

Legislative Assembly of Alberta

Title: **Thursday, May 5, 1994**

1:30 p.m.

Date: 94/05/05

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

Our Father, we thank You for Your abundant blessings to our province and ourselves.

We ask You to ensure to us Your guidance and the will to follow it.

Amen.

head: **Presenting Petitions**

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

MR. SAPERS: Thank you, Mr. Speaker. Today I want to introduce eight petitions regarding the proposed threatened cut to early childhood schooling in this province. In total the eight petitions contain over 22,000 signatures.

AN HON. MEMBER: How many?

MR. SAPERS: Twenty-two thousand. [Disturbance in the gallery]

SERGEANT-AT-ARMS: Order! Order in the public gallery. You're not part of the proceedings.

MR. SAPERS: The first petition comes from various centres throughout rural Alberta, Mr. Speaker, including Glenevis, Drayton Valley, St. Paul, Bon Accord, Falher, and Peace River, and contains 2,322 signatures. The next petition concerned about ECS in this province comes from Stony Plain containing 140 signatures. From Banff, Cochrane, Blairmore, and Canmore, 175 Albertans concerned about early childhood schooling. From Calgary, 959 signatures. From Grande Prairie a further 100 Albertans are petitioning the Assembly about funding for early childhood schooling. From Red Deer, 121 concerned Albertans. From the city of Edmonton 11,347 Albertans are petitioning this Assembly to pay attention to their concerns about early childhood schooling. [some applause]

Speaker's Ruling Decorum

MR. SPEAKER: Order please. There will be no applause for petitions during the presentation. There shouldn't even be any applause afterwards for this order of business.

If the hon. Member for Edmonton-Glenora hasn't finished, the hon. member can say the numbers and the place but doesn't have to describe what they are each time because that was in the introduction.

head: **Presenting Petitions**
(continued)

MR. SAPERS: Thank you, Mr. Speaker. There are 6,978 further Albertans who are petitioning the Assembly from various communities throughout Alberta.

MR. SPEAKER: Well, we know why they're petitioning. The hon. member said what these petitions were about in his opening comments.

MR. SAPERS: I'll just introduce them as a petition, Mr. Speaker, another almost 7,000 signatures.

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

MR. HENRY: Thank you very much, Mr. Speaker. I beg your leave to present a petition on behalf of several Edmontonians, 200 and some Edmontonians. This petition urges the government to act in a fiscally responsible manner and not to waste taxpayers' dollars appealing the April 12 decision of the Court of Queen's Bench which established that IRPA violates section 15 of the Canadian Charter of Rights and Freedoms.

Thank you.

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

MR. WICKMAN: Thank you, Mr. Speaker. I wish to table petitions containing dozens upon dozens of names of constituents objecting to having to be referred by a physician or dentist to receive access to physical therapy.

head: **Reading and Receiving Petitions**

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

MR. ZARIWNY: Thank you, Mr. Speaker. I'd like to have read and received today a petition I tabled on April 18 signed by the seniors of Trinity Hall.

Thank you.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government not to alter the level of support for all benefits for Alberta's seniors until seniors have been consulted and have agreed to any revisions.

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

MS LEIBOVICI: Yes. Thank you, Mr. Speaker. I request that the petition I presented on April 20 with regards to seniors' benefits be read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government not to alter the level of support for all benefits for Alberta's seniors until seniors have been consulted and have agreed to any revisions.

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

MR. DALLA-LONGA: Thank you, Mr. Speaker. I beg leave to have the petition which I presented on April 21 now read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the government to maintain the Alberta Children's Hospital in Calgary on its current site and as it currently exists as a full service Pediatric Health Care facility.

head: **Presenting Reports by
Standing and Special Committees**

MR. SPEAKER: The hon. Member for Taber-Warner.

MR. HIERATH: Thank you, Mr. Speaker. As chairman of the Select Special Auditor General Search Committee I would like to

present the report of the Select Special Auditor General Search Committee, which is submitted pursuant to section 3(2) of the Auditor General Act.

MR. SPEAKER: Does the Assembly concur with this request? The Chair will withdraw that question. The Chair understands that this is just a tabling of the report, and a request for concurrence will be made on our next sitting day.

head: **Notices of Motions**

MR. DAY: Mr. Speaker, I wish to give oral notice of the following motion:

Be it resolved that the report of the Select Special Auditor General Search Committee, appointed by this Assembly on November 9, 1993, be now received and concurred in.

Mr. Speaker, I also wish to give oral notice of the following motion in order that the Assembly may move ahead with serious study of Bill 19 at the committee stage:

Be it resolved that the debate on second reading of Bill 19, the School Amendment Act, 1994, shall not be further adjourned.

head: **Introduction of Bills**

Bill 32

Fuel and Tobacco Tax Statutes Amendment Act, 1994

MR. DINNING: Mr. Speaker, I request leave to introduce a Bill, the Fuel and Tobacco Tax Statutes Amendment Act, 1994.

Mr. Speaker, the object of this Bill is to better control the illegal interprovincial traffic in tobacco and to safeguard our revenues. What we're trying to do is deal with the pressure put on Alberta and the other provinces by the Liberal government's ill-conceived move to drop tax rates to fight illegal smuggling of tobacco products. It moves Alberta in line with other provinces in requiring tobacco products to be marked for sale in the province and increasing penalties for violation of the law.

[Leave granted; Bill 32 read a first time]

head: **Tabling Returns and Reports**

MR. JONSON: Mr. Speaker, it is my pleasure to table six copies of the responses to questions from the designated supply subcommittee of Friday, March 18, 1994.

head: **Introduction of Guests**

1:40

MRS. HEWES: Mr. Speaker, I'm delighted today to introduce a constituent of mine from Edmonton-Gold Bar: Mrs. Linda Mallott. Mrs. Mallott is the mother of one of our pages: Meridith Mallott. Mrs. Mallott, I don't know where you're sitting, but would you please rise and give the House an opportunity to welcome you.

Thank you.

MRS. MIROSH: Mr. Speaker, it gives me a great deal of pleasure and it certainly is an honour to introduce to you and through you to members of the Assembly a group of grade 6 students from St. Stephen school, 43 in total. They're accompanied by their teacher Lucia Cousin and 10 parents: Sharon Getz, Franca Cecchetto, Alberto Romano, Bruce MacDonald, Carlo Romano, Edith Ortiz, Maria Molnar, Pat Whitney, Veronica Rozier, and Elizabeth Barry. They're seated in the members' gallery. Would they all rise, please, and receive the warm welcome of this Assembly.

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

MR. BENIUK: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to the members of this Assembly eight students from the YYC located in my riding. They are accompanied by their teacher Brian Gizzie and two other adults: Elsie Hearne and Sharon Lechelt. I would ask that they rise and receive the warm welcome of this House.

MR. SPEAKER: The hon. Member for Wainwright.

MR. FISCHER: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to the members of the House 20 visitors from the great little community of Czar. Thirteen are grade 4 to 6 students. They are accompanied by teacher Ron Anderson, by parents Donna Swanson, Sharon Flynn, Dagmar Charlton, Jacqui Almberg, Shelley Hobbs, and Elise Sanachan. They have come to see the Legislature in action. They're staying overnight and going to see the rest of Edmonton tomorrow. I ask them to rise and receive the warm welcome of this House.

MR. SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I'm delighted to be able to introduce to you and to all members of this House two very distinguished visitors from my constituency. They are particularly interested in the performance of the Minister of Labour and House leader. These visitors are Stockwell and Gwen Day, who are seated in the members' gallery, I believe. I would like the members to give these people a warm welcome.

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

MR. HLADY: Thank you, Mr. Speaker. It gives me great pleasure today to introduce to you and through you 43 young Albertans seated in both the members' and public galleries. These young adults are visiting Edmonton for the week to take part in the Forum for Young Albertans. Throughout the week the students are given the opportunity to learn about the different aspects of the Legislative Assembly and to observe the workings of the municipal government and the judiciary. It is my pleasure to serve as a trustee for the forum, and I along with many of my hon. colleagues have had the opportunity to meet with the students already this week during various debates, panels, and the MLA/student dinner. I would like to ask the members to join me in welcoming them, along with their group leaders, Claire Poole and Chantelle Peredery, to the Assembly.

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

MR. SAPERS: Thank you, Mr. Speaker. I appreciate the opportunity to rise and to introduce to you and to all members of the Assembly a collection of very strong-minded Albertans who know what's best for children of our province. I would like to introduce some members of the Glenora Parent Teacher Association joining us today. I believe they're all seated in the public gallery. Maria Smyth, Cathy Krysa, Kathy Gregg, Denise Assaly, Sheila Greckol, and Joan Copp are all here representing the Glenora Parent Teacher Association. This is the group of Albertans who are responsible for organizing the petitions which I previously tabled in this Assembly. Those petitions bring the number to close to 40,000 Albertans who have petitioned this Assembly regarding early childhood schooling. They are accompanied today by several other Edmontonians. I believe their

numbers are so great that some of them may have spilled over into the members' gallery. I would ask them now to all please rise and enjoy the warm welcome of this Assembly.

head:

Ministerial Statements

International Day of Midwifery

MR. DAY: Mr. Speaker, today I'd like to draw the attention of the Assembly to the fact that the 5th day of May is the day which recognizes around the world the profession of midwifery. Today on the steps of the Legislature there was a demonstration somewhat different than the type we're accustomed to: smiling faces, people who are pleased with the progress that government has been making on an issue. It was a delight to meet there with midwives, with families, and with children who have been instrumental in seeing this government move ahead with the process of developing regulations, legislation to see midwifery move into its own right in terms of professionalism and being able to practise that occupation which they so well practise and which they are so committed to.

It's interesting to note that up until a few years ago Canada was one of the few nations in the United Nations that did not in fact incorporate in any way midwifery into the health care system. Because of the work that's been done by Alberta midwives and by those families that have chosen their services, Alberta has been able to be a leader in the development of legislation and regulation. We've been convinced by their proposals which show that this is in fact something that consumers want and should have. It's after all something very natural that has been going on for all of time, and now we're able to see the profession develop.

The midwifery regulations committee has been very effective in developing a framework of regulations that is right now being validated and looked at to be finalized. We will see more of a co-operative venture in terms of all of health care working with midwives. We're delighted with the process. The fact that it's under the Department of Labour has nothing to do with the particular terminology. It's simply a fact that professions and occupations fall under that jurisdiction.

So not only are we convinced as a government professionally, my wife and I, I can share quickly, are convinced of the efficacy of midwifery since our third child was born at the hands of a midwife. It wasn't planned that way. The doctor didn't arrive in time. We know what we say about the best laid plans of mice and men. But I'm convinced personally, and our government is on a legislative and professional level. We're delighted to see the progress being made, and we want to acknowledge that on the International Day of Midwifery.

MR. SPEAKER: The hon. deputy Leader of the Opposition.

MRS. HEWES: Thanks, Mr. Speaker. I'm glad to respond and to join the minister in expressing our pleasure and our joy at celebrating the International Day of Midwifery. Midwifery is a respected and well-established profession in most nations of the world. Canada and North America, however, have been curiously reluctant to adopt and legitimize the profession, almost ignoring the reality that in many parts of our country children are born at home. We recognize that midwives have a very special kind of training and special skills that they bring to assist mothers in the joyous experience of childbirth.

Mr. Speaker, much has changed in recent decades. Families and mothers have the right and the option to choose the profession best suited to their needs to help them through the normal process of pregnancy and childbirth. There has been a consistent pressure

in recent years that these choices include the option for women to give birth outside of a clinical setting and/or in their home.

I would like to thank, as has the minister, those associations, the parents, the professionals, the administrators, the doctors, and the midwives themselves who have persevered to keep this matter before us and to bring it to an actuality. I want to thank the government for responding to this request and this perseverance in a positive fashion. It's something that this caucus has supported throughout, Mr. Speaker. Our hope is that the government proposals will be implemented in the very near future and that midwifery will become a welcome, indigenous part of our health care system.

head:

Oral Question Period

1:50

Independence of Judiciary

MRS. HEWES: Mr. Speaker, the community concern over the Premier's remarks regarding judges as civil servants and who hires and fires them is escalating. It's time to get this resolved and quickly. It's high time to try to regain the public's confidence in the independence of our judiciary and the court system. The Assistant Chief Provincial Court Judge has asked that this matter be referred now to the provincial Court of Appeal for a resolution. My question is to the Premier. Mr. Premier, have you done this?

MR. KLEIN: Have I done what? Mr. Speaker, as I understand the question, the chief judge has referred this to the Court of Appeal. Have I done this? [interjections] Pardon me.

MR. SPEAKER: Perhaps the Chair can clarify the situation. The assistant chief judge of the Provincial Court has asked the government to refer this matter to the Court of Appeal. The question was whether this had been done.

MR. KLEIN: My apologies to you, Mr. Speaker, and to the hon. member.

Mr. Speaker, no, I have not done it. This thing is not escalating. I thought it was dying.

AN HON. MEMBER: You wish.

MR. KLEIN: No. I thought it was pretty well under control. I guess I come back to the fundamental issue that I asked the hon. leader of the Liberal opposition yesterday, a question that the Liberals have not been able to answer thus far.

AN HON. MEMBER: We ask the questions.

MR. KLEIN: Well, no, I would like – and I challenge now the deputy leader to maybe answer the question. Do you think it's proper for a person . . .

MR. SPEAKER: Well, no. Unfortunately, the format of question period doesn't allow for the opposition to answer questions.

MRS. HEWES: Mr. Speaker, this is not a question of pay for work. We know that.

Mr. Speaker, we understand that the Premier has written a letter to the Chief Provincial Court Judge. Will the Premier now table the letter? This is not and cannot be considered a private matter any longer, Mr. Premier.

MR. KLEIN: We will see how the chief judge responds to the letter. I would like to hear from the chief judge.

Getting back to the basic question that I tried to wonder out loud about, I'm still wondering if the Liberals think that it's proper for any person to be paid out of taxpayers' dollars and not work.

MRS. HEWES: What is not proper is political interference, Mr. Speaker.

Mr. Speaker, my last question is also to the Premier. Mr. Premier, will you immediately respond to the host of problems that are being experienced in our provincial courts as a result of your indifference and lack of resources?

MR. KLEIN: I would take great exception to "indifference." Indeed, my remarks focused on the simple fundamental issue of someone expecting to get paid for not working.

MR. SPEAKER: The hon. Member for Edmonton-McClung.

MR. MITCHELL: The Premier was strangely silent when Don Getty didn't work in this Legislature for as much as three months.

Paddle River Dam

MR. MITCHELL: Mr. Speaker, I am tabling the very critical letter outlining an agreement between the then MLAs for Whitecourt and for Barrhead. This letter explains that these two Progressive Conservative Members of the Legislative Assembly had decided that work on the Paddle River dam project would be split 75-25 percent between their two ridings. To the Premier: by what authority can Conservative MLAs in this province decide amongst themselves who gets to work and who doesn't?

MR. KLEIN: Mr. Speaker, I would ask that you rule as to the validity of this question, understanding that the two ministers referred to have indeed stood in this Legislature on points of personal privilege, which I understand, sir, are under your consideration now. So I would ask you to rule on the validity of that question.

Speaker's Ruling Sub Judice Rule

MR. SPEAKER: Well, the Chair would say that the matters of privilege arose out of questions that were asked yesterday, and the fact that the Chair is considering the consequences of those questions does not inhibit the asking of further questions relating to this subject. Let's put it this way: because there's an outstanding matter about those two questions, it doesn't mean the entire subject is sub judice.

MR. KLEIN: As much as I beg not to argue with the Chair, sir, the questions that have been asked today are very, very similar in nature, if you search the records, to the questions that were asked yesterday. Mr. Speaker, I do not now find myself in the position of being able to respond to a question that may very, very well affect your decision, sir.

MR. SPEAKER: Well, it's perfectly open and quite legitimate for a person who is asked a question to take the question as notice and to answer it at a later date.

Paddle River Dam (continued)

MR. KLEIN: Thank you, sir. I will take the question under notice and will be happy to respond after you have delivered your ruling.

