

Legislative Assembly of Alberta

Title: **Thursday, April 27, 1995**

1:30 p.m.

Date: 95/04/27

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

Our Father, keep us mindful of the special and unique opportunity we have to work for our constituents and our province, and in that work give us strength and wisdom.

Amen.

head: **Presenting Petitions**

THE SPEAKER: The hon. Member for Lac La Biche-St. Paul.

MR. LANGEVIN: Thank you, Mr. Speaker. It is my pleasure to table a petition today signed by 950 Albertans, mostly from the Athabasca, Boyle, and Lac La Biche areas, urging the government not to sell water rights "to any company, country or monopoly without first conducting a referendum" in this province.

head: **Introduction of Bills**

THE SPEAKER: The hon. Member for Medicine Hat.

Bill 36 Agreement on Internal Trade Statutes Amendment Act, 1995

MR. RENNER: Thank you, Mr. Speaker. It's with a great deal of pleasure that I beg leave to introduce a Bill being the Agreement on Internal Trade Statutes Amendment Act, 1995.

Mr. Speaker, this Bill will bring provincial legislation into conformity with the interprovincial agreement on free trade in the country of Canada.

[Leave granted; Bill 36 read a first time]

MR. DAY: Mr. Speaker, I would move that Bill 36, as just introduced, be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

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

MR. SAPERS: Thank you, Mr. Speaker. Today I would like to table four copies of a report by Curry Adams & Associates, which studied public and private health care financing, in which they conclude that health care premiums are fundamentally a regressive payroll tax.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I would like to table four copies of a letter regarding a telephone conversation between Mr. Slim Powell and the Minister of Health expressing his concerns about taxpayer money going into private hospitals, private health care, and private extended health care.

Thank you.

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

MR. DICKSON: Thanks, Mr. Speaker. I have two documents I wish to table this afternoon. The first one is a February 1995 report from the Premier's Council in Support of Alberta Families entitled *Mediation Services in Alberta: Policy & Program Options*.

The second tabling is a voluminous paper from a constituent, Pierre Tremblay, entitled *the Gay, Lesbian and Bisexual Factor in the Youth Suicide Problem*. This is for the information of the ministers of Health and Education.

Thank you.

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'd like to table this afternoon four copies of the Rocky Mountain Elk Foundation's lottery ticket for a chance to hunt elk and bighorn sheep out of season. I table this to point out to Albertans that the environment minister's name appears right on the face of the lottery ticket.

MRS. McCLELLAN: Mr. Speaker, as the minister responsible for the Wild Rose Foundation, a foundation that significantly supports volunteers in our province, I am pleased to file with the Assembly an information bulletin that was issued April 26, 1995, by the foundation in support of Volunteer Week.

head: **Introduction of Guests**

THE SPEAKER: The hon. Member for Little Bow.

MR. McFARLAND: Thank you, Mr. Speaker. It's with a great deal of pleasure today that I would like to introduce to you and through you to members of this Assembly 42 guests from the potato growing capital of Alberta, Vauxhall. These guests are from the Vauxhall elementary school, and after I have introduced them, I'd ask that they rise and receive the warm traditional welcome of this Assembly. We have with them today three teachers, Mr. Terry Olfert, Ms Lori-Jo Barnes, Mrs. Carol Jones, as well as parent helpers Ms Lori Silvestri, Ms Tammy Gentile, Mr. Marcel Chaloux, Mr. Rick Smith, and Mr. Terry Melnychuk. Would those guests please rise and receive the warm welcome of this Assembly.

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

MS CARLSON: Thank you, Mr. Speaker. It's a great pleasure for me to be able to introduce to you and through you to Members of the Legislative Assembly Daniel Walsh. Daniel is a young Liberal who is visiting us from Birmingham, England. He is spending part of his visit here assisting us in the Annex, and we're greatly appreciating his assistance. I would ask that he now rise and receive the traditional warm welcome of this House.

THE SPEAKER: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Speaker. It is indeed a pleasure for me today to introduce to you and through you 80 visitors from my constituency. These are students attending Stettler elementary school. With them today are teachers Mr. Don Falkenberg, Mr. Ron Komishke, Mrs. Karen Hayden, and Mr. Malcolm Fischer as well as parent helpers Mrs. Val Taylor, Mrs. Terri Wutzke, Mrs. Pam Connon, Mrs. Carol Muhlbach,

Mrs. Vivian Lowther, and Mrs. Heather vanOuwkerk. They are seated in both the public and members' galleries. I would ask that they rise and receive the warm welcome of the Assembly.

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

MRS. SOETAERT: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to members of the Assembly a constituent of mine who's very worried about the direction of health care, Mr. Slim Powell. I would ask him to please rise and receive the warm welcome of this Assembly.

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

MR. SAPERS: Thank you, Mr. Speaker. It's a pleasure and a privilege today to be able to introduce to you and to all members of the Assembly 16 visitors from the Fellowship Baptist Church seniors group, a church in my constituency of Edmonton-Glenora. The parishioners today are accompanied by Pastor Bowie and Pastor Danko. I hope they'll forgive me for not being able to meet with them earlier today, although we had passed by one another in the hall. Welcome to the Assembly. I'm going to ask them to rise and please be welcomed by all members.

head:

Oral Question Period

Seniors' Tax Rebates

MRS. HEWES: Mr. Speaker, yesterday Albertans – and, needless to say, I was surprised too – were all surprised at the Premier's response that neither he nor the Treasurer had given real consideration to the matter of seniors' taxation, even more surprised at the follow-up comments outside of the House. The Premier seems to think that millions of dollars of new tax revenue out of the pockets of seniors is insignificant. The Treasurer claims that the Premier's promise of a rebate really doesn't apply in this case. It's as though seniors themselves are insignificant. It's also important to clarify how much of Alberta seniors' money is at stake here. My question is to the Premier. Mr. Premier, you've had time to review the matter. Will you now commit to giving the rebate directly back to seniors?

MR. KLEIN: Well, Mr. Speaker, we had that discussion today, and I have indeed followed it up with the Provincial Treasurer. Relative to my remarks in central Canada I alluded to the fact that if there was a significant tax increase – and I'm talking about a general tax increase that would result in a windfall to the province of Alberta – then we would find some way to rebate that. I think it's very unfair of the hon. member to relate that to this very narrow and specific issue. Having said that, I have discussed this with the Provincial Treasurer. He is going to be discussing this situation with his federal counterparts, and we will take this all into consideration as we go through the review of the cumulative impact of all government programs on seniors.

1:40

THE SPEAKER: Supplemental question.

MRS. HEWES: Mr. Speaker, thank you. This isn't exactly new; this has been going on for over a year, and the Treasurer's office is well aware of what's happening.

My supplementary is to the Premier. As the new federal age credit is phased in, can the Premier tell us today how much

money will be going out of Alberta seniors' pockets and into those of the Provincial Treasurer? The Treasurer says \$5 million a year; his department says \$13 million a year. Do we know? Which one is it?

MR. KLEIN: Mr. Speaker, in my very brief discussion as we were sitting here following the hon. member's questioning yesterday, the Treasurer's was an off-the-cuff estimate of \$4 million or \$5 million. He has since discussed this with his department officials and finds that the figure is indeed larger, but he doesn't know what the cost of the rebate would be, whose responsibility it actually is, whether it's a provincial responsibility or a federal responsibility, what the mechanism is for paying it back, and what the administrative costs, just the paperwork costs and the forms and so on that would have to be filled out, are going to amount to. He seems to feel that it could be somewhat considerable.

The other point that the Provincial Treasurer raised is that this is applicable mostly to high-income seniors, and certainly it doesn't apply at all to seniors who are earning less than \$26,000 a year.

MRS. HEWES: Mr. Speaker, we have to remember that those are combined incomes and that they are fixed incomes. This is a significant amount of money. Every amount is a significant amount to a senior on a fixed income.

Mr. Speaker, I'd just like to ask the Premier a final question. Another excuse given by the Treasurer is that the administration – and you've just spoken to this, Mr. Premier – would be too complicated and perhaps too expensive. Can you tell Albertans and seniors in particular: is the reason you're not committing to this that you can't or that you won't? I need to know if the money is already spoken for. This is a considerable windfall.

MR. KLEIN: In a specific sense I would say no. I mean, that money is in general revenues, I would suspect. I don't think it is there in a separate fund.

Relative to how we're going to deal with this issue, I would ask the hon. member to give the Provincial Treasurer some time to examine all the ramifications of this and some of the administrative complexities associated with this particular instance and let us get back to her.

THE SPEAKER: The hon. Member for Redwater.

Stumpage Fees

MR. N. TAYLOR: Thank you, Mr. Speaker. At the same time as the government is going after seniors for \$13 million or more, our big forest companies are getting a free lunch. The government could double or maybe even triple revenues by just charging rates comparable to what a private landowner charges for trees when they're cut. If this were to happen on a 20-year contract, it would mean as much as a quarter of a billion dollars, \$250 million, over a 20-year contract that we're losing. Now, in the early '70s, when oil prices skyrocketed, the Premier of the day called in the oil companies and renegotiated the leases. To the minister of environment: why doesn't the minister call in the pulp and lumber industry and renegotiate their leases?

MR. LUND: Mr. Speaker, in the hon. member's preamble he compared the price of timber on private land versus the timber on Crown land. I assume what he's talking about is what is being

charged to the quota holders and the FMA holders. Well, that's a very unfair comparison because of course the infrastructure, the roads and that sort of thing, are there and serving the private land. On the Crown land that is a responsibility of the company that is harvesting the timber. Furthermore, the reforestation is the responsibility of the harvester on Crown land.

As far as negotiating with the industry, in January of 1993, as a matter of fact, there was a major increase in the coniferous sawlog stumpage rates, and that was a negotiated increase between the industry and the government. The stumpage rate is tied to the market value of the product. Therefore, when the price goes up and there's a profit, we share in the profit. As it relates to the deciduous, we have just now completed discussions and will be implementing an increase in those stumpage rates as well, and it, too, is tied to the market. It doesn't do anyone any good to break companies. Mr. Speaker, I think it's a fair way that we are approaching it. We are taking a percentage of the profit. So when the companies are in a low market, they can survive, and we share in the profits when there is a profit being made.

THE SPEAKER: Supplemental question, the hon. Member for Redwater.

MR. N. TAYLOR: Yeah. Mr. Speaker, despite the government's increased rates for coniferous last year, which I'm quite familiar with – if it hadn't been for that, there would have been a half a billion dollars that we're losing; right now it's just a quarter of a billion – they're still far below what the private operator does. As far as roads and bridges, those are supplied by the government. Why doesn't the minister replace this intricate system of deciding prices by decree with one where the free market prevails?

MR. LUND: Well, Mr. Speaker, I find the comments from the hon. member very interesting, because in this Legislature not that long ago he was complaining about the fact that we do have the system where there is competitive bidding on timber. Now he's saying that we should open it all up. We can't have it both ways.

MR. N. TAYLOR: Mr. Speaker, I've been stumped again. Where he pulls these figures from I don't know.

Does the minister realize that the taxpayers are giving cheap logs now, whereas the lumber companies sell their lumber at the world market price for a huge profit? In other words, by cheap stumpage he is guaranteeing large profits at the expense of the taxpayer.

MR. LUND: Well, Mr. Speaker, I didn't mean to cut the hon. member off at the knees, but the fact is that in our new system, we are going to be sharing in that profit.

MR. N. TAYLOR: It's not enough.

MR. LUND: Mr. Speaker, the hon. member says that it's not enough. Well, we are looking at our system, and we will be reviewing it. As a matter of fact, we are going to start a review of that coniferous sawlog formula, and we have committed that we will put it in place for a short period of time and see how it is working and see how it does relate to the profitability of the companies.

THE SPEAKER: The hon. Member for Edmonton-Whitemud.

Taxpayer Protection Legislation

DR. PERCY: Thank you, Mr. Speaker. The flagship Bill of the government is the Taxpayer Protection Act. Unfortunately, the proposed legislation excludes 100 percent of all of the taxes currently collected by this government. Now, similar legislation introduced in Manitoba, for example, makes increases in personal income taxes, corporate taxes, and sales taxes subject to approval by referendum. I'm going to table four copies of the draft legislation in Manitoba. My questions are to the Premier. Can the Premier explain why it is government policy to oppose subjecting provincial income tax increases to a provincewide referendum?

1:50

MR. KLEIN: Mr. Speaker, I don't think it's necessarily against government policy. As a matter of fact, we have taken the first step. I really don't want to comment too much on the Taxpayer Protection Act, because it is now before the Legislative Assembly, and it will be fully debated. The hon. member brings up a very good point relative to perhaps how that Act could be amended in the future to bring in some of the measures that are being proposed by Manitoba. I think that we take this thing one step at a time.

I have to commend Manitoba for at least demonstrating some fiscal responsibility and basically doing what the public has said they want that government to do. Obviously they're doing the right thing. They got re-elected as a Conservative government. I see that they have taken many pages out of our book. As a matter of fact, I have a phone call in to Premier Filmon right now to discuss this very point. I was going to ask him to send a copy of that particular legislation, but I see that the hon. member has already done my work for me, so that's one less question I have to ask of Mr. Filmon.

If the Liberals are willing to see this through, perhaps in the fall we might consider that kind of legislation. We'll have the summer, hopefully, to give it good thought, good consideration, to see what happens in Manitoba. I'm sure that if it makes sense, the Liberals will co-operate and participate with us to bring new and progressive legislation through.

DR. PERCY: Mr. Speaker, last night we brought in an amendment to do precisely this, and it was voted down by 33 members on the other side.

Why would the government bring in taxpayer protection legislation that exempts 100 percent of the taxes currently collected and focuses on the one tax we don't have and which both parties in the Legislature agree we don't want?

MR. KLEIN: Well, this party in the Legislative Assembly certainly knows that we don't want a sales tax, and we want to make sure that any other party – God forbid they're ever elected to be the government – will have a very, very hard time introducing a tax such as a sales tax. I think that, as I said, we take it one step at a time. We are the first jurisdiction to actually have legislation now being debated that to some degree protects taxpayers.

Let's look at what is happening perhaps in other jurisdictions. It's refreshing to know that these jurisdictions are now taking a page out of our book and have recognized that this indeed is the right way to go. So let's look at this. Let's look at the impact. You just don't do these things overnight. As I'm saying, Mr. Speaker, we have the summer to consider it.

I'd like to be able to talk to Mr. Filmon about the Act, the kind of discussion that took place. I'll bet you there were months and

months of discussion that took place in his caucus and in his cabinet to bring about the rationale for that particular legislation. It is not even a Bill yet; it is a proposal, as I understand it. It is a proposal to bring forth that kind of legislation. I would like to have the opportunity to discuss this with Mr. Filmon. I'm not saying that we're going to do it. I'm not saying that we aren't going to do it. I'm just saying, as the hon. member has suggested, that it is worth while considering, but relative to the amendment that's on the floor, well, that's a matter for debate in this Legislature.

DR. PERCY: Since the legislation, the Taxpayer Protection Act, currently calls sales taxes undesirable, why has this government introduced and increased such undesirable sales taxes as the hotel room sales tax, the gasoline sales tax, the tire sales tax, and the aviation fuel sales tax?

MR. KLEIN: A very interesting point, Mr. Speaker. As a matter of fact, that's why we established the Tax Reform Commission: precisely to look at those taxes, all of those taxes, including one that was alluded to yesterday by the hon. Member for Redwater, the machinery and equipment tax. All of those taxes are now being reviewed because what we want to do is to ensure that in this province we have the most competitive tax advantage of any jurisdiction in this country, perhaps in North America.

Michener Centre

MR. DOERKSEN: Mr. Speaker, my question is for the Minister of Family and Social Services. In May of 1994 your department established an advisory board for Michener Centre to advise on meeting the ongoing needs of the centre's residents. Michener Centre is, of course, located in Red Deer on a 360-acre complex that is physically and functionally integrated into the city and serves as a residential care facility for the mentally disabled. The prime purpose of the centre is to help residents develop their maximum potential toward independence. In some situations individuals and their guardians choose to move into the community, and in these cases Michener Centre staff provide these individuals with support and assistance to aid in a smooth transition. Would the minister please update the members of this House on the board's progress in planning the current and future needs of the disabled Albertans who choose to live at Michener Centre?

