8:35 a.m. Monday, May 13, 2002

[Mr. Rathgeber in the chair]

THE CHAIR: Okay. We're going to call this meeting to order. If we could start as always, my name is Brent Rathgeber, and I'm the MLA for Edmonton-Calder and the chair of this special select committee. Starting with Mr. Lukaszuk, if you could introduce yourselves, members first and then support table.

[Ms Carlson, Mrs. Dacyshyn, Ms Dafoe, Ms DeLong, Mr. Ennis, Mrs. Jablonski, Mr. Jacobs, Mr. Lukaszuk, Ms Lynas, Mr. MacDonald, Ms Richardson, Mrs. Sawchuk, Mr. Thackeray, and Ms Vanderdeen-Paschke introduced themselves]

THE CHAIR: Thank you. I want to put on the record that everyone received briefing materials for today's meeting last Thursday, and I'm assuming that everyone had an opportunity to thoroughly read them over the weekend, especially the mothers among us. A belated Happy Mother's Day to all mothers in the room.

Could I have somebody approve the agenda for today's meeting? Mrs. Jablonski. Any problems with the agenda as it's been presented?

Our last meeting was two weeks ago, April 29, and we received three oral presentations on that day. The minutes have been distributed. Could I have somebody move acceptance of those minutes unless there are any problems, corrections, errors, or omissions? Mr. Jacobs. All in favour? It's approved.

Now, I need a motion that the committee meet in camera briefly to rediscuss the presentation request from Miss Tara DeLeeuw. I've talked to as many committee members as I could concerning this. Could I have a motion? Mrs. Jablonski. Thank you. Anybody opposed to that motion?

Mr. MacDonald, would you like to speak to the motion?

MR. MacDONALD: Yes. Why is it necessary, Mr. Chairman, to go in camera in this matter? We discussed it in the past without any hindrance.

THE CHAIR: Certain communication has been received by the committee clerk and by the chairman from this applicant. Given the I would suggest sensitive nature of this communication, I would prefer to discuss it in camera. If you have a problem with that, I would be happy to discuss it on the record.

MR. MacDONALD: No. At the direction of the chair, if the chair considers it sensitive information, then fine.

THE CHAIR: So do you withdraw your objection?

MR. MacDONALD: Oh, yes. Thank you.

THE CHAIR: Okay. We're in camera.

[The committee met in camera from 8:38 a.m. to 9 a.m.]

[A portion of the meeting was not recorded, during which time the following representatives of the Alberta School Boards Association introduced themselves: Mrs. Michele Mulder, Mr. David Anderson, and Ms Debra Tumbach]

9:10

MS TUMBACH: . . . think of as the information management and privacy protection branch. Their assistance has been and continues to provide a valuable resource to school boards and practitioners in the field.

In the education sector I think we've been particularly fortunate. We've had the FOIP co-ordinators; network meetings, which are valuable and provide an opportunity for the boards to network and to discuss those concerns that they have at the field level; the FOIP helpline. The various publications including the FOIP bulletins and the newsletters are also all very helpful in interpreting the act's obligations. So we really do appreciate that, but I think that also reflects, I guess, part of our concern that the act is complex and that we do need that assistance to work in the area. I think our member boards are particularly appreciative of it, but it does point out the complexities of the act.

In that same vein, we will address briefly those matters described under part 2 of the ASBA submission, and those were our topics raised under Operational Matters. School boards are required to provide services in an increasingly complex environment. The academic needs of a student cannot be addressed without providing for a host of interrelated needs, particularly for children who are or who may be at risk. The challenge from a FOIP perspective is in determining and ensuring that staff at the service level, not just at the FOIP co-ordinator level, are aware of and know how to incorporate the privacy protection requirements of the act while still being in a position to share personal information to facilitate the integration of children's services.

As we have noted in our submission – and I won't take you through this in detail because I think the detail is in the submission – that demand for shared information is ever increasing, and school boards feel that pressure as they move together to meet students' needs through an integrated service delivery model. They are also faced with the fact that different groups now are covered by different pieces of legislation. The health sector is now covered under the Health Information Act, and various agencies and departments also may be governed in part under their own particular legislation. So the concern we express is not so much with any real or perceived inability to share or protect personal information in these environments but with the increasing complexity presented by the various pieces of legislation which govern the partners' obligations toward their respective clients, who are the intended recipients of these co-ordinated services.

The complexity of the privacy screen increases the challenge for the end user, who may not be sophisticated nor aware of each of the partners' legislative objectives. To give you a common example, we have within the province the student health partnerships, and those may be formed of a variety of members and may differ from locale to locale. In that partnership you will have your school authorities, who are governed by FOIP; you may have members of the Alberta Mental Health Board, who have their own specialized legislation; you will have members from regional health authorities, who will be governed for the most part under the Health Information Act; and you may have members from Justice or the police who may be – the municipal police force is governed in one way, and if it's RCMP, governed under the federal privacy and access to information. You may also have community groups who are not governed under any piece of legislation whatsoever. So it becomes difficult, then. At least, we're finding at the field level that the challenge is in understanding every party's respective obligations so that they can devise a program that allows them to share information in an appropriate manner. I think that's challenging enough from a legal perspective, let alone for someone who doesn't have the training.

So one set of rules doesn't apply, and while we very much appreciate the exception that I think resulted from the last review of the act under which the exception was incorporated to allow for sharing between public bodies for common programs or integrated services, that works well when your group consists of members of the public bodies themselves, but where the group is enlarged and you have other members there, it doesn't work quite so well, and it

just becomes more challenging. The complexities arising from the varied obligations can result in confusion and frustration at the working level as teams strive to meet the clinical and personal needs of students and their families while again protecting the privacy rights and ensuring for that provision of a co-ordinated service.

In recognition of this concern, our association is currently participating in the Alberta children and youth initiative, which was established between the various ministries to examine barriers to information sharing between government ministries and agencies regarding children and youth who are at risk or may be at risk. It is submitted that the need for such a committee, who must examine the complexities of information sharing so as to overcome any barriers whether they be real or perceived, is a sign that the legislation is found to be overly complex at the service level. It would therefore appear that harmonization of the legislation is essential to making privacy legislation easier to understand and to implement.

Accordingly, we would urge this committee to consider the need to harmonize legislation and to simplify, clarify, and integrate wherever possible those provisions which will facilitate the sharing of information amongst those entities which work in partnership to deliver services to children. We believe that the matter should be assessed now, given the pending need for the province to consider whether it will adopt the federal Personal Information Protection and Electronic Documents Act or implement substantially similar legislation within this province. So we would again urge you to adopt an approach that will look to the harmonization of those various pieces of privacy and access legislation that are already in place as you look to any changes that you may make just to make the scheme work in a more co-ordinated, cohesive fashion that's easy for the end user to understand.

