

Legislative Assembly of Alberta

Title: **Thursday, March 26, 1992**

2:30 p.m.

Date: 92/03/26

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

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

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

Amen.

head: **Presentation to the Assembly of**

head: **Mr. Barry McFarland, Member for Little Bow**

MR. SPEAKER: Mr. Premier, would you and the Member for Red Deer-North please proceed to the door of the Chamber.

Sergeant-at-Arms, open the door, please.

Hon. members, I have received from the Chief Electoral Officer of Alberta, pursuant to the Election Act, a report containing results of the by-election conducted on March 5, 1992, which states that a by-election was conducted in the constituency of Little Bow, and the said report further shows that Mr. Barry Glen McFarland was duly elected as the Member for Little Bow.

[Mr. Getty and Mr. Day escorted Mr. McFarland to the Mace]

MR. GETTY: Mr. Speaker, I have the honour to present to you Mr. Barry Glen McFarland, the new Member for Little Bow, who has taken the oath as a member of this House and has inscribed the roll and now claims the right to take his seat.

MR. SPEAKER: Let the hon. member take his seat. [applause]

MR. SPEAKER: Hon. members, today we offer congratulations to six members who celebrate their 17th anniversary on the occasion of their first election to this Assembly. They are the members for Taber-Warner, Pincher Creek-Crowsnest, Lethbridge-West, Cypress-Redcliff, Lethbridge-East, and Medicine Hat.

head: **Presenting Petitions**

MR. BRUSEKER: Mr. Speaker, I'd like to present two petitions signed by 43 teachers from Marion Carson school and R.B. Bennett school in northwest Calgary requesting that the Legislative Assembly give favourable consideration to resolution 226/91 passed at the emergent representative assembly, September 28, 1991.

MR. SPEAKER: Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. I beg leave to present a petition from the Parents and Friends of Lesbians and Gays respectfully requesting the Legislative Assembly to urge the government to introduce legislation amending the IRPA to protect gay Albertans from discrimination.

MR. MOORE: Mr. Speaker, given that the Minister of Education has advised this Assembly that discussions with the Alberta

Teachers' Association regarding the Teachers' Retirement Fund are about to resume, I am pleased to present petitions on behalf of the schools in my constituency supporting this decision.

MR. SPEAKER: The Member for Calgary-Fish Creek.

MR. PAYNE: You weren't sure, Mr. Speaker.

MR. SPEAKER: I was about to call you my neighbour. I'll have to reprogram myself to Calgary-Fish Creek.

MR. PAYNE: Well, hon. neighbour, then, in the interests of the timely resolution of the completion of discussions between the government and the Alberta Teachers' Association regarding the Teachers' Retirement Fund, I am pleased today to present petitions on behalf of nine schools in my constituency. These petitions, of course, have to do with the question of the Alberta Teachers' Association resolution, to which reference has been made on many occasions in recent days: the Deer Run school involving 27 teachers, the Sam Livingstone school involving 23 teachers, also 23 teachers at Queensland Downs elementary school, 21 teachers at the Haultain memorial school, 20 teachers at the Midnapore school, 26 teachers at the Father James Whelihan school, nine teachers at the St. Boniface school, 13 teachers at the St. Philip school, and finally, 27 teachers at Don Bosco school.

While I'm on my feet, Mr. Speaker, I wonder if I might on behalf of my hon. colleague from Calgary-Shaw, who as a minister of the Crown is constrained from presenting petitions, present petitions on behalf of 22 teachers from Canyon Meadows elementary, 26 teachers of Cedarbrae elementary, 24 teachers of Father Doucet elementary, 17 teachers at William Roper Hull school, 16 teachers at Janet Johnstone elementary, and finally, 27 teachers at Woodlands elementary school.

Thank you, Mr. Speaker.

MR. SPEAKER: The Member for Three Hills.

MRS. OSTERMAN: Thank you, Mr. Speaker. On behalf of a number of teachers teaching in the Three Hills constituency at the Torrington, Edwards, Bert Church, and Acme schools, I am filing these petitions. The teachers indicate their support for a resolution which was adopted by the teacher representatives at the emergent representative assembly of the Alberta Teachers' Association on September 28, 1991, this resolution being outlined on the petition. As indicated by other members, I am pleased that negotiations or discussions are now ongoing.

MR. SPEAKER: Thank you.

Calgary-McCall, followed by Redwater-Andrew.

MR. NELSON: Mr. Speaker, the people of my constituency are delighted to hear that the Minister of Education has announced that discussions regarding the Teachers' Retirement Fund have returned.

MR. SPEAKER: Hon. member, I'm sorry. Folks, let's just introduce the petition.

MR. NELSON: As such, Mr. Speaker, I would like to present petitions from five schools: Falconridge school with 22 teachers, St. Mark school with 15, St. Rose of Lima school with 32, Bob Edwards junior high school with 30, and St. Rupert elementary school with 18.

2:40

MR. ZARUSKY: Mr. Speaker, in light of the negotiations with the minister, the Department of Education, and teachers on the retirement pension, I want to present petitions on behalf of 19 teachers from the Lamont elementary school, 18 teachers from the Bruderheim school, 19 teachers from Thorhild central school, 14 teachers from Ochre Park school in Redwater, and also 18 teachers of the Andrew school.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

The Member for Athabasca-Lac La Biche.

MR. CARDINAL: Thank you, Mr. Speaker. I would like to present petitions signed by 49 teachers from five schools from the Athabasca-Lac La Biche constituency urging the Legislative Assembly to accord favourable consideration to a certain resolution passed at an emergent representative assembly of the Alberta Teachers' Association on September 28, 1991.

MR. SPEAKER: Thank you.

Additional?

head: **Reading and Receiving Petitions**

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

MS M. LAING: Mr. Speaker, I would ask that the petition I tabled yesterday be read and received.

CLERK:

To the Legislative Assembly of Alberta, in Legislature assembled:
We the undersigned respectfully petition the Legislative Assembly to urge the Government to adopt the recommendations of the Alberta Human Rights Commission and protect gays and lesbians against discrimination by amending the Individual's Rights Protection Act.

MRS. HEWES: Mr. Speaker, may I request that the petition I presented yesterday from Terra school be now read and received.

CLERK:

We, the undersigned, as professional staff members of Terra school, urge the Legislative Assembly of Alberta to accord favourable consideration to the following resolution, adopted by teacher representatives at the Emergent Representative Assembly of The Alberta Teachers' Association on September 28, 1991:

Be it resolved, that The Alberta Teachers' Association return to negotiations with the Government with a view to concluding a new agreement in which;

- (a) teachers and the government jointly contribute the full amount of all future service costs to the Teachers' Retirement Fund,
- (b) the government assumes full responsibility for the total unfunded liability related to past service costs and adopts an acceptable plan for retiring that debt,
- (c) the government amends the TRF Act to provide full cost-of-living adjustments to pensions, and
- (d) the other changes incorporated in the May 4, 1991, Memorandum of Understanding are retained.

MR. SPEAKER: Thank you.

head: **Introduction of Bills**

MR. SPEAKER: The Member for West-Yellowhead.

Bill 282

**Members of the Legislative Assembly
Pension Plan Amendment Act**

MR. DOYLE: Thank you, Mr. Speaker. Today I'd like to introduce a Bill in my name, Bill 282, Members of the Legislative Assembly Pension Plan Amendment Act.

This would stop sitting MLAs from drawing pensions while gainfully employed with the Legislature, known as the Getty/Trynchy double-dipping Act.

[Leave granted; Bill 282 read a first time]

Speaker's Ruling

Referring to a Member by Name

MR. SPEAKER: Hon. member, that's completely out of order. Would you like to withdraw the last statement?

MR. DOYLE: Withdrawn, Mr. Speaker.

head: **Tabling Returns and Reports**

MR. GETTY: Mr. Speaker, I'd like to file with the Legislature the communiqués from the first ministers meeting on the economy, which concluded last evening. These communiqués deal with eight subjects. The subjects are investment in infrastructure, interprovincial trade, effective and efficient social programs, international trade, training, fisheries, tax policy co-operation, and agriculture.

MR. STEWART: Mr. Speaker, it's my pleasure to table the annual report for 1990-91 of the Alberta Heritage Foundation for Medical Research, copies of which have already been distributed to members.

DR. WEST: Mr. Speaker, I'm pleased to table with the Assembly the 67th annual report of the Alberta Liquor Control Board for the year ended January 1, 1991. Copies have been distributed previously to the members.

I also would like to table, required by statute, the annual report of the Department of the Solicitor General for the year ended March 31, 1991.

Mr. Speaker, I'm also pleased to file with the Assembly a very important report that I would encourage all members to read entitled Impaired Driving in Alberta: A Seven Year Perspective, 1984-1990, detailing provincial trends in impaired driving.

MR. McINNIS: Mr. Speaker, I have three documents for filing today. The first is a copy of the joint venture agreement for the construction, ownership and, operation of a part of the Alberta special waste management system, the Swan Hills plant. The second is a series of excerpts from the most recent Procter & Gamble operating licence, which shows that the standard that the Minister of the Environment said has been in place for 18 months will not be met until the end of 1993 by Procter & Gamble. The third is a news release dated January 16, 1992, in which the Hon. John Cashore commits to zero chlorine-based pollutants by the year 2002 or earlier, the very pledge we want the minister to make.

DR. ELLIOTT: Mr. Speaker, it's my pleasure to table copies of the 27th annual report of the Northern Alberta Development Council for the year 1990-91. Copies were distributed to the members previously.

MR. SPEAKER: Hon. members, I table with the Assembly the 1991 annual report for the Alberta Legislative Assembly Office.

head: **Introduction of Special Guests**

MR. McFARLAND: I know it's not the practice of this House to have a member introduce his immediate family. However, after prior consultation with you, Mr. Speaker, I appreciate your indulgence in allowing me on this special day to introduce to you, sir, and the members of the Assembly my family, who are seated in the members' gallery. With me today is my wife, Mary; my sons Ryan, Sean, and Patrick; and my daughter Shara. I would ask that they now rise and receive the cordial welcome of the Assembly.

head: **Oral Question Period**

Gainers Inc.

MR. MARTIN: Mr. Speaker, when this government seized Gainers from Peter Pocklington in 1989, the Provincial Treasurer assured Albertans that their \$55 million loan guarantee and their \$6 million loan were safe. In fact, the Treasurer said at the time that Albertans got, and I quote, good value for their money. No wonder we have a huge deficit in this province. It's been more than two years since the government has been running Gainers, yet Albertans have no financial information on the company. My question to the Treasurer is simply this: does the Provincial Treasurer still stand by his assertion that the province got good value for the huge amount of money that this province gave Peter Pocklington?

MR. JOHNSTON: Mr. Speaker, it should be clear, even to the Member for Edmonton-Norwood, that by the government taking the action that it did to secure the Gainers operation from the owner, we've been able to stabilize the jobs of over 1,000 people here in the city of Edmonton and provide a major opportunity for jobs to be secure here. Now, the member can't have it both ways: in one question period saying we're doing nothing about jobs, and the other time, when we act and act effectively to get jobs for Albertans, he's criticizing that action.

Secondly, what the government has done is ensure that the hog operations of Alberta, the farmers who are raising hogs, right across this province have a market, have a place to send their hogs for slaughter. Those two things, Mr. Speaker, are certainly worth the value and the commitment the government has made to ensure that Gainers is a viable and strong operation for this province.

2:50

MR. MARTIN: Well, we need more jobs. Where's Peter? We'll just bring him in, and we'll have jobs all over the province following that logic.

I can understand why the Treasurer doesn't want to answer the question because documents filed in the Court of Queen's Bench, which I will now file, Mr. Speaker, show that at the time Mr. Pocklington's company was carrying a \$41 million deficit. Now, I would say this is hardly good value for our money. My question simply to the Treasurer is this: why did the Provincial Treasurer mislead Albertans at the time of the takeover when he knew Pocklington was carrying a \$41 million deficit?

MR. JOHNSTON: Mr. Speaker, there he goes again exhibiting his lack of knowledge about fundamental financial statements. It's clear. I know the House doesn't want me to take him through this

exercise, but the size of the deficit of a company has nothing to do with the fixed assets upon which the government has its security.

Further, Mr. Speaker, the province, as I've said in this House before, has now taken action, which totals more than \$75 million, against the former owner, Mr. Pocklington, and is now in court. So it shouldn't be unusual to see these kinds of documents provided through the court process. We have nothing to hide. We're going to get it out in the open through the court process, and then you'll see what this province has done to secure the jobs, to secure the opportunity for pig markets and pig farming in this province, and to secure the future of value-added for agriculture as well.

MR. MARTIN: Maybe the Treasurer should read what's put in. He wants to talk about the assets. Well, it says that the assets were \$117 million and the liabilities were \$132 million: some deal. There it is, Mr. Speaker, from your government.

My question, then, is to the minister: rather than it coming out in dribs and drabs, now that they believe in freedom of information, why doesn't he table it right here today and tell us the real realities behind the Pocklington fiasco? Do it, Mr. Speaker.

MR. JOHNSTON: Well, Mr. Speaker, the real reality is just as we described. Here we have an Alberta company which is adding a tremendous amount of agricultural value for the producers in this province, securing markets not just in Canada but across the North American market space, including California and Washington, changing the name of the company to modify it towards the Swift's brand, and really aggressively pursuing markets for the producers in this province.

I must go on to say, Mr. Speaker, as I said before – and I'm not driven by the government's position or by freedom of information, which is a confused matter in the member's mind. We are driven by *Beauchesne* and the Standing Orders of this House, which dictate and give us clear direction that if the matter is before the courts, as this matter is, as I said, in at least seven different actions, then I am committed and driven by the bounds of this Legislative Assembly that that matter is a matter of sub judice. I am not therefore able to file or provide additional information which may prejudice our position in the court action against Mr. Pocklington.