MR. MITCHELL: I wonder whether the Premier could tell us whether it is explicitly outlined in specifications for government work in this province that MLAs will be involved in the allocation of that work or whether that's some sort of informal process that people have to guess about.

MR. KLEIN: Well, Mr. Speaker, I can speak generically to this issue but not certainly as it relates to this specific case and the matters of privilege that are now under your consideration, sir. Yes, there are numerous instances where in fact local contractors are given preference to stimulate the economy in a particular area. The most notable recently was the Oldman River dam, where indeed it was clearly specified – clearly specified – that 50 percent I believe of the day work and so on would have to go to people in the Crownsnest area in order to stimulate the economy in that sorely depressed area.

MR. MITCHELL: Mr. Speaker, I wonder whether the Premier can explain to us how he can continue to accept his Deputy Premier's explanation that there was no interference in the allocation of work in this particular project when the Deputy Premier himself has very clearly signed the agreement that allocates work on the Paddle River dam project 75-25 percent between the two ridings adjacent to one another.

MR. SPEAKER: No. The Premier will not answer that question. The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I, too, would like to table four copies of a document. This is a court document that is a record of a phone call from Ken Kowalski complaining about a contractor in his riding being shut out of work on construction of the Paddle River dam. This is a court document. The memo further states that he was astounded that a colleague of his would do this to him. Apparently this phone call led to the message referred to earlier, so I'd like to table those. My first question is to the Premier. What does the Premier say to those firms that could have and would have worked on the contract competitively if they had had the opportunity but couldn't because their address happened to be in the wrong constituency?

MR. KLEIN: Well, Mr. Speaker, again I will take that question under notice, and I will reply, sir, after you have given your ruling, because again that question relates absolutely directly to the very, very serious – and I consider that to be the most serious issue in this Legislature – point of personal privilege. I'll take that question under notice until the issue of privilege, which I consider to be very serious, has been determined by yourself, sir.

2:00

MR. BRUSEKER: Well, let me try something a little broader that perhaps the Premier can deal with. How can Albertans believe that this government is serious about interprovincial free trade when apparently there's not free trade within the province?

MR. KLEIN: Well, there's lots of free trading in the province, lots of free trading, and a lot of it goes on over there, Mr. Speaker. I've been advised that a school went into a certain constituency because a Liberal member over there was very successful in lobbying a government member to make sure that that school was built in his constituency.

MR. SPEAKER: Final supplemental, the hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. My final supplementary to the Premier, then, is: what steps will the Premier undertake to prevent the recurrence of similar events in the process of prescribing the division of labour amongst government members?

MR. KLEIN: We try to be as fair as we possibly can, understanding that if there is a project in a particular area, whether it's an opposition region or a government constituency, Mr. Speaker, we try to make sure that a fair share of the work goes to the local contractors. It simply makes sense. I will ask the hon. Minister of Public Works, Supply and Services to elaborate further on government contracting procedures.

MR. SPEAKER: The hon. Minister of Public Works, Supply and Services.

MR. THURBER: Thank you, Mr. Speaker. The Premier is very right in his comments on the way that contracts are let out. Generally speaking, it's not uncommon for any government or anybody letting out a contract in an area to try and subscribe to the needs of that area. If there's low employment in the area, such as happened on the Oldman dam, there is agreement, sometimes in writing, sometimes verbally, to try and make use of the labour in the area to promote the industry in that area.

MR. SPEAKER: The hon. Member for Red Deer-South.

Provincial Fiscal Policies

MR. DOERKSEN: Thank you, Mr. Speaker. Fifty-two weeks ago Premier Klein's government introduced a pre-election budget, a budget that was the cornerstone of the fiscal plan to restore financial vitality to this province. Interestingly, the Ontario government today is introducing their '94-95 budget, which many feel will not adequately address their projected \$8 billion to \$10 billion annual deficit. My question is to the Premier. On the eve of the anniversary of your pre-election budget would you remind Albertans once again of the priorities of this government?

MR. SPEAKER: The Chair can only say that that information can perfectly well be delivered in debate at other stages of our proceedings.

The hon. Member for Edmonton-Whitemud.

Fletcher's Fine Foods Ltd.

DR. PERCY: Thank you, Mr. Speaker. For a government that claims to be getting out of the business of being in business, this government likes jumping in with both feet. In November of 1991 Don Getty and Dick Johnston said no to further backstopping of Fletcher's and their disastrous move into California. Now the Premier and the Provincial Treasurer are negotiating a \$2.5 million windfall for Fletcher's. My first question is to the hon. Provincial Treasurer. Will the Treasurer confirm that the government is going to pay the Royal Bank \$2.5 million on an outstanding loan guarantee for Fletcher's or take the equivalent in a shareholding position?

MR. SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker. Certainly what I assume the hon. member is alluding to are ongoing discussions on the restructuring of Fletcher's. These discussions have been

ongoing for some years now. This is not something very recent. We're working to try and develop a process that will allow the original pork producers to have the shares brought back into their hands. Now, those discussions have been ongoing with the pork development board as well as Fletcher's, and I assume that's what the hon. member is alluding to.

DR. PERCY: Mr. Speaker, I will repeat my question: is the government going to invest 2 and a half million dollars in Fletcher's and further put the taxpayer on the hook? That's my question.

MR. PASZKOWSKI: Mr. Speaker, the pork industry of Alberta is a very vibrant industry, has been for many, many years. [interjections]

MR. SPEAKER: Order. [interjections] Order.
The hon. minister.

MR. PASZKOWSKI: Thank you, Mr. Speaker. The process at the present time that unfortunately has not been heard is that Fletcher's and the pork development board are involved in discussions in restructuring of their plant. There have been no decisions made regarding government involvement. Therefore there is no answer as to whether the government is going to be doing anything as far as financial involvement is concerned at this time.

DR. PERCY: Mr. Speaker, what will it take for the Provincial Treasurer to say no to further backstopping of business in this province? Just say no.

MR. PASZKOWSKI: Again, Mr. Speaker, there is no question to say no to. Now, I'm not sure just what the hon. member is asking here: if he's suggesting that the provincial government should not be involved in partnership for value-added development in this province, whether he's suggesting that indeed the provincial government should not be involved in seeing that we do develop a proper marketing process. Perhaps the hon. member could share with us what it is he's trying to curtail in the development of agriculture in this province.

MR. SPEAKER: Order please. [interjections] Order. [interjections] Order please. The hon. Member for Edmonton-Whitemud will have to do that on another occasion.

The hon. Member for Calgary-Cross.

Community Health Centres

MRS. FRITZ: Thank you, Mr. Speaker. My question today is to the hon. Minister of Health. The Lou Hyndman report stated that the Bow Valley centre in Calgary should become a community health centre, and also a key part of the minister's three-year business plan for Health is the enhancement of community care. I'm interested in the minister defining what a community health centre is.

MRS. McCLELLAN: Mr. Speaker, both the Hyndman report in Calgary and the Atkinson report in Edmonton recommended that community health centres be developed. There is a task working group in both Calgary and Edmonton, in Calgary led by the General hospital group, to develop a model for delivering health services through a community health centre. It is my understanding that the timetable for that group to come back with the

development of that model is the end of May. Conceivably they are looking at a way to deliver health services to the citizens of Calgary through a community-based health centre, and we are very interested in seeing that model come forward.

MR. SPEAKER: Supplemental question.

MRS. FRITZ: Thank you, Mr. Speaker. Under the proposed model is there an opportunity for support health care workers, for example in dietary or housekeeping, to be able to work in the community as outreach workers?

MRS. McCLELLAN: Mr. Speaker, that would be a very important part of developing a community health centre model. In fact, I had the opportunity to speak at the dietitians' conference last Saturday in Calgary and to spend about 45 minutes with them in a question-and-answer period. I have to say that they're very excited about the opportunities that are there for them to provide outreach services, and in fact being a proactive group, they are doing that today.

MR. SPEAKER: Final supplemental.

MRS. FRITZ: Thank you, Mr. Speaker. My third supplemental is to the Minister of Labour. Under the proposed model of community health centres do you anticipate a significant change in employment opportunities?

MR. DAY: Mr. Speaker, health care providers for a number of years in Alberta have been advocating a shift from institutionalized delivery of services to a more comprehensive community-based delivery of health services. Within that framework you will see many opportunities develop, in a different framework but many more opportunities for health care being provided, and those opportunities will be identified by the groups in those regions.

MR. SPEAKER: The hon. Member for West Yellowhead.

2:10 Kindergarten Programs

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. The government cut seniors' benefits, and when the seniors protested in large numbers, the government decided to consult with them, and that was good. When thousands of people objected to the proposed changes to the Grey Nuns hospital, the Premier said that he'd take another look at it. Now we've heard from thousands and thousands of Albertans, including today's petitioners and visitors, who are all protesting cuts to kindergarten programs because they know it's wrong and because they know there is no research that favours such a cut. Now, my question is to the Premier. Are you now willing to consider funding a full kindergarten program?

MR. KLEIN: Mr. Speaker, the government's decision was taken some time ago relative to this fundamental issue, and we have said to the various school jurisdictions: if you can do things within your funding envelopes to accommodate the additional hours, then please feel free to do that. There are some school districts that indeed are doing that and doing it quite successfully. There are other school districts that are trying to accommodate ECS within the 200-hour envelope, all part of the total restructuring that is eliminating 40 nonoperating school districts, reducing the number of existing school boards, those that still remain, from 140 to 60. [interjections] Just listen. That will result in massive administrative savings. Money that will come out of the administration of

the system will allow these school districts to restructure through site-based schools and community schools to identify what is a priority for them and to do things differently, more efficiently, more effectively, and not just count on more government dollars.

MR. SPEAKER: Supplemental question.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I was only asking about kindergarten programs, nothing else, I think. Anyway, the Premier seems to be passing the buck here.

I'd like to ask the Minister of Education, if I could: why did you not consult Albertans on this particular cut? Was it because you knew that they would oppose it?

MR. JONSON: Mr. Speaker, I would like to remind the hon. member opposite that the issue of early childhood services was very much in the discussions that took place at the roundtables and in other discussions that took place across the province and certainly recognized in the submissions that came in to government. In fact, I recall members opposite particularly noticing that we had included early childhood services for discussion in the overall consultation process.

MR. VAN BINSBERGEN: It was included, but no one proposed a cut. I'm sorry, Mr. Speaker; that just slipped out here.

I'd like to go back to the Premier, if I could. I'd like to ask him now: how many people have to oppose this decision before you'll reverse it?

MR. KLEIN: Mr. Speaker, you know, I guess if we changed our minds every time the Liberals filed a petition – right? – every time, we would be changing our minds more times in an hour than they change their minds in a day, you know, and that's often.

Mr. Speaker, we have set for ourselves a program. The program allows for a reduction in the fundamental administration of those agencies that depend on the government for funding. We have given school districts and so on the leeway to find new and better and more cost-efficient ways of doing things. Now, you have to understand that our primary function is to make sure the resources go to what is really the responsibility of Alberta Education, and that is grades 1 to 12. I know it can be argued that ECS should be part of the school system, but the simple fact is that it is not now and never has been part of the school system.

MR. JONSON: Just to briefly supplement the hon. Premier's answer, Mr. Speaker, I think it should be emphasized that across this province there are many jurisdictions, many private ECS operators who are taking innovative initiatives. They are dealing with the need to concentrate on a quality program within the 200-hour limit in terms of funding, or they are finding ways to offer more hours at a very efficient and effective cost. Across this province there are many examples where it is being shown that the emphasis, as the research indicates, should be put on the quality of the program itself. That is taking place.

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

Calgary Trauma Centre

MRS. FORSYTH: Yes. Thank you, Mr. Speaker. My question today is to the Minister of Health. I recently met with a group of medical people discussing the Hyndman report. They believe tertiary programs consolidated to a single site will produce limited hands-on delivery of programs, losing quality care. The Foothills

unfortunately is located in a section of the city that is relatively inaccessible to the city core, which is the site of the vast majority of major trauma. It is also removed from the city's industrial centre, sites where most likely a major disaster could occur. Given this isolation, would the minister consider two major trauma centres?

MRS. McCLELLAN: Mr. Speaker, the Premier and the minister met with a group of Calgary physicians and citizens from the area that is under discussion earlier this week. We discussed a number of those items. I outlined to the group that major trauma – and I think we have to separate major trauma. A Canadian study on trauma suggests that one major trauma site for one to one and a half million people is considered more than adequate. I think the interest that we heard expressed was emergency and a high level of emergency services. Frankly, the Foothills hospital would be considered a downtown hospital in almost any North American city.

Again, I have to say that we have made no decision as to where these sites should be. There are recommendations; there are working groups. When we receive the input back, we will consider all of the information, and the decision will be made on the basis of the best delivery of health services.

MR. SPEAKER: Supplemental question.

MRS. FORSYTH: Yes. Thank you, Mr. Speaker. How can money be saved when tertiary care focused on one site will result in higher patient transfers and loss of continuity of care?

MRS. McCLELLAN: Well, Mr. Speaker, I have to reiterate that the decisions this government makes, when it makes them, when we have received all of the information, will be made on the best clinical advice and on the most efficient, cost-effective, and quality health care delivery.

MR. SPEAKER: Final supplemental.

MRS. FORSYTH: Yes. My final question, Mr. Speaker, is: what would be the cost of relocating, developing, and re-establishing trauma programs?

MRS. McCLELLAN: Mr. Speaker, I certainly do not have that information at this time. There is a group looking at that. However, I would say that any consideration on capital has to be looked at carefully, and we also have to look at not only capital costs but long-term operating costs. I think we have to come back to the best delivery of service.

MR. SPEAKER: The hon. Member for Edmonton-Beverly-Belmont.

Senior Citizens' Programs

MR. YANKOWSKY: Thank you, Mr. Speaker. This government promised to hear and act on what seniors said. Seniors spoke. A review panel was appointed to come up with recommendations, which they did. Now the government refuses to accept the panel's recommendations. To the Minister of Community Development: if there were monetary parameters, why weren't they outlined in the committee's terms of reference?

MR. MAR: They were, Mr. Speaker. The panel committee was given the responsibility and charged with the responsibility for

preparing packages which would address seniors' concerns as outlined in the summary report. Those packages were to be prepared in amounts of \$10 million, \$20 million, and \$30 million. The panel elected to ignore that parameter and came back with a recommendation that would appear to be in the magnitude of about \$85 million.

2:20

MR. SPEAKER: Supplemental question, the hon. Member for Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Speaker. Why aren't you listening to the three interagency panel members, who represent 100,000 seniors and who have asked for the plan to be scrapped?

MR. MAR: Mr. Speaker, I don't know and I can't speak to how the interagency council arrives at its conclusions about what seniors were asking. In talking with seniors throughout the province of Alberta and attending scores of meetings and going and speaking before crowds as small as a hundred, as large as 600 and with respect to the input that's been received from seniors on the information lines, frankly this is a good program. This program will address the fundamental needs of seniors in the province of Alberta.

MR. SPEAKER: Final supplemental.

MR. YANKOWSKY: Thank you, Mr. Speaker. Why are seniors being asked to take more than a 5 percent cut?

MR. MAR: Well, Mr. Speaker, the fact is that in particular individual circumstances some individuals may receive no benefit when they received a benefit before. Given a limited amount of money, seniors clearly said, "We must protect lower income seniors." Indeed, that's what's been done here. Lower income seniors are protected, and indeed those individuals are getting more money than what they used to get.

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

Bull Trout

MR. LUND: Thank you, Mr. Speaker. Many fishermen and others have expressed a concern to me that the bull trout population in the province is dwindling. As members know, I've had a private member's Bill before the House addressing this issue and trying to make the species the official fish emblem in the province. The intent of that was to raise the awareness of the bull trout. To the Minister of Environmental Protection: what is your department doing to protect this very unique species in the province of Alberta?

MR. SPEAKER: The hon. Minister of Environmental Protection.

MR. EVANS: Thank you very much, Mr. Speaker. First of all, I want to thank the hon. member for his private member's Bill, because it certainly raised the exposure level and the lack of presence of the bull trout in Alberta streams to the general public. Indeed, the bull trout is an important part of outdoor Alberta. For a number of reasons, including habitat changes, pressures from both commercial and recreation fishing, and I would say certainly as well pressures from other species, the numbers have been going down.