Another issue that we've been asked to raise by some of our school boards relates to the whole summer school closure issue. As I'm sure you're aware, most school boards in the province close their schools during the summer period, though not all of them are closed. Their central offices remain open for the most part, though in some jurisdictions now they're closing them down for at least a two- or three-week period and may be maintaining one or two people in central office. The problem that's created during that time period again I think is one that relates more to the administration of the act than perhaps to requiring any particular changes to the act.

The concern arises out of advice that member boards have received regarding requests that are received during the summer. They have been advised that even where schools are closed, they should adopt a practice where they would review and check their mail during the summer. That would necessitate even hiring somebody or putting a process in place or changing their basic business practices so that they would have somebody around to see that FOIP requests that come into a school in the summer are processed. In our view this matter was already handled by section 2 of the FOIP regulation. Under that section a board or a local public body can designate an authorized office. If a FOIP request is received at an office that wasn't authorized, like one of the local schools, in our view the obligation once you open that letter that has the FOIP request would be to forward that by the fastest means available once the school reopened.

Some of our boards are being told that they should have some system in place to access and review those requests during the summer and to then forward those requests to the FOIP co-ordinator's office, which is usually at central office, right during the summer. We would think that it would be unreasonable to require local public bodies who are not regularly open for business during all months of the school year to amend their operating practices and to have to incur additional costs by keeping their schools open or somehow facilitating a mail process during the summer to open those requests.

The second problem that it does raise for the summer school requests is with respect to processing and the duty to assist, which I think is obviously an important duty. If a FOIP co-ordinator were to receive requests that were for access to, let's say, all information regarding a student and it came in during the summer, they wouldn't be able to even access the staff who would have worked with that student during the past school year to even know who may have had involvement. So you have nobody to talk to to figure out what records may be in existence. There may be other records that are not on the student record, for example. So it just makes it very difficult to process I think in a full and proper way, which is envisioned under the act, a request during that summer vacation period.

So I guess we'd either appreciate an amendment that made it clear as to whether or not a request for student information made during the summer and sent to a school needs to be processed or to have it clear from an administrative point of view that it is sufficient for a school board to answer a request, if they receive one during the summer school and it's open when the school year resumes, August 30 or whenever that first operational day is, by transferring it to an authorized office for processing, and the time lines would run from then. So that's again very much an administrative matter.

The brief comments on another matter which has proven to be challenging and, I would assume, challenging in other areas as well. It relates to the definition of the term "guardian" or to the interpretation, I suppose, of the term "guardian." It is not defined under the provisions of the FOIP Act. That is a defined term in the educational world and is defined under the School Act, and kind of a hierarchy of terms is used where we look to a definition of a parent for the purposes of interpreting the School Act, and they start with the biological parents and adoptive parents and go through the various machinations and then define the term "guardian" very specifically and in a much more limited fashion I think than is envisioned under the FOIP Act.

9:20

We appreciate that there are different reasons for using that term, and when one is interpreting the term "guardian" under the School Act, we're usually dealing with a third-party request for information. When the term "guardian" is used under the FOIP Act, you're looking to determine whether a guardian of a minor is entitled to access information on behalf of that minor, so it's like the guardian stepping into the shoes of the minor. But that term has not been defined, so it leaves open for interpretation the question for instance as to whether or not the term "guardian" should include custodial and noncustodial parents. There's really no particular set of rules out there for providing assistance in interpreting it, and the terms that we would look to from the School Act are different from those that we would look to under the FOIP Act for looking at that term. So it would help to have either a definition of that term or some guidance in looking at the intended scope of the term "guardian" for the purposes of the FOIP Act.

There are two other matters that we wanted to address, and the first of them I think is, we appreciate, a fairly complex matter. It looks at the way in which the commissioner can undertake his reviews, and again we very much support the basic principle underlying the act that there certainly should be a right to have a request for access to information or a concern regarding privacy reviewed – absolutely no dispute. The process provided for under the act in this one generally results in mediation first. So if the applicant has a concern, the commissioner can appoint a mediator

who will try and work through these proceedings with the individual, but the content of the information, I guess, gleaned between the parties is certainly treated as confidential and is not to be brought forward as part of the proceedings before the commissioner. That concept has recently been highlighted in a judicial review of the commissioner and the University of Alberta case, where again they said that it was proper for the commissioner certainly not to consider any information generated as part of the mediation report.

The result of that, in my view, is that when the commissioner is making a decision as to whether or not a matter will proceed to an inquiry, he doesn't have, I think, the benefit of perhaps knowing what that particular issue may be about. So there's no screening mechanism that allows a commissioner to say whether or not a matter proceeds to an inquiry with the exception of a provision, I suppose, that was implemented during the last review. Under that one, the commissioner was given the option of not holding an inquiry if he had already dealt with the subject matter in another order investigation report of the commission.

Our concern is that that perhaps doesn't go far enough. We couldn't see any provision under the act that really allowed the commissioner to receive some information that may sway him as to whether or not it was in the public interest to hold that inquiry. This is very unlike the process used for example under the human rights legislation where a complainant wants to bring forward a matter. They file a complaint, there's an actual screening process that's undertaken and an investigation report that is generated as part of that process, and the report works itself up to a director, who can make a decision as to whether or not the matter goes ahead. It can be reviewed by the commission itself, ultimately ending up in an opportunity for judicial review by the applicant if the commissioner decides, based upon the information provided in that investigation report, that there aren't in that case proper grounds for making a claim of discrimination.

So that's really what we call kind of a gatekeeper function or a screening function, and it's nicely provided for under the human rights legislation. The commissioner, then, would certainly have knowledge of the complaint to make a determination as to whether a matter goes ahead. That is not the case under the FOIP Act. We have the mediation proceedings. Our concern is: how does the commissioner ever get that information to know whether or not a matter goes ahead? There is no requirement for a report to be generated or given to the commissioner, and given the statements in the most recent judicial review case, it's been made very clear that that information should not be served with the commissioner.

I think that in some ways it would appear that the commissioner's hands are tied in determining whether or not he can proceed and whether or not he could reject an application, the concern being that we think the current provision under the act could be expanded to allow the commissioner to properly decline to hear matters which are frivolous, vexatious, not made in good faith, or completely lacking in merit. I think it's in the public interest that the commissioner have the ability to reject claims that fall into that category, again our concern being that we don't see any mechanism under which the commissioner would be given that information to make that decision. So it would really be a two-staged amendment. I think that would be another way of looking at how information can be communicated to the commissioner's office so he can make an informed decision as to whether, again, it is in the public interest to proceed with the matter.