Magnesium Plant

MR. MARTIN: My second question is back to the same Treasurer. We'll go from a \$100 million bamboozle to another \$100 million fiasco, Mr. Speaker. When I tried a couple of days ago to ask the minister of economic development about the Magnesium Company of Canada, he said that he can't answer the questions. He said: ask Dicky; Dicky knows all. Now we have the Treasurer here, so we'll try again. Two days have passed and Alberta taxpayers have lost another \$66,000 in this company because of this government's inaction and mismanagement. My question now to the Treasurer is simply this: will the Provincial Treasurer tell this Assembly why the Alberta government has not yet taken control of this company?

MR. JOHNSTON: That's a fair question, Mr. Speaker, and I think I appreciate the opportunity to update the House as to what's happening with the Magnesium Company plant. I must say that it falls on Treasury's desk because you're now into the guarantee side as opposed to the economic development side. So it does have a different spin, and I know the member acknowledges that.

I can say that we have gone through a very difficult process with the two former owners of this plant. One was a company called MagCan, which was a joint venture with an Alberta gas company and an offshore investment company. As a consequence of the fact that one of the partners was not able to meet his commitments on the run-up of the company, there was therefore a default action.

ANG, which is the Alberta company, has been very helpful in doing several things: first of all, ensuring that all the bills and liabilities which were outstanding at the time have been fully paid – that took some time to work out; I know there's been some discussion with several larger creditors but I think essentially those are completed – and secondly, maintaining the same objective as the government. They have taken some time to ensure that the environmental hazards or aspects of this plant are fully dealt with. In that fashion, Mr. Speaker, we have had consultants and the co-operation of the former owners, and of course the Department of the Environment has been very largely involved in ensuring that the environmental aspects are secure.

In the meantime, Mr. Speaker, we are . . .

MR. SPEAKER: Treasurer, I do have to cut you off so that we can go to some supplementaries. Thank you.

MR. MARTIN: I enjoyed that history lesson of why we lost it, Mr. Speaker, and what's gone on. Each day we are losing \$33,000 of taxpayers' money. Those are the figures that you gave us. I can show you the press release. My question is simply this: that's \$115 million of taxpayers' money at risk, and I want to know not the history of it but what the Treasurer is doing then to stop this bleeding. When are we going to get their money back?

MR. JOHNSTON: Just a minute, Mr. Speaker. The records will show that the member asked me: why did it take so long for the government to secure its position? I answered that question. There's more information I've been trying to give to him. When I do go to give him information that the government wants to put on the table for all Albertans, what is reasonable information for them, the member then intercepts it because he doesn't like the answer. Well, that's not the way it works here. What has happened, Mr. Speaker, is that we have secured the position, as I said before. We're now considering our position. As to whether or not we appoint a receiver still remains to be seen. We do have the responsibility, the liability for the ongoing commitment, and we want to ensure that in fact the plant is mothballed effectively and it is not vandalized or damaged over the period when we look for a buyer. Obviously, it's going to have costs attached to it to do just that. To do anything else would be irresponsible.

The government is fulfilling its commitment. The government has looked after all the aspects and is assured that they have taken place, has looked after the environmental question, Mr. Speaker, and is now seeking worldwide to see if there's a buyer for this product. We've had consultants both on the technical side and on the sales side who are pursuing all possibilities to ensure that it can be moved fast and rapidly into the hands of the private sector.

MR. MARTIN: Mr. Speaker, that's probably the most expensive mothball in the history of the world. The minister is saying that it's taken him a year to mothball it; that's why it's costing us \$12 million. That's ludicrous.

My question, then, is simply this to the Treasurer. That's at least \$115 million. Will the Treasurer now come clean and admit

that at least most of the \$115 million of taxpayers' money is at jeopardy at this particular time?

MR. JOHNSTON: Mr. Speaker, in fact the government does not really agree with that position. I know the member is trying to make the extreme case; that's his prerogative. The government of Alberta wants to deal with fairness and provide the real truth to the people of Alberta. The fact is that we have taken back and secured our position under the guarantee call, which is about \$102 million at this point. What must be known is that there's a value in that asset, and the value of that asset will be determined when we sell the asset, of course. But we will not be exposed to the extent of \$100 million. The residual or the sale value of that entity over time will be much more than, in fact, the member has talked about, and therefore the exposure of the government is far below what the member has mentioned.

MR. SPEAKER: Edmonton-Glengarry on behalf of the Liberal Party.

3:00 Olympia & York Developments Limited

MR. DECORE: Mr. Speaker, Olympia & York, as all Canadians now know, is a company in considerable financial difficulty. It is also a company that has substantial assets in the province of Alberta. My first question to the Premier is this: has Olympia & York or any representative for Olympia & York or any government representative come to the Premier and asked that the province of Alberta provide some sort of financial assistance to get Olympia & York out of their difficulty?

MR. GETTY: No, Mr. Speaker.

MR. DECORE: Mr. Speaker, my second question is to the Provincial Treasurer. The Olympia & York corporation and its subsidiaries have done considerable business in the province of Alberta. I'd like to know from the minister whether or not there are any outstanding loans or loan guarantees between the government or the Treasury Branch or any other agency of the government with O & Y and its subs?

MR. JOHNSTON: Mr. Speaker, first of all the member is putting on the Legislative agenda information which is, I guess, now on the financial pages, and I suppose there is not a whole lot of information there. I can assure the member that if he wants to pursue that kind of depth and ask me to provide information today about whether or not the government or any direct or indirect agency of the government has any commitment to O & Y, it must obviously be on the Order Paper. You would not expect a minister to have that detail available to him right now.

MR. DECORE: You'd think that a minister would anticipate and be ready for something like that.

Mr. Speaker, my last question is to the Premier. Will the Premier assure Albertans that no financial assistance in any way, shape, or form will be provided to O & Y to get its financial mess cleaned up?

MR. GETTY: Well, Mr. Speaker, I couldn't give some unqualified guarantee like that. I think it far better, Mr. Speaker, that we see how things progress.

MR. SPEAKER: The Member for Calgary-Fish Creek, followed by Calgary-Mountain View.

First Ministers' Conference

MR. PAYNE: Thank you, Mr. Speaker. In view of the widespread concern that I am sure all the members here have sensed throughout Alberta about our current provincial economy and the economic outlook for the year ahead, could the Premier advise the Assembly as to what economic plans were developed at this week's first ministers' conference that will directly respond to our needs and concerns here in Alberta?

MR. GETTY: Mr. Speaker, we spent some 13 hours together as first ministers over the last two days. Alberta's position has been very consistent. In order to help with the Canadian economy and help with jobs for Albertans and Canadians, we require the governments to be working together in a co-operative way. As I've said before, we'll get so much more benefit if we have 11 governments going in the same direction rather than in different directions in fiscal and economic matters. That's why we've been prepared to spend so much time in these meetings.

I should point out, Mr. Speaker, that Alberta's request, for instance, for income tax reductions has been met as a result of these meetings. Yesterday we again were talking about the need for lower interest rates. I anticipate a significant drop in interest rates today. We're working on the Canadian dollar. Just consider the benefits to our economy – to farmers, small business, individuals – of a drop in interest rates, which Alberta has been working for for some period of time and we are now seeing happening. Of course in the area of housing we were pushing for stimulating the housing construction business. We know that in Alberta alone in the last two months we've seen housing starts increase by some 84 percent. I think that these are tangible evidence of the things that have been flowing from these meetings.

Now, Mr. Speaker, only one more thing before you say this is too long an answer. In the communiqués which I tabled today, we deal with eight matters, all of which influence jobs for Albertans and Canadians.

MR. PAYNE: Well, one of the eight matters that the Premier has just referred to, Mr. Speaker, and one that I find personally very provocative is the idea of a national program in which capital infrastructure plans and budgets would be developed in a new co-ordinated nationwide fashion. Would the Premier elaborate on this concept and how it impacts us here in Alberta?

MR. GETTY: Yes. Mr. Speaker, it was an initiative of the province of Alberta. In the whole area of investment in infrastructure, where normally I think there's a traditional view that that means pavement, roads, airports, perhaps municipal infrastructures, sewers and such, Alberta asked that the first ministers broaden their concept considerably there, look ahead to the future, the kind of infrastructure that is really the wave of the future. If you could picture a highway of communications, a highway that carries ideas, carries intelligence, if you could picture a kind of knowledge infrastructure that puts Alberta students face to face with students in other provinces: we raised this matter as the kind of infrastructure that should be considered for investment; that is, schoolroom to schoolroom infrastructure. These dollars would be going into educating our students, building unity, and at the same time building our economy.

I must say that the Premiers were very interested, and we have put in place, Mr. Speaker, a pilot project now with three other provinces to work with them to see if we can establish in fact this very schoolroom to schoolroom infrastructure. Obviously we could broaden it to where you could put our students into the

global marketplace, as we are moving with instant communications. It's limited only by your imagination. I'm quite pleased, and I know that our ministers of Education and Advanced Education and others will be picking up on these matters and working with the other provinces.

MR. SPEAKER: Calgary-Mountain View, followed by Edmonton-Whitemud.

Legal Works Management Corp.

MR. HAWKESWORTH: Thank you, Mr. Speaker. Legal Works Management has closed their doors in Calgary. This company claimed to be in the business of collecting debts for clients and representing them in small claims courts. Their action to close their doors left 3,000 files and clients in the lurch, and since then I've had numerous complaints from former staff and clients regarding Mr. Eric Gruenke and Mr. Donovan Walker, who were the key principals in this company. To the Minister of Consumer and Corporate Affairs: why were these men allowed to operate Legal Works for a number of years without a licence when the Collection Practices Act clearly required them to have one?

MR. ANDERSON: Mr. Speaker, with respect to Legal Works of Calgary, it did operate for a number of years as a paralegal firm. Paralegal firms are not licensed under legislation of the department, and it was only when it became apparent that they were engaged in the collection practice and therefore holding funds of citizens in that respect that the department became involved.

MR. HAWKESWORTH: Mr. Speaker, their material clearly indicated that they were in the business of collection, and I find it incredible that when we're spending \$21 million a year for this department, they were unable to regulate this company.

At the time the department finally issued a licence under the Collection Practices Act, his department should have been well aware that both Mr. Gruenke and Mr. Walker had faced numerous lawsuits and, indeed, that Mr. Walker had a record for forgery and fraud. I'd like to ask the minister what persuaded the department that it was in the public interest to issue a licence, knowing that these people had this kind of track record.

MR. ANDERSON: Mr. Speaker, the agency in question was investigated by the department prior to the issuing of the licence on several occasions, and as I indicated in the previous answer, on those occasions it was found that they were not carrying out responsibilities under the Collection Practices Act. When that took place, they had to fulfill the appropriate requirements for a licence. The department was aware of a previous criminal record on the part of at least one of the two principals involved. However, that was one from many years back, and they had made a judgment with respect to the operation as they saw it at that time to allow that licence to proceed. On numerous occasions since that licence was in place, the Department of Consumer and Corporate Affairs required the injection of capital funds, required the increase of the bond, and did survey this particular company as a result of concerns that were raised. There is now a trustee appointed. The trustee will look at the funds that are now left available and those that are coming in still by mail and determine how those should be distributed among the public.

I might further say, Mr. Speaker, that with respect to this particular issue, any information would be helpful. Information from current clients, from previous clients, information that the hon. member might have I would appreciate receiving.

3:10 Municipal Financing Corporation

MR. WICKMAN: Mr. Speaker, concern has been expressed by municipalities and the AUMA that the government may stake claim to profits made by the Alberta Municipal Financing Corporation that rightfully belong to the participating municipalities. To the Provincial Treasurer: will the Provincial Treasurer give his assurances that he will not attempt to grab this \$300 million as another quick fix to his deficit budget?

MR. JOHNSTON: Well, Mr. Speaker, I'm not too sure if I accept the member's legal opinion. Notwithstanding that, I can say that the Alberta municipal finance council, the directors of that board, as a matter of public record have been discussing the future of AMFC in a variety of ways, and one of the recommendations was whether or not the company was overcapitalized or not. They did not pass any recommendation.

MR. WICKMAN: Mr. Speaker, apparently the 1992-93 budget has been further delayed. This is to the Provincial Treasurer. Is this delay because of a municipal lobby to ensure that these dollars are not intended to be used in the Provincial Treasurer's budget as a source of revenue?

MR. JOHNSTON: Mr. Speaker, again the member's words are fairly casual. To say that the budget has been further delayed is just not right. We are working on a budget which we'll present to the province of Alberta. Obviously, there are fairly significant time questions involved. The government, in framing an important economic document, must take all the time necessary to ensure that it is in fact the one for the '90s ahead, and this government is doing just that.

MR. SPEAKER: Calgary-Foothills, followed by Edmonton-Jasper Place.

Federal Energy Policy

MRS. BLACK: Thank you, Mr. Speaker. Yesterday in Calgary the federal minister of energy announced changes in regulations regarding the discriminatory practices under the Investment Canada Act which restricted investment capital for the oil and gas industry. My question is to the Premier. Would he assure the House that through the efforts of this government and the industry combined finally the destructive national energy program has been eliminated?

MR. GETTY: Mr. Speaker, that was a significant announcement yesterday. I know that it will take some time for the impact to flow through the industry when the industry is having difficult times right now. Nevertheless, a significant feature that the hon. member has highlighted is that this is the last vestige of the national energy program, which brought such damage and destruction to the province of Alberta. I hope we never see anything like that again imposed on a province in our country, and if we have the constitutional matters which have been brought forth by this government fulfilled, we will make sure it never happens again. The national energy program is dead. [interjections]

MR. SPEAKER: Order please. [interjections] Order on both sides of the House.

MRS. BLACK: Mr. Speaker, I understand the groans and moans from the two opposition parties to see the end of this, as they were

coauthors of the destructive policy in the first place, and they were bent on destroying this industry and the economy of western Canada.

I would like to have a supplementary, again to the Premier, and ask him if he could characterize the response from the industry and give us an indication of the extent that oil and gas investment will be enhanced as a result of this long awaited announcement.

