

Legislative Assembly of Alberta

Title: **Monday, May 30, 1994**

8:00 p.m.

Date: 94/05/30

[Mr. Deputy Speaker in the Chair]

MR. DEPUTY SPEAKER: Please be seated.

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

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

[Mr. Tannas in the Chair]

Bill 31 Municipal Government Act

MR. CHAIRMAN: Order. We have under consideration Bill 31 and some amendments thereto proposed by the hon. Member for Leduc. Just so that we're all at the same place, hon. member, it would appear from your list of amendments that we have 1 through 6, which have been variously numbered. One is A-1 and 2 is A-2 and 3 is A-3, but 5 is A-4 and 6 is A-5. Presumably you withdrew 4 or did not move it.

MR. KIRKLAND: I did not move it.

MR. CHAIRMAN: Okay. Great. So we now have before us, then, on Bill 31 the amendment known as A-5 by us and 6 on your sheet, and a number of members have spoken to it.

Hon. Member for Leduc.

MR. KIRKLAND: If I could provide some clarification, the sheet that you're looking at there with the six as I had listed them – we have exhausted debate on those, Mr. Chairman. I have a set of amendments here that will deal with the new items that would be amended. So that would conclude the debate on those items that you have listed before you there.

MR. CHAIRMAN: Not yet. A-5 we don't show on our records as having been voted upon.

MR. KIRKLAND: A-5: if you could just read the words for me, it would assist me with it.

MR. CHAIRMAN: A-5 is:

Moved by [the hon. Member for Leduc] that section 515 of Bill 31 be amended by adding the following after subsection (3):

(4) The Minister shall be bound by the recommendations of the Board.

MR. KIRKLAND: Now that you've refreshed my memory, that's correct. The hon. Member for Clover Bar-Fort Saskatchewan had concluded debate on that particular point. I will pick up the debate at that particular juncture, if that's acceptable to the Chair.

MR. CHAIRMAN: Okay. We have moved A-5. Are you ready for the question?

MR. KIRKLAND: No.

MR. CHAIRMAN: Okay; fair enough.

MR. KIRKLAND: Debate hadn't been concluded on it. We will call 6 "A-5," for the benefit of the members of the Assembly.

MR. CHAIRMAN: All right.

Hon. Member for Leduc on the amendment.

MR. KIRKLAND: Okay. Thank you, Mr. Chairman. I appreciate the opportunity to conclude debate on A-5, as you term it. It's amendment 6 on the sheet that was distributed some time ago. In essence, that amendment reads "The minister shall be bound by the recommendations of the Board." "The Board" refers to the municipal government board, and the municipal government board is a board that is struck to deal with such issues as annexation, amalgamation, formation, or dissolution of a municipality.

To refresh one and all's memory, being that this was a debate that occurred last week, the municipal government board itself is that board that these sorts of discussions are referred to. When we look at the role or the mandate of the municipal government board itself, it is to weigh both sides of a discussion. I'll use annexation, though it encompasses and includes the other three that I referred to. It weighs both sides of the discussion that comes forth in that particular issue, and it will render a decision after weighing both sides of the question that has been put to them, as far as annexation is concerned in this instance, Mr. Chairman.

As we know, annexation in the province of Alberta is a very expensive undertaking. Generally speaking, both sides of the discussion go through great expense and a great deal of time to present their case and to outline their case before the board itself. The intent of this particular amendment here is that once the minister has received the recommendation of the board, then the minister shall be bound by that recommendation. The rationale behind that, Mr. Chairman, as I indicated, is in a situation whereby we have gone through a great deal of time, we have gone through a great deal of expense to ensure that the two bodies that are involved – and more often than not this is an adversarial undertaking. They have made sure that both sides of the question have been heard. They are at that point taken to the board. The board will render a decision in most circumstances.

The difficulty I have with the process from that point on is the fact that the minister himself still retains the ultimate authority to stand by the decision or set the decision aside. Now, when we have municipalities that undertake their discussion as it is and ensure that that discussion is heard by the municipal government board, which we are to assume is nonpartisan – and certainly we know that it comes with a great deal of experience and expertise in dealing with these particular matters. So when they render a decision as such, I think in fairness to both sides of the discussion, be it in the example I used, the annexation process, be it the body that is attempting to annex land and that that is expected to give it up – both those particular groups have put their best arguments forth to that municipal government board. That being the case, the board would render its decision on very objective facts that both sides have ensured the board are aware of. So everything is considered in the context of that particular debate.

As we read section 515, the minister retains the ultimate authority to override that decision. It is my opinion – and that is why you see the amendment submitted here today – that in fact that board, after having weighed the objective arguments of both sides, should, when they render that decision, expect that decision to be carried forth to the minister and the minister really should be not involved in that particular process. We have, as I indicated, appointed expertise to this board that brings to it a great

deal of experience, and their decision, in my estimation, should be the decision that ultimately stands that particular day.

I have referred many times that throughout this Bill it is, and I had used the term "riddled" with the minister's discretion or the minister's intervention. This is another step to remove the political process from a process that really should be settled on a factual and objective basis. Too often in the political world that we function in as a group we are swayed by a lobby, and the lobby is not always the objective viewpoint that we should follow or stand by. So when we deal with this decision that has been made by this board, I think it's extremely important, if we're to retain the credibility of the people we have appointed and we are to bring credibility to the decision they made, that when they render that decision the minister should accept it at its face value. He or she, as the case may be, has appointed those members to the board. The minister, being a great judge of character, would have of course only appointed quality individuals to this board. That being the case, we have to have confidence in the decision they made. I'm simply attempting to remove the minister from any sort of political interference at this stage.

I would suggest that if we are to abide by and support this amendment, you will find municipalities are very accepting of the fact, whether a winner or a loser, that their objective opinion has been heard and the decision that has been rendered is based on the facts that have been presented. To have the minister intervene at this particular stage, I would suggest, tells me that the whole process and the expense we've undertaken up to that point is a moot exercise. So I would ask all to support the amendment. It again, to be brief, is simply to attempt to remove the political process from it. This is a new Bill. I would like to think that we have embarked on a new approach to doing business as far as rendering decisions without political influence, and this is a classic opportunity for this House to embrace that particular concept or that thought.

With those, I will conclude the debate on amendment A-5 as you show it, Mr. Chairman.

8:10

MR. CHAIRMAN: Are we ready for the question?

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you, Mr. Chairman. I'd hoped that following the commentaries from the colleague from Leduc on this very important point the sponsor of the Bill might stand in her place to deal with this important issue, which may indeed simply be a misunderstanding of the interpretation of part 12 of the Municipal Government Act as presented in this Legislative Assembly for approval. This particular part covers many quasi-judicial and important assessment issues, yet in one part it directs the concept under division 4 as Inquiries by the Board. So this leads to the amendment that it is inappropriate in a general quasi-judicial empowering part of the legislation to have a section that provides that decisions are final but do not have to be honoured by the minister in charge.

Now, in fairness to the sponsor of the Bill, it's possible to interpret division 4 under part 12 of this Bill as a stand-alone provision. That is that in any of the other areas of power enumerated under section 488 of the Act, the minister has no special power of intervention. However, the way that this section is found buried in part 12 and the fact, Mr. Chairman, that in

section 488(2) the board may elect to have a hearing as set out in their very formalized procedure, from which there is no appeal possible, one questions whether or not if the board elects to have that type of procedure, whether in fact then the minister can exercise his independent discretion after there has been a ruling made.

Now, the minister will perhaps argue – and I was hoping to hear from the sponsor of the Bill – that in division 4 there is the catchall that the minister can refer special issues of municipal concern to this particular board, and as a simple referral where they might not conduct a hearing, he would argue, I think quite successfully, that there should not be any bettering of his discretion. But with the division found in part 12, which is a quasi-judicial procedure, I would urge all members of this Assembly to support the amendment at least until we can get clarification on what the impact of this particular division is, found buried in this very rigid hearing structure.

So since there appears to be a potential interpretive confusion, and since the Municipal Government Act would want not to have any kind of – I'm sorry, Mr. Chairman; are you trying to get my attention or . . .

MR. CHAIRMAN: I'm just trying to see you.

MR. GERMAIN: Oh, okay.

MR. CHAIRMAN: You have my attention.

MR. GERMAIN: Oh, okay. No problem. [interjections] Relax. I hadn't wanted to get the Assembly members as aroused so quickly in the evening. I wanted to draw out the climax this evening. I didn't want to get them aroused right off the bat in the first of many speeches.

So let's get back to part 12 of the Municipal Government Act. I know all the members of the Assembly are clutching the book and are looking at part 12 and wondering whether or not they should support this amendment. The harder they clutch the book and the more they look at division 12, they will see that this is the quasi-judicial section of the Municipal Government Act as it relates to the powers that are vested in this municipal government board. There ought not, therefore, to be found anywhere in this particular piece of this particular legislation any ministerial discretion whatsoever, particularly because of the confusion that part 4 has wrapped into the definition of the authority of the municipal government board, which is set out in section 488.

I hope I haven't unduly confused the amendment or the complicated portion of this Act, but I would urge all members to vote in support of this amendment.

MR. CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: We have before us, then, the amendment as proposed by the hon. Member for Leduc. The amendment is known as A-5, item 6 on the list of amendments.

[Motion on amendment lost]

MR. CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Chairman. Distributed to Parliamentary Counsel is the next amendment I intend to propose.

If it could be distributed throughout the Assembly. It is amendment 7 on the sheet and was just delivered to Parliamentary Counsel. I sent four up there with the signature on them.

MR. CHAIRMAN: Hon. members will note that we have the amendment, and yes, the signatures are on it.

MR. KIRKLAND: Yes. All the amendments coming forth today have been approved by Parliamentary Counsel, Mr. Chairman. So I'll just give time for distribution of those amendments so we all might pay very close attention to them and debate them with great zealously. It establishes the BRZs. It outlines it very nicely.

MR. CHAIRMAN: Hon. members will please note as well that this amendment by the hon. Member for Leduc is itemized as 7, but in our parlance because item 4 was not moved, this will be A-6, amendment 6, on Bill 31.

MR. KIRKLAND: Did I understand that correctly? That'll be amendment 6? I'll refer to it that way: A-6.

MR. CHAIRMAN: Well, just A for amendments.

MR. KIRKLAND: Okay; number 6.

While we're distributing them, just as a brief background to this particular clause, the amendment indicates that it is moved by myself that "Section 53 be struck out." If we are to spend some time looking at the amendment in its full context, you will find this particular section under division 5, which is Business Revitalization Zones.

MR. CHAIRMAN: For those hon. members who wish to follow the debate on Bill 31, amendment 6 is that "Section 53 be struck out."

Continue, Leduc.

MR. KIRKLAND: That is correct, Mr. Chairman. It's clear, and I'll add some clarity to that. Section 50 to section 53 deals with and outlines business revitalization zones. Business revitalization zones are zones that can be struck within any municipality that is subjected to an extra tax usually associated with improvement of that particular district or area.

Now, the Bill has gone through great detail and great pain in clauses 50, 51, and 52 to outline exactly how one goes about striking one of these BRZs and the mandate that that zone shall include. It also goes on further to indicate that they should have an approved budget and that they would have to be within that budget and that if in fact they were to overexpend that budget, they are personally accountable for it. I don't have any difficulty nor does the Liberal caucus with the basic principle that is put forth by the BRZ in clauses 50, 51, and 52. The difficulty is that we have gone through great pains to outline in detail exactly what a BRZ is, what their mandate is, and how they should achieve that. Clause 53 goes on to state exactly what the minister may do as far as regulation is concerned. In essence, we have sections 50, 51, 52 outlining exactly what this group is charged with and their mandate. Section 53 immediately removes all that and puts the ultimate authority on the minister's desk.

8:20

Now, if you will think back to the previous amendments, this is along the same philosophy that I've espoused earlier on this particular document, Mr. Chairman. That being that we have set

in motion a new Act, the Municipal Government Act, which all the municipalities are eagerly awaiting. If I'm to accept the minister at his word, they would like to get on with business. We have proposed this Act on the basis that the municipalities are very much and very keen on having local autonomy. Unfortunately, that principle that has been advanced to us falls by the wayside when we have a look at exactly how many times the minister intervenes to carry the ultimate decision-making process here.

As I indicated with the BRZs, or the business revitalization zones, there is no question as to what's expected of them in their accountability, but when we go to the next clause, as far as regulations are concerned, we have the classic example of giving with the right hand and immediately removing with the left hand. I would suggest again one more time that if this government is of its word and says that they have confidence in the municipal councillors, in fact we can clearly advance those areas of responsibility to those municipal councils. We can do that with confidence. At least I have confidence in their ability. So there's no need for the minister again to carry the ultimate authority and revoke everything that he gave them with this particular Act. I would say that it is a bit of a contradiction, Mr. Chairman, to give specific powers and specific accountabilities and ultimately say that we have no confidence in the fact that you can do it and the minister will be the ultimate king in this situation.

[Mr. Clegg in the Chair]

So this amendment as it comes forth is very similar to many of the other amendments that have been put forth here. It's simply an attempt to cleanse the Bill. It's a true attempt to say that we have confidence in municipal councils and politicians. This amendment again moves along that path and certainly should capture it if we were all to support it. I would suggest that if we're not willing to support it, it is an indication that we do not have the confidence in the local councils and municipal governments that we purport to or the side opposite purports they actually do.

