

Legislative Assembly of Alberta

Title: **Wednesday, May 11, 1994**

1:30 p.m.

Date: 94/05/11

[Mr. Speaker in the Chair]

head:

Prayers

MR. SPEAKER: Let us pray.

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

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

Amen.

head:

Introduction of Visitors

MR. BRASSARD: Mr. Speaker, it gives me a great deal of pleasure to introduce to you and through you to the members of this Assembly Mrs. Janice Filmon from Winnipeg, Manitoba, who has joined us and was our guest speaker at the Premier's prayer breakfast this morning and gave us an excellent overview of family relationships and responsibilities. She is joined today by Mrs. Sheila Brassard, who was also at the breakfast and happens to be my wife. Would they please stand and receive the warm welcome of this Assembly.

head:

Presenting Petitions

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

MRS. SOETAERT: Thank you, Mr. Speaker. I beg leave to introduce a petition today signed by 331 people in the city of St. Albert and surrounding area urging the government "to reconsider the inclusion of the Sturgeon General Hospital within the Edmonton Region."

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

DR. MASSEY: Thank you, Mr. Speaker. I beg leave to present a petition on behalf of over 1,500 residents of southeast Edmonton asking that the Grey Nuns hospital remain as an active treatment facility.

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

MS CARLSON: Thank you, Mr. Speaker. I beg leave to present a petition with 1,028 names on it from areas as far ranging as Wetaskiwin, Calmar, Camrose, Edmonton, and surrounding area in support of keeping the Grey Nuns hospital open as an active care treatment centre.

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

MR. DOERKSEN: Thank you, Mr. Speaker. I beg leave to introduce a petition from approximately 1,200 people in the Red Deer-Innisfail area, and they urge the government to maintain the Alberta Children's Hospital on its current site and as it currently exists as a full service pediatric health care facility.

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

MRS. BURGNER: Thank you, Mr. Speaker. I'd like to present a petition on behalf of the signatories of 8,699 names for the Children's hospital in Calgary urging the government to maintain this hospital as a full-service pediatric health care facility at its current site.

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

MR. DICKSON: Thank you very much, Mr. Speaker. With your leave I introduce a petition with 66 names of Albertans urging the government to provide equal protection for gay and lesbian people in the province and to do that by including sexual orientation in the Individual's Rights Protection Act.

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

MR. DALLA-LONGA: Thank you, Mr. Speaker. I beg leave to present a petition urging the government to maintain the Children's hospital on its current site. The petition is signed by 71 people living in the Calgary area.

MR. SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. This appears to be the Minister of Health's day. I have a petition with 165 names from the Bon Accord-Morinville area repeating the request that thousands of others have sent her asking that the Sturgeon general hospital and the city of St. Albert be included in the area to the north.

Thank you.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to present a petition signed by 260 Albertans who are opposed to the implementation of health care user fees for seniors and also the erosion of government funding for health, education, and kindergarten.

Reading and Receiving Petitions

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

MR. ZARIWNY: Thank you, Mr. Speaker. I now ask that the petition I tabled on April 26 concerning advanced education cuts be read and received.

CLERK:

We, the undersigned, feel that Advanced Education is essential to all Albertans, and petition the Assembly to urge the government to reconsider its proposed cuts to Advanced Education.

MR. COLLINGWOOD: Mr. Speaker, I would ask that the petition I presented on April 26 respecting the Grey Nuns hospital now be read and received.

CLERK:

We the undersigned petition the Legislative Assembly of Alberta to urge the Government to maintain the Grey Nuns Hospital in Mill Woods as a Full-Service, Active Hospital and continue to serve the south-east end of Edmonton and surrounding area.

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

MS HANSON: Thank you, Mr. Speaker. I would ask that the petition I presented on April 27 in regard to Family and Social Services funding be now read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to keep the current system of funding for Family and Community Support Services and not transfer any FCSS dollars to the Department of Municipal Affairs.

MR. SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. I request that the petition I presented on April 27 in regards to the Grey Nuns hospital and keeping it as an acute care hospital be read.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to maintain the Grey Nuns Hospital as a Full-Service, Active Hospital and continue to serve the south-east end of Edmonton and surrounding area.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I ask that the petition I presented on April 27 regarding the concern that Catholics had in regards to Bill 19 be read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the government to express our grave concerns with the implications of the recently tabled, School Amendment Act, 1994 ("Bill 19"). We petition the Legislative Assembly to urge the Government to provide us with time to examine the issues, and an opportunity for stakeholders and elected government officials to dialogue together for the benefit of the children of Alberta.

head: **Notices of Motions**

MR. DAY: Mr. Speaker, in order to allow debate to continue on Bill 19 at the committee stage, I give notice of the following motion:

Be it resolved that further consideration of any or all of the resolutions, clauses, sections, or titles of Bill 19, the School Amendment Act, 1994, shall be the first business of the committee and shall not be further postponed.

head: **Introduction of Guests**

MR. SPEAKER: The hon. Member for Calgary-North Hill.

MR. MAGNUS: Thank you very much, Mr. Speaker. It gives me great pleasure today to be able to introduce to you and through you to Members of this Legislative Assembly a person whose community service has been extraordinary over the years. This gentleman was on the cabinet committee for the '88 Olympics. He was an alderman for the city of Calgary and also the MLA for Calgary-North Hill, my home constituency, from 1979 to 1986. The list of his accomplishments over the years is so extensive that for obvious reasons we're not going to get into the entire list. I'd ask that this House give Mr. Ed Oman, and ask that he stand and accept, the traditional, warm welcome of this Assembly.

MR. TRYNCHY: Mr. Speaker, it's a honour to introduce a guest from Manchester, England, that's visiting Alberta today: Sister Marie Lavin. She's accompanied by Muriel Lavin from Ross Haven and also Ms Gloria Seeley from Onoway. They're seated in the members' gallery. I'd ask them to rise and receive the warm welcome of this Assembly.

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

MR. HENRY: Thank you very much, Mr. Speaker. It's with pleasure that I would like to introduce to you and through you to members of the Assembly 13 visitors to our province from Thailand. These ladies and gentlemen are visiting our province studying engineering at NAIT and are currently studying English as a Second Language at the connections language school in my riding. They're accompanied by their instructor Lorna Jamison. They're in the public gallery, and I would ask that they rise and receive the warm welcome of the Assembly.

1:40

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

MR. DOERKSEN: Thank you, Mr. Speaker. I would like to introduce to you and through you to the members of this Assembly a class of students from the Holy Family school in Red Deer. They are accompanied today by their teacher Mr. Gerald Doré, parents Guy Johnson, Pauline Perenack, Pauline Martin, and Rebecca Masley, as well as their bus driver, Neil Garner. Not only is Holy Family school located in Red Deer-South; it's also located in the community of Deer Park, where I live. I would ask the class to stand and receive the warm greeting from this Assembly.

MR. BRASSARD: Mr. Speaker, it gives me a great deal of pleasure to introduce to you and through you to the members of this Assembly two of a dozen of my constituents who were up attending the Premier's prayer breakfast this morning and have come to visit us in the Legislature. I'd ask Mrs. Kay Johnston and Milly Lennox to stand and receive the warm welcome of this Assembly.

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

MR. LUND: Thank you, Mr. Speaker. It gives me a great deal of pleasure to introduce to you and to members of this Assembly two guests from the Rocky Mountain House constituency today. We have with us the mayor, Lou Soppit, and the manager of the town of Rocky Mountain House, Larry Holstead. They are seated in the members' gallery, and I would ask them to rise and receive the warm welcome of the Assembly.

MR. SPEAKER: The hon. Member for Vegreville-Viking.

MR. STELMACH: Thank you, Mr. Speaker. I wish to introduce to you and through you to the members of this Assembly 29 students from the grade 5 and grade 6 classes from Mundare school accompanied today by teachers Vicki Moroziuk and Sharon Dembicki, volunteer Kathy Ilkiw, bus driver Daniel Kitt. They're sitting in the public gallery, and I ask that you give them the traditional warm welcome.

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

MR. HERARD: Thank you, Mr. Speaker. It's an honour for me to introduce to you and through you to all members of the Assembly a constituent of mine from the dynamic community of Riverbend. Mr. Tim Spielman is one of those tireless community volunteers who always seems to have time to help out on virtually everything that goes on in a community. I'd like him to stand and please receive the warm welcome of the Assembly.

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

MR. SMITH: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to the Assembly two members of the Calgary-Varsity constituency that traveled many miles to attend the Premier's prayer breakfast this morning, which I understand was an outstanding event. Both have been great contributors to Calgary-Varsity and to their community. I would ask Highwood community president Marg Fast to stand up and the editor of the *Highwood Breeze*, Barb Arnau, to stand up.

Thank you.

MR. SPEAKER: Might there be unanimous consent in the Assembly to revert to Tabling Returns and Reports?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.

head: **Tabling Returns and Reports**

MR. ADY: Mr. Speaker, I'd like to table four copies of an agreement between the department of advanced education and the Canadian Imperial Bank of Commerce which sets out the agreement for risk sharing for the student loan program in Alberta.

MR. SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'd like to table this afternoon four copies of Alberta Order in Council 668/92 dated November 19, 1992. This order in council speaks to an indemnity granted by the government to members and former members of Executive Council.

head: **Oral Question Period**
Paddle River Dam

MR. DECORE: Mr. Speaker, in the Opron case the Queen's Bench judge in Alberta found the government of Alberta guilty of civil deceit, civil fraud, and civil negligence. A great many small businesses in Alberta relied on the fraudulent information, the deceitful information that the government put out when they tendered to get work on that project or when in fact they got work. Many of these small businesses lost substantial sums of money. Many of them lost their equipment. Some of them went bankrupt. Relying on deceitful government information isn't something an entrepreneur usually does when he or she takes into account risk. My first question to the Premier is this: how does the Premier intend to deal with the small businesses that suffered financially when the Premier's reference to Saskatchewan for a review is only for a criminal review and has nothing to do with civil matters?

MR. KLEIN: Well, first of all, Mr. Speaker, this is not a criminal view. This is the first that I've heard of anything being

a criminal view. What the Attorney General's department in Saskatchewan is reviewing is simply the judge's comment that there was fraudulent and deceitful behaviour on the part of some or one or perhaps more public service employees, and those comments were made in a judgment that came down the result of a civil court trial.

Mr. Speaker, all I can say is that there has been a trial on this particular situation. The judge awarded what he deemed to be appropriate, which by the way was about the same within a few dollars of what we offered Opron Construction. I have to repeat once again that the matter relative to the judge's remarks is now being investigated by the Attorney General's department in Saskatchewan, a complete unbiased independent review of those particular comments.

MR. DECORE: Mr. Speaker, it's clear that the Premier doesn't understand the distinction between civil fraud and civil negligence and civil deceit, and he doesn't know the terms of reference that were given to Saskatchewan.

Mr. Premier, will you agree to establish a commission in Alberta or a committee of this Legislature that will review and determine whether compensation should be paid to the small businesses that lost their equipment and their money and went bankrupt in Alberta on this Paddle River scam?

MR. KLEIN: First of all, Mr. Speaker, there is recourse, and that recourse is through the courts if there has been a breach of a contractual relationship. He's the lawyer. He should know all about what people can do and what they can't do relative to a breach of contract.

MR. DECORE: Mr. Speaker, why is it that when we're talking about recourse and benefit, the bureaucrats and the ministers are the ones that benefit on the Paddle River scam and ordinary people have to go to the courts and pay their own money for the fraud of the government? Why?

MR. KLEIN: Well, Mr. Speaker, there was no fraud of the government. The only thing that is fraudulent about this charade over there are really the actions of the members of the Liberal Party. This is an example of I think the most vicious kind of smear that I've ever witnessed in this Legislative Assembly. This is an issue that goes back 12 years. There has been an open public trial on this situation. An open public trial. As a matter of fact, the Liberals are doing all their research in the courtrooms these days, dredging up information that was brought up.

MR. SPEAKER: The hon. Member for Sherwood Park. Second main question.

1:50

MR. COLLINGWOOD: Thank you, Mr. Speaker. Some questions to the Premier on the fraud of his government. Senior civil servants responsible for the Paddle River dam . . .

Speaker's Ruling **Provocative Language**

MR. SPEAKER: Order please. Order please. The hon. member should pay some attention to the fact - at least the Chair's information is that the government of the day of 1982 to 1984 or '85 was accused of fraudulent actions by the judge. The Chair has not heard anybody accuse the present administration of fraudulent activity.

The hon. Member for Sherwood Park.

Paddle River Dam

(continued)

MR. COLLINGWOOD: Thank you, Mr. Speaker. Senior civil servants responsible for the Paddle River dam hid crucial information from the general contractor on the project. In the fiasco that followed, Albertans lost income from the job, their businesses, and even their homes because of the deceit. While the Premier tries to soften the issue by sending a criminal review to Saskatchewan, Albertans know that sooner or later the Premier and the minister of the environment are responsible for the government employees. My question to the Premier: will you tell Albertans when you will accept responsibility for the actions of government employees who left behind this legacy of misery?

MR. KLEIN: You know, Churchill had a beautiful phrase when he talked about blood, sweat, and tears. That is typical of this caucus anyway. What we see over there is mud, sweat, and smears, Mr. Speaker, really. I find it so interesting that this vicious attack that relates to instances 12 or 14 years ago comes from the number one lawyer and his backbench lawyer over there. I suspect that what is happening here is that those guys over there are trying to use this Legislative Assembly to conduct their own little trial.

MR. SPEAKER: Supplemental question.

MR. COLLINGWOOD: Thank you, Mr. Speaker. My supplemental question is to the Minister of Justice. How is it possible for the Saskatchewan Justice minister to review the civil fraud already proven when your terms of reference clearly restrict his review to the possibility of criminal fraud?

MR. ROSTAD: Mr. Speaker, being that the hon. leader of the Liberal Party and the hon. member who has just spoken, the hon. Member for Sherwood Park, are legal counsel, perhaps if they have any evidence of civil fraud, they can initiate a case to determine that.

MR. COLLINGWOOD: Mr. Speaker, my supplemental is to the Premier. Mr. Premier, if any ministers, former ministers, or civil servants face civil or criminal charges on the fiasco in the future, will you use taxpayers' dollars to protect them through the blanket indemnity of November 19, 1992?

MR. KLEIN: Mr. Speaker, once we receive the report from the Attorney General's department in Saskatchewan, we will carefully consider the findings of that particular review and take whatever action is appropriate. I would ask the hon. members opposite to be patient.

I used the word earlier, Mr. Speaker, that this is a feeble attempt or a weak attempt to conduct a trial. I should say a witch-hunt. You know, I find it amazing that these members would use the immunity of this Legislature to conduct one of the worst, most vicious smear campaigns that I have ever witnessed, but not one of them has the courage, the fortitude, the guts to repeat anything that they have said outside in the corridor.

MR. SPEAKER: The hon. Minister of Justice wishes to supplement.

MR. ROSTAD: Mr. Speaker, I'd like to clarify one point by a supplementary answer, and that is, in fact there is evidence, not

only a recommendation by Saskatchewan but any other grounds, that there are in fact criminal charges, I can assure as the Attorney General of Alberta that anyone that that evidence comes forward on will be prosecuted. When you're prosecuted for a criminal offence, you are not defended by the government. You are on your own.

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

Political Contributions

MR. BRUSEKER: Thank you, Mr. Speaker. The principals of Northern Steel made a significant contribution to a Tory election campaign and ended up getting \$3,200 back for every dollar of contribution. Gainers made a similar donation, returns \$7,200 of taxpayer money for every dollar invested with the Tories. The annual return for the Barrhead Progressive Conservative Constituency Association for 1982 shows that Thompson Bros. donated 20 percent of the net contributions received by the candidate in that campaign, and lo and behold they get a government contract that yields them \$6,000 for each and every dollar of investment. I'd like to table four copies of that with the House as well. My question is to the Premier. Is it a policy of government that requires corporations to make significant campaign contributions in order to receive lucrative government contracts?

MR. KLEIN: Mr. Speaker, I think it's the policy of most members of this caucus – and I would suspect that it's the same with the Liberal Party – that you . . .

MR. N. TAYLOR: Yeah, we give out a lot of contracts.

