

Legislative Assembly of Alberta

Title: **Thursday, April 2, 1992**

2:30 p.m.

Date: 92/04/02

[Mr. Deputy Speaker in the Chair]

head: **Prayers**

MR. DEPUTY SPEAKER: Let us pray.

O Lord, we give thanks for the bounty of our province: our land, our resources, and our people.

We pledge ourselves to act as good stewards on behalf of all Albertans.

Amen.

head: **Presenting Petitions**

MR. BRUSEKER: Mr. Speaker, I have a number of petitions again from teachers asking the government to give favourable consideration to resolution 226/91, adopted on September 28, 1991. One of them is from substitute teachers from the Calgary public school board that teach in a variety of constituencies and schools, 27 teachers there; as well, there are five schools that also signed petitions: a total of 216 teachers, amongst them the Premier's former daughter-in-law.

head: **Introduction of Bills**

Bill 299 Surface Rights Amendment Act

MR. LUND: Mr. Speaker, I request leave to introduce Bill 299, being the Surface Rights Amendment Act.

This amendment, when passed, will preclude judicial review of awards made by the Surface Rights Board except for lack of jurisdiction.

[Leave granted; Bill 299 read a first time]

head: **Tabling Returns and Reports**

MR. STEWART: Mr. Speaker, it's my pleasure to table the 1991 annual report of the Alberta Research Council.

MR. KLEIN: Mr. Speaker, I'd like to table the 1989-1990 annual report for the Department of the Environment.

MR. DEPUTY SPEAKER: The hon. Member for Vegreville.

MR. FOX: Thank you, Mr. Speaker. I'd like to file with the Assembly copies of a petition signed by 57 teachers in the Vegreville constituency urging support for resolution 226/91.

head: **Introduction of Special Guests**

MR. GIBEAULT: Mr. Speaker, I'm pleased to introduce to you and the members of the Assembly this afternoon a very special guest, Rev. Joseph Jacob of the Mar Thoma Church of India. Rev. Jacob is in Canada on a four-year posting serving the members of church congregations in Calgary, Edmonton, and Fort McMurray. He's accompanied today by Mr. Isaac Thomas. I'd ask the two of them to stand in the gallery and receive our very warm welcome.

MR. DEPUTY SPEAKER: The hon. Minister of Energy.

MR. ORMAN: Thank you very much, Mr. Speaker. For the second day this week we are blessed with students from Dr. Egbert

community school in my constituency. I'm very pleased to see the high interest in the workings of government from Calgary-Montrose. There are 84 visitors, and they are joined by teachers and group leaders Mr. Leong, Mr. Jack, Ms Wellon, Ms Langridge, and Ms Vandergucht. I'd like the students and the guests to please stand and be recognized by the Assembly.

MR. DEPUTY SPEAKER: The hon. Minister of Family and Social Services.

MR. OLDRING: Thank you, Mr. Speaker. Recently I had the opportunity of visiting St. Elizabeth Seton school in the constituency of Red Deer-South, and today I have students from that school visiting us in the Legislative Assembly. I know at times it seems that we're seeing double in this Assembly, and today some of the members opposite might even think they're seeing triple. They aren't seeing triple; they are seeing triplets. Collin and David and Steven Pickle are here today. They are accompanied by 26 of their classmates as well as their principal, Mr. Mel Edlund, and their teacher Cathy Jabusch. They are seated in the public gallery, and I would ask them all to rise and receive the warm reception of this Assembly.

head: **Oral Question Period
Provincial Deficit**

MR. MARTIN: We have a government that pretended there would be a balanced budget last year. We have a government that's wasted \$1.3 billion on failed companies while Albertans were losing their jobs and the Premier was denying there was a recession in Alberta. Mr. Speaker, we have a government that never tells Albertans the truth about the financial state of the province's finances. My question to the Treasurer is simply this: will the Treasurer now break with the tradition of misleading Albertans and tell this Assembly how big the deficit in his balanced budget really is?

MR. JOHNSTON: I know the Member for Edmonton-Norwood is dancing around his choice of words, but let me make it very clear to Albertans that we are not at all misleading them about the facts and the strength of this economy in Alberta. We'll compare this Alberta economy on a broad base against any province in Canada. Secondly, Mr. Speaker, this government has done an awful lot to ensure that on the fiscal side we are maintaining a very conservative point of view as to the tax levels, the expenditure levels and ensuring that we get on with making this province one of the best in Canada. That's what we're doing.

MR. MARTIN: Huffing and puffing won't blow the deficit away, Mr. Speaker. I asked the Treasurer – he was talking to the media – and I want to ask him again because it's a very serious matter: how much deficit do we have from the last budget year? Tell us in this Assembly.

MR. JOHNSTON: The Member for Edmonton-Norwood knows full well that the process of this Assembly and other Assemblies in fact provides for the information to be disclosed when the budget is brought down. When we bring the budget down, we'll do just that: provide very comprehensive information, provide a wide-ranging opportunity to debate the pros and cons of the fiscal plan historically presented and in the future presented for the '92-93 fiscal year, and go through a line-by-line review of the estimates of all departments. In that discussion, Mr. Speaker, the member can make his points.

MR. MARTIN: Mr. Speaker, we should have had the budget a long time ago. That's the point. We don't even know when it's coming.

I want to ask the Treasurer this: would he simply confirm that the budget deficit is close to a \$2 billion figure, maybe even higher, and they don't know what political spin to put on it? That's why we don't have a budget.

MR. JOHNSTON: Well, Mr. Speaker, the time of the government is always well thought through. We're roughly in a position to bring in the budget in the next few days of April. I should remind the member that the fiscal year of the province ended just yesterday. The government has presented an interim supply Bill. Clearly the member debated and understood that this would allow us to make the payments on expenditures of the government through the four-month period ahead when the budget will be debated, and in due course we'll be presenting that. But to make the kinds of forecasts the member has about the size of the current year's deficit is not in fact responsible, and he shouldn't in all fairness – and I know fairness is a difficult test for the member. He should wait and see what happens when the budget's brought down rather than confusing and misleading Albertans.

MR. MARTIN: We should have had the budget by now, Mr. Speaker. That's what the point is.

2:40 Public Accounts

MR. MARTIN: Now, Mr. Speaker, my second question is back to the same Treasurer. The Treasurer has finally acknowledged that there's some debt. This year it will be higher. Let's go back to 1990-91, the deficit from the previous year. We have to rely on public accounts for that, but we don't have the public accounts. What a way to run a 12 and a half billion dollar enterprise. He likes to talk about the private sector. A treasurer in the private sector who acted this way would have been fired a long time ago. Now, my question: will the Treasurer finally tell us why he cannot get the public accounts to Albertans on time?

MR. JOHNSTON: Mr. Speaker, the public accounts will be presented, again, in the next few days. They're in the hands of the printers. There will be a reasonable explanation when I present the public accounts to the people of Alberta, because in it we are responding to some of the requests presented by the Auditor General. The members across the way have made comments about the suggestions. We've had a long discussion with the Auditor General, and we'll be presenting those. The people of Alberta know and this Legislative Assembly is well aware that Public Accounts will be meeting for the next four or five months. There will be ample opportunity again for that side to have a clear look at the expenditures of the government. As in past years the Public Accounts Committee will start to work. The member can appear there and ask questions of all ministers. We are prepared to bring deputy ministers and provide additional information. The amount of information that's provided through Public Accounts and through disclosure of this government is not matched anywhere in Canada.

MR. MARTIN: We have a financial crisis, and we've got the Treasurer huffing and puffing and not giving us the answers, Mr. Speaker.

Now, Mr. Speaker, let's go back to the Auditor General. I ask the Treasurer simply this: isn't it true that the Auditor General usually signs the financial statements in October but this year

refused to sign them until March because of the way Treasury officials presented the financial statements?

MR. JOHNSTON: Mr. Speaker, the member has answered his own question. The Auditor General signed the financial statements in March. It's now just a day or two past the end of March. It seems reasonable to me, given the size of the printing – the stacks of the public accounts are high; the complexities are there – that in fact that time is reasonable.

Secondly, as I have clearly pointed out, we have had a long series of reasonable discussions with the Auditor General, listening to the kinds of important comments he has made about certain adjustments which we'll be making, which I'll be prepared to discuss and disclose once those public accounts are available. You can call upon the Auditor General to discuss them. I'll be available to discuss them. It's going to be an interesting time ahead when, in fact, the Member for Edmonton-Norwood finds out what's happening, but he'll just have to be patient for another week or so.

MR. MARTIN: We've been too patient with this government, Mr. Speaker. We've expected them to get their financial house in order, but it never happens. The reality is that the Auditor General usually signs it in October, and he didn't sign it until March.

I want to ask the Treasurer simply this, and give us the truth: isn't the real reason that the public accounts are delayed is because the Auditor General was unwilling to sign them off until the Treasurer backed off on his attempt to downplay the deficit in the General Revenue Fund?

MR. JOHNSTON: Nothing could be further from the truth, Mr. Speaker. What we can say is this. The government and the Auditor General and the members of the Assembly have been discussing – and they have made remarks in question period – recognition of certain losses triggered by our loan guarantees. As a result of that, we are simply accommodating the Auditor General in part by reviewing the way in which we disclose these losses and recognize these losses. Accordingly, we had long discussions with the Auditor General and his people, with the Audit Committee of the province of Alberta, an independent audit group of external evaluators who have been involved in this, and as a consequence the statements were signed in March. As the member notes, it's now just a couple of days into April, and that's a reasonable time for the publication of the public accounts.

Provincial Debt

MR. DECORE: Mr. Speaker, a recent financial statement issued by Dominion Bond Rating Service states that Alberta has had a 340 percent increase in per capita debt from the time that the Provincial Treasurer took over his responsibility as Treasurer of this province to the end of 1991. How can the Provincial Treasurer tell Albertans with a straight face not to worry about this huge debt?

MR. JOHNSTON: On the weekend I went to see the sequel to the movie Clones. It was the same movie, Mr. Speaker. Here we have the same question being asked by the Member for Edmonton-Glengarry. He simply asks the same question, which we have responded to time and time again.

Let me make the record very clear again. Fortunately, in Alberta we have had an opportunity over the past five or six years to work through one of the more difficult times which Alberta has faced, when the price of oil collapsed suddenly from under us in

1986. In fact, we presented a plan to Albertans whereby we did not unload the cost of oil price changes onto the tax system that they pay. We took a measured and careful approach to the way in which we smoothed our transition from a very large deficit to a balanced budget presented last year in this Assembly, and we did it by controlling those areas within our own control; that is, the expenditures. We managed the expenditures. We controlled them better than any government in Canada and at the same time, Mr. Speaker, provided the economic environment for investment, diversification, and new jobs. That happened, and that's why the whiners and criers across the way don't like it. We used a reasonable approach. We convinced the people of Alberta that it was the right way to go. We had the lowest taxes in Canada right here in Alberta, and our economy by any other measurement you want to make against any other province in Canada is the best there is. It's working. I understand the resentment of the member across the way, but it's been an effective opportunity.

Now, here are the facts. We have the highest retail sales per capita of any province in Canada. We have the largest gross domestic product per capita of any province in Canada. We have the highest investment levels per capita of any province in Canada. We have the highest exports per capita of any province in Canada. That's performance, Mr. Speaker, and that's what the people of Alberta want.

MR. DECORE: Tick, tick. Tick, tick.

Mr. Speaker, yesterday the Provincial Treasurer attempted to hoodwink Albertans into believing that in terms of debt we had one of the lowest debts in Canada. This recent report says that we're the fifth highest in Canada. Why does the Treasurer continue to try to distort the real facts on the debt?

MR. JOHNSTON: No, Mr. Speaker. The distortion is only in the mind of that member, and he is the one that's causing the confusion. I said in the House yesterday that the General Revenue Fund and Capital Fund debt of this province is approximately \$10.7 billion.

Let me say clearly that B.C. and Alberta have the best debt per GDP ratio of any province in Canada, running at about 14 to 15 percent. Now, that's in comparison to other provinces, as I said yesterday. The total provincial debt of some of those provinces – Newfoundland, Manitoba in particular – is running close to 50 percent of gross domestic product in debt form. We have one of the best records there, Mr. Speaker.

Secondly, our provincial General Revenue Fund commitment to debt retirement is one of the lowest in Canada as well. Now, that's the reasoned position we have taken, Mr. Speaker, and that's what we have said to Albertans. Let's be careful about the way in which we handle our debt. We don't like debt any more than anyone else does, but we have to define what it is.

Now, the Member for Edmonton-Glengarry is including off balance sheet debt in that calculation, including for example – and I've had this discussion with the Dominion Bond Rating Service – debt in the Alberta Municipal Financing Corporation which we have provided to the municipalities, Mr. Speaker. It's not the provincial government's debt. It's not on the backs of Alberta taxpayers to pay that debt. The debt of the province of Alberta is about \$10 billion to \$11 billion, one of the best in Canada, and we're the only government that I know of that's able to manage it effectively and buy it down, retire the deficit, and that's what we're going to do.

MR. DECORE: Mr. Speaker, yesterday I asked yet again for the Provincial Treasurer to give us the specifics, the details of his plan

to pay down this huge Alberta debt. The question was side-stepped like it always is. I ask yet again: what are the specifics of the Treasurer's plan to pay down the huge Alberta debt? What are the details?

MR. JOHNSTON: Mr. Speaker, Albertans know full well that they can't trust any Liberal Party to manage a national or provincial economy. Certainly the Member for Edmonton-Glengarry has no ability to even understand the size of the problems, and it would be unfair to leave the impression that he knows what he's talking about because he doesn't.

Let me make it very clear what we have said to the people of Alberta. The first thing we must do as a government is ensure that the economy is strong, that it supports the kind of private-sector investment that's important, and that we have meaningful jobs generated in this province. As I mentioned earlier to you and to the members of this Assembly, most of those have been accomplished in this province. We still have a lot of work to do. All members of this government are working hard to achieve that end of a broader diversified economy with meaningful jobs, and most of the record is clear.