Now, I think the hon. member is aware that a number of organizations have taken a proactive approach on this. There's a bull trout conference down in the city of Calgary that is bringing

together government people, recreationists, sports people, and conservationists. They are all meeting to deal at a three-day conference with the issues that we have before us in terms of both recovery of the species and management of the species. We'll have people from a number of other provinces there and from a number of other states. So this is Albertans taking a proactive approach, and it's a first in the right direction.

MR. LUND: To the same minister: is there any thought of putting this species on the endangered species list?

MR. EVANS: Well, one of the things that will be announced tomorrow at this conference is a task force that will be looking at, again, management and recovery. They're going to have to look at a number of different issues. First of all, they'll be looking at what the current inventories are. They're going to be looking at how we manage our sports fishery. They're going to be looking at habitat improvement, because I think that is an extremely important component here, and then education generally. Now, after that has been completed, if the decision by those people who are working on the task force is that this is an endangered species and that recovery is not happening fast enough, they will be making that recommendation to me, and I'll be taking it forward to my colleagues.

MR. SPEAKER: The hon. Member for Calgary-Buffalo.

Young Offenders Programs

MR. DICKSON: Thank you very much, Mr. Speaker. The Premier has been quick to criticize the federal government over the Young Offenders Act but disappointingly slow to deal with problems with young offenders in his own backyard. The city of Calgary has shown that providing a good probation program will reduce youth crime. Sadly, the government support for this program has been reduced by something close to 40 percent. My question is to the hon. Minister of Justice. Does the minister agree that the program developed by Calgary when the Premier was mayor has in fact been successful in reducing repeat offences by young offenders?

MR. ROSTAD: Mr. Speaker, I don't question the effectiveness of the program at all, but because a program has been effective does not mean it can't be more efficient.

MR. DICKSON: Well, Mr. Speaker, since we know that probation costs approximately one-tenth of the cost to warehouse a young offender in a jail, will the province increase its support to this program and similar programs not just in Calgary but throughout the province?

MR. ROSTAD: Mr. Speaker, I think probation and alternative measures are excellent vehicles to keep offenders out of the prison system, but as I understand this particular issue, there's a debate before Calgary city council, who is charged with administering this, not the hon. Member for Calgary-Buffalo. Once they've made their resolution, we will deal with it.

MR. DICKSON: Well, my final question, then, is to the hon. Minister of Justice as well. What tracking has been done in terms of the effectiveness of alternative measures since it's been taken away from the city of Calgary and is now a responsibility of this minister's own department?

MR. ROSTAD: Mr. Speaker, I have full confidence in our department in delivering the program for alternative measures. We're very committed to that program, which keeps people out of the more formal judicial system and in fact getting a sentence or having to be incarcerated. I think it's running just as well now as it was before.

MR. SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

Breast Implants

MRS. SOETAERT: Thank you, Mr. Speaker. Alberta women suffering from health problems related to breast implants are being denied the same opportunity for legal recourse that is available to women throughout North America. These women are blocked by the two-year limitation for negligence suits and the Alberta government's refusal to allow class action suits. The only option left is to launch an individual suit, an overwhelming option since many of these women are unemployed and physically and emotionally worn out as a result of this ordeal. My questions are to the hon. Minister of Justice. Will you change the legislation and allow Alberta women to launch a class action suit against the American manufacturers of silicone gel implants?

MR. ROSTAD: Mr. Speaker, I'd welcome the more formal and explanatory position that the hon. member is taking on behalf of the women and will, after seeing that position, formulate an answer.

MRS. SOETAERT: Would the minister consider revising the statute of limitations so that Alberta women at least have more time to prepare their cases?

MR. ROSTAD: Mr. Speaker, the statute of limitations has been the subject of study and report by the Law Reform Institute. We've looked at it, and frankly there are pluses and there are minuses to making changes to what have become traditional limitations in that statute. Again, I'll take it under advisement in conjunction with the first question.

MR. SPEAKER: Final supplemental.

MRS. SOETAERT: Thank you. My final supplemental: does that mean you've considered the option and rejected it?

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

2:30

Charter Schools

MR. HENRY: Thank you, Mr. Speaker. Bill 19 brings us a concept of charter schools. Now that the government has chosen to cut off debate on Bill 19 and stifle democracy, we are limited in terms of what we can find out. My question for the Minister of Education has specifically to do with charter schools, given we have so little information in the Bill. My question is: can the minister give us a rationalization for why he would allow charter schools to bypass duly elected trustees and make arrangements just with him if they don't agree with their local trustees?

MR. JONSON: Mr. Speaker, the concept of charter schools and the manner in which they would be formed would be that they would first apply to a school board for approval for their particular innovative proposal which provides for the improvement of the quality of education in this province. As with many things in the

legislation that we currently have, whether we are dealing with the placement of special-needs students or with matters pertaining to attendance and so forth, there is another stage in the process whereby it can be appealed to the minister.

The other thing, Mr. Speaker, is that repeatedly, when this was being talked about earlier, I have clearly indicated that there is a very limited number of existing operations related to Alberta Education such as the correspondence school and possibly the School for the Deaf that merit consideration under the concept of a charter school.

MR. HENRY: Mr. Speaker, my question to the minister is: given that he's defined applications from charter schools to be limited in terms of directly to the minister, is the minister willing to put in the legislation a defined number of charter schools that the minister can enter into agreements with directly?

MR. JONSON: Mr. Speaker, I will answer in the same way that I have before, and that is that in terms, first of all, of the overall number of charter schools to be . . . [interjections]

MR. SPEAKER: Order. The hon. minister has the floor.

MR. JONSON: Mr. Speaker, in terms of the overall number of charter schools that would be authorized initially, I have indicated repeatedly that there will be a limited number of charter schools that will be considered. We intend to pilot the concept, evaluate it, and that has been clearly stated.

MR. HENRY: Mr. Speaker, the minister can state all he wants. We all know that their minds change from one day to the next.

I'd like the minister to commit to bringing in amendments to the charter schools to find the number of pilots and a sunset clause so it forces any future government to come back and re-evaluate before we extend it wholesale.

MR. JONSON: Mr. Speaker, I'd like to repeat – although I don't recall hearing a question, I would nevertheless like to comment. The initiative with respect to charter schools I think has been repeatedly and clearly outlined. That is that we see this as a method of providing innovation and better ways of offering special services within the educational system. There is promise there for improving the quality of education through these charter pilots, and those lessons can be applied to the whole system. It is clearly the plan of the government to approve a number of pilot projects in the area of charter schools, to evaluate them, and to learn from that experience with a view, yes, if they are successful, to extending the concept further.

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

Alberta On-line

MR. WICKMAN: Thank you, Mr. Speaker. My questions are to the Minister of Municipal Affairs. Recently a 20 percent increase was announced for businesses accessing the government's on-line information system. They're upset about the increase. Meanwhile, the registries that have been approved by the minister are equally upset about the increased competition. In other words, nobody's happy. To the minister: was the increase of 20 percent to on-line users implemented to protect those agencies that the minister has approved?

DR. WEST: Mr. Speaker, there was a change to the charges to Alberta on-line. Alberta on-line, for the information of the Assembly, was a group of businesses that had access through Public Works, Supply and Services to certain amounts of information material such as land titles and corporate registry on an individual basis. It might have been large law firms, or it might have been people looking for liens on pieces of property, such as a large auction firm. When we put the registries out – the main component of it, the motor vehicles, had a legislative requirement that you get a driver's licence and a registration – we had committed to those registries that for part and parcel they would have the majority of the package of the registry services and that we would indeed cap and prevent the resale of products through Alberta on-line. All we have done is level that playing field, as committed to those that had come forward on proposal and have spent a tremendous amount of money putting in their equipment, time, and effort to put the registries in place. So the answer to your question is: yes, we're fulfilling that commitment to the registries that was committed to in a proposal.

MR. WICKMAN: Mr. Speaker, obviously, there is a lack of communication within the community of those affected. Is the minister prepared to sit down with both sides in an attempt to resolve what they see as some difficulties?

DR. WEST: We have, Mr. Speaker.

MR. SPEAKER: Final supplemental.

MR. WICKMAN: My final supplemental, Mr. Speaker: will the minister sit down one more time in an attempt to resolve it?

DR. WEST: Mr. Speaker, I don't know whether it's right as we sit here, but the deputy minister and I met with the Alberta registries, and I talked to the on-line people last week. I've said to the deputy minister: you meet. He's phoned the Alberta registries. So the answer to your question is: we have, we are, and we will.

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

MLA Pensions

MR. DALLA-LONGA: Thank you, Mr. Speaker. This government is continuing to force people in this province to accept a 5 percent rollback while former Tories responsible for nine consecutive budget deficits and a \$30 billion debt are continuing to collect \$36 million in obscene lifetime benefits from taxpayers. There is no fairness. My question is to the Treasurer. Will the Treasurer explain why he's allowing his former colleagues to grab these fat pensions while everyone else is being cut and cut and cut?

MR. DINNING: Mr. Speaker, it's funny; the only member in the Assembly talking about pensions is the member of the party that wants to reinstate the very pensions that our Premier eliminated in the spring of last year.

MR. DALLA-LONGA: Evasion of the question.

My question is once again to the Provincial Treasurer. You've asked teachers . . .

MR. SPEAKER: Supplemental question without a preamble.

MR. DALLA-LONGA: Since you've asked teachers, health care workers, and now judges to accept a 5 percent rollback, will your government now legislate those gross MLA pensions and roll them back?

MR. DINNING: Mr. Speaker, we did roll them back. We eliminated pensions last year.

MR. DALLA-LONGA: My final question is to the Provincial Treasurer. Please justify why there are two sets of rules: one for your pals and one for everyone else. Why is that?

MR. SPEAKER: Order. That question is not worthy of a response.

The hon. Member for Edmonton-Mayfield.

Office Space Leases

MR. WHITE: Thank you, Mr. Speaker. This government has cut public servants and all of those that this government pays for services delivered by 5 percent across the board. My questions are to the Minister of Public Works, Supply and Services. Sir, now that you've made these cuts, will you confirm to this House that you will in fact cut by 5 percent the leases you have with the private sector?

2:40

MR. THURBER: Mr. Speaker, I'm sure that the hon. member across the way is fully aware of the process that we go through when we're leasing space either in or out of government buildings. He must know, being somewhat in touch with the real estate market, that over the past few years the leased space has probably gone down by a lot more than 5 percent. It's not a matter of us cutting it. There are some very good deals out there right now as far as lease space goes. In fact, sometimes I feel very sorry for the owners of the buildings because they have a difficult time getting enough lease out of them to make the payments on the buildings.

MR. WHITE: Mr. Speaker, the answer is difficult to discern, but the second question, then, would be . . . [interjections]

MR. SPEAKER: Order. Supplemental question.

MR. WHITE: Mr. Minister, if it is difficult to renegotiate these leases, then how difficult was it to renegotiate all the contracts you had with your employees? It can't be that much more difficult, sir.

MR. THURBER: Well, Mr. Speaker, I guess I'll just have to repeat the answer. A lot of the people that are leasing properties to government and in fact leasing properties to other private individuals in the private enterprise field have taken much more than a 5 percent cut in the past few years; some of them as much as 50 percent, 60 percent. Lease prices are down, particularly in the city of Edmonton where there's a vast array of lease space available.

MR. WHITE: Will the minister then table any recent negotiations or, in fact, a new lease that he's had with the Olympia & York building?

MR. THURBER: Well, Mr. Speaker, I guess I have to repeat it one more time for the hon. member. We have an ongoing

downsizing of government. We do a space audit on a continuous basis through my department, and we try and renegotiate whatever leases we can renegotiate, recognizing the fact that some of them are long-term leases and some are short term and some of them we can buy out of and some of them we can't.

MR. SPEAKER: Order please. The hon. Minister of Public Works, Supply and Services has advised that he has received further information to an answer he gave prior, since he gave the answer, and would like to augment that answer. The hon. Minister of Public Works, Supply and Services.

Paddle River Dam

(continued)

MR. THURBER: Thank you, Mr. Speaker. I just wanted to elaborate a little bit on my supplementary to the Premier's answer to make sure that all members are aware of what actually happens in government when a large contract is let out. I think it's the responsibility of MLAs to be involved in it. We do get letters, all departments, if there happens to be a construction project or a bid or a contract being let out. We get letters not only from our side of the House, but I do get letters from the other side of the House as well asking us to hire individuals, to give out contracts, and to hire firms that happen to be in their constituencies. I would be remiss in not saying that an MLA, even in the opposition, would not be doing his duty if he didn't try and promote local labour in his constituency if there was a contract issued there.

MR. SPEAKER: The hon. deputy opposition leader.

MRS. HEWES: Do I get to respond, Mr. Speaker?

MR. SPEAKER: You have the opportunity to ask a further supplemental.

MRS. HEWES: Mr. Speaker, my question to the minister is – I wasn't clear from your statement that MLAs are routinely informed of a contract that's being let in their constituencies. Mr. Minister, would that include opposition MLAs? Would we be routinely informed as well?

MR. THURBER: Mr. Speaker, all MLAs, all contractors are routinely informed by ads in the paper and requests for proposals that go out from this government. Everybody in the province is routinely informed of what's going on.

MR. SPEAKER: Before calling the next order of business, could we have consent to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?

The hon. Member for Calgary-Cross.

head:

Introduction of Guests

(reversion)

MRS. FRITZ: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to the Members of the Legislative Assembly 66 students from the St. Rose of Lima school band. They're easy to see in the galleries by their distinctive red vests. These students are accompanied by their band teachers Mr. Bischoff and Mr. Blischak as well as 10 parent

volunteers. Also, two people dear to my heart are part of the group: my daughter Holly and my husband, Lanny. Would they all please rise and receive the warm welcome of the Assembly.

head: **Members' Statements**

MR. SPEAKER: The hon. Member for Wainwright.

Violent Crime

MR. FISCHER: Thank you, Mr. Speaker. Youth violence has been growing at an alarming rate in the last decade. Statistics Canada figures show that the number of children and teenagers charged with committing violent crimes has more than doubled since 1986. The percentage of violent crimes committed by adults has risen half as much in the same period. If we care for our children in our society, we must address this problem. Our criminal justice system needs to be re-examined, including our parole system, to find ways to deal with these increases in violent crimes.

Furthermore, our Young Offenders Act needs to be reviewed, something that the Premier's recently appointed committee will be doing across the province. Society needs to get back to basic family values such as teaching our children fundamental values and parents taking more responsibility for their children as well. Society needs to have definite visible limits that show our people exactly where the line is between acceptable and unacceptable behaviour. Our young people are our future. We need to teach them the guidelines that they need in order to excel in the world.

We need to examine a number of alternatives in order to make our criminal justice system more effective, such as the province's young offenders alternative measures program which is designed to rehabilitate. As well, punishing criminals appropriately is another important part of our criminal justice system. I believe strongly that reinstating capital punishment for first-degree murder is one way to provide the well-defined limit. I don't propose to have capital punishment apply to young offenders unless their cases have been transferred to adult court. However, I think that if young people know how seriously society views murder, it will be a deterrent.

Albertans should be given the right to have input into issues such as reforming the Young Offenders Act and whether or not we should reinstate the death penalty. It isn't fair to society for myself or for other politicians to decide such a fundamental moral issue without full input from the public. As people who care about our communities I ask each member of this Assembly to give their utmost attention and efforts towards addressing the serious crime problem.

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

Support for the Disabled

MR. WICKMAN: Thank you, Mr. Speaker. There are two events occurring that I want to touch on. One, this week is known as Goodwill Week. For those of you that may not be familiar with the Goodwill store concept, which employs persons with disabilities and provides a rehabilitation program, it is very, very beneficial in the communities of Edmonton, Calgary, and several others throughout the province. Now, this is an organization where all of the proceeds go to aid persons with disabilities. So when you're going to get rid of something, stop and think about this organization, because those people can repair it, they can turn around and sell it, and those dollars are well used.