MR. KLEIN: Well, no, no, no. You accept donations on good faith. I don't think that the candidates really get involved in who is donating and who isn't donating to their campaigns. That's why they have financial officers, Mr. Speaker. But I can tell you this: we were so very, very disappointed not to get a donation from Mr. Pocklington, but they did.

MR. BRUSEKER: I guess that was because he'd already dipped \$67 million out.

My supplementary question is also to the Premier, Mr. Speaker. Since this has occurred so regularly in the past, I'd like to ask the Premier: what level of campaign contribution is required in order to get a government contract?

MR. KLEIN: I would suggest that they ask their Liberal cousins in Ottawa. They know all about that.

MR. BRUSEKER: My final supplementary question, Mr. Speaker, is also to the Premier. In order to budget properly, people are phoning me. What projects are coming up that require a campaign contribution, and will they get the 75 percent or the 25 percent?

MR. KLEIN: I'm sorry; there was so much chatter over there I really didn't hear the question, Mr. Speaker. What was it?

MR. BRUSEKER: What projects will be coming up soon?

MR. KLEIN: I don't know.

MR. SPEAKER: That's a perfectly adequate answer, hon. Premier.

The hon. Member for Rocky Mountain House.

School Taxes

MR. LUND: Thank you, Mr. Speaker. Some months ago the provincial government announced that it was going to be requisitioning the municipalities for dollars for education and that local jurisdictions would no longer be requisitioning except under very special circumstances. The information that went out at that time gave the equalized mill rate for each jurisdiction as well as the provincial average equalized mill rate. The information also said that the mill rate in each jurisdiction for 1994 would be the same as in 1993. It seemed very straightforward. However, now we learn that in fact the mill rate on the linear assessment is at the 1994 provincial average. To the Minister of Education: how is it that your department moved forward to the provincial average on linear assessment in 1994 and not the same as in 1993?

2:00

MR. JONSON: Well, Mr. Speaker, I believe the hon. member is referring to the linear assessment as it will be applied to power and pipeline assessment. I think it is important to note that there is in essence no local mill rate on P and PL because that has been taxed according to something called the Ramsey formula, which meant that the mill rate applied to a particular pipeline that ran through several jurisdictions was the mill rate of the highest taxing jurisdiction along that line. It is quite correct that we are using the linear assessment, and we're applying to it the average provincial net mill rate, and for the overall pipeline industry and power line industry in this province it is a net benefit to do that.

MR. SPEAKER: Supplemental question.

MR. LUND: Thanks, Mr. Speaker. To the same minister. There seems to be real confusion out there now, because folks thought they could simply determine how much their mill rate was going to go up or down by simply figuring out the percentage difference between the equalized mill rate for each jurisdiction and the provincial equalized mill rate. Would you please explain why this simply doesn't work?

MR. JONSON: Well, Mr. Speaker, in terms of the net mill rates as calculated off the equalized assessment in this province, those mill rates have not increased. Those mill rates have not increased in terms of our calculations. But when you apply the different stages that jurisdictions across this province are at with respect to their assessment and the growth that they have experienced, as I indicated in response to a previous question, there does result an increase and also a decrease in some mill rates across the province. We have made the decision to cap any increase at 5 percent of the requisition.

MR. SPEAKER: Final supplemental.

MR. LUND: Thanks, Mr. Speaker. To the same minister: does this cap apply to more than just 1994?

MR. JONSON: Well, I understand from the hon. member's question, Mr. Speaker, that we must be talking about '95-96 and the years beyond. The answer there is quite straightforward, and that is that we will be phasing in a provincial average mill rate. The business plan quite clearly outlines that that average mill rate will be maintained, and any moneys from '95 on that are raised

through growth and assessment and so forth will be applied to education or to reducing the overall average mill rate.

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

Child Welfare Contracts

MS HANSON: Thank you, Mr. Speaker. Yesterday we revealed that a disturbing and highly questionable child welfare contract was handed out in the minister's hometown. Today the recipient has admitted that there was no tendering process for his contract. Any way you look at it, this process reeks of unfairness and represents all that is wrong with this department, this minister, and this government. My question is to the minister. Mr. Minister, how can you justify handing out a \$4 million contract without going to tender?

MR. CARDINAL: Mr. Speaker, I want to clarify to this Assembly and to the Liberals that there were no contracts of this nature let out to people that live in my town or my constituency. I suspect the individual is talking about an issue that was asked in question period yesterday of a project in northeast Alberta. I would like to also advise this Assembly that because of the nature of the work we do, we have over 150 agencies that we fund in different capacities with different dollars, providing different forms of programs. As we move forward with the welfare reforms – and I believe the hon. members opposite have to admit, the success of the welfare reforms was indicated just recently: 64 percent of Alberta supported the welfare reforms.

Now, Mr. Speaker, I want to get down to the tender. The reason this particular program of welfare reforms has been successful in Alberta is innovation: being very innovative and allowing the six regions of Alberta to come up with innovative programs at their regions so that they can deliver to the individuals based on the need of the individuals in that particular region.

This specific contract they're talking about, Mr. Speaker, is a two-year pilot project, and the project can spend up to \$2 million. The reason this project is designed that way is that it is a pilot to see how the home support program can work to benefit our clientele at home, to keep the families together, to keep the children at home. This particular project employs . . .

MR. SPEAKER: Order please. Perhaps the hon. minister will have a chance to carry on in this area with the supplemental.

MS HANSON: Mr. Minister, the recipient has confirmed \$4 million. How can you explain to Alberta taxpayers that the most qualified person at the best price has been selected when there was no public tender for a \$4 million contract of this size?

MR. CARDINAL: Mr. Speaker, again, I don't know where this individual gets her information. As far as I know, the individual project that the hon. member is talking about is up to \$2 million. It's an innovative project and is to be designed at the local level. That is exactly why it was let out this way. The department felt that in order to have continuity in providing programs in that particular region in the home support area, it was important that the project was designed so that we have continued involvement in that particular area.

This particular project presently delivers to 71 families and has over a hundred service providers retained, Mr. Speaker. What happens in this particular case is the contract . . .

MR. SPEAKER: Order. [interjections] Order. Order please. The hon. minister is going on describing the program.

Final supplemental.

MS HANSON: Thank you. We still don't know how you know it was the best.

How many more people have received contracts in your constituency without having to bid for them? Is this a common practice?

MR. CARDINAL: Mr. Speaker, the design of this particular department is that we have six regions out there. The regional director of each region, so they can design innovative programs, has the option to let out contracts or programs up to \$750,000. I am willing to review that particular process.

Mr. Speaker, in this particular program if anyone is interested in providing services to my department, they have every opportunity to submit a proposal. I'm willing to entertain it. But this particular program is designed so we can have continued input. After the two-year process then we will design a program. If it's a program that can benefit Albertans across Alberta, it will be tendered at that time. In addition to that . . . [interjections] Is the hon. member saying that we tender . . .

MR. SPEAKER: Order please.

The hon. Member for Highwood.

2:10

Interprovincial Trade

MR. TANNAS: Thank you, Mr. Speaker. My questions today are to the Deputy Premier. As you know, Highwood has the only Alberta-owned and -operated distillery. Ontario distillers are able to sell their distilled spirits of all kinds throughout the province of Alberta. However, through a very complicated set of rules and regulations Alberta products are excluded from sale in the Ontario market. I'd like to ask the Minister of Economic Development and Tourism: how can he possibly defend this one-way free trade into Alberta and no-way restraint of trade into Ontario?

MR. KOWALSKI: Mr. Speaker, one of the major objectives of the trade meetings that are currently going on is to make sure that there are no barriers to the movement of goods within Canada. In the area of alcohol there are three categories: there are distillers, there's wine, and there's beer. On the question of distillers, to my knowledge after some degree of investigation in this, there is no barrier to the movement of distillers' products for distillers in Alberta into the Ontario market.

What has happened is that in Ontario the Liquor Control Board of Ontario has a policy that basically says that you must sell a minimum volume of a particular brand to have access of that brand on the shelves of the liquor control boards operating in Ontario. In the case of at least one Alberta producer of alcoholic beverages they simply did not meet the minimum requirement for sales, and their product was taken off the shelf in the area of spirits. So it's really a matter in this case of Alberta producers being much more aggressive about marketing their product in Ontario. Overall, the conclusion that we want to have here under the free trade arrangement within Canada is basically to remove even that kind of a minimum standard for sales in order to have stocked shelves.

MR. TANNAS: Well, Mr. Speaker, I'd ask: would the minister support establishing an interprovincial dispute settlement mechanism that would work on how these regulations restrict the size

that you can import to one size and give you a limited number that you have to meet and even before a year is out can cancel your permit? That doesn't sound to me like free trade. Would he support a dispute settlement mechanism that would allow Alberta firms then to appeal these trade restrictions?

MR. KOWALSKI: Mr. Speaker, in January at the meeting of trade ministers in Canada a principle was arrived at. In essence, all trade ministers including the federal trade minister agreed that we would not want to have a dispute settlement that would have to go to the courts. We wanted to have developed in Canada something to rise out of the free trade arrangement within Canada, to have a built-in dispute settlement mechanism. That in essence has been agreed to in principle, and that's really quite significant for the first time in Canada.

But even as important as the agreement for a dispute settlement mechanism in Canada, Alberta's advocated for the access by individuals and companies to that, more than just simply government. I think that in principle we've got general agreement across the country on that one as well. So there is very significant progress being made in that regard.

MR. TANNAS: Well, Mr. Speaker, I'd like to ask the minister: will this proposed interprovincial trade dispute resolution mechanism be able to award compensation for noncompliance?

MR. KOWALSKI: Mr. Speaker, we're in the process of negotiating that at the moment. There are two views with respect to it. One view by some provinces in this country is that in essence the only final conclusion will be a need to change the rules or the regulation with respect to it. The position of the province of Alberta is that there must be more than that. Alberta's also advocating a position whereby the dispute resolution mechanism can award compensation or costs or damages for hardship arising out of that. This will be a matter that we'll probably be continuing with when we next meet at the end of the month in Fredericton.

Auditor General Selection Committee

MR. MITCHELL: We now learn, Mr. Speaker, that the Member for Taber-Warner, the chairman of the Auditor General selection committee, had a private meeting with Mr. Braum, who was later selected to be the Auditor General. In this meeting Mr. Braum said that he had been involved in the NovAtel audit, but unbelievably the Member for Taber-Warner neglected to tell the rest of his committee members about this crucial information until they had made the decision to select Mr. Braum. This demonstrates a disturbing lack of judgment. To the chairman of the Legislative Offices Committee, the Member for Taber-Warner: why would he withhold this crucial information from the members of his committee?

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

MR. HIERATH: Thank you, Mr. Speaker. The Institute of Chartered Accountants was engaged to shortlist and recruit some candidates. The Institute of Chartered Accountants found no wrongdoing with Ernst & Young at that time, in 1993, and certainly there was no proof of any wrongdoing with Mr. Braum.

MR. MITCHELL: Well, then why wouldn't the member tell the committee if there was nothing to worry about? What was it that

he was trying to hide from that committee that he wouldn't have indicated to them what is obviously very, very critical information?

MR. HIERATH: Mr. Speaker, I wasn't trying to hide anything from the committee. The committee certainly dealt with a perception that may have been a problem, but there was certainly no intent for me to hide anything from the committee.

MR. MITCHELL: Mr. Speaker, clearly the Premier has to make an assessment of the capability of this chairman, and what we will now need is a new chairman for the . . .

Speaker's Ruling
Questions outside Ministerial Responsibility

MR. SPEAKER: Order. [interjections] Order please. The Chair recalls that it's the Assembly that makes the decision as to composition of committees, hon. member.

Auditor General Selection Committee
(continued)

MR. MITCHELL: After seeing the negligence in this case, what will be the Premier's advice to the Assembly in selecting a chairman of the Legislative Offices . . .

Speaker's Ruling
Questions outside Ministerial Responsibility

MR. SPEAKER: Order. [interjections] Order. It is not the Premier's role to give any such advice to the Assembly. [interjections] Order.

The hon. Member for Calgary-Currie.

Gordon Townsend School

MRS. BURGNER: Thank you, Mr. Speaker. Last Thursday evening I attended a meeting at the Alberta Children's hospital. This meeting was attended by a number of parents and staff and members of the community. Issues were raised, notwithstanding the current Hyndman report, on the ongoing concern for the care of the children who are in attendance there.

My question today is regarding the Gordon Townsend school that is located within the Children's hospital. To the Minister of Health: will the students who currently attend Gordon Townsend school be accommodated on the Foothills site if the Hyndman report is implemented?

MRS. McCLELLAN: Well, Mr. Speaker, first of all, there is a recommendation to relocate the Children's hospital to the Foothills site. However, I think all hon. members are aware that there is a working committee that has been established by the Calgary acute care group to investigate the feasibility of that relocation, taking into account quality of care and also cost-effectiveness of that move. We operate with Alberta Education a number of school sites in our hospitals, and where it is appropriate to have a school which is operated by Alberta Education and Alberta Health can participate, we do so. Mainly that participation is in support services, support staff, be it nursing, physical therapy, or whatever. We will continue to offer those support services to Alberta Education where they deem it necessary.

MR. SPEAKER: Supplemental question.

MRS. BURGNER: Thank you, Mr. Speaker. Given that the decision for the potential relocation of the Children's hospital will

be recommended to the acute care planning board, my question is to the Minister of Education. Who will be responsible for the ongoing operation of that school?

MR. JONSON: Mr. Speaker, this particular school is a school under the auspices of the Calgary board of education. Therefore, whichever of the alternate locations may be decided upon, the operation of the school will remain under the Calgary board of education as planned currently.

MR. SPEAKER: Supplemental.

MRS. BURGNER: Thank you, Mr. Speaker. My final question to the Minister of Education is with respect to the staff currently employed there. What will be the future of those teachers who are currently employed at that site if the relocation occurs?

2:20

MR. JONSON: With all plans indicating that the school will continue to operate, the teachers, of which I think there are about 11 or 12 in number, would continue as employees of the Calgary board of education and would be assigned as deemed appropriate by the Calgary board of education. There are also a number of support staff, Mr. Speaker, who are also employees of the Calgary board of education, as I understand, and their assignments too would be the responsibility of the board, albeit Alberta Health does provide the funding for those support staff.

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

Human Rights Commission

MR. DICKSON: Thanks, Mr. Speaker. I want to take the Minister of Community Development back to November 3, 1993. On that date the minister told Albertans that the investigation of complaints to the Human Rights Commission would not be affected by his review process that he started last year. Now we learn that the commission is routinely advising Albertans and complainants that there will be delays of as long as six months before their complaints can be dealt with. The reason given is a shortage of resources. My question is to the Minister of Community Development. Why are Albertans unable to get timely service when the minister told us just six months ago that there would be no problem?

MR. MAR: The Human Rights Commission has ample resources to deal with some 25,000 phone calls and inquiries that it receives each year. It has ample resources to deal with many hundreds of cases that are investigated by the Human Rights Commission. The fact is, Mr. Speaker, that there is a growing number of cases. I think it's important that the Human Rights Commission take into account the fact that when there's a growing number of cases, they must establish some criteria for determining those cases which they should investigate which are considered more important issues and those cases which are not as important.

MR. DICKSON: Well, since I think Albertans recognize that one of the most common problems with the commission is the delay in the investigation and then delay in the resolution of complaints, what steps is the minister prepared to take now to deal with and address this particular problem?

MR. MAR: Well, Mr. Speaker, I mean, frankly that's one of the things that the Human Rights Commission is charged with the

responsibility of doing in going about its review of not only the substantive legislation of the Individual's Rights Protection Act but also the process by which they investigate complaints.

MR. DICKSON: Well, my final question, then, is: how much longer will Albertans have to wait before they see this report that's been promised and coming for more than a year?

MR. MAR: Mr. Speaker, I've instructed the Human Rights Commission to take as much time as is necessary to fully look at the issues and write a proper report.

MR. SPEAKER: The hon. Member for Wainwright.

Interprovincial Trade (continued)

MR. FISCHER: Thank you, Mr. Speaker. My question is to the Minister of Economic Development and Tourism regarding his recent interprovincial trade negotiations. Agriculture plays a very important role in Alberta's economy. Trade is vital to the economic health of the agriculture industry as we export over 70 percent of what we produce. Trade within Canada has been severely restricted because of interprovincial barriers. Would the Premier advise this House what progress was made and the extent to which these barriers would be removed for our agriculture producers?