With those comments, Mr. Chairman, I will conclude my comments on amendment A-6 as we view it and look forward to the debate on it.

MR. DEPUTY CHAIRMAN: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. I rise to speak in favour of amendment A-6 with respect to . . . [interjections]

MR. DEPUTY CHAIRMAN: It's okay, hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. I'd like to echo the comments made by the hon. Member for Leduc in sponsoring this amendment. It seems to me that the whole purpose of Bill 31 is to give to municipalities some of the powers they have been asking for for a great deal of time. Certainly members on this side of the House are essentially in agreement with that: to give municipalities the authority, the power, the opportunity to have a much greater say in how their municipalities run, how they're operated, and how ultimately they are governed by councils. Now, in essence that means that this Bill should as much as possible provide those opportunities to councils, however they are structured as municipalities, and give them those opportunities.

The Member for Leduc has specifically pointed out that in this particular section dealing with the business revitalization zones the Bill is quite clear. The Bill is quite clear that councils are given the authority and the right to pass bylaws that if they choose can establish a business revitalization zone for certain purposes that are again well laid out within the provisions of the Bill, and that is, as the member has pointed out, in section 50 of Bill 31. The councils by this provision recognize under what circumstances they can create the business revitalization zone.

We move from section 50 to 51 to 52, and it clearly sets out, Mr. Chairman, how municipalities can through their councils create the business revitalization zone structures. Members are indeed members of a board that is appointed by council under that particular bylaw, which they have the right to create, and the board is recognized as a corporation for purposes of this Act. All of that clearly fits within the scope and the concept and the reason for the significant changes that are being brought about in Bill 31.

Section 52 of the Bill goes further to discuss in some greater detail viability of board members who find themselves members of the corporation for business revitalization zones and essentially deals with how those are to work in terms of budgets, expenditures, and so on. All of that, Mr. Chairman, seems to make a great deal of sense.

Councils in whatever structure the municipality is can make those decisions for themselves, can decide whether or not a business revitalization zone is important, is not important, will be an effective tool for that particular municipality, and goes to the heart of the issue of local municipalities making decisions for themselves and generally exercising their local autonomy.

Then we move, Mr. Chairman, to the proposed section 53 of Bill 31, which again then simply returns to the minister complete, total, and ultimate control. Well, if we have section 53 in the Bill, why don't we just simply get rid of sections 50, 51, and 52 and let the minister decide when a particular municipality can or cannot or should or should not create a business revitalization zone? It makes no sense whatsoever to have section 53 in there. That simply returns and reverts all powers and decision-making about the business revitalization zone boards, the corporations that exist as a result of those particular bylaws, and simply says, "Well, you thought you had the power, but in fact as it turns out, you have absolutely no power at all, because the power rests with the minister by regulation." Again, as we've seen time after time after time, these are ministerial regulations. They're not even regulations through the Lieutenant Governor in Council.

All we can do is ask why it is necessary to leave those kinds of powers with the minister, why it is, if this government is sincere in what it says it intends to do with Bill 31 in giving powers to municipalities, that this particular provision has to remain in the Act. If in fact the government is sincere in giving those powers to the municipalities without clutching and grabbing and hooking back these particular powers, then cut the string, cut the apron string. Let those municipalities make those decisions for themselves. Because you know what? Those municipalities are run by very competent individuals who can make those decisions for themselves and don't need the minister overseeing and hovering over the municipalities about how those decisions are made and in fact whether or not those decisions are made.

Mr. Chairman, it is a clear statement with section 53 being in the Bill. This government is saying to municipalities: "Well, you can have power, sort of, but we really don't want to give you any autonomy. We want to keep it all for ourselves." I don't think that's the right message to send to municipalities given the whole context, the whole direction of this particular Bill.

If members opposite agree with that statement, agree that the power should in fact rest with municipalities, agree that in fact the minister doesn't have to stick his or her nose into the business of the municipality with respect to business revitalization zones, then, Mr. Chairman, I would ask that all members of the Assembly support this particular amendment.

Thank you.

MR. DEPUTY CHAIRMAN: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you very much, Mr. Chairman. I've been very fortunate to live in a municipality that had a very successful business revitalization zone as well as a renowned Mainstreet program. It was put in place to revitalize our downtown core, and that's exactly what it did. I was very proud of the work that took place in the town of Lacombe due to the fact that we had businesses that were willing to become part of a BRZ.

For the members of this House, I would just like to tell you a little bit about the purpose of a BRZ. It is to promote the zone of a business or shopping area, to develop, improve, and maintain public parking in that area, or improve, beautify and maintain property in the zone. The present Municipal Government Act details how a BRZ is formed, its purposes, how members are appointed, and the board's duties. It is clear that the BRZ board is responsible to the municipal council, and it's very important in a municipality that council is onside and is a partner in a business revitalization zone.

8:30

Bill 31 outlines the general purposes of a business revitalization zone, gives the broad corporate status, and establishes the liability of the board members with respect to financial matters. The remaining detail is left to regulation. The regulation will not establish a BRZ, nor will the regulation actually appoint members. This is left to the municipal council. The regulation will set the ground rules, similar to some examples I would like to give you.

In present legislation 10 persons can request formation of a BRZ, unless 30 percent of the business assessment petition against it, possibly by regulation and in consultation with municipalities that might request a BRZ or those that have had one. Maybe the regulation should be changed similar to require a request for at least 25 percent of businesses to start or form a BRZ. I personally would like to see it higher.

Council's bylaws will subscribe the area of the BRZ, give it a name, establish the board, specify the number of board members, their terms of office and how vacancies are to be filled, authorize a business assessment for the purpose of the BRZ tax, and specify how money collected by the municipality will be disbursed to the board. Once again, this is done through the municipal council. Regulation will provide a range of purposes that council may choose for a BRZ board, thus allowing local autonomy in a municipality. The regulation will set out the board's requirements for budgeting, borrowing, and capital expenditures. It is clear that the BRZ board is responsible to the municipal council.

There is no intention for the Minister of Municipal Affairs to intrude on the municipal council's ability to set up a BRZ. The intention is to clarify that the council has brought authority to set up the BRZ based on the genuine request of business operators and owners to suit their collective needs in their own municipality. The regulation-making authority will allow greater flexibility to respond to changing needs with regard to how BRZs are established, their purpose, and their formation.

I also at this point would like to go back to last Tuesday afternoon when the Member for Leduc – and if I may quote *Hansard*:

The situation I would use to illustrate that is when Gainers and that surrounding area of the city of Edmonton had a BRZ attached to it. It did cause some residences in that particular area to be taxed at an extremely high rate, thereby putting the residential owners that fell into that BRZ into a situation of hardship.

I would really like to question that, because a BRZ is set up for a business area or a shopping area. It's usually common in a downtown core. We've had many municipalities that have taken advantage of the formation of a BRZ, and it's worked very well. So I would like some clarification on that.

As I mentioned before, there were numbers that were required to go ahead and talk to council to see if the BRZ could be formed. There was also the capability in the present legislation to petition against it; 30 percent was that factor.

Thank you, Mr. Chairman.

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

MR. ZWOZDESKY: Thank you, Mr. Chairman. I want to just add a few brief comments as well here with regard to this particular amendment moved by my colleague the hon. Member for Leduc to in fact strike out section 53 as it applies to the Municipal Government Act, or what we know as Bill 31.

I appreciate the fact, Mr. Chairman, that this is a huge Bill, probably one of the largest ones we've seen this session: 263 pages in length, I believe. The content of that Bill is equally magnanimous in that it ushers in profound changes as to how municipal governments will interact from now until perhaps forever with the provincial government. When we take a look at this type of profound change occurring in how governments act and interact, we're of course affecting a huge number of people, and we must be very careful how we proceed as we go about ushering in these changes. We all know that these types of changes, once done, are extremely difficult to undo.

I would like to just flag a couple of cautionary things here with regard to this specific amendment and why I'm going to be speaking in favour of it. First of all, generally, as I looked through this business revitalization zone aspect of the Bill itself, I thought to myself that there are a few things here that bear some comment on behalf of the many businesses in my constituency of Edmonton-Avonmore which I'd like to highlight. One of those is that of course this aspect of the Bill does bring in the provision for a council to improve, beautify, and maintain beautiful properties within the so-called business revitalization zone at the same time as looking at aspects related to public parking, developing and improving thereupon, and finally promoting the BRZ, or the business revitalization zone, as a business or as a shopping area. I think those are reasonably sound suggestions, and we should be looking at favouring this type of business revitalization.

In my own area of Edmonton-Avonmore, Mr. Chairman, I currently have a situation where one of the entrepreneurs does in fact have a business revitalization type of project at hand. It surrounds a small piece of laneway actually, which he's trying to buy and hoping to incorporate as part of his business. It's a small laneway which he needs as access to his business for loading and unloading imported goods. However, the fact is that that bit of laneway is shared by some other businesses in his area, and unfortunately the other businesses in that area don't exactly share the same type of usage for it or the same vision on how it could

and should be used. Yet it is part of a revitalization strategy which, if approved by city council, would ultimately result in an increase in business in that area for that particular entrepreneur, and I suspect it would have some spin-off benefits for businesses in the immediate area. Nonetheless, as I look at the revitalization aspect of this Bill, I am immediately reminded of this particular entrepreneur, because he is looking for some fluidity of process here by which he might get a quick resolution to his request.

I then immediately transpose that particular set of circumstances onto what this Bill is saying and what our amendment here is all about. That is that if this Bill were to go through unamended, this section 53 which we're talking about would see the minister at the provincial level suddenly having the power to regulate even something such as that laneway because it would be in the interest of business revitalization. Mr. Chairman, that having been said, we all know that a simple project such as the purchase of about 50 feet of laneway, kicked up to the level of provincial government from municipal government, could forestall a decision in this gentleman's favour for quite some time. The fact is that as the level of bureaucratic involvement increases from civic or municipal up to provincial up to federal and international and so on, as those steps incrementally are looked at, we also experience a rise in the amount of red tape, which we commonly refer to as the bureaucratic jungle. That having been said, again I say that what would happen here is that you would have a small project like this being perhaps taken to task at the provincial level, whereas it could have been solved very easily at the civic or municipal level by the people who actually deal with these things on an ongoing and daily basis.

So that is in direct response to section 53, which we're asking to be struck out here, because chances are we're giving many, many more powers than we ought to to the minister in this regard. It could spell more intervention. It could spell more interference. I don't think that's what the taxpayers are looking for. In fact, most of the people I've been speaking with have been saying rather strongly: what we need is less government; what we need is less intervention; we don't need so much government guidance in all these areas. So I flag that as a concern.

8:40

The other part of this is with regard to the minister having the ability to set regulations or, more specifically, impact on zone bylaws. In that regard I have some concerns as well that have been expressed by businesses in the area. Here in the city of Edmonton and specifically in Edmonton-Avonmore, Mr. Chairman, we have a number of examples of very thriving businesses who are doing just fine with regard to how the system is defined right now and the type of rapport they share with their alderpeople. It's quite frequent for the aldermen to dash out into the constituency and have a look-see. You can appreciate that an alderman deals with a specific area within a specific city. Now, if we look at what new rights and authorities a minister of the Crown of the province of Alberta would have, we would have the minister feasibly having to dash out and take a look at all these different areas. It just wouldn't work as well. So the alderpeople are the right people to be charged with these kinds of decisions, and the power should be vested quite properly in and among them. I see no reason to suddenly empower the minister in that regard.

However, I would be open to understanding this situation a little better from the standpoint of where the minister is coming from and more particularly the Member for Lacombe-Stettler, as she introduced this Bill. That is with respect to what it is that we're trying to correct here. If there is a problem, if we're trying to fix

something, I would truly like to see that particular point backed up with the report or the survey or whatever statistic is quotable here to support moving forward as is. Otherwise, I'm afraid I would have to ask that that part be withdrawn, and that in fact is included within this amendment. If in reviewing this, Mr. Chairman, we don't find anything to have been broken or anything wrong, then perhaps we could revert to the way it was.

I want to comment briefly on section 53(d) specifically, which says that the minister might make regulations "respecting the powers and duties of the board and the board's annual budget," because at this point we are clearly moving into the whole domain of money. This particular clause to me looks a little bit like a dictation of sorts. It reminds me that perhaps what the government is trying to say through this particular clause is that they have a lack of trust in the people who serve on these councils. Perhaps that lack of trust is something the government would like to see manifested through this clause and done away with. I don't know. But it looks to me that what they're saying here is, "We may trust you a little bit, but we don't trust you a whole lot, so we're going to make provision for the minister to in fact be lord and master over the annual budget." Specifically, he'll have power and duties that he'll assign here to the board with regard to money expenditures. It's kind of like saying: "Here, we'll give you the keys, but we don't trust you to drive the car. Not only that but we also are very worried, and therefore we will dictate, even so, which direction that car may or may not be able to travel." This type of dictation I don't think we should allow to happen.

Nothing is more on the minds of Albertans at present, Mr. Chairman, than anything to do with taxpayers' dollars and how they get spent. Nothing is more on our minds than money itself. So as we look at clause 53(f) and 53(g), we see even more references to how moneys will be lent or spent by the municipalities and/or borrowed by the municipalities on behalf of the board, and there again we see the minister taking rather total control over regulations in that regard. I would like to simply say that from the phone calls I've had, which range from St. Albert to Edmonton-Avonmore to Taber, that part of the Bill we should do whatever we can to withdraw.