Secondly, coming up at the end of May and going into June is the National Access Awareness Week. It's going to be kicked off

this year in Calgary. The Prime Minister of Canada, Jean Chrétien, has promised to come, and he'll be kicking it off. The National Access Awareness Week is to remind people that access for all sectors, including persons with disabilities, is very, very important within our community. Access not only means access to physical structures but access to equal opportunity, access to learning, access to employment opportunities; in other words, access to the mainstream of a society. Now, I can look at the front benches and see strides that have been made. I can look at the Minister of Labour and look at the Building Code, which has come a long, long way. In Health we see the expansion of the home care program. Transportation. Public works: the minister has made this place that much easier to get around, and that's appreciated by many people.

2:50

On a concluding note I want to wish Eric Boyd, the outgoing executive director of the Premier's Council on the Status of Persons with Disabilities, good luck as he goes on to his new venture in Ottawa as the national executive director of the Canadian Paraplegic Association.

Archeology Week

MR. COUTTS: Mr. Speaker, I'm pleased to acknowledge that May 2 to May 8, 1994, is Archeology Week in Alberta. The city of Edmonton is also taking part in proclaiming Archeology Week, and I would like to applaud their initiative and extend our cooperation to them.

Edmonton is hosting both the Canadian Archaeological Association and the Archaeological Society of Alberta annual meetings that began yesterday and run through until Sunday. This is an excellent time to promote the fascinating work of archeology and the contribution it makes to our understanding of the human past both here in Alberta and around the world.

Archeology Week in Alberta will focus its attention on a number of public activities at the Provincial Museum of Alberta. There will be a public lecture series with international experts speaking on interesting topics that range from ancient Pompeii to the 5,300-year-old iceman that was recently discovered from a glacier high in the Alps. There will be stones and bones workshops where amateur archeologists and the general public can have professionals examine their collections. In addition, there will also be re-enactments of prehistoric activities for students.

I would also like to invite the public to take part in the North Saskatchewan River valley walking tours that will include visits to archeological excavations at one of the sites of historic Fort Edmonton located right here on the Legislature Grounds. The Provincial Museum of Alberta and the University of Alberta are jointly sponsoring the field school investigations of this former fur trading post, which dates back to 1830.

Mr. Speaker, these sorts of activities will be of great interest to archeological and history buffs such as myself. I have always found this hobby to be an interesting way to learn about our past. Archeological sites such as old Fort Edmonton, old Fort Macleod, and Head-Smashed-In Buffalo Jump exist across our province, and my hope is that everyone will take the time at some point to visit these locations this summer.

In proclaiming Archeology Week in Alberta, I would especially like to acknowledge the valuable work of the Archaeological Society of Alberta, which has centres in Grande Prairie, Edmonton, Calgary, Medicine Hat, and Lethbridge. Perhaps all Albertans can join the society members in reflecting on Alberta's ancient and very human history, one that extends more than 11,000 years.

Thank you.

head: **Projected Government Business**

MR. MITCHELL: Under Standing Order 7(5), Mr. Speaker, we're wondering what will happen next week in this Legislature.

MR. DAY: Next week good things will continue to happen, Mr. Speaker. However, I must indicate that it'll be a little more difficult to be as precise as we have been in recent weeks in terms of indicating the stage of the Bills because we have so many now at second reading and in committee and in fact moving through the process.

However, on Monday afternoon we'll be looking at Government Motions and Government Bills and Orders as per the Order Paper, and we'll try and go with the order of 20, 22, 30, and 31. In the evening we'll be in Committee of the Whole and also second reading on Bill 19. In the afternoon on Tuesday we'll be in second readings as per the Order Paper or as closely to that as we can maintain. The rest of the week, Tuesday evening, Wednesday evening, and Thursday afternoon, we'll be doing second readings and Committee of the Whole. On a daily basis I will try to communicate to the Opposition House Leader as accurately as possible what we plan to do so we can see maximum efficiency in the process.

MR. SPEAKER: The hon. Government House Leader has indicated that he wishes to raise a point of order.

**Point of Order
Imputing Motives**

MR. DAY: Thank you, Mr. Speaker. In question period today the Member for Edmonton-Centre prefaced his question with remarks which I believe were clearly in violation of Standing Orders 23(h), (i), (j), and (l), and I would ask for your reasoned ruling on that. He alluded to the motion today that debate would adjourn on second reading of Bill 19. He said that we were stifling – in fact, his words were: stifling and cutting off debate. That's a very serious charge, given the democratic process.

I'd like to indicate that what we're actually doing is enhancing debate, because the members opposite in the Liberal Party exhausted themselves at second reading of Bill 19. The only amendment they brought out was that we shouldn't be continuing at all in the debate. So if there was any stifling of debate, it was on their part. To move to the committee stage where the real work on a Bill gets done and where we can really address the concerns of Albertans, we have put a stop at 10 hours – 10 hours and 4 minutes, to be exact – of meandering, wavering debate from members opposite. We're going to get to the nub of the issue as we move into committee.

MR. SPEAKER: The Chair is going to find that it's not a point of order. The reason for that finding is that the hon. Member for Edmonton-Centre expressed his opinion, which all hon. members are entitled to express, as the hon. Government House Leader has used this opportunity to express his opinion. Therefore, we'll look forward to the continuation of parliamentary democracy as our work concludes for this week and will continue next week.

The hon. Opposition House Leader has a point of order?

**Point of Order
Improper Inferences**

MR. MITCHELL: Yeah. Mr. Speaker, I'd like to say that under the standing order that refers to argumentative statements on the part of members, there is something to be said in response to that particular expression of opinion, which is very argumentative.

MR. SPEAKER: Order please. The hon. Member for Edmonton-Centre had his point of view. The Government House Leader had his point of view. The Chair feels that's enough. The hon. Opposition House Leader will certainly have plenty of occasions to make arguments in the ensuing hours and days and weeks.

head: **Orders of the Day**

[On motion, the Assembly resolved itself into Committee of the Whole]

head: **Government Bills and Orders
Committee of the Whole**

[Mr. Tannas in the Chair]

MR. CHAIRMAN: Call the committee to order. Before beginning, I would like to broach or come to a near breach of the normal comment to say that one of our hon. members left the House to attend the imminent birth of a third child. We wish his family well. I probably shouldn't mention the name, but, Edmonton-Glenora, our thoughts are with you and your family.

3:00 **Bill 18
Freedom of Information
and Protection of Privacy Act**

MR. CHAIRMAN: We're in Committee of the Whole and have this afternoon under consideration Bill 18, Freedom of Information and Protection of Privacy Act, and would call upon the hon. Member for Rocky Mountain House to begin this afternoon's discussion and debate with his comments.

MR. LUND: Thank you, Mr. Chairman. I want to personally express my wishes that everything will go well for the hon. member and his wife this afternoon. The hon. Member for Edmonton-Glenora was a member of the all-party panel that toured the province working on this particular Bill that we're going to talk about this afternoon.

Mr. Chairman, I've got a number of amendments that I would like to introduce. I believe they were distributed already, but I'm not sure how you would like to handle them. I would be only too pleased to introduce the whole package and go through them that way and then a vote at the end. Do you agree? If that's agreeable, I would proceed in that manner.

MR. DICKSON: I think that's an excellent idea. We've seen it. It's been distributed. We can deal with it as a block, but I simply want to advise you, Mr. Chairman and other members, that we're going to suggest some amendment of these. Then in addition there are some other sections of Bill 18 that aren't covered in here, but we'll deal with that perhaps after we've addressed these particular amendments introduced by the Member for Rocky Mountain House. I just wanted to alert all members of the fact that there's more to come.

MR. CHAIRMAN: Sure.

The hon. Member for Rocky Mountain House.

MR. LUND: Well, thank you, Mr. Chairman. So if we could proceed, I'll introduce all of them at once, and we can talk about it later, then.

AN HON. MEMBER: These have been circulated?

MR. LUND: Yes, they are all circulated. I believe every member has a copy.

The first amendments deal with section 1, and really this is an inclusion of other local government bodies. In here we're wanting to include:

- (ix.1) a board established under the Drainage Districts Act,
- (ix.2) a board established under the Irrigation Act,
- (ix.3) a housing authority incorporated under the Alberta Mortgage and Housing Corporation Act,
- (ix.4) a foundation constituted under the Senior Citizens Housing Act.

Those would all be added to our definition of a "local government body." Then moving along to subclause (x). We would add an "or" and then include:

- (x.1) the Metis Settlements General Council established under the Metis Settlements Act.

Mr. Chairman, all of these boards or councils are established either by election or appointment, but they do have the ability to pass bylaws and spend money.

Moving along then to clause 1(p)(vii). We want to amend that section, and the amendment would read:

the office of the Speaker of the Legislative Assembly, the office of a member of the Executive Council with respect to personal records and constituency records and the office of a member of the Legislative Assembly.

There was some concern that if we didn't clarify this, a document that was a department document could be kept secret simply by moving it to an office of the Executive Council within this building. Of course, that was never the intent. So this amendment will clear up the idea that maybe anybody could hide it that way.

The next amendment is an addition, because in subsection (1)(p)(ix) we talk about a "non-arm's length transaction." This is an amendment to try to clarify what in fact "non-arm's length" means, and we're suggesting that "a non-arm's length" is any transaction that has been approved

- (a) by Executive Council or any of its committees,
- (b) the Treasury Board or any of its committees, or
- (c) by a member of the Executive Council.

Moving down to section 8(2). We are amending by striking out "A public body" and inserting "The head of a public body." I don't think that needs any explanation.

Moving then along to section 17(2). We are trying there to define an expert. There was some concern that that was too broad, so we're now defining that as "a physician, a chartered psychologist or a psychiatrist or any appropriate expert depending on the circumstances of the case." That possibly is a little broad, but there could be instances where that decision will have to be made very quickly.

Moving then to section 20. In section 20(1)(a)(ii) of the Act we have "a local public body." We are amending that to say "a local government body." If we just left it being "a local public body," it in fact could encompass some areas that were never the intent.

MR. CHAIRMAN: Hon. members, I wonder if we might have approval to revert to Introduction of Guests.

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed?

The hon. Member for Leduc.

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

MR. KIRKLAND: Thank you, Mr. Chairman. It's my pleasure this afternoon to introduce to you and to the rest of the Assembly

a Leduc constituent, a longtime friend that has engaged me in many stimulating conversations, Mr. Phil Lust, and I wonder if he would stand and receive the warm welcome of the Assembly.

MR. CHAIRMAN: Thank you.
Rocky Mountain House.

head: **Government Bills and Orders**
head: **Committee of the Whole**

Bill 18
Freedom of Information
and Protection of Privacy Act
(*continued*)

MR. LUND: Thank you, Mr. Chairman. Moving then along to section 30(4). We're striking out "within 20 days after that notice is given." There was an inconsistency in two parts of the Bill as it relates to this section. So we're striking out the "within 20 days after that notice is given." That will automatically eliminate these two time periods.

Moving then on to section 38. We're simply adding there the word "only" after "personal information." Once more it's to try to clearly define so that it's not so broad as it is currently written.

Moving then to section 50(3)(a). This simply was an oversight. We took this (3)(a) out of the Auditor General's Act but didn't change the words "Auditor General." So we're striking out the words "Auditor General" in that section and putting in the word "Commissioner."

3:10

Moving then to H, section 51(1)(a). We're striking out that section and substituting – 51(1)(a) will now read

- conduct investigations to ensure compliance with any provision of this Act or compliance with rules relating to the destruction of records set out in
- (i) a regulation, or
 - (ii) a by-law or other legal instrument by which a local public body acts.

Now, the problem we had here, Mr. Chairman, was that we were not explicit enough, that in fact there may be things in other Acts or regulations that talk about the destruction of records, and we want to make sure that we're covering all the bases so that records are not destroyed that shouldn't be.

Section 63(2). Once again this is cleaning up a bit of the wording. In 63(2) the Act currently reads, "a request for a review of a decision," and we want to insert the words "under section 62(1) or (3)." That simply refers to the other sections of the Act under which this review would be asked.

Section 68.1. This is an addition. There was some confusion that in fact the rulings of the commissioner perhaps could be appealed. The confusion arose because of division 2, where the commissioner is acting as the head and making a ruling. Of course, you have to have a mechanism where this individual is acting as both, and there was some confusion that maybe other rulings in this Act would spill over into that division. So this clarifies that situation.

Moving then to section 87(2). We're striking out what's currently written and inserting a fairly lengthy procedure. What this does, Mr. Chairman, is allow the Lieutenant Governor in Council with the approval of the commissioner to delete bodies from the appendix that we will have in the Act, talking about which local government bodies are covered. The difficulty if we don't include this is that you may have a public body that is by an Act of this Legislature amalgamated with another and you have a brand-new identity. There was no problem in adding the new

identity under the Act, but there was a problem with deleting. So this will clean it up, but it involves the commissioner so that the commissioner has to be satisfied under this new subsection.

Finally, moving to section 97, talking about the Act coming into force. In that section we're changing it so that it will read, "This Act, except section 85(1)(e) and (2), comes into force on Proclamation." The intent of this amendment is that when the Act is proclaimed, these sections, 85(1)(e) and (2), will come into force thereby preventing the destruction of any records that would be under the Act not permitted to be destroyed, even though the Act has not been proclaimed.

Those are the amendments that I wish to add today, and we will be ready to answer questions.

MR. CHAIRMAN: All right.
Calgary-Buffalo.

MR. DICKSON: Thanks very much, Mr. Chairman.

MR. CHAIRMAN: Omnibus amendments; right?

MR. DICKSON: Right. A couple of observations I wanted to make before I deal with this. Firstly, I want to tell all members I appreciate the fact that the Chairman has put a comprehensive set of amendments in front of us, and we can work from that. What I'm going to do in a moment, Mr. Chairman, is basically walk through the amendments that have been introduced by the hon. Member for Rocky Mountain House. What I propose to do is indicate those that I applaud and take no issue with and then isolate those where I think there is a problem, and I have some subamendments in due course.

Mr. Chairman, from my perspective I think arguably this is going to be the most important Bill that this Assembly deals with during the entire term that we're currently in the middle of or at the early part of. I say, perhaps not apologetically, that this a technical Bill. There is an enormous amount of detail in this, and I recognize from talking to my colleagues that it's sometimes frustrating going through what sometimes seems to be an excessive preoccupation or concern with detail. But the reason for that, I'll just mention to all members, is that in a freedom of information law it's the nuances that make all the difference. It's the punctuation, the subsections, and the sub subsections that make the difference between openness and secrecy. I make that comment by way of clarification, not by way of apology, because as the Member for Rocky Mountain House knows, those of us that have been involved with this process for a while have recognized how important the detail is.

Mr. Chairman, with respect to the process we're engaged in now, I just wanted to make an observation that often we hear members suggest that the opposition isn't constructive, that the opposition doesn't offer ideas or alternatives. We're seen as simply being critics. Well, I think that what we've got here is a Bill in which the opposition has had considerable input, and that input continues, and I want us to characterize that input as being constructive. I want to suggest that we've worked hard in this caucus with members from the government caucus to ensure that we achieve what the panel wanted to achieve when it said: we wanted to have the strongest freedom of information law in Canada. Members on this side have worked hard to achieve that as well.

Mr. Chairman, it's a bit extraordinary what we're engaged in because the government introduced really the third version of a freedom of information law. They started off with Bill 61 in the spring of 1993, and then it was reintroduced as Bill 1 in Septem-

ber of 1993, and we're now looking at Bill 18. So it's the third version of the government's freedom of information law. Now, just a couple of weeks after the Bill being introduced, we're looking at extensive amendments, and that reflects, I think, the concern that members on this side have to ensure that we do get that strongest Bill.

Once again, just to set the background for the detailed suggestions I'm going to make, I want to tell all members that on April 18 we didn't simply sit back and criticize, but on April 18 I provided the mover, the hon. Member for Rocky Mountain House, with a set of draft amendments that we drafted to deal with our primary concerns with the Bill. This wasn't a trial by ambush. There was no surprise. We went to that member because he was the chairman of the panel, and we basically said: this is where we think we can make the Bill better; this is how we think we can make the Bill better. Later there was a meeting, and I had the opportunity to meet with the Member for Rocky Mountain House, representatives from the Department of Justice, and the Member for Calgary-Shaw, who is the vice-chairman of the all-party panel. We spent two hours, Mr. Chairman, in terms of going through my draft amendments and then subsequently received some comment from the Member for Rocky Mountain House in terms of variation and modification of those amendments. Then on April 26 I sent a further memo to the Member for Rocky Mountain House outlining what I saw as shortcomings in his amendments and adding some additional amendments. [interjections]

3:20

MR. CHAIRMAN: Order. [interjections] Order.