MR. SPEAKER: It's the hon. Deputy Premier.

MR. KLEIN: I think that question is for the Deputy Premier. I'll defer to him.

MR. FISCHER: Did I say, "Premier"? I'm sorry.

MR. KOWALSKI: Thank you very much, Mr. Premier. Mr. Speaker, there are a dozen or so areas that are under review in terms of trade. Agriculture and agricultural products within Canada is one of them. This is perhaps one area and one chapter where, quite frankly, not enough positive work has been done to this point in time. In Winnipeg yesterday trade ministers were not that enthusiastic about the chapter dealing with the removal of barriers to trading of agriculture and agricultural products in this country by the end of June of this year. One of the recommendations that did come out, at least among the four western representatives, at that meeting was that the recommendations be made to the four western Premiers when they meet in Gimli, Manitoba, next week to in fact ask them to confer with other first ministers in this country, including the Prime Minister, asking them in turn to ask their agricultural ministers to accelerate the process in this regard.

Alberta's minister of agriculture and rural development, Mr. Speaker, has been viewed as one of the more aggressive agricultural ministers in Canada in terms of the removal of these barriers. Unfortunately he's found some resistance by the two central Canadian provinces, the two major ones, particularly with their inclusion of agricultural subsidies and the marketing board scenario.

MR. SPEAKER: Supplemental question.

MR. FISCHER: Yes. Would the minister tell the House more about the dispute settlement mechanism, and will Alberta agricul-

ture producers have the same opportunities as other companies here?

MR. KOWALSKI: Mr. Speaker, under the dispute settlement mechanism that has been agreed to in principle at this point in time – and I might point out that nothing is agreed to and everything is agreed to: that's the philosophy that goes into these trade negotiations – in essence, it would be more than just simply a provincial government or a federal government who will be able to submit a difficulty to the dispute settlement mechanism. It will also include an opportunity for all individuals and businesses and companies – and that includes every farmer in the country as well – to raise an issue before the multiprovincial and federal government dispute resolution. So if there is a difficulty that an Alberta agriculture producer or rancher would want to bring forward, it would be within their prerogative to do so.

MR. SPEAKER: Final supplemental?

MR. FISCHER: That's fine.

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

Maintenance Enforcement

MRS. SOETAERT: Thank you, Mr. Speaker. If the maintenance enforcement Bill passes, some unsuspecting individuals are going to get burned when they cannot register the vehicle all because they bought it from someone who has skipped paying child support, a problem that should have been foreseen had the government consulted with the new registry owners. My questions are to the hon. Minister of Justice. Why did you not consult with the owners of the registry offices about the impact of this Bill? Many we've spoken to haven't even seen the Bill.

MR. ROSTAD: First, Mr. Speaker, if the hon. member has people who haven't seen the Bill, I hope she's provided them with a copy. Secondly, if she sees an inadequacy in the Bill, because it's before the House, I hope she brings forward the amendment.

DR. WEST: Again, as I said yesterday, so many questions leave allegations or innuendos on the floor. The registries are under my department . . .

MR. SPEAKER: Order. Order please. The hon. member is raising a point of order, and he knows that should be done at the end of question period.

DR. WEST: No, I'm not; supplemental information.

MR. SPEAKER: Well, then we do not preface it with raising a point of order.
Supplemental question.

MRS. SOETAERT: Thank you, Mr. Speaker. My supplemental is to the Minister of Justice. How do you plan on protecting those innocent buyers who have no way of knowing that the car they just bought cannot be registered?

MR. ROSTAD: Mr. Speaker, I'd be very interested in the amendment that the hon. member must be bringing forward. It's in the House.

MR. SPEAKER: Supplementary information?

DR. WEST: Supplemental information, Mr. Speaker. Today we have the same existence of the concern that you raised that registries deal with, that the motor vehicles office. If you ran out of your points and you weren't allowed to drive your car and then you sold it, that registry would show up with any owner down the road. We have already talked to the registries and will continue to do so. This issue will be addressed within the computers, within the registration of the vehicles, and with the previous owner and the new owner, and it will be clarified fairly quickly.

She's addressing it to the Minister of Justice, but the registries are under my department. We have been working with the registries and will continue to do so in order to straighten this out.

MR. SPEAKER: Final supplemental.

MRS. SOETAERT: Thank you. My final supplemental to the minister: will you commit to amending this part of the Bill so that buyers are protected, or will you accept one of our amendments?

MR. ROSTAD: Mr. Speaker, again, the Bill is before the House, but I think the hon. Minister of Municipal Affairs just gave the answer.

MR. SPEAKER: The hon. Member for Lesser Slave Lake.

Regional Health Authorities

MS CALAHASEN: Thank you, Mr. Speaker. Under the new regional health authorities there are cases where the present main office of a health unit will be in a different region than many of its associated branch clinics, and therefore dividing capital assets will be an issue. In fact, a case in point which has been brought to my attention is that some assets, including a vehicle, are being moved from the High Prairie office of the Peace River health unit in anticipation of new regions being set up. [interjections] This may not be important to you guys, but it's important to my constituency. To the Minister of Health: what will you do to make sure that hoarding of assets does not take place during the transition to regionalization that might unfairly benefit one region over another?

2:30

MRS. McCLELLAN: Well, Mr. Speaker, health units are in place today to provide a service, and they have a responsibility to provide those services to the communities that they serve within their defined areas. I expect that those health units will continue to provide those services as they have, and that process will be in place until the regional health authorities become completely operational. Certainly I would not appreciate any activity such as has been suggested occurring, and if any of those areas are brought to my attention, I will take responsibility for looking into them.

MR. SPEAKER: Supplemental question.

MS CALAHASEN: Thank you, Mr. Speaker. Again to the Minister of Health. The division of assets will likely be a concern in a number of areas in the province. What process are you going to use to determine allocation of resources?

MRS. McCLELLAN: Well, certainly, Mr. Speaker, I can appreciate that division of assets might be a concern. However,

I would expect that those details will be worked out in consultation between regional authorities. I would remind hon. members that dollars and items do not belong to any one particular office or unit. They are there for the provision of services to the people in the area that they serve. If those areas change, if their boundaries change, those dollars and those services will be available to those areas, as they have been in a historical way.

MR. SPEAKER: Final supplemental.

MS CALAHASEN: Thank you, Mr. Speaker. Sure as the sun rises, there will be disputes between regions who wish to get the best for their areas. Again, what dispute mechanisms will you have in place for this situation?

MRS. McCLELLAN: Mr. Speaker, undoubtedly there will be some bumps along the way as we move into a new operational structure for delivery of health services. However, I have great confidence in the people who are putting their names forward for the regional health authorities, and I believe that their dedication to the task that they have committed themselves to will overcome many of those bumps. We have plans for regional support teams from the Department of Health, and that is exactly what they will be: support to help work through some of these areas. I think it's going to be an exciting process. Again, I believe that the dedicated people that are putting their names forward will operate in the best interests of their constituents.

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

Deinsuring Medical Services

MR. SAPERS: Thank you, Mr. Speaker. The Minister of Health has signed a tentative agreement with the Alberta Medical Association, which amongst other things calls for the deinsurance of certain medical services. Now, this is in spite of a government committee recommendation against deinsurance. To the Minister of Health: will the minister please explain why she is pursuing deinsurance while at the same time her co-ordinating committee is recommending against such action?

MRS. McCLELLAN: Mr. Speaker, I believe the hon. member is capable of reading the agreement closely or even superficially. If he has read the agreement, I know that it does say that we will examine the possibility of deinsurance of some items. That is a process that will occur. I would say in this House today that there will be no deinsurance of items that are of medical importance to people in this province. We hear a great deal across the way about our commitment to the Canada Health Act, and I would remind the hon. member that we insure a number of services that may not be deemed to be medically required but are of importance to Albertans. We will keep that in mind as we work with the Alberta Medical Association on those issues in this agreement.

MR. SPEAKER: Supplemental question.

MR. SAPERS: Yes, Mr. Speaker. Will the chairman of the health planning co-ordinating committee confirm that his subcommittee examining deinsurance has concluded that there will be no significant benefit from pursuing deinsurance in the Alberta health care scheme?

MR. SPEAKER: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Speaker. I will not confirm that. The final results of our committee's deliberations are not in yet.

MR. SPEAKER: Final supplemental.

MR. SAPERS: Thank you. Will the Minister of Health explain how she considers deinsuring will be a cost-saving measure, as it is specified in her press release, when in fact the \$5 million that the minister claims will be saved will actually have to come out of taxpayers' pockets instead of through their provincial taxes?

MRS. McCLELLAN: I'm not sure if that was a question or a statement. Mr. Speaker, what we said in the press release was that we would examine the possibility of deinsurance of certain items. I think that is a reasonable activity, and I think it's one that the taxpayers of this province that fund this health system, that is not free, that has a commitment of about \$4 billion still, just under \$4 billion in this province – I think the taxpayers of this province want us to examine ways to ensure that those costs are controlled. Deinsurance of certain items is one that we will explore with the AMA, and we will take the health needs and concerns of the citizens of this province into consideration before any decisions are made in that area.

MR. SPEAKER: Order please. The time for question period has expired, but the Minister of Municipal Affairs wishes to clarify a previous answer he gave to the hon. Member for Spruce Grove-Sturgeon-St. Albert. Is there consent?

HON. MEMBERS: Agreed.

Maintenance Enforcement (continued)

DR. WEST: Mr. Speaker, sometimes in the exuberance of the discussions – I don't want to mislead the House. I want to say to the Member for Spruce Grove-Sturgeon-St. Albert that there is indeed a section within this Act that would leave the impression that the transfer of registration would be difficult. I'm going to take that up with registries and the Minister of Justice and look at it. Part of the intent of this is to deal only with the licence of the individual, to remove that, but it does have reference to the vehicle registration and the transfer of that. Certainly when the debate of this Bill comes up, we will have time to look at that.

MRS. SOETAERT: Thank you.

MR. SPEAKER: Supplemental question?

MRS. SOETAERT: I appreciate that input, Mr. Speaker.

Privilege **Allegations against Members**

MR. SPEAKER: Order please. The Chair is now prepared to make the ruling on the matter of privilege arising from last Wednesday.

On May 4, 1994, the Member for Edmonton-Glengarry put the following question to the Premier during Oral Question Period:

Mr. Speaker, the Paddle River scam has disclosed that two ministers, that one and that one, interfered with contract awarding, interfered with the regular process of awarding contracts. My first question to the Premier is this: why would the Premier reward that minister and that minister by putting them back into the cabinet when he knew about that interference?

The Minister of Economic Development and Tourism and the Minister of Transportation and Utilities both rose on questions of privilege on the basis that the charge of interfering with the awarding of contracts breached their privileges as members of this Assembly. Both members alleged and the Member for Edmonton-Glengarry did not deny that they were the ministers referred to.

The Chair finds that the question of privilege was raised by both members at the earliest opportunity in compliance with Standing Order 15(6). In view of the fact that the same statement impacts both the Minister of Economic Development and Tourism and the Minister of Transportation and Utilities and the issue of privilege is therefore the same in both cases, the Chair will deal with both questions in this single ruling.

The main thrust of the arguments by both the Minister of Economic Development and Tourism and the Minister of Transportation and Utilities was that they did nothing wrong, albeit for different reasons. The Minister of Economic Development and Tourism stated that he was not involved at all. The minister referred to *Beauchesne* paragraph 63. That paragraph refers to persons outside the House who cast reflections on the House. The minister did however raise the question of making allegations such as this against members. In reply to the Minister of Economic Development and Tourism, the Member for Edmonton-Glengarry relied upon *Beauchesne* paragraph 31, which states, "A dispute arising between two Members, as to allegations of facts, does not fulfill the conditions of parliamentary privilege."

2:40

The Member for Edmonton-Glengarry referred to evidence from the court documents in the Opron case, one of which appeared to refer to the Minister of Economic Development and Tourism. The Member for Edmonton-Glengarry said that he was relying on media reports and if the Minister of Economic Development and Tourism was to say that he had no involvement, Edmonton-Glengarry would retract his statements.

The Minister of Transportation and Utilities stated that he was involved in the hiring of day labour. He distinguished this from being involved in the awarding of contracts, by which he appears to have meant the process of putting contracts out to tender and awarding them on the basis of bids. The minister said that he had never interfered with the tendering and bidding process. In reply to the Minister of Transportation and Utilities, Edmonton-Glengarry stated that a contract for day labour is nonetheless a contract and since the minister has said that he was involved in selecting persons to do day labour, he was involved in the awarding of contracts. The Member for Edmonton-Glengarry referred to *Beauchesne* paragraph 31 as set out above.

The arguments of all three parties are wide of the point of what constitutes a question of privilege. Maingot in *Parliamentary Privilege in Canada* says this at page 13:

To constitute "privilege" generally there must be some improper obstruction to the member in performing his parliamentary work in either a direct or constructive way, as opposed to mere expression of . . . opinion or of criticisms of the activities of the members (for example, threatening a member for what he said in debate, contemptuous reflections on members, allegations of improper conduct during a proceeding in Parliament, or allegations that a chairman was biased).

As will be set out shortly, the truth or untruth of a charge made is not the issue in a question of privilege. This must be emphasized. The question is whether the words constituted an improper obstruction to the member in performing his parliamentary work.

It is important to clearly understand the role of the Chair in this. The duty of the Chair is to find whether a prima facie case

exists. Reference is made to Standing Orders 15(6) and (7). Maingot at page 188 states:

A prima facie case of privilege in the parliamentary sense is one where the evidence on its face as outlined by the member is sufficiently strong for the House to be asked to send it to a committee to investigate whether the privileges of the House have been breached or a contempt has occurred and report to the House.

The Chair was confronted by the question raised by the Member for Edmonton-Glengarry of whether the statements made by Edmonton-Glengarry are any more than the usual cut and thrust of debate. In answering this question, the Chair was guided by the following passage from Bourinot's *Parliamentary Procedure and Practice*, fourth edition, at page 50:

Any scandalous and libellous reflection on the proceedings of the house is a breach of the privileges of parliament, but the libel must be based on matters arising in the usual transaction of the business of the house. So, libels or reflections upon members individually have also been considered as breaches of privilege which may be censured or punished by the house; but it is distinctly laid down by all the authorities: "To constitute a breach of privilege such libels must concern the character or conduct of members in that capacity."

The Chair would also cite Maingot at page 213 as follows:

Abraham and Hawtrey's *Parliamentary Dictionary* points out that "to constitute a breach of privilege a statement reflecting on the conduct of a Member in his capacity as a Member need not be true, but it must tend to lower the House in the eyes of the public."

There are actions which, while not directly in a physical way obstructing the House of Commons or the member, nevertheless obstruct the House in the performance of its functions by diminishing the respect due it. As in the case of a court of law, the House of Commons is entitled to the utmost respect; thus, when someone publishes libellous reflections on the House, they will be treated as contempt of the House. Furthermore, reflections upon members, the particular individuals not being named or otherwise indicated, are equivalent to reflections on the House.

Beauchesne paragraph 31(1), referred to by Edmonton-Glengarry, applies to allegation of facts. The member is correct that disputes over facts do not give rise to a question of privilege. However, it is not the facts of this case which approach the threshold of privilege. It is the conclusion drawn by Edmonton-Glengarry on those facts that the two ministers interfered with the regular process of awarding contracts.

It is because of this allegation, in light of these authorities, that the Chair finds that a prima facie case of privilege does exist with respect to the words spoken by the Member for Edmonton-Glengarry regarding both the Minister of Economic Development and Tourism and the Minister of Transportation and Utilities on May 4, 1994. That being the case, Standing Order 15(6) states that "any member may give notice not later than at the conclusion of the next sitting day of a motion [or motions] to deal with the matter further."

The Chair will make three observations which it regards as important in this matter. First, it is the Chair's opinion that it would not be in order for the Assembly to constitute itself a court of appeal with respect to the decision of the Court of Queen's Bench in this matter. This is a matter of the greatest concern. Again, the matters dealt with by that court are not relevant as to whether or not the words constituted an improper obstruction to the member or the members in performing his or their parliamentary work. To reiterate Maingot, the truth of the statement is not at issue; the issue is the impact of the statement on the member's and the House's status in the eyes of the public.