MR. TAYLOR: When are you breaking out the champagne, Don?

MR. GETTY: Mr. Speaker, there's no question that over the years in this province we have had the people resources and we have had the natural resources, and they have helped to build a magnificent province, but we have always needed the capital. When the capital hasn't come from other parts of Canada, we've had to bring it from outside this country. It was very discriminatory that only one economic sector still had this control over investment in the way the energy sector had.

Now, I know the hon. Member for Westlock-Sturgeon, who supported the national energy program when it was devastating our province, doesn't like to see it end, but the industry, the people of Alberta very much like to see it end. I know that the new capital that will be able to come in and help to rebuild and strengthen that part of our economy is very, very important.

Special Waste Management Corporation

MR. McINNIS: They act like the champagne's gone flat over there.

Today the public hearings resume into the Swan Hills expansion in Slave Lake, and I'd like to ask the Minister of the Environment some questions about the six-year-old joint venture agreement, which I tabled in the House today. This joint venture agreement is the very archetype of public loss and private gain. It provides a guaranteed rate of return to the private sector. It's cost us \$171 million to date; last year a \$7,000 subsidy for every tonne of waste that went through that facility. You know, they charge \$200 to \$2,000. A \$7,000 subsidy. Just in view of this massive hole that's burning in the taxpayer's pocket, I'd like to ask the minister if he has exercised his option under clause 1402 to review the guaranteed rate of return to the joint venture partner and stop the hemorrhage of tax dollars in this operation.

MR. KLEIN: In answer to the hon. member's question, yes, I've instructed the corporation to undertake a review of the joint venture agreement. Secondly, the hearings are not being held in Slave Lake, Mr. Speaker. They're being held in Swan Hills. Thirdly, if the hon. member wants to know about special waste management, all he needs to do is look to Alberta, where we are the only jurisdiction in North America with a fully integrated hazardous waste management system, and we're the only province to be not only rat free but totally free of liquid PCBs because of the foresight and the courage of this government to put in place a plant . . . [interjections] Well, unfortunately we aren't free of . . .

MR. SPEAKER: Thanks. We're not going to have three members at the same time, thank you.

Supplementary, let's go.

MR. McINNIS: I'd like to thank the minister for that response. He anticipated my supplementary to some degree. The government's proposed expansion and the heavy losses that are associated with that plant will force Alberta, because of its position, to import toxic waste from other provinces if it goes ahead. I'd like

the minister to explain to this House why the government withdrew the issue of import of waste from the Natural Resources Conservation Board hearings when he knows very well that the two issues are not only related, but they're absolutely the same. Why did he pull that off the table for the hearings that are taking place in Swan Hills?

MR. KLEIN: Mr. Speaker, the hearings are related to the expansion of the plant and the environmental worthiness of that particular proponent, and the expansion is to look after the backlog of wastes that are now contained in solids. If the hon. member is concerned about costs, maybe he can look to his brothers and sisters in Ontario, who have spent \$100 million just trying to find a site, and the costs of the proposed plant, once it's put into place, have escalated from \$50 million to \$500 million. Now, how is a broke province going to find that kind of money?

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

3:20 Western Canadian Shopping Centres Inc.

MR. CHIVERS: Thank you, Mr. Speaker. Yesterday in speaking to the Dutton affair, the Minister of Consumer and Corporate Affairs extolled the virtues of the independence of the Securities Commission and advised the Assembly that he had requested the commission to undertake an investigation of the matter. My question is to the Minister of Consumer and Corporate Affairs. I would request that he advise the Assembly whether the request to the commission is under section 28, where the commission decides whether to undertake the investigation, or under section 33, where the minister has the authority to direct and compel an investigation?

MR. ANDERSON: Mr. Speaker, it would be under section 28.

MR. CHIVERS: Mr. Speaker, the problem then is, of course, that contrary to the commitment of this government for disclosure of information, we will not have any mechanism by which to compel the commission to make a report to the minister. Will the minister undertake, if a report is provided to him, to disclose it to the public of Alberta?

MR. ANDERSON: Mr. Speaker, as previously indicated in this House, I would undertake to have the commission carry out its responsibilities with this company as it would with any other Alberta company. This government, this minister won't interfere. It won't get involved. It will merely make sure that this semijudicial body, which is set there to judge, without political influence, Alberta companies and adherence with securities law, knows all the facts that are available and respond appropriately.

MR. SPEAKER: Edmonton-Meadowlark.

Tire Disposal

MR. MITCHELL: Thank you, Mr. Speaker. Three conditions specified by the government for its recycled tire initiative were that proponents had to have secured land for their project, proponents had to have identified markets for their end recycled products, and no proponent or project was to be allocated government money. My first question is to the Premier. Could the Premier please tell us how his emissaries to Trochu are going to explain why the Minister of the Environment accepted two proposals, both without land, and then gave one of them \$50,000

in government money to identify markets, which the minister's own conditions specified should have been identified long before they were proposed?

MR. GETTY: I thank my hon. friend for the question, Mr. Speaker, but if he looks hard, he'll see that the Minister of the Environment is here, and the Minister of the Environment can answer him.

MR. KLEIN: Mr. Speaker, I'm quite surprised. Here we see the hon. Member for Edmonton-Jasper Place in living black and white in the newspaper, and I'm going to quote what he said about the selection:

"I'm quite pleasantly surprised," said New Democrat environment critic John McInnis. "We'll have to congratulate Mr. Klein on a job well done on this one."

Now, here's what the hon. Member for Edmonton-Meadowlark had to say.

Liberal environment critic Grant Mitchell said the government was balanced in awarding the projects to companies from both major centres to build plants in both rural and urban settings.

"There are several aspects of this decision that appear to have a great deal of merit," Mitchell said. "... the projects appear to be environmentally sound."

What is he talking about?

MR. MITCHELL: Mr. Speaker, we're like you. We don't want the New Democrat critic in our party either.

How can the Premier have any confidence in the competence of the Minister of the Environment when, after having three years to bring this tire tax proposal in, he now has to announce a three-month delay because he hasn't adequately consulted with the private-sector elements who have to collect this tax?

MR. KLEIN: Mr. Speaker, I'd like to read from a letter, and I'd be glad to table this letter. It's from the independent tire dealers association, signed by Mr. Ambrosie. He says in his letter:

The dealers indicated their support of this program in that it will result in scrap tires being properly disposed of as opposed to being landfilled. A concern was raised, however, with respect to the April 1, 1992 start up date for collection of the advance fee. All the dealers present . . .

and that was at a meeting they held

. . . felt that an extension of the start up date to July 1, 1992 is necessary.

This was the request of the tire dealers, the people who are going to be involved, Mr. Speaker, in the administration of this fund.

MR. SPEAKER: I'm sure the hon. minister will file both documents that he was citing during his answers. Thank you very much.

Red Deer-North, followed by Edmonton-Belmont.

College Degree-granting Status

MR. DAY: Thank you, Mr. Speaker. The request for degree-granting status for Red Deer College was vigorously and passionately voiced today on the steps of the Legislature by the student council president, Scott Johnston, and also a large number of students from Red Deer College. My question to the Minister of Advanced Education is this: as the planning process for the future of the college is hampered without a clear yes or no decision, given that he can't actually earmark funds today, can he at least indicate whether the vision of Red Deer College for degree-granting status can be a reality?

MR. GOGO: Mr. Speaker, when we get into visions and realities, I frankly don't know how to respond. I would say the following, however. Alberta can be very proud of having 700,000 fewer population than British Columbia yet having 4,000 more university students.

I was quite impressed, Mr. Speaker, with the delegation from central Alberta, including those from Red Deer College, because they're very sincere in seeing that educational opportunities are offered for those upcoming Albertans. I shared with them the fact that we as a government view education and postsecondary in particular as very important, and that is why we're giving the attention we are to Toward 2000 Together and the human resources study. I assured them that I would answer one way or the other on behalf of government as soon as we had a firm position to announce.

MR. DAY: A supplementary, Mr. Speaker. Could the minister indicate to us if the student delegation which he met with following the demonstration had questions which he himself could not answer today, or was their trip in vain?

MR. GOGO: Mr. Speaker, I must say that Mr. Scott Johnston and the delegation from Red Deer College were a very impressive group to meet with. They put various questions to me, some that were considered confidential because they were within the confines of my office. I shared with them that we feel very strongly as a government to see that the university transfer program which exists in seven of our institutions, which is not really working the way it should, must first be addressed as a very major integral part of the whole question of Albertans receiving university degrees.

MR. SPEAKER: Edmonton-Belmont.

Employment Standards Enforcement

MR. SIGURDSON: Thank you, Mr. Speaker. My questions are for the Minister of Labour. The Employment Standards Code was passed by this Legislative Assembly to protect working Albertans from admittedly a few employers who have little regard for their employees. Many employees who have been wronged have filed complaints with the branch of the department that looks after those complaints, but with too few workers many of those complaints are not being investigated, so now there appears to be little regard for the law. I would like to ask the minister if she is satisfied that the branch is sufficiently funded so that all investigations can take place, or is she content to just let anybody who wants to violate this law, violate the law?

MS McCOY: Mr. Speaker, as the member is no doubt aware, we recently have been conducting a study of the entire operations of the employment standards area because many of our customers have made comments, some have been complimentary and many have not. We first circulated our own staff to ask them what they thought could be and should be improved and how, and then put a discussion paper together and held symposiums across Alberta, had members of the public, employers, employees from all over Alberta gather together in workshops to discuss what they thought should be changed, if anything, and how. We've also had many people write to us responding to our discussion paper. All of that is now being compiled, and we will be coming forward with an action plan in the near future.

MR. SPEAKER: Supplementary, Edmonton-Belmont.

3:30

MR. SIGURDSON: Thank you, Mr. Speaker. I appreciate the response, and I'm sure all members of the Assembly would like to know the date when we might expect to see some responses from that commission.

However, that doesn't answer the question about the branch being sufficiently funded to allow for investigations. My question to the Minister of Labour is then: is the minister satisfied that it's all right that workers who have been grieved by employers go without having an investigation done on those files?

MS McCOY: Mr. Speaker, the response time is one of the factors that our customers have in fact been raising with us, although I think something in the order of two-thirds of all complaints that are filed are resolved within 90 days. Some do go on longer than that, particularly the ones which are in appeal and go through to a judge for resolution, and sometimes, of course, the department spends some time chasing either the employer or the employee. There is never one particular specific response for all files. They have to be dealt with according to the circumstances and what is appropriate at the time.

Let me say again that we ourselves have identified that our customers are not satisfied with the way in which the service is being delivered in all cases at the employment standards branches. We are undertaking a change so that we can indeed improve our service to the public of Alberta.

MR. SPEAKER: Calgary-McKnight, followed by Edmonton-Highlands if there's time.

Education Quality

MRS. GAGNON: Thank you, Mr. Speaker. My question is to the Minister of Education. Why does the minister insist that the education systems in Japan and Germany are better than ours?

MR. DINNING: Mr. Speaker, I have never made any such assertion.

MRS. GAGNON: I'm glad if that's the truth, Mr. Speaker. Since that is the case . . .

Speaker's Ruling Parliamentary Language

MR. SPEAKER: I know, hon. member, you just fell into that, but you take everybody's word in this place as being the absolute truth.

Please continue. Let's go.

MRS. GAGNON: Sorry, Mr. Speaker. I'm glad.

Education Quality

(continued)

MRS. GAGNON: In those countries they spend twice as much on university research and have much smaller class sizes. Is the minister prepared to fight for that here?

MR. DINNING: Mr. Speaker, one of the interesting partnerships that Alberta Education has teamed up with in the past year is with the Alberta Chamber of Resources. The chamber undertook a study to the tune of some \$70,000 to review the maths and sciences curriculums in grades 7 through 12 in Alberta, in West Germany, in Hungary, and in Japan. What the chamber came up

with were some very interesting, in fact some startling revelations about how Alberta, recognized in this report as one of the finest education systems on the continent, stacks up in maths and science vis-à-vis those other three countries. It not only talks about the curriculum and the textbooks and the way courses are taught, but it also sets it in the societal, the values context in which that learning is occurring. I believe that this kind of research is very helpful in taking one of North America's best education systems and making it even better. The responsibility that this government has is to ensure that our children in this province get the best possible education.

Speaker's Ruling Referring to Persons by Name

MR. SPEAKER: Hon. members, we've come to the conclusion of question period. I would just invite members posing questions and their research staff to read *Beauchesne* 409(7) in terms of framing questions, and it is this:

A question must adhere to the proprieties of the House, in terms of inferences, imputing motives or casting aspersions upon persons within the House or out of it.

I know you're familiar with the phrase and will perhaps just bear that in mind when it comes to naming specific individuals so we don't get ourselves into any difficult situations.

Thank you.

The Minister of Health wishes to supplement information from a previous question period. A question was raised by the Member for Edmonton-Avonmore. The Minister of Health.

Personal Hygiene Products

MS BETKOWSKI: Thank you, Mr. Speaker. The Member for Edmonton-Avonmore has raised in the last two days in the Legislature some questions with respect to the dangers of chlorine-bleached paper products, particularly as they affect products for use by women and children. I asked my departmental staff to contact their counterparts with Health and Welfare Canada, and we were advised that the dioxin levels in personal-contact paper products do not pose an undue risk for human health. Health and Welfare Canada, however, advise that the regulations that are currently being developed under the Canadian Environmental Protection Act will dramatically reduce the presence of these substances in paper products. They also advise that they will continue to evaluate other potential rates of exposure with the aim of reducing exposures to the greatest extent possible.

MR. SPEAKER: Edmonton-Avonmore, supplementary.

MS M. LAING: Thank you, Mr. Speaker. There were further concerns about the safety in using these paper products and particularly in regard to disposable diapers. I'm wondering if the minister would undertake a public education campaign that would inform parents of the risks that have been demonstrated with disposable diapers.