The process that we suggest within our brief I think would really provide kind of a melding of that gatekeeper function, allowing the commissioner to continue with the mediation process where appropriate, but where the portfolio officer perhaps felt that it wasn't in the best interest, that the claim was frivolous or vexatious, they could issue a report and hand it off to the commissioner, who could then decline to hear such a matter.

It really relates to part of the last point that we wish to make, and that's a concern regarding costs of those matters that proceed to an inquiry. We have found that they are quite onerous to prepare for the inquiries. Most of the ones we've been involved with are written inquires, so there's also the possibility of written and oral inquiries, which, because they are taken very seriously by the school boards, do require a lot of work in pulling together affidavit evidence and detailed briefs. I don't know if members of the committee are familiar with the process itself, but the briefs are shared at the same time, so the applicant, if they're going to prepare a brief, would prepare one, the local public body would also prepare their brief, and they're exchanged at the same time so that the local public body has to anticipate the arguments that may be brought forward by the applicant in those proceedings. So it's fairly onerous and I think quite costly from a local public body's perspective to have to proceed and prepare for these.

Our concern, I guess, is that there is no ability, then, for the commissioner, once he hears an inquiry, to make an award for costs. The ability to make an award for costs in judicial proceedings is very common and is provided for under the *Alberta Rules of Court*. Likewise, in many other proceedings, even with boards of reference under the School Act, the board itself has the ability to make an award for costs. We think that there's a lot of value to having at least the discretion reside with anyone hearing a public inquiry to make an award for costs, because it requires both sides to very seriously review their cases, to look at the merits, to apply the law in determining whether or not they're going to proceed with the claim.

Again, I think that from a policy perspective it's in the public interest to have the ability to make an award for costs so that the parties are going to say: am I really going to go forward with my position in light of the fact that an award for costs could be made against me if I am either unsuccessful or if I have abused the process? So it is submitted that without a moderating influence that award of costs may have, there is no requirement or incentive for an applicant to reassess their position in light of the law and the information gathered through the mediation process before insisting that a matter go to an inquiry. It is therefore submitted that if an applicant knows that they may be faced with an award of costs if they choose to proceed on a matter which is either frivolous, vexatious, brought in bad faith, or of no merit, they would be much less likely to advance claims of that nature. This process, we submit, would serve to require both parties and not just the applicants to ensure that their positions are reasonable in light of the intent of the legislation and would fill the same purpose that an award of costs serves in judicial proceedings.

So those are the matters that we wanted to highlight at least in our verbal presentation. Again, I think we have found that the support for the act is very strong in the field. Our boards are anxious not to breach the privacy rights of the students and families they serve but are I guess struggling at some times to understand the complexities of the legislation, trying to make the different pieces work. I think you have to appreciate that these are people working at the field level. There are 30,000 teachers out there and many more support staff, so it's a huge training obligation, and that's where the efforts from Government Services are greatly appreciated.

We also encourage you to look at the big picture as we move on and more legislation keeps coming onstream to make sure that it is easily understandable and properly integrated legislation, which will I guess help achieve the objectives of the legislation.

Thank you for your time.

THE CHAIR: Thank you.

Alana DeLong.

9:30

MS DeLONG: I'm a very strong believer in open and accountable government, and I find that there's a question sort of left hanging in your presentation as to why you would need to put a very strong case forward to the commissioner. Why would you be sort of on one particular side in terms of – I assume it comes to freedom of information or maybe it comes over on the side of protection of privacy. Why would you be strongly on one side so that you felt that you had to put a really strong case forward? Could you maybe give me an example?

MS TUMBACH: I'm not sure I follow your question. I don't think we're trying to pick sides. I think boards struggle with balancing privacy and access issues. I'm not sure what your question is.

MS DeLONG: Well, you were saying that there's this big cost in terms of sort of presenting your side of the argument to the commissioner. Why do you feel that you have to put that investment in, I guess?

MS TUMBACH: Well, I think the matters are taken very seriously, and the legislation is relatively new. Those matters that do proceed to inquiry I believe are important from a precedential perspective in some cases. One decision may have a large impact on a large number of boards, so they require a lot of research with respect to the cases.

I'm not saying that we're trying to create sides. An applicant may or may not even have to submit a brief. If they are challenging or, as part of the request, seeking information on third-party information rights, then they're going to have to at least put forward some case to the commissioner, but in many cases they don't have to go ahead and present the extensive written materials that the boards do. To proceed with the written inquiry, you need evidence before the commissioner so that he can make his decision based upon fact. That evidence is put together through the receipt of written affidavits from those various witnesses that would otherwise give oral evidence, and then a brief is put together, as is required by the office, to set out the legal argument. It just is a very onerous and expensive process.

I'm not saying that there's another way of doing it. I'm just saying that perhaps for some of the matters that go ahead which perhaps shouldn't go ahead, we could have a system in place where costs could be awarded to the successful party at the discretion even of the commissioner. I'm not saying that you always would want costs but that in some cases I think it would send a message to parties that you don't pursue cases that are meritless, and they can either be frivolous, vexatious, or completely lacking in merit. It serves the same function that an award for cost does in any judicial proceeding.

MS DeLONG: Do you sometimes have the same person coming forward again and again? Is that the problem?

MS TUMBACH: No, within our sector it hasn't been the problem, but there can be examples where you would think that this issue is straightforward. The parties know through mediation what kind of comments are being made by the portfolio officers, but the applicant is just insisting: "I have this right to an inquiry, and I'm going ahead. I don't care what the law says or what anyone else says. I'm going to push this matter through to an inquiry." So I think that in cases where it is clear-cut that maybe the applicant doesn't have the right that they're alleging, it seems to me to be a waste of public resources to put the matter through a public enquiry.

THE CHAIR: Thank you. I have three questions in five minutes, so I'd ask that the question askers be direct and the answers be equally direct.

Mary Anne Jablonski.

MRS. JABLONSKI: Thank you, Brent. My question concerns the recommendation for harmonization of legislation, and I'm going to ask you to give me an example of this harmonization. For example, I understand that in provincial legislation we have the Health Information Act and we have the FOIP Act, so do we need to harmonize between those two acts? Also, we have federal privacy and protection acts. So where do we need to harmonize? If you could give us one good suggestion to harmonize, what would that be?

MS TUMBACH: Hard questions, and we know we're raising difficult issues, particularly in light of the fact that the Health Information Act is new. But we're also facing the requirement for the province, as I understand it, to consider what it will do with the federal privacy legislation and how it will either adopt that legislation or implement substantially similar legislation within the province. So to the extent that you can look at our concern and what we understand to be a common movement throughout the province to try and co-ordinate the provision of services to children, any amendments which will facilitate the sharing of information while still protecting the privacy interests of those individuals so that groups such as the student health partnership that I defined can work together well without a fear of breaching an individual's privacy but making sure, for example, that I can get that referral, that I can give a referral – what do I do where that parent won't consent? You know, are my hands tied? I mean, the school acts for the most part are bound. They work with and they deal with the FOIP Act. The health authorities work under that health arena concept now and are completely consent based, so anything that one could do to, I guess, facilitate the sharing of information within those common groups would be greatly appreciated.