Second, the Chair is aware that the matter of whether police investigation into the matter is warranted, given the findings of the court have been referred by the government to the Attorney General of Saskatchewan. Even though the findings of the Attorney General of Saskatchewan should not impact the issue of

privilege, the Chair will express its concern that consideration of this matter by the Assembly concurrent with the investigation of the matter by the Attorney General of Saskatchewan might tend to obscure and confuse the issues involved with privilege and with the issues involved in the investigation by the Attorney General of Saskatchewan. Certainly a question of privilege is fundamental to the Assembly, and the Assembly has every right to consider the matter whenever it sees fit. However, the Chair believes the issue of privilege must be approached with great precision.

Third, it is important to the perception of this Assembly that the Chair should make it clear that the truth of the allegations of wrongdoing by members is not beyond the ability of the Assembly to examine as a possible question of privilege. In the proper circumstances it is possible that the conduct or activities of any member could amount to a contempt by obstructing the House in the performance of its functions by diminishing the respect due it. See for example *Erskine May*, 21st edition, page 119. However, the question of privilege presently placed before the Assembly and the issue with which the Chair is required to deal relates to the statement made by Edmonton-Glengarry.

2:50

MR. DECORE: Mr. Speaker, in light of that ruling, I would like to give notice. Is it appropriate at this stage?

MR. SPEAKER: Yes.

MR. DECORE: I would like to give notice that I would like this matter – that is, the question of the privilege that you just dealt with – to be referred to the appropriate committee of this Legislature to be dealt with in an expeditious manner and, secondly, that that committee be given adequate financial and human resources to allow the committee to hear the necessary witnesses, to have those witnesses placed under oath, and to have the necessary legal counsel available to pursue the issue.

Thank you, sir.

head: **Orders of the Day**

head: **Written Questions**

MRS. BLACK: Mr. Speaker, I move that written questions appearing on today's Order Paper stand and retain their places.

[Motion carried]

head: **Motions for Returns**

MRS. BLACK: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places.

[Motion carried]

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

**Bill 211
Economic Strategy Act**

[Debate adjourned May 10: Dr. Nicol speaking]

MR. SPEAKER: The hon. Member for Lethbridge-East. [interjections] Order. Quiet. Could the sound in the Assembly decline a little bit. Would hon. members wait until they get outside.

The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I'd like to continue my presentation and discussion on Bill 211. Before the adjournment previously I'd spoken about the focus that an economic development strategy should take, basically in providing opportunity for Alberta business dealing with both the domestic and export opportunities, looking at the issue that we had heard discussed earlier today, interprovincial trade, and basically identifying the different characteristics of the markets and the different approaches that it would take to provide Alberta products on a competitive basis in these various markets. The other issue that has to be dealt with in terms of an economic strategy action as outlined in this Bill deals with the universal acceptance or the equity that's associated with the strategy. We want to be sure both that all of the members of the industry being dealt with are treated fairly and equally and that the opportunity is provided for all industries across the economic system in Alberta. We have to deal with issues that currently exist in our programs. We've seen a number of opportunities that exist for export expansion already funded and supported by the government.

I'd like to continue, as I did in the previous session, dealing with examples from my area of agriculture. We've seen export enhancement information, promotion programs funded by Alberta agriculture. Here some of the issues that come up have to deal with the merits of those programs. They have provided Alberta producers, both at the primary and value-added levels, with opportunities to gain access to new technologies, to get themselves into a position where they can deal with new markets through export ideas. But the question that has to be addressed in the context of these programs is that when the individuals who had the opportunity to gain this new information, to gain the international exposure return to Alberta, there's no process for them to share this knowledge with other people who didn't get a direct advantage.

We saw a good example of this last year when the government financed a group of bakers to their convention in Las Vegas. Essentially there was a small number of them sent. When they came back, there was no provision in their support program for them to share the knowledge they got with other bakers in the province.

So this is basically an approach that has to be taken as this economic strategy is put in place and developed, a mechanism to ensure that there's a degree of equity associated with these strategies: equity so that the options for development get spread equally among the participants in the industry so that we don't have preferential treatment of individuals who had options to participate, but this government effort gets spread broadly among all of the people in the industry.

We also need to deal with an economy strategy from the point of view of looking at the adjustment process that has to occur while the development is being carried out. Any kind of advancement in the economic area has to deal with the advancement of people who have the option to adopt new technologies, to make use of new information, to exploit new markets to the fullest, and by implication there are opportunities here where other individuals are left in a disadvantaged state. So as part of our economic strategy we also have to look at some of the kinds of programs that have to be dealt with that would show a degree of compassion for the people who are disadvantaged by an economic development strategy. We'd have to look at programs that deal with retraining. We'd have to look at programs that deal with reorientation of the production processes, reorientation of the marketing strategies of individual firms. In some cases we may

even have to look at what would happen if some of these industries or the producers in the industry were essentially forced to exit. So what kind of compassionate approach has to be built into this?

What we want to do, then, is support this economic development strategy, as the Bill outlines, through a series of programs that bring about all of these kinds of adjustments, the kinds of opportunities. The basic focus, then, has to be on providing this information to the sector.

I think, Mr. Speaker, that concludes my remarks, and thank you.

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

MR. HERARD: Thank you, Mr. Speaker. It's a pleasure to rise in the House this afternoon to speak to Bill 211, the Economic Strategy Act, sponsored by the Member for Calgary-North West. Having heard the remarks from my colleague from Lethbridge-East, I'm very much in agreement with the remarks made. I find that several of the ideas raised in this Bill could be interesting, but I'm concerned that the member opposite has, as they all seem to do, failed to take into account the efforts of this government with respect to the things that we're currently doing that seem to address most of the concerns raised in Bill 211.

I'd like to base my remarks this afternoon on the three-year business plan for the Department of Economic Development and Tourism as well as the Seizing Opportunity document. The mission and mandate of this department as it appears in the three-year business plan is

to develop and facilitate a favourable business climate and infrastructure that promotes a competitive private sector in the province, allowing the generation of new wealth and jobs for Alberta.

The three-year business plan for Economic Development and Tourism is based on the economic strategies proposed in the Seizing Opportunity document. The economic strategy contained within Seizing Opportunity is based on nine goals, and I'll remind the hon. member of these goals: fiscal issues, research and innovation, building on strengths, strategic opportunities for wealth creation, community-based development, simplified regulatory environment, sound international strategy, intergovernmental partnerships, job creation and skill development. Simply put, Mr. Speaker, create the environment and get out of the way of business.

3:00

The foundation of Alberta's economic strategy as expressed in Seizing Opportunity is based on some very fundamental principles about a new role for government in Alberta. As a government we need to build a climate conducive to investment, wealth creation, and job creation. We need to facilitate economic development by providing services and information. We don't need to make work programs, as we see from our federal counterparts. They simply don't work. We need to support industry-led economic development. We need to build strategic partnerships with business and communities and get out of the way of business. We need to move away from direct financial assistance and more towards infrastructure development and the restructuring of our tax and regulatory systems. We need to establish open and participative decision-making processes to develop effective solutions to social and economic issues. Throwing money at the problem, the traditional Liberal strategy, just does not work.

Seizing Opportunity provides a framework by which this government can address many of the issues raised in Bill 211. The three-year business plan is a means by which this government can implement the required strategies to achieve the goals set out

in Seizing Opportunity. One of these nine goals, the international strategy, very much strikes at the heart of what Bill 211 is trying to accomplish. This strategy is focused on expanding Alberta's exports to \$24 billion by 1996 on increased consultation with the business community and on reorganizing and refocusing Alberta's international offices.

The hon. Member for Calgary-North West relies on the Oregon model, and we heard earlier from his leader, throughout the campaign, the Texas model. Well, Mr. Speaker, here we have in Alberta an Alberta-made solution by Albertans for Albertans.

In regard to the target of expanding exports to \$24 billion by 1996, the Alberta government is taking the necessary steps to achieve this level of exports in the future. In Seizing Opportunity the government pegged Alberta's exports at \$19 billion in goods and services. At an estimated impact of 15,000 jobs created for every \$1 billion in exports, this government will facilitate the creation of an estimated 75,000 jobs by 1996.

The government has also identified several markets where growth in exports is expected to occur. Southeast Asia, Australia, North America, and Mexico are some of the areas where Alberta business can expect to see growth in demand for their export commodities.

In respect of the increased consultation with the business community, the government has committed itself to consult with stakeholders in Alberta industry and investment sectors to identify global market opportunities and to ensure that our international offices remain customer driven and are able to meet the needs of Alberta industry abroad.

In respect of the reorganizing and refocusing of international offices, these offices will be restructured to become an integral part of Alberta's economic development strategy. The government will endeavour to increase our presence in emerging markets, and in specific relation to Bill 211, the government is working to establish an Alberta presence in Mexico.

Following the goals in the three-year business plan of Economic Development and Tourism we find the strategies by which these goals will be achieved and the expected results and performance measures that will be used to judge their effectiveness. The strategies that will be employed to achieve these goals are:

- Facilitate industry export initiatives through intelligence gathering, target market identification, counselling, missions and investment matching.
- Assist businesses in identifying Alberta's strengths in meeting the emerging needs in newly developing countries.
- Pursue co-location opportunities for trade offices and use of resident consultants/honourary agents.
- Develop special initiatives for:
 - a Global Business Plan to set new trade and investment targets and to identify new opportunities in 19 sectors of the Alberta economy.
 - an Asia-Pacific Business Strategy to help Alberta businesses to follow up on opportunities identified by the Premier on his recent mission to Asia.
 - a Mexico Trade and Tourism Strategy to help Alberta businesses enter the Mexican market.
 - a Hot Lead Investor Program to promote the Alberta Advantage to prospective investors around the world.

To follow up on the initiatives expressed in the three-year business plan, Economic Development and Tourism has released a document entitled Alberta Global Business Plan.

Dealing specifically with Mexico, the government has undertaken the following initiatives to increase access to the Mexican market by Alberta businesses. They are:

- Organize seminars to familiarize the Alberta business community with . . . NAFTA and its implications for Alberta businesses.
- Provide market intelligence to Alberta businesses on opportunities in Mexico.
- In consultation with industry associations, develop appropriate marketing strategies and programs to take advantage of emerging opportunities in the Mexican market.
- Organize programs in Canada and Mexico to bring together decision makers from both regions to pursue export and joint venture prospects.

The purpose of Bill 211 is to encourage co-operative strategies to promote industrial competitiveness. The industry development activities mentioned in Bill 211 can and are being implemented through the Department of Economic Development and Tourism as well as other economic ministries of this government. The government has already begun to implement flexible networks into its operations and programs. We're already in the process of implementing a Mexico trade strategy for the benefit of all Alberta businesses.

Mr. Speaker, there's no need for this legislation to pass: Bill 211, the Economic Strategy Act, sponsored by the Member for Calgary-North West. The three-year business plans, which this government has developed for all departments, are flexible enough to respond to changing market trends in respect to economic development. I acknowledge the efforts of the member opposite to raise these issues in this Legislature, but my opinion is that the initiatives contained in Bill 211 are already being addressed by this government, and for this reason, I will not be voting in favour of this Bill.

Thank you.

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

MR. CHADI: Thank you very much, Mr. Speaker. I rise today to speak in support of Bill 211. I think it's a timely Bill, knowing that Canada and the United States and Mexico have embarked on a brave new and a bold new move, and that is the North American free trade agreement.

Mr. Speaker, I listened to the Member for Calgary-Egmont talking about the traditional Liberal policy. He says that traditional Liberal policy is "throwing money at the problem." Well, let's examine that for a moment and see just who it is that threw money at the problem.

It was the opposition; it was the Liberal Party in this province that attacked that very thought of loan guarantees and assistance to corporations that proved unsuccessful in many respects. It only helped achieve a \$30 billion debt in this province over the last number of years. It was the Conservatives, in fact, that have seen this province go through deficit budget after deficit budget, and there's still no end in sight. It appears that we're still going to have at least two more deficit budgets in the future, and the answer that the government today has come up with to resolve that problem is one that is going to ensure that municipalities will now have to deal with the problems that the provincial government had at one time. As we go through the years now, this year and next year and the year after, you're going to see a tremendous amount of scrambling by the municipalities to try to balance their own budgets. So it's not the traditional Liberal policy, because we've had Conservative government in this province for the last 20 some odd years, and we've seen Conservative governments in Ottawa for the last nine or 10 years. Let's not have the pot calling the kettle black here. Enough is enough. We heard too

much of that, and if that's the only thing that members can come up with, it's a pretty sad day for the province of Alberta.

3:10

Mr. Speaker, with regard to the Bill at hand I'd also like to comment that the business plans that the Member for Calgary-Egmont referred to, the business plans that are directly related to this Bill, being economic development, tourism, and trade, are of a generic nature. It is not one that would just key in on a certain segment of that department. This department of economic development, tourism, and trade is a huge one. Let's dissect it for a moment. We've got everything in there: industry, technology and research, tourism, trade, investment, international assistance, business finance. We've got forestry involved in it. We have just about everything you can think of in this department. All this Bill is saying is: be a bit more specific. Let's key in; let's hone in on something like the flexible networks program and then bring it together with the idea of identifying key industries.

Mr. Speaker, I also want to include in the economic development, tourism, and trade department – we've got the national infrastructure program in there, western economic partnership agreements, Alberta Opportunity Company, natural sciences and engineering, tourism education and training. The story goes on and on and on. So it's really not geared towards what this Bill is trying to accomplish. So when we say, "Let's hone in on something," this would be an ideal vehicle, I think, to ensure – well, at least it'd be a start – that Alberta embarks on an economic strategy, one that would work because you're identifying key industries which would all come together for one common goal, and that is to try to reduce costs, if you will, reduce overlap and duplication in certain areas. Things like research: I don't know how many times we've seen companies die on the research table, if you will. They do not have sufficient funds to carry on. They've got a tremendously good idea but cannot carry it forward to the production and the marketing stages.

This Bill under "Industry development activities" suggests that the minister would undertake – and it would encourage to undertake – "a program of key industry development activities." These would include things like "petroleum products, high technology, tourism, forest products," and the like. Now, the idea behind it would be to establish a situation where they would co-operatively deal in research. There would be

joint training and education programs . . . cooperative market development activities; analysis of the need, feasibility and cost for establishing product certification and testing facilities and services.

Now, some of this may already be going on to a certain degree, I'm sure, in the province as it is today. I know that within the oil field industry and forestry and tourism it touches on some of those different areas. I noted that when I looked at the forest products industry.

I met with Al-Pac officials not long ago, and they put together quite a presentation whereby they were showing us that there was a detailed plan that would come together probably within the next month or so, and it would be presented to government. It may already have been presented, Mr. Speaker. It was a forestation management of their FMA. That is one tremendous piece of work that they are embarking upon. I couldn't believe what Al-Pac is doing. The type of forestry and forestation that this company is promoting and advocating is world class. The question I had for one of the Al-Pac officials was: what are other forestry companies and holders of FMAs doing to ensure that they keep up with what you're doing? The answer was: yes, there are a number of them but not all of them. Of course, one thing that came to my

mind immediately was: imagine how much overlap and duplication is going on.

If a company like Al-Pac could take their plan and have it adapted to each other FMA holder – and I don't think that each one is very much different from another. There would be difference in terrains, perhaps difference in the types of woods, but by and large, Mr. Speaker, it would be the same or almost the same. So why is it that these companies would go out on their own and start doing this massive expenditure to come up with a detailed plan when we could have encouraged them to all come together and come up with a plan, a detailed plan where they can all start to manage their FMA in a fashion that Albertans would want, one that government would expect? It would be an ideal, an absolute ideal for the forestry industry themselves. In discussion with them at that time they thought that was a decent idea, although they've expended a fair number of dollars themselves on their own now. I can't imagine them sharing that information or that research just for free with everybody else. You know, we've all heard the old story that Eaton's doesn't tell Woodward's or The Bay their business, so we can't expect Al-Pac to be sharing that information for free. It would fit into Bill 211. What Al-Pac had done was exactly what I think Bill 211 would encourage the government to do, things like that.

We could take it a step further, Mr. Speaker. We could talk about not only the forestry industry; we can talk about the oil field industry in the same way, the way they go about it and the research that takes place there. High technology is an area that is really intriguing. It's an area where I think there's so much overlap and duplication in this province that it could probably kill many, many, many companies with the amount of money that is expended. What's wrong with having them come together in terms of research in high tech?