MS BETKOWSKI: Mr. Speaker, I think it's a useful suggestion. I won't make that commitment now. What I will commit to the House is that I will be in contact directly with the Minister of National Health and Welfare and ask him to update the information bulletins which go out on a regular basis on these products and to further consider any studies that may be needed to ensure that we've filled in all the gaps. I think the suggestion is a useful one, and hopefully the contact with the federal minister can start the process going.

head: **Orders of the Day**

head: **Written Questions**

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

[Motion carried]

head: **Motions for Returns**

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

[Motion carried]

head: **Motions Other than Government Motions**

Ethanol-based Gasoline

202. Moved by Mr. Hyland:

Be it resolved that the Legislative Assembly urge the government to pursue a policy where by the year 2005 at least 5 percent of all gasoline sold is ethanol-, not petroleum-based.

MR. SPEAKER: Cypress-Redcliff.

MR. HYLAND: Thank you, Mr. Speaker. I would urge all members to support this motion. As you noted yourself earlier, it is the 17th anniversary of a number of us in the House, and what better anniversary present could one have than the passing of a motion as important as this that would start a whole new industry in Alberta?

Mr. Speaker, establishing even an industry that would produce 5 percent ethanol in all the gasoline would start many little businesses out there in rural Alberta that could be run in conjunction with feedlots, et cetera, but it would start an industry that I think would be unparalleled in history in what it could grow to.

This isn't the first time I've introduced a motion related to ethanol. I introduced one last year, but as the luck of the draw would have it – I should say, Mr. Speaker, that it's similar to the luck I have in purchasing raffle tickets or 6/49 – it came out awful close to the bottom rather than awful close to the top. This year was slightly different, and we got the second motion.

MR. FOX: Better distillation.

3:40

MR. HYLAND: The hon. Member for Vegreville said "better distillation." I guess he means it was run through the system one more time, and it came out stronger. I hope so. If that's the case, we'll see what his comments related to the motion are.

Mr. Speaker, as one that likes to see reduction of government, it's hard for me to put a motion like this suggesting additional legislation, but I feel that the environment and this industry and what this industry could do for the province are important enough to overlook that. That's why I suggest to legislate at least 5 percent. I know some may say that that's not enough; it should be higher. We'll await those comments. My purpose here is to start at a smaller level. We can show that it works, and then we can move on to a higher percentage level of ethanol in our gasoline. I believe that this is where a couple of industries could get together – that is, the agricultural industry and the oil industry – in promoting this, and I'll get into that later.

Ethanol is produced from agriculture products through a system. I have notes here that explain the system, but let me put it in a way that it's not unlike some of the early history of parts of my constituency where people worked very hard to keep the wolf away from the door. It was in the '30s when Prohibition was on and there was a number of stills. I'm not old enough to have seen that, but the hon. member who grew up in my town a very few miles from me – I don't know how he went so far astray in later life, Mr. Speaker, but he is older than I; he might have had a chance to sample some of that product. Now, that was drinkable. This stuff is not drinkable. But the system under which it's distilled and that I don't believe are a whole lot different. It creates a product that can be burnt, and indeed, as the hon. Member for Westlock-Sturgeon knows, some of that early stuff in our country could be burnt. It burnt clean, and there was nothing left.

This is what we're promoting, only we're promoting developing this as an industry to use in conjunction with the petroleum industry and create some by-products that then can be used elsewhere, agricultural products that are marketable through the feeding industry. A plant built at Drumheller is attempting to go into production, I understand, in conjunction with a feedlot. They will produce ethanol and then use the by-product in the feedlot as feed. That way they will achieve the use of all the products that they have available.

Mr. Speaker, the purpose of using the 5 percent, in my mind, was that I understand that in gasoline, car fuels, there's an antiknock agent. It's got about a two-foot-long name that I won't even attempt to pronounce. Using a mixture of 5 percent ethanol, we could replace that antiknock agent. We could use this as a natural replacement. In that way the two industries could work very well together. Ethanol is one of the best fuels that can be used for this. It is a natural fuel, and with everything we have in this province, we can easily produce that. We may need the assistance of government to get this project going, to get it off the ground.

Mr. Speaker, the hon. Member for Vegreville and I have had some conversations about this industry. He's also asked some questions, and I look forward to the comments he may make. I forget the number, but I understand that one of the Bills he has on notice to introduce does relate to ethanol production as an industry in this province. So I'm glad to see – maybe I shouldn't say “glad,” because there's a problem when you have a motion and people from all sides of the floor start to support it. Then you begin to wonder: “Now, did I do something wrong with it? Is there something wrong with it?” In this case I think this is so important that I hope to receive support from all sides of the House in order to go forward with this kind of a motion and with this kind of an idea.

[Mr. Deputy Speaker in the Chair]

Mr. Speaker, I believe that using ethanol as an enhancer would help the greenhouse effect in that we wouldn't be putting the same by-products into the air; we'd be putting by-products that would be more acceptable. I know there's a long debate on that as well. This morning when I was watching *Canada A.M.* on TV, I was interested that they had a clip of the space shuttle and one astronaut making the comment that it had been 10 years since he had been in space, but he had noticed the difference in the clouds in the space above the earth. If that's happened in 10 years, perhaps we need to really look at these new and different things that we can do to change that.

Mr. Speaker, as I said earlier, ethanol would be a great way for diversification within the agriculture sector. Ethanol is made from a renewable resource, grain, and now that we have depressed grain prices, farmers are interested in moving grain into any market that they can at the present time.

I know that to develop ethanol and to develop a long-term industry, we would need a long-term price. I believe farmers would be interested in contracts where they could agree to supply a long-term amount of grain at a set price to the ethanol plants, because if you could get rid of a portion of your crop at a price that you knew beforehand, you could make your management decisions related to that. I think people in agriculture would agree to that and negotiate a price so that they knew that at least a portion of their product would have a market once they took it off, and that market would be at the price they had agreed upon.

I think you could see these plants going up in various areas of the province so that what you were transporting would be the finished product, ethanol, versus transporting the grain around.

When my researcher did some of the research on here, and I know she spent a weekend working on it, one of the phrases she had on this – and I need to give her a bad time about it – was that you don't need blue ribbon grain. Mr. Speaker, that phrase is something that shows that people in the urban area don't understand the difference in the types of grain grown. They understand grain, but they don't understand the difference, in that we could be using low-protein utility wheat in these plants. We don't have to have No. 1 hard red spring, 13 percent protein-plus. We can use the utility wheat that yields at a higher rate per acre, and thus we can sign these longer term contracts for grain. With a province as diverse as ours we often have parts of this province that have trouble with the harvest at various times. We could be using that product in the production. So we would take that out of the regular grain handling system and allow more of the high-protein dry grains that would be allowed to go into the system, and the poorer grains at that stage could be run through this industry and used in a different way. We wouldn't need to plug up the existing system as it is now.

3:50

Mr. Speaker, ethanol is being produced in other provinces and other states. I think we don't want to be left behind. On most if not all things related to diversification in agriculture except this one we are generally at the forefront. I think in this one we have been doing a lot of study, and maybe this project is studied to death at this time. Maybe it's time that we make our decision and go ahead and at least start with this 5 percent production portion of gasoline as being ethanol based.

The Mohawk Oil company has been a leader in this ethanol-blend industry. They tell us that they're not getting rich off of the blend, but they are committed to it, and they are committed to the environment. They feel that this is their way of supporting the environment and being active in the petroleum industry.

Mr. Speaker, we well know that often things don't happen overnight, that they take time. We know that there are things we can do to assist our atmosphere, and I think this is one. We often hear people playing lip service to improving the atmosphere. We hear a lot of discussion about the green movement. Perhaps if we produce this ethanol blend, the price of gasoline is going to have to go up some to cover the cost of this. This is the place where average people can really put their money where their mouth is. If they want the environment green, then perhaps they're going to have to agree to pay an additional 2, 3 cents per litre. [interjection] One member says that 2 or 3 cents per gallon sounds better.

Perhaps people instead of just talking about the green movement, et cetera, maybe are going to have to start paying if they want the green movement. This kind of legislation could assist in that. People could go forward and show that they're doing what they actually believe in. We would achieve and start and complete a very viable industry where agriculture and petroleum can work together and produce a product that is salable throughout this province and in other parts of the world and we are not so subject to the whims and the wishes of other parts of the world when it's related to the production of oil and gas.

Just as a closing remark, Mr. Speaker, in rough terms the amount of grain that was distilled in the U.S. last year was approximately 10 percent of our annual production of grains, which, in reality, would increase 50 percent to what we produce in this country now. Right now our national market is about 20 percent of our total production. If we could increase that even proportionally, we would then have a great domestic industry in this province that all could benefit by.

With that, Mr. Speaker, I would urge all members to support this motion.

MR. DEPUTY SPEAKER: The Member for Vegreville.

MR. FOX: Thank you, Mr. Speaker. I would like to take some time to speak on the motion proposed by the Member for Cypress-Redcliff respecting the development of an ethanol industry in Alberta. As members of the Assembly will know, I've had a long-standing interest in this industry and in this subject and have tried on numerous occasions to advance it on the legislative agenda. I'm pleased that those efforts have not gone unnoticed and have not been totally unsuccessful, because I do note that there are now proposed legislative initiatives on the Order Paper coming from people like the Member for Ponoka-Rimbey, who I must acknowledge has been an advocate for ethanol on a consistent basis over the years in this Assembly; the Member for Red Deer-North has kind of a weak-kneed motion on this issue, too, on the Order Paper; the Member for Wainwright has a Bill on the Order Paper that I believe he introduced; and the Member for Westlock-Sturgeon. So there are initiatives coming from a number of different directions in the House.

Contrary to what the Member for Westlock-Sturgeon seems to believe, this is not all a reaction to the Donna Graham campaign in Little Bow. The Member for Vegreville didn't draft a Bill on ethanol, hasn't been advocating this industry for six years in the Legislature because Donna Graham suddenly thought of it at a forum in Little Bow. There are other things that compel me and members in the government party there to come forward with these things. I just wanted to get that on the record because we encountered that kind of argument in debate between the Minister of Agriculture, the Member for Westlock-Sturgeon, and myself up in High Prairie last week.

It's been an uphill fight, Mr. Speaker, to try and develop an awareness of the benefits of the ethanol industry in the Alberta Legislature. I well remember the debates in this House, the question period arguments that went on between me and the then Minister of Agriculture, now the Minister of Economic Development and Trade, who went out and commissioned some studies to be done on the ethanol industry, tabled them as if they were some sort of final authority on these subjects, and then proceeded to advance this government's agenda, and that is to trash the ethanol industry at every opportunity: do everything they can to appear to be conciliatory on one hand but do everything they can on the other hand to frustrate and stymie the development of an ethanol industry in the province of Alberta. Indeed, it was up to the

Member for Vegreville to point out error after error after error that was made in those reports and confront the government with them and try and come up with a number of different, sound, reasoned arguments that would promote the benefits of an ethanol industry and try and convince the government.

The Member for Vegreville then came forward with a motion on the Order Paper, Mr. Speaker, several years ago encouraging the government to bring our incentives in line with incentives offered in other provinces. That's not to say that we rush out and give truckloads of taxpayers' money to the ethanol industry like the government gives truckloads of taxpayers' money to Peter Pocklington and MagCan and a list of companies so long I don't want to take time to recite them all for the benefit of the new Member for Little Bow. Anyway, I was advocating that we just simply bring our incentive program in line with the incentive program in place in the province of Saskatchewan so that if an industry is to develop, it has as much chance to develop in Alberta as in neighbouring provinces.

Well, you'd think I'd committed heresy by making that suggestion, Mr. Speaker, because it was not viewed in a positive way by the government. Indeed, the then Minister of Agriculture stood up and said: we, too, have an incentive program in the province of Alberta. We offered – what was it? – 4 cents a litre on pure ethanol at the time. When you factored it out, in an actual litre of ethanol-blend gasoline, it worked out to a four-tenths of a cent break on the fuel tax: one-tenth of the benefit available in the province of Saskatchewan.

[Mr. Jonson in the Chair]

Now, any business-minded, thinking person would be able to guess without taking too much time to figure it out where a plant would be built if a new plant was to be built: in Saskatchewan or in Alberta?

AN HON. MEMBER: In Alberta.

MR. FOX: It was built in Lanigan, Saskatchewan, hon. member, and is up and running and selling every drop of ethanol that they produce

4:00

To stimulate debate on the issue and to try and confront this oil industry government and the then Minister of Agriculture, now Minister of Economic Development and Trade, I challenged him to come with me to Minnedosa, Manitoba, to see an ethanol plant that was up and running, thriving, doing well, buying grain from farmers, producing this clean-burning fuel. Unfortunately, he didn't accept the invitation, but undaunted the Member for Vegreville and his family toured the plant in the summer of 1987, and we were very impressed and further enlightened about the benefits of this industry. So there's a lot of history about the debate of ethanol in this Legislature, and I'm pleased to see that some of the efforts of the New Democrat opposition in this House have had impact on government members who are now coming forward with motions and Bills of their own.

We have to look at what would happen if this motion was passed. You know, I suppose I'm happy that I've found another friend for ethanol in the Alberta Legislature, but it's a pretty wimpy sort of a motion, Mr. Speaker, that we have a 5 percent ethanol blend in gasoline "by the year 2005." I suppose a government that endorsed the motion could wait until the year 2004 doing nothing and then in the final year try and gear up to live up to this objective. That accomplishes nothing over the next

12 years for the grain producers, for small communities seeking economic development opportunities, or for Albertans concerned with cleaning up their environment in the next decade-plus. I submit that this is just not a satisfactory agenda. It's not an objective that's going to do anything to develop a fuel ethanol industry in the province of Alberta, and I'm disappointed with the motion because of that.

