the committee is to make sure that legislative power is not inappropriately delegated. Again, I think it was with Bill 57; we had just such a discussion in this Legislature in terms of the delegation of authority to other bodies and the appropriateness of that delegation.

I can see why the government would want this committee to no longer function. It can't be easy if you're a government member or you're a minister and you've worked on a particular piece of legislation and you've gone through the consultations and you've tried to as best you can meet the criticisms and the legislation comes forward and you find yourself then having to see the piece of legislation move to another body that can make changes to it. I can understand from the government's side where that might make them uncomfortable. I think that a Law and Regulations Committee would be even more uncomfortable for those members, who would be faced with either just rubber-stamping government legislation as it came along or trying to provide some constructive criticism of bills. I do understand why it's difficult for the government, but even though it is difficult, I think that it's important.

I don't have any experience with the committee here, although I once sat on it, was named to it, but if you look at how it operates elsewhere, bills are usually referred to the Law and Regulations Committee after second reading. That can take from overnight to five months, up to two months in other jurisdictions. The outcome is usually the tabling of a report to the Legislature that either makes changes to the bill – in fact, some jurisdictions allow the legislation to be disallowed, but I don't think that that's common practice.

So I have a great deal of concern with that particular part of the motion that would change our Standing Orders, and with that I would like to propose an amendment. The amendment is that Government Motion 21 be amended in section 18 by adding the following after the proposed order 49(1)(e): “(f) Law and Regulations, consisting of 21 members.” So it would put that committee in place.

I have copies of the amendment, Mr. Speaker.

THE SPEAKER: Hon. members, the pages will circulate this amendment, even though I'm standing here.

The hon. member basically indicated in his amendment that there be one clause added: “(f) Law and Regulations, consisting of 21 members.”

[Motion on amendment lost]

THE SPEAKER: The hon. Member for Edmonton-Centre on the main motion.

5:10

MS BLAKEMAN: Thank you very much, Mr. Speaker. Yes, I'm glad that I can speak on the main motion, although I express some regret that the previous amendment did not in fact pass, but I'll come back to the discussion about the Law and Regulations Committee.

There are some interesting changes and proposals that are being

made with Motion 21, the amendments to the Standing Orders. As I was outlining when I spoke in support of the motion put forward by the Member for Edmonton-Strathcona, I think my reading of the history of this Assembly has been that because we've had the same party in power for a long period of time with large majorities – and I know that members find that very exciting – it has shaped and changed this Assembly. I think that what we get as a result is more than an expectation. There is an all-pervading belief by members of the government that they will in fact form government forever and that their way of doing business is the only way of doing business. It's not.

The comments that came out in the press release are disingenuous in many ways, and I'm wondering, actually, if there is a real understanding by the members opposite of the difference between government and this Assembly. It strikes me that in many ways they don't seem to understand the difference because so much of what happens in the Alberta Assembly has for so long been the absolute domain of a particular political party. As decisions are made to do more and more inside of that political caucus, then those members would likely see less and less reason to repeat the process in the Legislative Assembly. Thus we get things like custom-tailored, custom-designed committees, that the PC caucus wishes to say is government policy development. Fine. I disagree with that, but okay, let's leave that there. But then you can understand why the members don't want to come into the Assembly and have the discussion over again. They believe that they've already had it, so they don't want to have the discussion over again in the Assembly. They see it as a waste of time. Certainly that's been expressed repeatedly in the House.

In fact this is the place where the decisions are ultimately supposed to be made. We've had a subversion or a perversion, where that decision-making body has been shifted inside of a particular party caucus, and that shows all the way through the changes that are being suggested in Motion 21, all of the changes that are being anticipated here to the Standing Orders, things like question period. Well, they want question period moved up in the order of business. Why would that be?

Well, you know, when I look at what's happened in the five years that I've been in this House, I can see that the members of the government caucus get very annoyed when there are a lot of tablings. Tablings are one way that the people of Alberta can speak through their elected representatives and have their issues brought to the House. It's time consuming, say the government members; we don't like it, and we don't want it to be there. So they change the Standing Orders so that in fact the tablings go after question period. Well, we all know that the television cameras will be off by then. Nobody is going to see or hear. Oh, yes, I can hear the people in the government caucus; they think it's funny that in fact they've now manoeuvred it so what the public is able to see of the proceedings of the Assembly in this Chamber is very limited.

The press release also talked about how we have such a long question period. Well, that may be true. We might have 50 minutes here and it's 40 minutes somewhere else and 30 minutes somewhere else. But let's be really clear, people. Everywhere else question period is 100 percent questions from the opposition. It's very unusual to have government members included in question period. Very unusual.