THE SPEAKER: The hon. Minister for Family and Social Services.

MR. CARDINAL: Thank you very much, Mr. Speaker. Of course, Michener Centre has been around since 1923. There are always reviews of the services provided to its residents, and whenever necessary of course and financially feasible, changes have been made, priorities redirected to serve the population there better.

Today the facility operates with over a thousand full-time equivalent employees, with a budget of over \$51 million. At the request of parents and the public to review the whole operation I appointed a committee, in fact in April 1994, to review the facility. Of course, they have had ongoing public meetings since then, and a report will be completed at the end of June of this year.

MR. DOERKSEN: Can the minister advise the members of this House what change or progress is being made at the centre at this time?

MR. CARDINAL: Mr. Speaker, as of March 1995 the residential population of the Michener Centre, which includes of course the satellite facility in Youngstown, was 699, a decrease in fact from 794 as of March 1994. The decrease in the resident population has of course added a \$1 million dollar reduction in operating costs in the '94-95 budget. Due to the restructuring of the program as many as 58 people have accepted separation payments.

MR. DOERKSEN: Mr. Speaker, would the minister please comment on the effectiveness of the Michener Centre programs in helping those clients who choose to move into the community?

THE SPEAKER: The hon. minister.

MR. CARDINAL: Yes, Mr. Speaker. This portion of the program of course has been very successful. I think our government's priority is to make sure wherever possible and whenever possible that any person with disabilities has the opportunity to participate fully in our society. The 79 individuals who moved into the community in the past year I feel have been very, very successful in this, and as I've mentioned before, you know, in the next two years in fact we'll be increasing the support by over \$31.4 million in this particular area.

AN HON. MEMBER: How much?

MR. CARDINAL: Thirty-one point four million.

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

2:00

Health Care Premiums

MR. SAPERS: Thank you, Mr. Speaker. The Premier certainly talks a lot about protecting taxpayers, but his words sure sound hollow when it comes to senior citizens and health care premiums. Mr. Slim Powell is a senior citizen of this province who's willing to pay his fair share, but he wants the government to acknowledge that a tax is a tax is a tax and that none of his tax money will be used to subsidize a two-tiered, Americanized health care system. Now, will the Premier finally acknowledge that Alberta health care premiums are in fact taxes and that they should be included in any calculation of the tax burden that his government imposes on Albertans?

MR. KLEIN: Well, again I reiterate, Mr. Speaker: the only people talking about two-tiered, Americanized health care are the Liberals. A premium is a premium; a tax is a tax.

MR. SAPERS: A tax is a tax.

Mr. Speaker, the Premier just a couple of minutes ago in answering a question talked about the horrible administrative burden that would be placed on the Treasury if they were to calculate the rebate for seniors. Well, I wonder: how much money does the Premier spend to administer and collect the Alberta health tax separately from income taxes so that he can maintain this myth of low taxation?

MR. KLEIN: Mr. Speaker, I never used the word "horrible" at all. I said that we need to examine the administrative complexities associated with the particular tax that the hon. Member for Edmonton-Gold Bar alluded to.

Mr. Speaker, as I said before, we have a premium in place. This was a policy adopted by this province some time ago. Other

provinces fund health care through sales taxes, payroll taxes, other forms of taxes. This government decided many years ago that we would have a premium that would actually help people who pay that premium understand that there is a cost attached to health care. Part of the recognition of the costs associated with health care, which represent, by the way, one-quarter of all government expenditures – one of the ways to recognize the costs associated with this and that it is not free would be through the introduction of a premium.

MR. SAPERS: Albertans know that this is a tax. Why doesn't the Premier be honest about this, be honest with all Albertans, be honest with Mr. Slim Powell, admit that these premiums are a tax, and then go with Mr. Powell and empty out his bank account?

MR. KLEIN: We simply agree to disagree. A premium is a premium, and a tax is a tax.

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

Labour Legislation

MR. YANKOWSKY: Thank you, Mr. Speaker. Some constituents have contacted me recently with concerns they have with Alberta's labour laws and want to know whether the Labour minister is anticipating changes to address these concerns. Most recently an organization called Canadians against Forced Unionism commissioned a poll of Albertans to determine whether there was support for changes to Alberta's labour laws. After reviewing the results of the poll, it appears that there is support for some specific changes to Alberta's labour laws similar to what I've heard from my constituents. My questions are all to the Minister of Labour. What is the minister prepared to do in our labour legislation to address the concern that acts of violence or vandalism by some picketers in labour disputes do not result in those individuals being charged for inappropriate actions?

MR. DAY: Mr. Speaker, there are probably few sights more frustrating to Albertans than turning on the news on television and watching violence happening and nothing appearing to be done to deal with that, whether it's happening on a picket line or whether it's happening in somebody's home or in their business. I can assure the member, and he can assure his constituents, that there is nothing in the labour code or in any of our laws which restricts in any way the filing of charges for violent actions related to a labour dispute.

As a matter of fact, section 82 of the labour code is very clear about not only what types of things cannot occur on a picket line but also is very clear that only the business in the dispute can actually be a place at which pickets can attend. That is different from other provinces where pickets can attend all over the place. Also section 82 of the labour code is very clear and prohibits any conduct at all which would be seen as misconduct related to a labour dispute, and it even itemizes everything from violence to intimidation to coercion.

So I would say that, yes, I recognize the frustration that I and other Albertans have, and I will pass along to the Minister of Justice, though I know he also is in tune with Albertans, that there is a concern and that any type of such misconduct is not countenanced, is not in any way endorsed, and the full weight of the law should apply to anybody who is breaking the law at any time.

THE SPEAKER: Supplemental question.

MR. YANKOWSKY: Thank you, Mr. Speaker. What is the minister prepared to do in our legislation to address the concern of some union members that their executives forward money collected as dues to political parties against their wishes?

MR. DAY: Actually it's interesting, Mr. Speaker. The particular organization which sponsored this recent survey, of which the parent organization, I believe, is the National Citizens' Coalition, many of whose philosophic directions, I don't mind saying, I share, should be careful that when they do a survey, they in fact are operating with the right information. It was the parent organization of Canadians against Forced Unionism that actually went to the Supreme Court in support of a Mr. Lavigne to dispute the fact that his union dues should not have to go to a political party. In fact, whether we agree with it or not, the Supreme Court upheld the right of unions to direct portions to political parties. So there's nothing in law that can change that, but union members as an organization can certainly put a resolution on their own table and vote against that practice that their own union is adopting.

Mr. Speaker, you may be interested to know that in 1993, of all donations to political parties in the election, about \$1.4 million was donated by individuals, a little over a million by corporations, and something of the order of \$25,000 was donated by unions to political causes. That's about .45 percent. It is small, but if it's irritating to union members, they can address that within their own bylaws and have it dealt with and removed by a vote within their own bylaw structure.

THE SPEAKER: Final supplemental.

MR. YANKOWSKY: Yes. Thank you, Mr. Speaker. Is the minister prepared to change Alberta's labour laws to allow union executive elections and contract proposal votes to be done by a third party by secret ballot?

MR. DAY: Well, again, Mr. Speaker, that's a good example of what the existing labour law in Alberta already states. So I would encourage this particular organization that did the survey to look not at other provinces but at Alberta labour law. The situation here in Alberta is such that certainly on a provincial or national basis if there's a vote or an election for officers, that is done by secret ballot. Now, there can be cases on a local basis where that may not happen, but it is not for a government that's looking at deregulation to interfere in a bylaw structure where the members have the right on a local basis to go to their local union – and if they're not doing elections by secret ballot, then I certainly would question that; that's not democratic – and say and vote: we want it done on a secret ballot.

I can also assure you, Mr. Speaker and members of the Assembly, that any vote on a contract offer that is presented to members is always done by a secret ballot process and is always supervised by the Labour Relations Board.

Physicians Moving out of Province

MR. GERMAIN: Mr. Speaker, last year 39 doctors left the province of Alberta. This year to date 60 doctors have left, and more are planning to leave. Many are specialists and many come from Small Town, Alberta, such as where I live in Fort McMurray. My questions today are to the Premier of this

province. Mr. Premier, was the doctor reduction a planned symptom of your health care agenda, or was this simply another side effect?

2:10

MR. KLEIN: Well, Mr. Speaker, there are going to be some physicians who obviously take issue with what we are doing. Obviously there has been a very active recruiting campaign on the part of American hospitals to recruit highly trained Canadian doctors, highly trained at public expense by the way, who might see fit to go down and participate in the Americanized health care system that the Liberals like to talk about so much. That indeed is unfortunate.

I don't know if the 60 figure is absolutely true. We'll have to get verification. We know that in 1994-95 there were 26 according to our figures, not 38 doctors, who left. [interjection] Well, the hon. member said, Mr. Speaker, 38. Our figures show 26, so there's a big discrepancy there. We don't know if it's 60 or not, but we do know that there are still 4,600 physicians, many of them specialists and good, thinking, caring doctors practising in this province.

MR. GERMAIN: Mr. Premier, does your government subscribe to the theory that if you can drive out doctors you will drive the costs of health care down by denying access to patients?

MR. KLEIN: Well, again, the only one talking about driving out doctors – you know, Mr. Speaker, the terms that are used by the Official Opposition are outrageous sometimes to say the least. One day they say that doctors are fleeing the province, and there's this huge exodus. You know, when I got on an airplane the other day and I looked down, I wanted to see all these fleeing doctors. They say that seniors are crawling through dumpsters. Seniors are crawling through dumpsters. Show me where a senior is crawling through a dumpster. They say that people are being booted out of senior citizens' homes. Show me where people are being booted out of senior citizens' homes. Show me. Show me. Show the television people out there. Take them and show these people being booted out.

Mr. Speaker, these people should be ashamed of themselves. They are using outrageous, absolutely outrageous falsehoods, malicious kinds of scare tactics. They should be ashamed of themselves. But as long as they keep on doing what they're doing, they won't be at 17 percent. They'll be at 7 percent if they're lucky.

MR. GERMAIN: I'm sorry, Mr. Speaker, that my question raised the Premier's blood pressure so.

I want to ask the Premier straight out. Fee negotiations are in progress now with the doctors of this province. Is your inaction on doctors leaving simply a hard-nosed bargaining technique?

MRS. McCLELLAN: Mr. Speaker, the hon. member knows that it's really inappropriate to discuss negotiations between those two parties in this House. I've said consistently that we intend to respect the negotiating process that we agreed to.

I would like to point out to the hon. member that there are doctors that leave this province, and it has been going on for years. We continue to recruit doctors both inside our province to positions and from outside our province. I would also point out to him that we will graduate about 190 very fine physicians in this province this year. One hundred and ninety physicians will graduate in this province, highly trained by any standards in the

world, and I think that is backed up by the aggressive recruiting that the U.S. is doing to attract our physicians.

Mr. Speaker, if there is true caring about this situation, I think what we should all be doing in this House is working with our physicians. I certainly ask the hon. Member for Fort McMurray to work with the physicians in his area to make sure that they are well informed and understand the opportunities that are open to them in this province. We've put in place a rural physician action plan, a plan that is designed to ensure that we have quality services provided to us by physicians in all parts of our province, whether it be Fort McMurray, Pincher Creek, Calgary, or Edmonton.

Mr. Speaker, it is my intention and the government members' intention on this side of the House to continue to work with our physicians to ensure that they have the understanding that we value their services in this province. We value the training that is provided to physicians in this province, and we intend to continue to work with that valuable resource.

THE SPEAKER: The hon. Member for Calgary-East.

Seniors' Programs

MR. AMERY: Thank you, Mr. Speaker. Some of my constituents who are seniors have contacted me with concerns about their financial situation.

MRS. ABDURAHMAN: Surprise. Surprise.

MR. AMERY: No, we're not.

Many of them wisely planned and saved for their golden years. They also understand what we as the government have to do. They agree that 5 percent is a reasonable reduction in their income when they consider that their children and grandchildren are also contributing to help correct our fiscal situation. My question is for the Minister of Community Development, responsible for seniors. In light of the minister's announcement of special-needs assistance I'm wondering why he didn't just raise the thresholds for the Alberta seniors' benefit.

THE SPEAKER: The hon. Minister of Community Development.

MR. MAR: Well, thank you, Mr. Speaker. The whole point of the Alberta seniors' benefit program is to protect lower income seniors and to target our funds towards those people that are in the greatest amount of need. The fact is that most people that are receiving benefits under the thresholds and those that are just over the thresholds are in fact doing quite well. There are, of course, some people who by reason of their unique circumstances do fall through the cracks, and that is what this change in the program is designed for. The special-needs assistance program is designed to address individual circumstances of seniors who are hard hit by changes to seniors' benefit programs. So this is a very targeted amount of funding for people who need it the most.

THE SPEAKER: Supplementary question.

MR. AMERY: Thank you, Mr. Speaker. To the same minister: how are seniors from across the province going to be able to access the appeal process?

MR. MAR: Mr. Speaker, we're going to use all 31 centres that Family and Social Services currently use for their citizens' appeal

committees. Seniors can also choose to conduct their appeal by way of mail or through a telephone conference.

Earlier today, Mr. Speaker, I'm also pleased to advise that I met with a number of seniors' organizations from throughout the province, and I'm hoping that they will also work to assist their members who are seniors. Certainly it would appear that there's a great deal of co-operation from those seniors' groups to help seniors conduct these appeals.

THE SPEAKER: Final supplemental.

MR. AMERY: Thank you. Why not make special-needs assistance a universal program for all seniors?

MR. MAR: Well, Mr. Speaker, again, if we have a limited amount of money, we wish to target those people who need that money the most. So accordingly we have allotted this amount of money in the special-needs fund to those people that need it the most. I think one of the important things that'll emerge from the special-needs program is that it will allow us to monitor the red flags that come up as people make their applications to it, and also we'll find those types of red flags when we listen to the appeals as well. [interjections]

I want to make it clear that this program is not intended to replace the cumulative impact study that's currently being conducted by the chair of the Seniors Advisory Council in co-operation with a number of ministers with programs responsible for seniors. [interjections] So, Mr. Speaker, notwithstanding the continuously, eternally, lugubriously lamenting Liberal Member for Spruce Grove-Sturgeon-St. Albert, perhaps I'll ask my colleague the hon. Member for Calgary-Currie to supplement my answer regarding cumulative impact.

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

MRS. BURGNER: Thank you, Mr. Speaker. [interjections] This is not humorous to seniors. The cumulative impact study that is being addressed by my colleague the hon. Minister of Community Development goes beyond simply the economic impact on seniors. The special-needs programs that were introduced today directly affect and apply to that commitment we made when the Alberta seniors' benefit was introduced. The cumulative impact is economic. It involves communication. It varies around the province. They can't be seen to compete with each other. They're complementary to benefit seniors, and I trust my learned colleagues will respect that.

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

2:20 Family Support Programs

MR. DICKSON: Thank you, Mr. Speaker. As we've recently been reminded, there's a good deal of conflict between husbands and wives who are divorcing or separating. We see fights over children and over property and over dollars, but the biggest price is too often paid by Alberta children. Children are hurt when access is denied or access is obstructed. I suggest that Albertans want concrete solutions, not more finger-pointing. In February of this year the Premier's Council in Support of Alberta Families reported that Alberta needs a co-ordinated approach to deliver low-cost mediation to Albertans in rural areas as well as in the cities. My question is to the hon. Minister of Family and Social Services. Why won't this minister expand the family conciliation

project outside the city of Edmonton so that those kinds of services will be available to Albertans no matter where they live?

MR. CARDINAL: Mr. Speaker, that's a good recommendation. That's one of the first recommendations that the opposition has made to my department, and I'll review . . .

AN HON. MEMBER: In three years.

MR. CARDINAL: In three years, yeah. I've asked for that for three years.

I'll ask the Member for Bow Valley to supplement my answer, but in relation to services to families and children, Mr. Speaker, of course we do spend a lot of money in Alberta to support those services. In fact, the budget is over \$200 million.

AN HON. MEMBER: How much?