I'm told there is a company in Japan, Mr. Speaker, where you can walk into their storefront facility – they manufacture bicycles. They'll sit you on this bit of a prototype. In a couple of seconds they'll make some adjustments and literally push a button and all the measurements will have been accounted for. Within 20 minutes a bicycle built for you is produced. I know that that sort of technology just does not exist in Canada today. We're way behind times when we start talking about technologies, particularly high technology. I know that industry all over the world, wherever there is a country that is embarking on . . . My time is up, I understand.

Thank you.

3:20

MR. SPEAKER: The Chair regrets interrupting the hon. Member for Edmonton-Roper, but Standing Order 8(5)(b) provides that all questions must be decided to conclude debate on a private member's Bill which has received 120 minutes of debate at second reading. I therefore am required to put the following question. All those in favour of second reading of Bill 211, Economic Strategy Act, as proposed by the hon. Member for Calgary-North West, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: Call in the members.

[Several members rose calling for a division. The division bell was rung at 3:21 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Hanson	Percy
Beniuk	Henry	Sapers
Bracko	Hewes	Sekulic
Bruseker	Kirkland	Soetaert
Carlson	Leibovici	Taylor, N.
Chadi	Massey	Van Binsbergen
Collingwood	Mitchell	Zariwny
Dickson	Nicol	Zwozdesky

3:30

Against the motion:

Ady	Gordon	McFarland
Amery	Haley	Mirosh
Black	Havelock	Oberg
Burgener	Herard	Renner
Calahasen	Hierath	Severtson
Cardinal	Hlady	Smith
Day	Jacques	Sohal
Dinning	Jonson	Stelmach
Doerksen	Kowalski	Tannas
Dunford	Laing	Taylor, L.
Evans	Lund	Thurber
Fischer	Magnus	Trynchy
Forsyth	Mar	West
Friedel	McClellan	Woloshyn

Totals: For - 24 Against - 42

[Motion lost]

**Bill 212
Whistleblower Protection Act**

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

MR. DICKSON: Thanks very much, Mr. Speaker. I'm pleased to stand and speak in support of Bill 212, the Whistleblower Protection Act. [interjections]

MR. SPEAKER: Order.

MR. DICKSON: Mr. Speaker, I genuinely hope this isn't a reflection of either interest in the Bill or support for the merits.

As I was saying with respect to Bill 212, I think it's fair to say that in any large corporation one can expect that from time to time there will be serious wrongdoing. I accept that as a fact, and I would be surprised if any member could disagree with that. It may take a variety of forms. It may be that in that large corporation there's some grave environmental hazard. I think of cases we've seen, issues in this province, whether it's contamination of the Wapiti or Smoky rivers, whether it's the Oldman dam. Certainly there are people who feel that there are particular concerns there that have to be brought out into public focus. It may be a gross waste of money. Often what we see with large corporations, just partly as a function of their size: dollars aren't always well spent. Sometimes the large corporation or large organization may in fact breach the law of the province or the law

of the land. Certainly we saw with respect to some of the past business activities in this province and some of the past involvement of the government that we didn't always have compliance with lawful enactments and regulations. Sometimes what we have in large corporations is an abuse of authority. In the most recent example, namely the Opron case, we've had a Court of Queen's Bench determine that there were serious problems in the way a large corporation, in this case the government of Alberta, handled that particular case.

Now, we know not only that in large organizations are there likely to be from time to time those kinds of instances I talked about, but what we also know clearly is that employees are frequently reluctant to reveal information when they're aware of these kinds of wrongdoings. Studies in the United States federal civil service in the early 1980s concluded some interesting statistics: 23 percent of those who reported wrongdoing were punished or threatened by their employers for reporting that wrongdoing. Another statistic that I think is important to note is that only 30 percent of the employees who witnessed wrongdoing at their place of work reported it. When I say reported it, that would be even to someone within their own organization. Of those who didn't report, 37 percent cited a fear of reprisal as the reason for nonreporting.

Commentators on this particular issue have observed that there's no reason to think that we have less of a problem in Canada, that we would have less of a problem in the province of Alberta than in those U.S. jurisdictions that were the basis of those studies. In fact, in Canada we do see evidence of this problem: employees who see serious wrongdoing and are unable or constrained in some fashion to speak out. Refer to the case of Canada Post Corporation and CUPW where a grievant had been fired for disclosing to Members of Parliament gross mismanagement in the postal service. This was disclosed in that case to the federal opposition party. It was then the Progressive Conservative Party federally. It was only after the Progressive Conservative Party formed the national government that the Prime Minister then intervened to reinstate the employee that had been punished.

There are several reasons why I urge members of this Assembly to support this Bill. The first one is that the Ombudsman in this province has advocated complainant protection. He hasn't advocated this type of change only one time and not only recently. In June of 1991 a former MLA, Yolande Gagnon, had asked for protection for complainants dealing with the Ombudsman, and in fact Mrs. Gagnon had introduced Bill 215, the Ombudsman Amendment Act, on March 23, 1992, to deal with this particular concern.

Let me also remind members that in Bill 18, the Freedom of Information and Protection of Privacy Act, there is in effect a form of whistle-blower protection. I refer members to section 76 in Bill 18. Section 76 gives protection to employees who feel that the freedom of information Act is being subverted or not followed. They are entitled to go to the information and privacy commissioner and raise their concern. So here we have an example where the government has seen a need for complainant protection, for whistle-blower protection, and they've incorporated it. I applaud the government for their leadership in incorporating that kind of complainant protection in Bill 18, but it's narrow in ambit and scope and doesn't cover the field as is necessary.

There is a need for a broader protection, and I wanted to submit to all members that Bill 212 presents, I think, a perfectly appropriate and logical companion to a strong freedom of information law. What we're talking about, members, is creating an environ-

ment where employees of government when they see wrongdoing, when they see laws being violated, those people are free to speak out. Why? Because the taxpayers of this province, the people of Alberta deserve nothing less.

3:40

The next reason why I urge members to support this Bill is that the now Minister of Labour had introduced on March 23, 1992, the Vulnerable Persons' Protection Act. This was a private member's Bill, and once again the purpose of that statute was to provide protection to people in nursing homes, people in long-term care facilities dealing with seniors who saw abuse of seniors, to allow those people to speak out without putting their jobs at risk. It's exactly that same type of concern, the same type of mischief that Bill 212 addresses but in a more comprehensive form.

Mr. Speaker, on November 30, 1990, the current Minister of Labour I think showed some considerable foresight and perceptiveness when he asked the then Associate Minister of Family and Social Services for assurances. The assurances he wanted were that an employee reporting a situation of potential abuse or neglect in a facility would not have to fear reprisal from his or her employer for raising that situation of potential abuse of somebody who was disabled in some respect.

The next reason I'm going to suggest that all members should support this Bill is in fact a 1991 report prepared by the current Minister of Environmental Protection. This was a report which addressed the need for stronger environmental protection in this province. It resulted in a Bill which I think this government is quite rightly very proud of. This was legislation that was far reaching in scope. At page 76 of the report submitted by the current Minister of Environmental Protection this observation was made, and I quote:

Provisions should be added to the legislation for "whistleblowers' protection", protection from dismissal or discipline for employees who report environmental offences committed by their employers, and for a program for reporting environmental offences similar to Crimestoppers and Report A Poacher. Adequate infrastructure and resources will have to be provided to implement these initiatives (including a toll-free telephone number).

Well, I want to compliment the Minister of Environmental Protection and the people who were part of that panel because they saw a need and they made a specific recommendation to address it. I only regret that that wasn't carried forward ultimately in the Act, but we have an opportunity now to remedy that oversight. It's a different Legislature now, and I think we can take those recommendations from the Minister of Environmental Protection, who presumably still feels that there is the same need that he observed when he was chair of that panel, that task force, and go the next step.

The last reason I'm going to suggest – and I've listed six now, members. The seventh reason why Alberta needs Bill 212, in my respectful view, is that the Canadian common law is inadequate. Currently all that exists, the only remedies that employees have would be in some cases criminal recourse, being able to go through the criminal courts, but we know and all members here know that that's narrow. The other recourse would be a wrongful dismissal action and suing for damages, but that's a course of action which is exceedingly costly, and it's frankly very difficult for many Albertans to retain counsel and go through what may be a year and a half or two years of litigation to be able to address this.

In preparing Bill 212, I looked at various statutes in the United States and different jurisdictions. In fact, it's been held to be a

constitutional guarantee by the first amendment in the United States. Thirty-five American states have whistle-blower protection; 11 of those 35 states protect private-sector workers as well as government workers. The national law journal, September 20, 1993, at page 38 actually goes through and talks about the American jurisdictions that deal with it. There's only one Canadian jurisdiction that's addressed comprehensive whistle-blower protection. That's the province of Ontario, and that was legislation in 1993.

Now, Mr. Speaker, in researching this Bill and then drafting Bill 212, I looked at what they had done in Ontario and I looked at what had been done in a number of American jurisdictions. I took elements from some of those different models, but I elected not to take intact an entire model, and the reason is that I think we have some unique opportunities in this province that we should exploit. I rejected the notion of creating a whole new bureaucracy to look after this whistle-blowing function, and the reason for that – well, actually for two reasons. The first one is fiscal responsibility, because members on this side of the House also are not anxious to see new government infrastructures, new organizations with all of the cost built in in terms of administration. We have something that is no longer unique in Alberta, but certainly it works nowhere else any better, and what I'm talking about is the office of the Ombudsman. In the 20-plus years that we've had an Ombudsman in this province, that office has earned a degree of respect, a degree of credibility that is the envy, I think, of Ombudsmen everywhere else in the world. So what I've done is in my Bill I've used the Ombudsman office as the vehicle, as the agency that would not only advise government employees in terms of speaking out when they see serious government wrongdoing but would also have the apparatus in that office for a government employee who sees serious government wrongdoing to be able to go to the Ombudsman and seek redress.

Now, I just want to turn for a moment and identify what is serious government wrongdoing. In Bill 212 we've defined it as an act or omission of an institution or of an employee acting in the course of his employment and includes . . .

- (i) contravening a statute or regulation,
- (ii) gross mismanagement,
- (iii) gross waste of public money,
- (iv) abuse of authority, or
- (v) causing or allowing a grave health or safety hazard or a grave environmental hazard.

Is there any reason why Albertans wouldn't want to know about any of those things going on in any arm of government? Well, quite the contrary, Mr. Speaker. I think every Albertan has a right to be able to find out about those kinds of things. More importantly, they expect that government, if it's responsible and if it's genuinely concerned about the pocketbooks of Alberta taxpayers – I think they would be anxious to see this Legislature put in place a legislative framework that allows those kinds of things to come to light.

One of the things that's important in Bill 212 is that the Ombudsman is there to provide advice. If there's an employee in the Department of Municipal Affairs who feels for whatever reason – he's fearful or she's fearful that if this came to the attention of the minister, his or her job would be in jeopardy. They would be able to go to the office of the Ombudsman. They would be protected from some type of job action. If it turns out, for example, after an investigation that the complaint is baseless, that there's no serious government wrongdoing, well, the matter can be put to an end at that point. If on the other hand the Ombudsman – and I think everybody in this Chamber would agree

that the Ombudsman is a credible person to make this kind of determination – concludes that there's some evidence of serious government wrongdoing, the Ombudsman has the facility to be able to report that to this Legislature in an open way and in a public way so that it can be attended to.

3:50

Now, there's another feature of Bill 212 that I think is important and that I want to specifically draw members' attention to. It affects an amendment to the Individual's Rights Protection Act. What's the amendment? Well, it's an amendment that protects people from job action because of their political belief. The political belief is defined in a broad way. I'm not talking about partisan political activity, Mr. Speaker, but I'm talking about the kind of political activity where an Alberta citizen has the right to express views in terms of the direction that government is going, decisions that are being taken, programs that are being cut, and that sort of thing. I think this is something beyond narrow whistle blowing. What it does do is allow government employees to not be unduly fettered or in fact muted because they have a view that may be contrary to the government of the day. I'm not talking about secret information when I'm talking about the right to express a political belief. Indeed what I'm speaking of is what's being done in Quebec and what has been looked at in some other provinces, as in Nova Scotia and the Yukon, and that is simply to ensure that government employees have a right of political expression and that that's protected and it's recognized.

Now, Mr. Speaker, dealing with the Bill itself, it defines adverse employment action that would be prohibited under the Act if somebody goes to the Ombudsman to raise a concern. The adverse employment action is defined very broadly to include not just expulsion or termination but also discipline in a more general sense: a threat to "dismiss, discipline or suspend an employee."

Mr. Speaker, there's a great deal to be said in terms of the text of the Bill, but I want to conclude by making a suggestion and an observation to all hon. members. The first one is this: whistle-blower protection is not a frontline tool. Whistle-blower protection I would like to be not necessary.

DR. WEST: Good for the lawyers.

MR. DICKSON: In fact, this isn't contrary to the suggestion of the Minister of Municipal Affairs. This is in lieu of lawyers. One of the virtues of Bill 212 is that it means people don't have to go and hire a lawyer if they see some serious government wrongdoing.

The point I was going to attempt to make, Mr. Speaker, is that really what Albertans want and what they deserve is a government that simply decides as a policy, not as a function of law but as a question of policy, that employees everywhere, from the front line working the service counter in an office all the way up to the deputy minister, understand that there have to be systems in place in each department – the Department of Family and Social Services and each one of those departments – so that when people identify serious government wrongdoing, they will be listened to. You know, if government employees had that assurance, if they had that confidence, we wouldn't need Bill 212. We wouldn't need legislation because the ethic would exist.

Point of Order

Questioning a Member

MR. SPEAKER: The hon. Minister of Municipal Affairs, rising on a point of order.

DR. WEST: Mr. Speaker, I just wondered, under *Beauchesne* 492, if he'd entertain a question in debate.

MR. DICKSON: No. I regret I'm down to the last minute of my time, Mr. Speaker, and I just want to attempt to conclude without interruption.

Debate Continued

MR. DICKSON: Mr. Speaker, as I was saying, one would hope that what would be achieved in this province is simply a commitment on the part of government to listen to employees and to make sure that they were encouraged to come forward if they saw serious government wrongdoing and not fear that their jobs, their careers were at stake. I regret that certainly the many announcements of the Minister of Family and Social Services would lead, I think, every government employee to question in fact whether they have that freedom, whether they have that ability to speak out, to be candid when they see things that they think represent serious government wrongdoing. Quite apart from this Bill I want to encourage and I challenge the ministers to look at ways of allowing those employees to come forward.

Thanks very much, Mr. Speaker.

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

MRS. FORSYTH: Yes. Thank you, Mr. Speaker. I'm pleased to rise today and participate in the debate over Bill 212, the Whistleblower Protection Act. As you may know, I have had to deal with this issue as one of the members of the all-party panel that our Premier appointed to gather input for proposed freedom of information and protection of privacy legislation. Within the context of this consultation the subissue of whistle-blower protection came up. I was in general support of this notion at that time, and I continue to feel this way today.

I agree with the overriding principle of the Bill as I interpret it. This Bill seems to establish an expanded mechanism by which public service employees are able to bring matters that they consider to be instances of serious government wrongdoing to the direct attention of the provincial Ombudsman. In essence, the goal is to allow public employees to speak up when they are being personally mistreated or when they have information that reveals that the government department or agency is undertaking actions that are contrary to the public interest. The latter goal I have just described is that which Bill 212 defines as "serious government wrongdoing." This definition includes:

- (i) contravening a statute or regulation,
- (ii) gross mismanagement,
- (iii) gross waste of public money,
- (iv) abuse of authority, or
- (v) causing or allowing a grave health or safety . . . or . . . environmental hazard.

These are all the things that the people of Alberta have a right to be protected from.

The mandate that we receive as elected officials requires that we aim all of our efforts towards the best interests of the people that we serve. What is at issue here is openness and accountability within the provincial bureaucracy. That is why I can say that as a member of this government I consider these goals to be necessary and good. Openness, accountability, increased efficiency, and streamlining of government are all part of the platform that we campaigned on in the provincial election last June, and since we won, we have responsibilities to follow through on these premises.