The second phase of our plan, Mr. Speaker, as I've said before, as many of our government have said before, would be to then get on with buying down the debt. Now, we have controlled our expenditures. We have a very good base of economic expansion. We have the lowest taxes of any government in Canada, but we do have a resource revenue problem, Mr. Speaker, and that's the only . . .

MR. DEPUTY SPEAKER: Order please. We're starting to get into repetition.

The hon. Member for Lesser Slave Lake.

2:50

Native Land Claims

MS CALAHASEN: Thank you, Mr. Speaker. I realize that it's springtime. I can hear all the little animals croaking in the water.

Mr. Speaker, I'm thrilled to rise today to congratulate this government for another successfully negotiated land claim settlement: the Grouard land claim. In so doing, I would like to ask the minister responsible for native affairs to outline the terms of the settlement made possible through the true leadership of our Premier.

MR. FOWLER: Mr. Speaker, I'm pleased to advise the Assembly that approximately two months ago we did conclude, together with the federal government, the Grouard land claim, which arises from the treaty of 1899, when the Grouard band did not in fact receive their full entitlement. Through negotiations with the federal government and the provincial government they have now received their full entitlement, which amounted to 2,600 acres in this final settlement, \$3 million in cash: being \$2 million by the Canadian government, \$1 million by our own government. I think the most important part of the overall settlement would be the fact that the Grouard band has now signed off completely as having received their full entitlement in accordance with the 1899 treaty.

MS CALAHASEN: Although many governments, like the NDP in B.C., made campaign promises supporting aboriginal title and settlement of Indian land claims, their inaction shows a true lack of intestinal fortitude in dealing with native land claims. Mr. Speaker, no other government in Canada compares to Alberta's commitment to resolve these long-standing issues. However, we still have a lot of work ahead of us. Not to let the minister off the

hook, could he please indicate the number of outstanding land claims left in Alberta?

MR. FOWLER: Mr. Speaker, anybody in British Columbia who speaks of giving our aboriginal First Nations people all of the land to which they claim aboriginal title I have great sympathy for, because at one time that claim amounted to about 125 percent of British Columbia. I think aboriginal title has now claimed over 70 percent. Of course that's an absolute impossibility, and it doesn't matter what government or what party said it.

In Alberta since 1986 we have settled six claims. There are four now outstanding that are at various stages – those being the Tallcree, Janvier, Lubicon, and Alexis – and there are two in the prenegotiation stage. So at this particular time there are six claims being worked on insofar as land entitlement is concerned.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-Mountain View.

Land Purchase Fund

MR. HAWKESWORTH: Thank you, Mr. Speaker. Our Provincial Treasurer yesterday gave us another example of how this government mismanages money. Over \$44 million went down the drain to cover a deficit in the Land Purchase Fund. To put that in some context, \$44 million this year would help put a thousand students through university or solve the equity funding problems of our school boards; it would fund a great portion of the budget of the Alberta Children's hospital, just to give a few examples. Will the Provincial Treasurer confirm that his so-called balanced budget went \$44 million deeper in debt to pay for this expense in the land fund rather than using \$44 million to lower taxes or to pay for needed essential services?

MR. JOHNSTON: Well, the member only shows how little he knows about the operations of the financial structure of this government in that any payments to or from the Land Purchase Fund do not in fact affect program expenditures and certainly do not affect the deficit.

MR. HAWKESWORTH: The Provincial Treasurer knew or he ought to have known about this problem when he brought down his budget in this Assembly last year. Why did the Provincial Treasurer deliberately underestimate this expenditure by not including it in the budget at that time? Was he trying to misrepresent Alberta's true financial situation in order to pretend there was a balanced budget?

MR. JOHNSTON: The member should simply know that transfers to certain funds and certain other kinds of appropriations do not affect the expenditures that are voted by this Legislative Assembly. This is a transfer to a fund which essentially continues to have its life and operations through the financial year-ends of the government, in which case we can hold assets and sell assets. Now, the member tends to forget that we also transferred out of other funds over \$30 million in the past year from surpluses which had been generated in other funds, and those dollars essentially are balanced off over the course of the year. So on one hand we may have to make some transfers to certain funds to allow development to take place in certain assets; on the other hand the funds transfer money to us. These do not affect the deficit, Mr. Speaker. They do not affect the expenditures, and they were not at all reported to the House because, of course, the House does not deal with them. They deal only with the program expenditures of the government.

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

Provincial Debt

(continued)

MR. MITCHELL: Thank you, Mr. Speaker. Yesterday in the House the Provincial Treasurer assured all of us that the provincial debt was about \$10 billion or \$11 billion. Later, outside the House he specified the provincial debt by picking yet another figure out of the air, about \$13 billion. He doesn't need a calculator to keep up with his debt; he needs an escalator. My first question is to the Provincial Treasurer. Will the Provincial Treasurer please tell us which of these provincial debt figures Albertans are supposed to believe?

MR. JOHNSTON: Well, I must say that the Member for Edmonton-Meadowlark has improved over his leader's position. He at least recognizes that the debt is only about \$10 billion to \$11 billion, and he's right.

MR. MITCHELL: Mr. Speaker, in the face of this spiraling debt why does the Treasurer continue to ignore essential fiscal reforms like value-for-money efficiency audits, sunset clauses on government programs, pay-as-you-go capital funding, and enhanced Legislature scrutiny of the estimates process?

MR. JOHNSTON: Let me just recite what happens in terms of the voting of dollars that the people of Alberta allow the government to spend. We have a very long process, Mr. Speaker, whereby the budget is presented to the Legislative Assembly, and over that period the Legislature itself scrutinizes, to use the member's words, all the expenditures of every department. Every element of government expenditure is scrutinized, is debated, is analyzed, and ministers are here to provide information as to how it operates.

Secondly, Mr. Speaker, we have now one of the most extensive and wide-ranging question periods, usually wasted by the opposition but nonetheless available to the opposition, whereby questions of this order can be presented and reasonable explanations given. Finally, we have the Public Accounts Committee, where all the expenditures of government are examined, and more fully we have a long 10-day period whereby we debate the Heritage Savings Trust Fund investments.

Mr. Speaker, all of these items are put in place to allow the opposition, even with their questionable abilities, to deal with these questions. So there is full evaluation of the government's expenditures.

MR. DEPUTY SPEAKER: The hon. Member for Red Deer-North.

Constitutional Reform

MR. DAY: Thank you, Mr. Speaker. First, let me congratulate you on the good job you're doing as Deputy Speaker today, especially in the face of all the disorder being brought into the House by the opposition.

My question is to the Deputy Premier in light of some comments made by the Prime Minister about the possibility of a referendum to deal with constitutional issues. Our Deputy Premier has gone on record as seeming to be in opposition to that, yet here in the Assembly our government under the Premier has tabled our Bill 1, being a Bill which supports the principle of referenda. Could the Deputy Premier please clarify his position on this?

MR. HORSMAN: Mr. Speaker, I did indicate concern about the utilization of a national referendum as advanced in the way it was apparently done. It was suggested that by calling a national referendum, it would by itself deal with the constitutional changes that may be proposed by the federal government. I made it very clear that there's only one way laid out in the Constitution of this country to effect constitutional change, and that is by the parliaments of this country passing appropriate resolutions. The introduction of a national referendum would in itself have no legal effect, and I emphasize that again. That is not, however, to say that we do not intend to respect the wishes of Albertans. We have made it clear that before any such resolution is passed through this Assembly again, the people of Alberta will be given the opportunity through a referendum of expressing their views on that particular topic.

3:00

I did also point out again . . . [interjection] The Member for Edmonton-Jasper Place will have his turn, no doubt, in the question period, but if he wishes to keep on interrupting, he can do so.

The fact of the matter is, Mr. Speaker, that the referendum Act that is proposed by this Assembly is quite different from the one which is being suggested as a possibility at the federal level, although we haven't seen any legislation yet. But we know this: that any national referendum has the potential of splitting the country between different provinces. I'd just remind members of the Assembly how Albertans might react in a referendum which did not include an appropriately revised and reformed Senate. If Albertans were to have that type of ineffective body forced down their throats, would any member in this Assembly be prepared to accept that? I would hope not.

MR. DAY: Well, that helps to clarify the position a bit, Mr. Speaker, but it does beg the question and leaves me wondering if the minister then is actually prepared to let Quebec set the agenda here. [interjections]

MR. HORSMAN: Mr. Speaker, as usual the Member for Westlock-Sturgeon makes light of serious issues in his comments, but I shall try to answer the question over the din from the Liberal benches.

I would say this. The establishment of the national agenda clearly must be done in co-operation and consultation with the governments of this country – federal, provincial, territorial – and now, because of the aboriginal issues under discussion, with aboriginal groups. To work to a timetable which is arbitrarily established either by one province or by the federal government is creating, in my view, a situation which could lead to decisions made in haste and unwisely. We will co-operate in the consultative process now under way. We will work actively to advance the proposals set out in the select special committee report.

I want to make it absolutely clear, Mr. Speaker, that we do not want to have an artificially imposed deadline or agenda set for us by any other province or by the federal government. The people of Alberta have told us they want their say in the process, and we will ensure that that occurs.

MR. DEPUTY SPEAKER: The Member for Calgary-Forest Lawn.

Health Services in the North

MR. PASHAK: Thank you, Mr. Speaker. There are hundreds of northern Albertans who are not getting adequate medical services.

In January the Athabasca health unit stopped the dispensing of medications to people in the Peerless and Trout lakes area. As well, because most of these people have not been granted band status, Health and Welfare Canada refuses to provide direct health services. My question is to the Minister of Health. Is she aware of this problem, and if so, what is she doing about it?

MS BETKOWSKI: Mr. Speaker, I am aware of the unilateral decision that was made by the federal government and was made aware of it by one of the physicians in the town of Slave Lake who called the Department of Health to advise them of this decision by the federal government and follow-up by the MLA for Lesser Slave Lake and her concern that's been expressed as well. I share the concern of the hon. member that these kinds of unilateral decisions by the federal government can have very serious impacts on access to health services. I have signed a letter to the federal minister, following up on several discussions we've had with the Department of National Health and Welfare, hopefully to find a resolution to the issue.

MR. DEPUTY SPEAKER: Supplemental question?

MR. PASHAK: Yes, Mr. Speaker. Here are some of the issues. Due to the lack of qualified medical personnel in the area, unauthorized people are providing emergency medical aid, costly air services are increasingly used, and even then patients may wait up to a week for prescribed medication. My question is to the minister. I know that these discussions are going on with her federal counterpart, but will she ensure that these services continue to be provided until these jurisdictional battles are settled?

MS BETKOWSKI: Mr. Speaker, we have not cut off the funding of physicians who bill the Alberta health plan who were traveling in at federal government expense. I'm not willing to simply sit by, particularly with what we have been enduring in this province from established programs financing changes that the federal government has effected, certainly not prepared to say that we will pick up everything that they have decided not to do. Rather, what we are doing is working through them, showing the value of this service, showing the people who are being served. We will certainly not stop paying physicians who are in fact traveling into the community. The problem is that they're not having their travel paid for by the federal government, and I'm not prepared to back down in terms of getting the efforts of the federal government back on the plan that they had in place.

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

Ambulance Service

MRS. HEWES: Thank you, Mr. Speaker. The regulations of the pending ambulance Act have generated some very disturbing comments from all of the major players involved in prehospital care. This will seriously affect quality of care and ultimately patient safety. My questions are to the Minister of Health. Will the minister stop watering down the regulations and ensure that there will be consistent medical input and direction into prehospital care?

MS BETKOWSKI: Mr. Speaker, I don't quite understand what the member means by "watering down the regulations." The Ambulance Services Act received Royal Assent in this Assembly in June of 1990. We have been doing a major consultation on the regulations throughout the province. In fact, we've held meetings

in 60 communities in Alberta to look at those regulations. I'm not sure what she means by watering down. Certainly I am even more committed today to the need for the Ambulance Services Act and the regulations than I was back in 1990, but I don't believe it's appropriate to proclaim the Act until we've ensured appropriate consultation has occurred.

MRS. HEWES: Mr. Speaker, there's no point in consultation if we're not going to pay any attention to what the major involved people are saying.

To the minister: before the Act goes any further, will the minister immediately make the draft regulations public to those major involved players? Tell us before it's too late, Madam Minister. Why should we be secretive about the emergency care of Albertans?

MS BETKOWSKI: Mr. Speaker, as I indicated, the regulations have been out on a very broad stakeholder consultation. If the hon. member has some people who feel that they have not been included in that stakeholder participation, perhaps she'd like to alert me to who they are. It's not a matter of keeping regulations quiet until they're passed. It's a matter of probably one of the most massive consultations we've done on regulations. But if she has someone who feels they have not been consulted with respect to the regulations, perhaps she'd like to let me know, and I would be happy to follow up on it.

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

Public Lands Management

MR. PAYNE: Thank you, Mr. Speaker. In recent months a number of constituents have raised concerns with me regarding departmental jurisdiction over public lands in our province. These concerns have resulted from public speculation that this crucial responsibility might possibly transfer from the Department of Forestry, Lands and Wildlife to the Department of Agriculture. Given that Forestry, Lands and Wildlife manages these Crown, or public, lands with the multiple-use concept as their mandate, can the minister clarify the government's intentions?

MR. FJORBOTTEN: Well, Mr. Speaker, as I've answered before in the House, it is not so much a question of where the administration of public lands is, but it revolves more around the question of a number of issues. Examples would be access/trespass issues. We - by "we" I mean the group of ministers involved - are working to come to some resolution on that issue.

MR. PAYNE: Well, Mr. Speaker, the constituents to whom I referred would, I think, be encouraged by the indication that there is a ministerial task force at work. They'd be further encouraged to know how long these deliberations are going to take. When will we hear the results of this task force's work?