How did we come to that in this House? Well, at one point we came to it because there were only four members in the opposition. At that time, the leader of the party in power said: it's important that we have an opposition; it's important that there are questions to the government; therefore, we will have government members act as opposition to fill out the ranks of opposition, if you will. I don't

think it was the intention of that particular leader of the party and of the government at the time to in fact turn it into a platform for government press releases, which is what we've come to now.

As the Speaker often points out, we get through somewhere between 11 and 13 questions in a 50-minute question period, and out of that we have possibly six or seven that are questions from the opposition. So almost half our questions are in fact questions designed specifically for government to get up and talk about its platform in whatever way it wants to, because they're clearly questions that are designed to be complimentary and not to hold the government accountable in any way.

So we now have a question period that is not about holding the government to account. It's not about scrutinizing the government. It's now a 50-minute question period of which at least half is designed to give the government a platform. This is the kind of change that slowly shifts when you have a party in power for a very long period of time with very large majorities.

Let's look at a couple of the other things that are being suggested here. To cut speaking time. Again, it's perfectly understandable why members of the government believe that speaking time in this Chamber is boring and a waste of time. They believe they have already discussed all of this. This is in their little partisan caucus discussions in their little committees. My point – and I made it before – is that it is not the same as the representation of those people that elected us to be here. Those committees are not open to the public. They are not Hansarded or minuted, and if they are, the minutes are not made available to others. So it is decision-making that takes place in private, behind closed doors. It is not available for your own members to be able to scrutinize whether you represented them appropriately. It's not.

DR. TAYLOR: Albertans like the way we make decisions. They put 74 of us here.

MS BLAKEMAN: Well, once again I'm being reminded about the 74 seats that have been put in, and once again I will remind the Minister of Environment that they were put in with only 30 percent of the vote. Seventy percent of the voting public did not vote for the members opposite.

One of the other issues I'd like to address is getting rid of some of the legislative, all-party committees that are never called. Now, again this is a little disingenuous. The setup is that you don't call a committee for 20 years, and then you stand up and go: oh, this is not a useful committee; let's get rid of it. Well, we don't know whether it's a useful committee or not. It hasn't been called. It hasn't been allowed to perform the legislative function that it's there for. You go: "Well, is that true everywhere else? If we look elsewhere, is it a useless committee that's never called?" No, it isn't. It's used lots of places, and to very good effect and for the bringing together of many different people's approach and good brainpower that's able to be pulled together on all of it.

The perfect example of that right now is that the Standing Orders are proposing to eliminate the Law and Regulations Committee. I had spoken earlier about how each thing that's being proposed to be eliminated or changed in these Standing Orders can be attributed to a particular action or individual that has annoyed the government in the past, and I think this one, the elimination of the Law and Regulations Committee, must indeed be acknowledged as the Gary Dickson memorial Standing Order.

5:20

Certainly the former Member for Calgary-Buffalo spoke often and

passionately about the usefulness of this committee and often brought forward a motion to have the regulations of a particular bill that was being debated referred to the Law and Regulations Committee. Frankly, I backed him on that. I think it was a good idea. I've spoken many times about our having our bills and statutes available on-line; we do not have the regulations on-line. It's important that it is brought out into the open, that the decision-making process and the specifics of what the regulations are are out in the open. It's a shame that we're looking to lose it. I do have to point out that it's not that these committees are not useful, but to cripple the committee or not use it and then say that it's no good is not an accurate reflection of what's going on here.

Frankly, I'm sitting on another legislative committee right now, and I'm watching the government do exactly the same thing to it. So I'll put it on the record now. I don't think the Public Accounts is a useless committee. Ten years from now there will likely be a Standing Order back here saying: oh, well, it hasn't met, and it never gets through all the ministries anyway, so we're going to get rid of it. That's exactly what's happening right now. We are no longer in session long enough for this committee to scrutinize every government department. So every attempt by this member to try and ensure that the committee meets often enough to in fact scrutinize every department of the government has been turned down by the overwhelming majority of government members on the committee. But that's not to say that the work of the Public Accounts Committee isn't useful and shouldn't in fact be there. But I will bet you dollars to doughnuts that 10 years from now I can cast my eye forward and there will be a desired change in the Standing Orders to get rid of Public Accounts for exactly that reason: oh, well, it doesn't scrutinize all the ministries anyway, so what's the good of it?

So the government sets out to cripple a committee and then turns around and says: well, it's no good, so let's get rid of it. So there's a very current example of how it's done, and I want to make sure that people understand that.