So, in summary, I would suggest and hope that other members would see the wisdom of voting for this amendment, which would see clause 53 stricken from the Municipal Government Act, Bill 31.

Thank you, Mr. Chairman.

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

MR. KIRKLAND: For the hon. minister, I'll attempt to expedite this process. We're changing strategies as we go here, for the hon. House leader on the other side. So just one comment. The hon. Member for Lacombe-Stettler asked for some clarification on a comment that I made earlier. That clarification was that – and it was taken in the context that we were looking at attempting to find some sort of mechanism to deal with people that got caught in a tax situation such as the residents did around that Gainers BRZ. Their taxes went up to such a point that it was ridiculous or it was very onerous, and they could not pay. They, unfortunately, had to take it to the Alberta Court of Appeal before they ultimately had resolution.

That doesn't fit into this description, but I want to take her back just to her comments there, indicating that councils will determine when they want to erect a BRZ in their community. Councils also give the citizens of the municipality the right or the opportunity

to oppose it, if in fact they feel it's not there. The municipal council ultimately sets their budget, because it comes forth as such. The municipal council can certainly have the opportunity to ensure that it is "disestablished," if I could use the word of the Bill itself. In light of those comments and to bring it to a close, I'd ask one and all: why do we need the minister involved there? We don't. The council is very capable of doing what these clauses say.

So therein lies the reason that in fact I put that amendment forth. I'm fully aware of what the hon. Member for Lacombe-Stettler said. With that, I'd call for the question, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Ready for the question on the amendment as proposed by the Member for Leduc that section 53 be struck out in Bill 31?

HON. MEMBERS: Question.

[Motion on amendment lost]

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

SOME HON. MEMBERS: Question.

MR. KIRKLAND: Thank you, Mr. Chairman. I will attempt to appease the calls for the question here just as quickly as I can. I think everybody realizes there's a job to be done on this side of the House as well. We're simply trying to bring discussions to the forefront to ensure everybody's aware.

I believe the next amendment that's been distributed, Mr. Chairman – and I'll very brief with it – shows on the paper as A-8. If I could have clarification of that, I'll speak to it. I think you will know it as A-7.

MR. DEPUTY CHAIRMAN: That's right, hon. member.

MR. KIRKLAND: Okay. So I'm following the number process here, and if I could just take you back again, this is along the same philosophy – and I won't belabour the point – of what we have dealt with time and time again. That, Mr. Chairman, is the intervention of the minister in so many areas here. This particular amendment, 94(b), (c), and (d) and 108(b), (c), and (d), again, if you'll recall the discussions earlier, gave the minister the benefit of consulting. I'm of the opinion that we should consult, and thereby the amendment coming forth indicates that "may" shall become "must" so the minister is not in the position where he can leave out anybody who is impacted by the decision. It's that simple.

This is the government that purports to consult throughout the province time and time again. This just ensures that the minister will do that. I do not accept the argument that in fact there's great expense associated here. There is not. There's not great expense at all.

So when we're dealing with A-7, we're dealing with sections 94(b), 94(c), 94(d), 108(b), 108(c), and 108(d). They deal with the same philosophy. We've advanced the discussion before. I will not belabour the point.

I will conclude my comments with that and have the question, if that's the wish of the Assembly.

MR. DEPUTY CHAIRMAN: Just for clarification, hon. Member for Leduc. I've got it down here as A-7. Does that mean just 8, or 8 and 9?

MR. KIRKLAND: It just means 8, Mr. Chairman.

MR. DEPUTY CHAIRMAN: All right. So, hon. Member for Leduc, will that be A-7 for 8, and then it will be A-8 for 9? Or do you want it together?

MR. KIRKLAND: Well, Mr. Chairman, seeing there seems to be some impatience with getting through it, I did not intend to move what you show as 9. We will let that one stand by simply to appease the Assembly here.

MR. DEPUTY CHAIRMAN: Okay then. All those in favour of amendment A-7, say aye.

[Motion on amendment lost]

8:50

MR. KIRKLAND: You now have what will be known as A-8 arriving at your table to your left there. We will distribute that. We could go with as many as we like, but because I'm an accommodating individual and at the request of your House leader there, I intend to cut most of them short.

This amendment that you're about to deal with, Mr. Chairman, is one that's very important to the city of Calgary, and that's why I bring it forth. I will table also with the amendment a letter from the city of Calgary. I will table that letter in conjunction with the amendment, and as the amendment is being distributed, I'll just give the . . .

Chairman's Ruling Decorum

MR. DEPUTY CHAIRMAN: Leduc, could we just wait a minute. There seems to be so much noise in here, and everybody's standing. We're going to get some order, and then we'll go on with the . . . [interjections] Order.

Okay. Hon. Member for Leduc, you can continue on amendment A-8 as distributed.

Debate Continued

MR. KIRKLAND: A-8 is the one that has just been set on everyone's desk. It actually shows number 12, Mr. Chairman, for clarification purposes. I just want to make sure that everyone has that clear in their mind. Now, this was one of my later amendments, but having received this letter from the city of Calgary today, I thought it was important to advance it here. It's one that has to be heard very clearly for all the members from Calgary. I have tabled the letter that I'm about to refer to.

The amendment itself, Mr. Chairman, indicates that we should strike sections 472, 473, 474, 475, and 476. Everything those clauses pertain to and address is a new level of appeal for tax assessment, advancing a new level – it was a third level in the appeal process. This level is known as arbitration. Now, arbitration supposedly was introduced because there was a large backlog of courts of revision, as it was previously known, tax assessment appeals in the city of Calgary. They thought this was the way to get through that large backlog of 700 or 800 appeals.

In my consultations not only with the city of Leduc and the communities within my constituency but also with Calgary and Edmonton, Calgary has been kind enough to respond. The response that I will refer to is submitted by a Mr. D. Kvemshagen, who is legal counsel for the city of Calgary, so I would think it's important that we pay very close attention to what this gentleman has to say. In essence, I will read what he

considers to be a problem in Bill 31. The problem as they see it, and I quote, is that "arbitration should not have a role in the assessment process." The first point he makes:

1. The total non-residential assessment in Calgary is \$8.9 billion and the value of individual properties ranges up to \$118 million for a shopping centre and \$169 million for a downtown office tower.

Their concern is:

2. Arbitration as an additional option will impose new and unknown costs on the municipality.
3. This will probably not be a "one-shot" proposition for any particular property as the owners could appeal the assessment through arbitration each and every year.
4. Because arbitrators have to be acceptable to both the owner appealing the assessment and the municipality, and because of the repetitive nature of the appeal process, there will be a natural tendency for the arbitrator to find a middle ground that will erode the consistency of the assessment base.
5. Potentially, over time, dramatic differences in the assessed value of similar properties will evolve across the province. These differences will not be resolvable by improvements in assessment practices or by Provincial assessment standards. The Province and the municipalities will lose control over the assessment process for non-residential properties.

Point 6, and I ask for your indulgence and patience:

6. The present two tiered process is a tried and accepted method of resolving disputes on assessed values. The arbitration option will introduce substantial, and unnecessary, risks into the process.

Point 7 of eight points:

7. The intent of assessment is to provide the basis for a fair and consistent tax system. The additional arbitration option will likely be a costly and ineffective method of ensuring consistency across both properties within a municipality and across the Province.

The final point that is made here is:

8. Permitting the option of arbitration in assessments is a clear step backward and should not be allowed in the legislation.

The recommendation is to "delete sections 460(9) and sections 472 to 476."

You'll find that in fact that is the essence of my amendment. Now, I think the legal counsel for the city of Calgary put it very clearly. I would like to think he has also sent his concerns to the hon. minister. That being the case and if he has, I would be disappointed if the minister did not respond to them.

If I could just try to be brief with this particular item, what we're dealing with here, Mr. Chairman, is a case of watering down the assessment process, not only within the city of Calgary but across the province of Alberta. It plays a very large concern within the city of Calgary, obviously, by the submission of this letter.

In submitting my amendments and in attempting to be somewhat accommodating to the House leader in negotiations that went on to indicate we would like to bring this Bill to a close tonight, I thought it was important that I should advance it at this particular time for the benefit of one and all. I'm not sure all those MLAs from Calgary have had the opportunity to review this particular amendment or are aware of it. That's why I share it with the House here tonight.

As I indicated, the arbitration process from my understanding was introduced to attempt to alleviate a backlog of assessment appeals within the city of Calgary. I know Edmonton shares somewhat of a similar problem. In retrospect, it would appear the city of Calgary and their legal department have decided this will not solve the problem but in fact will complicate the problem. I

would think that every municipality would have to pay very close attention to what is being stated here, particularly when you look at the potential for discrepancies that will result and arrive in the assessment system if we move to an arbitration process.

So, Mr. Chairman, with those comments I will open the debate to this particular amendment, and I would ask one and all to give very serious thought to it. I know it's a lengthy document that is submitted by Calgary. It's not always easy to digest these things on very short notice. I have tabled it to give the benefit to one and all to know that it's a document that comes signed by the city of Calgary, and the gentleman that signed it, as I understand it, is an important part of their assessment process. So I would ask that those from the city of Calgary, if they can, stand and speak to it, such as the Member for Calgary North Hill. It certainly would be interesting to hear from him, because I think he has some knowledge and expertise in these areas. He can probably bring some clarity to it – maybe not the clarity I would care to hear. Nevertheless, I think it's important for all the Calgary MLAs to be aware of this.

They're asking to delete those clauses. Maybe the minister himself would like to respond to the letter from the Calgary assessment department. If he's not and he's not willing to make the particular amendment successful, then I would suggest that I have fulfilled my duty and represented the position of Calgary as it's been conveyed to me and would be comfortable with my position.

With that, Mr. Chairman, I would conclude my comments on it and ask others to stand up and speak to it.

9:00

MR. DEPUTY CHAIRMAN: Are you ready for the question?

The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Chairman. I would just like to state that this is one more option that's open to the public. Both parties must agree on the arbitrator. If they don't agree, then it will go back to the assessment review board for a decision. So if we're going to talk about opening things up to the public and allowing more public input, then this is one more area where the public can go if there's a dispute. As I said before, both parties must agree on the arbitrator. I believe the arbitration should remain as an appeal option.

[Mr. Herard in the Chair]

MR. ACTING CHAIRMAN: Are we ready for the question?

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. ACTING CHAIRMAN: Are we ready for the question?

The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. I will very quickly deal with an amendment that I would like to move with respect to section 642(14)(d). That amendment is now going to be circulated to all members of the Assembly.

Mr. Chairman, section 642 deals with amendments to the County Act. As we have heard in debate with respect to the Municipal Government Act, there's some tremendous uncertainty as to why, with the repeal of a number of Bills that deal with municipal structures, there has not been a complete incorporation

of the County Act into the Municipal Government Act. In fact, the County Act is not repealed, but section 642 deals with a variety of amendments to the County Act to bring it into line with the new Municipal Government Act, which is Bill 31.

Now, the fact that section 642 has a whole number of sections that attempt to align the two Bills so that the County Act works within the context of the Municipal Government Act – there is, at least in the provision that I want to make reference to, a very, very clear indication that there is an inconsistency which is contained in the Bill in the attempt at subsection (d) of 642(14), dealing with an amendment to the County Act which specifically relates to the establishment of electoral boundaries and the number of divisions.

What the amendment as it is proposed, which will be an amendment to section 6 of the County Act, purports to do is to continue to give the minister the power to change the number or areas of the electoral divisions of a county. That's not unlike the provision in the County Act as it stands right now, Mr. Chairman, wherein in fact the power to set the electoral divisions of a county rests with the minister. The inconsistency appears when you look at the entire piece of legislation contained in Bill 31 and the fact that Bill 31 attempts to include counties as municipalities in the definition section. What I propose to do is to take members through an analysis of those sections to highlight and demonstrate the inconsistency as it appears in section 642(14)(d).

In the definition section of Bill 31, section 1(s)(ii), a municipality includes a county, so we know from the proposed Bill that counties will in fact be municipalities. Each time municipalities are discussed in the Bill, they do in fact include counties.

Mr. Chairman, with respect to the setting of boundaries for election purposes, those particular provisions are found at section 148(2)(a) through (e) in the proposed Bill 31 and deal with how councils can and have the power by bylaw to "divide the municipality into wards" and to set the boundaries, which then, by virtue of those particular sections, empowers municipal councils, whether they be cities, towns, counties, or whatever, to create and pass a bylaw where in fact the power to set electoral boundaries and the number of divisions rests with the council. It does not rest with the minister.

Then, Mr. Chairman, we go to section 642(4)(d), where in the purported amendment contained there with respect to counties and their electoral divisions, the power remains with the minister to interfere with the counties' rights that are given to them under section 148. It gives the minister the power to interfere and to establish the areas of the electoral divisions of the county.