My declaration of support for the basic principles of Bill 212 is a reflection that I take this responsibility seriously as an elected member of this government. Therefore, I have been pleased to witness a great many policy implementations that we have instigated in this regard. Of course, Bill 18, which is the government's access to information and protection of privacy Bill, covers a great deal of the spirit of Bill 212 that is before us today. The three-year business plans have done much to increase efficiency and do away with bad management and fiscal irresponsibility within governmental departments and agencies. There are many other ways that our government has acted upon many of the principles that are in this Bill, and I agree that we ought to continue in this regard.

The provincial Ombudsman has had occasion to review this Bill, and he has indicated his support for the fact that the Bill appears to go further than the current Ombudsman Act in an important area. The Ombudsman Act is more concerned with what the Ombudsman calls a private good, as it requires proof that a decision or an action had a direct, personal impact on the complainant. His interpretation of the proposed Whistleblower Protection Act is that it deals more with the public good and thus could be very effective as an instrument of fairness. I agree with this assertion that any well-considered legislation that is aimed at increasing accountability and fairness is in the best interest of all Albertans.

Of course, the second part of the Bill is that those employees who bring instances of serious government wrongdoing into the open for close scrutiny will be protected from disciplinary action, suspension, termination, and all of the others. On this premise I agree with Bill 212. However, I would like to indicate right now, before I go any further, Mr. Speaker, that I am in opposition to the proposed Whistleblower Protection Act, and the remainder of my comments today will be against this Bill.

My primary reason for speaking against this Bill is that it is a repetition of methods for dealing with employee concerns that are currently in place or in legislation that is pending. In other words, the public good that the Ombudsman speaks of is already catered to or is in the process of accommodating such principles.

4:00

Allow me to explain. The Lieutenant Governor in Council appoints a Public Service Commissioner as the head of the personnel administration office under the auspices of the Public Service Act. The Public Service Commissioner has a co-responsibility with the head of each government department, or each cabinet minister, to outline the framework by which public service employees can approach management with concerns over departmental issues. The challenges for settling employee grievances are also spelled out by each department.

The Public Service Act also allows each department to clearly establish regulations and rules regarding the conduct, dismissal, or discipline of employees within the department. To phrase that another way, Mr. Speaker, under the current legislation each department has the autonomy to formulate its own rules for effectively dealing with an employee's concerns and actions. This is not to say that we cannot do this arbitrarily or inconsistently, because, as it has been stated, all rules of the workplace are clearly spelled out for each department. So if an employee has a concern, it is incumbent for him or her to make an earnest attempt to resolve the problem within the existing management structures.

I suppose it could be argued that the higher ranking officials in the various departments will have an obvious upper hand, so to speak, in a scenario where the employee is pitted against the

brass. This, too, is taken into account under the current Public Service Act. By the way, I have all of the relevant sections cited in the background briefing should any member like to research for themselves these provisions I am citing. Anyhow, there is a provision in the Public Service Act that allows for a collective agreement to be drawn up between the department and a union with respect to discipline and appeals for these so-called whistleblowers. Again, appropriate mechanisms for fairness are already in place.

Now, if the problem cannot be taken care of through these established avenues, then that employee is completely free to take the grievance to the provincial Ombudsman. The Ombudsman is an appointee of the Lieutenant Governor in Council who acts upon the recommendations of the whole Legislative Assembly, not just the government. The Ombudsman's functions are that he has the authority to investigate any decision in a department as well as any act done or omitted as it affects any person or body or persons. Such an investigation can be instigated by a complaint to him or by his own initiative. The Act states that the Ombudsman is not to launch an investigation until the existing methods of remedy within a given department are exhausted.

Clearly, there are a number of ways already in existence in which employees can air their grievances. What this Bill seems to be pushing for is the ability for employees to bypass these structures and go directly to the Ombudsman. If this were to occur, it would almost surely be necessary for the office of the Ombudsman to be able to access more resources. Allowing disgruntled employees to go directly to the Ombudsman would require the office to hire more staff, order more equipment, furnish new offices, and so on and so on. I don't think I need to tell the members of this Assembly that this translates into more money being required to finance this expanded role. Allocating more money to the Ombudsman's office is hardly consistent with the overall philosophy of fiscal restraint and deficit fighting that this government has made a commitment to.

It's not just our side that is being frugal, Mr. Speaker, as is evidenced by the fact that brave members from the opposition caucus seem to be popping up one by one declaring that they no longer continue to rail against policies that they themselves campaigned on in the last election. Albertans are having to tighten their belts in such crucial areas as education and health care. I do not suspect that they will be happy with a Bill from the Ombudsman's office for a 50 to 60 percent increase in funding requirements, or whatever it takes, simply because some members are dissatisfied with the results of some recent grievance cases. In other words, we should not be burdening the taxpayers of this province by establishing a new bureaucracy, a mega police force, when the policing is being adequately done by the current Ombudsman and the individual departments.

Perhaps the hon. Member for Calgary-Buffalo, who is proposing this Bill, disagrees with me when I say that the current mechanisms for investigating employee grievances and allocations of government mismanagement are effective as they are. I will not go into the successful deliberations within the various departments for they are many and varied. However, I have taken the time to glance at the 27th annual report from the Ombudsman's office. The report outlines the activities and highlights of the office for the year 1993. The annual report reveals the highlights of each year as it relates to the investigative capacity of the Ombudsman's office.

The first is that the former minister of Family and Social Services, Mr. John Oldring, had requested the Ombudsman to

review foster care in Alberta. The review was completed, and 26 recommendations were made to the department. Our current Minister of Family and Social Services has accepted all 26 of them, and they are in various stages of implementation at this present time. The current system would appear effective.

The Ombudsman has also launched an investigation, on his own initiative, into the way in which Family and Social Services conducts investigations into complaints against licensed day care centres in Alberta. The time line for the results to be reported is June of this year. Again, this system would appear effective.

I could continue to cite investigations that were conducted by the office of the Ombudsman until I became blue in the face, for there were 641 investigations in 1993 alone, with both issues-related concerns like those I have just described as well as individual grievances that required attention. I will not continue in that vein, Mr. Speaker, for any member of the Assembly can look into the cases for him or herself.

I have said that the Bill appears to have two main objectives. The first is dispute resolution and protection from adverse employment action, which are already accounted for under the Ombudsman Act. If the member sponsoring the Bill does not feel these are adequate, I would suggest that a proposed amendment to the Ombudsman Act would be a better way to proceed.

I would now like to address the second objective, and that is the expansion of what the Ombudsman indicated as the interest of public good. Bill 212 appears to expand the definition of what should be considered instances of serious government wrongdoing, most notably in the Bill inclusion of gross mismanagement, gross waste of public money, and causing or allowing a grave health or safety hazard or a grave environmental hazard.

As I have said before, if employees have concerns that these wrongdoings are happening within their department, they can either express their concerns through the department management structures as they are set up under the Public Service Act or they can go to the Ombudsman after these avenues of appeal have been exhausted. If their cases have been ruled against throughout this process and they are still concerned that a wrong has been committed, they will be able to potentially find satisfaction under this government's access to information and protection of privacy legislation, which is currently at the committee stage. In government Bill 18 the head of a public body must not only disclose information when it is in the public interest and a request for access has been made; he must disclose the information regardless of being approached. In other words, there is a public interest override that will be more than sufficient to address all of these instances for grossness that the hon. member is concerned about.

So in closing, Mr. Speaker, I have said that protecting both employees of the government and the public as a whole is a very worthwhile endeavour. I fully support measures that will make government departments more accountable and efficient. However, I cannot support this Bill. Bill 212 is flawed in that it could prove too costly and because it is repetitious of other mechanisms that are already either in place or soon will be. I encourage all members to vote against the Bill.

Thank you.

MR. SPEAKER: Before recognizing the hon. Member for Edmonton-Meadowlark, it has come to the Chair's attention that one of our hon. members is celebrating a birthday today. I was wondering if all hon. members would join the Chair in wishing the hon. Member for Vegreville-Viking a happy birthday.

The hon. Member for Edmonton-Meadowlark.

4:10

MS LEBOVICI: Thank you, Mr. Speaker. It gives me great pleasure to rise in support of this particular Bill this afternoon. When this Bill was first discussed, it was a toss-up as to whether I would have the privilege of introducing the Bill or the hon. Member for Calgary-Buffalo, and he won on the toss-up.

The Bill has numerous implications and overlaps in different areas within government. As a result, it overlaps within the areas of labour as well as the areas of justice. Now, I listened with great interest to the Member for Calgary-Fish Creek. The member had us hanging as to whether we were going to have full-fledged support of the Bill or if it would be one of these "yes, buts," and that's what we heard. We heard all the reasons why the Bill should be supported, and that was good, reasoned argument. Then we got to the "but," and that's where the argument started to unravel. It's unfortunate that the good reasoning had to be followed by the bad reasoning.

[Mr. Herard in the Chair]

There are a number of key principles with regards to the Bill. The principles deal with openness. They deal with accountability. They deal with fiscal responsibility. They deal with the issue of being able as an employee both of the government – and I think this is one of the areas where the arguments fall down. It's not only for government employees per se, but this Bill also reaches to areas that are contracted by government that may well not be covered by a collective agreement. So in that case the areas that were mentioned by the hon. Member for Calgary-Fish Creek would not apply, and I'm wondering if she took that into account and the issue of fairness. If there's one issue that I would hope the government members would look at, it is the issue of fairness, the ability to speak out, as we are in this Legislative Assembly, to be heard, to be understood, to hope to have follow-up, and to not be reprimanded against as a result of our actions.

The Bill is very clear in terms of the areas that it looks at. Again, the argument from the Member for Calgary-Fish Creek seemed to fall down within this particular area where the member indicated that "serious government wrongdoing" by its definition had somehow gone too far. The sections that were quoted were 1(g)(ii), (iii), and (v), which talk about

- (ii) gross mismanagement,
- (iii) gross waste of public money . . .
- (v) causing or allowing a grave health or safety hazard or a grave environmental hazard.

I fail to comprehend how serious wrongdoing could go too far by addressing those issues. When we look at some of the areas where there has been mismanagement by government, perhaps having one of these sections in place would have saved the taxpayers millions of dollars.

Unfortunately, we in this province do not have this particular legislation. We have heard that in the United States, which seems to be an area that is emulated by certain members of government, 35 of those states have whistle-blower protection. Well, I guess, following the reasoning of some government members, if it's good there, it should be good here. So, again, what would the rationale be for not implementing this particular Bill? If there are certain areas within the Bill that are creating some problems for the hon. members, then what would be the rationale for stopping the Bill at second reading and not allowing it to enter into Committee of the Whole, where we can look at amendments and have discussion with regards to the particulars?

Now, one of the arguments that I heard from the Member for Calgary-Fish Creek was that in actual fact this would cost more dollars and that there might be a 50 to 60 percent increase to the Ombudsman. Well, if in fact – and this is the train of thought – there are adequate systems in place now, then there should be no increase to the Ombudsman's budget, because in actual fact the systems that are in place right now should be able to deal with the complaints, should be able to deal with instances of gross mismanagement. If what the member is saying is that by the initiation of Bill 212 we will have a 50 to 60 percent increase in complaints, then to my mind that means that the systems in place are not adequate. If there are 50 to 60 percent more complaints, then perhaps we would be assisting and in fact helping with regards to fiscal responsibility, because what we would be finding are areas within government and outside of government, with contractors, where there is gross mismanagement and gross waste of public money. So the costs of an Ombudsman and perhaps an additional staff person would be far outweighed by the dollar savings in terms of investigations of this nature, not to mention, of course, the health hazards. If we can save one life, is there really a problem with an additional salary? These are the kinds of costs that the Member for Calgary-Fish Creek seemed to be talking about, and again the rationale doesn't follow through.

I'd like to address the issues in terms of why this particular Bill is important, especially at this point in time. We have seen government going through a process of restructuring, as they would like to call it, which is at incredible speed. We have seen and we have had ministers who have indicated that, yes, we don't know quite what the fallout of some of these particular Bills is going to be. We are going to push through Bills such as Bill 19 and potentially Bill 20. We're not sure of what will happen as a result of that.

Therefore, legislation of this kind is important, because what needs to happen, what needs to be in place is a system whereby an employee, no matter what level in the organization, can say, "There is something grossly wrong." When systems get put into a situation of confusion, as we will see in education and health care – the hon. Member for Lesser Slave Lake, I believe, this afternoon asked a question in terms of hoarding of items within the health regions. Well, maybe there might be some mismanagement that will go on as areas are amalgamated. Maybe there might be areas where there's a waste of public money. Maybe it would be useful to have protection for employees, for individuals who come forward and say that this is wrong, because that's what we're talking about: right and wrong.

Again, this is a government that seems to pride itself on the right way, on having a strong conviction of what is right and that doing things wrong is not the right way. So that's what this Bill allows. It allows for a person to go to someone outside of the hierarchy and say, "Perhaps you need to investigate what this manager is doing; perhaps you need to investigate what the boss is doing; perhaps you need to look into this," and know that that person is not going to be threatened in terms of reprisal. It's a very simple concept. It should not be threatening at all to anybody within this Assembly who believes in right and wrong, who believes in truth, who believes in fairness and justice. That's all that this Bill says.

Again, if there is any item in here that for some reason doesn't sit right with a member, then let's talk about it in Committee of the Whole. Let's look at amendments. But the way it sits right now, when I look at some of the rationale from the Member for Calgary-Fish Creek, I am not hopeful that the government members are looking at this in the light that we are presenting it.

4:20

The Member for Calgary-Fish Creek rightly pointed out that there is a meshing of this particular legislation with freedom of information, that the two go hand in hand, that in order to have openness and accountability within this government one also needs to protect the employees. Again, these are not employees only of government; these are the employees that are – and I'll quote the section as soon as I find it in here. [interjection] Section 1(c), exactly.

"Employee" means an employee of an institution and includes anyone employed by a person, corporation, partnership or sole proprietorship that has contracted with the Government of Alberta to provide goods or services.

Now, this is a government that has determined that they are going to privatize, and they are going to privatize a whole host of institutions that were formerly run by government. How is there going to be an accountability within those institutions? How, in essence, will government be able to ensure that the interests of the public are there when an agency is privatized, whether it's an agency that deals with parks, motor vehicles, vital statistics, social services, health, education, or runs a prison? How are you going to ensure that there is no serious wrongdoing? Those agencies do not have access to the Public Service Commissioner. Those agencies are not necessarily within the confines of a collective agreement such as AUPE. Those agencies are private agencies.

So where does an employee go when there's a wrongdoing within an agency? Maybe the agency is comprised of the boss, who might be the founder of the company, and there are two or three other employees. We're not talking about large institutions necessarily. We may be talking about a company with four or five employees: a boss, a secretary, and someone who carries out some of the work. The secretary, as she's typing something up, says: "This is wrong. We are abusing. We are not utilizing public moneys appropriately." So where does that employee go? Does she go to the boss and say, "Excuse me, Mr. Smith – actually there is a Mr. Smith; I will recant that – Mr. X . . .

AN HON. MEMBER: How about Mrs. X?

MS LEIBOVICI: . . . Mr. or Mrs. X, Ms X, you have grossly mismanaged the public dollars." And what does Mr. X or Mrs. X or Ms X say? I've got it all. What does that person say? "Well, thank you very much." So where can that person go? Maybe employment standards. Even that, though, is being privatized. Where does that person go? To the courts? How many people have extra dollars hanging around to employ a lawyer? So this gives that person a neutral avenue to go to the Ombudsman and say, "I think there's wrongdoing here," and to know that her or his job will be protected and she or he will not be retaliated against. Now, that's the kind of thinking that has gone on in terms of this particular Bill.

I would urge the members to look once again at the Bill. I would hope that you have not made up your mind. However, when I hear speeches such as that from the Member for Calgary-Fish Creek – and we have seen it in this Legislative Assembly on a number of occasions, where it seems the same speech gets reworked just a little bit differently for each of the government members that are going to get up. It seems to me that the mind of the government has been made up. I actually see a head nodding in agreement.

I would hope that is not the case and that if it is, by the persuasiveness of the arguments on this side of the Legislative

Assembly the members see that there is no malicious intent. There is no intent to take away the power of a minister. There is no intent by this legislation to have employees be malicious, to have employees be disobedient, to have employees slander or to place falsehoods on their managers or on their ministers or even to leak confidential information, for all employees sign an oath. That is not the point of this Bill. The point of the Bill is very simple. If there is serious wrongdoing – and I definitely beg to differ with the Member for Calgary-Fish Creek – that has to include:

- (ii) gross mismanagement,
- (iii) gross waste of public money . . .
- (iv) causing or allowing a grave health or safety hazard.