If we want to look at what's going on in some other jurisdictions, Mr. Speaker, I've talked about the ethanol plant in Minnedosa, Manitoba, selling every drop they produce. The new plant in Lanigan, Saskatchewan, is doing very well. I've spoken to the management there on more than one occasion to get some information about the particulars of that plant and been most impressed with that plant producing, I might add, 10 million litres of fuel ethanol a year, selling every drop of it, trying to achieve an objective of 406 litres of ethanol per tonne of grain. That's a theoretical maximum. They're currently operating around 385 litres per tonne of grain. I estimate that they use 26,000 tonnes of grain a year to produce fuel ethanol in Lanigan, Saskatchewan. What a shame that that plant isn't here in the province of Alberta. What a shame the government didn't listen to the New Democrat Official Opposition five years ago and get on board with the . . .

MR. ADY: How much subsidy?

MR. FOX: Well, the Member for Cardston shows that he's as ill-informed as the Minister of Agriculture regarding the issues of subsidies. I would like to talk about that at some length because I got some interesting correspondence from the Minister of Agriculture that indicates to me just how little he understands about the benefits and realities of an ethanol industry and how far government backbenchers are going to have to go before they can convince this government to do anything positive with respect to developing an ethanol industry in the province of Alberta.

Let's just review for a moment for hon. members who may not have had a chance like the Member for Ponoka-Rimbey has to review and gain good understanding of the benefits of an ethanol industry in the province of Alberta. The first and most obvious benefit is to the agricultural sector. The Minister of Agriculture asks in his letter to me, March 24, "Why do you advocate support for such an industry?" Well, why, Mr. Minister? Because it would be good for agriculture. I think at this time when we've got surpluses of grain, we've got low prices for grain, we've got people in rural Alberta struggling to make ends meet, if we could do something that would create additional market demand, create another stable domestic market opportunity for our grain producers, we'd be doing something positive. Do members of the government caucus agree with that? Some are shaking their heads, and some are nodding. Okay. It's good for agriculture. It's not going to solve all the problems in agriculture. I'm not going to pretend like the minister and his colleagues do that making one change in government policy is going to pave the streets of rural Alberta with gold. It's not that simple, but creating another stable domestic market opportunity for grain producers would enhance the stability of the industry no doubt.

There are spin-off benefits for agriculture as well, as my colleague from Cypress-Redcliff so adequately pointed out. You don't just get double rectified busthead coming out of an ethanol plant; you get mash. There's mash coming out as well. In fact, almost 50 percent of the economic opportunity produced from ethanol is coming out the other end of the plant in the form of mash, and there's lots of things that can be done with that. Some innovative plants in the United States are using only feed grade wheat to blend ethanol. They take the distillers' dried grains, dry

it, dehydrate it, and mill it, and it's a high-protein supplement that can improve the food quality of low-value grains for the starving millions of the world. So there's an important food benefit opportunity for people. The more obvious benefit that members are likely familiar with is feeding the mash to livestock, and that's why the plant in Lanigan is a joint venture between the Saskatchewan Wheat Pool, Pound-Maker Feeders, and Mohawk Oil, Pound-Maker Feeders having a feedlot adjacent to the plant and hoping to produce beef from that.

The protein enhanced distillers' dried grains have an agricultural benefit in Canada too. Think of how much money is spent importing soya bean meal for protein supplement for rations in livestock feed. Think of what we could save if we were using locally produced distillers' dried grains from ethanol in Alberta to enhance the protein value of livestock feed. That's an agricultural benefit of the ethanol industry too, and that, Mr. Minister, is another reason why I advocate support for such an industry. So the agricultural benefits should be obvious to anyone.

The environmental benefits are quite a bit more complex, but they, too, are obvious when people take time to study it. The Member for Cypress-Redcliff quite correctly pointed to the greenhouse effect as a growing concern all over the world and the fact that ethanol, though it won't solve or eliminate the greenhouse effect, is benign in terms of its impact on the greenhouse effect because that 10 percent of the gasoline that is ethanol if blended does not add to the atmospheric burden of carbon dioxide. It merely recycles atmospheric carbon by taking it from the air when the plant is growing and releasing it back when the ethanol is burned, rather than the fossil fuels, which reach centuries into the ground, pull up carbon deposited way back then, release it into the atmosphere, and increase the burden of carbon dioxide in the atmosphere leading to the greenhouse effect. So there are positive environmental benefits there. But there are more obvious ones, and I want to point them out to the minister because he questions, again, the environmental benefits of ethanol in his question to me: "Surely, Derek, you are aware of the poor to marginal economics of producing ethanol from grain." He goes on later in the letter to wonder about ethanol: don't you know it's only worth 20 to 25 cents a litre - or something like that - to blenders?

I want to point out to the minister that ethanol is not simply energy. It's not just like gasoline in that it's simply energy that you burn and it creates combustion and powers motors. There are other things in ethanol that have value that you have to be aware of, Mr. Minister, like octane. It's an octane source for gasoline, and that's why the Member for Vegreville stood in this House time and time again and touted this as an environmentally safe octane enhancer alternative to lead and gasoline. No, this government goes out and puts money into an MTBE plant in Alberta, a methyl tertiary butyl ether plant, and if the minister wants to find out what octane is worth, maybe he'd walk down to that plant and I could correct the record. I'll withdraw my comment that the government put financial support in that because I can't back that up, but they certainly encouraged the development of an MTBE plant in Alberta. I don't have details on the economics of the plant, but if the minister wants to know what octane is worth, why doesn't he go down to the MTBE plant and ask them if it's worth 20 to 25 cents a litre? He'd be laughed out of the plant.

The other thing that ethanol has, other than energy and octane, is oxygen. Oxygen has value as well, Mr. Speaker, and I contend that it can be proved that ethanol-based oxygen in fuel is cheaper than MTBE-based oxygen in gasoline, so there are some obvious environmental benefits and economic benefits as well. The minister wonders about the marginal economics of producing

ethanol from grain. Well, the economics of grain production, period, are pretty marginal right now, and that's what we've got to turn around. We've got to try and create stable domestic market alternatives for grain producers that enhance our incomes and viability, and this is just another way that we can do that.

4:10

I want to talk about the economic development benefits that could accrue from the development of an ethanol industry in the province as well, because unlike energy industry megaprojects that seem to be built in Edmonton and Calgary, the opportunity is here for ethanol plants to be built in communities outside Edmonton and Calgary. We could have smaller plants built in regions around the province that would provide not only local markets, reduce the transportation obstacles that grain producers face by creating markets for them locally, but could create jobs and investment and local purchasing in communities other than our two major cities in the province of Alberta. I think that's a very exciting opportunity. If we wanted to have, you know, seven, eight, nine, 10 plants in the province of Alberta producing 10 million litres of ethanol per year, Mr. Speaker, we wouldn't be able to use all of the ethanol that those plants produced if we started blending it 10 percent with gasoline, because of the amount of gasoline that's sold in the province.

There are economic development opportunities that I as a rural member in this Legislature care very much about because I want to see jobs created out in rural Alberta. I want to make sure that the kids that are growing up in the Vegreville constituency have some hope of staying in the Vegreville constituency and building some futures for them and their families.

What are the obstacles to the development of an ethanol industry in the province of Alberta? Well, there's no doubt that there's a matter of perception within the industry that we have to try and cope with, Mr. Speaker, perception within the oil industry that ethanol is somehow a stranger or an outsider or an unwelcome competitor. I think we have to try and work with that. We have to tell the oil industry that they've got a bad image environmentally; you know, the greenhouse effect, burning fossil fuels. It's a nonrenewable form of energy that we're using up and going to run out of in the not-too-distant future.

The energy industry, quite frankly, needs some friends. They need some friends, and I suggest that the ethanol industry would be the right kind of friend for them to have, a clean-burning friend, a friend that when added 10 percent to gasoline reduces substantially the carbon monoxide emissions, reduces the impact on the greenhouse effect, moves us towards the development of a renewable source of energy, because we're going to have to do it eventually, Mr. Speaker. We can't rely forever on a mode of power that burns up a diminishing resource. We have to have some renewable injection into there, and the ethanol component can do that for the energy industry. So the energy industry has to be convinced that ethanol is a friend, not an enemy, that they need to work with us.

The other thing that members who drive in cold weather might want to realize is that if you put ethanol-blend gasoline in your tank, you don't need any methyl hydrate once in a while to use as gas line antifreeze because it keeps the ice out of the gas lines too, another little side benefit for consumers that the Member for Vegreville wanted to mention.

We have to convince the oil industry, but this government's afraid to do anything to convince the oil industry, quite frankly, because this government has oil industry blinders on that have refused to allow this government to see the benefits of an ethanol industry, that have compelled the Alberta Grain Commission – a

political lobby group established by the Alberta government, kind of a repository for Conservative patronage appointees and a slush fund that wastes some quarter of a million dollars a year – to spend a lot of time fighting against the ethanol industry, traveling to meetings, putting forward spurious statistics and misleading information to try and convince Albertans that the ethanol industry can't work because it requires massive subsidy.

Point of Order Imputing Motives

MR. TANNAS: A point of order.

MR. ACTING DEPUTY SPEAKER: Yes, hon. Member for Highwood.

MR. TANNAS: Mr. Speaker, I confess that one ear was listening – it was my tractor ear – to the hon. member speak, and I would cite 481(e), and 23(i) of the Standing Orders, imputing bad motives.

MR. ACTING DEPUTY SPEAKER: Is there any other debate on the point of order?

MR. FOX: Well, Mr. Speaker, that's a cute intervention, I suppose, accusing the government of trying to frustrate the development of an ethanol industry. If he feels that sensitive about it, then maybe he should do something about it. [interjection] A patronage appointment? Is that . . .

MR. ACTING DEPUTY SPEAKER: Order, hon. member. I invited you to speak to the point of order, not to continue the debate.

In view of the Member for Highwood's comments, I think there could be some debate in terms of the Standing Orders that he quoted. However, the Chair was about to rise with respect to the remark and the use of the term "misleading." The Chair's judgment is that it is unparliamentary, according to *Beauchesne* 489, to use the term.

MR. FOX: Mr. Speaker, I did not accuse anyone of misleading. I said the information was misleading. But if the record shows otherwise, I apologize and withdraw the remark.

MR. ACTING DEPUTY SPEAKER: Thank you.

Debate Continued

MR. FOX: Anyway, I understand the sensitivity of government members on this issue, because it clearly has been the agenda of the government to frustrate the development of an ethanol industry in the province of Alberta by continually promoting information that is very suspect and questionable. What we've had as a result is an industry developing every place but here, not only, as I referred, in the province of Manitoba and the province of Saskatchewan but recent initiative in the province of Ontario, where they've announced that they want to create an ethanol industry based on the production of ethanol from cornstarch, I believe. It's going to be a very positive thing. I want to tell you that in many states in the United States they mandate the use of ethanol in fuel. They require that all gasoline be blended 10 percent with ethanol, and they're doing it now. They're not proposing that it be done 12 or 13 years from now. They're making that determination right now that they're going to do something positive for the development of an ethanol industry: "We're going to help agriculture. We're going to clean up the

environment. We're going to stimulate local economic development. We're not afraid of the oil industry, and we're going to do something about it." It's happening right across North America, and I've been saying for years it's about time Alberta woke up and got on board so that we don't miss the boat once again with the development of this important industry.

The minister addresses the issue of subsidies. I want to get to that very clearly, because what they do in the province of Saskatchewan – and he seems to be lacking some information on this – is forgive 4 cents per litre on the road tax for gasoline blended 10 percent with ethanol: 4 cents a litre. In Alberta it works out to – I don't know; maybe it's 0.9 cents a litre now if anyone blended ethanol, but it's not a sufficient inducement to help the industry develop. That is not cash out of the pocket; that's not money taken from the General Revenue Fund and thrown at some bottomless pit in an ethanol industry. It is forgone revenue, Mr. Speaker, revenue that we might have received from the sale of gasoline at the pump. It's been reduced by 4 cents a litre. Four cents a litre is what I'm advocating: reduce that potential income to the province in exchange for the development of an ethanol industry. That's hardly legitimately called a subsidy. It can hardly be compared to the hundreds of millions of dollars of taxpayers' money these people have washed away by frittering grants and loan guarantees to every prominent Conservative businessman they can find in the province of Alberta. It's forgone potential revenue, and you have to compare that, if you're dealing with economics, to the benefits of a stimulated agricultural industry, the benefits of cleaning up the air, the benefits of economic development opportunities. I submit that when you do that, the answer is going to be clear: it's going to be a benefit to the people of Alberta, and it's something that Albertans want.

[Mr. Deputy Speaker in the Chair]

You know, it's no mystery that members of the Conservative back bench are coming up with motions like this and Bills suggesting that we look at ethanol, because they're being pressured by the people they represent as well, Mr. Speaker. They're interested in the development of an ethanol industry. I suggest they're not going to get it as long as this government is in power, because this government has taken a weak-kneed, frustrating approach to the development of this industry, and it's not working. If this motion from my hon. friend from Cypress-Redcliff is any indication, even if passed, we might not have a single thing done to help the development of an ethanol industry for the next 12 years. It might be 12 years before anything happens with the ethanol industry.

We don't need this motion. We need the government to adopt Bill 226 introduced by the hon. Member for Vegreville. We don't have to wait for it to be debated. The government can open the Bill and look at it and see the wisdom of the proposals made by the hon. Member for Vegreville and adopt them as their own. They can look at section 2 that says:

After January 1, 1994,

a little over two years away,

all retail outlets selling gasoline to consumers shall make available for purchase by consumers gasoline blended at least 10% with domestically produced ethanol by volume.

Now, that doesn't compel the oil industry to blend all their gasoline; that doesn't tell people that you can't buy anything but ethanol blend gasoline. It gives consumers the choice. Wherever they go in Alberta, it gives them the choice to use clean-burning, environmentally friendly, helping the farmer kind of fuel when they go to the gas station. I think Albertans would welcome this kind of initiative.

4:20

Further, Mr. Speaker, this enlightened piece of legislation proposes that after that date

all gasoline powered vehicles owned and (or) operated by Departments or Agencies of the [government of the] Province of Alberta [would have to] use gasoline blended at least 10% with domestically produced ethanol by volume.