MR. FJORBOTTEN: Mr. Speaker, I appreciate the hon. Member for Calgary-Fish Creek's representation. I would say that we would expedite it as quickly as possible, but if there were any major decisions made, before they were ratified there certainly would be public consultation if any transfer were to take place.

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

Juvenile Prostitutes

MS M. LAING: Thank you, Mr. Speaker. My questions are to the Minister of Family and Social Services. The problem of juvenile prostitution has been drawn to our attention by task forces in both Calgary and Edmonton. The Child Welfare Act directs that a child, any person under the age of 18, who is at risk of emotional, physical, or sexual harm is a child in need of protection by the minister. My question to the minister: will the minister now commit to intervening on behalf of these children through apprehension, provision of support and treatment services, education opportunities, and through charging customers of child and adolescent prostitutes with child abuse?

3:10

MR. OLDRING: Mr. Speaker, I appreciate the concern that the member has brought forward, and certainly I share her concern. As it relates to the reference to whether charges should be laid or not laid, it's certainly not within my parameters to make that decision. However, if it can be shown that there are children that are legitimately at risk, by all means, our department will step in and make all the resources that we have available to them.

I should note that we are working with the mayors of Calgary and Edmonton as it relates to some of the recommendations that they've brought forward. Those recommendations involve not only the provincial government but also the municipal government and the community itself. I would draw to the member's attention that there are some good community supports that are also available to children that find themselves in that position.

MS M. LAING: Well, Mr. Speaker, I would suggest that any child who is forced to earn a living through prostitution is a child at risk.

My second question is to the Attorney General. Mr. Speaker, the Criminal Code of Canada holds that a child under the age of 14 cannot be deemed to give consent to sexual activity. Will the Attorney General now commit to consulting with the Solicitor General with a view to encouraging police and Crown prosecutors to lay criminal charges of child abuse or sexual assault against customers of juvenile prostitutes as is done in the case of wife battering?

MR. ROSTAD: Mr. Speaker, I'll certainly take that forward and see what we can do. It's a good idea.

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

Administration of Justice

MR. CHIVERS: Thank you, Mr. Speaker. My questions are for the Attorney General. Recent court decisions have clearly demonstrated that it's not only delay after charges are laid but also precharge delay which can give rise to motions for stay of proceedings on the basis of excessive delay. My question relates to the Principal affair. It's been some eight years since the first problem surfaced with that company in 1984. In 1985 the Securities Commission's recommendation to shut it down was ignored. In 1987 the company collapsed. In 1988 the Code commission was appointed. In 1989 it reported, and we still haven't heard back with respect to the recommendations of the Code commission that charges should be laid. How much longer will Albertans have to wait until they know whether charges are going to be laid in this matter?

MR. ROSTAD: Mr. Speaker, the chronology of the events with Principal are indeed accurate, and it has been some time since the Code inquiry recommendations were tabled. The RCMP had a team of investigators monitoring the inquiry all the way through, have received that information, and have a team that varies from four to five officers that are going through that information. The hon. member being a member of the Law Society realizes that you must not only think you have evidence, you must make sure that the evidence is of the kind and with enough materiality to it that you will in fact get a conviction when you lay the charges. That's what the justice system is about. The RCMP concur that they are in fact working with due diligence to ensure that we will get our report. A time line I cannot give you.

MR. CHIVERS: Is it insufficiency of evidence or lack of determination and political will?

Mr. Speaker, the pattern seems to be repeating itself with respect to the Aryan Nations affair. In the Aryan Nations affair, again we have a lengthy delay. We have an expensive public inquiry. We have an investigation that recommends the laying of criminal charges, and again we have silence and delay. When will we know whether charges are going to be laid in the Aryan Nations matter?

MR. ROSTAD: Mr. Speaker, I'm quite surprised at the hon. member trying to grandstand on a couple of very, very serious issues. The matter of the Aryan Nations was investigated by the police. The evidence was analyzed by the Attorney General's department, and in fact there was not sufficient evidence to lay charges. There was then an inquiry held, quite full and complete, and they said that they thought that perhaps if we looked at the information again, we might find some charges. We're willing to do that. We've got a special prosecution unit that is analyzing that material.

First the hon. member wants us to quickly go and lay the charges, and he's the first to stand up and say that if we do that, we're unjustly charging someone. Justice must not only be done; it must be seen to be done and is in this, in fact.

Workers' Compensation Board

MR. WICKMAN: Mr. Speaker, on Tuesday the minister responsible for workers' compensation admitted that taping telephone calls of injured workers had been occurring within the board. My question to the Premier: as head of this government will the Premier give assurances to this House that the practice of taping telephone calls is not occurring in any other government ministry or government agency?

MR. GETTY: Mr. Speaker, I thought the hon. minister dealt with the matter very adequately with the hon. member. He pointed out that this only happened with the agreement of the caller. It seems to me that if you have a request made and the caller agrees with it, there's certainly nothing wrong with doing it. Why the hon. member would complain about that, I don't know.

MR. WICKMAN: Mr. Speaker, again to the Premier: will the Premier commit to investigate all government ministries and agencies to ensure that the taping of telephone calls is not occurring?

MR. GETTY: Mr. Speaker, I would say this: it certainly would never be done without the approval of the person who's on the other end of the call. I would hope that there would be no

members of this Assembly or the government who would either support or attempt such a thing.

Mental Health Services

MR. JONSON: Mr. Speaker, the Minister of Health has recently released a policy paper on directions for mental health services which includes emphasis on community care and child care. However, one area of great need is that of delivery and co-ordination of these services to children and schools, and the paper is not very specific on this point. I wish to ask the minister if the implementation of this policy would involve providing adequate assistance to schools and school programs dealing with special needs students.

MS BETKOWSKI: Mr. Speaker, I think that the issue of mental health and the mental health of Albertans is larger than just the school programs dealing with special needs students. The issue, in my view, is: how do we provide mental health services to all Albertans and, in this case, young Albertans? As we approach that larger issue, it becomes very apparent that an important role has to be played by the school in meeting the need. Obviously, a lot of our students, not all of them regrettably, are in the school setting. Hopefully, through the co-ordination of effort amongst the several departments that have participated in the mental health policy for Alberta, we will be able to better integrate the services into the school and ensure that we're meeting the needs of young Albertans.

MR. DEPUTY SPEAKER: Supplemental question?

MR. JONSON: Yes, Mr. Speaker. My supplementary question relates to my constituency and the good work that is going on there in improving the treatment of mental illness and the integration of this treatment program with community care. My question to the minister: will the implementation of this policy recognize the identified continuing need for modern health care treatment centres specializing in mental health care?

MS BETKOWSKI: Mr. Speaker, the delivery of mental health services is no different in the mental health field than it is in the physical health or long-term care field. Really it is not about either/or, institution or community; rather, what it is about is providing a balance of service. Spectrums are not red and purple; spectrums are all the colours of the rainbow. That was the goal and desire of the Premier's Commission on Future Health Care for Albertans. Certainly, the focus of the new policy direction is towards the community but not towards the community absolutely. We will still have need for inpatient services. In fact, what the paper points to is an enhanced role of the institution in the continuum rather than a stand-alone role, which is really the old model of dealing with mental health needs.

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

3:20

Free Trade

MR. McEACHERN: Thank you, Mr. Speaker. My question is to the Minister of Federal and Intergovernmental Affairs. When the Premier returned from the recent First Ministers' Conference, he indicated that his government wanted to be fully involved in the North American free trade agreement talks. Albertans are deeply concerned about the possible impact of a Mexico free trade deal because of the effect of Mexico's low wages and poorly enforced

environmental laws. They know that this country has already lost over 400,000 jobs as a result of the Mulroney trade deal. My question to the minister is this: knowing that the Canada/U.S. trade deal has meant disaster for the workers of this country, will the minister refuse to support a deal with Mexico that subjects workers and industry in this country to even more unfair competition?

MR. HORSMAN: Mr. Speaker, as usual the hon. Member for Edmonton-Kingsway has larded his question with a great deal of political rhetoric. The fact of the matter is that under the free trade agreement between Canada and the United States, in the first two years of operation of that agreement Alberta's exports to the United States increased 29 percent, and that created hundreds of jobs for Albertans. [interjections]

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

MR. HORSMAN: They don't like the facts over there, Mr. Speaker. As soon as the facts come out, the crows start cawing. Well, here we've heard it again today.

Of course, Mr. Speaker, our government, having been participating with the federal government and the other provinces in discussions about the North American free trade agreement, will take all due diligence to make sure that Alberta jobs and Alberta export opportunities are enhanced as a result of any free trade agreement entered into. There's no doubt at all that the prosperity of this province depends upon increasing our trade, and those people who think we can produce only for domestic consumption would lead Alberta back to the days of the 1890s. We want to look ahead to the year 2000, not backwards. That's what we want to see happen in Alberta.

MR. McEACHERN: Sure, Mr. Speaker, we've increased our gas sales, but we got less money out of it. That's why the Treasurer's budget is in trouble.

In fact, the draft agreement of the North American free trade deal that was leaked last week indicates that the federal government is already willing to agree to little or no restriction on importation into Canada of goods processed or assembled in Mexico. Now, given that workers in Mexican industries earn an average of \$2.18 an hour, sometimes as low as 59 cents an hour, will the minister undertake to make it clear to his federal counterpart that Albertans don't want an agreement that does not include a commitment from Mexico to raise their wages and improve working standards?

MR. HORSMAN: Mexican prosperity can never come about if they are kept under the state-controlled regime that previously existed, one which would have been heartily endorsed by the people in the New Democratic Party in this House. The only way Mexico can bring its standard of living up is to trade its commodities and products with the rest of the world. I encourage Mexico on their new path of an open, market-oriented economy, and I applaud their activity in entering into these discussions, joining the GATT, joining the world, and casting off the shackles of socialism. [interjections]

MR. DEPUTY SPEAKER: Order please. Order. [interjections] Order. Before calling Orders of the Day, might we revert to Introduction of Special Guests?

HON. MEMBERS: Agreed.

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

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

MR. McEACHERN: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and to the members of the Assembly 18 visitors from the Alberta Vocational centre, actually the Winnifred Stewart campus, located in my riding. They are members of an English as a Second Language class. They are accompanied by their teacher Wendy Uncles. I'd request that they'd stand and receive the warm welcome of the Assembly.

MR. HORSMAN: Mr. Speaker, I'm delighted to introduce students from different classes from Medicine Hat high school. As you know, I live further away from Edmonton than any other MLA, and these students have experienced a long ride here on a yellow bus. Interestingly enough, I asked them how they enjoyed their trip, and one young man said, "I'm suffering from bus lag." I've never quite heard that before. I would like to introduce, in addition to the 23 students, Mr. Ray Skow, Mrs. Lori Litousky, Ms Rhonda Hunter, and Mr. Harlan Martin. I would ask that these young people from Medicine Hat please rise and accept the warm welcome of my colleagues.

MR. DEPUTY SPEAKER: The hon. Member for Rocky Mountain House.

MR. LUND: Thank you, Mr. Speaker. On behalf of my colleague the hon. Member for Lacombe, Ron Moore, and myself, I'd like to introduce to you some 23 eager, bright young students from the Eckville junior/senior high school. They're accompanied today by their teacher Shawn Wagar and by Georgina Wagar and Shawna Wagar and by bus driver, Harold Burdick. Our guests are seated in the public gallery, and I would now ask them to rise and receive the traditional warm welcome of this House.

head: **Orders of the Day**

head: **Written Questions**

MR. GOGO: Mr. Speaker, I move that the written questions appearing on today's Order Paper stand and retain their places except for the following: 148, 205, 207, 212, 213, and 217.

[Motion carried]

Oldman River Dam

148. Mr. Taylor asked the government the following question:
What is the government's best estimate of the cost of diverting irrigation water stored by the Oldman River dam and released into the river below the dam around the Peigan reserve?

MR. GOGO: Rejected.

Workers' Compensation Board

205. Mr. Wickman asked the government the following question:
How much has the Workers' Compensation Board spent on transportation vouchers for the period April 1, 1991, to March 19, 1992?

MR. GOGO: The government accepts that, Mr. Speaker.

Home Care

207. Mrs. Hewes asked the government the following question: What are the terms of reference, mandate, and reporting schedule of the Department of Health's working committee on home care for special needs children?

MR. GOGO: Accepted, Mr. Speaker.

Home Care

212. Mrs. Hewes asked the government the following question: How many Albertans have received home care service for the period April 1, 1990, to March 31, 1991, and from April 1, 1991, to March 19, 1992?

MR. GOGO: The government rejects that, Mr. Speaker.

Aids to Daily Living Program

213. Mrs. Hewes asked the government the following question: How many appeals have been heard under the Alberta Aids to Daily Living program for the period April 1, 1991, to March 19, 1992, and of these appeals how many have been overturned during the same period?

MR. GOGO: The government accepts 213, Mr. Speaker.

Wabamun Lake Water Quality

217. Mr. Mitchell asked the government the following question: Concerning the monitoring of the environmental impact of the Wabamun operation of TransAlta Corporation,
- (1) how often are air emissions from the stacks measured each month, and what substances are measured,
 - (2) how many times, if any, in the last 10 years did any of the substances measured exceed the limits set by the plant's licence to operate under the Clean Air Act,
 - (3) what were the monitored values on those occasions when the levels were in excess of the permitted level, and if any, were the emission standards permissible under the licence issued in accordance with the Clean Air Act,
 - (4) how is possible contamination of Wabamun Lake being monitored,
 - (5) how often are the sumps that collect the sulphuric acid used to clean the heating coils in the evaporating tanks checked,
 - (6) how many times during the past 10 years have the sumps overflowed into Wabamun Lake, and
 - (7) what measures have been taken to prevent overflow from the sumps into the lake?

MR. GOGO: The government must reject that, Mr. Speaker.

head:

Motions for Returns

MR. GOGO: Mr. Speaker, I move that the motions for returns on today's Order Paper stand and retain their places with the exception of the following: motions for returns 230 and 244.