If those areas come forward, the employee can come forward without fear of reprisal and be assured that there will be a fair individual on the other end.

To close, I would just like to add that, again, if there was no need for this particular Bill within the public service, then I don't quite understand why the Ombudsman would be recommending it on an annual basis. Obviously the Ombudsman, in terms of the work that individual has done, has seen that there's a lack in the legislation, that there needs to be something that protects the employee – and again employee is at all levels within an organization – and therefore has placed that recommendation within his reports. So, again, if the Ombudsman is saying that this is something that is needed, I fail to understand the rationale of the government members who are saying: "No. We know better."

I thank the Member for Calgary-Buffalo for bringing this forward. This is definitely a piece of legislation that is required. I hope the Assembly will pass this into Committee of the Whole. Thank you.

MR. ACTING SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. First of all, I'd like to congratulate the hon. Member for Calgary-Buffalo. Although I agree with most aspects of the Whistleblower Protection Act, I also have some misgivings. I'm afraid that Edmonton-Meadowlark may be disappointed today by my comments, as it will bring some doubt to the credibility of her view of hon. members of this side of the Assembly.

I feel that protecting employees with meaningful concerns is important to the maintenance of a responsible government. The principle behind this Bill in my opinion appears to be in line with our government's commitment to open and accountable government. I do, however, have some difficulties with the process of reporting advocated by this Bill. The principle of protection from retribution is both admirable and desirable, but it's of considerable importance to bring to the attention of a third party instances of gross mismanagement, abusive authority, or any of the serious government wrongdoings outlined in this Bill. I agree entirely that those who have legitimate concerns and who wish to bring them forward for the good of the public should not feel reprisal.

4:30

I think we're all familiar with the book and maybe even more familiar with the movie *One Flew Over the Cuckoo's Nest*. Here we have an institution with honourable and desirable intentions: a mandate to take care of those people who may have some mental disability or some mental infirmity. We have in this kind of an institution some people who are the caregivers, and we all have a picture of the big nurse, whether you read the book or whether you saw the movie. What we really have here is a classic example of a public institution that has people working

within it who ostensibly are working for a good purpose but who subvert the organization to their own purposes and after a while don't even realize that that's what they're doing. This kind of Act, then, is required not just to deal with government but with those individuals who work within government when the government doesn't even realize that they are bringing harm to the public that they are hired to protect.

The principle regarding retribution has been addressed in other Bills brought forward for debate. The vulnerable persons Act, which was debated in the spring session of last year, was designed to protect employees who report cases of abuse from retaliation by the institution and those who stand in a higher position within those institutions. It would in that way protect those receiving care from possible retribution by the institution or the caregivers.

This is in part, then, similar to the protection envisaged in Bill 212 for the employees in the whistle-blowers Act. Because it's difficult to quantify how many people would voice their concerns if they were not afraid of possible retribution from employers and coworkers, it's hard to determine the financial impact that Bill 212 would have on government. The Bill may increase the effectiveness of services in government departments, as workers are able to make positive suggestions and this in turn could result in greater cost efficiency. The possible increase in efficiency is reason alone to protect government employees from reprisal. People should not be penalized for doing their job in a conscientious and responsible manner and, for many employees, in a professional manner as dictated by their codes of ethics that they all, at some point, swore to uphold.

Despite my agreement with the principle of this Bill, I have some reservations regarding certain procedures that employees may exercise in bringing their concerns forward. When Calgary-Buffalo noted – and Edmonton-Meadowlark repeated it – that 30-some states in the United States have whistle-blower legislation, it reminded me that the United States has 50 percent of all the lawyers in the whole world. They seem to have in that great nation a consummate tendency towards litigation. Utilization, however, of the Ombudsman would hopefully limit such litigious activities under the provisions of Bill 212. I think Calgary-Buffalo would easily strengthen the case for this Bill by noting how few states in the union have an Ombudsman.

Again I'd like to point out that I agree entirely that employees should make full use of the Ombudsman and should seek guidance and action from the office wherever it might be warranted. However, this Bill would allow employees to bring records and concerns to MLAs and completely sidestep the office of the Ombudsman. I truly have deep concerns with this provision. I think it's important to keep in mind that despite attempts by MLAs to remain objective, we are indeed in a political forum. Because ideology, some may say, more likely party solidarity and just plain partisan politics play such an important role in our environment, I'm not sure that we would add very much, but we certainly would add fuel to the fire by directing the concerns in the whistle-blower Act to MLAs. I believe it would be much more constructive to direct concerns to the department involved or to an objective third party, such as the Ombudsman.

The Ombudsman is in a position in which he or she can be entirely impartial. The Ombudsman is absolutely independent of the government, and as we all know, that is not the case in many jurisdictions. In many of them the government of the day or even a minister may hire or fire. Alberta leads the way throughout the Commonwealth in that we have a legislative all-party office committee, Legislative Offices Committee, and only they have the

power of dealing with the Ombudsman and the Act for the Ombudsman in the Legislature. That's an important point to note here in passing when we're talking about this provision.

The Ombudsman then is in a position in which he or she can be entirely impartial. The Ombudsman is absolutely independent, then, of government. The office of the Ombudsman has been set up to act as an objective third party and therefore provides an effective forum for dealing with concerns and allegations of government wrongdoing, whether by an individual, employee, or anyone up the line or any combination thereof.

MLAs, however, are deeply involved in one way or another with government, whether they're a member of the government party or a member of one of the opposition parties. As a result, MLAs, try as they might, may not be able to remain as neutral and impartial as the Ombudsman can. It is not unforeseeable that the MLA may try either to downplay or to exaggerate the severity of the situation, depending on his or her political perspective. We only need to reflect back on any question period to see evidence of those two activities; that is, the exaggeration and downplaying. In addition, an MLA is not entirely perceived by the public – and I think rightly so – as an impartial observer. MLAs are – indeed, that's the nature of it – influenced by party politics and not likely to take that necessary step back in order to view the situation in an objective manner. This fact alone undermines that aspect of the credibility of the Bill.

There are acceptable and unacceptable methods of reporting grievances, and I believe this Bill, then, advocates the latter. There is a definite process which should be adhered to in a political environment such as ours. The Ombudsman has stated that he would be able to handle the increased workload that Bill 212 would create if he had access to more resources. He is on record as feeling that he could effectively deal with the increased demand that it would place on his office. I therefore do not believe that the inclusion of MLAs in this kind of complaint reporting process is either necessary or beneficial. If one came to the MLA, the best advice that MLA could bring to their constituent or to the person coming to them is to go to the Ombudsman. In the process that we're engaged in, perhaps in committee stage this might be amended.

I also have, Mr. Speaker, certain reservations regarding the word "wrongdoing," and maybe I can be accused of quibbling. This terminology, "government wrongdoing," seems to unfairly single out the actual government from the entire bureaucratic structure. I'm sure that "government wrongdoing" – and I know how it's defined – was intended to include every facet of the bureaucracy as well as the governing people themselves. I feel the wording might be improved to imply the larger meaning of government. Anyway, again something that can be dealt with in committee.

Mr. Speaker, while I support the principle of complainant protection and the idea of open and accountable government, I do have some difficulties with this Bill. I would hope that all members would consider the implications that complaint reporting to MLAs might have. As well, I think the wording of "government wrongdoing" should be reconsidered, and I submit these suggestions to all hon. members when considering this Bill. I intend to support it.

Thank you, Mr. Speaker.

4:40

MR. ACTING SPEAKER: The hon. Member for Edmonton-Roper.

MR. CHADI: Thank you very much, Mr. Speaker. I'm rising today to speak in favour of Bill 212, titled the Whistleblower

Protection Act, and I'm more excited to hear that the hon. Member for Highwood is going to support it as well.

Mr. Speaker, I'm a bit disappointed in hearing some of the comments that the Member for Calgary-Fish Creek was speaking about; in particular, things like more dollars would have to be going to the office of the Ombudsman and therefore it would be far too costly, and based on costs alone, it wouldn't be worth our while to pass such an Act. I think the savings from the Whistleblower Protection Act would probably far outweigh the expenditures in the office of the Ombudsman. I think when we talk about wrongdoing and we talk about gross mismanagement, gross waste of public money – I mean, these are all areas of grave concern that would certainly entail the gross expenditure or the mismanagement of funds that belong to the public of Alberta. When we talk about the amount of people that are going to go and blow the whistle on their employers or others, more than likely the reason for doing so would be something of a fiscal nature. I think with that, then, you will find that the savings will certainly outweigh those expenditures.

[Mr. Sohal in the Chair]

The Member for Calgary Fish-Creek came out again and mentioned in her speech that this is nothing more than just a giant policing that would take place – well, perhaps yes – and she says it is adequately done already by the Ombudsman. I beg to differ, because it's very clear, Mr. Speaker, that it is the Ombudsman himself who has recommended this protection and even went so far as to say: let it be run out of my own office for the administration and enforcement. So you can't on one hand say that it's already being done by the Ombudsman's office when it is in fact the Ombudsman that is asking for it. Who knows better than the person who's directly involved?

In the province of Alberta, in my opinion, we're grateful that we have an Ombudsman. We have an Ombudsman who is a neutral third party, if you will, and that person has now come forward – has not now come forward but has continuously come forward year in and year out – and said: this would be a decent piece of legislation; I think it would work just fine within my own office, and I would want to administer it and enforce it. So we should heed the words of the Ombudsman. We ought to take that to heart. We ought to say to all Albertans now that we are in fact listening and we will give the Ombudsman that additional power to resolve or to be a mediator in cases where anyone, any Albertan or any employee working for the government or contracted to supply goods and services to the province, has that right to come forward to the Ombudsman and advise him or her – whatever may be the case in the future – of wrongdoing.

Mr. Speaker, we've heard time and time again that we all campaigned on fiscal responsibility. Well, I think this is what the Whistleblower Protection Act is really all about. It's about accountability, fiscal responsibility. It's about fairness. It's about giving somebody protection: when they know full well that if they come forward, they're going to be absolved of any reprisals. This is good legislation. It's a good piece of law. I think we would be remiss if we don't ensure that we have something like this in our province.

Perhaps there are some areas that I would like to see as well beefed up, and there are some areas that I would like to see perhaps changed. I was thinking, when I was reading this Bill, of the Crime Stoppers program. Mr. Speaker, this is a very successful program in our province and in our country. It is one

that provides for anyone to come forward, and they're actually rewarded to offer information that leads to an arrest of somebody who did something wrong, who committed a crime. I'm not so sure that it's much different than this, when we ask for people to come forward if they know of something that's going on, come forward and tell someone. Well, where do they go now besides going to their MLA? Go to whom? Their employer and face a risk of being fired or reprimanded in some way?

I think we have to maybe take it a step away from the MLA. We're elected, yes, to represent our constituents, and when our constituents have a problem, they ought to come to us. Then again, we have to be neutral. All of us do when it comes to stuff like this. I think that if we could eliminate and move it away from the MLAs and move it over to the Ombudsman where it really, truly belongs, then we would be doing Albertans a service that in the future we would benefit greatly from.

Mr. Speaker, maybe we could include things like offering a reward when we know and when we find that a person came forward with certain information that led to the province or Albertans saving a great deal of money or saving something, even lives for that matter. In section 1(g)(v) it says, "causing or allowing a grave health or safety hazard or a grave environmental hazard," so lives could be at risk here as well. When we consider that we could in fact reward somebody for coming forward and give an incentive for somebody to come forward when something is not right in the eyes of that person, that probably wouldn't be a bad idea as well. I look through the Bill, and I don't see it anywhere in there. I'm wondering if that might not be a consideration. I'm not tight on that idea, but at the same time, it's worthy of mention I think.

I question, when I go through this Bill, just what it is that the Bill could have done to assist Albertans. What could we have saved in the past, Mr. Speaker, if this Bill perhaps could have come into play and could have resulted in some cost savings for Albertans? There are a number of areas that I think we should look at and just use the acid test, if you will. That would be things like Opron, for example. It's quite fresh in my mind, and it's fresh in everybody's mind today and in the last little while, particularly in the last little while.

4:50

MR. SMITH: In the last 12 years.

MR. CHADI: An hon. member from across says that in the last 12 years it was fresh in everybody's mind. Well, if that were the case, perhaps if there was whistle-blower protection, maybe there were government employees that could have come forward and said, "Listen; I think this is wrong." Because whenever you have a court decision, it's based on fact. These are not allegations or just comments made off the cuff by some judge who says that the province was found committing fraud and deceit. Mr. Speaker, that's not the case. These are not just comments and allegations. These are findings of fact.

I had gone through the court documents at the Law Courts Building, Mr. Speaker. We went through boxes and boxes, and I was privy to that. I went through it, and it's amazing, some of the comments that were on paper. It is absolutely remarkable, some of the engineers that worked for the department who came forward and said that they felt this was not right. But what do they do? Where do they go? Here we have a fiasco on our hands, and now 12 years later we look at it and say to ourselves: what could we have done differently? I know it was the government of the day. It was the government of the day; no question

about it. But if we're not going to get to the root of the problem and solve those problems, then we're just as guilty as the government of the day was. If the same avenues still exist for those people who are going to disregard the laws and are going to put us in the same position as the government of the day in the Opron situation, then we're guilty. We all are guilty.

That's why the Whistleblower Protection Act is probably a timely Bill. It's one that is now highlighted by the Opron case I think more than ever. Some of those engineers that made those comments on those documents that I read, that I saw in the court building – it was evident that only days later they sort of flip-flopped. They came up with a whole new set of thoughts on what it was they disagreed with only days previous. How do you do that? How do you do that unless somebody works you over? There's a change of mind there, a change of heart. Something happened, Mr. Speaker. I can tell you that I think if the whistle-blower protection was there, somebody could have gone up and seen the Ombudsman and said to the Ombudsman, "This is what's happening in this case," and I bet that we could have probably saved an awful lot of money. When you think right now of how much that Paddle River dam cost Albertans – the cost overruns alone were horrendous.

Whatever happened to the tendering process whereby you're given a certain project and you tender it out? Somebody comes along, and you get – well, you get a whole bunch of different bids. I saw those different bids in the courthouse, Mr. Speaker. There must have been half a dozen or more, and they say, "This is how much I will do it for." We chose the lowest possible tender, and then we find out that the lowest tender, even though we took it, wasn't good enough. Those people, that contractor didn't do it for the amount of money that they agreed to. They had to come back, and of course as a government we paid more. We continued to pay, so there was something wrong there.

Point of Order Relevance

DR. WEST: A point of order.

MR. ACTING SPEAKER: The Minister of Municipal Affairs, rising on a point of order.

DR. WEST: Yes, on *Beauchesne* 459, relevance in speaking. On Bill 212 we're talking about whistle-blowers, and this has been very cleverly designed for this member to go back into what we've been talking about in this Assembly through question period. He's talking about tenders and going on and on and on. I just ask for some judgment on your behalf on the relevance of this to the whistle-blowers Act and using another piece of debate to get back to an intent that it isn't intended for.

MR. CHADI: Mr. Speaker, allow me to respond to that. I was really actually thrilled to hear the Minister of Municipal Affairs say that it was just a clever attempt. I mean, to call me clever – I really appreciate that, coming from the Minister of Municipal Affairs.

Allow me to suggest to you, Mr. Speaker, that the relevance is from the point that the engineers and the people working for the department at the time made it clear, when I was going through the court documents and saw those memos that were introduced as evidence in the court, that they disagreed and that there were problems at the time. So what I was saying was had there been whistle-blower protection for these people, I suggest to you, Mr.

Speaker, that we could have probably saved a fair amount of money. We could have saved a fair amount of money because of the cost overruns that took place, et cetera, et cetera.

MR. ACTING SPEAKER: Relevance is very hard to define, but it'll be appreciated if you speak to the Bill, which is the Whistle-blower Protection Act.

MR. CHADI: Thank you, Mr. Speaker, and indeed I was speaking to the Bill. There's no question about that.

Debate Continued

MR. CHADI: Now I want to carry on my comments a step further, because I think I exhausted the Opron angle. Obviously, there were situations within the government of the time that I think could have saved us a lot of money.