MR. CARDINAL: Over \$200 million. The amount of programs provided to support families would take me no doubt most of the afternoon to explain. In the next two years services to children that are needy alone will get an additional \$32.7 million beyond our budget to provide home support services, services at home. In the past what we've done if there was a problem at home, Mr. Speaker, is we've apprehended the children when the children were not the problem. The problem was other problems at home. These services we are providing now will support keeping that family together.

I want to ask the Member for Bow Valley to supplement my answer also.

THE SPEAKER: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Speaker. The hon. member opposite was quite right on our report on mediation. We identified a concern that a lot of families were being split apart because they had first gone to the judicial system. What we were trying to do was to recognize a need that does exist in order to keep the families together as opposed to immediately splitting them apart. What we found is that there was a higher percentage of families that went into the present judicial system that ended up being split apart than if there were mediation to keep them together.

The question the hon. member across posed was the deficiency of mediation services in the rural areas. I would draw to the member's attention across the way that in a lot of rural areas there's a very good mediation system, and I can cite an example from my community of Brooks, where several of the independent lawyers have started doing mediation services, and this has been extremely effective in keeping the families together. I think that the issue that needs to be put forward, Mr. Speaker, is that often the less the state becomes involved in the family and the more the individuals find their own solutions, the more often the family is kept together and the more often the children are actually protected.

MR. WICKMAN: A point of order.

THE SPEAKER: Supplemental question.

MR. DICKSON: Thank you, Mr. Speaker. I want to go back to that same minister. Why have this minister and his colleagues not acted on the very specific recommendation that's been

outstanding now for three months to create a task force to determine how we can provide not a hob-glob in the service but a universal, accessible, low-cost mediation service to Albertans when they need it wherever they live in Alberta?

MR. CARDINAL: Mr. Speaker, I don't believe in spending money on creating roundtables and task forces. We are reviewing the recommendation. If it is a good recommendation, maybe we can implement it.

MR. DICKSON: My final supplemental, then, would be to the Acting Minister of Justice, Mr. Speaker. I want to know why the minister responsible for the administration of justice has been so conspicuously silent on the whole issue of access to children, access that's either denied or obstructed.

DR. WEST: Mr. Speaker, I'll take that question as a matter of notice.

THE SPEAKER: The hon. Member for Calgary-Bow.

Work Site Safety

MRS. LAING: Thank you, Mr. Speaker. Tomorrow, April 28, 1995, is the day that the Canadian labour movement has set aside to recognize those workers who have been injured, killed, or had their health affected by the job as a result of their work. My constituents who have experienced work injuries and indeed all other Albertans are obviously concerned for their own health as well as that of their coworkers. This is because work-related injuries and deaths have a terrible effect on individuals and their families. My question is to the Minister of Labour. Can the Minister of Labour tell myself and the other constituents how many fatalities have occurred on Alberta work sites this past year?

MR. DAY: Mr. Speaker, I can tell you that I for one and the government share the concern in the whole area of work-related fatalities. I can tell you that one of the things I find most frustrating and tragic when we're talking about work-related fatalities is that in so many of the cases they didn't have to happen. They could have been prevented in many, many cases.

In terms of the precise question, in terms of numbers, this year past, 1994, if you go back as far as 1980, saw the least number of fatalities ever that WCB has had to deal with, being 74 fatalities; the year before, 77. That was the lowest number ever. You compare that to 1980, for instance. There were 169. At that rate that's a person being killed one out of every two days. That was the 1980s rate. Now we're looking at 74. That is still high obviously. Even one workplace fatality is too high. Of those 74, about 40 percent are traffic accident related, and another slightly over 20 percent of those would be heart attacks or disease related. The rest would be accidents in the workplace itself.

THE SPEAKER: Supplemental question.

MRS. LAING: Thank you, Mr. Speaker. To the same minister: could the minister tell this Assembly what industry sector workers are most at risk of serious injury or death?

MR. DAY: Well, on a per sector or industry basis the construction industry itself would show the highest percentages. Those work-related deaths, WCB related, would be 74, and about 26 percent of those are construction. It's, I think, worthy to note

that most construction-related deaths are a result of excavation and bulldozing fatalities, and that's why there's been a lot of emphasis on that particular area of the construction industry. Oil and gas fatalities would follow closely behind that and then forestry, in that order, would be the highest risk industries for fatalities.

THE SPEAKER: Final supplemental.

MRS. LAING: Thank you, Mr. Speaker. To the Minister of Labour again: what is the minister doing to reduce the number of serious injuries and fatalities on these work sites?

MR. DAY: Well, the reduction that we've seen has been the result of a lot of people working together to minimize the chances that a work-related fatality can happen. If I can say on a congratulatory note to the labour movement, the various associations in labour, and also the Forum for Action on Workplace Health and Safety, which is made up of industry members and people in labour and in the government, they've been an effective force in highlighting this and also in promoting the day of mourning. The real gains come with co-operation in the workplace, and where we've really seen gains is with industry-related safety associations working with labour, working with industry, and really going after this with intensity and vigour. We are seeing these reductions happen in terms of fatalities, and we want to continue to see it happen. Even one workplace fatality is one too many.

head: 2:30

Members' Statements

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

Organ Donor Awareness Week

MR. HERARD: Thank you, Mr. Speaker. April 23 to 30 is Organ Donor Awareness Week. What was a highly experimental procedure only a few short years ago is now done on a fairly regular basis. Advances in health care have greatly improved the success rate of organ transplants and the life expectancy and the quality of life of the people who receive them.

In 1992 540 organ and tissue transplants were performed here in Alberta. In 1993 Alberta was recognized across Canada as having the highest donor rate per million population, the highest transplant rate per million population, but most importantly, Mr. Speaker, the highest successful survival rate for transplants.

These are only statistics, Mr. Speaker. To appreciate the significance of this program, we should really talk to the 22 people who received a donated heart right here in the city of Edmonton. We should speak to the 95 people who received a donated kidney and are finally released from their dialysis machines or the 31 individuals who got a new lease on life with their liver transplants. How do we even begin to acknowledge the joys and benefits we receive from our eyesight? Well, we should ask the recipients of 233 cornea transplants what it has meant to them.

As wonderful as these stories may be, Mr. Speaker, we can do so much more. We recently learned of a young man who is waiting for a lung transplant, and as I speak, there are over 100 more waiting for a heart, lung, liver, kidney, or cornea. Some of these people, unfortunately, may die before a match is found with an organ available for transplantation. This is unfortunate, and it could be avoided.

I implore all of my colleagues in this Assembly to join with me in encouraging all Albertans to become a potential donor by filling out their donor card. We can't even begin to imagine how much it will mean to the recipients and their families.

THE SPEAKER: The hon. Member for Leduc.

Work Site Safety

MR. KIRKLAND: Thank you, Mr. Speaker. Today the hon. Minister of Labour proclaimed April 28 as a day of mourning to recognize those workers and families who have been harmed by work-related death or injury. The Member for Calgary-Bow also asked some questions that elicited some comments in that regard. On behalf of the Alberta Liberal caucus I would like to take the opportunity to join those who will pause tomorrow to remember Alberta workers who have lost their lives due to work-related accidents or illness.

Whenever anyone passes away, those family members that are left behind are always left with a sense of emptiness, Mr. Speaker, and it's an emptiness that usually is not ever forgotten. It's even more tragic when the death is the result of an injury or an illness that could have been prevented, as the hon. Minister of Labour indicated. We remember those workers who have passed away, and our thoughts are with those left to cope with their loss.

Each year more than 100 Alberta workers die while on the job, and many more are permanently disabled. I believe that I express the opinion of all members when I say that this is not acceptable. Although we remember today, we must not forget tomorrow. The day of mourning is a reminder that future action is needed and required. Together employers, workers, and government must continue to work hard to prevent and reduce work-related accidents and illness. We must never lose sight of the fact that human life is very precious.

Everyone has a part to play. It's a worker's responsibility to work in a cautious and safe manner, but it is also their right to earn a living in a safe work environment. It's the role of government and employers to ensure that a safe work environment is provided and that the workers are educated about the importance of safety.

We have come a long way, Mr. Speaker, when it comes to ensuring that work sites are safe, but we can improve and we must improve. Work-related deaths should never be considered a fact of life. Rather they should be such a rarity that we are all shocked when an Albertan is killed.

Mr. Speaker, in closing, on behalf of the Liberal caucus I offer our deepest sympathies to those who have lost loved ones while on the job.

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

Volunteer Week

MRS. BURGNER: Thank you, Mr. Speaker. April 23 to 29 is Volunteer Week. Volunteer Week is an internationally designated week when volunteers and volunteer organizations are recognized for the important role they play in our communities.

Through the lottery-funded Wild Rose Foundation the government of Alberta provides support to many of the volunteer organizations throughout the province. The Wild Rose Foundation is facilitating a provincewide effort in a unique partnership with Volunteer Alberta. In 42 communities across the province they are planning a wide range of activities during Volunteer Week to increase the awareness and importance of volunteerism and to give our hardworking volunteers the sincere credit they deserve.

Mr. Speaker, each year 5 million Canadians volunteer, contributing over 1 billion hours, which is the equivalent of over

half a million full-time jobs. Alberta is the volunteer capital of Canada, and approximately five out of 10 people in Alberta volunteer their services in various organizations. Our volunteer spirit is a model for the world which affirms the fundamental belief in the importance of people helping people.

These people are actively involved in supporting causes they believe in as well as helping those that most often need them most. Volunteers work tirelessly to organize, raise funds, and provide endless hours of support and comfort to their communities. They serve in many segments of our lives from the care of the handicapped to community coaches, theatre groups, hospital auxiliaries, and school associations. Mr. Speaker, we can't operate without them, and we must not take them for granted.

I would personally like to compliment the strong volunteer community represented in Calgary-Currie, and I'd also like to take the opportunity to invite all Albertans to partake in Vitalize '95, the volunteer convention being held in Calgary in June.

This week we celebrate one of our most valuable resources: our volunteers. We celebrate and congratulate them.

Thank you, Mr. Speaker.

head: **Projected Government Business**

THE SPEAKER: The hon. Opposition House Leader.

MR. BRUSEKER: Thank you, Mr. Speaker. At the end of another week I'd like to ask the Government House Leader what the plans are for the order of business for next week.

MR. DAY: Thank you for that good question. I'm happy to report that on Monday afternoon, Mr. Speaker, we will be considering Government Motion 21, which deals with the Alberta heritage savings trust fund report. That will probably take the full afternoon I would think, but I don't want to presume upon the debate. In the evening we will be in Committee of the Whole as per the Order Paper, starting with Bill 19.

On Tuesday afternoon, unless of course we've dealt with it Monday afternoon, we will go back to continue discussion on Motion 21, the Alberta heritage savings trust fund report. Then in the evening we'll be looking at second readings. Again, this would be premised on what happens today in government business, but if things move through there, then we'll be looking at Bills 36, 37, 38, 39, and 40 and then, if there is still time, Committee of the Whole according to the Order Paper.

At that point, Mr. Speaker, to project an actual Bill number would be presumptuous, so I again would give the commitment that on Wednesday and Thursday on government business, I will be in close communication with the Opposition House Leader to see what business we might be able to accomplish those days.

THE SPEAKER: There are two points of order that the Chair's had notice of, hon. member. The first one was raised by the hon. Government House Leader, followed by the hon. Member for Edmonton-Rutherford.

The Government House Leader.

MR. DAY: Sorry, Mr. Speaker. I was actually rising, and I hadn't looked up to see that you had already risen.

I wanted to mention that on Monday we'll also be having Royal Assent on those Bills which are ready to be assented to.

I'm pleased to withdraw my point of order.

Point of Order**Brevity**

MR. WICKMAN: Mr. Speaker, my point of order is on brevity, and I refer to *Beauchesne* 408(2) and 417, although there are several references to the whole question of brevity when we talk in terms of *Beauchesne*.

Mr. Speaker, on this side of the House we've made a concentrated effort to keep our questions short, punchy, yet very effective. Yet on the other side we noticed today that we got in six questions because in one instance alone it took four minutes for the reply because of the supplementary. In fact that happened twice.

So all I'm asking, Mr. Speaker, is if you would have a little chat with that side to please be a little more brief.

2:40

MR. DAY: Mr. Speaker, I won't delay the proceedings of this House by going through the actual statistics, which I have before me, the daily statistics . . .

MR. BRUSEKER: That's your calendar.

MR. DAY: Yes. Every single day.

. . . and the accumulated weekly statistics, Mr. Speaker, which show very clearly that the huge preponderance of questions and time comes in fact from the Liberal opposition. The huge preponderance of time is spent on their side, and I have the stats to prove that.

THE SPEAKER: Well, the hon. Member for Edmonton-Rutherford has raised a point that sort of ebbs and flows, and I guess we were in the flow today. The Chair thought the preambles to at least a couple of questions were a little lengthy. The Chair did receive a note from one of the senior members of the House wondering whether the Chair could do anything about the length of these preambles, and that note came from the government side with regard to a government question. I think it's something that all members have to watch. Certainly there's no one member or one side that is guilty of this. It's something that all members have to pay attention to. As a matter of fact, there were only 10 questions dealt with today. I think that's the lowest we've ever had, and it seemed to start off right from the very beginning. The first question took five minutes, the second took five, the third took five, and then there two six-minuters that really made it impossible to get that extra question in. So for the remainder of the session if all members could try to get their preambles tightened up, then it's easier.

The Chair would also comment that there's too much, I think on both sides, of questions eliciting opinions and comments rather than information of a factual nature. So if we could look at that area of the questions, I think question period would move along much faster.

head: **Orders of the Day**

head: **Government Bills and Orders**

head: **Second Reading**

Bill 19

**Freedom of Information and
Protection of Privacy Amendment Act, 1995**

[Adjourned debate April 25: Mr. Bruseker]

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

MR. BRUSEKER: Thank you, Mr. Speaker. A pleasure to be back once again to debate Bill 19, that is before us today, the amendment to the Freedom of Information and Protection of Privacy Act.

Just to quickly recap, my concerns with this particular piece of legislation deal with that information which would be subject to parliamentary privilege and the assignment of additional duties to the Speaker that would result from the passage of this Bill, that being that the Speaker would determine in fact whether or not information was subject to parliamentary privilege. That would be an unprecedented move, Mr. Speaker, given the authorities that we have before us, which are of course *Beauchesne*, that talks about the role of the Speaker, in fact our own Standing Orders, and indeed *Erskine May, Parliamentary Practice*, 21st edition, which of course is one of the references of this Legislative Assembly as well.

Mr. Speaker, certainly the addition of this role to that of the Speaker would in fact be, as I said, unprecedented. The role of the Speaker is pretty clearly outlined in a number of pages. In particular I refer again to *Erskine May*. It deals with officers and departments of the Houses and precincts and organization of Parliament and with the role of the Speaker from page 179 to page 184. Nowhere in there does it talk about the Speaker being responsible for the determination of what information is in fact subject to parliamentary privilege. So from that regard, I would suggest that that's something we'll need to deal with yet again in the debate when we get to it under Committee of the Whole.

Mr. Speaker, just in speaking briefly to the other parts of the Bill, that really allow for a variety of things to happen, probably of course the most significant is the combination of roles in one individual, if I could describe it that way. When this Bill is passed and ultimately implemented, we will see the combining of the Ethics Commissioner and the Information Commissioner offices. Now, my learned colleague from Calgary-Buffalo has spoken extensively to that particular issue. I know that he and other members of the Liberal caucus in fact have addressed that issue, so I don't think I need to add much to their comment other than to say that I do have some similar concerns myself. We are amending this particular piece of legislation I would say with a very, very narrow focus. Legislation should be much more broadly oriented, I would suggest, with a broader focus to serve Albertans for a long period of time without having to perhaps be brought back before the Legislature in short order.

The Member for Calgary-Buffalo I know has spoken, as have others, about the roles taken on by information and privacy commissioners in other jurisdictions across this country. In fact even in the nation's capital there is a pair of commissioners that fulfill the combined duties. Here it seems we are moving in a sense to combine three tasks, that of Ethics Commissioner, Privacy Commissioner, and Information Commissioner, all in one individual, whereas at the federal level certainly there are three distinct individuals, organizations, and offices to deal with those concerns. So I think that is an issue of concern. I suspect over time that the government will be back before this Legislature once again saying: "Whoops. Son of a gun, we thought we had a good idea, but lo and behold it didn't turn out the way we thought," for whatever reason, and again a need to revisit that particular piece of legislation.