THE CHAIR: Thank you.

MR. MacDONALD: I have a couple of questions, but the first one deals with the commissioner having the discretion – you were proposing an amendment to allow the commissioner to have discretion to perhaps rule if a claim is vexatious or frivolous. In other circumstances in the FOIP Act, I believe in section 70 or 71, somewhere in around there, there is the idea that it can go to a judicial review. Would you have any objections if I as a public citizen was denied by the commissioner – could I then perhaps request that there be a judicial review of this matter?

MS TUMBACH: No, I wouldn't, and that is very much like the process provided for under the human rights legislation.

MR. MacDONALD: Okay. If I could, Mr. Chairman, how many files would your organization do in a year where there would be a large amount of time spent preparing a brief for a review?

MS TUMBACH: The actual matters that proceed to inquiry haven't been that extensive. There are a handful.

MR. MacDONALD: Is that a handful a year or a handful since this act was made law?

MS TUMBACH: I know that we've processed three this school year.

MR. MacDONALD: Three?

MS TUMBACH: Yup. Three inquiries.

MR. MacDONALD: In the entire jurisdiction?

MS TUMBACH: Yup.

MR. MacDONALD: So that's across the province.
Thank you.

MS TUMBACH: I can tell you that for one of the first ones we prepared, it took 87 hours of legal time just to prepare.

THE CHAIR: Mr. Mason.

MR. MASON: Thanks, Mr. Chairman. This question isn't exactly on your presentation, but I'm just curious how effective the legislation is in protecting children in schools and whether or not it's applied uniformly by school jurisdictions and by individual schools and whether or not it goes overboard in some places or is applied in a fashion that is excessive or overzealous.

MS TUMBACH: Well, we haven't done a survey, but I think you're going to find that interpretations do vary as experience with those who interpret and apply the act varies, and that's why I think ongoing training is critical. New people come onstream and there's always that obligation to train in the field. I wouldn't be surprised at all if there are some people who maybe are a little overzealous, but I think they're concerned that they would be in breach of the act if they weren't. So the intentions are good, but the experience varies from jurisdiction to jurisdiction.

MR. MASON: How effective is it in protecting children? That's the basic question.

MS TUMBACH: It depends, I think, on how you look at it. If a child needs services and you feel that you can't disclose information, an argument I guess could be made that you're not doing them any favours, but on the other hand I feel very strongly about the need for privacy protection. The act I think is structured to protect the privacy interests of the child, but your question moves it into a larger philosophical debate.

THE CHAIR: The last question goes to the chair, and I'm going to direct it to Mrs. Mulder because I don't want a legal answer. I know what the legal answer is. Does the association support high school principals denying MLAs the lists of grade 12 graduands for the purposes of sending them congratulatory letters?
MRS. MULDER: A very political question.

AN HON. MEMBER: You're asking as a private citizen; are you?

THE CHAIR: I'm asking as a private citizen, yes.

9:40

MRS. MULDER: Is this a serious question?

THE CHAIR: Yes.

MRS. MULDER: I think that all of us – MLAs, school trustees, teachers, students, parents, everyone – have been faced with an incredibly challenging time over this past year that has seen, I guess, some unusual events unfold and some, Debra used the words, "precedential steps" being taken or precedential issues coming to the fore. I know that at the local level sometimes emotions have been running very high amongst certain groups of people, and I think I'll just leave it at that.

THE CHAIR: However, the decision to not give MLAs lists was made long before there were labour problems.

AN HON. MEMBER: Who said labour?

THE CHAIR: Well, I thought that's what you were referring to. This time last year I was denied access to grade 12 graduates at Ross Sheppard high school.

MRS. MULDER: I'm not aware of that. I think, then, that it would be fair for me to say that the individual decisions at the school levels are localized. In my school jurisdiction, which is Battle River, I know that Mr. Ed Stelmach and the four or five others did receive lists of graduates and have written letters of congratulations to them. So it would be a very localized decision that would be made.

THE CHAIR: So that's not a provincial policy from the School Boards' Association then?

MRS. MULDER: No.

THE CHAIR: Thank you.
We have to move along because Mr. Clark has to be back in his office at 10:15.
Thank you both very much for the written materials, which were excellent, and for your oral presentation and for your ability and willingness to answer questions. On behalf of the committee I thank you all very much.

MRS. MULDER: Well, thank you for the opportunity.

THE CHAIR: Welcome, Mr. Clark, currently the Ethics Commissioner and formerly the Information and Privacy Commissioner. Is there anyone in this room that you don't know, Mr. Clark?

MR. CLARK: Let's take it for granted.

THE CHAIR: So we'll dispense with introductions, and we'll get right into what I understand is a very brief presentation followed by Q and A.

MR. CLARK: Good. I'm quite sure there will be questions. I'm not sure there will be answers, but I'll certainly try.
I've got I think eight quick points I'd like to make. I welcome the opportunity to appear before you. I've not come with a number of specific changes that should be made to various sections of the act. I think that would be inappropriate. I am no longer the commissioner. That's up to the people in the commissioner's office and so on, but thank you very much for the opportunity.
I want to be very candid with you. Alberta was the ninth fastest province in Canada to have freedom of information and protection of privacy legislation. We edged out P.E.I. by a few months. They were very wise, though, and have followed Alberta's legislation since then, and Newfoundland I understand is now looking at revamping their legislation. I understand they're looking very closely at what had gone on in Alberta and in British Columbia.
For those of you on the one side of the House, I'm sure you'll remember that this piece of legislation was the first piece of legislation that Premier Klein introduced after his first election. I think that gives you some indication of the importance of the legislation. My sense as far as this legislation is concerned is that there's a need for a great deal of common sense when it's being administered. I have great respect for the good group that was

before me. I left because we share the same floor in the same office building, and I'm likely going to say one or two things that would be somewhat of a difference to their point of view. I thought it kind of inappropriate, Mr. Chairman, for me to be here to kind of be seen as doing any sideswiping.

My first bit of advice to you, if that's what you want me to give you, is don't tinker too much with this legislation. This is good legislation. Common sense isn't always so common whether it be, some would say, at the commissioner's office in the past – I'm sure that's not the case now – or certainly at municipal governments, school boards, and within public bodies from time to time.