[Motion carried]

Oldman River Dam

230. Mr. Taylor moved that an order of the Assembly do issue for a return showing copies of all studies carried out and

plans that the government has made to divert irrigation water stored by the Oldman River dam and released into the river below it around the Peigan reserve.

3:30

MR. DEPUTY SPEAKER: The hon. Minister of the Environment.

MR. KLEIN: Thank you, Mr. Speaker. It has become quite obvious throughout this session that certainly from the Liberal opposition there have been no fresh, new, bright ideas, because what we see here is a recycled motion. It's identical to Motion for a Return 190, which was rejected last year.

AN HON. MEMBER: A loco motion.

MR. KLEIN: A loco motion; right.

It pertained to some imagined diversion from the Oldman dam around the Peigan Indian reserve.

Just in the way of a bit of history, Mr. Speaker, the Oldman River dam is not a diversion dam; it's a water management dam. It's a dam that has been put in place to control and manage water, to allow us to use responsibly and wisely the water that comes down the east slope, water that we have to pass on into Saskatchewan in a good, good state and at the same time assure supplies of water for 125,000 people in southern Alberta. We have a commitment to send 50 percent of that water on to another jurisdiction, so we must make sure that what we have available to us is used properly and wisely. It is not, as the NDP suggest from time to time, for a handful of farmers; it's for 125,000 people in southern Alberta.

I can assure you that with the snowpack in the mountains being about 10 percent shy of normal, it's going to be a very, very dry spring. I would venture to say that without the dam in place this spring, you would be able to walk across the Oldman River downstream of where that dam would have been built and not get your slippers wet.

As I mentioned before, Mr. Speaker, the dam was never built as a diversion dam. It was never built to accommodate an irrigation ditch around the Peigan reserve, or anywhere else for that matter, except for one small spur into a small area, I think to the south and east of that particular dam.

Now I would like to refer to the hon. member's motion for a return and why we propose to reject it. The hon. member proposes the following motion:

that an order of the Assembly do issue for a return showing copies of all studies carried out and plans that the government has made to divert irrigation water stored by the Oldman River dam and released into the river below it around the Peigan reserve.

I can understand why the hon. member would want to recycle that motion. He is obviously concerned about the incident that occurred two summers ago on the Peigan Indian reserve. Yes, we all know that there was some trouble. I can't talk too much about that because someone was charged in connection with that. He was sentenced in court, I believe, to 18 months in jail, and that situation is under appeal so I don't want to get too much into the details of the problem that arose. Nonetheless, there was a problem, and that problem was settled. Since then we have established a good, positive working relationship with the Peigan Indians. As a matter of fact, I have someone on the band council whom people in my department liaise with on a permanent basis. George Little Moustache is his name. We've developed this good relationship, and we don't see that there are going to be any further problems relative to the irrigation diversion weir that lies some kilometres east of the Oldman River dam. We feel quite

sure that the terms of the agreement are going to be honoured for all time.

That agreement is very generous, Mr. Speaker. I think we gave the Peigan Indians at that time a \$4 million up-front cash advance. We pay them an escalating amount in rent every year, and this year it's in excess of \$400,000, I believe. Nonetheless, we have settled our problems. We feel that we have established a good working relationship; we've formalized that relationship.

Yes, I'll have to admit to the hon. member that if all else failed, if for some reason we could not get access to that irrigation weir that had been in place for some time and it became obvious that we were going to have ongoing problems, then there was some discussion, some discussion only, relative to the possibility of a very expensive, by the way – and that was the discussion: that it would be tremendously expensive to put a diversion around the Piegan Indian reserve. It was only discussion, and it didn't carry on for very long because we were able to settle our differences with the Peigan Indians. So quite simply, the answer today is the same answer that I provided the hon. member with in 1991. In rejecting this motion for a return, I have to do so because, quite simply, there is no document to return.

MR. TAYLOR: I gather I close the debate then, if no one takes it on.

I was a little bit surprised at the minister's answer that it was a repeat of last year. As I recall, last year it was a case that as the government often does, they just swept it under the rug and didn't answer. They didn't do anything, as a matter of fact. There was no answer. So I welcome the chance to debate it with the minister, or comment on it with the minister. I wanted to get a copy of the studies to see what the costs would be to take water around the Indian reserve.

You see, one must remember – I'll explain it for my friend who's shaking his head, who lives up north on the Peace River. He's used to rivers that you'd drown in if you walked out more than about 10 feet. Even the hon. Member for Dunvegan, maybe escorted by the Solicitor General, coming home late one night on hands and knees could get across the Oldman. It isn't that big a river when the late summer comes. Mr. Speaker, what I wanted to emphasize here, and this is what I'm more concerned about than anything else, is here is a government that has spent \$350 million to \$400 million building a catch basin to catch water, to take it down to put on the land, some of it in the area with which the newest Member for Little Bow would be quite familiar. They've been waiting for years to get enough water into that system to put it onto the land, yet the only way the Oldman River's water can be used in irrigation is to be diverted from within the Indian reservation. Most people don't realize that the dam is upstream from the Indian reserve, but the water cannot be taken away until it reaches that diversion within the Indian reservation. Here we now have admission from a member that they've built a \$400 million . . .

MR. KOWALSKI: Three fifty-three point six in 1987 dollars.

MR. TAYLOR: All right; we'll take it down to \$350 million. With the hon. minister from Barrhead's ability to do math, we could take it to \$300 million.

The point is that that's a third of a billion dollars on some sort of a structure with no guarantee, with no backup legal agreement, with not a shred of paper that that water could reach the people of Little Bow or anyone else.

[Mr. Jonson in the Chair]

My friend says in his chauvinistic, patronizing way: I have a friend called George Little Moustache that's going to let us get the water. How nasty can you get? How downgrading can you get? Those people that elect people onto that council run a democracy. To say that they've got a member, a pet little red man, that's going to allow them to take the water no matter what happens: the minister should be ashamed of himself. That's the most degrading comment I've heard in a long time, to say: don't worry about it; I've got a friend that's going to look after it.

The fact of the matter is that the minister is not willing to admit that they put a third of a billion dollar structure together there with no guarantee that the water will ever get to the people of southern Alberta. Rightfully so. The natives there haven't got an agreement. This man even says that they not only don't have an agreement, but they don't have any plan. So with all that's necessary, we could end up with one of the biggest water skiing resorts with nothing for irrigation that is possible to get into. No; I think, Mr. Speaker, what we have here is a case of ineptness, incompetence, poor planning. The people of southern Alberta at least had the right to expect, after a third of a billion dollars had been put together, that we had some sort of plan of getting the water onto the land. But no; we're relying on the minister's friend, maybe, in the council of the band to allow them to get the water out.

3:40

Everyone knows it's a problem there. We should have had a survey. We should know what it would cost us if indeed the natives, the Peigans – it's their right by the Constitution to do it – decide they don't want the diversion set up there. We should have some studies. But no; we're going to trust the minister, with one of his buddies on the council, as to whether a third of a billion dollar structure can deliver water to Little Bow. I just hope the newest member elected from Little Bow will get up on his hind legs and make these people go to task, because there are people – I was down there fighting that election – that are expecting to see water on their land within the next year. They're not going to get it if all we've got is a well-known minister's vacillating back and forth. Hell, he hasn't got the guts to stop a road through Lily Lake.

MR. ACTING DEPUTY SPEAKER: Order. Please be cautious in your remarks and your use of terms.

MR. TAYLOR: The minister hasn't even got the courage, Mr. Speaker, to stop a road going through Lily Lake let alone the courage to get up here and try to talk the Peigans into some sort of a long-term agreement. The point of the matter is that the people of Alberta have the right to expect a backup agreement of some sort. Yet what we have is like the sorcerer's apprentice and Mickey Mouse: one minister out there building everything he can right and left without looking around, another minister, in charge of the environment, that says he's got a friend that's going to look after us getting all the water out of a third of a billion dollar enterprise.

No, Mr. Speaker, I've really got to be surprised. I just hope that this debate is copied to every southern Alberta paper. When they realize that they've built a third of a billion dollar enterprise with no backup, no method, and no studies on how that water is to get onto the new irrigation land in southern Alberta that's been thirstily waiting for it for the last 10 years, I think they're going to be in for a helluva surprise. The Member for Little Bow will be damned lucky indeed if he doesn't need an armed escort to take him home when they find out that they can't get at that water

because the other ministers didn't know enough to put an agreement together to let the water get to them.

Thanks.

HON. MEMBERS: Question.

MR. ACTING DEPUTY SPEAKER: The question has been called.

[Motion lost]

Forestry Agreements

244. Mr. Mitchell moved that an order of the Assembly do issue for a return showing any documents showing agreements between the government and

- (1) Daishowa Canada Co. Ltd. and
- (2) Alberta-Pacific Forest Industries Inc. under which the government could be held liable if there were any delay in issuing the company licences to operate under the Clean Air and Clean Water Acts.

MR. KLEIN: Again this is another perfect example of no fresh, new ideas, a lot of rhetoric, nothing substantial. This is another recycled motion that comes back in the same form identical to Motion 207 from last year.

You know, the hon. Member for Edmonton-Meadowlark alluded yesterday in *Hansard* that Bill 53, our exciting, new, comprehensive environmental legislation, is something just being recycled, and here we have a recycled motion for a return. The answer has got to be the same. Mr. Speaker, what he is asking for in this motion identical to Motion for a Return 207 is information relative to the Daishowa pulp mill and associated agreements. He was told last year that those matters are now before the courts. He well knows, or if he doesn't know then he's sadly out of touch with things; he should know if he doesn't that those matters are still before the court and therefore are sub judice.

With respect to the question that he asked relative to the Alberta-Pacific pulp mill near Athabasca, no such report exists. Therefore, I propose to reject the motion.

MR. MITCHELL: Mr. Speaker, I wonder whether the minister will be so cocky about what he's prepared to reveal and what he's not prepared to reveal after this Legislature finally gets some form of freedom of information legislation, because it certainly wouldn't take a very aggressive freedom of information law in this province to ensure that ministers like the Minister of the Environment begin to release some information so that we can make some judgments about the decisions that they are making.

The fact is, Mr. Speaker, that anybody who reviews, who makes any effort to understand the process of decision-making that went into the Alberta-Pacific and the Daishowa projects has to wonder why it is that this government was so determined to implement those projects despite obstacles, questions, serious doubts expressed across this province about each of those projects. I remember that scene so vividly of the Premier standing up in December of 1988, I believe it was – it may have been '87, in fact – just before Christmas and saying that we are going to give Athabasca this Alberta-Pacific project. He made that commitment publicly and, in fact, called some member of the public who dared to suggest that perhaps the Premier was acting precipitously a whiner and complainer of some kind. He made a commitment to the public, he made a commitment on behalf of this government without having one study, without having undertaken one environ-

mental review, without having ever asked the questions: was this environmentally sound, was this even of some cost benefit, would it ever add up to be a cost benefit for the people of this province? He made a commitment.

One can wonder, Mr. Speaker, if there aren't documents like legal opinions thereafter. Once this government has made a public commitment to forge ahead with a project and once the company on the basis of that commitment from the Premier begins to spend money for studies, begins to spend money to clear the land after they received their permit but before they received any other kind of go-ahead or any other kind of authorization, environmental or otherwise, one can only wonder whether there aren't legal opinions that suggest this Premier stuck his foot squarely into that project and meant that they could never ever take the foot off the gas that was driving that project.

So we are, Mr. Speaker, asking what I believe to be a pretty legitimate question. When a Premier of the province of Alberta makes a commitment to build a project like Al-Pac, makes a commitment publicly to build a project like Daishowa long before there has ever been any of the kinds of reviews that are in legislation and required or ad hoc along the way, one can only question what kind of legal force Daishowa and Al-Pac did have behind them to say to the government: "You cut this off, you delay this any longer than we can withstand and we're gonna sue you. We're gonna sue you for every last cent, millions and millions of dollars, that we've put into studies and engineering assessments and blueprints and so on. We're gonna hold you responsible."

Well, Mr. Speaker, at the very least we've got a Premier here – now he says he's going to negotiate with the rest of this country over Senate reform – who certainly didn't know how to negotiate particularly well with Daishowa and Al-Pac. He stood up and said: "Hey, we're gonna build this. It doesn't matter what happens afterwards, you've got my approval. We're gonna go ahead," and probably brought with that a legal obligation to continue or else he'd have been sued and he'd have lost that suit and have cost Albertans hundred of millions of dollars.

MR. KLEIN: Prove it.

MR. MITCHELL: If you give me the documentation that we're asking for, we will prove it.

Thank you, Mr. Speaker.

MR. ACTING DEPUTY SPEAKER: Are you ready for the question?

HON. MEMBERS: Yes.

[Motion lost]

head: Motions Other than Government Motions

3:50

Taxation

204. Moved by Mr. Hawkesworth:

Be it resolved that the Legislative Assembly urge the government to rescind Alberta's regressive flat tax and demand the federal government rescind the regressive goods and services tax, both of which constitute a disproportionate burden on lower income families.

MR. ACTING DEPUTY SPEAKER: The Member for Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. I'm pleased to be able to introduce and speak to Motion 204 this afternoon. I just note that last Tuesday one of the hon. members was so anxious to get to it that he couldn't wait in terms of the previous motion, Motion 203, so I'm anxiously awaiting the intervention from the members of the opposite side. I'm sure that they, wanting to get their supportive comments on the *Hansard* record in favour of making the . . .

[Mr. Deputy Speaker in the Chair]

**Point of Order
Relevance**

MR. GOGO: Point of order, Mr. Speaker.

MR. DEPUTY SPEAKER: The hon. Deputy Government House Leader is rising on a point of order.

MR. GOGO: Mr. Speaker, I hate to interrupt the hon. member, because he's been waiting, but clearly under Standing Order 23(i) if a member speaks to a question other than the question under discussion, he should be called to order. I'd ask the hon. member to return to the subject.