Now, I guess I wouldn't have that viewpoint if it weren't for other situations where in fact we see exactly that happening. The very fact, for example, that we are amending a piece of legislation that has yet to come into force is indicative of the lack of

foresight, I would argue, that went into the original crafting and drafting of the Bill. The fact that we have to amend it before it is put into use is about as logical as having to renovate the Peter Lougheed hospital in Calgary before it is open, following construction, because it sat there empty for such a long period of time, as we know it did indeed. So this Bill before us, that amends yet another piece of legislation, even without opening it – the fact that we are amending it before we've used it suggests that there is a problem there.

We've certainly seen other pieces of legislation come forward to amend other pieces of legislation. One need only look at our Order Paper in fact, Mr. Speaker. At this moment, as we speak today, we have at second reading various pieces of legislation. There are seven Bills on the Order Paper today. Six of the seven are all amendment Acts of some kind or other. Only one of them appears as a new, shall I say, piece of legislation from the standpoint that it doesn't contain within the title the word "amendment."

MR. DAY: Perfection is a difficult thing, Frank.

MR. BRUSEKER: Perfection is a difficult thing, and we strive always for it, hon. Government House Leader. I'm not sure we'll ever achieve it.

I guess the point I am making however, Mr. Speaker, is that we see some pieces of legislation coming back to this Legislature fairly frequently it seems for upgrading, improvements, and so on. Admittedly there are times and there are situations where changes in the province for whatever means or for whatever cause require the changes to occur, but it seems we are going back and changing various pieces of legislation on a regular basis, on a continuing basis, which suggests to me in fact that what we're really looking at here is an example of a tired government. The Bills we have before us, as I said, are many, many amendment Acts to this, that, and the other kind of thing. We see changes and we see fiddling around, by and large, with different projects. I'm pleased that we're working on at least the concept of freedom of information, that we indeed have a freedom of information piece of legislation, even if it is round 2, as it were, of the Bill, before we've even gotten to first base with it and had it proclaimed.

It suggests to me that the government is really just at a lack of direction of where they want to go with what's happening. Some of the other pieces of legislation, as I've said, we've seen. Similar amendment Acts to other pieces of legislation come forward on an almost regular basis. Every year we see the same Act coming back, and I guess I have to wonder if in the spring sitting of the next session, in the 1996 calendar year, we're going see the same Bill come before us, the same title except it will contain 1996 instead of 1995.

MR. DICKSON: It may be fatter.

2:50

MR. BRUSEKER: And maybe a little thicker. Maybe it'll be like some of these other ones we've seen, that the more they come back the thicker they are because they add an idea or two and then they change a few things that are already there. Who knows? So I do have some concerns with the Bill.

I guess I will close my comments by simply saying that I look forward to the time when indeed we have the freedom of information legislation proclaimed, a freedom of information and protection of privacy commissioner in place, and finally the office up and operating and functional. Then I guess at that point, when

we see where the glitches are, we'll look forward to the third amendment of this piece of legislation.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. I'm pleased today to rise in the House and speak in favour of Bill 19. Bill 19 ensures that the privileges of this House are maintained and enables our Speaker, as the chief presiding officer of this Assembly, to prevent any compromise of parliamentary privilege. I emphasize that this is not a matter of trying to avoid public scrutiny; in fact, the Assembly is perhaps the most public body in the province.

As members of this Assembly we have been elected to represent our constituents. It's a unique and privileged responsibility, and we ought not to take that for granted. We as Members of the Legislative Assembly are provided individually and collectively certain parliamentary privileges which allow us to effectively carry out our duties.

Freedom of speech is perhaps the most fundamental and often cited example of parliamentary privilege but is by no means the only area of application. *Beauchesne 24* provides a definition:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions and which exceed those possessed by other bodies or individuals . . . The privileges of Parliament are rights which are "absolutely necessary for the due execution of its powers". They are enjoyed by individual Members, because the House cannot perform its functions without unimpeded use of the services of its Members.

As MLAs we can truly appreciate that the Assembly, no less than any other organization, should be able to exercise control over its own deliberations. Some of these deliberations do require a degree of confidentiality. I'd like to point out however, Mr. Speaker, that the final decisions are always made public. A good example is the Private Bills Committee, where members of the public can petition for Bills. Some of the background issues are personal in nature, and the petitioners deserve a degree of privacy. Clearly this is a case where parliamentary privilege must be respected and the Assembly's rights cannot be compromised.

The Assembly has the right to determine which of its records should be public as a matter of parliamentary privilege. This relates not only to the historical need for privilege but also to the principle that parliament itself should make that determination. The Assembly itself must take responsibility for this. It is not a function which should be delegated to any officer of the Assembly. To do so sets the stage for a fundamental conflict between the Assembly and one of its own officers, and such a conflict is unnecessary. The distinction, then, between parliament and government is critical to understanding this most important point.

Government is not synonymous with the Assembly. Strictly speaking, government's presence in the Assembly is the Executive Council. Because parliament consists of a cabinet, government supporters, opposition members, and independent members, parliament's interests are not necessarily the same as government's interests. The Assembly is directly elected by the people and as such is directly accountable to the people. It is inconsistent with this ultimate accountability to also make the Assembly accountable to one or two of its own officers.

The Legislative Assembly is elected to govern. That is its sole responsibility, and the Assembly must have the necessary privileges in order to enable it to do its job. As such, parliament

has the right to have the final say on how it conducts its activities, and the Speaker as the chief presiding officer of the Assembly has the right to be the arbiter in matters of parliamentary privilege. I remind members that it is the Speaker's responsibility to determine if a prima facie breach of privilege has occurred when members raise points of privilege. Given this fact, it is logical for the Speaker to be the arbiter in matters of parliamentary privilege. Historically the Assembly and the Speaker's office have always been open regarding how the business of the Assembly is conducted, and there is absolutely no reason to believe that this in any way will change.

I should point out that virtually all of the Assembly's deliberations are already public through the ability of the general public to attend the proceedings of the House as well as through televised coverage and of course *Hansard* publications. The very essence of parliament is the openness of its proceedings. Very, very little of what parliament does is done in secret. Where something is done in camera, it is usually to protect someone's individual privacy, and this is consistent with the philosophy of the Freedom of Information and Protection of Privacy Act.

With regard to other jurisdictions that have freedom of information legislation in place, Alberta and Quebec are the only provinces where the Legislative Assembly Office or its equivalent is subject to freedom of information legislation. While all other jurisdictions, including the House of Commons, exempt their Legislative Assembly Office equivalent, Alberta and Quebec are unique, and we as members of this Assembly ought to be proud of this fact.

Mr. Speaker, no thinking hon. member of this Assembly should come to the conclusion that defending parliamentary privilege is not the role of the Speaker. In a similar vein I would trust that we as parliamentarians do not consider our Speaker as a mere head of a group or organization with which an information and privacy commissioner must confer. The office of Speaker is a key and fundamental part of our parliamentary democracy. Speakers have over the past 600 or 700 years lost their lives defending the rights of parliamentarians in parliament. Each day we as members of the Assembly are witness to a tradition. The Speaker's entry into the Chamber under the protection of the Mace, as wielded by the Sergeant-at-Arms, is a reminder to us all that the Speaker is the keeper of the vision of parliament and the keeper of the spirit of our form of democracy.

There are occasions in the course of a society's life where popular mood or popular forces, even in the name of protecting the society itself, may run against parliamentary traditions. We can recall from memory or from our history lessons the time of Kristallnacht in the 1930s in Germany, the forced movement of peoples of Japanese ancestry in the early 1940s in Canada, and Senator Joe McCarthy's hunt for public figures who appeared to hold un-American views in the '50s. These activities were carried out in the name of public good. I'm not suggesting that freedom of information is sinister. However, I am suggesting that the best arbiter of balancing the access to parliamentary information with the importance of parliamentary privilege and at the same time offering protection to constituents and to their right to confidentiality when dealing with the elected representative is the Speaker, the office of the Speaker. The best guard against any threat, new or old, to parliamentary integrity is the Speaker.

3:00

However, let's not throw the baby out with the bathwater. Parliamentary democracy is, as I mentioned, an institution that has proved its worth over time with a history of 700 years. Let us not simply throw away the privileges that the early British

parliamentarians fought so hard to establish. Our Constitution in Canada calls for Canada's adoption of British parliamentary traditions, and I would suggest the most important of these is parliamentary privilege. The Speaker is the representative of the House itself and its powers, proceedings, and dignity, and as such, the Speaker must be the arbiter of matters of parliamentary privilege.

I will close by reminding all hon. members that our ability to serve and to represent our constituents . . .

THE SPEAKER: The hon. Member for Calgary-North West is rising on a point of order.

Point of Order Questioning a Member

MR. BRUSEKER: I wonder if the Member for Highwood would entertain a question under *Beauchesne* 482.

MR. TANNAS: I didn't hear.

THE SPEAKER: A question.

MR. TANNAS: Oh, a question. Okay. I'm just about to finish, and shortly before I finish, I would be happy to entertain the questions of the hon. member.

Debate Continued

MR. TANNAS: As I suggested, I was about to close by reminding all hon. members that our ability, then, to serve and to represent our constituents effectively without fear of prosecution, persecution, or intimidation in this House hinges on the privileges of parliament. Individually and collectively parliamentary privilege should not be compromised. All members have a duty to defend the rights and privileges that enable us to perform unimpeded in this House.

I would urge all members to support Bill 19 and its important amendments.

Before I finish then, I'll take the question, I guess.

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

MR. BRUSEKER: Thank you, Mr. Speaker, and thank you to the Member for Calgary-Highwood – for Highwood. Sorry. It's so close to Calgary it seems like it's part of it.

Mr. Speaker, I agree with his last point, that parliamentary privilege must be protected. However, the question I would ask the member is this. According to *Beauchesne*, as I understand it, the Speaker does not determine privilege but whether there is a prima facie case, the analogy being like the police having gathered enough evidence to lay a charge. It is a standing committee that determines whether privilege has in fact been breached. Does the member not agree with that distinction, that it's the Speaker who determines whether a prima facie case has occurred? Should that not be continued? It seems to me that this Bill changes that.

MR. TANNAS: Well, thank you, hon. Member for Calgary-North West. What I would differentiate – and far be it for me to appear as the final authority on this matter – is that *Beauchesne* and our Standing Orders guide Speakers and their deputies in rulings of the proceedings and the activities of the Assembly that occur, whether in committee or in the whole Assembly. I think that if you want to really understand the role of Speaker in a parliamentary system, one would be advised to read Philip

Laundy's 1964 book *The Office of Speaker*, again the *Encyclopaedia of Parliament* from 1972, or the one that I'm waving around. Having read much of it, *The Office of Speaker in the Parliaments of the Commonwealth* puts I think much more the role of the Speaker in the terms that I was trying to talk about on this important Bill 19. The fact that the Speaker has been the focal point for external forces which may impinge in one way or another or interact on the parliamentary institutions: it is in those terms that I think these may speak greater to the point of the Bill than *Beauchesne* does, which is more the internal activities of this Chamber and of our Canadian parliamentary Chambers.

THE SPEAKER: The hon. Member for Edmonton-Manning.

MR. SEKULIC: Thank you, Mr. Speaker. I rise to speak to Bill 19, Freedom of Information and Protection of Privacy Amendment Act, 1995. Unfortunately, I won't be able to support the Bill as it currently stands. I was one of the members on the all-party panel that the Premier himself selected, and what I see here is a change from what we originally agreed upon.

When I was a member of that panel and we traveled across Alberta to various communities, both large and small, I saw the government and heard the government members so often speaking in favour of protection of privacy. They seemed to encompass public sector information and government information as well as personal information, and the opposition, as I believe the role of the opposition is, was in favour of disclosure of information, specifically public information, and we had the common interest of protecting personal information. Here I see, Mr. Speaker, that there's clearly a change from those earlier recommendations that we as a panel unanimously agreed upon.

I see freedom of information and particularly the original legislation as it stood to be in a sense an early warning system. I think back to what brought me here and so many other members: the mistakes of the past. The government so often says that that was then and this is now. We I guess can accept that and live with that, but how do we prevent that from ever reoccurring, the mistakes of the past? I'm not convinced that we've learned. I think the government has just become a lot more sophisticated in its operations. What we need as Albertans as well as legislators is guidance. The original draft I believe provided that guidance. It drew out the parameters for the public sector and for us as legislators, and this goes in quite the opposite direction.

I take a look at the roles and responsibilities, and certainly roles and responsibilities aside – because they are merely words if the performance can't be scrutinized by the press and the public. The nature of the government is typically to deny any wrongdoing or any fault and not to make the information which is inconsistent with that goal – there's no desire to release that type of information. What we're trying to do in that original FOI, freedom of information, drafted and unanimously agreed upon, was require a broader release of that public sector information, Mr. Speaker. Bill 19 moves away from the original goals, which I've stated, and works to release in fact less public sector information to the public and works to release more personal information to the public, and this certainly I think is an inappropriate move. Like I said, the original recommendations were unanimous, and now we see the government saying: "No, no. This is perhaps exposing us a little more than we care to be exposed," and they're backing off. So I believe this is a serious compromise of the all-party panel's recommendations.

Once again, when I was sitting on that panel, I believed that the members of that panel were very serious and committed to trying to develop the best possible legislation for Alberta, made in Alberta for Alberta, looking at examples both national and international, and taking some of the best clauses and best phrases and modeling behind that. So I'm very disappointed to now see this compromise and a backing off. You know, we were the last province on the scene with freedom of information. In fact, I think we were probably the last jurisdiction in North America. We were the most secretive, and that perhaps explains to a large degree why a province like Alberta, with its immense wealth both in natural resources and in human resources, can end up \$32 billion in debt. Now, if information would have been available a lot earlier, if that early warning system would have been in place, Mr. Speaker, I dare to say that we wouldn't be in the position that we're in today.

3:10

Just the other day I opened the newspaper and noted that Ontario, under the New Democrats, is \$80 billion – or was it \$90 billion? – in debt. I take a look at their population and the amount of work they do in terms of their industries and the nature of their economy, which is to a high degree value added, and I take a look at Alberta's, and their ability, when they choose – if they elect a responsible Liberal government – to bring themselves out of debt, is there because of the value-added nature of their economy. We still to a large degree – and I know in fact the minister of economic development would agree with me – have a lot of work to do in that area. We have to move away from being a resource-based economy and move further towards enhancement, greater value added, that we're not shipping timber out of Alberta – if we're shipping anything, it's furniture – and that we've created the jobs here. I'm sure the minister would agree with that. When we all see these logging trucks rolling out of the province, it's not logs that are rolling out of our province, Mr. Speaker; it's jobs that are rolling out of our province, and that's an insult to most Albertans. So if in fact we would have had this legislation earlier – this is after the fact – we may not be in the position we're in today. So that's why I'm not willing to compromise the original recommendations.

There are two points in particular where I see a serious compromise. The first one is in fact timely release of information. I see now that the time restriction has been lifted and lengthened. As we so often hear, Mr. Speaker, access delayed is in fact access denied, and I think that's a valid statement, because information that comes well after the fact isn't really in many cases useful. So the first point that I have is with regards to accountability. I think that by delaying information, we're eating away at that key part of the freedom of information original draft which spoke to accountability and permitted Albertans information and their ability to respond in a more rapid way to government direction that they may have seen to be incorrect.

The second part, Mr. Speaker – and I alluded to it earlier – is that the earlier draft, the first draft of the freedom of information Bill did protect personal information, and I'm really quite disappointed to see now that we've gone exactly the opposite direction. In particular I'm disappointed by this move because it was the government members on the all-party panel which were so vigilant in fighting for the rights of Albertans and the personal privacy component of this information, and now to be turning direction isn't just disappointing; it's quite a surprise. I'm not sure what happened that made them change direction.