The second point I'd like to make deals with the orders themselves. I'm sure you're all aware that orders of the commissioner are binding and that both the applicant and the public body or a third party can take the commissioner's orders to court for review. That's happened twice to date. The first to take it to review when I was there was the Department of Justice. I thought I had a very wise judge on that occasion. He threw the Department of Justice's proposition out the window. Later on when I was still the commissioner and had written the order, the University of Alberta took the commissioner to court, and I understand my reasoning wasn't as wise on that occasion as I would have liked to have thought it was, and the judge sent it back to the commissioner to review a particular portion of the order. Not being a lawyer myself, one of the things that has impressed me very much is that you have to have the orders crafted in a way that shows both sides that you've considered all the arguments which they've put forward. If you don't do that, very often you may end up in the situation where the B.C. commissioner has been, where orders used to come back to him rather often. I've had people say to me that the lengthy orders are far, far too long. They have to be long so that they can stand the judicial test, which is open to both parties that have an opportunity to follow along.

Alberta, as I recall, is the only province in Canada where the commissioner holds public inquiries. For all other provinces across the country it's a written exercise. When I was there, we had a number of public inquiries where both sides had a chance to sit across the table from each other and look each other rather squarely in the eye, and I've seen on several occasions where things got settled right while you were there as opposed to having people just sending letters, letters kind of passing in the dark and then the commissioner finally coming out with an order.

One of the areas where I think significant strides were made is in the area of the WCB. There were a tremendous number of inquires that came to the commissioner as far as WCB was concerned. Over the course of the three or four years – I think that if you go back, you'll see that increasingly there were fewer and fewer complaints that came about due to decisions by WCB. Certainly WCB, in fairness to them, did a number of things that really made their process much more open and transparent and accountable to people who dealt with WCB. That isn't to say that either system is perfect. It isn't to say that this legislation is absolutely perfect, but I do want to point out to you that there were significant changes made there.

The third point I'd like to make is that much of the job of the commissioner and his office is public education of what's expected of people, what their rights are and what their obligations are. Ladies and gentlemen, if you remember nothing else that I say, remember that prior to this legislation coming in, if a member of the public wanted information from a municipality, a school board, or the provincial government, they went to that body, and if the deputy minister or the minister or the head of the municipal public body didn't want to release the information, there was no avenue of appeal for the public. What this did was fundamentally change that in 1995. All of a sudden it said that the public has a right to know what its school boards, its universities, its colleges, its hospitals, and its government are doing and that if they don't agree with the decision of the public body, then the individual Albertan has the right to appeal to the commissioner, and if a compromise can't be worked out, then at the end of the day the commissioner or his designate hears the case and makes the decision, and if the commissioner is totally off base, then there's an opportunity for the public body or there's an opportunity for the applicant to go before a court and to make that final decision there.

9:50

I'm sure you're going to hear, Mr. Chairman, in the course of the presentations made to you from some people from the universities who will want to fight some of the arguments of the past. If you could go back and read the last report that was done – Mr. Friedel was the chairman – the universities made very significant representation there. From my biased point of view I thought that the committee made the right decisions as far as opening up the universities and postsecondary education. I know that when the legislation first came in, it affected school boards, and there were serious problems. Some of you around the table have had responsibilities in local government. It was my experience basically that when common sense prevailed, there wasn't a lot of difficulty, but on a lot of occasions common sense didn't prevail.

Let me give you a couple of examples, if I could, just really, really quickly. One was a situation where shortly after the act was proclaimed, you had a newspaper editor phone and the school said: because of FOIP and because of that commissioner you can no longer get the pictures of athletes or students who do well academically; you can't put them in the local paper. Well, we ended up having meetings with the school boards and the lawyers from the government and our own people, and at the end of the day that wasn't the intention of the legislation. This young person was taking part in a school event. The parents and those associated knew very well that if that student did well, there would possibly be recognition and recognition in the local paper. It seems to me that that's a good thing. We had people saying: oh, that isn't possible. To me, that's a classic example of a lack of common sense. I know that Mr. Friedel and his committee tried to change that somewhat.

That leads to the other issue as far as education is concerned, and that is the issue of elected officials not being able to get names and addresses of graduating students. [interjections] There was an earnest effort made in . . . Did I say something awful? Have I stepped on some toes?

THE CHAIR: It's an inside joke, Mr. Clark. With almost everybody that appears before this committee I ask them that question, whether it involves their area of expertise or not.

MR. CLARK: Well, it doesn't affect mine now.

They tried to put an amendment forward that would make it possible for principals to release the information to people. Quite frankly, on several occasions it happened where there simply was an absolute lack of co-operation from principals for whatever reasons.

My view is this, ladies and gentlemen. Either you suffer with the system you've got now or, secondly – and I recommend the second – you have the intestinal fortitude to amend either the School Act or some other piece of legislation and say that elected officials should be able to get the names and addresses of graduating students for the purpose of congratulatory messages. If you do that, then any MLA or any elected person who uses the information for any other purpose than that should be in deep trouble with the

commissioner. It stops principals in my view from having less than a large dose of common sense.

Next point, the five-year review. I guess I'm maybe partially responsible for the five-year review that's taking place now. When the health information legislation came in, there was a question of: was it comprehensive enough, and did it cover the private sector? The agreement that was made – and in fact, Mr. Thackeray, I believe you were with me at the time. The agreement that was made between the minister of health and myself was – and there was a certain amount of give and take – that if you'd agree that there would be a review in due course, I was prepared to not argue as much as I had indicated I would as far as the health information legislation. So it was a saw-off.

My reason for saying, Mr. Chairman, that the five-year review was too soon – if you look at the five years, your committee reports, then it's likely a year before there's legislation in place, then it's almost another year till you get much experience with it, so you're three years in. You get to the fourth year and you start to get some experience, and the fifth year is review time all over again. My sense is that five years could be increased perhaps to seven years, something like that, so that there would be a body of knowledge develop as to how well the changes have worked or how well they haven't worked.

The fee issue. I know this is a contentious issue all across the country because every year when the commissioners used to get together, we'd argue about it. My own sense is that the $25 fee is reasonable. It's reasonable because it does prevent people who want to be – I don't know what the nice word is – kind of nuisances, who just ask for everything. It does prevent that from happening. For people who do want to ask legitimate questions and can't afford to, there's provision under the act for the department and then for the commissioner to waive the fees. I think if you go back and check, you'll find that the fees have been waived on a lot of occasions.

The second-last issue I want to raise, Mr. Chairman, is with Alberta Registries. The former Auditor General and his office and the former commissioner and his office went together on a joint audit as far as the Alberta Registries were concerned. Alberta Registries were extremely co-operative, and at the end of the day, because I had little to do with it, I think it was good work. My recollection is that Alberta Registries are outside the act, but there was a strong commitment on behalf of Alberta Registries to attempt to conduct their business as if they were within the act.