MR. HAWKESWORTH: Oh, my. Well, maybe it wasn't the supportive comments they want to get on the record, Mr. Speaker. Perhaps they don't want to deal with the issue at all.

Debate Continued

MR. HAWKESWORTH: Anyway, here it is in front of us, and if the hon. member wants to make his points known, I certainly would like to hear from him.

Basically, the motion is urging the federal government to rescind the regressive goods and services tax, and it also calls, on behalf of the Assembly, on the Alberta government to rescind our own regressive flat tax. Both of these taxes hit hardest lower income families and lighten the burden on high-income Albertans and Canadians. I think that all members in this Assembly who want to create a progressive and fair tax system would have to speak out against both the GST and Alberta's flat tax.

Now, the interesting thing, Mr. Speaker: the Alberta government has said on numerous occasions that they're opposed to the GST, but the government to my knowledge has never given the Legislature the opportunity to voice its opinion and to actually vote against the GST and to be on record against it. I note that the Alberta government has brought forward for the vote of the Assembly on two occasions whether they support the triple E Senate or not. They've brought that to the Assembly to take a vote and allowed this Assembly to put its opposition to the current Senate on the record and to support the alternative. Albertans want to get rid of the GST at least as much as they want to get rid of the Conservative and Liberal patronage appointments that are filling up our current Senate. Why is it that this Assembly has never been allowed the opportunity to actually vote against the GST unless it's motions brought forward by the Member for Calgary-Mountain View? This is now the second occasion.

There is at least one political party based in this province, Mr. Speaker, albeit a federal one – they lost their provincial status at least temporarily recently – and that's the Reform Party, that's now suggesting expanding the GST to incorporate it onto food. Given that this kind of current political debate is occurring in our province, I think it's important for this Assembly to pass this motion and let Canada know where Albertans, at least this Assembly, really stand on the GST: that we are in fact opposed

to it. That's what the motion calls for, and by supporting it, members can certainly make their opposition to the GST known.

Now, Mr. Speaker, the reason I've incorporated Alberta's flat tax is that it, too, along with the GST is a regressive tax. As everybody who has studied the tax system knows, flat taxes disproportionately hit hardest those of lowest income. That hasn't stopped a number of prominent Canadians from promoting in the past the implementation of flat taxes. In fact, the highest profile Albertan to support a flat tax was none other than our own Edmonton-based Peter Pocklington as part of his campaign for the leadership of the federal Conservative Party back in the '80s, who proposed, if memory serves me correctly, a 20 percent flat tax across the board. So it's had its proponents.

As a matter of fact, we've seen flat tax creeping into federal tax policy implemented by our Conservative government in Ottawa since 1984. Under the so-called tax reform measures, we've seen, for example, the collapse of the number of categories under the Income Tax Act, especially reducing the proportion of higher income earners that have to pay income tax. Of course, by lowering the rates on high-income earners, it has an impact on the provincial tax payable because people in each province pay a certain percentage of their federal tax payable to the province as well. Not only has it crept into federal tax policy and the federal tax system, our own Provincial Treasurer implemented a flat tax here in Alberta a number of years ago.

Well, I think one has to ask two questions: why is a flat tax regressive and wrong, and what impact has it had in Alberta since it was implemented a few years ago? Any fair tax system, in my view, Mr. Speaker, has to be based on one's ability to pay. One looks at the income from those of low-income or even middle-income people. Their income is primarily directed to meeting the basic needs of survival: food, clothing, shelter, and some of the other necessities that go into keeping a roof over one's head and food on the table and clothes on one's family. You don't have any discretionary income. So by implementing a flat tax where you say everybody pays the same percentage, what you're doing is forcing low-income people to first pay taxes that would otherwise go into paying for the basics. That's why extending the GST and including it on food is not just regressive, but it's reprehensible because of the impact it would have on Canada's lowest income earners.

Mr. Speaker, the problem of our tax system is not hitting just the poor. Even for the middle-income people, the middle class in our province, the tax burden is being piled higher and higher and higher. For example, the numbers show that personal income tax paid by the average Albertan has increased by 80 percent since 1985. Provincial user fees, the majority of which are collected from average Albertans, cost 50 percent more in 1991 than they did in 1985. When you take inflation into account – say, for example, just the years 1985 to the most recent year, 1991 – the cost of living climbed by 29 percent. So when you take that into account, Albertans in 1991 were actually taking home 8.6 percent less income than they were in 1985. As a paradox, even allowing for inflation, they were paying 39 percent more personal income tax per capita in 1991 than they were in 1985. So everybody in Alberta who are of middle income, from the middle class down, are seeing their tax burden go up, and it's hurting. It's hurting.

4:00

However, Mr. Speaker, while the burden gets heavier for the middle class, it's been getting lighter for the very well to do. From 1980 to 1989 an overall average of more than 1,200 wealthy Albertans per year who earned more than \$50,000 paid no provincial income tax. Now, that works out to zero income tax on

an aggregate income of over a billion dollars. Included in those figures is an average of 36 people per year who earned an average of over \$500,000 per year and paid zero provincial income tax. However, just taking the year 1987, the year that the provincial flat tax was implemented, this Provincial Treasurer squeezed \$64 million from Albertans who are in the lowest tax bracket. Patently what's happening is that the burden gets heavier for the middle class and the poor, and it's being lightened as a result of tax policies implemented by this government.

What's interesting is that flat taxes run counter to one of the tax collection requirements for personal income tax; namely, that a province apply a single rate of tax to the basic federal income tax. Now, so far in the last few years Ottawa has considered Alberta's flat tax an experimental or temporary tax. They've allowed it to occur for a number of years on a "temporary basis," but I wonder, given that this is a so-called requirement for the income tax system, why has the federal government not required Alberta to overturn its flat tax? Probably, Mr. Speaker, because they see that it's moving Alberta's tax policies in the same regressive direction that their own tax policies are moving in Ottawa, and therefore they're quite happy to allow Alberta to maintain this flat tax even though it's counter to the basic principle of the Income Tax Act.

What kind of impact is it having on Albertans, Mr. Speaker? Well, the estimates that I've been able to determine from the Canadian tax paper are based, first of all, on Manitoba. Manitoba has a flat tax at 2 percent. In Manitoba their flat tax generates one-third as much revenue as they raise in the tie-on to the basic federal income tax; that is, their flat tax generates a third as much as their rate of income tax based on the federal income tax. So if we are to take the figures here in Alberta and do some calculations, here's what happens. First of all, we have to allow for the fact that Alberta's basic tax rate is lower than Manitoba's, something like 5 and a half percent; we have to take that into account. As well, Manitoba's flat tax is on net income, while Alberta's is on taxable income. Taking all of these factors into consideration, the bottom line, which is what's important to most Albertans, is quite simply this: our .5 percent flat tax in Alberta adds about 10 to 15 percent to Alberta's personal income tax revenues. So if we take what Alberta gets from personal income tax, we can estimate that they're raising another 10 to 15 percent, all of it solely attributable to a regressive tax that disproportionately hits Albertans who are in the middle and lower income bracket.

Mr. Speaker, just to create a more fair tax system in this province, we have to go in the opposite direction than where we've been taken in the last 10 years. Now, simply to go back 10 years is not such a radical idea. We know the tax system was fairer 10 years ago than it is now; people know, have the experience of what the tax system was like then. It's not such a terrible and radical idea to turn the clock back. That, I know, sounds like a Conservative idea: to turn the clock back to what used to be. Well, fair enough. If that's what it takes to get us a fair tax system, then let's go the Conservative route. But also let's ask the government members on the other side to join with me in calling for genuine tax reform. I'd also like them to put the "progressive" back into Progressive Conservative and, finally, to bring our tax system back to where we should have it. That's a more progressive system that ensures that people who are able to pay a higher rate of tax do so; people whose primary needs for income are to keep the basics of survival, that they should not be asked to pay as high a rate of tax. In so doing, people who are able to pay, pay; those who are not able to pay, don't.

That, in my mind, is a fair tax system, and that's the one we should be going to. Passing Motion 204 will allow us to go in that direction, Mr. Speaker.

MRS. OSTERMAN: Mr. Speaker, it's with a great deal of pleasure that I rise today to address an area that for me has long been of interest, and that's the tax system in this country. I would congratulate the hon. Member for Calgary-Mountain View for raising the issue, although I must say that for the most part I will have to disagree with some of his conclusions. But the debate is important, and at the risk of being overly optimistic, I am hoping that, as I listened carefully to the hon. Member for Calgary-Mountain View, some of the points made by myself and other colleagues in the House will be listened to.

The member started out the discussion by speaking about this subject not being a matter of a vote in the Legislature, and he used the analogy of the Senate being a matter of discussion. Well, I would remind the hon. member that the Senate is a federal/provincial matter that has been discussed at length. The tax as levied by the federal government is solely within their jurisdiction and not a matter of our particular respect at all.

He puts together two notions, one federal and the other provincial. That's troublesome. I guess if I were to be cynical, I would say that it is there in order for the NDs to go out and say, "Well, the government wouldn't vote against the GST," when in fact he is asking us to vote for a motion that contains both federal and provincial policies. So I would respectfully suggest to the hon. member that he should not be mixing apples and oranges in debate in order to get support or nonsupport in this Legislature.

He also used some terminology that, frankly, I find offensive. Maybe all of us have been guilty of it at one time or another, but, Mr. Speaker, I would respectfully suggest that there are no classes in Alberta. Everybody in this province is first-class. He speaks of the middle class. I know of people who are middle-income earners. I know no middle-class people. I may be particularly lucky in that the people in the Three Hills constituency are all first-class. Maybe there are some middle-class people in the constituency of Calgary-Mountain View, although my father resides there and I want to say to the hon. member that my father is first-class as well.

Mr. Speaker, the other major fault with this motion and I find disappointing about the hon. member's debate is that there is absolutely no suggestion how to rectify the fiscal situation that governments find themselves in right across Canada. While the hon. member takes exception to any number of taxes that have been levied on the people of Alberta and the people of Canada, there is no suggestion as to how we're going to pay for escalating costs. He made some observations about the amount of taxes that are taken out of the ordinary person's pocket at this point in time, and I would agree: it's very substantial. At the same time, I would respectfully ask the hon. member to weigh with that the kinds of services and health care and so on and the escalating cost of those in this country. There somehow has to be a way of paying for those services and also getting a handle on the costs of those services. There are Premiers in this country that are, as well, addressing those issues, and I would hope that the opposition parties would put their shoulders to the wheel and not cry foul with every suggestion that is made to try to bring some responsibilities to our various systems. They are, indeed, very difficult to manage for all people in Canada if we are not to pay ever escalating taxes.

4:10

As well, I would remind the hon. member that all of our families and for some of us our grandchildren, are now being faced with paying the bill for our excesses today. It is certainly very sobering, Mr. Speaker, to imagine that most of us in this country have somehow decided that it is okay for us to have all

the things that we believe are rightfully ours without paying the bill for them. I think Canadians are starting to think about that. It is not something that politicians have talked about at length, but with the major discussion by various organizations and bringing to Canadians' attention the situation that we are in, I think most people are now becoming aware. Certainly organizations like the taxpayers association speak at length about the moneys that are being extracted from the taxpayer's pocket.

Just on a more definitive note, Mr. Speaker, the hon. member of course did take after the so-called Alberta flat tax, again mixing it with the federal GST. I think the hon. member knows full well that this flat tax is a percentage, specifically one-half of 1 percent, of tax payable. Therefore, the lower the income, the smaller the portion the flat tax takes out of the income. As well, the hon. member also knows that taxable income excludes items that are a major source of income for low-income taxpayers. Those items are, not comprehensively but in the main, guaranteed income supplements, social assistance receipts, child tax credits, sales tax credits, and in Alberta, assured income program receipts. As well, the hon. member will know that the tax payable by low-income taxpayers is for the most part offset by the selective tax reduction.

I value a constructive discussion about tax in this province. But surely the hon. member can't believe in his heart of hearts and suggest to this Legislature that that discussion can be divorced from the programs that he would be first in saying to the people of Alberta they have a right to. I would hope that in the future the hon. member would come forth with the detailed information as to how Albertans can pay for, without additional taxes, the various programs that the NDs have suggested we're entitled to. We have seen NDs in provincial governments across this country make all of those suggestions about entitlements: entitlements to the people of Canada and to various provinces. And what has been the result when, in fact, they have gained the responsibility of governing? Well, Mr. Speaker, it is obvious. They cannot fulfill any of their pie-in-the-sky dreams. They are giving over false expectations to the people of provinces and to the people of Canada as a whole.

Mr. Speaker, I look for more constructive suggestions about taxing and spending to come forward, hopefully, from the opposition.

Thank you.

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

MR. MITCHELL: Thank you, Mr. Speaker. We in the Liberal caucus support this motion. We have always and very clearly been on the record as opposing the goods and services tax.

I would like to note for the record that in fact this provincial government made some lame attempt to oppose the goods and services tax. I think it would be called an effort to sue in the courts on the grounds that somehow this particular tax wasn't appropriate constitutionally. We heard very little of that, and although the government claimed victory on behalf of all Albertans in that court case, absolutely nothing changed. It doesn't come as a surprise to us and nor should it come as a surprise to most Albertans, Mr. Speaker, that the government's efforts to resist this goods and services tax would in fact be pretty lame. They have a record, a record of distinction I should say, in the implementation of new taxes and in the increasing of existing taxes. Let me read this list of infamy.

The personal income tax rate since 1986 has gone from 43.5 percent of the federal rate to 46.5 percent. The flat tax was imposed originally at 1 percent and now resides at .5 percent; it was nothing before this Treasurer took over in that capacity. The

renters' tax credit, which was de facto a tax benefit of \$500 to lower income renters, has been discontinued. Health care premiums, which by any other description, Mr. Speaker, are a tax and a regressive one at that, have increased for a single individual from \$168 per year in 1986 to \$312 per year in 1991. For a family they have increased from \$336 per year to \$624 per year by 1991. The utility rebate was \$29.40. It is gone. It is de facto a tax; therefore, an increase of \$29.40. The fuel tax was nonexistent in 1986 when this Treasurer took over. It's now 9 cents per litre. Car registrations went from \$30 to \$50. Drivers' licences went from \$10 to \$30, and I could go on.