Now, clearly, just having gone through those sections, the amendment proposed to the County Act is inconsistent with the power given to municipal councils under the particular Bill. I think there's in fact recognition within the minister's department that this is an inconsistency, and it's important that this inconsistency be clarified. It will be an impossible situation for counties, who believe by certain provisions of Bill 31 that they have the power and the right and the autonomy in terms of conducting and controlling their own elections and setting the boundaries for wards within the county structure, to then find that section 6 of the County Act is amended to continue to give the power of setting those boundaries for the electoral divisions to the minister.

The only way to deal with this problem, Mr. Chairman, is by an amendment which would in fact repeal section 642(14)(d) and replace that by simply stating in place of what exists at (d) – an amendment that repeals in the County Act subsections (1), (2), and (4). Now, hon. members will see that in the proposed amendment that we have, (d) in section 6 does repeal (2) and (4),

so that remains the same; that remains consistent. The amendment that I propose continues to repeal subsections (2) and (4) of section 6 of the County Act. But what the amendment does is rather than replacing section 6(1) of the County Act with what is contained in the Bill, we simply repeal it and there's no provision at all in any way, shape, or form that leaves the power with the minister to have any control or direction or authority or power to set the boundaries or the number of divisions for counties in the establishment of boundaries and numbers of divisions for purposes of local elections. Counties continue to get the right and the power and the autonomy that all other municipalities as defined get, and there is not, then, the confusion that exists by this particular potential proposed amendment to the County Act. As I say, counties need this so that there's certainty, so that there's clarity, so that they know that they have the right to set those boundaries for electoral divisions, that they have the right to set the number of divisions that are contained within the county.

9:10

We've had, as you know, Mr. Chairman, the discussion in this Assembly as to whether or not counties would remain as counties or whether or not counties would in fact become municipal districts for the purposes of the school administration provisions. That issue, you'll recall, came up in question period even this day, where the Minister of Municipal Affairs indicated that if counties wished to, they could in fact change their status from a county to a municipal district. Well, isn't it interesting that if a county decides that they want to become a municipal district, then all of a sudden the problem that they face here disappears, because a municipal district is a municipality as defined in the Act but now we don't have to worry about the proposed amendments to the County Act, which confuse and just totally mess up who has the final say and the authority in the setting of electoral boundaries for counties.

I don't think it was intended. It appears, Mr. Chairman, that we are not going to see House amendments from the government side; we're not going to see government amendments coming forward. It's clearly something that was not intended. It clearly indicates that this Bill came forward so fast and with inappropriate time, with a lack of time to actually flesh out and find these kinds of inconsistencies. I will grant that if this amendment is allowed to pass, Mr. Chairman, at least hon. members opposite will recognize that the Bill still does have some deficiencies. There may be more. Who knows whether there's going to be more? But at least when we find inconsistencies, when we find provisions in the Bill that obviously were not intended by this government, that are simply oversights because of the speed at which this Bill is coming forward, then I think it's appropriate for all members to recognize that and to act accordingly.

On that, Mr. Chairman, I would ask hon. members to give counties their due, to treat counties as all other municipalities are treated under the definition section, under section 148. Get rid of this amendment, clean up the confusion, and we can get on with it.

Those are my comments, Mr. Chairman. Thank you.

MR. ACTING CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. ACTING CHAIRMAN: Are we ready for the question?

The hon. Member for Leduc.

MR. KIRKLAND: If I could just take three minutes, hon. House leader, to conclude the debate. It's a large Bill. I think I deserve that little opportunity.

I would like to be on record just to point out that in fact – and it's unfortunate we didn't receive this document a little earlier – the city of Calgary points out very clearly, and I just want to inform all the aldermen that might be impacted by this, that they have a large concern about property tax recovery and the way it actually is structured and the way it occurs. Their concern is that when they sell a property, particularly on the venue of an auction basis and there's a reserved bid, if in fact nobody recovers or bids on that property, it will come back to the municipality. Now, under most circumstances that is not particularly a bad situation, but if you get somebody that has not paid their property taxes on a piece of property that is environmentally contaminated, such as we have in the city of Edmonton on some of the street corners here with the service stations that nobody will touch because it's too costly to clean it up – those ultimately will fall back into the ownership of the city of Edmonton due to nonpayment of their taxes. That being the case, the municipality will ultimately get stuck with the clean-up costs of environmental residue left behind by a previous owner.

Calgary has identified that as a large concern. I would like it to be on the record that in fact I brought it to the Assembly. I overlooked it in my analysis of the Bill, but everyone should be aware that their communities could potentially be impacted by that. So I bring that to one and all's attention simply out of courtesy so you can prepare your discussions accordingly.

With those comments, Mr. Chairman, I will conclude my debate on Bill 31.

MR. ACTING CHAIRMAN: Are we ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 31 agreed to]

MRS. GORDON: Mr. Chairman, I move that the Bill be reported when we rise.

[Motion carried]

Bill 18 Freedom of Information and Protection of Privacy Act

MR. ACTING CHAIRMAN: The next order of business is Bill 18, and we are, I believe, on amendment 2 as proposed by the hon. Member for Calgary-*Buffalo*.

The hon. Member for Edmonton-*Glenora*.

MR. SAPERS: Thank you, Mr. Chairman. A pleasure to participate again in the debate on Bill 18. At this time I would ask that under *Beauchesne* 18 we receive unanimous consent from the Assembly to allow one member of the Assembly to withdraw amendments moved by another member of the Assembly.

MR. LUND: Well, Mr. Chairman, I hope the motion is that he's withdrawing that whole package of amendments, and if he is, then I would urge the Assembly to agree.

MR. ACTING CHAIRMAN: I declare a mental holiday for a minute while we consult.

Thank you very much for your indulgence. What we're going to need is two unanimous consents. The first one will be to allow another member to move that the amendments be withdrawn, and the second one would be on the amendments themselves in terms of being withdrawn.

On the first motion as moved by the hon. Member for Edmonton-Glenora, do we have unanimous consent to allow this member to move that the amendments be withdrawn?

HON. MEMBERS: Agreed.

MR. ACTING CHAIRMAN: Opposed, if any? Carried unanimously.

MR. SAPERS: Mr. Chairman, I would now move that the package of 18 amendments moved by my colleague for Calgary-Buffalo on behalf of the Liberal opposition regarding Bill 18 be withdrawn so that we can introduce some subsequent amendments for debate during this stage of the Bill.

MR. ACTING CHAIRMAN: The hon. Member for Edmonton-Glenora has asked for unanimous consent to have the package of amendments known as A-2 withdrawn. Do we have unanimous consent? Please say aye.

HON. MEMBERS: Aye.

MR. ACTING CHAIRMAN: Opposed? Carried unanimously.

9:20

MR. SAPERS: Thank you, Mr. Chairman, and thanks to all members of the Assembly for their co-operation in these most complex negotiations.

Mr. Chairman, Bill 18 is of considerable importance to this Assembly. We understand that Bill 18 is a particular favourite of the Premier, and it is for that reason that we have taken the opportunity to consult widely with stakeholders regarding freedom of information and access to information about the form and content of Bill 18. It was our intent, of course, to make sure that Bill 18 to the extent possible reflected the recommendations of the all-party task force which studied freedom of information and then made a series of recommendations which led to the drafting of the Bill before us.

One of the notable discrepancies between Bill 18 and the all-party task force report was the sections of Bill 18 that dealt with the Treasury Board and Treasury Board confidences. Mr. Chairman, there is no other common-law jurisdiction in this country in which Treasury Board confidences can be kept secret. Most of the people who presented to the all-party panel studying freedom of information were emphatic that special secrecy about Treasury Board confidences was wrong, and in fact the recommendation was that Treasury Board confidences should be defined in the most narrow possible terms. Now, including representatives from the city of Calgary, the city of Edmonton, the Canadian Association of Journalists, the Freedom of Information and Privacy Association, and the Business and Professional Women's Club of Calgary were submissions that Treasury Board confidences should not be kept secret. So what we're faced with is a little bit of a problem, because while this caucus would like to do everything possible to ensure that a freedom of information Bill

becomes the law of this province as quickly as possible, we are faced with a Bill which is deficient in this very serious regard.

Now, in response to the strong recommendations made to the panel, the task force itself said at page 10 of its report, and I quote, "Cabinet confidences and records should be included within the Act but have the narrowest possible definition." That didn't translate into the Bill. If we read section 21 in particular, we'll see that Treasury Board has a very wide ambit indeed.

Now, we do not have legislation in this province which defines Treasury Board as a peer committee of cabinet. Therefore, it is our submission that it should not be given the special treatment as proposed in section 21. Therefore, Mr. Chairman – and I believe it's now been circulated – I would like to move the following amendment to Bill 18 on behalf of my colleague from Calgary-Buffalo. I move that section 21 of Bill 18 be amended by (a) striking out the following from subsection (1) "or of the Treasury Board or any of its committees" and "or to the Treasury Board or any of its committees," and (b) by striking out from subsection (2)(c) "or to the Treasury Board or any of its committees."

Mr. Chairman, I think this would bring Bill 18 into line with not only what the task force recommended but, more importantly, with what the task force heard from concerned Albertans wherever we traveled in this province. There are numerous written submissions. There were numerous in-person presentations that all said that Treasury Board confidences should not be treated with kid gloves. In fact, it was one of the major concerns of Albertans who approached the all-party panel. They were concerned that we'd never get to the bottom of fiascos such as that with MagCan or NovAtel or Gainers if Treasury Board confidences were to be protected the way that they are contemplated to be in section 21 if left unamended. Treasury Board confidences cannot be treated exactly like cabinet confidences if we are to give full, full impact to the notion that government-held information is really the information of the citizens and should be fully available to them. The all-party panel had intended the Treasury Board confidences only have the right to the same exemptions as cabinet confidences when they were specifically the subject of a cabinet deliberation.

Mr. Chairman, once again Bill 18 goes far, far further than that. The kind of access that was contemplated by the panel is not reflected in Bill 18, and in order for it to be reflected, we need to have these amendments put into place. So I would urge all members of the Assembly to support this amendment, as it will make Bill 18 a stronger Bill, a better Bill, and certainly more reflective of the all-party report.

MR. ACTING CHAIRMAN: The hon. Member for Calgary-Shaw.

MR. HAVELOCK: Thank you, Mr. Chairman.

AN HON. MEMBER: It's his maiden speech.

MR. HAVELOCK: Thank you. Yes.

It's indeed a pleasure to rise and speak on this issue. It's one of the few matters which I felt important enough to actually address in the House, and I'm quite pleased to be standing on this.

I would like to respond directly to the comments by the Member for Edmonton-Glenora. The illusion under which the opposition is labouring is that Treasury Board confidences are not exempt in other provinces and should therefore be treated in a similar manner in Bill 18. Quite the contrary, Mr. Chairman. The difference, while subtle and subject to manipulation by the

silver-tongued Member for Edmonton-Glenora, is simply this: Treasury Board is defined in other jurisdictions in this country as being a committee of cabinet and thus subject to cabinet exemptions, whereas in Alberta it is not so defined. Thus, we have the requirement to incorporate a specific Treasury Board exemption in Bill 18, which, I might add, is entirely consistent with the recommendations of the all-party panel. I would like to quote from the report of that panel, where on page 11 it states as follows:

Treasury Board confidences and records should not be exempt, but rather be subject to the exemptions provided for Cabinet confidences and records.

[some applause] Oh, thank you. That, Mr. Chairman, is exactly what we are trying to accomplish.

If the Member for Edmonton-Glenora wished to serve the intention of all Albertans and certainly their interests, he would be suggesting that we define Treasury Board in the relevant legislation and not argue that Treasury Board confidences should be exempt, when quite clearly the intention of the all-party panel was to have them exempt in accordance with cabinet confidences. Certainly that is entirely consistent, Mr. Chairman, with the position adopted by all other jurisdictions in this country.

Thank you.

MR. ACTING CHAIRMAN: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. On this particular amendment with respect to Treasury Board and the definition of Treasury Board, I think all hon. members should again recognize section 87, which is the provision which allows the Lieutenant Governor in Council to make regulations. In particular they should recognize subsection (o), which gives the Lieutenant Governor in Council the power within cabinet, that cabinet can in fact enlarge or restrict "the meaning of any term used in this Act but not defined in this Act." I think members should recognize that particular specific regulation that will be passed in this Bill, because in fact what it allows the government to do, perhaps by enlarging or restricting the meaning of any term" in the Act that's not a defined term, including Treasury Board, is to expand the exemption. There's a tremendous amount of concern with having that regulation in the circumstances where Treasury Board is not a defined term. I think all members should be aware of that, and that's why I speak in favour of the amendment.

Thank you, Mr. Chairman.

MR. ACTING CHAIRMAN: Are we ready for the question?

HON. MEMBERS: Question.

MR. ACTING CHAIRMAN: Okay. On the amendment to Bill 18 as moved by the hon. Member for Edmonton-Glenora on behalf of the Member for Calgary-Buffalo, all in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. ACTING CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. ACTING CHAIRMAN: The motion is defeated. Call in the members.