The reason I got concerned about it at the time was that in fact one of the members on the committee here raised with me a situation where a person, one of his constituents, had been through a very difficult domestic situation, had left their spouse, had moved to another city, and the former spouse was able to get this lady's new address as a result of going and getting a private detective to go to Alberta Registries and, by purchasing the information, get the new location where this person and her child were living. I know of likely less than half a dozen cases where that kind of thing has happened, but to me it was a very serious issue, and I thought it was inappropriate. That's one of the reasons that led to the review that was done.

On a personal note, it's always annoying to me when Impark go and spend 10 bucks and find out where I live and send me a bill, especially when I've paid for it. That isn't always the occasion, but I have been caught that way. Of course, the hospitals use it, the universities use it, and others, and I'm not going to try to indicate what I think should happen in that area. But it is very important. I think Alberta Registries people continue to operate under the principles of the act, and certainly that wasn't my sense as to what was happening.

I think that the committee and you people in the Assembly made a heck of a good choice when you picked Frank Work to be the new commissioner.

The last comment I want to make is that I'm sure that you'll get representation from Mr. Thackeray and the bureaucrats to tighten some things up and take some areas of judgment away so that there's more certainty. Especially the private-sector people will say that we have to have more certainty because it might be corporate interests that are involved here, and we need certainty. The oil and gas industry are great for this. They come along and say: we shouldn't have to share some of the geophysical information and some others with the public. Well, there are provisions in the act now for the commissioner to say: yes, this is scientific information, or it's confidential business information. There's provision now for the commissioner to shield that. If the commissioner is totally bonkers, once again the company, the corporation, can take the commissioner to court. So I think there's a pretty good balance in that area.

Remember that the oil and gas resources of Alberta are owned – by whom? They're owned by the people of Alberta. They're not owned by the oil companies. When they buy the resources, they simply buy them at the sales for the right to produce from them, and the resource in the end still belongs to the people.

10:00

Mr. Chairman, I've likely caused you much more anguish than you wanted, but that's my quick view. I consider myself to have been tremendously honoured to have been the first commissioner. It was a great experience to take the office from one person and build it to what I thought was at least one of the better offices of its kind across the country. That would not have been possible had it not been for the strong support of the Legislative Assembly in granting the funds available and quite frankly for the strong support of both sides of the House in supporting the legislation. The legislation isn't perfect, but it's a heck of a lot better than whatever is in second place across the country.

Thanks very much.

THE CHAIR: Thank you, Mr. Clark. You have in fact not caused me any angst. As always I found your comments insightful and entertaining.

Ms DeLong.

MS DeLONG: Thank you very much. One of the things that I'm very concerned about and one of the things that I hope to have a little bit of influence over in my term here is to give families more strength. One of the things that I'm concerned about is that for a parent to be a parent, they need to have ultimate rights over their children and certainly over access to information about their children. There's one clause in the act where it says that bodies will provide information to the parents. I'm wondering what the effect would be if we changed that to "shall." In other words, it's not something that the school has an option on really, and it is the school's responsibility to provide the information to the parents. It's not the school's decision whether or not to provide the information to the parents. Could you comment upon that?

MR. CLARK: Yes, I will. I share your strong conviction about the family unit. If my memory's correct – the danger of being the former commissioner, the further you are away from a job, the more you think you did a reasonable job in some areas. There's always that danger.

As I recall the discussion around that – and Mr. Ennis might be able to correct me if I'm wrong; not here, please, John. The

argument that was put to me on one occasion was that if we said "shall" – you have a situation where there's an abusive arrangement, abusive things going on in a family, and the father comes and says, "I demand this information," the school in their good judgment says: no, this isn't appropriate. The father may be the abusing part of the family, so they withheld the information. As I recall, that was the argument for doing it that way. I was hard pressed frankly to say: change it to "shall" because of some of those kinds of situations happening. Once again, it goes back to common sense in administering the thing.

MS DeLONG: What if it were set up such that a parent could essentially lose their rights, but it had to go to court? Right now parents are losing their rights to their children, losing access to their children, losing information about their children, are not able to get all the information they need to be the very best parents that they could be.

MR. CLARK: Or even another possibility might be that – we still have the office of the Children's Advocate; don't we? That might be kind of a referee you might want to use.

MS DeLONG: If it was essentially to the point where, you know, you had to legally lose your rights to your child's information before you could be denied it by the government, It seems to me that that would be a much fairer way. I guess the situation that I'm concerned a lot about also is where one parent takes the child, manages to get custody of that child, and then keeps that child from their parents. I'm a very strong believer, you know, especially in fathers, that their input to their children is very, very important.

MR. CLARK: We're on the same page there. I wouldn't see a serious problem.

THE CHAIR: Mr. Jacobs.

MR. JACOBS: Thank you, Mr. Chairman, and good morning, Mr. Clark. I enjoyed your presentation. Your opening remarks have caused a question in my mind. I totally agree with your comments about common sense, and I think that sometimes it's a little bit absent in government, but I believe we need to work toward achieving common sense. You also made a statement about, following that, that we don't tinker with the act. I assume, then, that you're sort of saying that the act now allows for common sense to be applied and that we're okay there. If that is the case, then I guess a couple of issues I'm aware of where I question the common sense application were the War Amputations case that we've heard about, and you already referred to the high school graduate situation where some MLAs are being denied access to graduation lists in trying to protect themselves from the act. So I totally believe in common sense and want to achieve common sense, but could you just elaborate a little bit on that issue, please?

MR. CLARK: I think likely the word "tinker" wasn't a good term. Yes, I think there has to be some fine-tuning of that kind of thing, Mr. Jacobs. I would hate to see you tinker with the five basic principles of the act, the way the commissioner functions and his ability to make decisions and the decisions going to the court. It's that kind of basic principle that I wouldn't want to see you tinker with. Yes, there will be some amendments, I'm sure. I guess my plea is to make the amendments so that, yes, they'll help common sense, but don't make it more difficult for the public to have access to information from the bodies that are presently available. Tinker was not a good word.

MR. JACOBS: Okay. Thank you.

THE CHAIR: Mr. Clark, following on that question, there's no doubt that the War Amps issue is a large political issue that this committee is going to have to struggle with. It's often thought of, and as I now understand incorrectly so, that it was your decision to deny the War Amps the . . .

MR. CLARK: Registries are outside the power of the commissioner.

THE CHAIR: I understand that. So my question is: following the Auditor General's and your office's review of registries in 1997, I take it that it was your decision to determine that registries fell outside the purview of the act. Given that the private registries are regulated by Alberta Registries, which is a branch currently of the Minister of Government Services, I'm curious to find out the logic behind the decision that registries fell outside the purview of the act.