With those few comments I would say that this Bill can potentially – there are some good ideas in here. I'm not going to say that there's no value in this Bill, but I think there are far too many compromises. If we can make the appropriate amendments and positive amendments, as you know us the Alberta Liberal opposition to make so often, if we can work with the government on this one, I still think we can maintain one of the best pieces of freedom of information and protection of privacy laws in North America, but in order to do that we need to work with the government. The government needs to accept some of our amendments. They're not political in nature, Mr. Speaker. They're far from that. They're responsible in nature, and I know the government in the interests of being accountable, or claiming to be accountable, will rise to speak to our amendments when we put them forward in committee.

With those comments, Mr. Speaker, I'll pass the floor to a colleague.

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

MR. CHADI: Thank you, Mr. Speaker. I rise today to speak to Bill 19 mostly because I've got some concerns that I want addressed and I find that this is a perfect opportunity on a Thursday afternoon to bring those concerns to the powers that be to perhaps maybe consider looking at changes in the upcoming Committee of the Whole.

Mr. Speaker, we've heard from several speakers on this side of the House about creating the best possible Bill, and of course it behooves us as legislators to do exactly that: create the best possible legislation whenever we can. The Member for Calgary-North West earlier today suggested that in looking at the Order Paper there were a whole slew of Bills that had the word, the term, "amendment" in them therefore suggesting that there was reason for amendments of these Bills, mostly because they were either not drafted properly or little consideration was taken to the way they were drafted or perhaps maybe there was very little consideration given to the debate, the debate being in this Legislature whereby certain amendments to the Bills that were presented by the government were not listened to. They were not given consideration.

I can tell you that just a few short months ago when we passed the Freedom of Information and Protection of Privacy Act, I was well aware of certain amendments made by my colleague for Calgary-*Buffalo*, and it's interesting to see that those same amendments were defeated by the government. I'm not certain if every single member of the government rose to defeat this particular amendment or not, but in any event there were sufficient numbers to ensure its defeat. I'm speaking with respect to section 3 and the fact that the term "deposited" would be included for things like the Provincial Archives of Alberta. It seems insignificant, but when I looked at this, I thought: you know, what difference does it make if we use the term "deposit" in the Provincial Archives or not? That is depositing records in the archives, the access to those records. But in listening to the different lawyers in the Assembly here and getting some legal advice, that, insignificant as it may seem, makes a difference. You know, Mr. Speaker, when it was presented a few months ago, when we were passing the initial legislation, I thought: what difference does this make to include that term? But it must mean something because the government, even though defeating that amendment at that time, has now brought it back.

So I think it's imperative that both the government and the opposition work together to try to create a good Bill whenever possible and leave partisanship aside.

MR. DUNFORD: Good idea. Good idea.

MR. CHADI: With respect to that section, I would like to think that the government has finally listened to the opposition and has seen the light and has included it in this Bill.

MR. DUNFORD: No, no. Working together means you support us.

3:20

MR. CHADI: I notice that the Member for Lethbridge-West is making some comments, Mr. Speaker, and I can tell you that I believe the term "debate" in his vocabulary probably means the stuff that you put on "de mousetrap." I encourage the Member for Lethbridge-West if he's got any comments to make with respect to this Bill to stand up. Stand up on behalf of your constituents, and tell us why the amendments previous with respect to section 3 were discounted but have been brought back in.

Let's go on to section 4. I have some concerns with section 4, and that is with regard to including the clause "to the disclosure statements of deputy ministers and other senior officers that have been deposited with the Ethics Commissioner, or." That clause is put in, Mr. Speaker, to include those documents that would not apply to the Freedom of Information and Protection of Privacy Act. Now, I have a real problem with that. When we were passing the freedom of information Bill, it gave me the notion that perhaps we could access information. If I wanted to know the constituency budget of the Member for Lethbridge-West and how he spent those dollars, I should be able to find that out and vice versa. If the Member for Lethbridge-West wanted to check out my constituency budget and see how we spent those \$54,000, he ought to be able to find that out. There is nothing wrong with finding that out simply because those are taxpayers' dollars. Now, the taxpayer has a right to know, and if an individual Albertan wanted to find out how much and where these funds are being spent, they ought to have that right. To take that away I think is doing a disservice to Albertans and in fact taking away from the freedom of information Bill. What is freedom of information if we can't access certain information?

Another thing that section 4 talks about is "the disclosure statements of deputy ministers and other senior officers." Now, that's all it says, just "other senior officers." We can't, in my mind anyway, distinguish what the difference would be between senior officers and deputy ministers. Are we talking about assistant deputy ministers? Are we talking about assistants to the assistant deputy ministers? How far do we go? What are the "senior officers" that we talk about within section 4? I would like to think that within the freedom of information Act we ought to be able to access information as to whether or not, for example, the Deputy Minister of Environmental Protection has certain shares in a tire recycling company. Are we talking about forestry companies and perhaps maybe pulp mills? We ought to have the right to know whether or not someone that works for the ministry of public works has an interest in construction companies. I mean, I'd kind of like to be able to access that information.

MR. FISCHER: We have that now.

MR. CHADI: The minister of public works says, "We have that now." We don't have that now because it's hidden within the Ethics Commissioner's portfolio, if you will. So we are not able to access that information, and I've got real difficulty with that. I mean, the department of transportation – could you imagine if you had somebody deemed a senior official who is involved in a paving company doing business with transportation? All of a sudden we can't access that information under freedom of information. How about road building companies or maybe equipment that are on with the department?

Mr. Speaker, it doesn't sit well with me, and I don't think it'll sit well with Albertans if we're going to be able to create Bills that will purposely hide information. We don't need to include that, because the original document passed through public hearings and an all-party committee, that was selected by this Legislature, put together, and everybody felt comfortable with the process. Members on this side of the House, although some of the amendments weren't passed, still felt relieved that in fact we did finally get a freedom of information Bill. Now we see that freedom of information Bill beginning to erode and eroded in this way: taking away the ability to access information. That's wrong.

Other areas of the Bill cause me and members on this side of the House some grave concern. I know members on the opposite side sometimes have alluded to section 19 with regard to subsection (5), talking about the police investigation once completed: "the head of a public body must not refuse to disclose under this section the reasons for a decision not to prosecute." That was agreed upon by the all-party committee and accepted at that time. We had the Minister of Justice in debate rise in this Legislature and speak to why in fact this section was amended and the words "must not refuse." Now, "must not refuse" is taken out, "must not refuse to disclose under this section the reasons for a decision not to prosecute," and the word "may" inserted instead.

The reasons for this – and I appreciated the Minister of Justice getting up in debate and telling us why in fact this was substituted. His reasons were that in the event of multiple accused situations, where there were multiple accused, the government or the prosecutor then wouldn't have to reveal their hand. They wouldn't say to someone who was perhaps maybe a victim or a relative or a friend of a victim, when asking this public body or the prosecutor, why the court will not proceed and the charges will not proceed and in fact be dropped. At that point, perhaps our hand would be revealed. It makes sense. There's no question about it, but I'm wondering if we really had to do that.

Now, all we had to do instead of saying "may" and taking the onus away from this public body to give information to a victim or a relative or a friend of a victim was to maybe say "must not refuse to" but also to be given at a reasonable time or an appropriate time. At that point in time, I would feel comfortable and I think all Albertans would feel comfortable knowing that this public body must not refuse to give that information. There will be a time and a place for that information, and that information would be forthcoming. But to just strike it out totally and insert the term "may" instead I think is doing Albertans a disservice.

Mr. Speaker, in the House after the Minister of Justice gave that reasonable explanation – and I felt it was reasonable – the Member for Bow Valley, a medical doctor by profession, got up and gave his interpretation of why section 19(5) was amended. He said that "must not refuse to" should be taken out and "may" should be in there simply because somebody could be found innocent and therefore we don't want to be able to give certain information or get into their privacy. I think perhaps maybe the

Member for Bow Valley ought to stick to medicine, because that's an extremely lame excuse, and perhaps he should also listen to what the Minister of Justice said.

I listened of course to the Minister of Justice when he gave that explanation. Prior to the explanation two members on this side of the House got up and spoke to this amendment Act, one being the Member for Calgary-Buffalo and the other being the Member for Fort McMurray. Both of them by profession are lawyers. I can recall when the Minister of Justice got up in this Assembly, who incidentally is a lawyer himself by profession, and said that the two members on the opposite side who spoke to this Bill misunderstood the Bill or were confused. Well, I would like to in my debate ask the minister: if two lawyers can misinterpret this Bill, then what's happening here is that maybe it isn't clear. Perhaps we ought to be able to make it a bit clearer.

MR. MAGNUS: That's how they make a living.

3:30

MR. CHADI: Again I hear comments coming from Calgary-North Hill. If he wishes to engage in debate, he ought to stand up and talk about the Bill. Tell us why. [interjection] It was another lawyer joke, I'm told. Mr. Speaker, I know that you being from a legal background perhaps wouldn't really be interested in hearing that one.

I want to continue by saying that if two lawyers who have gone through this amendment Act find it easy to misinterpret in some fashion, then perhaps it's not tight enough. I know that lawyers, being the silver-tongued devils that they are, will interpret perhaps any Act in many different ways. Am I right, Sherwood Park?

MR. COLLINGWOOD: Indeed, hon. member.

MR. CHADI: Maybe there may be a way to tighten this thing up, and if there is, then we ought to be looking at that.

I know that British Columbia, for example, in their freedom of information Act, includes the same term: must not refuse to disclose under this section the reasons for a decision not to prosecute. I think the all-party committee that was involved in putting together the original Bill looked at all the different freedom of information Acts across this country, and they chose to pull that one particular section out and include it in ours. For us to change it now, when other provinces have it in there – and they don't have a problem with multiple accused – then why are we doing it? I think Albertans will lose out on this one, and I believe that that term ought to stay in there: "must not refuse to." Perhaps we can change it, like I said earlier, so that information would also be given at the first appropriate opportunity and when it's acceptable for the Crown or the prosecution to do so. But that information must be available to victims.

Mr. Speaker, there are sections of the Act that of course I agree with, and I'm skipping through those pages. I'm going to get to a part that struck me as being perhaps maybe a little bit ambiguous, and I'm wondering if we ought to be looking at an amendment in this area. That is with respect to section 73. Section 73 as it currently stands – let me read it, Mr. Speaker.

This section applies to a decision, act or failure to act of the Commissioner, when acting as the head of the office of the Information and Privacy Commissioner.

Well, what we chose to include now is two subsections, but the one subsection that I'm not convinced is completely accurate at this point is: "if the person who is appointed as the Commissioner is, at the same time . . ."

THE SPEAKER: The hon. Minister of Public Works, Supply and Services is rising on a point of order.

**Point of Order
Second Reading Debate**

MR. FISCHER: Mr. Speaker, amendments are for Committee of the Whole, and getting into subsections is for Committee of the Whole. We're supposed to be dealing with the principles of the Bill in second reading. I would like you to make a ruling on that, please.

THE SPEAKER: On the point of order, hon. Member for Edmonton-Roper.

MR. CHADI: Yes, I'd like to speak on that point of order. In fact, Mr. Speaker, I am speaking to the principle of the Bill. I'm not talking about any amendment or introduction of any amendment. I'm merely suggesting, for the government's benefit and for the sponsor of the Bill's benefit, that perhaps they ought to be considering something when I highlight an area within the Bill that I think is weak. Now, that clearly is within the realm of second reading.

THE SPEAKER: If the hon. member's suggestion is not beyond the scope of this amending Bill, he would be correct. As far as suggesting amendments to the amending Bill is concerned, that would probably be in order to do that. While the general principle, as set out by the hon. Minister of Public Works, Supply and Services, is that you stick with the general principle of the Bill, that's very difficult to do when you're discussing an amending Bill, which tends to be omnibus in nature and doesn't have any core principle. It refers to several sections of the original Bill. That's why the Chair has given a fair amount of leeway here. I gather the hon. member is saying that this Bill is deficient because it doesn't amend some section of the original Bill.

MR. CHADI: Thank you very much, Mr. Speaker, and that is a wise ruling. Perhaps maybe the minister of public works will know for future reference now that in fact speaking to the principle of the Bill in second reading does include – especially speaking to an amendment Act, you know.

Debate Continued

MR. CHADI: I look at section 73, and again speaking to the principle of the Bill, Mr. Speaker: "if the person who is appointed as the Commissioner is, at the same time, appointed as any other officer of the Legislature." Okay. Now, this is key, "any other officer of the Legislature," that term in there, because when I go down to section 92 and I read you subsection (2), it says, "Notwithstanding section 44, if the first Information and Privacy Commissioner is the Ethics Commissioner . . ." Aw, is that really true?

THE SPEAKER: Unfortunately the hon. member's time has expired.

MR. CHADI: You ate it up with a point of order.

THE SPEAKER: Well, just for the information of hon. members, when points of order are raised, the clock is stopped for that.

The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Speaker. I speak out on Bill 19 to get a few comments in, and I want to point out that sometimes both sides of a Legislature can think somewhat similar. I'm being very specific in my comments because I want to make sure I only talk about the principles of the Bill and not get too specific. If we just look at a bit of history, in 1989, in that particular election, if I recall correctly – and some members here can remind me – the very first piece of legislation that the hon. Member for Edmonton-Glengarry brought forward as leader of the Liberal caucus was a freedom of information Bill. It was an item that this caucus pounded away and pounded away year after year, and we did then see a freedom of information Act come forward some time ago, that of course still has not been fully implemented.

Now, with the assistance of the member – and I am giving government members credit for what they've done in this regard. But at the same time our Member for Calgary-Buffalo has done, I believe we would all agree, a superb job of shattering this particular Bill, pressing for amendments, last time successfully in many cases, making the Bill a much better Bill. In fact there were amendments that he proposed at that time, some amendments that were shot down by the government side that the government then reconsidered, that we now see are incorporated in this amended Bill. That does point out that the efforts of the Member for Calgary-Buffalo have been somewhat fruitful, and we should all be thankful that he has taken such a keen interest in ensuring that the final product that Albertans get is the very, very best, not only a freedom of information Bill comparable to B.C. and the eight other provinces that have similar Acts but by and large the best – the best – piece of legislation so that the other provinces will look at us and say, "Boy, we've got to amend ours to make ours that much better." So, Mr. Speaker, with some further amendments that will come during the committee stage from the Member for Calgary-Buffalo, this then becomes a favourable piece of legislation that all Members of this Legislative Assembly can approve but only after those amendments are duly considered, voted upon, and hopefully incorporated within the Bill.

Speaking on some of the principles of it. Generally speaking – generally speaking – it is positive. With the amendments of course it becomes much more positive, but there are some concerns, and those amendments are going to address those concerns. The amendments are going to address the concerns of the limited, limiting more so, access to certain government information and of course, in particular, that area that pertains to accessing MLA documents, which we had the opportunity to discuss to a limited degree at Members' Services. I must admit there was some confusion as to exactly what was happening there at that particular time. Again it wasn't until the Member for Calgary-Buffalo was able to really research it that he was able to give us a much clearer picture and point out to kind of hold back a bit, that there are certain amendments that have to be taken into consideration.

3:40

I want to look at some of the areas of the Bill that is in front of us and just speak in terms of the principles of those sections, not getting into any particular amendments but just in sections. I look at section 7. In section 7 I have difficulty from the point of view that it increases the period of time that one is able to access information. Freedom of information should be liberal in the sense that it readily serves to abide by the request of the electorate, not make it more difficult, more inconvenient, or more cumbersome to obtain that information.

Again I look at section 8, where the previous speaker made reference to changes that take away a certain positive requirement and changes it to a discretionary position where it becomes "may." Rather than "shall" it becomes "may." So it becomes discretionary, and it becomes of particular concern when the people that were the most offended by this particular change are those victims of crime. We've all heard enough about victims of crime being penalized enough as it is without further compounding any difficulties they may have.

I can look at section 5. Section 5 simply adds to the list of exemptions that allows certain bodies or certain functions or certain portions of bodies, whatever, to be exempted from some of the provisions that will be in place. Again we see the same type of situation in section 5(a)(iii), where it states certain documents not subject to the freedom of information Act and such.

Mr. Speaker, we've got to be very, very careful when we go along and we see changes that will occur that will in fact make the Act weaker, limit access, and in some cases increase the period of time.