This government has been quite progressive in e-government, and I think that's a good thing in many ways. We can't assume that unless the government is willing to pay for a computer for every household, which I don't think they're willing to do, nor would I suggest it – it must be remembered that people cannot necessarily keep up with the government. If everything is going to be put on-line and all press releases are going to come out that way, documents now – I was involved in one of summits that happened recently, and the whole report came out on-line. It was never published in paper form. That makes it very difficult for still a significant portion of the community to get access to it. I think we have to be careful about that. Again, this is around the Law and Regulations Committee. We don't get the regulations on-line. We just get the bills and statutes. So it's still important to get those. [interjection]

That's an excellent suggestion actually. I've just heard one of the members suggest that only the opposition would sit on Public Accounts. I'd be perfectly willing to have that happen, because at that point we could actually have the committee scrutinize every department. We could have the committee operate under the guidelines of the Canadian Council of Public Accounts Committees. We could have the committee meet outside of the sitting days in order to be able to scrutinize everything. All of these things have been defeated by the government members that are on the committee. So I wouldn't mind having opposition members only on that one at all, although I admit that it would defeat the purpose of the legislative committee. So I'm willing to have other people on the committee, unlike my colleagues on the other side.

AN HON. MEMBER: Question.

MS BLAKEMAN: No. I'm sorry; you don't get the question yet.

I've talked about question period. I've talked about shortening speaking time. I've talked about the House committees and the partisan committees. You know, there's some discussion that these Standing Orders would open up more time for private members' business, more time for private members' bills. Well, that's a really interesting possibility, because we've only managed to get through 12 private members' bills in this statutory year. Twelve. We're not even on Bill 212 yet. I think it's been introduced, but we certainly haven't debated it. So again that's something to think of.

What I'd like to do at this point is move a motion of referral. For the convenience of the House I have actually made copies of it although it's not required for a referral motion. Nonetheless, I thought that for the convenience of the members they might like to have a copy of it. I'll read the motion into the record: that

Government Motion 21 be referred to the Standing Committee on Privileges and Elections, Standing Orders and Printing for discussion and that the committee be instructed to report to the Assembly no later than 15 sitting days into the spring session in 2002.

I've often seen members of the government side hoist their private members' bills. It's a favourite so that they're not actually seen voting down their own private members' bills. The temptation to hoist this is very high, but I chose not to do that. What I decided to do was incorporate what's available to us in the Legislative Assembly and use a referral motion, that this all be examined and sent to an all-party committee to carefully consider, with all members and all parties represented, what's being proposed here and whether, in fact, it is the best thing for the longevity of the Legislative Assembly of Alberta, not the best thing for the Conservative Party or the Liberal Party or the ND Party. What is the best thing for the Legislative Assembly of Alberta? I don't think that is what is being proposed under Motion 21. I think it's partisan, and I think it is not healthy for this Legislative Assembly, and I think ultimately it's not healthy for Alberta.

So members have had an opportunity to examine the referral motion that I've put forward, and I would like to draw the attention of the Assembly to the *Hansard* for March 17, 1982, page 181, where a former member of this Assembly moved the same type of motion. It was dealing then with significant changes to the Standing Orders, and in fact the referral motion was passed by the Assembly. Support for such an action was even congratulated by the Speaker at the time.

I encourage all members of the Assembly with the best interests of our Legislature at heart to support this referral so that we can have

a constructive and all-party discussion of these changes before we pass them.

Thank you very much, Mr. Speaker.

[The voice vote indicated that the motion lost]

[Several members rose calling for a division. The division bell was rung at 5:29 p.m.]

[Ten minutes having elapsed, the Assembly divided]

THE SPEAKER: Hon. members, there is before the Assembly a division, and what is occurring here this evening, just from a procedural point of view, is that we are beyond the hour that is normal. There is a provision, though, in *Erskine May* and the traditions of parliamentary government that if in essence a vote is called and the time to leave has come, that matter of business must be concluded. That's the only reason we're into this scenario right now.

For the motion:

Blakeman	Massey	Pannu
MacDonald	Nicol	Taft

5:40

Against the motion:

Abbott	Hutton	McFarland
Ady	Jablonski	O'Neill
Cenaiko	Johnson	Ouellette
Coutts	Jonson	Rathgeber
Danyluk	Klapstein	Renner
DeLong	Kryczka	Snelgrove
Ducharme	Lord	Stelmach
Evans	Lougheed	Stevens
Forsyth	Lukaszuk	Tarchuk
Haley	Lund	Taylor
Hancock	Maskell	VanderBurg
Hlady	Masyk	Vandermeer
Horner	McClelland	Zwozdesky

Totals:	For - 6	Against - 39
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[Motion on amendment lost]

[The Assembly adjourned at 5:42 p.m.]