This government is not a sissy when it comes to increasing taxes. In fact, it is extremely aggressive in that regard, and it underlines why one should not be surprised that this government didn't particularly aggressively fight the goods and services tax. In fact, Mr. Speaker, I might make the point that not only did they not fight it effectively, they actually campaigned for the very government that brought it in. And it wasn't as though that government tricked them. That government was campaigning on the GST in the 1988 election, and this Premier stood up and actually spent Albertans' money to advertise on behalf of that federal government. It's very interesting to see that then they all of a sudden said, "Well, we'd better go to court and try and stop this tax," and in fact it cost Albertans even more money.

What is particularly discouraging about this Treasurer's and this government's realized inclination to raise taxes over the last six years is that these tax increases have been highly regressive. The brunt of these tax increases has been borne by lower income Albertans.

Let me point out that a single person with no dependants in this province earning \$15,000 a year has suffered a 207 percent increase in taxes and user fees since 1986. That's quite an achievement, Mr. Treasurer. An unmarried parent earning \$20,000 per year has seen his or her taxes and user fees rise by a 141 percent rate. That's quite an achievement, Mr. Treasurer. In contrast, a single person with no dependants and earning in excess of \$75,000 per year had to pay only 14 percent more in taxes and user fees. Let's brag about that, Mr. Treasurer. A family earning \$100,000 per year consisting of one employed parent, one unemployed parent, and two children – the classic family the Premier talks about all the time – has seen taxes and user fees rise by only 15 percent since 1986. It makes one consider just exactly what the priorities of this government are when it comes to dealing with people in this province. A 207 percent increase for a single person earning \$15,000. An unmarried parent, \$20,000 per year: a 141 percent increase. If you start earning the big money, Mr. Speaker, you've only suffered a 14 or 15 percent increase.

4:20

There is some major opposition, points of objection, that the Alberta Liberal Party outlined with respect to the GST by our leader, Mr. Decore, to the Senate banking committee in July 1990, and I'd like to point out some of those concerns because they are relevant today.

First of all, Mr. Speaker, the GST discriminates against Alberta. The fact is that the GST replaces a manufacturers sales tax. Well, the manufacturers sales tax was imposed on which economies? The economies, largely, of Ontario and Quebec. It's gone. Now a GST lower – lower, so it has lowered the nature of that tax on Ontario and Quebec – has been imposed brand new on places like Alberta. So Ontario and Quebec get a relative benefit on their economy, and we have had to bear the brunt of this federal government trying to pick up the difference by taxing things that are critical to Alberta's economy that were never taxed before.

The fact is, Mr. Speaker, that this vigilant government that now is sabre rattling and saying it's going to negotiate and kick some butt – who knows where – going to negotiate so tough on that Senate reform, triple E Senate, is exactly the government that saw this GST being brought into this country not to the detriment of Ontario and Quebec, no; to the detriment of Alberta. Compounding that problem is the fact that it also is on transportation, and we tend to get more goods transported out this way, of course damaging our economy, than occurs going back the other way. In fact, it has also been demonstrated that the provincial tourism industry in Alberta has lost 35,000 jobs and \$50 million to \$70 million in revenues as a result of this GST. It makes you think that this government and this Premier can sure stand up for the people of this province. It makes you wonder what's going to happen on constitutional negotiations. One can only be frightened about the prospects of the future when we look at this sabre rattler and say, "What exactly can he deliver for this province of Alberta?"

MR. TAYLOR: He stabbed himself in the foot.

MR. MITCHELL: Stabbed himself right there in the foot.

The GST is regressive, and it discriminates against the poor. What is very interesting is that the largest reduction in consumable income per census family in the entire country has occurred to Alberta families. Alberta families have had an average reduction in consumable income – that is, disposable income – of \$482. Ontario had a reduction on average of \$447. Quebec had a reduction on average of \$369. B.C.: \$406. The average of all provinces in this country was \$406. We were well above average. Mr. Speaker, this government achieved number one status, that distinction again: number one status. The greatest disadvantage to families in this country occurred in this province.

Mr. Speaker, they will argue that, "Well, no problem; the regressiveness of this tax will be allayed because of the deindexation." Well, of course that will work for a temporary period of time, but it won't be long term because this tax will be deindexed and the tax credits that are given to low-income families will therefore be eaten up rapidly and will not have an impact in overcoming the regressiveness of this tax.

Mr. Speaker, I would like to point out that if the government of Canada needs to raise the money that it is raising with this goods and services tax, it must understand that the way to do that and not hurt lower income people who do not have the resources to pay a disproportionate share of this tax is through the progressive income tax system. It's also cheaper. It's more efficient; it exists and didn't have to be set up. The inflationary impact of the GST led Canada into this recession. We could argue that if there were more time. The GST taxes goods such as reading materials that should have received preferential treatment and do receive that preferential treatment elsewhere in the country. The GST is highly costly to administer, and in fact it has cost Alberta businesses over \$1 billion to set up and administer that tax on an ongoing basis.

Mr. Speaker, we are opposed to the GST. We support this feature of this motion.

Secondly, we are opposed to the Alberta flat tax because it, too, is regressive. [interjections] I should point out for the edification of the members of that back bench across the way that in fact it's also against the terms of the agreement that we have with the federal government. Under that agreement on raising income tax in this country we are required to express individual income tax as a constant percentage of federal tax payable. That didn't occur. This government adheres to agreements when it wants to and doesn't adhere to agreements when it doesn't want to.

Mr. Speaker, this flat tax should be scrapped. It is the flagship of the regressiveness of this government's taxation system. This government's taxation system over the last six years has been distinguished by two features important, significant, and demeaning for lower income families. One is that it has become highly regressive, increasingly regressive, and two, it has become ever so apparent that this government has forced upon Albertans a tax grab, tax increases of massive proportions.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: The hon. Member for Clover Bar.

MR. GESELL: Thank you very much, Mr. Speaker. I have some very limited time left here to debate this particular issue.

There are really two issues here that are raised. One of them relates to the flat tax. Both the Liberal and the NDP members have raised some arguments here with respect to the regressiveness of that tax. Well, unfortunately, they haven't done their research again. It falls to the government members to set them straight, to get the facts out on this particular issue. It is, in fact, not a regressive tax. I know the Member for Calgary-Mountain View does do some research, but he's obviously missed some very important aspects of that research.

I want to file in this House for the members' edification and reading, including the Member for Edmonton-Meadowlark, the discussion that was in the *Canadian Tax Journal* entitled *The Progressivity of Provincial Personal Income Taxes in Canada*, which provides some very good insights into what the flat tax does for Alberta and how it affects Albertans. It's by R. Howard, G. Ruggeri, and D. Van Wart. I hope this helps to get the members on the right track. They're obviously off the right track when they're talking about the regressive tax, because it isn't.

Secondly, Mr. Speaker, I'd like to deal with the GST to some degree, and I'd like to do that on a personal basis. This government has taken some very decisive action on the GST, but more important, I think, individual government members have taken decisive action. I'm wondering how many of the NDP members and the Liberal members have actually reached into their own pockets and supported the fight against the GST as this member has. I wonder how many can stand up in this House and say that they have personally supported the fight against the GST.

MR. DEPUTY SPEAKER: Order please. I hesitate to interrupt the hon. member, but pursuant to Standing Order 8(3) we must move on to the next order of business. [interjections] Order please.

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

4:30

Bill 202
Freedom of Information and
Protection of Personal Privacy Act

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

MR. DECORE: Mr. Speaker, thank you. I rise to move second reading of Bill 202, a Bill entitled Freedom of Information and Protection of Personal Privacy Act.

Mr. Speaker, this is now the fourth consecutive year that the Liberal Party has proposed, as its flagship legislation for consideration by this House, a Bill dealing with freedom of information. I'd like to start by talking about why such an Act is needed. What

are the bases of having such an Act? Why is it necessary to have such an Act?

Well, Mr. Speaker, I can't think of how democracy could fail and would fail in a bigger way than by not providing information. Free access of information, the freest access of information, is critical to a proper and a healthy working democracy. That kind of freedom of information allows for the best debate. It allows for a close scrutiny of issues. It allows for parties to be able to stake their positions on those issues and to show the public the various nuances or placements that they might have with respect to those issues. Information allows the public to provide for more meaningful debate from the top right down to the bottom, from this Legislature to boards, tribunals, agencies, and Crown corporations that are linked to this public forum. Information is power. If citizens have information, they're able to participate. If citizens do not have information, they become powerless to affect change. Where there is no information, it becomes almost impossible for the public to get redress or to properly deal with grievances that they're experiencing.

Mr. Speaker, this process of freedom of information started in the United States, and I'm not sure that there is any Legislative Assembly – I think not – in the United States that doesn't have this kind of legislation. Until recently, until the Speech from the Throne, Alberta and Prince Edward Island were the only provinces in Canada that were not committed to freedom of information legislation.

[Mr. Jonson in the Chair]

Well, Mr. Speaker, what are some examples of areas that require freedom of information? Every member of this Assembly on the opposition side has talked about the famous or infamous Mr. Pocklington and has talked about, particularly, the \$67 million hoodwink that he effected on the province of Alberta, on the government of Alberta. We were told that some \$12 million would be provided in taxpayers' moneys to Mr. Pocklington to build a hog processing plant in Picture Butte, Alberta. Shortly after that announcement one minister indicated that Mr. Pocklington must build the plant in Picture Butte. The documentation, the position that was negotiated by the government was that Mr. Pocklington had to put up that hog processing plant. Just a few weeks later – a few weeks later – that same minister who was responsible for providing this money to Mr. Pocklington indicated that, well, it wasn't really the case; it wasn't a requirement to build a hog processing plant; the famous or infamous Mr. Pocklington maybe didn't have to build it.

Of course, Albertans learned to their horror and amazement that this government provided \$6 million to that famous or infamous Mr. Pocklington to build a hog processing plant that we'll never get. To this day members of this Assembly do not know the terms and conditions of the \$67 million advancement of moneys to Mr. Pocklington, and they're entitled to know it, even when there wasn't a lawsuit, and that's a skimpy reason. If you interpret *Erskine May* properly, those answers should have been given a long time ago and the hon. minister should not have been able to have hidden behind a lawsuit to provide information on that phony-baloney deal. Mr. Speaker, even before the lawsuit was effected, put into place by the province of Alberta, ministers in this Assembly refused to give details of that \$67 million sham and scam.

Mr. Speaker, the second example that I would use is the Al-Pac pulp mill. One minister goes before an editorial board meeting of the *Calgary Herald* and tells those people, those members of that editorial board, that interest will become payable on moneys

advanced by the government immediately. Another minister, when asked the same question, says: oh, no; interest only becomes payable after profits start to be made. Members of this Assembly have asked for the details, the specifics on that transaction between the government of Alberta and Mitsubishi, and those specifics have not been given. Moneys, \$400 million, have been advanced or will be advanced to Mitsubishi for Al-Pac, taxpayers' moneys that they're entitled to know the exact terms and conditions that that advancement of money is on.

Mr. Speaker, there is a myriad, a myriad of other examples of corporations: Northern Steel, MagCan. I can go on and on naming these corporations that have hoodwinked the government of Alberta, the ministers of this government, into advancing moneys, and we still don't know the terms and conditions of those deals.

Mr. Speaker, there was a time when a minister of the Crown responsible for the Treasury of this province stood in this Assembly and promised to give the details of the unfunded pension liability that applied to the seven pension plans in Alberta. That minister undertook that the government would provide the actuarial data in addition to the data on those unfunded funds. How many times have members of the opposition or the public requested the exact details of those unfunded liability sums and been denied? How many times have requests been made for that actuarial data and been denied? They're extensive, numerous. Each year, each month those requests have been made in the past.

Mr. Speaker, those are some examples of the need for freedom of information legislation. How sad it is to note that the advocate in Canada for freedom of information legislation was an Albertan. The irony of ironies is to note that he was a Progressive Conservative, who pushed and prodded and worked hard and provided good arguments to the government of Canada, who were refusing to institute such legislation. But, eventually, because of his perseverance he was able to succeed, and that became the example in Canada. Other provincial governments and municipal governments followed suit, except this one.

The next question that needs to be asked that relates to this particular Bill is how it was established, how it was created. Mr. Speaker, I looked at a number of Bills in our country, and I noted that some very early legislation was skimpy indeed. We didn't have the kind of knowledge and the ability to deal with problems in this area because there was no experience in dealing in that area. I believe I'm correct in saying that it's the province of Ontario that has the most recent legislation that deals with freedom of information. This Bill is modeled after that legislation. Ontario took time to have extensive public hearings on what should be included in freedom of information legislation. The province of Ontario had the advantage of being able to look back on other legislation and to see what was happening in the Legislatures with respect to requests for information, what was happening in those other provinces, and thereby was able to come forward with the Bill, the Bill that we've used to model our Bill on.

4:40

Mr. Speaker, as I said, this Bill is our flagship Bill for the fourth consecutive year. Last year Albertans will remember the exchange between the hon. Premier and myself when I asked for information in question period with respect to certain issues and matters. The Premier indicated that wheelbarrows full of information could be obtained by simply putting questions on the Order Paper or asking questions in question period. Well, I'm going to get to that in a little while and show some statistics on how difficult it has been to get information.