But there are positives. I look at section 4, an amendment here that the government, in the spring of '94, refused and defeated that had been brought forward by the Member for Calgary-Buffalo. Now this same amendment has come forward by the government, and certainly this portion of the Bill can be supported by this caucus. I think that's good when government members recognize that there's a contribution that a member from this side of the House can make. In their own way they listen to that piece of advice and they incorporate that advice into their legislation. The bottom line is such that it really doesn't matter if it comes from that side of the House or if it comes from this side of the House as long as both sides of the House agree that it's good for Albertans, because all of us should have our first concern being the well-being of Albertans.

We can see a whole number of sections within the Bill – 2(1)(a), 2(1)(c), sections 16, 18, and so on and so forth – that I can talk in terms of being very, very positive. I can look specifically at section 5(a)(iv)(n) and section 5(b), where it takes an amendment and it expands the provision to include a credit union in that same category, which, Mr. Speaker, is positive because it expands the availability or the access to information. It doesn't prevent or further add as a detriment to the flow of information.

There are two areas, though, that I would tend to dwell on that I have real, real concern with. One is the amendments to protect the parliamentary freedom, section 5(a)(iv). I have to admit that I still am not one hundred percent clear on every aspect of this particular section. We did discuss it in Members' Services, and there seems to be some disagreement as to whether there is sufficient provision in other pieces of legislation, parliamentary privilege, whatever, to protect the constituents in particular from information that they may not want disclosed when they consult with their Member of the Legislative Assembly to work out a particular problem or to speak about a concern they may have.

However, at the same time what I hear is that even if there is some provision here, there, wherever, it isn't going to hurt to double guard ourselves and make it very, very clear that it is in freedom of information as an added guard, as an added protection in terms of that flow of information. So in other words what may happen in terms of these other provisions or other regulations or parliamentary provisions, if something is to happen there, that access to that information isn't going to disappear because it's going to be protected by Bill 19, freedom of information. So there are no advantages by excluding the access to parliamentary

documents, but there are negatives if we don't include this particular provision that will come forward by the Member for Calgary-Buffalo when we deal with it at committee stage.

[Mr. Clegg in the Chair]

Now, if there is concern that there are certain pieces of MLA material, documents and such, that have to be protected for the benefit of our constituents at their wishes, that can be done by other measures, Mr. Speaker. We don't have to change legislation that in fact disallows access, period, to things like MLA perks and so on and so forth. So that particular one will be addressed at committee stage. I'm sure that by the time the debate is concluded on it, both sides of the House will see the wisdom that will be brought forward by the Member for Calgary-Buffalo, and we can work out an arrangement to ensure that that access by the public is there.

The other is section 10, and this is the final note I'm going to make on this particular Bill. The way that I read section 10, it gives the Speaker a great deal of authority, a great deal of right in determining parliamentary privilege to prevent disclosure, and Mr. Speaker, I'm not sure that is always healthy in terms of a democratic process. I'm not sure that it's healthy in terms of the Speaker's role, and I'm not sure that it's something that the Speaker really wants to be in or should be in. It could simply give the Speaker too much power in making that determination and could put the Speaker in a very, very uncomfortable position.

In a nutshell, to wrap up, Bill 19 is good, but Bill 19 to be acceptable to Albertans has to include some amendments, that will come forward at committee stage. I am optimistic that if we all work together, if we all respect each other's opinions, we can in fact incorporate further amendments to this particular Bill that will make it a masterpiece of legislation that we can all be proud of, that we can all hold high and say that Alberta has done something that no other province has achieved. We've got a masterpiece in terms of freedom of information that every other province will be proud of. On that note, Mr. Speaker, I'll conclude.

THE ACTING SPEAKER: The hon. Member for Edmonton-Norwood.

MR. BENIUK: Thank you, Mr. Speaker. I rise to speak on Bill 19, and I realize that there are many provisions in this amendment Bill. I will deal with the principles flowing from one section. I will deal with the principles flowing from section 8, which changes the wording, the police and other public bodies "must not refuse" to the words "may disclose."

I asked myself the following question, and I stand to be corrected, Mr. Speaker: why would the Minister of Public Works, Supply and Services, who I believe was very active in making sure – you know, the gun lobby, et cetera. He was connected with that. He has a reputation – and I stand to be corrected – of being right wing. Why would he bring forth this very, very major change?

I realize, Mr. Speaker, to start with, that most of the Bills that have come forth from the government side have user fees attached to them. So I look at this and I see that now when a victim or a relative of a victim wants information, they "may" receive it. Does this mean that user fees are going to come forth and that if the victim wants information on anything, they have to pay? If the mother and father of a child who has been molested want information, do they have to pay a user fee?

3:50

Now, the Minister of Justice and the Member for Bow Valley have spoken about the rights of the suspect. Mr. Speaker, there is a very important principle. We must recognize, I fully agree, that everybody is innocent until proven guilty, but we also have to place the victim in perspective. The time has come that we must not protect the suspect and the culprit. It is time to protect the victims in our province. This government with this Act is showing that it is soft on crime, that it is antivictim, and it is putting the people of our province in jeopardy.

I represent a riding that's very diverse. Most people, when they hear of Edmonton-Norwood, think it has a high crime rate. The reality is that it is an average constituency in that regard. There are many other areas of this province and this city that have higher crime rates, but crime is a concern of all people in this province. When a child is molested, do the parents not have the right to know why a person is being investigated? The police, Mr. Speaker, do not make a habit of investigating people at random. They investigate when they have reasonable grounds to suspect that a person could have perpetrated the crime. When criminal proceedings are stayed, my understanding is that they are stayed because the Crown may not have sufficient evidence to proceed but still believes that person may have committed a crime. Should the victim not know that they could be victimized a second time by that person? Here we have a provision that says protect the suspect, protect the criminal or the accused or the potential criminal.

There are many people in my riding who brought this to my attention when I went door to door and since. When a crime is committed, the victim has to endure the expense to replace, to go through the process of trying to reclaim what was lost. The criminal gets free legal advice through legal aid. The state protects the criminal because we believe everybody is innocent until proven guilty. That's a great principle, Mr. Speaker. I have no problems with it. But I believe the time has come when we must also protect the victim and help the victim.

When a senior's house is broken into and a television set is taken during the cold winter months, Mr. Speaker, that senior is petrified to leave the house, doesn't have a television set, is more isolated than ever. What does the senior have to do? The senior has to buy a new TV set, but they don't have money. They can go after the criminal, but the state does not help. I am concerned about the image – yes, image – because a person will look at this and say that the state is now more than ever protecting the criminal. I look at the reality and see that this provision is soft on crime, is antivictim, be that victim a young child or a senior. Every person in our society must be protected. This provision does not protect our citizens.

The members opposite have made vocal comments about the Young Offenders Act. Mr. Speaker, what are they doing here? There is a potential that evidence will be hidden from the people unless they pay a fee, a user fee. If there will be no user fee connected with this, I ask the minister right now to rise on a point of order and say categorically, "No user fees to the victims."

Mr. Speaker, I am very concerned about this provision. The people in my riding that I have discussed this with are horrified at the implications. When people do not have much money, it is very difficult for them to pay a user fee to get information about who committed or may have committed a crime against them. When a senior loses property and cannot replace it, how can that senior pay a fee to get the information?

There are fundamental principles involved in section 8. The most important is that we must protect the victim. We must assist the victim to regain what they have lost. The minister should be aware that when he places a Bill before this Legislature, a Bill in writing, as all Bills are, which shows he is soft on crime, it carries more weight up where he stands than when he goes and stands before, as I believe he did, a gun lobby wanting his support in their cause.

MR. FISCHER: A point of order.

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

Point of Order Relevance

MR. FISCHER: Mr. Speaker, can you get the speaker back on topic and away from gun control right now?

MR. BENIUK: Mr. Speaker, I am on topic. The issue here is a soft-on-crime amendment, an amendment that demonstrates that government does not care about the victims. It only cares about protecting the suspect, the person who may have committed the crime, and that continues to put other potential victims in jeopardy.

Debate Continued

MR. BENIUK: Mr. Speaker, I will not dwell on the issue. I have made my case. I'm sure others will rise, and I look forward to the government side rising to explain why they are soft on crime.

Thank you.

THE ACTING SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Speaker. I will stand to add my comments to Bill 19 this afternoon. I would open with a comment that the Bill certainly is an improvement over what we have, and I think it's a step in the right direction. There are some positive amendments in it. Unfortunately, however, I do find that there are some deficiencies in it as well.

Some of the proposed amendments, as I see it – the one that is of particular concern to me is the combining of the Information Commissioner and the Ethics Commissioner. That amendment, in my view, that's being proposed in Bill 19 here will limit access to government information, and for that reason I must oppose it as it stands. Specifically, as indicated, when we combine the two offices, on one hand we're saying that in fact we're doing it on the basis of fiscal efficiency, but I think when we look at the actual processing of information coming into those two offices, that processing will certainly work in a detrimental fashion, Mr. Speaker.

I would suggest that when we look at a government that's been in power for some 24 years, Mr. Speaker, it's fairly obvious to all Albertans that there is a tremendous amount of information that has been kept from the public over those years. I think any Albertan would reasonably expect that once an Information Commissioner is in place, there is no question that there will be a tremendous draw upon that individual's resources and that individual's time.

4:00

Now, the justification I have heard in the debates prior to this particular date are: why start with a full-time when we don't

know what the demand will be? Well, as I indicated, realistically we can expect there'll be tremendous demand, and I would suggest that it would only be naïveté that would have us arrive at the position that we should start with a half-time and work to a full-time. As I indicated, with a government that's held power for 24 years, Mr. Speaker – and it's a very secretive government that held power for 24 years – one certainly, with all good judgment, knows full well that the Information Officer will be deluged with a tremendous amount of requests for information.

I'll give you an example that occurred recently in my constituency, Mr. Speaker, and I'll use that example simply to capture the mind-set of what we deal with in attempting to elicit information from the government. One of the seniors' health care facilities in my riding, Salem Manor, recently was subjected to a review by the Health Facilities Review Committee after they received several complaints of course from constituents that expressed concern and/or complaints. Since that review, several constituents have called my office wanting to know what the outcome of that particular review was. Well, I called, of course, the Health Facilities Review Committee and asked for that information. They indicated that if I was to receive that information, I would have to write the Health minister to get that particular information.

I think my constituents have the right to know what the outcome of that particular review is. It's their parents who are being housed in that particular facility. I've been to that facility. From my observation there it's a fine facility, but when people bring concerns to you about their family and their parents, it's necessary to respond, and it's necessary to be forthright and honest after that review has been concluded.

So in appealing to their MLA, it forced me to appeal to the Health minister for that review process. I have done that, of course. It has not yet been responded to by the Health minister. I know that she is in a time of great workload and certainly a very busy individual, as is her department, so I am being as patient as I possibly can in this matter. But if history repeats itself, Mr. Speaker, I know that what we will get is probably a censored report and also a report that's not timely. The fact that it is not timely when I receive it, I would suggest it will probably not have the implication or the impact it initially should have.

I use that example, Mr. Speaker, just to indicate that even though there's that carrot dangled before me that there's information coming – I use that information just to illustrate that there is a tremendous mind-set of secrecy with government. This government, I would suggest, is a little more set in that mind-set than the average one, and I think they have reason to be, quite frankly.

If we were to take this small example that I used to show the mind-set and we were to multiply it by the thousands that are out there in the province of Alberta, undoubtedly, in my view, there can be no question that a full-time Information Commissioner is required. As I say, when we extrapolate a small example like that – and I have run into many in my constituency whereby I'm forced to appeal to the minister all the time to get innocuous information, as I view it. It will certainly – and when I say "it will," the Information Commissioner will be put under great demand, I would suggest. If we were to take that – and I don't want to belabour and wash the laundry of the Conservative Party, as has often been done in this House. But if we look at the Swan Hills hazardous waste plant or the NovAtels or the MagCans or the Golden Gate foods or all of those, it's extremely difficult to get information, and you have to go outside your country to do it. That in fact is wrong, so the freedom of information Bill should address that.

I think we're moving a step back or regressing somewhat with the model of the Bill that's been presented to us here. So combining the two positions, the Ethics Commissioner and the Information Commissioner, in my view will undoubtedly stymie the access or the flow of information.

Now, we are aware that there was a motion that came through this Legislature that really asked us to approve Bob Clark as the combined Information Commissioner and Ethics Commissioner. I have high praise for Mr. Clark. I think he does an excellent job as the Ethics Commissioner. I would hate to see that excellent job that he does there diminished as a result of being forced into a situation – I shouldn't say "forced," because he obviously has chosen to accept that position. I'm sure the government has canvassed that. But the two will come under great strain, I suspect, as a result of his good, solid expertise being stretched to the maximum.

I brought up the Ethics Commissioner because when we look at the fact that we are to combine those two positions and we look at the legislation and see in the legislation before us that there are some six, I believe it is, amendments that really are designed to facilitate and accommodate the motion that has come through this House, I would suggest very clearly that it must be questionable policy if we have to build a job around any particular individual through the legislation here. That, of course, can cause some complications in the future, as we all know.

Just to come back to a more specific aspect of the Bill, Mr. Speaker, I would like to deal with the case of section 7 here. You heard me speak earlier of the example I used in Leduc, how the delaying of information can really result in some cases in denying access to information. When we look at section 7 and as I read that Act, it provides that there are 30 days within which the head of a department must respond to a request or provide information. Now, if that request is to be rerouted to another department – and we're all very familiar with the bureaucratic shuffle that the public generally runs into – then that delays that information, as I read that Bill, by at least another 15 to 30 days. I can't recall which it is, but it's one, so in essence we're delaying. It's not uncommon even for MLAs to be shuffled from department to department in attempting to search for information. So I expect that section 7 as it's written certainly will complicate that particular aspect of accessing information again.

When we look further on through the Bill – and the hon. Member for Edmonton-Norwood touched on one area. The Act currently provides that the Minister of Justice must not refuse to advise the family of a crime victim and, in some cases, the public of the reasons why he has decided not to prosecute. In my understanding, section 8 would give the government – I'll use that term – the opportunity to actually avoid that, and I think that's incorrect. Now, there may be some very extenuating circumstances where we wouldn't want to divulge that particular information, but I could not conjure up those situations in my mind. I have a concern that in fact we shouldn't deprive victims, as the Member for Edmonton-Norwood indicated, of a rightful knowledge of information.

The hon. Member for Calgary-Buffalo indicates that the citizens of B.C. enjoy that right. If I recall when this debate started – and this freedom of information Bill started sometime ago – we had taken the best provisions of most of the freedom of information Bills across this country and crafted one that would have been the envy of the country. It was brought forth in this Legislature by the hon. minister of the environment. He was part of that, and he spoke with pride of the document that the group had pulled

together. At this particular stage I would suggest that we are taking some of that pride away from that initial undertaking, and it was a sound undertaking. It was a good, democratic process that arrived at that Bill. It showed good, democratic co-operation between the two sides when we were able to have solid debate and give-and-take in arriving at amendments. I think that's what this Legislature is all about: to work for the benefit of Albertans. So I see us regressing to some degree as far as the Bill that is before us.

So, Mr. Speaker, I would conclude my comments on the freedom of information Bill with a reminder that whenever – and I think if I recall back to my initial opening comments, I indicated there was some naiveté that there would not be a great demand on the Ethics Commissioner's time. I indicated that in my view there would be, and I was opposed to combining the Information Commissioner and the Ethics Commissioner for that reason.

When we look at any government, there is always a concern about information. I've always been of the opinion that the best government is open government. When you look at any government that has been in power for any length of time, the longer they are in power, the more secretive they become, Mr. Speaker. History has proven that time and time again. We've got a government that has been in power in the province of Alberta for 24 years. I would suggest that there are many things they would not want the public to be exposed to or see, and I would suggest that that is another reason why in fact we would not like to combine the Ethics Commissioner and the Information Commissioner. There are many skeletons in the closet, and if anybody in this Assembly, regardless of what your political colour is, thinks otherwise, then I would suggest that they're very naive.

So with that I will conclude my debate on freedom of information.

4:10

THE ACTING SPEAKER: The hon. Minister of Public Works, Supply and Services has moved second reading of Bill 19, Freedom of Information and Protection of Privacy Amendment Act, 1995. Does the Assembly agree to the motion for second reading?

SOME HON. MEMBERS: Agreed.