DR. L. TAYLOR: It's the Deputy Speaker's assistant who's causing the problem.

MR. CHAIRMAN: Order. Thank you. We only have one member standing and talking at a time.
Calgary-Buffalo.

MR. DICKSON: Thanks very much, Mr. Chairman. The punctuation was helpful because that really brings me to the point of finishing off the short history of what's been going on that brings us to this point.

The comments I'm going to make in detail in terms of specific text of the amendments proposed by the Member for Rocky Mountain House are driven, I guess, by a couple of things. The first one is that when the all-party panel made their recommendations, we didn't set out a Bill. What we set out was a series of principles, and we all agreed. Every one of the seven members of the panel agreed unanimously on each of those recommendations, but they were only principles. So the job now is to look at the specific text in sections and subsections and make sure that that text accurately, truly reflects the recommendations of the panel.

I just want to make one other observation, because I anticipate – and I say this I guess defensively – that there may be some people saying: well, we're spending a lot of time with detail; we're perhaps being too technical. Mr. Chairman, I want to say that I think Albertans have extraordinarily high expectations for Bill 18. We're the only province other than Prince Edward Island without this kind of a law. When we wait this long, Albertans will no longer be satisfied with something like Saskatchewan's or something like some of the other provinces that have a Bill that's five or six pages long. Albertans now want something that's at least as good as the best that's there and, arguably, even stronger and even better. So that's what we're hoping to achieve, and I hope that all members share that kind of commitment.

Now, going through the amendments that have been introduced by the Member for Rocky Mountain House. A, it proposes to amend section 1 by renumbering it 1(1). No problem.

A(b), to amend clause (i) to introduce and expand the scope of the Act to include the Drainage Districts Act, the Irrigation Act boards, the foundation under the Senior Citizens Housing Act, the Metis Settlements General Council. All of that: no problem. If anything, we're anxious on this side to see the scope of the Bill expanded. We agree and support that amendment.

The bottom of the first page of amendments dealing with clause (c). This is where it specifically says that the office of the Speaker is brought under the Act. That's positive. I support it. What we've done now is we've taken out "the office of a member of the Executive Council with respect to personal records and constituency records." Members may recall that in question period I put a question to the hon. Premier a few days after he'd introduced Bill 18. I asked him about a concern I had with Bill 18. As I read it, it seemed to me that a record that the Minister of Justice might have in the Bowker Building would be subject to the Act over there, but if that same document were over here in the minister's office in this building, it would be exempt and couldn't be attached. This amendment, I'm satisfied, addresses that question. This amendment at the bottom of the first page in fact now means that records in the office of a minister in this building are subject to freedom of information, and that's critically important. It was a concern we had before, and it's being addressed, and I support this particular amendment on the bottom of the first page.

Now, turning over to the second page, Mr. Chairman, the provision for a "non-arm's length transaction." One of the major concerns was what we do in terms of arm's-length transactions. If one looks at 1(p)(ix), the reference there to "a treasury branch," the concern that the all-party panel had was that when the Treasury Branch is acting not as a banker for the local pizza restaurant operator or the local small business but when the Treasury Branch is acting as an agent of the provincial government to give funding to a corporation or whatever that should be subject to scrutiny, that should be dealt with in a different way, those things that were not arm's length. Unfortunately that hadn't been addressed in the original version of Bill 18. So now what the government has done is they've attempted to respond – and I applaud the fact they've attempted – to that concern by amendment (d) on the top of page 2.

But it doesn't go far enough, and I'll indicate why it doesn't go far enough. I'd suggest a definition that would have a "non-arm's length transaction" to be any transaction that had been considered by cabinet or one of its cabinet committees. Because in the normal course when a local pizza restaurant operator goes into the Treasury Branch to ask for a loan, that doesn't show up on the agenda of the cabinet; it doesn't show up on the agenda of a committee of cabinet. We wanted to screen that kind of thing out, so what we thought was that if it were a transaction that was considered by Executive Council or by Treasury Board, there was automatically a political element and there should be no veil of secrecy; that information should be available.

Now, what the government has done with their proposed amendment is they've gone partway and they've said that a transaction is non arm's length if it's a transaction that has been approved by Executive Council or Treasury Board. Well, there are all kinds of matters that may come in front of Treasury Board and Executive Council that are considered and not approved or not approved in total and maybe some part of them spins off later into another transaction. My view is simply this: if it comes in front of cabinet, if it comes in front of Treasury Board, if it

comes in front of a committee of either of those two bodies, it's tainted, it's political, and we want to know everything about it. So that's the point we want to make there. To simply say that we can only get at things where the transaction has been approved really misses what I think is the largest area of suspicious transactions.

Now, with respect to the (c) part, "member of the Executive Council," this is a problem. I recognize that from time to time a member of cabinet, who is also an MLA, may hear of a complaint from a constituent about dealings with the Treasury Branch. So my suggestion would be this: that we create sort of two tests. One test would apply to Treasury Board and cabinet, and that says that anything that's considered by either of those two bodies is then non arm's length. But we would allow in the case of a cabinet minister – I suppose if it were approved by a cabinet minister, then it would be tainted. If it was a question of somebody bringing it to the attention of a cabinet minister, I think that's a more questionable area, and I'll be introducing an amendment to address that. That's the issue I ask members to focus on: how we can deal with a cabinet minister and simply something that's considered by one member, because it's not necessarily done in a formal way, and that's a more difficult thing to police.

3:30

Now moving down page 2, the next item, B, is to substitute "the head of a public body" for "a public body." That's what I call a housekeeping amendment. I have no problem with it. I am prepared to support that amendment.

Moving on to amendment C, I want to say here that the government has truly listened. In the list of 15 amendments that the opposition took to the Member for Rocky Mountain House, we were concerned with the way section 17(2) read in the Act. If you look at section 17(2), what it does is provide for something quite extraordinary. What it provides is that if the Member for Calgary-Buffalo wanted to get information about himself from a government office, the government office could say: "If we give this to the Member for Calgary-Buffalo – we think he may be a little unbalanced now; we're afraid he may do something really wild and uncontrollable if we give him this information." The point is that I suppose there may be some extraordinary case where certain information would have such an explosive reaction in the hands of a citizen that there'd be a concern in terms of health.

Now, this is an exceedingly dangerous proposition, because we get into an area now where potentially the bureaucrat or at least ultimately the minister could say: "Well, this may be a legitimate query for information, but we're embarrassed. We don't want to give it out. We're going to hang our hat on this and say it's going to cause some problem if we give it to the person." So what we did on the all-party panel – and there may be members who think they can do better, but the compromise we achieved was that there would have to be some objective standard. There'd have to be some kind of an expert who would decide whether this kind of calamity might happen if the information were shared. What's been suggested and what the opposition had suggested initially was a psychiatrist or a chartered psychologist. What the government has done to respond to that concern is that they've now incorporated the words "a physician, a chartered psychologist or a psychiatrist or any other appropriate expert." I guess I'm somewhat apprehensive about this provision, but at some point – we're never going to be able to get it absolutely without any risk of misinterpretation, and I can live with this amendment because the government has gone partway. They have worked to try and import an objective standard, and I applaud that. Also, this is still going to be subject to the freedom of information commissioner.

The information commissioner would have the power to police this. Were it not for that policing function, I couldn't accept this, but because the commissioner, I think, can police it, there is at least some objective standard. I think it's something I'm able to support.

Now, amendment D becomes a bit more of a problem. At some point we have to deal with this issue of how many secrets we keep. This one I think is particularly important. What we were saying in Bill 18 was that any dealings between a municipal government and the provincial government could be secret, couldn't be accessed, and Bill 18 went further and said a local public body, which included health boards and school boards and a host of other agencies. Now, my comment and my submission has been and continues to be that I'm not convinced we have to say that we treat municipalities in the same way we treat sovereign governments. I can understand dealings between the province of Alberta and the federal government, yes. That's a reasonable exemption, exists in every other statute.

Dealings between the province of Alberta and Saskatchewan or B.C. or any other province: they're sovereign jurisdictions; I accept that as being a reasonable kind of exception. When it comes to municipalities, they're not sovereign. They're creatures of provincial legislation. We've got a Municipal Government Act we're going to be dealing with perhaps later in this session, and it seems to me that we can't give that same blanket of secrecy that covers all of those dealings. If we think about it, Mr. Chairman . . . [Mr. Dickson's speaking time expired] Well, I'll sit down, but I'm sure the other members can carry on.

MR. CHAIRMAN: Okay. Thank you.

The hon. Member for Edmonton-Mayfield.

MR. WHITE: Thank you, Mr. Chairman. First of all, I'd like to compliment the committee members from both sides of the House that did the work on this fine piece that we have before us. Reading through it from an engineer's point of view – I mean, as an engineer it's difficult to do it as a lawyer would, but I did the best I can. Having spent some years in government, I can say that at least it can be read and it's straightforward. It's not so amended to the extent that this clause modifies that. Probably the most important few words that make a big difference to me so that I'd really like to support this piece of legislation and most of the amendments that I've read thus far are on page 8: "The purposes of this Act are to allow . . ." Now, that is a permissive piece of legislation. So many other pieces of legislation – and in fact before this panel did their work, it started out the other way. It started out with the position that everything is in fact secret. [interjection] Yeah, everything except that. So I have to compliment the people on that. Certainly my constituents that have any knowledge of this particular piece of legislation are really quite interested in it and saying that, yes, this is something we can understand, and we'd like to understand it.

We move to I think it is 2, subsection . . .

MR. CHAIRMAN: Hon. member, I'm sorry; I appear to have lost you. We're on the amendments, are we?

MR. WHITE: Yes. Just a few statements of compliment, sir. It's inclusive. I'm in the amendments, the first page of amendments. I have no difficulty with section 1. It's inclusive by nature. That's where I was. I've skipped over to section 2. I'm now at section 2. Let's see; actually, I would prefer if we could go back to section 1. There's one extra inclusion I would like to

ask the committee to consider. Now that we're modifying the sections, I would prefer they'd include one and ask why it was left out.

You're having difficulty with . . .

MR. CHAIRMAN: You were talking about the purpose of the Act, and I was trying to find in my four-page thing . . .

MR. WHITE: I was merely complimenting . . .

MR. CHAIRMAN: Oh, okay; sort of a preamble to your comments.

MR. WHITE: . . . the committee on some of the work, and I have not done so before, sir.

MR. CHAIRMAN: All right.

MR. WHITE: Particularly on the amendments in the package, bringing it together in a manner that one could read it.

The only question that I have is when you become inclusive of those that should in fact be covered by the Act, starting under section 1(i)(xi). It does not include bodies like Alberta Lotteries. By nature, the public reads that and says that it is an arm of the government. Well, it receives all the net profit from that agency, but in fact it does not solely and completely govern that, so it cannot be included in this amendment. What happens when this amendment is put forward? I think perhaps we'll have to confer on this side to see if we can put an amendment forward there to include that agency that is one of those agencies that comes close to being included under this Act but is just left out for some reason.

The reason it should be included, that kind of agency – there may be many others; it's the only one I happen to be very familiar with – is that the funds generated from that are totally and completely controlled by the government by regulation. The profits are controlled by the government, in fact spent by the government, and it's generated by the citizens of Alberta. I would think, then, that somehow there should be some inclusion. These particular amendments fall just that little bit short of being able to include those.

3:40

I'd move on to (c), which is on clause (p) of the same section. Again we come to that fine line of defining public information, the information that should be made public by reason of one's job versus that private information that one works on at one's desk. We've seen through ancient history now, through some American history, Watergate, that what in fact was public and what was private was open for endless, endless debate. I would think that the section is deficient and the amendment is deficient. It does not go into what is not normally the case in legislation but I believe should be in this case: some examples of what is and what isn't, to aid those that in fact interpret this information. [interjections] Oh, sorry. It's (c), clause (p), subclause (vii).

There are personal records referred to by the Speaker and members of the Executive Council, and that's where I have the difficulty. There are also elements of constituency work that should not in fact be public to anyone except the member. But when one deals as a member of Executive Council, or the Speaker or one of his deputies deals with those matters, there has to be a clear definition in the mind of that member when that member deals with the matter. Now, I would think it'll take some testing. I would like to have some kind of examples or something set out so that one would be able to tell what is and what isn't at the time

without having to go through some lengthy testing of this, what is and what isn't, with the commissioner after the commissioner is hired, because that's some three, four years down the road, when we find that there is some redefinition of these things.

Moving on to perhaps the area that I have the same sort of difficulty with. It's in that same group of amendments in section 1, which is (d), on subsection (l). I'll just have to find that page number, sir. It is in section 1, page 7 of the Act. Yes, here we are: "for the purposes of subsection . . ." to include again as to what by the Executive Council and its committees – the inclusion of all of those documents and subcommittees of those. I can't see by the definition here whether they would include all its subcommittees, although I certainly hope so, by the inclusion of "or any of its committees." I would assume that would be subcommittees and committees of one and any others that present documents. That being the case then, I suspect I can agree with that.

Amendment B: I have no difficulty with that, as my colleague.

Amendment C: that section 17(2) of the Act be struck and this new section be added. It calls here for the head of a public body to make a judgment as to the mental state of an applicant for this information. Now, I have a great deal of difficulty understanding the inclusion of "the head of a public body." So many people throughout the province would have this power to make that judgment that it is exceedingly difficult to understand how one could subscribe the qualities required to make those judgments and the experience to all of those people. It is backstopped of course by an appeal to the commissioner, but in fact that is an appeal. So I, quite frankly, have difficulty with the whole section. I can't see how one is to make that subjective analysis, just make those analyses without (a) the experience to make those and (b) with having to go to appeal to a commissioner, which takes that extra time. So the head of this public body would at least be able to stave off that day that this information would have to be provided by this section. I would prefer the whole section struck, as opposed to struck and this section added.

Moving on to the other section that I have difficulty with, 20(1), I think that's about page 20 also. Here again we come to "the head of a public body" making those kinds of subjective judgments, and it's subjective judgment again about the information that that body holds. So that body is the one presumably that would be harmed by the disclosure of this information, and that being so, by reason of being human is about to make this kind of a judgment that may be harmful to the relationships between this government and other governments. Now, I have difficulty fundamentally with that kind of judgment.

Setting that one aside, having spent a great deal of time in my life being an official in what's now called a local government body, I have a great deal of difficulty having that kind of information kept from the public. It may be interesting to those present to note that the city of Edmonton quite a number of years ago instituted a freedom of information bylaw that in fact has a great number of the provisions that are herein contained. Starting out with the position being allowed but it would be superseded by this Act such that this information could not be then made public by either side because of the . . . [interjections]

Chairman's Ruling Decorum

MR. CHAIRMAN: I wonder if the people who are having such a good and lively discussion could take that discussion to the Confederation Room where you might enjoy it so that we don't have to.

DR. L. TAYLOR: We would, but our Whip won't let us.

MR. CHAIRMAN: Well, then, we would hope that the Whip would maintain some control over the enthusiasm you've reached. Anyway, it is getting noisy in here, and it is becoming more and more difficult to hear and to follow the hon. Member for Edmonton-Mayfield.

Debate Continued

MR. WHITE: Thank you, Mr. Chairman. Just finishing off that thought, I hadn't intended to belabour it, but from a municipality's point of view, this particular provision is really quite important because it does allow the head of the public body, that being any local municipality, to withhold virtually any information that is having to do with the parent government, if you will, the provincial government, from disclosing any information to their citizenry. Now, that is not, in my view, a correct position to be taking in a freedom of information Act.

With that, I shall resume my place and allow other members to have their say. Thank you, sir.