Now, the definitions are important. We'd not only give consumers the option, but we'd create an instant market by compelling the province of Alberta to use this gasoline. The retailers would like it too. We define "domestically produced" as meaning produced in Canada, and we define "ethanol" as something that is produced from renewable sources. So we avoid ethanol produced from natural gas, ethanes, all that kind of stuff. It has to be from renewable sources. We want it to be grain based so it helps agriculture.

This is the kind of direction we need. This is the kind of initiative that Albertans are going to welcome in terms of developing an ethanol industry. It's going to take a lot of things, Mr. Speaker. It's going to take some courage. It's going to take vision. It's going to take gumption. Quite frankly, that's not going to happen with this government in power. What it's going to take is the election of a New Democrat government in the province of Alberta to make sure that on behalf of farmers, Albertans concerned about the environment, and people looking for jobs in rural Alberta, we get an ethanol industry in this province.

Thank you very much.

MR. DEPUTY SPEAKER: The Member for Wainwright.

MR. FISCHER: Thank you, Mr. Speaker. I welcome this opportunity to speak in favour of Motion 202. I also submitted a Bill advocating the use of ethanol, and I do agree with the Member for Vegreville; I agree with him on some of the things that he has said. However, I should remind him that there's been a lot of things changed in the economics of the ethanol industry in the past couple of years.

The other thing that I would really like to mention to him is that he mentioned how important it was that this should come about. He put his Bill in, but I noticed that they didn't put their Bill anywhere near the top of the list. If he was serious about it, he would have put it up towards the top of the list, the same as the rest of us had to do.

I would like to say how pleased I am with the amount of interest that has been sparked in our Assembly here. Certainly quite a number of our members have put Bills or motions in regarding the ethanol industry. I'm sure this new industry probably related to mainly the environmental benefits of the industry. Its fuels could offer one of the most positive, significant changes to protecting our atmosphere, more than any other single factor. Ethanol can not only be blended with gasoline, but it can also be used with diesel fuel to reduce CO₂ emissions. Mr. Speaker, I'm sure even you can remember back a few years when black smoke came belching out of the big trucks going down the highway and stinky clouds came off the big diesel motor driven trains. I think that if we are really serious about the pollution factor and the greenhouse effect, here is a chance for our government to substantially do something about it.

This newfound interest also relates to a lot of the newly developed uses of the by-products that have great potential. CO₂ is a very valuable by-product. They sell 8,000 tonnes out of a 10 million-litre plant. The protein-rich distillers' grains can be used in cattle feed, and the thin stillage can also be used for drinking water for cattle. Also, at different stages in the ethanol fermenta-

tion process sugar and beer are created. Wheat germ and gluten are two by-products, and they are components of many things that we are now eating. In fact, all of the nutrients except starch are left in the grain and are concentrated after the ethanol is extracted. In the U.S. they are now using two new breakfast foods being made for human consumption with the recent ethanol research and technology. One of them is Fibre Hot Start, an oatmeal, and it is manufactured in Bellingham, Washington. Also, Bunge Foods Ltd. is making Nutri Rich Pancake flour.

As these by-products become more valuable and help make the industry more economically feasible, entrepreneurs are moving ahead. Production of ethanol is scheduled to begin this spring in the newly constructed plant at Drumheller. The technology and development is being initiated by a Vancouver-based company called farm energy corporation, which trades on the Alberta Stock Exchange at around \$4 a share. The intention of this company is to see that 30 integrated ethanol feedlot farm operations are built here in Alberta in the coming year. The feasibility study was done by Ashmead Economics Research Inc. of Calgary in May of 1991 and is based on technology which integrates an ethanol plant with a large farming operation. It produces approximately 1 million litres of ethanol, and the wet distilled grain is fed to cattle in the feedlot. Methanol from the manure is used to operate the plant. It's a very efficient use of resources. Also, as was mentioned, the 10-million-litre plant in Lanigan has been shown to be very positive. It's also integrated with a large feedlot and making good use of the stillage and the milk. This high-protein food does make your feedlot roughly 10 to 15 percent more efficient.

Mr. Speaker, those are the kinds of things that have changed the economics so that this industry is getting to be very viable. There's one thing that we have to have before the industry can go ahead on its own, and that is we have to have markets here in Alberta. The only way that we're going to have markets is that we have to mandate the use of the blended fuel. We look at what the U.S. is doing. They have increased their production from 1 billion gallons of ethanol in the last four years to almost 3 billion. That is as much fuel as we use in all of Canada, so it certainly is something that is coming. We look at Brazil. They run on straight ethanol; their motors are built a little bit differently. I would think that here in Alberta we have to move ahead now or the market will be filled from some of these other countries.

Mr. Speaker, I support this motion. I would like to see the motion be 10 percent mixture, and I would also like to see it done as quickly as possible. The industry can be ready to supply the market in five years, so I think we should be too.

Thank you.

MR. DEPUTY SPEAKER: Order please. Pursuant to Standing Order 8(3) the House is now required to move on to the next order, which is Public Bills and Orders Other than Government Bills and Orders.

The hon. Clerk.

head: **Public Bills and Orders Other than
Government Bills and Orders**
head: **Second Reading**

**4:30 Bill 201
Freedom of Information and Personal Privacy Act**

MR. MARTIN: Well, Mr. Speaker, I'm not the hon. Clerk but the MLA for Edmonton-Norwood.

Mr. Speaker, I'd like to introduce Bill 201, the Freedom of Information and Personal Privacy Act. Before I get in and talk

about this particular Bill, I think it's rather interesting, if I may, to look at the history of not this Bill but a lot of freedom of information Bills that have been brought in in the Alberta Legislature in the past.

Mr. Speaker, before today this is the 11th time that the New Democrats have brought in this particular Bill or a Bill similar to it for freedom of information, starting in 1975 with my predecessor, Grant Notley. He did bring in a freedom of information Bill five different times: 1975, 1976, 1977, 1978, 1981. Then, as you know, in '82 was an election. Being in the caucus and having to do the work in that huge caucus at that particular time, I brought in a Bill in 1983 and 1986.

AN HON. MEMBER: I thought the Liberals did that.

MR. MARTIN: Oh, the Liberals did? I'm sorry.

But following that, Mr. Speaker, my colleague from Calgary-Forest Lawn in 1988, '89, and '91, and now for the 11th time, I bring it in again.

Similar Bills have been introduced on seven other occasions, three times by the Liberals. You would have thought they had discovered freedom of information, but it was in the federal Parliament, of course, a Conservative, Ged Baldwin, that had to put the pressure on the Liberal government. Of course, those were the ones that were doing it, Mr. Speaker.

Also, a former colleague in the Legislature, Walter Buck, brought freedom of information in three times, and once, I have to admit, a Social Crediter, Albert Ludwig, in 1974. That's the history, if you like, of private members' Bills. Unfortunately, we've never had a government Bill dealing with freedom of information.

MS BARRETT: We're waiting.

MR. MARTIN: We're waiting.

Now, Mr. Speaker, let me say about that that when we read the Speech from the Throne, obviously, after having brought it in as many times as we have, we were glad to see the government acknowledge that maybe there was a need for freedom of information. It may have taken them a long time to figure that out, but we were glad that it was there just the same. We haven't seen the government Bill yet, and I am waiting with a lot of interest just to see how good that Bill is, because if it goes through with a lot of loopholes and it really doesn't change anything, if it's more for politics rather than the reality, then we'll know their recent commitment to freedom of information is a phony one. But we'll have to wait and see.

What I might say, Mr. Speaker, is that I hope they steal our Bill, I really do, or the Bills that we had in the past, because this one is a fair Bill, and it doesn't have the loopholes but allows some fairness.

Let me just, if I may, go into this particular Bill. Obviously, there are two key principles. Number one, which I'll talk about first of all, is the most . . . Well, they're both important principles, but this is one that's very important; it's the freedom of information about government. That's what people are demanding. They want to know what the government is doing, so that they're not making decisions behind closed doors and then we're unable to get the information, such as today, the information on Pocklington, such as MagCan. This is not private business, Mr. Speaker; this is public funds. We should have the right to know, but we can't get it from this government. Hopefully, their freedom of information Act in the future will make sure that this doesn't happen. It certainly wouldn't happen under our particular Bill, Bill 201. The point I want to remind this government of is simply

this: this is public business that we're talking about, not private business. When they think that they don't have to give us this information, that they don't have to give us, Albertans or the opposition, the motions for returns, they forget. They think they run the province somehow and they don't have to give out this information. But the reality that I want to bring home is that it's not their own private business we're talking about. It's the business of the public, Mr. Speaker, and that's the most important message.

Now, in terms of freedom of information it's fairly straightforward that citizens in the opposition or any citizens in Alberta have the right to know what their government is doing. Obviously, we're aware that there have to be certain protections under this general principle. If I may, Mr. Speaker, these are some of the concerns we've heard from the government before. If you look at section 4, it deals with the exceptions, and I'll just quickly go over that.

- 4(1) Section 3(1)(a) shall not apply to any record or part of it
- (a) made in the course of obtaining or giving legal advice in preparation for or regarding a legal proceeding before the courts until the proceeding is concluded.

In other words, if we're having to deal with legal matters, Mr. Speaker, if something is in the courts, we understand that there may be a reason for the government not releasing that until after the proceedings are concluded. It's very necessary. I think we'd all agree.

The second part of the exception:

- (b) which contains information, the release of which could reasonably be expected to be detrimental to Alberta's or Canada's dealings or relationships with another province or state.

Now, it's hard to know specifics, but there are obviously cases where that might be the case. If it was going to create problems for the province in terms of dealing with the United States or dealing with another province, obviously there has to be some control over that.

The third, Mr. Speaker:

- (c) where the information on record is elsewhere provided or available to the applicant.

We've heard of cases where people are being frivolous, and it could cost a lot of money, where they've asked for information from the government on anything that they could get elsewhere. Well, if it can be proven that it can be provided elsewhere to the applicant, then they can go and do it. The government shouldn't have to, you know, spend a bunch of money doing that.

The fourth is:

- (d) which, if released, would result in direct personal financial gain or loss by any person other than the person to whom the record relates.

Obviously, you have to protect innocent people, Mr. Speaker.

Also,

- (e) which discloses information concerning the private financial affairs of a person who is not a member of the Legislative Assembly or the public service.

Again, protection for the innocent.

Finally:

- (f) where the information or record reflects on the private affairs of any person or organization and, upon a balance between private and public interest, it is not in the public interest to provide or make the record available.

Now, again, Mr. Speaker, we'd have to be very specific about that. How people can appeal to it I think is very important, but there may be those cases. I'm sure the Deputy Premier here, who has sat on these things, can probably make the case that that should be, and we've left that as an exception.

Mr. Speaker, the final was:

- (g) involving an agenda, minute, memorandum or other record of the deliberations or decisions of the Executive Council or its committees unless that record is more than 20 years old.

We understand, as I think all of us do, that cabinet discussions and minutes and documents have to be protected and they have to be protected for a period of time. I think 20 years is long enough.

Those are the exceptions, Mr. Speaker. Everything else the public has a right to know, as far as we're concerned.

Now, even if a person applied to get this information and they were turned down, say, under one of those exceptions that I mentioned, then we think there has to be a right of appeal. We're suggesting that that right of appeal could be to the Ombudsman, who could look into it, or the Court of Queen's Bench, or a combination of both. They would make the final ruling on it, not the government, so there would be an impartial person to decide whether this information should be withheld or not.

Now, Mr. Speaker, it seems to us that this is a reasonable package for one principle, the freedom of information. It says that people have the right to know what their government's doing, but it recognizes that there are certain limitations. There is also a right of appeal, not to the government but to an impartial person, and I think that's a very important point.

Mr. Speaker, I might point out that under our Bill 201 – I want to make this case – the master agreement with Peter Pocklington, the audited financial statements of Gainers, MagCan, et cetera, et cetera, we would have the right to know. The public has the right to know that, and no longer would this government be able to hide behind that.

4:40

The second part, the second key principle, is the other way: to protect the privacy of individuals in respect to government information about them. I think all of us should be concerned, and I expect people are, about sort of Big Brother government, all-knowing and all-seeing, having information about people that they don't need, and the abuse of that that's possible. So that's the second key principle in our Bill. We say, first of all, that the individual has a right to know what the information is that the government has on them, and it sets up a member of the Human Rights Commission to act as a personal privacy commissioner to receive and investigate complaints of violations of the Act. In other words, sometimes we need policing of the government, regardless of the political party that's in power, because personal privacy is very important.

Again, as in anything else, there has to be some exceptions, Mr. Speaker, and there are three major ones. Obviously the government, whether it be provincial, municipal, or whatever government, for public policy needs to have an updated census for statistical purposes, provided that

the record of private business is revealed in a form that is not identifiable as being the record of any particular individual.

This makes common sense, Mr. Speaker.

The second, "for the use of public archives," will be a necessity, and of course

by any agency for a civil or criminal proceeding against or on behalf of the person to whom the record relates or with the prior consent of a judge of the Court of Queen's Bench on application or notice made to him against a person who is his parent or child or is or has been his spouse.

Again, to protect the innocent.

Now, Mr. Speaker, like every Bill, this has gone through a lot of transition since 1975. We believe that it's a good Bill. If the government can make it better later on, we'll certainly support it. But if the government, as I expect, and I hope I'm wrong, brings in a Bill that has so many loopholes it's not going to make any

difference about their secret dealings, then we will not support it. We will have to wait and see.

AN HON. MEMBER: Relax.

MR. MARTIN: Well, the hon. member says to relax. We've been relaxing since 1975, relaxing since 1975 and haven't seen any action. [interjections] Yeah. I trust you, Bill. I trust you. It's just the cabinet ministers I don't trust, Bill. That's the problem.