Mr. Speaker, I think it's worthy to note some of the comments that have been made in this Assembly earlier. In 1989, when I

first introduced this flagship legislation, the Member for Olds-Didsbury was the government spokesperson on behalf of the Progressive Conservative Party in speaking against this particular kind of legislation. That member indicated in 1989 that there was no public demand for this kind of legislation. He indicated that to get information, any member of this Assembly need only stand in this Assembly and put questions to ministers during question period and answers would be provided, or that hon. members could simply put motions for returns to the Assembly, to the Clerk, and they would be dealt with in due course and information would be provided. Finally, the hon. member provided a most unusual observation, and that was that the Ombudsman was there to help in releasing any pertinent information that was needed or required.

In 1989 the Member for Ponoka-Rimbey indicated in *Hansard* that the Act, the flagship legislation that our party was asking for second reading of, suggesting and pleading for second reading of – the member had difficulty with it because the Act called for the charging of a certain fee, and the charging of that fee would inhibit people from getting information.

In 1990, in *Hansard*, the Member for Drayton Valley said that such an Act would be too costly, that such legislation would promote nuisance requests if such legislation were allowed. That hon. member indicated that the appeal process would be slow and costly if such legislation were allowed. The most unbelievable statement the hon. member could have made was that he feared that there could be a backlash in the civil service with this kind of legislation.

Now, Mr. Speaker, I guess leopards can change their spots, because in 1990 I note with some interest that the hon. Member for Drayton Valley has indicated that he now agrees with the philosophy of this kind of legislation – that is, when he was speaking to the freedom of information Bill that the hon. Leader of the Opposition was proposing – and that it was high time that something was done in this regard.

In 1990 the Member for Lethbridge-West spoke against freedom of information. It is recorded in *Hansard* that he said that members need only stand and ask questions in question period and put motions for returns to get any information that they require.

Well, let's look at the data, Mr. Minister and members of the government, on those questions for returns in question period. Our party has now tracked for two years questions that have been put on the Order Paper to see whether they have been accepted or not accepted. In 1990 the statistics are interesting. Written questions and motions for returns that the Liberal Party put forward, 205 of those: accepted, 73; rejected, 145. That is, the percent that was rejected was 71 percent. The New Democrats put in 98 written questions and motions for returns: 17 were accepted; 79 were rejected. That is 81 percent that were rejected. The total percentage, then, of motions for returns and written questions that were rejected by the government in 1990: some 74 percent. In 1991 the Liberal Party submitted 231 written questions and motions for returns: 55 were accepted; 176 were rejected. The percentage of rejection was 76. The percentage of rejection for the ND Party was 72. That's written questions and motions for returns.

Mr. Speaker, let me give you a sample of questions for returns that have been put forward in this Assembly that have been rejected or have been found unacceptable to answer by this government.

Question 145. What is the government's estimate of the unfunded accrued liability under the following government administered pension plans: one, local authorities; two, public service; three, public service management; four, universities

academic; five, special forces; six, MLAs; seven, TRF, Teachers' Retirement Fund? Rejected.

Question 149. How many of the child welfare workers – this is really secretive stuff, Mr. Speaker, so it's important to take note of this particular question, that when a member of the opposition asked this question, it was rejected – that are employed by the Department of Family and Social Services are registered social workers? That question was rejected. I hope the hon. minister from Lethbridge-East takes note of that question.

Question 250. What is the amount of the tobacco tax revenue accruing to the government for the fiscal year 1990-1991 from the following: cigarettes, cigars, and loose tobacco? Rejected.

Mr. Speaker, that's why freedom of information legislation is important. When you can't get answers to simple questions like that which have no danger to the public of Alberta as a whole, that's why freedom of information is needed and required.

Mr. Speaker, those are written questions and those are motions for returns. Let's just look at our own daily activity in question period today. A member of this Assembly asked the hon. Treasurer to tell this Assembly whether the debt of the province was \$10 billion or \$13 billion or, as in the case yesterday, \$18 billion, as we found out according to the Canadian bond rating services. What figure was it? There was no answer to that question. When the question was put by another hon. member in this Assembly as to whether or not any tapping, any recording of telephone calls was happening in other areas by other ministries or departments, there was no answer. There was a sidestepping of that question. If the answer isn't known, it should be stated that the person answering doesn't know the answer but will provide the information. But to sidestep, as is the case this time and many times, isn't the way to provide information. That's why freedom of information has become important.

This Bill affects a certain segment of Alberta, and I think it's important to indicate that segment. Mr. Speaker, first of all, the Bill would apply to all departments of government. Secondly, it would apply to all agencies, boards, tribunals, and corporations, anybody that comes under the jurisdiction of our Assembly. It would apply to school boards and the universities and colleges: postsecondary institutions. It would apply to all levels that provide public service to the people of Alberta.

4:50

Mr. Speaker, the next question is: what are the principles of this Bill? The first principle is that the public is entitled to know what is happening, and the only limitation on that concept, on that principle, is that if there is something that for the general good of the province, would create harm to the province, then that information should not be released. I can think of an example. If the government is at the moment dealing with a highly sensitive negotiation strategy involving the triple E Senate with the province of Saskatchewan and there was documentation that related to that, it couldn't be expected that that strategic documentation would be put forward or could be made available to members of this Assembly. Or if the government was in fact negotiating with a labour union and there was a particular strategy and documentation that existed with respect to that strategy, it would not be in the public's best interest, Alberta's best interest to have that strategy disclosed because of the collective bargaining principle.

Mr. Speaker, the other principle that applies in this legislation is that an individual must not be hurt by the giving out of information. So it could not happen under this legislation that a hospital patient could suddenly see his hospital records being made public, or if somebody was in a mental hospital, a hospital that was providing counseling and care for that mental patient, it could

not happen that medical documentation relating to that patient would be made public. Mr. Speaker, the Bill provides for certain exemptions. The exemptions are set out, and this Act attempts to make those exemptions as specific as possible.

The third point is that the Bill allows for decisions to be made on the disclosure of information by an independent individual. Government cannot hold that right. Government does not have that right. Government would not have that right to make the decision on whether information could be released or not.

Mr. Speaker, the Official Opposition has put forward legislation that was drawn in the days of Grant Notley, the hon. member from the Peace River country. That legislation was good legislation in its time. I think much has been learned since the introduction of that Bill. Much experience has transpired in other areas, in other provincial jurisdictions on how to deal with nuisance matters and how to deal with exemptions in a better and more specific way.

Mr. Speaker, I would hope that the designated speaker on behalf of the government would start now to deal with principles and where this kind of legislation should go, what it should cover, rather than to deal with specific sections, to say, well, this is no good, or that is no good. There is improvement that can be made to any legislation, and certainly improvement can be made to this particular Bill that I am moving second reading on. But I ask that second reading be given so that the Bill can go to committee and those improvements can be made.

I am hopeful that in the debate that transpires, we'll be listening to principles, because I acknowledge that the government has seen the light. The Speech from the Throne did indicate that there would be freedom of information legislation. I'm hoping that the government spokesperson will provide some inkling of where the government is, what it's thinking about, how and what the principles are that should apply to this kind of legislation, who should be covered by this kind of legislation, and exactly what should be allowed and what shouldn't be allowed.

Thank you, Mr. Speaker.

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

MR. THURBER: Thank you, Mr. Speaker. For the second time in the last few days I find myself standing before this Assembly discussing proposed legislation aimed to increase access of information to Albertans. Last week my colleagues and myself discussed Bill 201, the Freedom of Information and Personal Privacy Act, as presented by the New Democrat Party. Today we have before us Bill 202, an Act sponsored by the Liberal Party and similar in its intentions.

Mr. Speaker, I will resist the great temptation to respond directly . . .

MR. ACTING DEPUTY SPEAKER: Order please, hon. member. Perhaps it's important on private members' day to clarify that these are the proposals of individual hon. members.

MR. THURBER: Thank you, Mr. Speaker.

I will resist the great temptation today to respond directly to the comments by the hon. member and talk instead about the general intent and some of the problems that lie therein. I have to say a couple of things first though, Mr. Speaker. Of the 266 questions that were asked in this House, there were 166 dealt with and 100 not dealt with. A great many of these were in public accounts, and the information was available through that avenue.

Mr. Speaker, the hon. Member for Edmonton-Glengarry says that the Member for Lethbridge-West and the Member for Drayton

Valley are against access to information just because we don't agree with his proposal, with his Bill. With respect, that's a bit like saying someone is against children because we don't agree with the way he raises his.

Mr. Speaker, freedom of information and personal privacy are valuable principles for democratic governments, and fair access to information is something we should all concern ourselves with. As we all know - it's been mentioned before - the Lieutenant Governor announced in the Speech from the Throne that the government will be pursuing legislation covering this very same issue. This legislation will follow many forays by many other provinces into the same area. At the moment I believe Prince Edward Island is the only province not pursuing legislation in this regard. It is very positive that the provinces and the federal government are taking steps to improve freedom of information and protection of personal privacy, but by no means is it an easy task to enact legislation that adequately covers these areas. It doesn't require a very shrewd eye to understand that legislating freedom of information has been a very rocky road for governments in this country.

The stated purpose of an information Act is to allow citizens to have better access to information. This is a worthy intention, but in truth such legislation can turn out to have entirely different results from what was intended. A variety of problems can and will arise when information Acts are not thoroughly and meticulously thought out. Our fellow provinces can certainly attest to that, and their problems are far from over. We can list among these problems denial of access to information, prohibitive and unnecessary costs associated with information requests, nuisance problems, and manipulation of that legislation and the intent behind it.

I spent a bit of time last week discussing the difficulties various governments within Canada have had in enacting and administering freedom of information legislation. With the indulgence of the House, Mr. Speaker, I would like to speak a little bit more on that and recap some of those problems.

The federal government presents a good case to begin on, Mr. Speaker. For starters, they recently backtracked on a promise to protect personal information held by Air Canada and Petro-Canada. The federal Justice department recommended that Air Canada be exempted from the privacy law, while Petro-Canada was allowed to take advantage of special loopholes in the legislation to sidestep its responsibility. This incident is just one example of blatant misuse and disregard of information regulations. The federal government certainly sets no example to follow for efficiency in this area. Canada's Information Commissioner spent over \$5 million in 1988 alone. Manitoba is currently witnessing an alarming increase in the costs associated with requests for information. Costs incurred by departments and agencies dealing with applications for information amounted to nearly \$47,000, while they collected just \$800 in fees. The cost of processing applications in Manitoba continues to rise, from \$108 per application to \$138 and onwards to heaven knows where. I should note here, Mr. Speaker, that these figures do not include costs from Justice department legal advisers or administration costs for the Provincial Archives.

5:00

There were over 2,800 complaints from taxpayers in 1988 over government responses to information requests. We don't want a situation where a bureaucrat's rule of thumb regarding the divulgence of information is that you only disclose information when you can't find a way to exempt it. The failure of the feds has been acknowledged. As one official stated, it may take until

the year 2000 for the government to comply with the spirit and the letter of that Act. It has been acknowledged by some federal senior civil servants that the Act can indeed be an expensive nuisance. There is also on record the case of a woman who has filed 2,235 complaints against decisions by the National Revenue department to deny access requests.

We must avoid, Mr. Speaker, at all times instances where delays run into the ridiculous. The RCMP is such a case. A study called Federal Law Enforcement Under Review was requested by the *Globe and Mail*. Their request was denied, and a complaint was lodged. Thus began a long struggle to have the report released. Finally, 26 months after that request, portions of the report were released only after the access commissioner stated that she was prepared to take the RCMP to the Federal Court of Canada on the *Globe's* behalf if they continued to hold the information. This case illustrates that it is imperative that information legislation be comprehensive, fair, and well constructed.

Manitoba is also suffering problems with its appeal process. Civil servants have become reluctant to apply the law and release information, causing applicants to begin a long and tortuous appeals process lasting as long as six months. Manitoba is not alone in its appeal tribulations. At the federal level, one out of every eight requests results in a complaint being lodged with the federal Information Commissioner. On the other hand, Mr. Speaker, Quebec, the most progressive province in Canada in its access to information regulations, has also suffered some problems with an unwieldy appeal process. Often during appeal hearings lawyers must be retained by both the government and the plaintiff, costing both parties dearly. I don't believe this is an example we want to follow.

Now let's go to Ontario for a moment. Ontario's Freedom of Information and Protection of Personal Privacy Act holds as one of its basic principles the public's right of access to government records. Of course, certain examples have been considered where it is deemed necessary to protect the confidential nature of some information and to expedite government administration. While this provision seems reasonable, it in truth has turned into an opportunity for the government to take incredible latitude for itself in administering the Act. Vague and imprecise language in the Act allows the government to manipulate conditions, to determine information they want to suppress as privileged and confidential almost at will. Mr. Speaker, this has resulted in some terrible conflagrations of the law in Ontario. Information from the Department of Health concerning physicians who broke the law by double billing was denied to the public. The department of agriculture refused to release information on a list of publicly inspected meat plants. Information on corporate violators of the Ontario Occupational Health and Safety Act was withheld. These are just a few examples of information that should be in the hands of the Ontario people denied to the people it affects.

Ontario also provides us with an example of the problems we may encounter with the compelling public interest clause. Such a clause allows both the head of an institution and the Information and Privacy Commissioner to override an individual's right to privacy. Interpretation of what constitutes a compelling public interest opens up a veritable Pandora's box of problems. Mr. Bob Rae, Premier of Ontario, can certainly verify this. Mr. Rae, as we all know, used this provision to force the disclosure of an Ontario Hydro employee's salary. Using a very liberal interpretation of the vague compelling public interest clause ensured that disclosure of the information took precedence over the individual's right to privacy. One hopes this will not be a problem in an Alberta freedom of information Act, because the citizens of Alberta deserve better.

In addition to research and administration costs, the Ontario Information and Privacy Commissioner has stated that public awareness of the Act must be increased, resulting in a huge outreach program being launched, utilizing public and municipal training programs, public addresses, conferences, brochures, newsletters, and the list goes on. For a government that is in such severe financial trouble, it's possible that there are more appropriate areas to spend this money. Then we get to the problem of nuisance requests under the Ontario Act. These include the famous example of the psychiatric patient who took the Ontario government to the cleaners to the tune of \$200,000 with his 2,500 requests for information spaced out over a four-year period: from the sublime to the ridiculous, Mr. Speaker.