There is another one that comes to my mind now, and it is actually in the Department of Health. We heard that there was documentation that came through from the department which made it clear that the department felt that even though there was a piece of legislation before the Assembly, the department disagreed with it. I can tell you, Mr. Speaker – and you were in the House yourself when the Premier got up with fire in his belly saying that nobody makes decisions for the department but the Premier and the minister, or something. I'm paraphrasing what was said, but it was something to that effect. Now, I'd hate to be that deputy or that person who wrote that letter. I wonder what sort of reprisals are going to take place.

Now, what's wrong with having whistle-blower protection for any member or any employee working for the government in any capacity to come forward to the Ombudsman and say: "I think this is a big problem, Mr. Ombudsman, and this is why I think it's a problem. It's ultimately going to cost the province an awful lot of money." That's what this Bill is about. So if anyone wishes to call out and jump up and scream on a point of order because you struck a sensitive nerve – because quite clearly that's all it is: you hit a sensitive part. I encourage all members to jump up from the opposite side and call on a point of order and try to stifle my comments in any way, because, Mr. Speaker, we are right. I am right in what I am saying, and nobody can disagree with that. How can anyone argue with anyone coming forward?

According to section 1(c),

"employee" means an employee of an institution and includes anyone employed by a person, corporation, partnership or sole proprietorship that has contracted with the Government of Alberta to provide [those] goods or services.

The Minister of Municipal Affairs knows all about that because he's the master of privatization. He knows full well that when we talk about privatization of land titles services and motor vehicles and vital statistics and financial institutions in the future and other government entities, they indeed contracted with the government of Alberta to provide goods and services. It's going to fit right in there. So how could anyone argue, including the Minister of Municipal Affairs, with somebody coming in from those different departments or those different agencies that have contracted to provide goods and services to the people of this province, where they would come forward with "serious government wrongdoing," which in the meaning of the Act means:

an . . . omission of an institution or of an employee acting in the course of his employment and includes the following.

So here we go. It includes this:

- (i) contravening a statute or regulation,
- (ii) gross mismanagement.

How can you argue with that? How can anyone say that an employee who is now delivering, for example, motor vehicles or vital statistics documentation out there has contravened their position by gross mismanagement to say: "Well, we don't need this Whistleblower Protection Act. We're okay in that area. That section 1(g)(iii) is 'gross waste of public money' "? How can you argue with that? How can anyone stand up and say: "Well, we don't need it. It's okay. It's all right. We can live with a gross waste of public money"? Or "We can live with (iv), 'abuse of authority', or (v), 'causing or allowing a grave health or safety hazard or a grave environmental hazard' ". – how can anyone argue with this?

I tell you, Mr. Speaker, there will be times when employees are just going to have to swallow their pride, you know. They're going to sit back and not say anything, and they're going to allow this to happen. I know that every single one of us in this room could probably give us examples of times when constituents have come forward to them and said: "You know, there's a problem in this area here. I think you guys ought to look at that. I think there's somebody not doing their job properly. You could save an awful lot of money by doing something else." Mr. Speaker, no one can argue with that, because it's happened to me, and I know it's happened to members on my side of the House. We're not unique. Every MLA has a duty to their constituents, so we listen to the problems and the concerns that have come forward.

5:00

I can tell you that we could go a long way by passing this legislation. Like I said before, there are some things in here that I think can be amended, that can be fixed up a little bit, Mr. Speaker, just work the kinks out of them so that it would address concerns on both sides of the House.

Another area – and I touched on it previously – is the contracts to the private sector. There are many, many situations that have come forward. I know that during my tenure as an MLA people have told me of situations where the government could have – and when we're speaking of the government, they're looking at me saying: "You guys could have done things a lot differently. You could have bought that product from this place over here, and you could have bought it for this much less. I can tell you why your people went over there and bought it over there, because there seems to be a friendship or an alliance, and that alliance may be and it could very well be fiscally motivated." Now, Mr. Speaker, there are times when these people make these allegations to their MLA. Whenever they do that, I think it's incumbent on any one of us to look that up. I can't just sit here in my seat in all good conscience and allow that to just go on. I wouldn't allow that to happen, and I don't think that anybody here should allow that to happen.

What has to happen is a whistle-blower protection Act where you can say to that person that is providing that service: "Go to the Ombudsman and talk to the Ombudsman, because that's the avenue. That's the right one to take. That's the right course of action." I think that you're going to see that we would save an awful lot of money by allowing that to happen.

When we talk about the privatization that is taking place now . . . And my time is up. Gee.

MR. ACTING SPEAKER: With the unanimous consent of the House could we revert to the introduction of visitors?

HON. MEMBERS: Agreed.

MR. ACTING SPEAKER: Any opposed?
The hon. Member for Edmonton-Glenora.

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

MR. SAPERS: Thank you very much, Mr. Speaker. It is my pleasure to introduce to you and to all members of the Assembly a gentleman who's visiting Edmonton today from Ottawa. He is an expert in matters concerning criminal justice, the administration of justice, young offenders, public legal education, the rehabilitation of criminals, law enforcement, and public consultation. He has an outstanding reputation both nationally and internationally in these matters and has had a long and distinguished career in criminal justice. It is my pleasure to introduce Mr. James MacLatchie, who is currently the executive director of the John Howard Society of Canada. He is seated in the public gallery, and I would ask him to stand and receive the welcome of this Assembly.

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

Bill 212
Whistleblower Protection Act
(*continued*)

MR. ACTING SPEAKER: The hon. Member for Stony Plain.

MR. WOLOSHYN: Thank you, Mr. Speaker. On the surface one would consider supporting something that's entitled the Whistleblower Protection Act. However, when you listen to the debate and you see the convoluted direction that it has taken, then you very, very quickly begin to question whether there is in fact a principle to this Bill and really what the intent of it is. However, having said that, I would assume that the person who brought the Bill forward was well intentioned.

You look at the Bill on its own merit, and you conclude that it doesn't have much. It should be properly referred to as a rewrite of the Ombudsman's responsibilities. If you look at the first major portion of the Bill, you will see very quickly that everything is focused on the office of the Ombudsman.

Listening to the debate, you would assume that throughout the public service we have employees who are contravening statutes continuously, guilty of gross mismanagement continuously, wasting public money, abusing their authority, and causing or allowing health hazards to exist or go on. After looking at that, Mr. Speaker, I would wonder how the public servants of this province have survived, all 27,000 of them, for as long as they have.

I would like to say and be on the record that we should be very proud of what the civil service has contributed to this province over the years. I would like to say that they have been very responsible. Yes, there may be the odd occasion where there is something going on within a department that isn't quite proper. So you look at what should be done. If it is in fact a situation whereby there is an abuse of authority, we already have procedures in place to deal with it. For example, I would say most, if not all, of our employees are unionized, and collective agreements normally have a grievance procedure built into them which is designed rather specifically to mediate problems between supervisors and employees. So that would be an unnecessary layering on and actually an interference into a collective agreement process, which I don't think is very wise. So you must delete that one, the

"abuse of authority." It just isn't there. If it should happen, then there are procedures where it can be taken care of.

The hon. Member for Edmonton-Roper digressed into examples that I guess his scriptwriters wanted him to read into *Hansard* one more time, because certainly, Mr. Speaker, the relevance of the Paddle River dam to the whistle-blowers is nowhere to be found. He himself was on bended knee for days pouring through piles of documents looking for mud that he could not find. But he did find all sorts of notations in there that senior employees were not afraid to write on documents, but what's more important is that these documents stayed around for over 10 years.

AN HON. MEMBER: Full disclosure.

MR. WOLOSHYN: Full disclosure. How he could say, "Because I found notations on here, something was wrong," I don't know. How he could sit there and say that because some employee changed their mind, that employee was not in fact a very rational thinking person who discussed, who looked at, and then was able to make a different decision responsibly is beyond me. How he could conclude automatically that that employee was intimidated is beyond me.

Mr. Speaker, I will refer you and I will paraphrase, as the Member for Edmonton-Roper is so good at doing, questions that came from the other side. How could these employees be promoted within the department after doing all these wrong things? Today he says that they were there and they were coerced into doing them. Would he please make up his mind. I'm at a loss. I'm at a loss to understand why he doesn't redo his own script and change it periodically for the benefit of *Hansard* or else mail around the old copy and put it down and say, "Use this in debate on this Bill." We could then quietly recess for a few minutes, read the *Hansard*, and say thank you very much, because that drivel I've heard over and over and over again, and tonight, Mr. Speaker, we will hear it once more. It doesn't matter whether it's education or health or whistle-blowers or heaven knows what else, we will get the same speech from Edmonton-Roper and the same one from everyone else that chooses to make it. So I would prefer that they mail us the *Hansard* and put the speeches in it preferably in order, and we could go for coffee and then come back and either talk to them or just forget about them.

5:10

MS HALEY: Recycling.

MR. WOLOSHYN: Yes, Mr. Speaker, and how that ties into this thing, I'm at a loss to know.

Then he went on to say that some employee on some letter – and I won't go into names here because it wouldn't be fair – on health . . .

MR. CHADI: Talk about the Bill, Stan.

MR. WOLOSHYN: I'm following your debate, hon. member. You had the latitude to do it. I have the latitude to reply, thank you very much.

I would like to say to you, Mr. Speaker, that when he says that the Premier of the province and the minister of any portfolio aren't the ones who speak for policy, then for heaven's sake who is? Some clerk down there can write one opinion and say that that's all of a sudden government policy? Let's get real here. If he goes back to *Hansard*, he will check, then, that the Premier and ministers don't speak for the policy of the government, and

I find that – I don't know what I find that. I just couldn't believe my ears when I heard that. But that was supposed to be tied into whistle-blowers somehow, and I quite frankly don't find the connection. However, given the source, I won't look too long, because I'm sure I won't find the connection.

Again, I think the intention of these Acts is very frequently not bad if they think them out, but they don't. You would even see that this legislation, if passed – and this is a private member's Bill, which would go to a free vote, and we'll have one on this side certainly. If all members look and see the impact that this Bill, if passed, would have on other legislation that hasn't been properly researched, I think that on the very basis of the other legislation that it's impacted we couldn't pass this with the very short debate that we'd have now and the short debate that we would have in committee. I'm referring to the fact that it impacts on the Public Service Employee Relations Act as well as the duties of the Ombudsman. I look at it further, and it impacts on the Employment Standards Code. You look at it a little further, hon. members, and you will see that it also impacts on the Leg. Assembly Act, and it impacts on the Individual's Rights Protection Act by even changing that on the very last page of the Bill. If you haven't fallen asleep by page 15, you'll find it there.

To take a Bill of that magnitude, that impacts on that many segments of legislation, and bring it in and say that this province has been somehow lacking by not having this particular legislation in here is simply an irresponsible statement. As a matter of fact, I know where a large amount of this legislation came from, because I remember seeing it. It was presented as another private member's Bill by the former Member for Edmonton-Meadowlark. However, that's another story.

Going back to the beginning, there are some assumptions, that aren't verified, of what's going on in government. There is the assumption that a person, if they see something wrong, has nowhere to go to report it. I think that's grossly wrong, Mr. Speaker, because any responsible employee has channels to go through. Yes, they can even go up to the ultimate, and that's an MLA on either side of the House. If they don't feel they could go to one on the government side, they can always go to one on the opposition side and get their case heard in some fashion in the highest court of the province, namely this Legislative Assembly. That vehicle is there. If for some reason in some area there is some need for this type of legislation, on the principle of it I certainly would not be against reviewing it. However, this Bill as written makes some very dangerous assumptions about the operation of our civil service which I know are very erroneous. It makes some assumptions about senior managers that are quite horrendous, to say the least. It implies to me that the union cannot protect its workers in legitimate disputes, and I think that is grossly wrong, because we do operate with collective agreements for the most part, and there is that process.

So, Mr. Speaker, what this Act hopes to lead us to believe it would do and what it really would do I think are two different things. It goes far beyond anything that we would want in here. If there is some need at some point to look at whistle-blower legislation, perhaps it could be brought in in a proper way. Certainly Bill 212 does not meet any of the needs, and as a matter of fact it goes well beyond the scope of what any private member should do, simply based on the number of other statutes it would impact on and that the impacts haven't been researched.

Thank you very much, Mr. Speaker.

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

MR. ZARIWNY: Thank you, Mr. Speaker. I support Bill 212. The Bill in my estimation addresses a fundamental issue, a dilemma confronting civil servants. It successfully brings the power of the civil servant and the formal and political limitations placed on the civil servant's power into proper perspective. Fear of reprisals by firing, demotion, and other measures taken against civil servants for speaking out has basically shut up the civil servant unnecessarily. This fear has resulted in Albertans believing that civil servants have developed mythical powers, undefined powers. Also, this fear allows civil servants to remain isolated and insulated from the rest of the public.

A question that I think has to be asked is: what power do civil servants have? Civil servants have basically two kinds of power: the power of influence, for example the political influence they have over their masters and policies; the power of authority, for example to make laws, rules and enforce them. Today it is no longer possible to run a complex modern government, Mr. Speaker, without having civil servants organize, supervise, and manage these agencies with extensive powers. Now, in this environment some civil servants make decisions based on their own judgment or in accordance with their perception of the public interest. As well, in this environment some civil servants even exercise judicial powers when they apply known laws to facts in a given case and when an argument or a problem is presented to them instead of to the courts of Alberta where independence is paramount to their decision-making.

Without Bill 212 I believe some civil servants with critical, death-threatening information must become secret, and in cases as in the United States some groups become glorified pressure groups. Some civil service groups, distinct from other civil servants, act on behalf of special clientele who were created by the civil servants and look towards these civil servants for favours and leaked information. There is actually an incident in Canada when this kind of Bill would have been very fortunate to have, as in the case of the great Canadian foot-in-mouth epidemic of 1952, when civil servants at one level did not allow civil servants at a lower level to communicate information about some situation that was dangerous to society. It ended up a Canada-wide disaster, all done in the fear of reprisals, demotions, and firings. Now, without a release valve civil servants who have information vital to the welfare, health, safety, and security of citizens but are not allowed to disclose this information then assume powers beyond those traditionally given to them and beyond the authority and influence given to them by the political masters as well as legally. They become arbitrators of life, death, health, safety, corruption, and deceit. There is no doubt of the need of civil servants to use their discretion and to abide in their work to a self-imposed professional discipline.

5:20

A responsible civil servant, however, is essential to the function of government, and this state cannot exist unless something like Bill 212 itself comes into existence. I know that civil servants would be very concerned with the release of information that is actually confidential and at minimum considered confidential or secret by their political masters. This type of information may very well be in the public interest because it concerns the safety and security of Albertans. I would advance that information of this nature is confidential, but if it deals with the public safety, security, and needs of the public, then it should be released, and it is no secret then.

[Mr. Deputy Speaker in the Chair]

In conclusion, I believe that my colleague's Bill 212 allows for the disclosure of information but disclosure only in the public interest. In this regard, the Bill very nicely advocates a traditional, old English rule, and I'd like to quote that rule here: there is no confidence as to the disclosure of inequity.

Thank you very much, Mr. Speaker.

MR. DEPUTY SPEAKER: The hon. Member for Lethbridge-West.

MR. DUNFORD: Thank you, Mr. Speaker. The Whistleblower Protection Act that we are debating in the House today embodies some important principles: principles of openness, accountability, and fairness. These are principles that I campaigned on in the last election and continue to support and believe in. [interjection]

Mr. Speaker, my friend is playing with his nuts here, and I can't continue. [interjections]

However, these ideas are just part of a much bigger picture. [interjections] When we discuss protecting the rights of employees to raise issues of concern, we must also discuss the right and

responsibility of employee and employer alike to try to make their workplace or department most effective. [interjections]

MR. DEPUTY SPEAKER: There comes a time in the lives of all members when interruptions or misadventures occur and they need a moment or two to compose themselves. So, hon. members, we have arrived at that moment where Lethbridge-West is ready to continue.

MR. DUNFORD: I wonder if I could adjourn debate, Mr. Speaker.

MR. DEPUTY SPEAKER: We were wondering that as well. The hon. Member for Lethbridge-West has moved that we adjourn debate on Bill 212 at this time. All those in favour, please say aye.

HON. MEMBERS: Aye.

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

[The Assembly adjourned at 5:25 p.m.]