We will see, Mr. Speaker. It'll be an interesting debate, but when I see today that we can't get information about Pocklington, we can't get information about MagCan, we can't get information about Softco, that this information is still not forthcoming, I wonder what the commitment is to freedom of information. You would think it was their money. You would think it was their personal finances we are dealing with. Again, I remind you that it's the public's finances. The idea of freedom of information and why most countries are far ahead of us on this is they also understand that when governments are accountable to the people, when people can find out what they are doing behind closed doors, guess what happens? They generally make better decisions, because they are going to be embarrassed if people know about it. So it acts, if you like, as a caution against some rash decision-making by cabinet ministers behind closed doors. Maybe if we'd had freedom of information, we wouldn't have had these cosy little deals with Pocklington. Maybe we wouldn't have had MagCan – who knows? – or all the other messes that we've been in with the Principal Group and the rest of them.

So that's the importance, Mr. Speaker, of freedom of information. In a democracy the people have the right to know, not just the cabinet ministers. That's the reality. So I would hope now that the government is firmly behind freedom of information, they'll show their good intentions here today, have a vote on this particular Bill, and give a message to the government that this is a Bill that's long overdue and that it will help the government in their deliberations.

I wait now, Mr. Speaker, especially for the hon. Member for Calgary-Fish Creek, saying, "Trust us; the Bill's going to be good." I say, well, he can trust us now and vote with us on this Bill.

Thank you very much.

[Mr. Jonson in the Chair]

MR. PAYNE: Well, Mr. Speaker, perhaps I could begin by quoting briefly from remarks that I made in this Assembly 12 years ago. On that occasion I clearly indicated my unequivocal support and belief in the general principle of the public's right to government information, that it goes without saying that such a right is fundamental to the democratic process. I am still of the same view, and consequently I'm happy to participate in the debate of Bill 201 today and look forward to the participation of others, at least as much as time will allow.

Needless to say, I was very pleased to see in the recent throne speech a reference to the government's commitment to bring forward freedom of information legislation. Now, it's a matter of record that the opposition in recent years and in this current sitting as recently as this past hour have decried what they feel has been the government's tardiness in bringing its own legislation forward. Well, Mr. Speaker, I'd like to suggest today that this government's timing has been just about right. I hope the members in the Assembly today on both sides will allow me to explain why I think the government's timing is right.

In reviewing the experiences of several other provinces, Mr. Speaker, it's obvious that well-intentioned governments have introduced legislation that has encountered a wide range of difficult problems not anticipated by the drafters of that well-intentioned legislation. I submit that we in this Assembly can learn from the experiences of these other provinces. Perhaps I could share with the Assembly a few of the legislative problems that have been encountered elsewhere.

First of all, under the heading of denial of access a major problem in many jurisdictions is the frequency with which requests for information are being denied. In Manitoba over the last three years we have seen anywhere from 23 percent to 33 percent of requests being denied. Federally the success rate is even more discouraging, as from '85 to '90 only about a third of information requests have been successful. If an information Act is designed to promote easier access to information, and that's the claim from the sponsor of Bill 201 today, then it becomes obvious that these two examples – and I could cite others – are somewhat less than inspiring.

The reason behind these disappointing figures is simple. If the will is not there to uphold the intent of the law, the law is practically useless. This is exactly the situation we've seen in Ontario. In this province, although one of the fundamental principles of the Act is the public's right of access to public records, a host of exemptions have been made in order to protect the confidential nature of certain information and to expedite government decision-making. This may seem like a reasonable limit, and I acknowledge the comments with respect to exemptions made by the Leader of the Official Opposition today. In theory it probably is, but in practice it's an utterly different story. The use of vague and imprecise language allows a government incredible latitude when dealing with an Act. A government can easily manipulate conditions so that any information they desire may be deemed privileged and confidential and therefore not subject to the Act.

The cases of such happenings in Ontario are numerous. One, information from the Department of Health concerning physicians who broke the law and double-billed. That request: denied. Information from Agriculture regarding a list of publicly inspected meat plants. Result: denied. The names of large corporate violators under its Occupational Health and Safety Act, denied, and so on. The track record, Mr. Speaker, of the federal government is no more admirable, proving that the misuse or circumvention of the law is not merely confined to one jurisdiction.

Now, the federal government backtracked on its promise, to protect personal information held by Air Canada and Petro-Canada. The federal Justice department recommended that Air Canada be exempt from the privacy law and that Petro-Canada be allowed to use special loopholes. I suspect these are the kinds of loopholes that the sponsoring member referred to today. These are simply a few of the cases of blatant misuse and disregard of information and legislation. Now, such an Act therefore, Mr. Speaker and hon. members, must be approached with caution and careful deliberation, and this is precisely what the Alberta government is doing.

4:50

Let's just talk for a moment about the costs of freedom of information legislation. My constituents time and time again are asking me the question: when government is taking an initiative, why do you not take into account the costs? We need to be a cost-conscious government; we need to be a cost-conscious Assembly. Now, with that as a backdrop, could I refer the members to Manitoba and the spiraling of costs that's being experienced there with requests for information. Costs incurred by

departments and agencies in Manitoba in responding to applications for information amounted to \$47,000, while the government collected in fees the magnificent sum of \$803. The cost of handling an individual application has risen from \$108 per request four years ago to \$138 in 1990. It should also be taken into account that that's not a true comparison because this does not take into consideration costs associated with legal advice from Manitoba justice and the central administrative costs borne by provincial archives.

Over to Ontario, still within the backdrop of costs. In Ontario the costs associated with the information Act are not merely administrative or research oriented. It was deemed necessary that in order for such an Act to work well, there must be a high level of public awareness regarding one's rights. In response to this problem in Ontario, the office of the Information and Privacy Commissioner stated that considerable work must be done in order to increase the public's awareness of the Act. As a result, significant time and resources have had to be allocated under an educational outreach program: public and municipal training programs, public addresses, conferences, brochures, newsletters, videotapes, and so on. In a time of fiscal restraint, would this be a priority area for Albertans is a question that members of the Assembly need to ask themselves. I might just mention in passing that federally Canada's Information Commissioner spent over \$5 million in 1988 alone. Now, those are the problems of denial, the problems of cost.

Now, how about the problems that have been encountered with respect to appeals? Even Quebec's Act, widely regarded as the most progressive information legislation in the land, has encountered problems. Civil servants are reluctant to apply the law, thereby causing numerous appeals to be undertaken by applicants. These appeals take a considerable amount of time, sometimes as long as six months. I'm not sure whether the sponsoring member today contemplated the costs associated with the time absorbed by such appeals, but it belongs in the mix of our debate. We see a similar problem at the federal level regarding appeals: one out of every eight requests results in a complaint being lodged with the Information Commissioner. I ask you: who do you think bears the cost of this process? Is this a wise use of taxpayers' money is a question we need to ask. Furthermore, during a hearing the government sends a lawyer to plead its case, thereby prompting a plaintiff to do the same. Is that what we want in Alberta?

Thus, we see in other jurisdictions that the Act has become somewhat a source of friction. It would appear that many of these problems are solvable as long as we carefully study the origin of such difficulties. Again this is the intention of the Alberta government. It just makes sense that we learn from the mistakes of others.

Now, this next item might be amusing, but underneath the amusing anecdote there is a message. There are also tales of the ridiculous, and that reminds me of a few of those fellows over the way. There lives a man in Ontario, who happens to reside in a psychiatric hospital, who is very well versed with the freedom of information Act there. He's probably that province's expert. He has made 2,500 requests for information in four years. That may seem amusing, but not to the Ontario taxpayer. His bill to the taxpayers has now reached \$200,000, and because of his economic circumstances his personal tab has been 20 bucks. The government is bound by law to honour his request. I hope we in Alberta can learn from Ontario's mistakes.

Under the subject of unexpected or unintended occurrences, Mr. Speaker, I'd just like to suggest that there are further ample sources of anecdotal experiences that we just need to acknowledge. We've witnessed a variety of glitches and shortcomings regarding

this kind of legislation that simply run counter to logic and to reason. Ontario's Municipal Freedom of Information and Protection of Privacy Act actually hindered the ability of one area's health unit to contain a measles outbreak. School officials, bound by their Act, could not provide health workers with a complete list of students' names because this would have contravened the Act. Obviously, that wasn't intended by the legislators, but it's a classic illustration of legislation and resulting regulations not achieving what was intended by the legislators. Now, there's also concern that Ontario's provincial Act could tie the hands of law enforcement officials, as releasing the names of suspects and victims could be prohibited under the Act. It is such examples that speak volumes about passing right to information and personal privacy legislation hurriedly, simply because it's in vogue. The rational and intelligent thing to do is to monitor what occurs in other jurisdictions, take into consideration the shortcomings of their respective Acts, and then proceed after much deliberation. This is in the interests of both government and the citizens of Alberta.

One other comment about Ontario, Mr. Speaker, and then I'll leave that much beleaguered province alone. It's interesting to note the findings of the review of its legislation. All totaled, no less than 81 amendments to the Act have been recommended by the office of the Information and Privacy Commissioner. Is this the most efficient, cost-effective, and expeditious way to draft legislation? Once again we see the pitfalls in proceeding with such legislation without the due consideration such an issue warrants.

If I could, Mr. Speaker, I would like to leave the Canadian experience, albeit briefly, and just refer the members to one American experience. That's within the Federal Bureau of Investigation, who with great passion flung themselves into the process of the United States freedom of information legislation. And what was the result? In 1974 the freedom of information unit in the FBI had a total staff of eight, and I remind hon. members that the function of the FOI unit was simply to deal with requests for information arising from this legislation. Five years later, in 1979, the freedom of information unit within the FBI had a total staff of 305. What a wonderful opportunity for an expansion-minded bureaucracy. Is that what we want or anticipate in the Alberta experience?

Let's not talk just of the risks of growth, the risks of cost, but how about the risk of who's going to use it? I hope that on subsequent occasions in this House the sponsoring member for Bill 201 and his colleagues will address this issue. I make that request not in a partisan mode at all, but when you anticipate or when you contemplate and examine the growth, surely you have to ask: are the American citizens being served by that kind of growth? Well, what has been the experience? The *New York Times* has reported that more than 60 percent, more than six out of 10, of the requests for government information do not come from aggrieved citizens or from public interest advocates. Who do they come from then? They come from businessmen, government lobbyists, and their lawyers, many of whom are simply seeking otherwise secret commercial information with respect to their competition.

Now, Mr. Speaker, I hope you'd consider it appropriate for me to give the members a feel of just how complex and how multifaceted freedom of information legislation can be. I don't mean to denigrate the private member's Bill before us today for its flimsiness. Bulk in legislation does not necessarily mean quality. Flimsiness does not necessarily mean insufficient quality, but I do propose to indicate in the House today that this Bill, albeit it well intentioned, is far too flimsy. It just lacks the substance to be the kind of legislation that we should identify with in the Assembly today and later in this session.

5:00

Now, just to give the members today a feeling for how complex this Pandora's box is – and I say that because we can just so glibly say, freedom of information: man, that's apple pie and motherhood; let's go for it. It's a complicated business. Under access legislation, just access alone, here are some of the things you have to think about when you're putting a Bill together. Who may request disclosures? Who must disclose? What records are accessible? What exemptions are there from disclosure? I'm going to return to the exemptions theme in a moment. Responses to requests, the time period for responses, the extension of response time. Referral of a request. Denial of the existence of information. Granting access, the manner of access. The severability of portions of documents. Notice to third parties. Fees. Trivial or frivolous requests. Access manuals.

Then under the review process category, what questions do we need to address? Grounds for review. When can a requester apply for a review? What do we do with third-party requests? How about the time period in which we apply for review? How about the reviewing officer? Do we create a separate bureaucracy, or do we use existing officialdom? How about the nature of review? For example, should we bring in a review that merely provides recommendations to government or a review that, in fact, is binding?

There's just a host of other matters. To what extent is the Crown bound? What about civil and criminal liability? How about offence provisions; for example, those instances where there's been demonstrated wilful obstruction of the commissioner or requests that were made on false pretences? How are those kinds of offences to be dealt with?

Now, the second pea in the legislative pod today, the privacy side of Bill 201. Here are some of the questions that need to be addressed, and I don't believe they're adequately addressed in this flimsy Bill. What is personal information? What exclusions should there be from personal information? Collection of personal information: the manner of collection, the sources of information. Notification of people involved. Standards of accuracy. The use of personal information, the disclosure of personal information, retention and destruction of personal information. Minimum periods of retention, the manner of retention, how you dispose of personal information, application for personal information by the person to whom it relates. Right of access. Fees – and I might mention in passing here that no jurisdictions charge fees, but should they be considered? Refusal of access, correction of personal information, access and review, and so on.

Mr. Speaker, I apologize to you and the members for just regurgitating a virtual litany, but I felt I needed to reinforce the impression that it's a very complicated business.

Now, in a further attempt, Mr. Speaker, to illustrate just how complex this type of legislation is, I would like to raise a few exemption considerations. I recognize that in Bill 201, section 4 deals with the question of exemptions, and the sponsoring member spoke to it and quite properly so. But just listen to some of the provisions with respect to exemptions that need to be considered over and above those that are in this flimsy Bill. Information held in confidence under other legislation. Personal information not relating to the requester. Information endangering a person's health or safety. Cabinet confidences. Advice, recommendations, consultations, and deliberations to ministers, and in some cases, to government institutions. Shared intergovernmental information. Information not received from another government that may harm intergovernmental relations. Defence and security is not in the Bill. Information that may harm the economic interests of

government. Law enforcement information. Information governed by solicitor/client privilege. Testing and audit procedures: not in the Bill. Third-party information, including trade secrets, financial and commercial information, and so on. It is so small and so light that I now cannot even find it on my desk. Here's one. Thank you.

Well, Mr. Speaker, as insincere as this will sound, actually I would like to compliment the member for bringing the Bill forward. It has some very useful ideas, not a whole lot but enough that I can guarantee that we on the government side will certainly give them the full consideration that they deserve.