3:50

MR. DICKSON: Mr. Chairman, when I'd been speaking before, I'd undertaken to go through the entire set of amendments and indicate those that I had no difficulty with and those I did take issue with. I'd been talking about amendment D, "a local government body," before. I just want to point out to members what other provinces do, what other jurisdictions do with this.

In British Columbia they have an interesting idea. They say that communications between a local municipal council and the provincial government would be excepted from the Act. Now, I think we can all appreciate that's a great deal narrower than dealings between the municipal government and the province. So that may be a reasonable compromise.

In Manitoba they deal only with federal/provincial relations. The only things that are exempt are municipal records given in confidence. So once again it's much, much narrower than just saying "municipal government," and everything goes along with it.

New Brunswick doesn't expressly address this issue. Newfoundland simply deals in section 9 of that statute with interprovincial or provincial/federal. Nova Scotia doesn't deal with it expressly. Ontario is silent on this point.

[Mr. Clegg in the Chair]

My suggestion is that the amendment is helpful in narrowing it, but it still means that any communication between a local municipal government and the government of the province of Alberta is cloaked in secrecy. Mr. Chairman, that's got to include an enormous amount of the business of this province. It's much too broad, so it's got to be narrower.

I have no problem with E. I have no problem with F. I have no problem with G. Now, when we get to H there is a significant problem here. I want to acknowledge that this . . .

Point of Order Decorum

MS LEBOVICI: Point of order, Mr. Chairman. I can't hear the speaker, and I'm beside him.

MR. DEPUTY CHAIRMAN: I don't think it's a point of order, but can we have some silence in the House here, please? When one member is sitting right beside another member and can't hear, you can see the difficulty in here. I know this member has very good things to say, so please be quiet in the House.

Debate Continued

MR. DICKSON: Thanks very much, Mr. Chairman. I appreciate your assistance.

Moving on to H, this is particularly important. Arguably, this I would flag as one of the most important areas requiring amendment. What we're now dealing with is destruction of documents. I'd just back up and remind members that in terms of destruction of documents in this province, we do not have a statute that deals with that other than a single section in the Act setting out the mandate of the Department of Public Works, Supply and Services. The rest of the whole process for destruction of documents is set out by regulation.

Now, what makes this really problematic is that if members look at section 3(e), that provides, Mr. Chairman, and I quote:

This Act does not prohibit the transfer, storage or destruction of any record in accordance with any other enactment of Alberta or Canada or a by-law of a local government body.

Now, to me the way of dealing with this would be to actually set out the procedure for destruction of documents in this Act. My suggestion is that we do what they've done in some other provinces, where you have an oversight panel or committee, with opposition representation, that determines what the schedules are going to be and what documents are going to be destroyed when. This is one of the most important components of this kind of a system, but in fact now it's managed over there by regulation.

Now, the other problem is that if we look at the proposed amendment, Mr. Chairman, what we see is this: it says that the commissioner can do some things. I acknowledge this is an effort by the government to respond to the concern that my colleagues have had, and I acknowledge that up front. But the problem is this: what it says is that the commissioner has sort of an overseeing responsibility in terms of the destruction of documents, but does it cover everything? Well, what it says is that he can only monitor "the destruction of records set out in a regulation, or a by-law or other legal instrument."

Speaker's Ruling Decorum

MR. DEPUTY CHAIRMAN: Hon. member, I hate to interrupt again, but it is extremely noisy again. I hear noise over here, and I hear noise all around the House. Please, if you want to talk, talk quietly or leave the room. It's not fair to members to have to yell and scream to get their point across. Please be quiet.

Hon. member.

DR. L. TAYLOR: Useless noise is coming from Gary Dickson.

MR. DICKSON: Thanks very much, Mr. Chairman.

I'll speak a little louder so my friend from Cypress-Medicine Hat can hear every word I say.

Debate Continued

MR. DICKSON: Mr. Chairman, my question would be this: why when the government brings in this amendment – and it's a positive step to acknowledge the problem – wouldn't they parallel exactly the same wording that's found in section 3(e)? So really what we should be saying is that instead of a regulation, which is only one form of enactment, why wouldn't we say in the same wording "any other enactment of Alberta" so that it's as broad in one part of the Act as it is in section 3? It only makes sense. It's only consistent. I think it's a useful thing that we must do.

Just to summarize my point with respect to amendment H, if we look at H(a)(i), where it says "a regulation," I'm saying that's too narrow. It ought to be expanded and use exactly the same

wording that the drafters of Bill 18 have used in section 3(e). Okay; so I think H has to be revised. It doesn't simply get us far enough.

I have no problem with I. I think that's reasonable; that's an acceptable amendment.

Amendment J. I want to spend a moment on this because I've received contrary legal opinions. It was clear that when the all-party panel reviewed this matter, what we decided and what we recommended to the government was that there would be no right of appeal from a decision of the commissioner because in places where there is that right of appeal, we've seen abuse, we've seen delay, we've seen costs which become a significant barrier to Albertans getting access. So what we've determined as a panel, unanimously from both sides of the House, was that there should be no appeal. Now, what's happened is that built into Bill 18 is a type of appeal mechanism. It's section 69. Actually, the so-called appeal is really section 70, and what that provides is that in certain cases a Queen's Bench judge would be appointed as an adjudicator, would sit as an adjudicator and hear in effect an appeal or a complaint not just from the person who seeks the information but from a third party.

Now, the difficulty with that is that it appears to incorporate the provision in the British Columbia legislation. The fear I have is that it's ambiguous. From my perspective it could be manipulated or at least argued that it gives a right of appeal. If Gainers got money from the provincial government and Gainers was unhappy as a third party about some of that information being released, if the commissioner ruled that the information should be made public, Gainers, for example, could appeal and then tie this whole business up in an open-ended process with a Queen's Bench judge. So that's a particular concern. Section 68.1 I think addresses it, and I applaud the government for this because this is a point where they've accepted the recommendation from this caucus. I think they've sealed off the appeal. If there's ever a question of reviewing this at some point and somebody gets into looking at *Hansard*, they will see that this was clearly the intention: that the only right of review is if the complaint or the concern relates to something that the commissioner does within his own small office or department. That's the only time that would apply.

4:00

Now, moving on to K, K presents some positive news and then a problem. The all-party panel was anxious that you could add to the list of bodies that would be covered by the Act. The Member for Calgary-Fish Creek and the Member for Rocky Mountain House and the rest of us were anxious to see that the Act be as broad as possible and cover as many public agencies as possible. But what we wanted to avoid was a situation where the government could just delete the name of an agency or a board if it looked like it was going to be politically embarrassing. We didn't want to give the cabinet that power, and this was all members of the panel I should say, Mr. Chairman, not just the opposition members.

So what's happened is the government has determined that in certain cases bodies could be deleted. Members will note that now in section 87 it simply says flat out that you can't validly delete any public body by regulation. There's just a blanket prescription against doing that. Now, what the government wants to do is to – they see some administrative issues. I think it's fair to say that if a body has been discontinued or no longer exists, that's fine, and the government should be able to delete that. But the next ones, (ii) and (iii), if a body has been amalgamated with another body and the name has been discontinued or has changed its name, in each case, Mr. Chairman, the body still exists. The

body hasn't gone anywhere; the name has changed. Well, there's a principle in law that a company, for example, can change its name. It doesn't mean that that extinguishes its liabilities or its responsibilities; they continue under the new name. So I see no reason for treating the change of name as a reason to delete the organization. I don't care what name it goes under as long as the directories are updated to reflect that. So that's a problem I've got with K.

Now, finally going to the last amendment – oh, no. Just at the bottom, while I'm dealing with K, (2)(b). I think this is exceedingly dangerous as well, because what we've now done – and once again the government appears to be diluting what I thought was a very powerful statement in section 87(2) in the original Bill 18. Now what they want to do is delete it and say that if the government no longer has a controlling interest in a corporation, if it no longer appoints a majority of members to the body or to the board of directors, somehow that agency would come out. Well, why would that be? I don't care whether you control an organization or if you've got a 1 percent voting interest. I mean, to me, if it's public money involved, if there's a public involvement in this . . . [interjections] Mr. Chairman, if there's a convention in the back corner, I hope you tell me so I'm not missing anything.

Chairman's Ruling Decorum

MR. DEPUTY CHAIRMAN: Hon. member, I hate to interrupt for the third time, but we have a convention going on over here, and we just can't stand conventions. If you want to sit down or you want to go out, don't stop and talk. [interjections] Order.

Hon. member.

MR. DICKSON: Mr. Chairman, I have this terrible feeling I'm driving people out of the Chamber, but the good news is that I'm going to surrender my spot shortly, as soon as I finish my comments.

Debate Continued

MR. DICKSON: In any event, amendment K, (2)(b) I have a problem with. It doesn't belong in there. It's inconsistent with the recommendations of the panel. It's inconsistent with the spirit of the panel recommendations. The case hasn't been made yet, and with respect to my friend from Rocky Mountain House, he hasn't made the case to defend these coming out.

The last one I can live with – I'm uncomfortable with it – because at least the decision reposes with the commissioner, and I have some confidence that a powerful commissioner may be our most important bulwark to make sure that the thing applies in full force.

Now, the last amendment I was prepared to wholeheartedly endorse, but I've got one difficulty. What we wanted was to make sure that documents weren't destroyed. We have no commitment from the government as to when, Mr. Chairman, this Bill will come into force. We have no commitment at all. In fact, I think of the Mobile Home Sites Tenancies Act, where the Bill was passed I think almost two years ago and still hasn't been proclaimed. So the concern I've got here is that the sections that deal with penalties for destroying documents that defeat the Act have been deferred.

Now, the government has come along and they've agreed that the penalty section will apply immediately on Royal Assent, and I was encouraged by that. The only problem is that yesterday in the House I'd asked the hon. Premier about this. I asked him because I was concerned about the implementation date, the effective date. When I asked the Premier if he would commit that

those sections, referring to sections 85(1)(a) and 85(2), would be proclaimed as quickly as possible and as soon as the Bill is passed – now, passed means third reading and Royal Assent – what the hon. Premier talked about was the first order of business. This is at page 1692 of *Hansard*. What the hon. Premier said was the first order of business [is] to get the commissioner in place and to get the administrative framework in place . . . identify the priorities . . . relative to the order in which they should be proclaimed.

Now, what that leaves me with, then, is some considerable unease in terms of – just because this portion doesn't come in on proclamation, is something else going to happen to it so it doesn't come into effect immediately? So I have that concern, and I encourage members to consider that.

With that, I'll conclude my survey of these. I have some subamendments that I'll introduce later, Mr. Chairman.

Thank you.

MR. DEPUTY CHAIRMAN: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you. It's certainly with pride that I stand to speak to these amendments, Mr. Chairman, and also commend the committee and the government for bringing forward this very important Bill. In addressing the amendments, I have about three areas where I feel I need to have further elaboration as to the true intent of them. Having had to ask the question, then, leads me to a concern that if I'm asking questions about certain areas, then indeed they should be clarified in a more concise way what is meant by the amendment.

For example, when we're looking at (p)(vii), we have identified – and my colleague for Edmonton-Mayfield has also mentioned it. When we're looking at constituency records, what indeed does this mean, and how does that fit in with the whole area of the Ethics Commissioner and the role of the Member of the Legislative Assembly when it comes to their relationship back to their constituents and where confidentiality is certainly something that should not be violated? With the very name of the Bill we must ensure that the protection of privacy indeed takes place. So, Mr. Chairman, I certainly would welcome a further explanation as to the role of constituency records within this Bill 18.

4:10

The other area where I feel I must have extensive clarification before I could support it is in C. Section 17(2) has been struck, and a substitute has been put forward. Once again I have a concern that it's not clear, and indeed could Albertans' rights be violated? When it comes to the psychiatrically ill, for example, where does the Mental Health Act fit in when it comes to, say, a certified Albertan seeking their information? Where does the mental health advocate fit in with regards to Bill 18? I know that Bill 18 takes precedence over other Acts, but indeed I think we have to address the question of the Mental Health Act, the mental health advocate, and indeed whose property is the information that is being held in a publicly funded body. Once again my colleague from Edmonton-Mayfield addressed that. When you actually go through the Act, on pages 5, 21, and 55 they do address the definitions, some of that area, Mr. Chairman, but I still don't think it's clear enough as to whether the mental health advocate would be there advocating for the right of the certified patient when it came to someone else asking for information related to the individual.

The other aspect of that substituted definition is: how is the individual professional protected when that information is

released? Do we have the appropriate regulations in place? I'll use, for example, the Hospitals Act when it came to privileging. It went to the courts, and we found that when you were doing reference checks and you denied a physician the right to be privileged within a hospital, you by law had to share why that person's privileging was denied. So I feel that within this whole area, when you're looking at physicians, chartered psychologists or psychiatrists, how are we going to ensure that their professionalism is indeed protected when the release of those documents are granted to the individual requesting them? I certainly don't want to leave any impression that I'm trying to protect any professional. I think what I'm saying, Mr. Chairman, is that the information regarding individual Albertans should always be theirs, but in certain circumstances it may not serve them positively. At the same time, we also have to ensure that the people who are designated under section 17(2) under the substitute are aware that the right of the person to request their files or information is also protected.

You know, I find it interesting that we're actually debating meaningful amendments here in the Legislative Assembly in the province of Alberta. This is probably the most democratic Bill that's ever been brought before this House, but my sense is that there's very little interest in this House in debating substantial amendments, which I find very disappointing, because quite frankly, Mr. Chairman, this Freedom of Information and Protection of Privacy Act is going to have a significant impact on every Albertan. We should indeed be taking very seriously what is being suggested in amendments. I commend the government for bringing forward these amendments. As my hon. colleague from Calgary-Buffalo pointed out, the all-members committee certainly was looking for these amendments.

I also have a concern, as Edmonton-Mayfield and Calgary-Buffalo have identified, in section 97, coming into force, where the force of proclamation is actually not going to cover all sections, and I specifically identify 85(1)(e) and 85(2). I find that of a concern. Why indeed are we looking at those exceptions being made on proclamation? If I was an Albertan right now, I would have grave reservations, because when you look at 85(1)(e), it states, "destroy any records subject to this Act with the intent to evade a request for access to the records." If I'm reading this amendment correctly, Mr. Chairman, it means that that's being excluded on proclamation. To me that undermines the whole spirit of Bill 18. So I need to hear from the government member who brought forward these amendments. Why is this indeed being excluded under 97 when the Bill is going to be proclaimed? I hope it's not for the reason that I think it may be excluded, and that indeed is that we're never going to get the answers on areas that not only the Official Opposition but even members of the government and also Albertans have been wanting to find out: why we're in the deficit position we are today and a number of other areas that I won't go into at this time.

So I ask the member who has brought forward these important amendments, the Member for Rocky Mountain House, if he could please speak to the sections that I've raised at this time, where I don't feel without detailed explanation that I could support those specific amendments. The other amendments that have been brought forward at this time that I've not identified and I don't feel necessary to speak to, I certainly will be supporting, Mr. Chairman.

Thank you.

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you. Mr. Chairman, I'm only going to make a few comments at this particular time. It's got to be recognized that what we're dealing with are amendments that, generally speaking, are acceptable. The difficulty is the extension of the amendments and the areas where the amendments don't agree. Just to take a little bit of liberty in leading up to some comments – and I will try and relate my remarks to the amendments. Of course, when one talks in regard to the amendments, at the same time the Bill automatically is being addressed in that these are government amendments, and it's a safe bet that they will be incorporated as part of Bill 18.

Mr. Chairman, if I go back a bit during my five years – and I want to do this because I want to commend the government for getting this Bill to this stage. In the five years that I have been here, over five years now, we've heard discussions of a Freedom of Information and Protection of Privacy Act. In fact, I believe at one time it was actually on the Order Paper as Bill 1. If I recall correctly, it was on the Order Paper as Bill 1, and if I also recall correctly, every year this caucus tabled its own piece of legislation to keep the pressure on to ensure that this would in fact become a reality.