[Several members rose calling for a division. The division bell was rung at 9:30 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[Mr. Tannas in the Chair]

For the motion:

Abdurahman	Collingwood	Mitchell
Beniuk	Germain	Sapers
Bracko	Henry	White
Bruseker	Kirkland	Yankowsky
Carlson	Massey	Zwozdesky

Against the motion:

Amery	Friedel	McClellan
Black	Gordon	McFarland
Brassard	Havelock	Mirosh
Burgener	Herard	Oberg
Cardinal	Hierath	Paszkowski
Clegg	Jacques	Pham
Day	Jonson	Renner
Dinning	Laing	Smith
Doerksen	Langevin	Taylor, L.
Dunford	Lund	Trynchy
Fischer	Magnus	West
Forsyth	Mar	Woloshyn

Totals:	For - 15	Against - 36
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[Motion on amendment lost]

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

MR. SAPERS: Thanks, Mr. Chairman. Yes, we can start now. On May 19 of this year, while debating Bill 18, there were 18 amendments introduced by members of the Liberal opposition. Some of those amendments have now been addressed either in full or in part by amendments introduced by the Member for Rocky Mountain House or by the four subamendments debated on May 19, 1994, and voted upon that day. As a result, the original package of 18 amendments has been pruned down to only 15 amendments. A copy of those 15 amendments is now being distributed for all members. All of the amendments are intended to ensure that the Bill reflects all of the unanimous recommendations of the Premier's all-party panel which was struck to study freedom of information and access issues. I now propose to move each one of these 15 amendments separately so that they can be debated.

Now, when the committee last dealt with this Bill on May 19, certain statements were made by the Government House Leader and by the Member for Rocky Mountain House concerning the timing of the introduction of amendments. Now, I stand by the comments made by my colleague from Calgary-Buffalo at that time. I do acknowledge, however, that the Member for Rocky Mountain House has shown a keen interest in freedom of information, and I certainly appreciate his work in explaining both the Bill and the need for amendments to the government caucus.

The concluding sentence in the all-party panel report signed by each of the seven members said, and I quote: "If this report is implemented in legislation, it will be the strongest Bill in Canada and uniquely Albertan." In my view, if we cannot amend Bill 18,

we will fail to realize the hope of the Premier's all-party panel and the faith placed in it by those Albertans who participated in that consultation process.

To expedite proceedings at this stage of the Bill, Mr. Chairman, I propose to speak briefly on behalf of my caucus to the 15 amendments and then proceed to a separate vote on each of the amendments. Since I will be speaking on behalf of my caucus, there will be no other members of the Liberal opposition speaking at this time. All of my colleagues, who heartily support a stronger freedom of information Bill, have had a chance to have their views represented during our caucus discussions and with discussions with stakeholders. They are now forgoing the opportunity to speak in favour of these amendments simply to ensure that the amendments will come to a vote today and that this Bill can be passed before we adjourn the Assembly for the summer. I want to thank my colleagues for allowing this to happen.

Some of the amendments warrant standing votes, Mr. Chairman, and I have notified the Member for Rocky Mountain House which amendments. I understand that because of various other commitments members of the government caucus are not able to agree to varying Standing Order 32, which would allow us to decrease the time between bells. If that situation changes during the course of debate this evening, I would hope that perhaps the Government House Leader or the government Whip could make me or another member of my caucus aware of that, because as we go through the standing votes, of course, we would like to reduce the amount of time. So if that circumstance changes, I hope it will be brought to my attention.

Now, the first amendment is to strike the current section 3(a) and substitute wording which more carefully reflects the issue of paramountcy as brought to the attention of the committee. The amended section would read:

shall replace any existing procedure for access to information and records of a public body unless an existing procedure provides for greater disclosure than is provided by this Act.

This would give this Act paramountcy over all other Acts. This amendment is essential if we follow the unanimous recommendations of the all-party panel as noted at the bottom of page 11 of their report. It was also urged upon the panel by many Albertans, including the Freedom of Information and Privacy Association, the Alberta Civil Liberties Research Centre, the Business and Professional Women's Club of Calgary, the Canadian Association of Journalists, the city of Edmonton, and many, many other Albertans since Bill 18 was first introduced by the Premier. If we fail to make this change, Albertans may see this Bill as window dressing only and not as a genuine commitment to openness and transparency.

Mr. Chairman, the second amendment is a general statement about the priority of freedom of information and is of course consistent with amendment 1. It would amend section 5 of Bill 18 by striking subsections (1) and (2) and substituting the following.

Subject to section 3(a), if a provision of this Act is inconsistent or in conflict with a provision of another Act, the provision of this Act shall prevail.

All of my submissions with respect to the prior amendment apply equally to this amendment.

The third amendment would amend section 82(2) by adding the following words: "unless such a record can otherwise be accessed without a fee." Information currently available independent of this Bill . . .

9:50

MR. CHAIRMAN: Hon. member, if you're planning to move them all together, then you can talk about them all together. But if we're going to go at them one at a time, unless the committee

directs otherwise – as I understand it, you wish to speak to them all now. Is that right?

MR. SAPERS: Mr. Chairman, I thought that it would speed things along if I spoke in general to all of the amendments and then moved them individually as opposed to speaking, voting, speaking, voting, speaking, voting. If you prefer, we can certainly go to a vote on each amendment, and I can certainly stand in my place and make my remarks that way. I just thought it would be more efficient to do it this way.

MR. CHAIRMAN: On the proposal by Edmonton-Glenora, Rocky Mountain House.

MR. LUND: Thanks, Mr. Chairman. It was my understanding that we would deal with each amendment individually and vote on them individually.

MR. SAPERS: That's fine, Mr. Chairman. In that case, then, I have moved amendment 1 in the package just handed out amending section 3(a) by substituting the words which I previously mentioned in my presentation.

MR. CHAIRMAN: Okay; just for clarification we're calling this amendment 1 by the hon. Member for Edmonton-Glenora amendment 4, and we'll continue in that sequence. So if you follow, then amendment 2 will in fact be amendment 5 to this Bill. All right; so we're going to be four out in sequence.

The hon. Member for Rocky Mountain House on A-4.

MR. LUND: Thank you, Mr. Chairman. Dealing with this particular amendment, in isolation the hon. member is probably accurate; however, you must read section 5 as amended in conjunction with section 3. In fact, I believe the combination of section 3(a) as it currently reads along with section 5 as amended does a better job of accomplishing what we want to do than the amendment.

Now, clearly the objective is that anything that is currently available through other Acts would remain available, that the access to information and protection of privacy would not prevent that from happening. We've got to be really careful because if we say that this is the paramount Act and in fact overrides all the other Acts, we could find ourselves in great difficulty as it relates to the protection of privacy. Saskatchewan's experience with that very issue has shown that we have to be extremely careful. So I would urge the committee to vote against the amendment because clearly the Act as it currently stands gives more protection to the individual's privacy, and that's what we're really concerned about in this particular area.

MR. CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: We are considering, then, amendment A-4 as moved by the hon. Member for Edmonton-Glenora, that we amend section 3(a). All those in favour of this amendment, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Defeated. Call in the members.

[Several members rose calling for a division. The division bell was rung at 9:55 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Collingwood	Sapers
Beniuk	Germain	White
Bracko	Henry	Yankowsky
Bruseker	Massey	Zwozdesky
Carlson	Mitchell	

Against the motion:

Amery	Friedel	McClellan
Black	Gordon	McFarland
Brassard	Haley	Mirosh
Burgener	Havelock	Oberg
Cardinal	Herard	Paszkowski
Clegg	Hierath	Pham
Day	Jacques	Renner
Dinning	Jonson	Smith
Doerksen	Laing	Taylor, L.
Dunford	Lund	Trynchy
Fischer	Magnus	West
Forsyth	Mar	Woloshyn

Totals: For - 14 Against - 36

[Motion on amendment lost]

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

MR. SAPERS: Thanks, Mr. Chairman. It's a shame about that amendment, but maybe we'll have better luck with the next amendment, A-5. I would move that section 5 of Bill 18 be amended by striking out subsections (1) and (2) and substituting the following:

(1) Subject to section 3(a), if a provision of this Act is inconsistent or in conflict with a provision of another Act, the provision of this Act shall prevail.

That's the extent of the amendment, and of course it has to do with paramouncy. This would give this Act paramouncy over all others.

HON. MEMBERS: Question.

MR. CHAIRMAN: The question's been called.

[Motion on amendment lost]

MR. SAPERS: Mr. Chairman, I know that the government caucus is serious about the best freedom of information Bill possible, so I know that we'll get to an amendment that they'll be able to support eventually.

The next amendment ensures that information can be accessed free of charge, that no fee will be charged even if it's accessed in a different manner. We want to make sure that information that is currently available independent of this Bill will remain to be freely available. To that extent, Mr. Chairman, I move that

section 82(2) of Bill 18 be amended by adding the following after the words "public body:" "unless such a record can otherwise be accessed without a fee."

MR. LUND: Well, Mr. Chairman, this particular amendment really doesn't do much.

MR. DINNING: It's a Liberal amendment.

MR. LUND: I know. We accept that, and we didn't expect it to do a lot.

I guess what I should have said was that it doesn't really damage the Bill. The fact is that it adds some verbiage, because really what it simply says is that currently a head of a body may charge a fee. If this is passed, then in the circumstance where, say, it's a publication that is available in the library, it's available anywhere, if they go to the head of a department and ask for it, the head of the public body would not charge for it. Really that's what it's doing. We wouldn't be charging for it anyway, but if it makes them feel better - the printers will like it; it adds about 10 or 12 words to the Bill - I would recommend that we go ahead and proceed with approving this one.

HON. MEMBERS: Question.

10:10

MR. CHAIRMAN: The question's been called.

[Motion on amendment carried]

MR. SAPERS: With that kind of overwhelming support from the Member for Rocky Mountain House, I know that we'll be able to make some progress.

MR. LUND: Speed it up or we won't do it again.

MR. SAPERS: He's now saying: speed it up or it won't ever happen again.

So, Mr. Chairman, to speed it up so it does happen again, I'd like to now talk about the next amendment, being amendment 7. In order to truly guarantee access to information, fees for such access should not be allowed to become a barrier to that access. Now, at page 15 of the all-party panel report the government was urged to ensure that fees should be reasonable at all times. This amendment will reflect this concern from many Albertans including the library association of Alberta, the National Firearms Association, and the Association of Records Managers and Administrators, just to name but a few, in making sure that fees did not become prohibitive.

Mr. Chairman, I move that section 6 of Bill 18 be amended by adding to subsection 3 the word "reasonable" after the words "payment of any."

MR. CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. SAPERS: It was a short streak, Mr. Chairman.

The next amendment, being amendment 8 . . .

MR. HAVELock: Eight?

MR. SAPERS: Yes, 8, Calgary-Shaw.

Mr. Chairman, I move that Bill 18 be amended by adding the words "sexual preference" after "sex," in section 1(n)(iii). This will ensure that sexual orientation receives the same protection as all other personal information. I know that the Member for Calgary-Glenora is most interested in this.

Thank you, Mr. Chairman.

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. SAPERS: Mr. Chairman, the next amendment, being amendment A-9, will ensure that regulations cannot exempt public bodies from this Act nor can they be used to give other Acts paramountcy. I move that Bill 18 be amended by striking sections 87(1)(q) and (r). This delegated power is dangerously broad and needs to be restricted, and this amendment will in course ensure that.

MR. CHAIRMAN: The hon. Member for Calgary-Shaw.

MR. HAVELOCK: Yes. Thank you, Mr. Chairman. To address this briefly, I'd like to reiterate for the members what sections 87(1)(q) and (r) currently read. It's as follows:

The Lieutenant Governor in Council may make regulations . . .

(q) exempting any public body or class of public body from the operation of a regulation made under this subsection; or can alternately make regulations

(r) providing that other Acts or regulations, or any provisions of them, prevail despite this Act.

Mr. Chairman, these provisions are included in the Bill so as not to require these issues' being brought before the Legislature. Rather, they may be handled by cabinet and Executive Council.

Paragraph (q) is necessary because certain classes of public bodies or specific public bodies may need to be exempted from the regulations. Note that they can only be exempted from the operation of a regulation and not the Act itself. This is a relatively minor exemption.

Paragraph (r) is really for emergencies where the Legislature is not sitting and it becomes apparent that certain Acts or regulations must override the Act. This provision would only be used in such situations and quite frankly would be used quite sparingly and not without a good deal of care.

Thank you.

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

MR. SAPERS: Thank you, Mr. Chairman. Before we go to the question on this, I would like to move that we vary Standing Order 32(2) to limit the time between bells, should there be a standing vote, to only one minute.

[Motion lost]

MR. CHAIRMAN: Are you ready for the question then?

HON. MEMBERS: Question.

MR. CHAIRMAN: The question is amendment A-9 as moved by the hon. Member for Edmonton-Glenora. All those in support of this amendment, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Call in the members.

[Several members rose calling for a division. The division bell was rung at 10:18 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Germain	Nicol
Beniuk	Henry	Sapers
Bracko	Langevin	White
Bruseker	Massey	Yankowsky
Carlson	Mitchell	Zwozdesky
Collingwood		

Against the motion:

Amery	Friedel	McClellan
Black	Gordon	McFarland
Brassard	Haley	Mirosh
Burgener	Havelock	Oberg
Cardinal	Herard	Paszkowski
Clegg	Jacques	Pham
Day	Jonson	Renner
Dinning	Laing	Taylor, L.
Doerksen	Lund	Trynchy
Dunford	Magnus	West
Fischer	Mar	Woloshyn
Forsyth		

Totals: For - 16 Against - 34

[Motion on amendment lost]

10:30

MR. SAPERS: Mr. Chairman, any freedom of information legislation is only as good as the records management system which backstops it. Albertans must be able to look at a single Act to learn what the rules are for destruction of documents, retention of documents, sorting and storage of documents. [interjections] They should not have to search out numerous different statutes and regulations, many of which . . .