MR. CLARK: I don't have that information with me. I think I can go and perhaps put that together. I came to that decision very reluctantly. I was very disappointed that when the lawyers and the commissioner's office looked at the legislation, they clearly said to me: Bob, despite your interest in having this caught under the legislation, it simply doesn't. So it was strictly on the legal interpretation of the act, Mr. Chairman, that I came to that conclusion. Quite frankly, I was disappointed that that's the way it was, but that's the law. I sat where you people are sitting as members of the Legislature, and I don't think it's the commissioner's job to make the law. It's a legislator's job to make the law, and the commissioner interprets the law. Our interpretation, the best interpretation that we could get at the time, was that registries fell outside the scope of the act.

THE CHAIR: But I take it, then, from that answer that that was simply somebody's interpretation and/or advice. That wasn't a judicial ruling. That was interpretation and advice, that registries fell outside.

MR. CLARK: Yes. If I'm wrong, I'm very sorry, but it was the best advice we had at that time, and that was my view at the end of the day.

THE CHAIR: Mrs. Jablonski.

MRS. JABLONSKI: Thank you, Mr. Chairman. I just want to say thank you to Mr. Clark for his presentation. I found it to be very clear and concise, and I thought some of your recommendations, like perhaps changing it to seven years from the five years because it's not long enough, certainly opened my eyes to the problem there. And the fee issue: you clarified that very well. I think the registries issue is something that we really have to work on. So I just wanted to say thank you very much.

10:10

MR. CLARK: If I could just say, as far as the registry thing is concerned, that sometimes a commissioner finds himself, the office, getting blamed for all sorts of things, and this registry thing was a classic example. It's very difficult as commissioner to go out and be very, very proactive on something like that, because sometime down the road before too long you're going to be in a situation where you may have to make a decision that's fairly close in that area. You may be in a situation of rather kicking yourself out of being able to exercise your jurisdiction there. I found that one of

the frustrating parts of the job was that someone would say: oh, it's the commissioner's decision that you can't do this. It wasn't only for the War Amps. It came from local jurisdictions and also departments on occasions, but people have their jobs to do.

THE CHAIR: Any other questions for Mr. Clark?

On behalf of the committee, Mr. Clark, thank you for your presentation this morning. As I indicated, it was very insightful and very enjoyable, and it's been a pleasure as always.

MR. CLARK: Could I just make one last comment? I'm sorry. There was an article in the paper this morning about the comparison of how schools are doing in Alberta. That would never have happened if it wasn't for freedom of information legislation. The legislation permits individuals to get that kind of information from the department of education, and once the department of education got their mind around that, then the information was available. In my view that's good, because it's an additional form of public scrutiny, and that additional form of public scrutiny comes as a result of the legislation that you're dealing with.

THE CHAIR: Thank you.

Okay. Agenda item 5 is New Business, and we've received – I take it we're up to submission 47. Is that correct, Mr. Thackeray?

MR. THACKERAY: We have done up summaries of submissions up to 47. I think we are now at 74, with another 20-plus sitting on Corinne's desk waiting to be photocopied.

THE CHAIR: And the deadline for receiving submissions is now past?

MR. THACKERAY: That is correct. Some may still trickle in today and tomorrow, but we're up to close to 100.

THE CHAIR: Okay. Do we have any questions or comments regarding summaries numbered 26 to 47 inclusive, which were provided last week?

Okay. Then the next item of New Business is to deal with a request for oral presentation from Dr. Dieter Remppel. The letter was attached. I've read it. I don't have a lot of comment or reservation about this particular applicant except for the fact that once again I'm concerned about parochial issues as opposed to issues that affect the legislation in a macro sense.

Ms Carlson.

MS CARLSON: Was the letter attached to our agenda?

MRS. DACYSHYN: It's the second last item attached to the material.

THE CHAIR: I'm just going to allow Ms Carlson to peruse the letter. Apparently she hasn't had an opportunity to do so.

Again the chair is going to point out that, at least in the viewpoint of the chair, it's not our role to examine individual issues or individual grievances. Now, that being said, the request for oral presentations from noninstitutional applicants has been less than overwhelming, so the chair certainly doesn't have the concerns with this applicant that it's had with others.

Mr. Jacobs.

MR. JACOBS: Mr. Chairman, I understand that the application dates are over. This is the second one we've had from an individual. I have to raise the point of consistency. It would seem to me that inasmuch as we have had some deliberation on the other one and have decided to proceed, we probably should also hear this one.

THE CHAIR: I don't disagree with that.

MRS. JABLONSKI: Mr. Chairman, in looking over the list of submissions, I see names listed, then I see their representation beneath, but in some cases I just see the city or town where they're from. If there's no organization listed and there's just a name listed, does that mean that they're individual presentations?

MRS. DACYSHYN: Yes.

THE CHAIR: I believe, Mrs. Jablonski, you're looking at the list of written submissions.

MRS. JABLONSKI: I'm looking at the list entitled Submissions to the FOIP Committee as at May 9, 2002.

THE CHAIR: Those are the written submissions. Those are not requests for oral presentation.

MRS. JABLONSKI: Okay. Thank you.

THE CHAIR: So before we put it to a vote, are there any other thoughts regarding the application of Dr. Remppel?

MR. MASON: Do you want a motion?

THE CHAIR: If there's no further discussion, I would like a motion.

MR. MASON: I'll move that we hear him.

THE CHAIR: We don't need a seconder. There's a motion on the floor that we hear from Dr. Remppel. All those in favour? It's carried.

Also on new business the office of the legislative Clerk has received requests from the Canadian Chemical Producers' Association and the Insurance Bureau of Canada asking to be allowed to make oral presentations in addition to their written submissions. Now, technically these were not in time. However, as the chair has pointed out on the record and certainly privately, I think there was some confusion when the deadline for making written submissions was May 9 and the deadline for making requests for oral presentations as communicated to the stakeholders was April 30. It's the position of the chair that in terms of fairness I think it's fair that an individual who believes that they have until May 9 to make their written submission probably also believes that they can make their request for an oral presentation in writing as part of their written submission. So it would be the position of the chair that we not bind these applicants by what was our imposed deadline of April 30.

Any comments or questions on that? Mrs. Jablonski.

MRS. JABLONSKI: Mr. Chairman, that would be with the understanding that anything after May 9, though, would then be considered late.

THE CHAIR: Well, I think that goes without saying, but yes.

MRS. JABLONSKI: Thank you. I just wanted to clarify that.

THE CHAIR: Is there any problem with that interpretation or with that suggestion? Okay. That doesn't end the matter.

Mr. Thackeray, do you have any background with respect to either of the applications? The Canadian Chemical Producers' Association?

Do you have them? Could you read them into the record, Mrs. Dacyshyn?

MRS. DACYSHYN: Sure. The letter from the Canadian Chemical Producers' Association is short. I'll read that one.