So we have made progress. I think now government members recognize that as they look throughout the country at other provinces and the type of freedom of information legislation they have, access to information and such. We look into the United States, and we can even look at the municipal level. We look at the Municipal Government Act, the new MGA, that dwells very extensively on access to information. Ironically, it's been recognized for a long, long time by this government that other levels of government, the municipalities, must provide that access to information, regulations that they themselves were not prepared to abide by or to put into place. When we look back over the period of time, we wonder, if we would have had this Bill in place 10 years ago, even five years ago, how much different the financial situation in this province could have been, for example, how beneficial it may have been not only to the opposition but to Albertans that would have just been interested, generally speaking, in accessing documentation that may have applied to areas like NovAtel, Principal Trust, and on and on.

4:20

Mr. Chairman, as I speak to the amendments – and I make reference to NovAtel – the concern I have is that they do not address the question, in my opinion, of destruction of materials. Despite these amendments there is still opportunity for government to destroy documents. The exceptions are laid out in the Bill. The exceptions make it very clear that there are opportunities that could be questionable, where there are grounds that one could argue as to why they should be exempted from the Bill. That can be very, very troublesome. That can be very, very broad. I think the Act has to be defined. It has to be amended in such a way that it clearly spells out that it is the government's intention, it is their desire to make available to Albertans the information that they may request, provided it doesn't do personal damage and other areas that can certainly be justified.

I'm a little concerned with the appeal mechanism, which can prevent the release of information. We look, Mr. Chairman, at the review after the three-year period. I think that's good, because as we deal with the amendments that are here now and as these amendments are put into place – and I'm confident they will be – we recognize at the same time that we're going to have the opportunity to review this in three years. At that particular time government may find that there's cause for other amendments that possibly should have been put in at this time but weren't.

Mr. Chairman, as we go through this process – I'm going to keep my comments short – I think it's important that the two caucuses recognize each other's role in it, that this came about as an all-party committee. It wasn't simply a government initiative. It was a joint initiative that had a great deal of participation by Albertans. So I think that's very important to recognize. As this caucus deals with the amendments proposed by government in a very enlightened fashion, in a very acceptable, responsive fashion – in other words, giving it our every consideration and not attempting to obstruct amendments that are here – I would hope that the same is going to hold true if this caucus proposes additional amendments on top of these ones. I would hope that the same consideration that we're showing on these amendments, the same thought, will be exercised by government members.

As a result, when we finish with the amendments and amendments to the amendments, we're going to see a Bill that is strengthened considerably. We're going to see a Bill where if all the amendments that are proposed are considered, some implemented, whatever, we'll have the basis of what I believe can be a very, very good Act, the basis of at least having a foundation there. Three years down the road when the review takes place, that review may point out some shortcomings. Nevertheless, at least that foundation will be in place, that foundation that many people have cried for for years and years and years. So it is becoming a reality. I think all members of this House have to work towards ensuring that this is completed during this session, that there isn't any deliberate mechanism of attempting to obstruct amendments, that we all kind of work jointly and sincerely on this, and I think we can end up with a good piece of legislation.

On that note, I'm going to conclude. When additional amendments come forward, I want the opportunity to speak again, but I'll yield the chair to the good Member for Leduc.

MR. DEPUTY CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Chairman. I appreciate the opportunity to speak to Bill 18 this afternoon. I spoke earlier to the actual Bill itself, but the amendments, I would suggest – and I take my lead from the hon. Member for Calgary-*Buffalo* here. I think without question he is the resident expert when it comes to freedom of information and has been toiling on this particular Bill in this area for many a year. I would follow him as far as what amendments are or aren't acceptable. I would just like to make a few brief comments about some of the areas that the hon. Member for Calgary-*Buffalo* identified.

One that caused me great alarm and concern – and I'm glad that he took the time to explain it – was the non arm's length transaction under section (2), Mr. Chairman, where in fact portions or parts of any sort of project or any sort of undertaking if they were in fact approved by caucus or approved by the executive committee or Treasury Board . . . I shouldn't say "caucus." I should say "cabinet."

MR. DAY: Caucus.

MR. KIRKLAND: They would in a lot of cases, having had something come before caucus, as the hon. Member for Red Deer-North said – if they gave them that stamp of approval, I daresay anybody that was to make the final and end approval certainly would step back and view that very, very seriously. Certainly they would not want to go against the flow of the cabinet or the Executive Council. I see that when we deal with a portion of any sort of project, it certainly should be able to fall under the scrutiny of the freedom of information Bill itself. So I

would suggest that that has to be amended. With the co-operation we've seen from the hon. Member for Rocky Mountain House in this committee, I have confidence that we will arrive at something that's quite acceptable there.

I would move along and also look at D. Having sat on Leduc city council for one short term, I would suggest that my perception of business that was prevented from reaching the public scrutiny was too broad, too expansive. The point that Calgary-*Buffalo* made was that it is not a sovereign government and as a consequence does not deserve the same considerations that in fact another province or the federal government would expect to receive.

I would move over to a comment made by Edmonton-Rutherford, where he indicated that the proposed MGA spends a fair amount of time discussing access to information. My cursory view of that: I would suggest it is very restrictive and is not going to give the public the information they require from that level of government. I would suggest that we attempt to lead and provide direction in this clause here for that group as well.

As we move along to section H in regards to destruction of records, the way it reads is: "the destruction of records set out in . . . a regulation." Now, to me that amounts to no accessibility or no opportunity to access any information. As we know, a regulation can be struck really by the stroke of a pen by cabinet. As a consequence I would suggest that it does not tie it up quickly. The hon. Member for Edmonton-Rutherford referred to the NovAtels, the Gainers, the MagCans. I could refer to Opron, but in all common human nature one can see that if you have to protect your backside, a regulation would simply come forth, and would come forth rather quickly, to stymie the access to that information. So I have a concern about regulation. As we have education by regulation, as we have health care by regulation, I do not believe that we should have freedom of information by regulation. It would be fine if I could trust the sitting government. Unfortunately, they haven't convinced me that they're worth trusting at this particular point.

4:30

I would also suggest that the comments made by the hon. Member for Calgary-*Buffalo* where there is the elimination of an appeal process – and many in this House have heard me stand and indicate that I think that's an important aspect, an important step of any process. I share his concerns that if we have an appeal process, we will end up with some frivolous undertakings to ensure that matters are delayed and we ultimately never achieve the benefit of receiving the information.

Moving on to section K, Mr. Chairman, I would share Calgary-*Buffalo*'s concerns with sections (i) and (ii) under (a), but I would disagree with him on the first one; that is, (a), the body itself. We all in this House are aware of many companies that can in fact originate one day, be gone the next day, and end up being a company with a similar name with 1994 added behind them. I have no reason to believe that a body within the government cannot arrive and disappear with the same expediency that a business can. So I believe that we have to tighten up that particular aspect as well.

As I indicated, I would share the concerns that Calgary-*Buffalo* outlined in regards to section K, (ii) and (iii). He outlined the problem here in very understandable terms, and I compliment him for that.

So with those brief comments, Mr. Chairman – we have come a long way on this Bill through co-operation between two parties. If we are to do business on behalf of the Alberta government, certainly the best stage to do that on is one of openness. We are

moving slowly towards that. I would suggest that if in fact the co-operative spirit continues with the all-party members and the co-operation between Rocky Mountain House and Calgary-Buffalo, we will arrive where the citizens of Alberta would like us to be as far as access to information is concerned.

So with those comments I will conclude and ask all to give serious consideration to those amendments. They are reasonable amendments, they are fair amendments, and they achieve the objective of the freedom of information Bill itself.

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Thanks, Mr. Chairman. I want to make just a couple of general comments and then ask you for some direction about the process that we're going through here, just to make sure that we're doing it in the most efficient manner.

Mr. Chairman, yes, this is a very important Bill, as other members have indicated and have said. There's no question. We've worked on it for a long time. We've waited a long time for it. We're all anxious to get it into effect. I recognize that we need some working experience with it. I hope it's proclaimed immediately so that we can begin our three-year monitoring of how workable the Bill will be.

Mr. Chairman, I want to express my appreciation for the work of the panel. The all-party panel I think worked very hard, diligently, and honestly to bring to us their recommendations. They presented us with the principles. I was disappointed to begin with when Bill 18, when it came to us, did not conform completely to those enunciated principles that had been agreed to unanimously by the panel. I'm not sure I've ever understood why the Bill did not conform, why it did not carry out the panel's recommendations, but I expect at some point it will be revealed to us little by little why they were not acceptable in their entirety. But I do appreciate the work of the panel and the fact that they were able to arrive at some consensus.

Mr. Chairman, it's my understanding that at this point in time the Liberal caucus has, through the Member for Calgary-Buffalo, developed a number of amendments which we have agreed to, and these have been duly presented to the sponsor of the Bill. The stage we're at now is that the sponsor of the Bill has submitted the government amendments, and we are going through those in a collective fashion. A number of members on this side of the House in fact have spoken to them in total. As I read through them and as I listen to my colleagues, it's clear that in many cases, in fact in most cases, we are entirely in agreement with the amendments that have been presented by the government. There are, however, a few that we do not agree with, and there are some that we would like to amend. In addition, at some appropriate time we will have amendments that have not been dealt with by the sponsor of the Bill and the Member for Calgary-Buffalo in their well-developed, co-operative fashion.

So we have three kinds of things here, Mr. Chairman. We have the amendments that the government has presented now before us. We have prepared and are ready to submit to this House subamendments to those which would begin to conform to what the Liberal caucus believes would be appropriate amendments in total. Then we have some that don't appear here at all as government amendments.

What I would like to suggest, Mr. Chairman, is that we ask Calgary-Buffalo now to submit to you, sir, and present to the members of the House the subamendments to the government amendments. I think in order to have the process go along – we can debate these for a long time, but it seems to me that it's

important that we see them in total and debate one at a time what the effect of the government amendment with the subamendment from this caucus would look like, whether or not that would be agreeable to government members as well, and it may well be. We believe we have some subamendments that would in fact enhance what the government amendments are requesting and are asking for, and I think they may well command a great deal of support from government members.

So, Mr. Chairman, with respect, I'd like to ask your direction on this: if it would be acceptable if we asked Calgary-Buffalo to present the subamendments that we have, and then perhaps we could go back at it one by one. I think it might make for a more orderly process that would be easier to manage, rather than have all of us speak to all of them in total.

MR. DEPUTY CHAIRMAN: Thank you, hon. member. I understand that the hon. Member for Calgary-Buffalo has subamendments, or whatever we want to call them, to the government amendments. I suggest that Calgary-Buffalo go ahead and we deal with amendments one at a time to deal with the government amendments.

MR. DICKSON: Sure. In fact, just for clarification, Mr. Chairman, what I'd suggest is that we circulate all four subamendments now, if that's acceptable. I can quickly tour through the four subamendments, much in the same fashion as when the Member for Rocky Mountain House put a number of amendments in front of us. We can see because they all relate to each other, and the subamendments in fact could be addressed in the same way. So I think that would be helpful. Perhaps we should wait a moment while the subamendments are being passed out.

MR. DEPUTY CHAIRMAN: Hon. member, if I get this correctly – and I haven't seen them – what I understand is that we would do each one of your subamendments to the amendments to the Bill one at a time and deal with them that way.

MR. DICKSON: Well, one fact of the proposal, Mr. Chairman – and I'm sorry; I was perhaps not clear enough. My intention was that rather than distribute one subamendment and being restricted only to talk about that, we distribute all four subamendments now and be able to deal with them as much as possible in an aggregate sense, in exactly the same way that the Member for Rocky Mountain House has put in front of us a number of amendments and we've been able to deal with them. I think ultimately there would be a substantial time saving. That's what I'd encourage. Maybe the Member for Rocky Mountain House might have an observation.

MR. LUND: Well, Mr. Chairman, I agree with what the hon. Member for Calgary-Buffalo is suggesting. I think that's the most expedient way to deal with the subamendments to the amendments.

MR. DEPUTY CHAIRMAN: Okay. Obviously, the government member and the opposition member have agreed. Certainly if there's a feeling that we would deal with – I only had one concern, that there might be some subamendments that this House would not agree with. You know, when we come to the voting, there could be some problems, but we will go that way. [interjection] Okay. Then we would vote on each subamendment when that time comes.

MR. DICKSON: Oh, absolutely. I'm drawing a big line, Mr. Chairman, between the discussion and debate about the subamend-

ments and the voting. Clearly the voting would have to be sequential, but now just in terms of presentation and discussion.

4:40

MR. DEPUTY CHAIRMAN: Great.

The hon. Member for Calgary . . . Oh, sorry.

MRS. HEWES: Mr. Chairman, just for clarification, I don't want anybody to misunderstand. There are other amendments that this caucus will present when we have finished this process which have not been heard of yet.

MR. DEPUTY CHAIRMAN: Amendments to the Bill?

MRS. HEWES: That's right.

MR. DEPUTY CHAIRMAN: We understand that very clearly, yes.

MRS. HEWES: Thank you.

MR. DEPUTY CHAIRMAN: Hon. member.

MR. DICKSON: All right. Thanks very much, Mr. Chairman. Just as the subamendments are coming around, there are four of them. I respectfully submit to all members, including the Minister of Health, that each one of these four subamendments in fact bring the amendments proposed by the government through the Member for Rocky Mountain House closer into line with the unanimous recommendations of the all-party panel.

Just going through them sequentially, the first amendment, what I'll call subamendment 1, deals with section 1(2). What we're dealing with now has to do with Treasury Branches. It gets a little confusing because in the same section we talk about the Treasury Board and the Treasury Branches. There was a concern by the all-party panel that when we talk about the Treasury Branch, for anything that is a non arm's length dealing, that material should be available, should be in the public domain, should be accessible by taxpayers and Albertans. In fact, what . . . [interjections] I could wait a moment, Mr. Chairman, until the subamendments have all been distributed, if that's easier.

[Mr. Tannas in the Chair]

MR. CHAIRMAN: Calgary-Buffalo, I think the pages have made sufficient progress to commence debate. I'm sure that those who have received their papers will be able to follow.

MR. DICKSON: Very well. Thank you.

Dealing with the first amendment. If we refer back to the amendments circulated by the hon. Member for Rocky Mountain House, and if we turn over to the top of page 2 of those government amendments, we will see there sub (2). What we're dealing with here are the Treasury Branches of Alberta records. What we're saying is that when the Treasury Branch in effect is acting as an agent of the government of Alberta . . .

MR. DINNING: How would that happen?

MR. DICKSON: We're not talking – if the Provincial Treasurer would read the subamendment, I think it would help. I think what we're trying to say is this: if a corporation goes to the Executive Council or goes to Treasury Board and wants funding and the Treasury Board deals with it or considers it or the cabinet deals

with it or addresses it, subsequently, if there is then some financial dealing between the Treasury Branch, on one hand, and that third party corporation, in that case the Treasury Branch is acting as an agent of the cabinet, an agent of the government of Alberta. The records that relate to that transaction should be subject to the Act in the same they would with any department. Now, in fact, they are not.

What we're suggesting is this. The attempt is not to deal with the local pizza restaurant. It's not to deal with the local accounting firm or the local survey firm that happens to have their commercial bank account at the Treasury Branch. It has nothing to do with an individual citizen who has a personal account at the Treasury Branch. It's only when we're talking about people that have first gone to cabinet, have first gone to the Treasury Board, and then go to the Treasury Branches of Alberta and do financing. I think the taxpayers are entitled to know what's afoot and entitled to get that information. So that's the first subamendment.

Just to be really clear, what we've done is we've said that if that loan application has been considered – it doesn't have to be decided, and this is where we take a different approach than the government has and we go further – by Executive Council or considered by Treasury Board, then it's information that should be readily accessible. What we've tried to do is set up a separate test for a member of Executive Council. The reason for that separate test is that you may indeed have a situation where a constituent comes to the Minister of Energy not as Minister of Energy but because she happens to be the MLA for that constituent. If that constituent is looking for financing and that minister makes a referral, that should not necessarily be subject to the Act. That's why we've tried to deal with it in that fashion.

MR. DINNING: Would you like to explain that?

MR. CHAIRMAN: Order. If you would like to rise, Provincial Treasurer, under 482 and ask your question, the Chair would entertain that and perhaps even Calgary-Buffalo might agree to that. But just calling back and forth is really not a very useful way.

MR. DICKSON: It's a useful admonition. What I intended to do was just do a quick survey of the four subamendments, once I saw that they were out there, and then deal with specific concerns people have.