Chairman's Ruling Decorum

MR. CHAIRMAN: Order. Hon. members, remember that we only have one member standing and talking at a time. The only member that's been recognized to do that is the hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you for bringing order back to the Assembly, Mr. Chairman.

Debate Continued

MR. SAPERS: Regulations, many of which are confusing and contrary to one another, need to be streamlined and brought into some measure of uniformity. It would be unfair for anything else to happen, and it would be contrary to the intent of Bill 18.

In this regard, Mr. Chairman, I move that Bill 18 be amended by striking out section 3(e). This will ensure that documents are

handled and maintained in a proper manner that would facilitate the enforcing of the Act.

HON. MEMBERS: Question.

MR. CHAIRMAN: Are you ready for the question?

[Motion on amendment lost]

MR. SAPERS: Mr. Chairman, many Albertans told the panel that studied freedom of information and privacy issues that they were concerned about the role of the Treasury Branches of Alberta, particularly how sometimes the government has used Treasury Branches in a way that doesn't seem to be entirely aboveboard. In fact, some Albertans were of the opinion that the Treasury Branch was really used as an arm of policy. Now, if the Treasury Branch claims that a transaction should remain secret, that financial institution should bear the burden of proving that the transaction in question should not be disclosed. Treasury Branches should not be dealt with differently than any other financial institution, and they shouldn't have any particular protection either.

So, Mr. Chairman, I move that Bill 18 be amended by adding the following after section 67(3). The amended section would now read:

The burden of proof that any transaction is not a non-arms length transaction as defined in Section 1(t) shall be borne by the Province of Alberta Treasury Branches.

Now, that would place the onus on the Alberta Treasury Branch to prove that the transaction is in fact not arm's length.

HON. MEMBERS: Question.

MR. CHAIRMAN: The question has been called, and I want to draw your attention to Standing Order 33(1). The hon. Member for Calgary-Fish Creek has not been present for the debate or the vote on this item.

[Motion on amendment lost]

MR. SAPERS: Mr. Chairman, access to information must extend to all Albertans, and that of course includes Albertans who may suffer from a particular disability, including blindness or perhaps those who are illiterate, cannot read or write English. We must allow the blind and those who are illiterate to make a verbal request for information. This is far too important a question of access to leave it to regulation alone, as the present Act may or may not do. We should and must accept the responsibility and put this kind of access into legislation and not simply pass it on to some anonymous bureaucrat who may not be so inclined.

Mr. Chairman, I move that Bill 18 be amended by adding the following after section 7(3):

An oral request may be made by a visually impaired person or a person who does not read or write the English language.

HON. MEMBERS: Question.

MR. CHAIRMAN: The question has been called.

[Motion on amendment lost]

MR. SAPERS: This does get a little discouraging, Mr. Chairman, but as I said before, I know the government is concerned about making this the best Bill, so perhaps . . .

MR. COLLINGWOOD: They're only good amendments for Albertans, so that's why we can't.

MR. SAPERS: Well, they are good amendments for Albertans, and I hope all members are taking that into consideration when they vote.

MR. DINNING: Let's get on with it, Howie. Get on with it.

MR. SAPERS: The Treasurer is exhorting me to get on with it, Mr. Chairman. This is something that can't be rushed, as much as he would like to. We can't hide behind the clock.

Mr. Chairman, the next amendment has to do with the section requiring a directory to be published. Now, the section as it's in the Bill is good. It could be significantly improved if we require the directory to also contain information about when records are destroyed, not just whether a record exists or how one can search for it. We were urged to do this by the Library Association of Alberta and the Association of Records Managers and Administrators, in fact the experts in this regard.

Mr. Chairman, I move that Bill 18 be amended by adding the following after section 81(2)(e): "the record retention and destruction schedules for each public body." Now, these words added will ensure that the destruction schedule for records is public information and therefore easily accessible.

DR. WEST: I just want to make a few comments. I can't support this amendment. I find it hard. We had an all-party committee travel this province, met with Albertans, sat down and had unanimous agreement on this Bill and brought it into the House, and then amendments such as this come forward that appear to me to be political agenda type amendments. There was unanimous agreement on this Bill, and I can't understand why they try to interweave everything from sexual orientation to the privilege of those that sit in jails or to use information for other purposes without paying for it. So I stand here tonight just absolutely amazed at the political agenda of this party sitting over there, and I don't understand why they come and say that they want compatibility and understanding on a constructive basis. We gave them an all-party committee to go around the province to bring in a very productive Bill, and then they sit here and posture on it at the 11th hour.

MR. SAPERS: Mr. Chairman, I have to correct a couple of statements just made by the Minister of Municipal Affairs. Of course, there was no unanimous consent to this Bill. There was an all-party task force which tabled a unanimous report to the Minister of Justice. The Bill is what's being debated, and of course the minister has been around long enough that he should know the difference between a Bill and a task force report. Likewise, I would assume that the minister, since he speaks on the all-party panel report, has in fact read it. If he read it, he would see notations to the effect that the Library Association of Alberta and the Association of Records Managers and Administrators, neither of them notorious criminals sitting in jails, have said that this legislation can only be complete if there is a complete documentation of the records management schedule, which of course would include whether or not records are destroyed, not just whether they exist. I'm sure even the Minister of Municipal Affairs can understand the importance of that. If he would care to take time to review the submissions by the associations I've mentioned, I'm sure he'll be duly impressed.

HON. MEMBERS: Question.

MR. CHAIRMAN: The question is called.

[Motion on amendment lost]

MR. GERMAIN: You've now surpassed my record.

MR. SAPERS: And what an honour it is, too, Fort McMurray. I appreciate that. The Wayne Gretzky of defeated amendments.

If a particular government department has a second-rate filing system and cannot easily locate its own files, why should such sloppiness be condoned or rewarded by passing the search costs on to ordinary Albertans, who have already paid once for the information to be gathered in the first place? As I've said before and as many Albertans told us both in person and through their written submissions, government information is in fact public information and Albertans expect the best kind of access. To that end, Mr. Chairman, I move that Bill 18 be amended by adding the following after subsection 86(1):

There shall be no fee charged for research to determine whether the requested information is available.

Now, this amendment is, I believe, an essential amendment, Mr. Chairman. It ensures that there will be no prohibitive cost to be borne by any person seeking information just to determine whether or not the requested information actually exists. If this Bill is not amended in this regard, it is not beyond possibility that a department head would simply add cost upon cost upon cost to discourage Albertans from requesting or accessing information that they should be freely entitled to.

10:40

HON. MEMBER: Question.

MR. CHAIRMAN: The question's been called.

[Motion on amendment lost]

MR. SAPERS: Mr. Chairman, it's hard for me to accept the fact that in a debate on freedom of information members of this Assembly would actually vote against providing access to the information the Bill is supposed to make freely available.

Mr. Chairman, before I proceed with the following amendment, I'm going to try one more time to get co-operation from the government members and move that we have unanimous consent to vary Standing Order 32(2) so that the time between bells, should a standing vote be called, be limited to just one minute.

MR. CHAIRMAN: The hon. Member for Edmonton-Glenora has moved that should another division be called, we waive Standing Orders and have one minute determination instead of 10 minutes. All those in favour of this motion, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: It requires unanimous consent. It's defeated. The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thanks. Nice to be back, Mr. Chairman. You know, for a government that said it was anxious to bring freedom of information to this province, I wonder why they would allow time to be wasted in not consenting to varying Standing Order 32 so we could expedite matters. [interjections] The Government House Leader said that would be okay. The Whip says that it isn't. The Treasurer is saying: let's waste time.

Speaking directly to Bill 18, to make this Bill a reasonable Bill to serve all Albertans in the best possible manner, we must make sure that for-profit contractors with the government are subject to the Act as if they were a government department. Now, let's think about this for just a minute. If a contractor is working solely for the government, being paid for with public funds to do a public project, then in fact that contractor is at least, to some limited extent, an agent or an extension of the government and that contractor's dealings with the government should be subject to the provisions of any reasonable freedom of information Bill. This amendment would mirror the recommendation of the all-party panel noted in page 16 of its report, and I quote from the report, Mr. Chairman.

Regarding services or information managed on behalf of the government, such organizations, individuals or agents should be subject to the Act in respect of the services provided or information so managed.

Mr. Chairman, I move that Bill 18 be amended in clause 1(p)(ii) by adding the following after the word "regulations:"

and organizations, agents and individuals who are providing, on a for profit basis, a service under contract to the Government of Alberta.

As I said, this will ensure that for-profit agents that are contracted by the government to provide services, such as motor vehicle registry offices, would be subject to the freedom of information Act.

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

MR. LUND: Thank you, Mr. Chairman. I was really glad that the hon. member included an agency of the motor vehicles branch, because quite clearly, if you look at the Act under the section we're dealing with, 1(p)(ii), it says that

"public body" means . . .

(ii) an agency, board, commission, corporation, office or other body designated as a public body in the regulations.

So in fact an agent of the motor vehicles branch is clearly covered.

What I'm afraid this amendment would mean in the broader interpretation of it is that if, say, a construction company got a contract from a public body, then in fact that company would be subject to this Act. Is that what we want? I really don't think so. I think what we want is that the contract would be subject to the Act, and clearly it is subject to the Act, but we don't want the company to be subject to the Act.

Mr. Chairman, I would recommend to the Assembly that in fact we reject this amendment in order to keep this the best freedom of information Bill in the country. If we go messing around with it and putting these kinds of things in it, we'll have a Bill that is totally unmanageable and the kind of Bill that will absolutely keep people from contracting from government.

MR. CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: We have before us amendment A-15, as moved by the hon. Member for Edmonton-Glenora, amending clause 1(p)(ii). All those in support of this amendment, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Defeated.

[Several members rose calling for a division. The division bell was rung at 10:48 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Collingwood	Nicol
Beniuk	Germain	Sapers
Bracko	Henry	White
Bruseker	Massey	Yankowsky
Carlson	Mitchell	Zwozdesky

Against the motion:

Amery	Friedel	McClellan
Black	Gordon	McFarland
Brassard	Haley	Mirosh
Burgener	Havelock	Oberg
Cardinal	Herard	Paszkowski
Clegg	Jacques	Pham
Day	Jonson	Renner
Dinning	Laing	Taylor, L.
Doerksen	Langevin	Trynchy
Dunford	Lund	West
Fischer	Magnus	Woloshyn
Forsyth	Mar	

Totals: For - 15 Against - 35

[Motion on amendment lost]

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

11:00

MR. WOLOSHYN: Another one, Howie? Give up while you can.

MR. SAPERS: Never.

DR. MASSEY: Hope springs eternal.

MR. SAPERS: Well, it's spring somewhere, Mr. Chairman.

The next amendment which I would like to bring to the attention of those assembled is really correcting an obvious error. I know that this will receive the support of the Assembly because this is really just something that unfortunately managed to creep into the hurried drafting of Bill 18. I know that it is in the best interests of the House and of all Albertans that the Act be amended to clarify the existing section to do with the Provincial Archives and ensure that the Act covers all records deposited within the Archives and not just the records of the Archives themselves.

I would move that Bill 18 be amended by striking out clause 3(b)(i) and substituting the following words: "deposited in the Provincial Archives of Alberta, or".

[Mr. Herard in the Chair]

As I said, this corrects what I submit is an obvious error. I think what was intended and what certainly should be said is that it is the records that are deposited in the Archives which are sought and not just the internal records of the Archives themselves.

HON. MEMBERS: Question.

MR. ACTING CHAIRMAN: Question. We are on amendment A-16 as proposed by Edmonton-Glenora.

[Motion on amendment lost]

MR. ACTING CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Chairman. The government apparently isn't interested in even correcting obvious defects in the legislation, but we'll move ahead in any case, and hopefully we'll have a chance at some further time when the government might be more serious about a reasonable freedom of information Bill.

Mr. Chairman, the next amendment which I'd like to propose does in some ways go beyond what the all-party panel recommended, but it does respond to what many groups, individuals, or commentators have urged. Now, in fact, we've been asked by many to reduce the secrecy around certain records that have exemptions from disclosure. The current Bill allows a veil of secrecy to shroud certain records for up to 50 years. It is the submission of this caucus that that is too long by half. I would move that Bill 18 be amended in clause 15(3)(d) by striking out "50 years" and substituting the words "25 years."

HON. MEMBERS: Question.

MR. ACTING CHAIRMAN: Hon. members, we're on amendment A-17 as proposed by the hon. Member for Edmonton-Glenora.

[Motion on amendment lost]

MR. SAPERS: Mr. Chairman, we must ensure that universities, colleges, and technical schools like SAIT and NAIT would also have directors responsible for making available information to the public. Now, this would allow more Albertans a more convenient access to information they paid for, information which is theirs, and information which they have a right to access. We must ensure that directories of information will be placed in universities and college libraries to ensure full access to information collected by the government on behalf of those that it governs.

I would move that section 81(7)(a) of Bill 18 be amended by adding the following after the words "available to." The words added would be "academic libraries at an educational body,".

HON. MEMBERS: Question.