Further to the submission (completed questionnaire) on the Freedom of Information and Protection of Privacy Act Review on behalf of the Canadian Chemical Producers' Association, if there is an opportunity to make a presentation on behalf of our industry, we would formally request such opportunity. We believe that the concerns that we have expressed, and that we would be prepared to elaborate on, reflect concerns not only of the chemical industry, but of Alberta in general.

The Canadian Chemical Producers' Association, through its Responsible Care® ethic, is committed to open communication and public information sharing. In addition to being responsible and seeking to be credible we also have to be competitive, and in key areas the protection of corporate privacy can be important.

Thank you for the opportunity to provide input into the FOIP legislation review and for your consideration of the request for an opportunity to present our concerns in person.

Sincerely,

Al Schulz, Regional Director, Alberta

THE CHAIR: Any comments on that with respect to the letter or the application?

10:20

It's my view that this applicant speaks on behalf of a fairly large industrial base in Alberta and has information and concerns regarding scientific information, technical information, and confidential business information, as the former commissioner indicated were obviously very important matters that needed to be addressed by him when he was in office and I think need to be addressed by this committee. So it certainly would be the chair's position that we should hear from this committee, and unless there's any opposition to the chair's view, I'd ask for a motion in that regard. Mrs. Jablonski. Anybody opposed? It's carried.

The Insurance Bureau of Canada.

MRS. DACYSHYN: I'll just read the relevant portion.

Let me begin by noting our full agreement of the submission by the Canadian Association of Direct Response Insurers . . . as well as a submission by Mr. Don Marshall of Allstate Insurance, who is president of the Canadian Insurance Claims Managers. I will outline our concerns with the FOIPP Act as it relates to use of motor vehicle abstracts and police reports for providing insurance and investigating accident claims. As well, I will raise the issue of coordinating legislation, specifically the FOIPP Act and the Traffic Safety Act that is yet to be proclaimed.

Then it says, "We respectfully request an opportunity to address the MLA Committee conducting the FOIPP Act Review." I'm not actually sure who signed it.

THE CHAIR: Again, when it comes to issues of registries, this organization certainly has concerns and, I suspect, input, and we are at some point going to have to deal with registries in a large sense as it relates to private investigators and War Amps and others. So it would be the position of the chair that we hear from the Insurance Bureau of Canada. Unless there's any discussion, I'd ask for a motion in that regard. Mr. Jacobs. Anybody opposed? It's carried. Thank you.

Now, does everybody have a copy of the draft schedule of meetings over the spring and summer?

MRS. DACYSHYN: It was the last piece of paper in your package.

THE CHAIR: Does everybody have it now? Bearing in mind that the House is going to rise this week, I was wondering if there are any concerns regarding holidays and/or those members who reside out of Edmonton. It's proposed that we meet on Monday, June 3, and Tuesday, June 4, for the greater proportion of those days and thereafter June 17 and June 18.

My concern, Mr. Thackeray – maybe you can help us out here – is that if we're going to be hearing presentations on June 17 and June 18, is it practicable that we begin deliberations on questions 5, 7, 8, 9, and 10 on June 3 and 4?

MR. THACKERAY: When we put forward this tentative schedule, we looked at questions 5, 7, 8, 9, and 10 and didn't believe that any of the presentations coming on the 17th and 18th would have any direct impact on those questions. However, we could always revisit them, depending on the submissions on the 17th.

THE CHAIR: Okay.

Now, the committee clerk has provided me with an annotated version of what you have, and it tentatively has the Chemical Producers and the Insurance Bureau of Canada on June 3 and 4. When are we going to schedule – oh, Dr. Remppel is already on, if approved. Okay. And Tara DeLeeuw is also. Do we have enough time?

MRS. DACYSHYN: I've worked it out in half hours. We can start at 10:15, go to 11:45, have lunch brought in, meet from 1 again right through till 3:30, with Ms DeLeeuw being scheduled from 3 to 3:30. That will cover all eight.

THE CHAIR: You have to help me, Tom. I'm guessing that since 5, 7, 8, 9, and 10 are sequential, they all deal with one broad area of topics.

MR. THACKERAY: Mr. Chairman, with the addition of new oral presentations we're going to have revisit the questions that we could do on that day. We may have to cut them down a tad.

THE CHAIR: That's fair, but I don't think that really affects our deliberations here this morning. So the question is: can this committee meet on June 3 and June 4 and then again on June 17 and June 18?

MRS. JABLONSKI: Mr. Chair, I did not bring my schedule with me, so it's difficult for me to answer that question right now.

THE CHAIR: Bear in mind that a quorum is only three members.

MR. MASYK: Mr. Chairman, I'd just make the comment that there's no way possible that you can accommodate everybody every time, so we just make our best effort.

THE CHAIR: And that's why I mentioned to Member Jablonski that we've functioned without a full slate, and we will likely have to continue to do so.

Mr. MacDonald.

MR. MacDONALD: Yes. Mr. Chairman, this draft schedule for Tuesday, June 4. In light of the fact that the Canadian Association of Petroleum Producers, the engineer from Camrose – it was the Chemical Producers; correct? Sorry.

THE CHAIR: The Chemical Producers and the Insurance Bureau.

MR. MacDONALD: What I'm trying to get at is that this list is not written in stone. It could be changed around in rotation or in order

so that perhaps the person that's second could be the fourth presenter. Is that correct?

MRS. DACYSHYN: Yes.

MR. MacDONALD: Okay. Thank you.

THE CHAIR: Thank you, Mr. MacDonald.

Now, this schedule, of course, also goes into July, further discussion and deliberation on July 8 and 9 and then sort of a wrap-up session on July 22 and July 23 if needed. I think Mr. Masyk makes a good point. Unless people can tell me right now that they're going to be away on a majority of those dates, I think we should have a motion that we accept this draft schedule.

Mr. Mason, did you have a comment?

MR. MASON: Well, I just wanted to indicate that once we get into July and August – we're not hearing from people, so we could vary it as people know their vacation schedule.

THE CHAIR: That's correct.

MR. MASON: You know, we can bring that up, and it might be worthwhile to review the summer meeting schedules once we get to the June 18 meeting.

THE CHAIR: Could I ask for the following motion, then? Could we approve the draft meeting schedule as it applies to the June dates so that we can schedule the presenters, and could I ask all members to bring their calendars on Monday, June 3? Ms Carlson, will you make that motion?

MS CARLSON: Absolutely.

THE CHAIR: Anybody opposed? It's carried. So we have meetings scheduled for June 3, June 4, June 17, and June 18.

Is there any other business? Questions, comments, concerns?

Could I have a motion for adjournment? Mr. Mason. Anybody opposed? Carried. Thank you.

[The committee adjourned at 10:28 a.m.]