MR. SAPERS: Mr. Speaker, he wants to speak.

THE ACTING SPEAKER: Opposed, if any?

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: Carried.

MRS. ABDURAHMAN: I think he wants to speak, Mr. Speaker. [interjections] He wanted to speak.

THE ACTING SPEAKER: I'm sorry. I didn't see anybody standing.

[Motion carried; Bill 19 read a second time]

Bill 21
Engineering, Geological and
Geophysical Professions Amendment Act, 1995

[Adjourned debate March 30: Mr. Chadi]

THE ACTING SPEAKER: The hon. Member for Edmonton-Roper I think was speaking.

MR. CHADI: Thank you, Mr. Speaker. Are you certain? You said you thought I was speaking.

THE ACTING SPEAKER: You were.

MR. CHADI: Okay.

Well, Mr. Speaker, I am once again thrilled to be able to speak to Bill 21, the Engineering, Geological and Geophysical Professions Amendment Act. Once again we're amending another Act through another Bill. I note that the stakeholders in the preparation of this Bill have all agreed to agree, with the exception perhaps of an area that leaves some concern with some Albertans, and that is the definition of "engineering." In fact, perhaps a better term would be that the bulk of the stakeholders have come to an agreement and have asked that this Bill be brought forward to the Legislature.

I for one don't have a problem with Bill 21 and will be supporting the Bill. I'm not sure, if we go into the Committee of the Whole, which I suspect we will, if there may be some amendments coming forth, but I believe that most of the stakeholders in general have come to an agreement. For that reason, Mr. Speaker, I will support Bill 21.

Thank you.

MR. FISCHER: I'd like to move second reading of Bill 21.

THE ACTING SPEAKER: You've already done that, my friend. Hon. member.

MRS. ABDURAHMAN: I was very concerned, Mr. Speaker, because I was on my feet to speak to Bill 21.

Certainly this is a Bill that can be supported, and I truly believe that it is in keeping with a housekeeping Bill. We see many being brought forward saying they're purely housekeeping. I must admit, Mr. Speaker, it immediately makes me rather suspicious, and I want to really look closely at a Bill that's supposed to be just housekeeping. But in this instance indeed that is the case.

It certainly outlines the roles and responsibilities of the appeal procedure, and it initiates an appeal board instead of the council. As my colleague from Edmonton-Roper has said, certainly the people affected by this Bill have been consulted, and there seems to be general agreement. But, Mr. Speaker, as he'd identified, there is a group of professionals that feels somewhat uncomfortable with the contents of Bill 21, and that's within the definition area. What they're basically saying is that they would like to have had an exclusion. It's the natural scientists within Alberta. So to that end, I believe it's important that their concerns be communicated at this time in second reading and that the minister can peruse those concerns before we get into committee.

To that end, what I'd like to do, Mr. Speaker, is table four copies from R.J.H. Cowles, who is a doctor at the Syncrude Edmonton research centre, so that his concerns can be clearly communicated to all members of this House; and also four copies from a Dr. Natsuko, Power Scientific, Japanese Technical Information Services; and also from FWB Chemical Consulting Ltd., from Frank Bachelor, a past president of the Association of the Chemical Profession of Alberta.

Mr. Speaker, at this time I will not go into the details of the documents I've tabled. I think it will suffice right now to allow

members to become familiar with the contents of their concern. There's a possibility that at the Committee of the Whole, if we feel there should be an amendment brought forward dealing with this concern, we would do so at that time.

Thank you, Mr. Speaker.

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

MR. FISCHER: Thank you, Mr. Speaker. I just would like to end debate on this. I look forward to the information that the Member for Clover Bar-Fort Saskatchewan puts forth, and we will deal with that when we get it into committee.

[Motion carried; Bill 21 read a second time]

Bill 28 Real Estate Act

THE ACTING SPEAKER: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Speaker. It is indeed a pleasure for me to rise today and move second reading of Bill 28, the Real Estate Act.

This Bill will consolidate the regulation of the real estate and mortgage brokerage industries under the real estate council of Alberta. The real estate council will be an independent body made up of members of several real estate industry groups and members of the general public.

[The Deputy Speaker in the Chair]

Bill 28 will also replace the Real Estate Agents' Licensing Act and the Mortgage Brokers Regulation Act. Bill 28 will make regulating these industries more efficient and will create an organization that is accountable not only to industry representatives but to the general public or consumer as well. Indeed a positive step, Mr. Speaker.

The real estate industry is vital to our province. For most of us the largest single purchase we ever make is our home. The largest monthly expenditure we have is often our rent or mortgage payment. So it's no surprise that home sales are one of our society's most important economic indicators. In one way or another, real estate is important to all of us, whether we are buying or selling a home or planning to purchase a piece of property.

It follows, then, that there need to be rules so the real estate marketplace is fair and well regulated. While Alberta is currently well served with legislation in this area, Bill 28 will establish a new and much more efficient way of regulating the real estate industry.

Mr. Speaker, there is some history behind this Bill, and before I describe the specifics of Bill 28, I would like to give you some of that history.

4:20

In 1987 the Real Estate Agents' Licensing Act was amended to allow the government to delegate the licensing, training, education, and examination of real estate agents or salespeople to the Alberta Real Estate Association, commonly referred to as AREA. A licensing committee within AREA was formed in 1988. The committee continues today and is comprised of five industry representatives and two public representatives, who collectively

oversee licensing. In 1993 responsibility for conducting compliance audits of industry members was also delegated to this licensing committee.

In addition, AREA is also the statutory authority currently responsible for administering the insurance fund under the Real Estate Agents' Licensing Act. Although this arrangement with AREA has been successful, Mr. Speaker, there have been some problems. AREA is essentially a trade association, and it can be somewhat confusing when a trade association is also responsible for regulating its industry.

As I said, Mr. Speaker, Bill 28 will establish the real estate council of Alberta. This council, established as a separate legal entity, will be allowed to act within its purposes without ongoing and continual government management. The council will consist of 11 members, nine from various industry associations and two members from the general public.

The Alberta Mortgage Brokers Association will appoint one person, and the Alberta Real Estate Association, six persons, one being an industrial, commercial, and investment real estate broker who may or may not be a member of the association; one residential real estate broker; one real estate broker from nominations by the Edmonton Real Estate Board; one real estate broker from nominations by the Calgary Real Estate Board; two persons from nominations by other real estate boards. The Building Owners and Managers Association, Calgary and Edmonton, and the Institute of Real Estate Management and the Real Estate Institute of Canada, Alberta chapter, will appoint one person. The council will appoint one person who is a real estate or mortgage broker and one public member. The Minister of Municipal Affairs will appoint one public member.

One important point needs to be made, Mr. Speaker, and that is that the composition of this council has been determined through stakeholder consultations. All the groups represented were involved in developing this Bill, including the Building Owners and Managers Association of Calgary and Edmonton, the Institute of Real Estate Management, and the Mortgage Brokers Association.

AREA and government representatives worked together diligently to build this particular legislative model. Specifically, those providing input on behalf of AREA included Dan Russell, AREA executive director; Ken Shearer, AREA president; and Tim Walsh, AREA president elect. Their input in developing this legislation was greatly appreciated. Consultation with the public included discussions with the Consumers' Association of Canada, Alberta chapter. As well, those public representatives on the licensing committee were included in industry meetings.

Mr. Speaker, I would like it duly noted that the council membership includes two individuals from the public at large, one appointed by the council and the other by the Minister of Municipal Affairs. They will have a direct say in setting industry standards, business practices, and the handling of consumer complaints.

The real estate council will be responsible for regulating all aspects of the real estate and mortgage brokerage industries. It will set standards of practice for industry members. It will license real estate agents, salespeople, and mortgage brokers and will determine classes of licences and rules for their issuance, cancellation, or suspension. The council will also determine educational requirements, liability insurance or other forms of security, contents of advertisements, and disclosure requirements.

Bill 28 establishes the conflict of interest rules for members of the real estate council. These rules are similar to municipal

government restrictions contained in the Municipal Government Act.

The Alberta Real Estate Foundation, whose main objective is to promote education and the overall well-being of the industry, will have an arm's-length relationship with the real estate council. This will minimize any perception of undue influence or favouritism. The foundation will continue to report to the minister annually, and its board of governors will continue to be appointed in accordance with current regulations. Because the real estate council is responsible for regulating the industry, no one will be able to trade in real estate or act as a mortgage broker unless authorized to do so by the council. This will ensure that every real estate agent, mortgage broker, and property manager meet certain criteria or standards. Also, Mr. Speaker, all agreements between industry members and their clients must be evidenced in writing, ensuring that both parties are fully apprised of all details in any given transaction.

Consumers also have a right to know what rules and standards govern this industry. Bill 28 guarantees that right. The real estate council upon request must provide consumers with copies of its rules and bylaws. Because the council is to be self-sufficient, reasonable fees may be charged for this information. This will help the council offset costs for producing such material.

The real estate assurance fund is continued but will be administered by the real estate council in much the same manner as it is now administered by AREA. AREA supports this change as it wants to once again resume its role as a trade association and not an industry regulator.

For the real estate council to have any authority, it must be able to enforce the standards it sets. Bill 28 allows the executive director of the council to investigate the conduct of any industry member. The council will also have a hearing committee to review complaints. Decisions made by the hearing committee can be appealed to the council. Decisions made by the council can be appealed to the Court of Queen's Bench.

Bill 28 also includes some stiff penalties. Fines of up to \$25,000 can be levied for contravention of the Act. Also, a person convicted of an offence under the Real Estate Act must return any commission or remuneration received from acts leading to the conviction.

The real estate council will provide an annual report to the Minister of Municipal Affairs. The minister may review the conduct of the council as well as any other matter relating to the real estate assurance fund or regulations of the industry.

Mr. Speaker, Bill 28 finalizes a successful process that started in 1987. It creates an independent council to oversee the real estate industry. It gives the council the authority to set standards for the industry and to ensure that those standards are met. It allows the Alberta Real Estate Association to resume its trade association activities, and it provides a mechanism for both industry members and the general public to garner information. While the council is ultimately responsible to the Minister of Municipal Affairs, it also has a responsibility to the industry and to the consumer. This will no doubt result in high standards for real estate agents, salespeople, mortgage brokers, and property managers, who will help ensure fairness to the real estate marketplace.

Thank you, Mr. Speaker. I look forward to discussing Bill 28 further when we move to the committee stage.

THE DEPUTY SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I rise to speak in support of Bill 28, the Real Estate Act. I'd like to commend the Member for Lacombe-Stettler for that detailed overview of this Bill. The one comment that I would make that is possibly on the negative side – but at the same time I'd also like to compliment the government – is that it unfortunately took you 10 years to get to this point. We've got to the point where an industry who's been wanting to self-regulate itself is indeed achieving this through Bill 28 in a very responsible way.

4:30

The legislation is in common language, so it's indeed understandable, and I think that's important when you realize the significance of the Real Estate Act in relationship to the consumer. Now, having said and acknowledged that it's in common language, I am somewhat disappointed inasmuch as we're only seeing two consumers on the council. I had been optimistic that we could at least have matched the college of physicians, where you're looking at three, and I believe the Law Society has three there as well. When I was talking about common language – I have to be quite frank with you, and I say this as a layperson, not as a lawyer. When I read the composition of the council, quite frankly, Mr. Speaker, you could interpret that there are three consumers there, but obviously I'm misunderstanding section (e). We can possibly get into that in Committee of the Whole, or I'd ask the mover if prior to Committee of the Whole I could have a better understanding what in essence (e) is saying. Certainly I view, "The minister shall appoint one member," as indeed being a consumer. When I got into the (e) portion and particularly (i) and (ii), one part of me was interpreting that to be two more consumers, but based on the comments from the Member for Lacombe-Stettler, I don't believe that I'm interpreting that correctly. So that definitely needs to be clarified.

You know, as the Member for Lacombe-Stettler said, if there is anything that we all do in our lives that's a monetary commitment really for the rest of your life – and in actual fact when you look at your estate, it's significant to your children – it's the purchase of your property. How many of us the first time we go to purchase something understand the process you go through? Indeed, who understands mortgages and how you pay them off? I think we need a lesson in that at the junior/senior high level, quite frankly, to prepare us to meet that major purchase.

One of the things that always bothered me – and it's so gratifying to see the industry recognizing this and dealing with it – is the dual agency. We find that in section 18. Someone might say, "Well, what's a dual agency?" In essence, it's when the real estate representative ends up not only representing the seller but you find that the purchaser is actually going to buy a property that's listed with them. This is dealt with under section 18, and it's key that that disclosure is made to all parties during that process. So I commend the industry for bringing that forward.

Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Hon. members, we seem to have forgotten that we are in Assembly and not in committee stage. We have a number of people engaged in lively conversations. Could we cease and desist, all hon. members.

Debate Continued

MRS. ABDURAHMAN: I'm not quite sure what I do to members on the opposite side when I get up to speak, but suddenly it becomes like a kindergarten.

Getting back to the dual agency, Mr. Speaker, I want to commend the real estate industry for ensuring that they came together with that and it's clearly understood within the Bill.

The other aspect of the Bill – and I'll just touch on it very briefly – is the council and the foundation and using the conflict of interest that we as municipal councillors clearly understand. That's the only direction that this Bill should have gone, and I'm really pleased to see it in there.

Now, Mr. Speaker, the key to any legislation of course is the very thing we don't see, and that's the regulations. I'm not going to go into that. I'm going to leave that to a colleague to address who is better informed than I am and probably is more articulate, but once again, I certainly can support Bill 28.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thank you very much, Mr. Speaker. I wanted to speak simply with respect to section 83. We find in that section that there is a category of permitted regulation, enough for every member in this Assembly. The Act itself is a very positive Act. I think the principles are sound. I think it's fair to say that it's well supported by the industries that are affected, and for that reason I'm happy to support it as well.

I want to at least be logically consistent, and that means I have to flag once again the fact that we have a substantial, dramatic regulatory power being delegated. I'll ask this member, as I ask each minister introducing a new piece of legislation, whether there'll be a commitment that either draft regulations will be made available to members or, failing that, whether there'll be a commitment that the regulations will be referred to the Standing Committee on Law and Regulations. That's the committee that was created in response to the Zander committee recommendations in the late 1970s.

As is the case with so many statutes we've seen this session and last session, it's the regulations that are going to have the most dramatic impact on realtors, on mortgage brokers, and on consumers. We can laud the principles of the Bill, we can talk about the framework making sense and being generally one that should result in some effective management of these industries for Albertans, but there are all kinds of details that we don't see and, in the normal course of things in this Legislature, will not see. We won't have access to it until we read it in the *Alberta Gazette* after the fact.

Other jurisdictions have managed to deal with this in a way by not only creating a committee but by giving it something to do. So while I guess whatever leverage I had I've lost by telling the Member for Lacombe-Stettler straight off that I'm planning on voting in support of the Bill, I'd be able to do it with a whole lot more enthusiasm if she could indicate to me that she'll provide us with some leadership. We've been waiting to see and waiting anxiously for one member such as the Member for Lacombe-Stettler to stand up and say: not only have we got a Bill here, but we're going to follow a process that's going to provide genuine leadership, that's going to say that this government not only will talk about openness and accountability but is going to do something in a very positive, constructive way. I'm waiting for her to say that she's going to commit that all of the regulations that are prepared under this specific statute will be brought in front of her colleague from Calgary-Shaw and his standing committee for review.

If she were to do that, not only would she earn the small measure of support which she gets as the Bill follows its course through, but she'd be breaking new ground, and she'd be up there with Mr. Zander. When they talk in future sessions of the provincial Legislature, it'll be Zander and the Member for Lacombe-Stettler that they're going to be talking about who have done something: provided real leadership in terms of reasserting the supremacy of the Legislative Assembly over all statutory instruments.

So I make that as a challenge to the Member for Lacombe-Stettler, and I hope before much longer we're going to hear her response. I make that challenge in good faith, and I'm waiting anxiously to hear the response I get from her.

Thank you very much, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Roper.