MR. ACTING CHAIRMAN: The question has been called on amendment A-18 as proposed by the hon. Member for Edmonton-Glenora.

[Motion on amendment lost]

MR. SAPERS: Mr. Chairman, the Liberal opposition has put together a set of reasonable amendments in consultation with the government caucus, in consultation with Albertans, and in consultation with interested stakeholders, those concerned about access to information and the transparency of government. Unfortunately, it is clear from the votes recorded tonight that the government was only interested in the most token amendments to this Bill, and that leaves Bill 18 very seriously flawed.

On October 23 of last year the all-party panel heard a number of excellent submissions. One of these submissions, Mr. Chairman, was from a Mr. Stu Langland of the Lethbridge Progressive Conservative Association. Mr. Langland talked eloquently about the decline in public trust. The Minister of Municipal Affairs has talked about the decline in public trust. Concerns have been raised about trust in politicians and trust in government and trust in government institutions. Freedom of information legislation is one small way to begin rebuilding this trust. Mr. Langland in his presentation urged that an aggressive approach be taken regarding freedom of information. He submitted that a strong freedom of information Bill could play an important role in restoring public trust in government. Members of the Liberal caucus agree with Mr. Langland. Let's not disappoint him now. Let's not disappoint all Albertans.

Unfortunately, many of these amendments failed due to whatever reasons the individual members of the government would make known to their own constituents, but it is our hope, the hope of the Liberal opposition, that we'll get a chance again to visit freedom of information legislation and truly put forward a Bill that all Albertans can be proud of and a Bill that will show that the government of this province is interested in freedom of information.

Thank you.

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

MR. LUND: Thank you, Mr. Chairman. I couldn't let some of the comments of the hon. Member for Edmonton-Glenora go unchallenged. He made the comment that these amendments were put together in consultation with the government members. I'm sorry, but I certainly was not aware of the consultation. The opposition came forward with a bunch of amendments that were outside of the all-party panel report that we had all agreed to. Certainly we met with the members of the opposition that were sponsoring amendments. We clearly showed those members that in fact what they were bringing forward was covered in the Act, and as we demonstrated tonight on the four amendments that members of the government talked on, in fact what they were bringing forward is already covered. They want to add some cost to the Bill. They want to make it in fact more unworkable and difficult.

So, Mr. Chairman, I humbly submit that I hope the Liberal caucus will not punish their member for not being able to convince the government that in fact they were good amendments. Quite clearly it's not his fault that they didn't pass. The amendments just were flawed. They did nothing for the Bill.

Mr. Chairman, with that, I would move that the Bill as amended be reported when the committee rises.

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 18 as amended agreed to]

MR. LUND: Well, for the second time, if this is where it needs to be said, we will move that the Bill be reported as amended.

[Motion carried]

25. Moved by Mr. Day:

Be it resolved that further consideration of any or all of the resolutions, clauses, sections, or titles of Bill 35, Seniors Benefit Act, shall be the first business of the committee and shall not be further postponed.

MR. ACTING CHAIRMAN: The hon. Government House Leader has moved that Bill 35 as amended be not further adjourned. All in favour of that motion, please say aye.

SOME HON. MEMBERS: Aye.

MR. ACTING CHAIRMAN: Those opposed?

SOME HON. MEMBERS: No.

MR. ACTING CHAIRMAN: Carried.

[Several members rose calling for a division. The division bell was rung at 11:11 p.m.]

[Mr. Tannas in the Chair]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Amery	Friedel	McClellan
Black	Gordon	McFarland
Brassard	Haley	Mirosh
Burgener	Havelock	Oberg
Cardinal	Herard	Paszkowski
Clegg	Jacques	Pham
Day	Jonson	Renner
Dinning	Laing	Taylor, L.
Doerksen	Langevin	Trynchy
Dunford	Lund	West
Fischer	Magnus	Woloshyn
Forsyth	Mar	

Against the motion:

Abdurahman	Germain	Percy
Beniuk	Henry	Sapers
Bracko	Massey	White
Bruseker	Mitchell	Yankowsky
Carlson	Nicol	Zwozdesky
Collingwood		

Totals	For - 35	Against - 16
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[Motion carried]

Bill 35 Seniors Benefit Act

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

MR. DINNING: You're not going to read something now are you?

MR. YANKOWSKY: No. Thank you, Mr. Chairman. I am certainly pleased to move an amendment to the seniors Bill, Bill 35. The amendment reads thus:

2.1 The Minister shall lay before the Legislative Assembly, if it is then sitting, all proposed regulations, or if it is not then sitting, make all proposed regulations publicly available, one month in advance of the regulations coming into force.

MR. DINNING: Question.

MR. YANKOWSKY: Give me some time. It's not midnight yet.

MR. DINNING: You promised not to read something.

MR. YANKOWSKY: I had to read the amendment.

Anyhow, Mr. Chairman, it's a sad day for seniors, that after two speakers this afternoon, and now it's 25 after 11 and we may have two or three speakers tonight, closure is invoked. That is not democracy.

MR. HENRY: A breach of democracy.

MR. YANKOWSKY: Yes. I was going to propose this amendment out of concern regarding the effect on seniors' programs. If this Bill is allowed to pass totally unamended, there will be no security blanket for seniors at all. It will be like an open wound that this government at will can throw salt into whenever they feel like it. That's exactly what it is.

The Bill itself is totally a regulatory Bill. The legislation contained in the Bill is an issue of much concern to seniors and to us here in the opposition. It is a totally nonspecific shell of a Bill, which allows future changes without prior legislation or public consultation. The salt can be thrown into that wound at any time. This will leave seniors' programs totally vulnerable to the whim of this government. It certainly is of great concern as it instills uncertainty and fear into seniors, who of course are the most vulnerable segment of our society.

Now, in my point of view – and I'm sure that my colleagues and I hope that even some of the government members share this point of view – the minister should at least give seniors the courtesy of informing them of an impending regulation change. In fact, this amendment is asking for the proposed changes to be brought before the Legislative Assembly if the Legislative Assembly is sitting, or that the minister would give a one-month public notice of proposed regulation changes coming into effect, again, out of simple courtesy to the seniors, which we don't seem to be getting.

The question is: why did this government choose the regulatory route instead of a normal Bill, which would have set out all of the regulations, all of the seniors' programs that will be affected, spelled them out in detail? But this has not happened. They are instilling fear into our seniors. Certainly this is a very convenient way for the government to make further changes to this regulatory Bill. And why not? Because it's just a matter of bypassing consultations and regulations and making changes at will. It's unconscionable. No doubt it will be very convenient for the government. It's a very clever plan. They thought they could get away with it, but we in the opposition are a little smarter than the government maybe thinks. We saw through this scheme, and so did seniors see through this scheme.

So what are we going to do now? Well, I would like to suggest that the government withdraw the whole Bill and revise it, but no doubt that's just a pipe dream. It will never happen. I would like to see this Bill withdrawn, totally changed, and then reintroduced, but no doubt it is too much to ask. It makes too much sense. We in the opposition cannot support this Bill in its present form. Seniors don't support this Bill in its present form. Seniors, like I said this afternoon, will not forget if this Bill is passed unamended. The government no doubt will pay the price in the next election, because seniors will not forget this. Or doesn't the government really care? Maybe they have an agenda to fulfill for the new world order: to bring in the New Zealand system at any cost. Is this the real reason? Sometimes I think it is.

So what is the solution? Well, I think the ultimate solution is to leave things just the way they are, but of course this is not going to happen. Again, I would like to see this government revise the Bill and reintroduce it so that seniors may support it, the opposition may support it. There would be benefits for all stakeholders if this were done. Everyone would be happy. Isn't this usually what we strive for, so that everyone is happy when some Bill, regulation, plan, whatever it is is put together? Possibly it would even make some of the government members happy if this was done for seniors. Think about it.

I'm going to stop now as we have a number of others who want to speak. I will close with that.

11:30

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

DR. MASSEY: Thank you, Mr. Chairman. In speaking in support of the amendment, I would hope that members of the Assembly would realize how important it is to seniors, and in voting on this matter, I hope that they would consider the perspective of seniors.

To seek some understanding of what Bill 35 meant to seniors, I took the opportunity to visit with some neighbours. I visited a neighbour and his wife. The husband is 73 years old. He's retired, has been retired for some time. The couple own their own home, and they live on a fixed pension. They still have grown children who rely on them for some financial assistance, and both seniors themselves have had some health problems. This particular couple, I think, are somewhat representative of seniors across the province. They're distressed by changes, however big or small, in the system, the government benefits that they've come to expect. Certainly Bill 35 has shaken their faith in the system. That's why I think the amendment is an important one for them. It would give them an opportunity to see the regulations before they were put in place and to feel that they again had some control over the kinds of things that were going to happen to them and their financial concerns.

One of the things that they underlined that evening that I spent with them is that they had based their retirement and in fact had planned their entire life on some assumptions. One of those assumptions was that there would be a continuation of the enlightened program for seniors, a program that they understood met the approval of most seniors in our province and in fact is admired from afar. They would like to be able to live in their own home or to rent at rates that would be stable. They had planned carefully their incomes through pensions and investments and based on government benefits, and the assumptions were that their planning would provide for them in years when they really lacked the flexibility that many of us still have in terms of being able to provide for ourselves. After a visit with this couple I was

left with the impression that the changes and how those changes occurred have been most upsetting. This amendment I think could help people who feel that way about Bill 35 feel again that they had gained some control.

The second individual I spent time with lives in a seniors' lodge, a seniors' facility. This individual senior is approaching his 80s, and he can't live alone given the state of his physical health. He really only requires minimal help to maintain himself physically, and he is managing his health problems. Mentally he's just fine, and he follows public affairs and sports as avidly as anyone in this Assembly. He, I think, reflects the feeling in that particular home. There are some relatively well-to-do seniors, but they, too, surprisingly are feeling insecure. Their insecurity stems from the lack of knowing and the rapidity of the changes. Again, Bill 35 is responsible for some of that insecurity, and this amendment would help those people, I think, feel better about some of those changes, would make them feel that they were going to have an opportunity to have some input.

These people, surprisingly, have seen their incomes reduced through lower interest rates, and they too worry about their health. In many ways they are as vulnerable as seniors who are not as well off financially. Many of these seniors in homes have spent a lifetime of financial planning, and it disturbs them greatly when they feel that the rules are being changed around them and that they have minimal control over what happens.

So both these situations, the couple living in their own home, an individual living in a rather well-to-do seniors' home, have a basic feeling of insecurity. They're worried about their future, and they're worrying about it at a time in life when they thought that those fears and those worries would no longer be a concern to them. In trying to sum up their experience, I think it parallels the kinds of fears that Linda McQuaig in *The Wealthy Banker's Wife* was able to outline. She addressed fears about the health care system, but I think Bill 35 has raised similar concerns about the seniors and the seniors' benefit programs in this province. I think you have to remember who those seniors are, people that are affected by Bill 35 and who would be affected by this amendment. Many of those individuals remember the '30s. They remember how vulnerable people with limited incomes or those who had no income at all were. They remember the hunger; they remember the homelessness. Those memories are very vivid for a number of those seniors, and it has influenced how many of them have planned their lives. So they find themselves at a time in their life when those memories had been put aside now again remembering that vulnerability.

McQuaig talks about a deliberate strategy. We had a strategy after World War II to put in place a social security network. We wanted to bring an end to those fears about being able to provide food and a home and a proper living for families in Canada. We gathered together and using the resources of the tax system I think put in place a social security network that has been the envy of a lot of the western world and certainly our neighbour to the south. It's ideas in that security network that are under attack in Bill 35. It seems to be part of a theme that's being played out to move, to restrain, to cut back social welfare and to move to privatization and to the marketplace.

McQuaig also indicates that the attack on programs has in some ways changed how we think about social welfare programs in our country. The government and some media have tried to convince us that those programs are wrong. McQuaig goes on to talk about caring and compassion and social conscience, which at one time most of us were proud to say helped define who we were as

Canadians. They've now been turned around and are being used against us and are sometimes seen as being synonymous with being mushy and associated with out of control spending.

So the senior benefits, the ones in Bill 35 and the ones that regulations are going to address, really speak about that caring, compassion, and our conscience as Albertans. They go to, I think, the very heart of who we are as people. Albertans were and have been very proud of the seniors' benefits. As I indicated before, they're some of the best in the land. I think the government could be justly proud of the seniors' programs that we have had in Alberta. Comparisons with programs elsewhere: these have usually been better for seniors. We did that again through pooling our resources as a province and working with the federal government to use the tax system to benefit seniors. Somehow, McQuaig goes on to say, we've been driven to believing that we can't have both a vibrant economy and the social net that we'd developed. That kind of thinking I think is wrong, and as much as Bill 35 contributes to it, I think Bill 35 is wrong. I would plead with members of the Assembly to take this modest amendment, which would allow seniors some control, some input, to be passed.

Thank you very much, Mr. Chairman.

11:40

MRS. BURGNER: Mr. Chairman, thank you for the opportunity to speak to the amendment that's before us. I have a number of concerns with the attitude and the aspect of this legislation and this amendment as it's being addressed, the reason being that I think the hon. member has a concern that the government in trying to bring closure to the actual Bill is perhaps losing sight of their concern for seniors. I would like to assure the hon. member that that is certainly not the case.