I would like to thank the members of this Assembly for allowing me to once again illustrate the many pitfalls lying in wait when using access to information legislation, with Ontario leading the pack in terms of mismanagement and inefficiency. Mr. Speaker, we must be very careful to understand the difference between good intentions and successful actions. We cannot take an important issue that requires full and careful attention and prescribe a solution that has been proven unsuccessful and even disastrous in other jurisdictions. We must take into account failures in our fellow provinces and try and improve on these and avoid duplicating their mistakes if possible.

Here lies the difference between the needs of an opposition party and a government party, Mr. Speaker. Opposition Bills often require that attention be given only to a Bill's title for it to look like a cure-all. Governments, on the other hand, must take into account the relative failures and successes of actions taken by other jurisdictions in enabling legislation that is right for the people it covers. None of the problems I have cited is unsolvable, but we cannot solve them by duplicating them and hoping things go differently. In this respect Bill 202 is certainly an improvement over the New Democrat Bill we discussed last week. It is based upon some interesting premises and has some good points to make. Many of these points will be focuses of discussion when the Alberta government introduces its own access to information legislation. This will clearly demonstrate that we have the ability to study and learn from others. Such important legislation should be the result of careful consideration and effort by the government to ensure fairness for all Albertans.

Thank you.

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

MR. CHIVERS: Thank you, Mr. Speaker. I am very pleased to see members on the government side of the House rising to support freedom of information and access to information Bills proposed by the hon. Member for Edmonton-Norwood and the hon. Member for Edmonton-Glengarry. I suggest, however, that it's no accident that they've suddenly become converted to the concepts of access to information and freedom of information and speak in support of the general principles. When the government's legislation is introduced in the House, I'll be very pleased to see how far it goes and to what extent it adheres to the principles that have been developed through trial and error in other jurisdictions. There's no doubt that it's a very complicated and complex issue and it requires a very fine balancing of competing interests. There's absolutely no doubt of that, and there's absolutely no doubt that there are problems in the area, problems that we can learn from in terms of developing legislation in Alberta.

I was very pleased to hear the Member for Edmonton-Glengarry indicate and acknowledge the fact that his Bill was based on

legislation in Ontario. I'm not here to suggest that that legislation is by any means free from flaw. There is indeed another access to information Bill which has recently been enacted in Saskatchewan, which is the most recent version of access to information law. I suspect we can probably learn from the experiments and the trial and error that go on in that province.

In any event, I am somewhat concerned when I hear the parading of horrors by the last speaker with respect to the difficulties encountered in some jurisdictions with regard to access to information. I am somewhat concerned with the professed conversion to the principle of access to information, and we'll be able to test it later on in the sittings of the Assembly when we see the government's Bill. I'll be very pleased to see how they deal with the balancing of the interest of the public's right to know against the interests of secretive government.

5:10

AN HON. MEMBER: If we see a Bill.

MR. CHIVERS: If we see a Bill.

I'll be very pleased to see – and I hope it'll be demonstrated in the legislation – that the legislation is not an exercise designed to manage the government's information and to subtly undermine the ability of people to access it. I'm not convinced of the expressed sincerity of the government's intentions with respect to freedom of information.

Of course, the purpose of freedom of information laws is to permit people access to government information, information directly of the government, of government agencies and other boards and tribunals. It is not to be designed to permit these organizations to manage their information in such a way as to defeat the need for access to information. It is not to be designed in such a way as to permit governments and their bodies, the arms of government, to avoid the disclosure of potentially damaging information. The purpose is to ensure access to information even when that information is damaging and embarrassing to the government. The purpose is to protect the integrity of information provided to ensure that the information that is provided is indeed accurate and complete. The purpose is to ensure and guarantee the integrity of that information. The purpose of access to information laws is to ensure the accountability of government for its actions, to improve the leadership and the responsibility of that government, and to ensure that the information serves and protects the public interest.

Information, of course, is a strategic resource, and it's long been recognized by governments not only in Canada but around the world that the protection of that strategic resource is indeed very potent in terms of the ability of the citizen to respond to government initiatives. Access to information, on the contrary, enables the public to have a better understanding of what it is that the government is doing, why it is doing it, and how it proposes to go about doing it.

The principle that has to be balanced: it's a balancing act between the public's right to know and to demand from government the information that it needs, and the ability of government to function in very sensitive areas, because of course there are issues with respect to information that can be damaging to third parties. There are legitimate reasons for exempting from disclosure certain types of information. However, if the legislation is too broadly framed, of course it defeats the primary purpose of the legislation. What we need to ensure is that the legislation properly balances the government's inclination to be secretive with the citizen's need and right to know.

I am pleased to support the Bill before the Assembly on this second reading. I think it goes a long way to doing that and to

balancing those interests properly. I hope that what will happen is that later in this session we will have the government's legislation before us, and we'll be able to analyze it and see to what extent it meets the principles behind access to information and disclosure.

Thank you, Mr. Speaker.

MR. ACTING DEPUTY SPEAKER: The Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. I support many of the concepts contained in this Act. Although I am speaking in opposition to Bill 202, I must pause to express some praise for the intention and certain of the provisions of this Bill.

Mr. Speaker, freedom of information and protection of personal privacy are areas which definitely merit careful attention of this Assembly and this government. No government can call itself a democratic one if it denies its citizens access to information that is theirs by right. Likewise, no government deserves the support of its people if it fails to respect the importance of personal privacy. The value of legislation in these areas cannot be overstated. That's why so many governments across this country are proposing, enacting, amending, and changing freedom of information and protection of personal privacy legislation even as we speak. These issues are rightly at the forefront of discussion in many Legislatures these days.

I have to give a favourable nod to anyone attempting to introduce legislation covering such an important area, particularly concerning the subtleties and potential pitfalls that must be dealt with if an Act is to be truly successful, so I must give some credit to this Bill 202. Certain of its provisions are not without merit. The idea of an information and privacy commissioner appointed by the Lieutenant Governor in Council and responsible to the Legislative Offices Committee is an interesting one. It is also a good idea that the commissioner prepare an annual report. Such a document would be fully in keeping with an office upholding freedom of information to the public. Such an office, similar in nature to the Ombudsman or to the Chief Electoral Officer or to the Auditor General or to an Ethics Commissioner, I venture to suggest would naturally be part of the responsibility of the all-party select standing committee of the Legislature on legislative offices that's so ably chaired by the hon. Member for Taber-Warner.

That said, I wish to turn to a point where good intentions, like the road to you know where, and sweeping generalizations must be put aside and real substance of administering access to information must begin, the point where this Bill potentially could go wrong. I have to stress, Mr. Speaker, the need to not only look at what other people are doing but to think for ourselves and for the people we govern as well. Whatever promise Bills such as this may have, they may well be lost when they fail to deal with the very specific considerations that successful legislation in this area must have in order to be worth while. This Bill runs the grave danger of having its results run counter to what it actually intends. Indeed, it may be argued by some that in fact it may be more harmful to adopt this Bill than to have no legislation at all in place.

[Mr. Deputy Speaker in the Chair]

5:20

The Alberta public, as we all know – and as the hon. Member for Calgary-Fish Creek told this Assembly last week in his comments when he spoke opposing Bill 201 – is currently able to access necessary information. Information is indeed available

from the conventional sources of department and agency public records and through written and oral questions in the Legislative Assembly. Motions for returns can also be used to access government information, and a glance at the Order Paper tells me that the opposition is well aware of this avenue of approach. If adopted, access to information legislation similar to Bill 202 would give the illusion of having complete and satisfactory legislation in place while embodying, perhaps, the opposite. The provisions of these pages would give the government the power to bend and twist what really constitutes public information until such a government could suppress or divulge whatever they felt like, and all under the auspices of a supposedly effective Act. This Act probably does not go far enough in depth to definitively solve those instances where the personal privacy of an individual and the need of the public to know may come to be at odds with one another.

Surely, Mr. Speaker, access to information and privacy require a notion of IQ: of the inappropriate question, the imprudent question, the improvident question, the insensitive question, and the like. All require a sense of IQ. This may happen in an event where information about a convicted offender is withheld due to privacy considerations and where facts about the health of certain individuals is suppressed due to privacy concerns ranking ahead, perhaps, of the public good. These are very sensitive and contentious areas, and legislation will have to be sensitive and definitive at the same time to properly deal with it.

Mr. Speaker, the Ontario legislation that this Bill approximates has been tested on both counts and has not been as successful as we would want for our province. There is a possibility that a strict interpretation of Ontario's legislation would allow an institution to release information containing names, addresses, and phone numbers of individuals that have been compiled by an institution for administrative purposes. It's the opinion of both myself and many other rational-thinking people that this is a serious privacy concern. I asked the hon. member: should we as Albertans be able to control information that pertains to ourselves, or should we be at the mercy of every association, business firm, interest group, or individual who happens to desire information about us? I'm concerned that although information may be requested on many topics from many government departments – and I have real concern about all the municipal bodies that may be required to provide information under this – there's no direct provision for access to information as to who is requesting the information and the nature of their requests for access to that information. However, I'm led to understand by the author of the Bill that this could be obtained, although it isn't directly in here.

While the Bill attempts to protect the privacy of civil servants making potentially unpopular decisions or recommendations, it is possible that a section covering this would not provide adequate protection for those members of the bureaucracy who need at times to take tough decisions. From time to time they need to make these in order to do the greatest public good. This, then, may result in a paralyzed civil service that is unable to make decisions, which may result in it drawing fire from a critical public.

Although the Act provides a provision that appeals of information decisions must be made within a certain time, more attention should and could be given to naming a time limit on how long an appeal is supposed to take. This inattention can result in appeals dragging on and on interminably, with a proportionate increase in the cost to taxpayers and to the plaintiffs. This can become particularly alarming when one considers the high proportion of information decisions which have been appealed in other jurisdictions in Canada and elsewhere.

Specific requirements are needed to deal with the application costs to be borne by persons requesting information. This can result in a disproportionate amount of the cost falling upon the shoulders of government and, therefore, the taxpayers, particularly when such information requests are made by persons who are resident in penal and mental institutions and whose income falls, naturally, below the prescribed limit. In the event of heavy use of the freedom of information Act and a possible high proportion of nuisance requests, the costs involved to the government and to the taxpayer can become rather unwieldy. This could quite possibly be the case in Alberta, Mr. Speaker. In Ontario figures show that provincial agencies received 4,700 requests for information in 1988. This figure rose almost by double, to 8,200, in '89 and will spiral to heaven knows where in the future.

Well, Mr. Speaker, you can drive a truck through many of the holes in access to information legislation in Canada. Legislation like this is just too important to decide upon quickly or even thoughtlessly. This Assembly may rest assured that when the government of Alberta brings forth legislation covering similar areas, it will consider fully the successes and failures of other governments, rather than simply duplicating their mistakes. The legislation will be tailor-made for Albertans and their special requirements and will do more than simply pay lip service to subtleties and specifics that are required when legislating access to information. This Bill is really a good beginning but is not supportable at this time.

MR. PAYNE: Mr. Speaker, perhaps I could preface my remarks with an appeal to a poet, who said:

Patience is a virtue;
Possess it if you can.
'Tis something rarely seen in women,
And surely never seen in men.

MR. FOX: Is that one of Drobot's?

MR. PAYNE: No. That's not nearly as good as Mr. Drobot's poetry, but I pick it for its relevance, not for its poetic quality.

I suggest, Mr. Speaker, to you and the other members today that it is relevant. I infer from the comments of the sponsoring member today and others who have spoken that there's a certain unbridled impatience for the government's Bill. For those who are experiencing those feelings, I would like to encourage them to simply be patient. Take my word for it that the government's legislative proposals and initiatives will surely be worth waiting for. The members of the opposition will be richly rewarded for their patience in this Assembly.

Further, Mr. Speaker, I would like to repeat some comments I made last week in speaking to Bill 201 with respect to the question of the government's perceived tardiness and my view that the government's timing has been just about right. It's our very clear intention to learn from the legislative mistakes of other jurisdictions. In so doing, we don't speak pejoratively or negatively about those jurisdictions. I do recall I might have mentioned that I thought they may in some respects have been premature, but I'd be the last to denigrate them for their attempts to move ahead with such legislation. Having said that, however, it's obviously our intention to benefit from their mistakes as well as the successes of these other legislative proposals that we've seen elsewhere in Canada and the United States. Suffice it to say that our legislative proposal will be comprehensive and complex, and as a consequence we want to make every effort to ensure that it avoids the pitfalls of other legislative attempts.

Now, Mr. Speaker, in appealing for patience today and in explaining what I regard as the correctness of the timing of our government proposals, I do not want to leave the impression that

the people of Alberta have in any way been disadvantaged by the absence of such legislation here in Alberta. I say that because there is obviously a vast array of information vehicles available to the people of Alberta, not the least of which are the members of this Assembly, *Hansard*, and television coverage, which was a pioneering venture of this Assembly. There is a vast array of such vehicles. Obviously, our people have not been disadvantaged in any way by the absence of this kind of legislation.

Mr. Speaker, as you can tell from the emotion of the moment, I have a considerable reservoir of emotion and information to share with the Assembly, but I regret that there is not sufficient time remaining on the clock to enable me to continue today. I would like, therefore, to move that we adjourn the debate of this Bill.

MR. DEPUTY SPEAKER: Having heard the motion of the hon. Member for Calgary-Fish Creek that debate on this matter be adjourned, all those in favour, please say aye.

HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Those opposed, please say no. Carried.

MR. GOGO: Mr. Speaker, by way of information, the House will not sit this evening. Tomorrow we'll deal with government Bills as well as Government Motion 7, moved by the hon. Premier.

[At 5:29 p.m. the Assembly adjourned to Friday at 10 a.m.]