MR. CHAIRMAN: Four subamendments as one? [interjections] Oh, an overview of all four. Pardon me.

MR. DICKSON: I'll simply give an overview of them, in much the same fashion that the government member has introduced his amendments in a package, so at least they're out there and we can deal with them.

MR. CHAIRMAN: And then you'll answer the questions following that?

MR. DICKSON: That's right.

MR. CHAIRMAN: Good. Okay.

MR. DICKSON: Dealing with the first amendment, I think I've explained that.

The second amendment deals with the change to section 20(1)(a)(ii). If members look firstly at page 2 of the papers submitted by the Member for Rocky Mountain House, it's

amendment D. What we're doing there – that amendment from that member narrows section 20 in part. The way that is narrowed is that now documents between – let me back up. In Bill 18 documents between a local public body and the government of Alberta were secret, but that included all kinds of municipal boards, library boards, health boards, school boards. It was very broad. Now what's happened is that the government proposes to narrow that to a local government body, so that gets away from parks and recreation boards and things like that. My amendment would go further and say that there's no secrecy that attaches to dealings between a municipal corporation or any of those bodies, whether they be public bodies or government bodies, and the provincial government. All of those things would be open and available. They would still be subject, Mr. Chairman – and this is key – to the regular exceptions that cabinet has, and those are extensive. Those are still available to them. So all we're doing is we're trying to ensure that that huge volume of correspondence and dealings which go back and forth between municipalities, municipal governments, and the provincial government are not protected and kept secret from taxpayers.

The third subamendment. We're now dealing here with section 51(1)(a). What we're dealing with with respect to section 51(1)(a) is this was – I'll just back up. In the original Act the freedom of information commissioner had nothing to do really with the destruction of documents. This person can consult with ministers relative to a host of other kinds of chores and responsibilities but not with respect to the destruction of documents. Now, what the government has done – and as I said before, I applaud them for now being prepared to give this commissioner a kind of overseeing responsibility with respect to the destruction of some documents, but it's not all documents being destroyed. So what we've tried to do is make section 51(1)(a) use the same kind of wording and say, "any other enactment of Alberta," so that it includes not just regulations, which is as far as the government was prepared to go, but any other statute. Now what it means is that your information commissioner has a broader responsibility to ensure that the public's right to know isn't going to be frustrated by regulations or by statutes under other Acts. Now, the commissioner can't change other statutes, but the commissioner would have the power to be able to point out concerns, raise concerns, and isn't that what we want, Mr. Chairman?

4:50

I think we're now to the fourth amendment, and this simply deals with section 87(2)(a). What we've now got is a situation where the government wants the power to be able to delete by regulation a number of bodies that were originally covered by the freedom of information Bill. The problem, as I said before, is they go too far, so what we want to do is ensure that if it's simply a public body that has changed its name, that new public body has to be added. As I tried to make the point before, Mr. Chairman, we know in law that if a corporation changes its name, it doesn't affect its liabilities or its responsibilities. Those continue. In the same way here if the ABC board or the ABC agency is subject to the Act and just undergoes a name change, under the government's proposal that means they get dropped off the list and they're no longer subject to the Act. So all we want is a corresponding obligation that a successor board or agency are brought under the Act.

With that introduction to the four subamendments, I'll sit down and give other members a chance to speak, Mr. Chairman.

MR. CHAIRMAN: The hon. Provincial Treasurer.

MR. DINNING: Gee, Mr. Chairman, that's real swell of you to let me get up and have a brief chat with the hon. member across the way. I want to speak specifically about Treasury Branches, because the purpose of the government amendment is to bring greater clarity to the notion of a non arm's length transaction.

The reason why we've suggested that it is "any transaction that has been approved" by cabinet, by Treasury Board, or by a cabinet minister is that a transaction is not a transaction until it's been transacted or until it's been decided that there will be a transaction. A transaction is not a transaction when it's only something that's been considered. There's finality to a transaction. I go to the Oxford Concise and I'm drawn to the definition: "piece of . . . commercial business done." It's not contemplated, not considered, not thought about, not even mused about.

I'm sure the hon. member across the way would think having been a lawyer, having probably been a commercial lawyer, and having been with some of his clients thinking aloud: "Okay; now we've got to deal with the financing side of this package, Mr. and Mrs. Client. What will we do about financing? Well, we could go to CIBC. We could go to Montreal Trust. We could go to Treasury Branches, or we can go to Royal Bank. Well, we'll go to Royal Bank." Well, the Treasury Branches had been considered in that discussion. It had been contemplated, but there was no transaction. It was simply considered. It was contemplated. I think what the hon. member is suggesting here is that if the word Treasury Branch ever came up, say, in my office, suddenly that should immediately be seized or captured under this Bill. I don't believe that the hon. member really would want that to happen.

May I use another example, Mr. Chairman, and it is that often in the past when the government of the day might have provided loan guarantees – and I think of the export loan guarantee program. What would have happened in that program is that an enterprise, maybe one of the member's clients as a lawyer, might have been able to get an export loan guarantee. What happens is that that contract for exported product came to economic development and trade then and was granted a loan guarantee, and the recipient had a choice. He or she could have gone to your bank, Mr. Chairman, to my bank. I bank at the Royal Bank. He could have gone to Treasury Branches, could have gone anywhere and effectively shopped that loan guarantee around. There was no direction that that person would go to Treasury Branches or anywhere else. So there's no indication or direction that once that person gets a loan guarantee, he must go to one particular bank or another. There is that connection.

Once that person has made that choice to go to Treasury Branches, then that's when this transaction approved by cabinet that that person gets a loan guarantee – he takes it to Treasury Branches, then this section clicks in. The amended section here clicks in so that the information related to that person's finances, as it relates to that transaction, as it relates to the loan guarantee, as it relates to Treasury Branches – in my view that's where this kicks in. Not those items, Mr. Chairman, that are simply under consideration, but those matters that are truly transacted. That's why I believe that this government amendment is one that captures what quite rightly the hon. member is asking for, and that is sunshine, transparency, openness in a kind of an agreement or a connection between the government and the Treasury Branches in an appropriately defined non arm's length transaction.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Now, I have Edmonton-Rutherford next, but are you prepared to answer the questions, Calgary-Buffalo, of the Provincial Treasurer, and then we'll go to Edmonton-Rutherford?

MR. DICKSON: Well, I understood he wasn't asking a question as much as asserting a contrary interpretation of the subamendment I proposed, and there may be other members that wish to speak it.

MR. WICKMAN: Mr. Chairman, I just want to speak to it very briefly. I don't want to wander off into fields that I'm not familiar enough with. If the other Percy were here, I'm sure he would be able to grasp this like Calgary-Buffalo has, to a much greater degree than I have. My understanding of the interpretation of the subamendment ensures that there is the same type of disclosure happening with the Treasury Branches that would happen within a government department if that particular proposed transaction relates specifically to a government activity. In other words, if government is not involved at all in a transaction, then I don't believe that this subamendment would apply.

Mr. Chairman, the Provincial Treasurer made reference to definitions and such of transactions and said that a transaction is not a transaction until it's complete; thereby, it really doesn't count. My difficulty with that type of interpretation is that even within government departments if something is being considered, something that is, let's say, improper, a bit devious, whatever, and somehow something goes off base and that intended deed never becomes a final deed or a so-called transaction no matter how incorrect it may have been, then I still have some hesitation to say that that doesn't count and that shouldn't be subject to freedom of information. If the intent is there to execute or to exercise but for some reason it's thrown off guard, that doesn't clear the person or make that situation just totally forgotten about.

5:00

So from my interpretation and when I look at this subamendment – and I'm sure the Member for Calgary-Buffalo will elaborate on it a bit more. Possibly he's outside talking with the Provincial Treasurer now. I'll welcome his comments as well, but until I can feel assured by him as our main person guiding these subamendments through, yes, I have to support what is in front of us and reject at least partially the comments made by the Provincial Treasurer.

MR. CHAIRMAN: The hon. Member for Rocky Mountain House.

MR. LUND: Well, thank you, Mr. Chairman. Dealing with the first subamendment where we're looking at section 1(2) dealing with the arm's length transaction, certainly the Provincial Treasurer, I thought, presented a very good argument. I also have a great concern that we may be sending out a perception that in fact there's a whole host of things going to Executive Council or the Treasury Board or committees of those groups from the direction given from these people to Treasury Branches, and that's just not the case. I'm in favour of any transaction where this happens being transparent. I think it's extremely important that it's transparent and should be covered with the Bill.

Really, my concern as well is if we are sending out some kind of a message that in fact dealings of a company with the Treasury Branch is going to find its way onto the agenda of the Executive Council or Treasury Board or a member of Executive Council is going to get involved in that dealing and then through that transaction all the information on the company becomes available. I think we could do the Treasury Branches a terrible disservice. I think we've got to be careful of the message that we're sending in that amendment, so I cannot support that amendment.

Subamendment 2 deals with section 20(1)(a)(ii). Really what we're doing then: we're saying that under no circumstance could any dealings or relationship between the provincial government

and a local government, which is really a third level of government, possibly be kept private regardless of what that information is. Clearly, we're talking in this section about where there could be harm to the relationship between the levels of government if in fact some information is put out to the public. So once again I think that we'd be doing a terrible disservice to that other level of government if we say, "Okay; if it's between the federal government and the provincial government, we can draw this line, but if it's between this other level of government, the local level of government, we can't draw the line." So I can't support that amendment.

Dealing with the third subamendment, which is found in section 51(1)(a). Here we're talking about all enactments. We're talking about striking out the words "a regulation."

AN HON. MEMBER: Where were you?

MR. LUND: I'm dealing with section 51(1). There seems to be an error in the numbering here. I'm sorry; I've got it now. We're dealing with H in the amendment. We're dealing with section 51(1)(a), and the subamendment is asking that we delete clause (i), which is "a regulation," and substitute "any other enactment of Alberta." Mr. Chairman, I believe that is probably acceptable. I would want to do some more checking. We want to make sure that if we're talking about an enactment, there's no way that could be more restrictive. The whole intent of this amendment that the government put forward is to make sure that we're not missing anything. So on the surface I could support that amendment.

Going to the last subamendment, the mover is talking about the schedule of public bodies that we will have and how the deletions from that would be accomplished. I think one of the things we have to bear in mind is that there's going to be a very specific order in which various public bodies will find their way and be included under the Act and be in the schedule. What we're doing here is really once again making it very cumbersome as it relates to the deletion and addition of public bodies onto that schedule.

Why would there be any sense in including a public body that is in fact no longer in existence? I appreciate what the hon. Member for Calgary-Buffalo is saying, that if you have two public bodies that are amalgamated into one and they change their name, now they're not included. I don't believe that's the case. They will be included. They will automatically be included because there will be some guidelines that set out now that this is a public body. As soon as it becomes a public body, it's automatically included.

So I think that what we're doing here is just going to make it much more cumbersome. It's going to cause a problem. I believe we're going to have to, every time we want to make a change in the schedule, come back to the House to have an amendment to the Act. Clearly that is extremely difficult, doesn't make a lot of sense. We've included the commissioner in this whole process to make sure that he is satisfied or she is satisfied, that the office of the commissioner is satisfied, and I believe that that should be sufficient to cover any fears that someone might have. So I would have great difficulty supporting the subamendment 4.

MR. CHAIRMAN: Okay.

The hon. Member for Edmonton-Gold Bar. [interjection] Oops.

MRS. HEWES: Sorry, Mr. Chairman.

MR. CHAIRMAN: Normally we go back and forth. He's on that side.

MR. DAY: Mr. Chairman, I would move that we adjourn debate on Bill 18.

Chairman's Ruling Speaking Order

MR. CHAIRMAN: Hon. member, normally we go back and forth between one side and the other. Since I was calling out the name Edmonton-Gold Bar, I feel obliged to see whether or not that is in accord with her wishes.

5:10

MR. DAY: Mr. Chairman, I appreciate that. I'd just comment that I wasn't rising to get into the debate. Precedent shows that a motion to adjourn can take place at any time when the person has sat. So I was not engaging in debate at all. Precedent shows that this is the permissible procedure. [interjections]

MR. CHAIRMAN: Just a minute, please. No one has been recognized actually except Edmonton-Gold Bar, and we have people jumping up and breaking in. I do realize that several people have spoken, but no one had been recognized. The hon. Member for Edmonton-Gold Bar has the floor, and I was merely explaining to the Government House Leader that I was going back and forth. The last member who spoke was on the government side, so Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Chairman. I'm also curious about the timing here, whether or not we are going to adjourn the House early this afternoon, if that was the intent, or if the intent was to bring something else onto the agenda. I think if perhaps he had made that clear, we'd have been a little bit more interested and supportive.

Mr. Chairman, then, just very briefly, I think . . .

Point of Order Answering a Question

MR. DAY: Well, point of order, Mr. Chairman.

MR. CHAIRMAN: The hon. Government House Leader is rising on a point of order.

MR. DAY: The question was asked based on *Beauchesne* 482. I am asking if I can interrupt to respond to that question. You asked me a question.

MRS. HEWES: Yes.

MR. DAY: So I'm asking, under *Beauchesne* 482, Interruption of Debate, if I can respond to your question.

In response to your question, the member, in this case myself, rising to adjourn debate: that is a nondebatable motion. It is not an issue at all of whether there's going to be another Bill or not. That is simply a motion that into and unto itself is nondebatable.

MRS. HEWES: Mr. Chairman, that's fine.

MR. CHAIRMAN: The Chairman would like to address that. The Chairman had recognized Edmonton-Gold Bar, who normally would be next. Then the Government House Leader got up and proceeded to adjourn debate, and the Chair had not recognized the Government House Leader because he'd recognized Edmonton-Gold Bar. That's how we got into this. Now, Edmonton-Gold

Bar, the floor is basically yours. If you wish to adjourn debate, fine. Do so. If you wish to continue debate, do so.

Debate Continued

MRS. HEWES: Thank you, Mr. Chairman. My concern arose from the remarks of the hon. Treasurer, because I believe that he was perhaps not understanding. That, I think, we must take responsibility for. If we have not sufficiently explained the subamendment, then I'll ask by colleague from Calgary-Buffalo to go at it once again.

Mr. Chairman, I think the Treasurer was in fact speaking as though he were in favour of doing what this amendment is intending to do. The problem, I think, arises in the difference in our understanding of the words "approved," and "considered." This appears to be where the difficulty is, if it is one of semantics or what.

I believe the intent of the subamendment as presented by the Member for Calgary-Buffalo is to ensure that where there are issues being considered by Executive Council and then a further decision – and this all relates to the section of the Act that tries to describe Treasury Board. It doesn't include Treasury Board except where it has custody or control of a non arm's length transaction, and it's trying to define that. I think we certainly need to define it a lot more clearly. It seems to me that where there has been something that has been considered by Executive Council or considered by Treasury Board – or item (c) finally says approved "by a member of the Executive Council" – in fact it should constitute something that would be available for the public record.

Mr. Chairman, I can visualize circumstances where matters come before Executive Council or Treasury Board for discussion and then may or may not go onto some definition, some transaction. I can imagine that where those issues are considered and that later becomes an important matter to know whether or not they were given consideration by Executive Council or Treasury Board, this would form part of information that should be on public record. I see no reason why anyone in this House would resist that. Listening to the Treasurer, I thought he was in fact speaking to that kind of openness and that kind of, his word, transparency.

So, Mr. Chairman, with respect, I would ask all members to look again at this amendment, and perhaps Calgary-Buffalo can walk us through it. Maybe if we had some examples, some real illustrations that would help us to see, in fact we could find support for this subamendment in all parts of the House.

MR. DAY: Mr. Chairman, I move to adjourn debate.

MR. CHAIRMAN: The hon. Government House Leader has moved that the committee do now adjourn debate. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. DAY: I move that the committee rise and report.

[Motion carried]

[Mr. Sohal in the Chair]

MR. TANNAS: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports progress on Bill 18. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

MR. ACTING SPEAKER: Does the Assembly concur in the report?

HON. MEMBERS: Agreed.

MR. ACTING SPEAKER: Any opposed? So ordered.

[At 5:20 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