I'd ask him to refer back to the debate a few nights ago by his colleague the hon. Member for Lethbridge-East. I believe that it was very well stated at that time that Bill 35 in its essence is an umbrella Bill. It is encompassing a number of elements that reflect some of the thorough discussion that just generated from the consultation process and, in addition to that, stems back further to the issues raised at the roundtable in Red Deer. That had to do with the fact that seniors, in recognizing that there would be changes to their benefit program in light of the Deficit Elimination Act and the goals of this government to balance the deficit in the fiscal year '97, were going to have to make changes to seniors' programs.

They asked us to accept a number of principles at that time, including consultation, including streamlining of programs and delivery to facilitate a way in which seniors, who as we all know access a significant number of programs, perhaps on a per capita basis more than any other members of our society – they needed a major sense of co-ordination. In addition to that, they knew that we had to protect low-income seniors. Because a senior may have needs not based on their income but also based on their health and based on their relationships and based on their residency, the need to address in an umbrella way to access some concerns was more important than the specifics at the time. Until a senior actually recognizes what their income is, how it impacts their assessment with their property tax, what the implications are to their health with respect to various prescriptions or health needs that they may have, to put in place a specific regulatory process would be a little bit premature. That's one of the reasons I had concerns for this particular amendment, in that the hon. member is trying to predetermine and define exactly what should or should not be part of a regulation, specify it to a time restraint, which even the

seniors themselves may have a need to deal with in a lengthier time frame.

I'm surprised that this particular amendment comes forward in this fashion, because I don't think it gives the real, true needs of seniors an opportunity to be addressed. It follows on amendments that came earlier today. Again, while I believe that there is a need and an interest in recognizing seniors, I think it's important – and I would like to take a few minutes in speaking to the amendment – to perhaps share with the hon. member some of the legislation that's currently in place for seniors, because I think that if we don't reassure the hon. member that there are pieces of legislation that do protect seniors and in fact give the opportunity for these kinds of discussions to occur, then the hon. member is left feeling that the seniors have not been given the protection they need as we move forward with changes.

So I would like to mention to the hon. member that Bill 1 from 1991, which is the Seniors Advisory Council for Alberta Act, has in it some specific requirements, and I think it's important to understand that the advisory council has as its primary function the need

to advise, report to and make recommendations to the Government on matters relating to senior citizens in Alberta, their well-being and their opportunities for full and equal participation in the life of the Province.

That's a pretty onerous responsibility, and I would suggest that as we look to developing any regulation with respect to any review of issues or in terms of accessing a process for appeal, we have as a council the primary responsibility to make sure that those issues are fully debated and brought forward to the minister for recommendation.

We also have the responsibility "to encourage public discussion and consultation." So I would recognize and suggest that one of the aspects of developing the appeal process will be discussion on that matter. We also have the responsibility

to review, analyze, consult and make recommendations to the Government respecting legislation and policies affecting senior citizens.

So perhaps one of the elements that the hon. members could take comfort in is the fact that in developing any regulations, we will be bound by our legislation to bring forward recommendations with respect to the appeal process that reflect that very important discussion.

It is important also that the hon. member recognize that our responsibilities include not only what we the council would like to see brought forward, but we have the responsibility "to receive and hear petitions and submissions from individuals and groups" reflecting the concerns of seniors. So it's an open-ended process, and I think there's a concern certainly in the way that this wording is developed and the very narrow time frame that any changes must be dealt with that perhaps government is not going to be prepared to hear some of the concerns that may come forward with respect to regulations. As I say, I'm not sure that the hon. member was aware of some of the detail of our legislation, and I would be happy to make sure that he feels comfortable that some legislation is currently in place to protect that very concern that he is bringing forward in a very meaningful way on behalf of seniors. [interjections] Check with Stock; I'm on a whole different wavelength.

It's also important that we "provide information . . . and publish [our] reports on matters affecting seniors." So again, it's a public discussion. Seniors have already told us that protecting low-income seniors is their priority in the restructuring of seniors' benefits, and the appeal process is one of the key elements. As

a result, we take that as a very serious responsibility. The fact that we take that as a serious legislative responsibility I share with you because our information is public.

We also have the responsibility to "access research and data on which to base studies and make recommendations." Again, I think that's an important aspect as we go through an appeal process and determine who are affected by what changes and do our best to bring those publicly before the House.

11:50

I would also like to remind the hon. member that Bill 35 is, as was described earlier, an umbrella piece of legislation, if he wanted to use the term "enabling," which is encompassing the broader aspect of the legislation. Basically, one of the elements that we are involved with here is taking the specific elements that will bring the Alberta seniors' benefit under one jurisdiction and dealing with them on a piece-by-piece basis. Consequently, for example, with respect to the Alberta health care change, in order to address the ability for those over 65 to receive invoices for their Alberta health care premiums, the issue here is: enabling this transaction to occur. It is not something that is penalizing seniors. The Alberta seniors' benefit has been developed. The thresholds have been adjusted in accordance with some of our consultation, and everyone is aware that if this were another time and another age and dollars were freely available to us, perhaps these changes could be made in a different way. But we did hear seniors' concerns about the threshold level and also about that issue of protecting the low-income senior. So this legislation is just simply enabling government to provide those invoices.

In addition to that, we have to deal with the changes to the property assessment. That again is clearly spelled out, providing the benefits to seniors effective to June 30 of 1994. Once again that whole process has been income tested with respect to protecting low-income seniors, and in addition to that, as was mentioned earlier in the House today by the Minister of Municipal Affairs with respect to an issue that was raised in question period, the government is quite prepared to assist seniors in this transition in meeting the obligations of some of their tax assessment up to December 31, 1994. I think it's important that in the spirit of the concern of this amendment, there is no thought being given to the implementation of this process, that it's a very clear statement that this government has heard, that in the transition of these changes . . .

MR. CHAIRMAN: Hon. members, I wonder, in the coming wee moments of the morning, if we could keep our level of competition with the speaker down low enough so that we could hear her.

The hon. Member for Calgary-Currie.

MRS. BURGNER: Thank you, Mr. Chairman. I appreciate your attempts to assist me in being heard. I'd hate to have to repeat my comments for the benefit of some of the members who might not have had the chance to grasp the significance of my remarks or indeed the subtleties of this legislation. In spite of the fact that it has been in front of us for quite some time, I would like to maybe just again reiterate on behalf of my colleagues that regarding the changes to the municipal government collection of property taxes, which is referred to on page 2 of Bill 35, the government has taken into consideration the ability of seniors to pay and have indeed extended a payment process from July 1 right through to December 31, picking up the charges for any penalty or interest payments that may occur as a result of this change.

I would like to also discuss briefly with respect to the amendment that there is inherent in this amendment a need to put regulations and discussions of those regulations before the House but that if the House is not sitting, they would be publicly made available. Mr. Chairman, in the entire process of discussing changes to seniors' benefits I'm sure the hon. members will recognize that quite a number of documents have been made public for seniors in order to comprehend some of the changes that have gone on. However, the time frame of "one month in advance of the regulations coming into force" actually negates the role of the Legislature and the opportunity to debate some of those issues. As I say, I think it was prepared in haste following the defeat of the earlier amendments in order to ensure that seniors would have a way of being able to comment on, participate in, and respond to any proposed regulations. When I put it together with the earlier amendment from this afternoon, I can only conclude that perhaps in the research department or in the concern for seniors there wasn't an understanding of some of the legislative support that was available to seniors and which, I might add . . .

Chairman's Ruling Decorum

MR. CHAIRMAN: Hon. members, I hesitate to interrupt the hon. Member for Calgary-Currie, but it is getting late, and it is getting more and more difficult to hear the hon. member. I wonder if, in the last two or three minutes that we have before midnight, we could give her the courtesy to let her say what she has to say about the amendment as moved by Edmonton-Beverly-Belmont on Bill 35.

The hon. Member for Calgary-Currie.

MRS. BURGNER: Thank you, Mr. Chairman. Once again I'm assured it is only the enthusiasm for the coming vote that is causing the crescendo to build within the House.

Debate Continued

MRS. BURGNER: Mr. Chairman, in speaking to the amendment, once again I would like to reiterate that while I've heard the comment that regulations would come into force without the House being in session, what I want to make very clear to the member across is that the responsibility of the advisory council is to review those kinds of regulations and recommendations and advise the minister so that there is a very appropriate vehicle. Given the long-serving record of the advisory council in bringing forward those kinds of recommendations, and I daresay the response from ministers encompassing Municipal Affairs, Health, advanced education, and now Community Development - they have been very, very responsive to a number of issues that the seniors council has brought forward. I hope that in some way reassures the hon. member that if there is a concern that a regulation may be developed, it will have a full opportunity to be vetted.

Mr. Chairman, I would also like to point out just for the concern of the hon. member that the council also has on its membership not just seniors but also specific representation from the Alberta Hospital Association, the Alberta Medical Association, and the universities as defined under the Universities Act. One of the aspects of that is that in addition to the genuine concerns of seniors, that they are quite aware of themselves, we have a very strong area of expertise in order to enhance our debate, perhaps give it a bit more of a thorough process so that we feel more confident when we do bring our issues before the minister that they have been given serious scrutiny and that the minister can

feel confident that issues affecting seniors have really been given a thorough deliberation.

Excuse me while I just take a drink of water. I am thirsty.

MR. CHAIRMAN: Hon. member, while you're taking a pause, I would again plead with the group to please be quiet in the dying moments of this speech by the hon. Member for Calgary-Currie.

MRS. BURGNER: The final comment that I would like to make in my concluding remarks, again to reassure the hon. member why I can't support this particular amendment, is that seniors themselves have been involved in very serious consultation. The commitment of this government is to maintain serious consultation, and in fact the minister himself has asked the advisory council to include that as part of its very serious responsibility in the development of its three-year business plan. It behooves the minister and the council to be open and frank in those consultation discussions. Seniors are aware that we are in a time of fiscal restraint, and therefore the consultation is all the more important so that we appropriately access the concerns they have and bring them forward in various ways, be it through a regulation or in the definition of the consultation process.

12:00

Mr. Chairman, I will not be able to support this amendment, but I hope that's not construed as a negative. I think I have highlighted for the hon. member that there are a number of aspects in legislation that will be able to address the concerns that have been raised. At this time I will conclude my comments.

MR. CHAIRMAN: Due notice having been given by the hon. Government House Leader under Standing Order 21 and pursuant to Government Motion 25 agreed to this evening under Standing Order 21(2), which states that all questions must be decided in order to conclude the debate, I must now put the following questions.

[Motion on amendment lost]

[Title and preamble agreed to]

MR. CHAIRMAN: On the Bill itself, are you agreed?

SOME HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Carried.

[Several members rose calling for a division. The division bell was rung at 12:01 a.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Amery	Friedel	McClellan
Black	Gordon	McFarland
Brassard	Haley	Mirosh
Burgener	Havelock	Oberg
Cardinal	Herard	Paszkowski
Clegg	Hierath	Pham

Day	Jacques	Renner
Dinning	Jonson	Smith
Doerksen	Laing	Taylor, L.
Dunford	Lund	Trynchy
Fischer	Magnus	West
Forsyth	Mar	Woloshyn

HON. MEMBERS: Agreed.

MR. ACTING SPEAKER: Opposed, if any. Carried.

head: **Government Bills and Orders**
 head: **Third Reading**

Bill 35
Seniors Benefit Act

MR. ACTING SPEAKER: The hon. minister.

Against the motion:

Abdurahman	Germain	Percy
Beniuk	Henry	Sapers
Bracko	Massey	White
Bruseker	Mitchell	Yankowsky
Carlson	Nicol	Zwozdesky
Collingwood		

MR. MAR: Thanks, Mr. Speaker. The government of Alberta has consulted with seniors over the last two years. Seniors were asked about what kinds of changes they would see in the programs they use. What seniors told us was clear and set out in a number of principles. Seniors indicated that they wanted us to protect lower income seniors. They wanted us to streamline administration and cut duplication. They wanted to ensure that those who could afford to pay would pay and to use an income test but not a means test. They asked us to consult with seniors on proposed changes, and they asked us to continue to monitor changes in seniors' programs.

Mr. Speaker, Bill 35 does those things. It's a good piece of legislation. I encourage all members to vote for it.

With that, Mr. Speaker, I would move to adjourn debate on it.

Totals: For - 36 Against - 16

[The sections of Bill 35 agreed to]

MR. MAR: Mr. Chairman, I move that the Bill be reported when the committee rises and reports.

[Motion carried]

MRS. BLACK: Mr. Chairman, I move that the committee now rise and report.

[Motion carried]

[Mr. Clegg in the Chair]

MR. ACTING SPEAKER: The hon. minister has moved adjournment on third reading of Bill 35. All in favour of that adjournment motion, say aye.

SOME HON. MEMBERS: Aye.

MR. TANNAS: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports the following: Bill 31 and Bill 35. The committee reports Bill 18 with some amendments. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

MR. ACTING SPEAKER: Opposed, if any, say no.

SOME HON. MEMBERS: No.

MR. ACTING SPEAKER: The motion is carried.

MR. ACTING SPEAKER: All those in favour of the report by the Member for Highwood, say aye.

[At 12:19 a.m. on Tuesday the Assembly adjourned to 1:30 p.m.]