Now, it seems fairly evident to me, Mr. Speaker, that upon examination of the experience of other jurisdictions, a great amount of thought and effort must go into creating an information Act. Such an Act obviously cannot be hastily drawn, or we will assuredly encounter the same kinds of problems here that have been experienced in these other jurisdictions. As a consequence, recognizing that the government has invested a great deal of time and effort in the preparation of its legislative proposals, I look forward to those proposals. I look forward to the opposition's support of them, and thank you for participating in this debate today, hon. members.

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

MR. MITCHELL: Thank you, Mr. Speaker. I would like to begin by saying what a pleasure it is to see our colleague from Calgary-Fish Creek here today and to understand that his convalescence has gone as well as it has. It is truly good to see him back and very, very inspiring to see that despite the fact that his surgery affected his lungs, it did not affect his wind in the least.

MR. PAYNE: Pity.

MR. MITCHELL: Not a pity at all. I have admired on many occasions what he has had to say in this House, and today I admire some of what he has had to say.

I believe, Mr. Speaker, that in fact cynicism and people's cynicism about government, about this Legislature, about many of the people involved in the political process is perhaps one of the most significant issues facing politicians in our society today. As long as this institution and the people within it are continually doubted, as long as there is a corrosive cynicism about what we as legislators try to do, it becomes increasingly difficult for governments to lead. If they cannot have the inherent credibility given to them by the people of this province or whatever jurisdiction it is that they are governing, then it is very, very difficult to ask people to accept new ideas about new problems, to accept new solutions to problems that many people don't accept exist in some cases – the environment, for example – to accept solutions to these problems where many of these solutions require a fundamental leap of faith. Leadership by government in our society is contingent upon a basic faith in governors by people, by an electorate, by a population.

There is much cynicism, I believe, that is unfounded. There is much cynicism that is well founded, and some of that stems from a lack of openness, Mr. Speaker, that has taken over many governments, this one included. There are a number of ways to confront that lack of openness, and one category of those ways is institutional reform. The New Democrats' Bill today addresses an important element of that institutional reform: freedom of information legislation. There are other elements which I and my caucus have advanced over the years and will continue to advance.

We believe that we need, for example, free votes in this Legislature so that MLAs can represent their constituents more directly and so that they can have freedom to express their views beyond the restraints of partisan politics.

We believe that there should be more voting allowed on opposition Bills and motions and backbench Bills and motions. Today there have been two worthwhile proposals. We don't necessarily have to agree with them, but they do deserve to be voted on so that the people of Alberta can see who and which parties stand where and so that these ideas can have the respect of the Legislature at least in considering them enough to vote on them. We believe there should be greater involvement through MLA working committees. We believe that the process can be opened further, as well, by electing the Speaker. We believe that the attack against cynicism – that is, the process of reducing that cynicism – can be furthered by appointing people for skills and not by emphasizing patronage in those appointments.

But one of the most important features of institutional reform is access to information legislation. It is, therefore, significant – and we accept the good intentions of the New Democrats to make that their first Bill. It, of course, has been one of the highest priority Bills for us over the years, and it remains to be for us a high priority. We are encouraged to some extent, Mr. Speaker, to learn that the government is talking of a freedom of information Bill. In fact, it is about time that they responded to the logical and obvious need within a democratic structure to have such information. It is also way beyond time that they would have responded to the pressure from the electorate, from the people of this province, to have such a Bill that would allow people access to information that is – because this is their government – their information.

5:10

The need has become continually more pressing. We hear more and more from people that are demanding this. We hear the Canadian Association of Journalists specifying in a resolution that Alberta is perhaps one of the worst provinces with respect to access to information and that they will petition the government of Alberta to enact legislation allowing greater access. We hear the Association of Alberta Taxpayers and the Canadian Taxpayers' Federation, whose conservative ideology would tend to be more consistent with the government's than one might think, yet they disagree with this government's lack of commitment, lack of speed in bringing access to information legislation before this Legislature. So it is with some positive feeling that we see this initiative.

However, Mr. Speaker, I think we should make it very clear that simply a commitment to a Bill is not a commitment to access to information, and that's why I have some concern about what the Member for Calgary-Fish Creek was saying. It seems as though, on the one hand, his government is saying, "We're going to do this," and wants to take credit for it. On the other hand, he spent a great deal of time telling us how complicated, how difficult, what the problems are, and why in fact this government would have tremendous reservations about bringing it in. That, of course, raises the question of what will be the relationship between this government's commitment to a freedom of information Bill and what in fact will be the substance of that Bill.

To address several of the concerns of the Member for Calgary-Fish Creek, he hides behind cost. He says that this of necessity needs to be expensive. Mr. Speaker, if, for example, you look at the bulk of the requests made for information by members of the Legislature, one component or one sector of the groups that might petition the government for information, these are for documents. It doesn't take a great deal of time or a great deal of money to

produce a document. It's not as though that document isn't already prepared. It is already prepared. For example, the agreement surrounding the Al-Pac pulp mill project: we assume that these agreements have been prepared by lawyers and signed by both sides of the government and others involved so that in fact those documents exist. It isn't a question of developing new information or linking the explanations in response to questions that haven't already been anticipated by government or requested by ministers.

One can only imagine the literally thousands of requests that ministers must make of their bureaucracy for answers to questions, for explanations of issues, for development of ideas, although, of course, they perhaps don't seem to be asking for all that much in the way of development of ideas. But is the Member for Calgary-Fish Creek saying that that's too expensive? Is the Member for Calgary-Fish Creek saying that that's unnecessary? No. That's an absolutely fundamental component of a government's ability to govern. But one cannot then say that the government's ability to govern is more important than a democracy's ability to function as a full and open democracy, and the implication of what the Member for Calgary-Fish Creek is saying, Mr. Speaker, is exactly that. This government's ability to ask thousands upon thousands of questions of its bureaucracy is not more important than this Legislature's and the people of Alberta's ability to ask that government for whatever information they deem to be important and relevant to their ability to hold this government accountable. That's a fundamental premise and an irrefutably important element of the democratic process. I don't accept the Member for Calgary-Fish Creek's arguments of hiding behind cost.

In fact, Mr. Speaker, a fear that there may be a vexatious or mischievous request for information can be absolved if we have a properly appointed privacy/information commissioner, that commissioner structured in the way that an Ombudsman is or that an Auditor General is or that a Chief Electoral Officer is. Buffered from political influence, reporting to the Legislative Offices Committee of this Legislature, he could make decisions in an objective way that would alleviate those kinds of problems that could lead to unnecessary expense.

It's interesting to hear the Member for Calgary-Fish Creek concerned about developing more bureaucracy. I wonder where the member was when this government proposed the new foundation on family life and drug abuse. Why wasn't he arguing that that extra, duplicate, parallel bureaucracy be folded into AADAC? Is that a consistent argument. I think not, and in fact, Mr. Speaker, once again, this would not require a great deal of bureaucracy. It certainly wouldn't require the bureaucracy of the size of the one that's going to be developed for the \$200 million foundation on family life and drug abuse. I would like to say that as pleased as I am that the New Democrats have promoted this Bill – it's nice to see that all three parties have a similar intention to promote the idea of freedom of information – there are many weaknesses in that Bill. We believe that it is skimpy and very poorly thought out despite the fact that the New Democrats have claimed to have developed it since 1975, when their previous leader first thought of this Bill, to make it the kind of document that Albertans would be proud of. Clearly there are serious weaknesses in that Bill.

The New Democrat Bill does not say that there shall be a privacy commissioner appointed, merely that the Legislative Assembly may appoint one. This is not negotiable, Mr. Speaker. This is fundamentally important. The Liberal Bill, our Bill, is stronger by specifying that the Lieutenant Governor in Council shall appoint a privacy commissioner. The New Democrat Bill specifies that if a privacy commissioner is appointed, he or she

come from the Alberta Human Rights Commission. This means, of course, under this government's regime that the potential privacy commissioner has already been appointed through an order in council and would be a potential government friend. This government's appointment processes are very clear indicators that they choose friends over objective merit. Our Liberal Bill would require that the privacy commissioner be appointed on the recommendation of the Legislative Assembly. The New Democrat Bill . . . [interjections] You had your turn to speak.

The New Democrat Bill has no term of office for the privacy commissioner, his powers are only loosely defined, and there is no provision for staff. I suppose she is going to do all that work by herself. The privacy commissioner can be fired unilaterally by this government under the structure of this New Democrat Bill. Clearly that would be like having the Ombudsman fired unilaterally by the government or the Chief Electoral Officer fired unilaterally by the government or the Auditor General fired unilaterally by the government. It's odd that in fact they wouldn't have understood the importance of having the privacy commissioner established and hired and reporting to the Legislative Offices Committee of this Legislature. Precedent demonstrates that that structure has worked quite well to ensure a modicum of distance from political influence.

It is important that we set out a requirement for an annual report by the privacy commission, but of course the New Democratic Bill is weak and remiss in that respect as well. No specification, Mr. Speaker, in this Bill as to how the access procedure would be carried out; the Liberal Bill provides for detailed procedures that citizens would use to access information. It is very important that these processes are outlined in legislation so that they are not negotiable, so that they cannot be modified by the whim of some government, but that they are established strongly in legislation where all Albertans can see them, can ensure that they are adhered to, and ensure that this government follows them properly.

Mr. Speaker, I believe that this is extremely important legislation. It is too important to be handled in the skimpy and poorly thought out manner in which the New Democrat Bill has been presented. I would like to say that it is long overdue that we open up the process of this Legislature, that we underline and emphasize the importance of enhancing the democratic process reflected in this Legislature. We have grave difficulty with the New Democratic Bill. We trust and hope – although that remains to be seen – that the government Bill will go beyond this and meet some of the requirements that we have laid out in the Liberal access to information legislation.

Thank you, Mr. Speaker.

5:20

MR. ACTING DEPUTY SPEAKER: The Member for Drayton Valley.

MR. THURBER: Thank you, Mr. Speaker. I rise to speak in support of some of the philosophy in this Bill. I think it's high time that something was done, as my colleague from Calgary-Fish Creek has mentioned. It's been talked about and brought about over a number of years. I'm surprised that the hon. Leader of the Opposition – as a colleague in the Liberal Party mentioned – after 16 or 17 applications of the Bill hasn't been able to come up with anything better than they have.

[Mr. Speaker in the Chair]

The aims and intentions, Mr. Speaker, of this Bill are certainly worth our consideration. Personal privacy and freedom of

information are areas that we should always be concerned about. As my colleagues on the left and the far left are very well aware, it has been announced in this session's Speech from the Throne that our government will be examining new access to information legislation, but it will be reasonable and fair legislation. The new legislation will be able to demonstrate once and for all this government's commitment to access to information for all Albertans in a just and fair fashion. This legislation would complement many other avenues that the Alberta government currently has in place which provide both access to information and the very important protection of personal privacy.

Mr. Speaker, our current system does provide much information to Albertans, information that is currently available through the public records of government departments and agencies, or through motions for returns. The Alberta Legislature enjoys the longest question period of all jurisdictions in Canada. The number of questions asked in question period may be the highest in the Commonwealth, during which the opposition holds the government accountable for their policies and actions.

Additional information, Mr. Speaker, is available through vital statistics, the land titles office, and the corporate registry. What is more, Canada's Charter of Rights and Freedoms has already served to elevate and strengthen the role of civil liberties in criminal, constitutional, and administrative law. This means that an individual's right of access to information concerning an administration decision which affects them is enshrined in and protected by law. When you combine this protection with the fact that access to personal information about oneself is already available through the vital statistics bureau, and that business information can be obtained through the land titles office and the corporate registry, you will see that the issue is certainly not as desperate as the opposition would make it out to be.

In addition, Mr. Speaker, there are many difficulties with the specific provisions of the Bill itself. Bill 201 could easily have an effect opposite of that which is intended. It would seem that by seeking to define and legislate freedom of information and protection of personal privacy through such a Bill as 201, we are only explaining how to best beat the system. My colleague for Calgary-Fish Creek served up several examples of people that have already beaten the system in this regard. It is far easier to avoid something if its limitations and boundaries can be seen.

This Bill could also be deficient in its protection of civil servants. The ability of civil servants to make recommendations on policy could be severely curtailed if their ideas can be accessed by those affected by their decisions. Even if Bill 201 makes an attempt to shield unpopular recommendations from public exposure, your provision to protect civil servants might not provide adequate reassurance that their suggestions would remain anonymous. Such a scenario could have serious and long-ranging implications both for the civil service and the people of Alberta. Consider for a moment, Mr. Speaker, if recommendations were made without the ability to include unpopular ideas or proposals. Such an eventuality would limit the government's ability to make difficult decisions in some cases. We all know that the best alternative is not always the most popular one. Even my colleagues on the other side would agree with me when I say that making decisions when you are not adequately informed is a risky approach.

I further contend, Mr. Speaker, that Bill 201 is typical of an opposition proposal. It will entail a massive increase in the bureaucracy, which entails a large cost factor.

Mr. Speaker, the hon. Leader of the Opposition said to read the Bill. I read it, and I found some very odd things in here that

would be a little difficult to administer. With your indulgence, sir, I would like to quote an area of it. It says:

Notwithstanding subsection (1), the Government shall not disclose an individual's record of private business to any person without prior written consent of the individual to whom the record of private business pertains, whether or not such record forms part of a record of public business.

Now, can you imagine the people – I can't imagine the people that they're continually trying to get information on signing a paper that would allow us to give the information to the opposition when they're consistently misquoting and filing part of it as information. It would just cause nothing but problems.

I could go on, Mr. Speaker, and read a lot of that Act and take it apart, even as a layman. It's not in plain language; it's poorly written. Wise men say: if it ain't broke, don't fix it. I say that if it could use improvement, don't let the opposition anywhere near it.

In view of the time, Mr. Speaker, I beg leave to adjourn debate.

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

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: The motion carries.
Government House Leader.

MR. STEWART: Mr. Speaker, I would move that when the members assemble this evening, they do so in Committee of Supply.

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

HON. MEMBERS: Aye.

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

[The Assembly adjourned at 5:28 p.m.]