MR. CHADI: Thank you, Mr. Speaker. I, too, feel compelled to speak to second reading of the Real Estate Act. I, as well, would like to congratulate the member for sponsoring the Bill and bringing this to the Legislative Assembly. I think it's a Bill that pulls together all the efforts of the different stakeholders in the province. I know that the real estate industry has been wanting to see such a Bill for quite some time. I know that the mortgage brokers had their say in putting together this Bill. I thought about for some time whether or not perhaps the mortgage brokers ought to be on their own. Or would they fit within the Real Estate Act? After reviewing it, I think it's a reasonable fit.

I know that when I spoke to different mortgage brokers, particularly the association, members that were in the association indicated that they were pleased with the Bill. They have in fact contacted me and asked me if there was anything that I would like to add to this Bill, and after going through it, I felt that it was rather appropriate in the form that it is.

4:40

Mr. Speaker, I listened to the minister – pardon me; the Member for Lacombe-Stettler. I know she's laughing and giggling now, thinking that maybe someday soon she will become a minister. Consumer and corporate affairs might come back. You never know, Member for Lacombe-Stettler; you could perhaps be that minister.

When she spoke about whether the real estate industry was an integral part of our society today and spoke highly in favour of that, indeed she is absolutely correct. In my mind there is probably no greater profession, Mr. Speaker, that does so much for the province of Alberta. Let's just think about it for a second. When you look at the amount of money that transfers every day within this province by the trade of real estate and the amount of input by real estate agents themselves, it's quite considerable. It's extremely important that the industry be regulated in a way that we have professionals acting in a professional manner and being guided responsibly.

When asked one day what I felt about real estate agents – and I'm not sure what there are in terms of numbers all across this province, but I suspect that there's got to be close to 7,000 or 8,000, perhaps upwards to 10,000. Maybe the Member for Lacombe-Stettler could enlighten us with that number a little bit later on. I think if you look at the amount of activity that happens with realtors on a daily basis – you have situations where there's a raw piece of property, for example, and there is no possible use or what appears to be no possible use for that parcel of property.

Then you get somebody who comes along saying: you know, you ought to buy that. This realtor would say to you that you ought to buy it for these reasons. If they make sense, the deal goes on, and that realtor of course makes a commission. More importantly, we start to change our communities. We change the face of our communities.

I can recall not so long ago, as I was first starting in the industry, creating my own real estate company, I got into a situation where there was a large tract of land and I felt that could probably be an excellent site for a mobile-home park. Nobody saw it that way, Mr. Speaker. I continued to push the idea that somebody ought to buy this site for a mobile-home park. You know, that is exactly what happened. Someone bought the site, and today it's one of the most popular mobile-home parks in and around the city of Edmonton.

I can tell you that it takes a real estate agent with ideas. Many, many of them out there solicit or sell these properties with an idea in mind, of course changing the way our community will grow and start to take shape. I know many times there would be empty buildings. The minister for public works in Public Accounts Committee the other day said that we have some 200 buildings in Edmonton alone that in fact we own, and the rest of the space that we occupy is leased. As time goes on, we're going to be looking at downsizing. We're going to be looking at surplus buildings; we're going to be looking at surplus space. Therefore, I think that more than likely those buildings or some of them will be on the market, and it's going to take a real estate agent, someone with ideas, to be able to look at that building and say: what is the best possible use for that building? They're going to go around, and they're going to choose. They're going to suggest that maybe it's a warehouse, for example, and they're going to say, "This will be best suited for a trucking company," or "This will be best suited for some manufacturing company." That is how they're going to go about considering who it would be that is going to buy that particular piece of real estate. They look at all the different prospects, come up with the best possible prospect, and then approach that individual or that corporation and then attempt to make a deal, thus changing the shape of our community once again. So very, very important to this province, very important to our country is the work that is done by the realtors.

I've got to also say in this House, Mr. Speaker, that the work done by the Alberta Real Estate Association has been immense over the last number of years. I'd like to just reiterate what the Member for Lacombe-Stettler said about AREA, particularly with the creation of the assurance fund. It's a very, very important aspect of real estate, something that we've never had before. Something that is incorporated in this Bill is the assurance fund. For the benefit of those members that are not sure what the assurance fund is about: like most professions, there is an errors and omissions insurance. Like the legal profession, for example: they govern themselves by paying into their assurance fund, whatever it may be called, on an annual basis. Am I right, Sherwood Park? What's that called?

MR. COLLINGWOOD: Yes. It's called an assurance fund.

MR. CHADI: It's called an assurance fund for the legal profession as well.

In this case it's something that realtors never did have. It was needed; it was needed for a very long time. I can recall when one of the most important questions that was asked by a prospective purchaser approaching a real estate broker would have been, "Do

you have errors and omissions insurance?" It was almost like going into a store today and ensuring that that individual, that storekeeper, was registered with the Better Business Bureau. It gave a little bit of assurance to that consumer that in fact they were reputable, that in fact if there were ever an error or a mistake made as a result of something that the broker had said or omitted, they would be covered, would not be at risk for any of their hard-earned dollars or their investment.

You know, Mr. Speaker, there were times when a prospect would go to a broker and look at a piece of property, consider buying a piece of property, and ask about the zoning. You look at perhaps an old map identifying the different zonings within a given area. As you know and can imagine, these things change continually. You can have today a piece of property that is zoned residential, and in five years' time it's become either multi-residential or maybe mixed use for things like commercial and residential, or it could be transformed entirely to a commercial site or even go a step further and become an industrial site. So no one knows at any given time whether or not a five-year-old map or a 10-year-old map showing different zonings will still apply. I think that the assurance fund for the real estate agents was the best thing that happened to the profession. It gave that sense of security for any individual prospect, and it gave a sense of security as well for the real estate firm.

The last thing the real estate firm would want would be for one of the agents to go out and sell you, Mr. Speaker, a property, a house here in our capital city perhaps on the shores of the North Saskatchewan River, such a beautiful site, with a walk-out basement onto the bank, and, lo and behold, some of the bank starts to give away, and just after you bought this property, you realized that the listing agent already knew of such an engineering deficiency. Here you go and approach that real estate agent, and the real estate agent goes to his broker, and you find out that they don't have any errors and omissions insurance. Well, I'd suggest to you, Mr. Speaker, that you could be right out of luck. There's not much one can do other than to sue them, and if there aren't any assets in their company or with that individual, you've bought yourself a pig in a poke. So this is a good thing for Alberta and the Alberta Real Estate Association, AREA, bringing it in originally. It being in this Bill and continued within this Bill is a step in the right direction.

4:50

The Member for Calgary-Buffalo spoke about regulations. I've often jumped to my feet in this Legislature and spoken on Bills, talked about the need for regulations to be incorporated perhaps not within the Bill but at least as an appendix to it, something that we could look at and offer advice, perhaps offer amendments if need be. At least there's something there that would give us some guidance as to where we're headed, not only with the Bill, because this is the framework, but we need the meat that goes along with the Bill. I can only think of situations like, for example, the health authorities, whereby they were created by the province and, it seems to me, were given some direction, but the regulations were unclear as to where and what they would be doing. In fact, there were many of them that were left in the dark and had to fend for themselves in many respects as to how to go about creating the task at hand.

I think that within the Real Estate Act there is much, much more work to be done. There has to be regulations put together. Whether or not the stakeholders then would come together, being the mortgage brokers and the real estate people within this province, there is work to be done in that regard.

The composition of the council, Mr. Speaker, I think is good. The council will consist of 11 members, and the fact that the minister is entitled to appoint one is, in my opinion, deserving. I think that the minister needs to be continually involved. One member appointed by the Mortgage Brokers Association. Of course, even though they are an integral part of the Real Estate Act, we're talking about one member compared to six members appointed by the Alberta Real Estate Association. But given the number of realtors in the province compared to the number of mortgage brokers, I suspect it's perhaps balanced. One member from BOMA, being the Building Owners and Managers Association of Edmonton and of course Calgary, and the Real Estate Institute of Canada and the Institute of Real Estate Management. I think that if the member had a hand in putting this together, she did a fine job. Two members would be appointed by the Alberta Mortgage Brokers Association and BOMA from nominations received from the Alberta Real Estate Association. That's interesting, the way that was put together, but again welcomed by myself. So that aspect of it is, I think, very much acceptable and will be agreed to and good for all in the future.

I raise a concern for the member, though, and it is part of section 18, where it talks about receipt of money. It is subsection (3), and I'd like to read this, Mr. Speaker, because I think, you know, that if I'm missing something, perhaps somebody should enlighten me. It says:

Before accepting any money in connection with the carrying on of the business of an industry member, an industry member shall provide to the person on whose behalf the industry member is acting and any other person who is providing the money full particulars in writing.

In other words, a real estate agent would have to provide in writing to someone who is about to give a deposit on a piece of property, as I read it,

(a) any direct or indirect interest that the industry member or any associate within the meaning of the Securities Act or any officer, director or manager of the industry member or associate or, where the industry member is a partnership, any partner in the partnership, has or may acquire in the transaction.

So what they're saying is that we'd have to disclose any direct or indirect interest that the industry member or any associate has. They continue on and talk about partnerships, and my question is . . .

THE DEPUTY SPEAKER: The hon. Member for Medicine Hat is rising on a point of order that you're prepared to share?

Point of Order Second Reading Debate

MR. RENNER: Yes, Mr. Speaker. It could be any number of things: 23(b)(i). The member is dealing with very specific items out of the Bill, and I think they would be more appropriately discussed at committee stage. He's obviously going to be proposing an amendment, and I would suggest that he do propose an amendment and explain it at that point. At this stage in the debate we are supposed to be discussing the principle of the Bill. I can't possibly imagine how that specific type of discussion could be related to the principle.

The other thing that we may want to consider is 23(c), "persists in needless . . ." No. I'm sorry. I was looking for the point of order that talks about needless reading from *Hansard*. That would be 23(d).

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: Edmonton-Roper on the point of order.

MR. CHADI: Yes. I'm not sure I quite understand the point of order. To be frank with you, if the Member for Medicine Hat has something to say in debate, perhaps he should rise and speak to the debate.

With regard to the point of order itself, I'm not, first of all, reading from *Hansard*. I'm reading parts of this Bill that I'm speaking to, and I'm speaking to the principle of the Bill. I am not speaking in any way to an amendment or about to introduce an amendment. Therefore, I would submit to you, Mr. Speaker, that the point of order is completely out of order, and maybe you can make a ruling on that.

Thank you.

THE DEPUTY SPEAKER: Well, the Chair would observe that the point taken by Medicine Hat has some merit in the sense that when a member gets too much into the detail of a Bill as opposed to a Bill that amends, there is the danger that you can get into the committee stage of it during second reading. However, for much of the discussion as led by the hon. Member for Edmonton-Roper, the Chair was following and thought that he was staying within the bounds, although now and again bouncing perhaps into committee stage. In the last few moments perhaps the Chair wasn't concentrating as much on the wisdom being offered by Edmonton-Roper, so I couldn't fairly comment that you were straying beyond the bounds. We can assume that if you were, that may be more in the ear of the beholder. Certainly we would ask that the hon. Member for Edmonton-Roper stick to the general, broad principles of this Bill.

Thank you.

5:00

Debate Continued

MR. CHADI: Thank you, Mr. Speaker. Yes, indeed, I felt that I was speaking to the principle of the Bill, and in speaking to the principle of the Bill, one would sometimes have to go back to the Bill itself and tie it to what one is trying to get across.

What I was trying to suggest before the point of order was brought is in fact that there are going to be times when – we need to be very careful when we create legislation that in fact we are creating something tight, a piece of legislation that cannot be interpreted a hundred different ways, which sometimes members of a certain profession can find very easy to do. Of course, the Member for Edmonton-Whitemud looks at me, and I'm talking clearly about economists here. For the benefit of those that are wondering how many different interpretations you can get from different professionals, I'm told that if you asked 20 economists for opinions, you'd get in fact 25. That's what I'm referring to.

With respect to section 18(3) there are going to be times when we have to be able to understand the difference between a partnership as it's spoken of in the Bill here and a corporation, because an industry member could very much be involved in a corporation. Of course, it's not within the Bill itself, and I'm really curious to know why it couldn't be incorporated in the Bill.

Mr. Speaker, I understand that my time for speaking has now expired. I really look forward to the committee stage, because I have an awful lot more to talk about within the Real Estate Act.

Thank you very much.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Speaker. Bill 28, the Real Estate Act: 10 years later and still a little bit deficient. And that's unfortunate, even though the Bill does certainly accomplish many positive things. We've got a Bill that establishes the real estate council of Alberta, deals with regulation and trading of real estate, deals with the real estate assurance fund, the Alberta Real Estate Foundation: all very worthwhile.

Mr. Speaker, you've got a Bill that moves the real estate industry into one of self-governance, self-regulation, yet the drafters of the Bill seem not to have recognized what other professions that are self-regulating, self-governing are doing in terms of having more consumers involved, stakeholders other than those who might be better defined as the steak-eaters, you know, the ones that have a direct monetary interest in the outcomes of disputes.

Mr. Speaker, it is, I think, going to be absolutely necessary when we get to the committee stage to look at the composition of the committee under section 6 and to ensure that consumer interests are better represented. I'd be interested to know whether or not the government has consulted with home warranty people and with other builders and with the Canadian Consumers' Association and with some of the groups that really speak up for consumers. You know, the government doesn't really have a department of consumer and corporate affairs anymore. It's a good thing for the real estate council to be established and for it to self-govern the whole exchange of real estate transactions, but certainly we'd have to look at section 6 in a little more detail.

Now, when you look at the regulations attendant to this Bill – and my colleague for Calgary-Buffalo has spoken well to section 83 and how broad it is – I note that the minister has the ability to make regulations that also tend to take away a little bit from that notion of self-governance. If you look at section 83(2)(i), regulations can be made "respecting, for the purposes of section 56(4)" – and that's the section about the real estate assurance fund – "additional purposes for which money in the Fund may be used." So what you have here, Mr. Speaker, is something I find a little contradictory. You have the Lieutenant Governor in Council making regulations on how the assurance fund can be used in what's supposed to be a self-governing profession. [interjections]

Mr. Speaker, I'm being encouraged to continue, so I'll do that.

I note when I look at section 83(2)(k) that there is a regulation respecting the Alberta Real Estate Foundation. Again, the Lieutenant Governor in Council can make regulations

respecting the appointment of members of the board of governors of the Foundation including, without limitation, the number of members, who is to appoint them, the terms of office . . . and the filling of vacancies.

Well, you know, this is a little contradictory to the whole notion of self-governance.

So, again, I look forward to the debate on some of the deficiencies in the Bill. I think the Bill will have generally wide support, and certainly it has wide support from this caucus. But certainly, Mr. Speaker, we're going to have to tighten up the regulations, we're going to have to tighten up the appointments of the council itself, and we're going to have to ensure that consumer interests are better protected.

Thank you.

THE DEPUTY SPEAKER: Are you ready for the question?

The hon. Member for Lacombe-Stettler to conclude debate.

MRS. GORDON: Thank you, Mr. Speaker. I would like to thank the members opposite, particularly those that spoke to the

principles of the Bill. I also want to thank those members that elevated me to such high positions during second reading. When we begin committee stage, I will initially address all of your concerns and the issues that you brought forward.

With that, Mr. Speaker, I move second reading of Bill 28.

[Motion carried; Bill 28 read a second time]

Bill 31

Securities Amendment Act, 1995

MRS. BLACK: Mr. Speaker, on behalf of the Provincial Treasurer I'm pleased to move second reading of Bill 31, the Securities Amendment Act, 1995.

DR. PERCY: This legislation, the Securities Amendment Act, 1995, is something that we in fact had proposed at least two to three years ago, in terms of generating additional savings and as a way of making this particular entity self-financing. In terms of the issue of principle here, there's the issue of ensuring that it is self-financing, yet the regulation of the industry itself is still subject to government control, two principles that have to be dealt with.

I think perhaps the most important principle that seems to be embodied in this Bill is that it allows the Securities Commission to be far more responsive and accommodating to movements in the market. To the extent that one views the issue of harmonization of capital markets, western Canada and nationally, the ability to make rule-making more flexible and more responsive in response to changing market conditions means that the principles embodied in this Bill are going to be very useful in terms of a much greater integration of the western Canadian financial market.

One of the problems in terms of regional harmonization is that to the extent that the rule-making is legislative in nature, as opposed to being within the commission itself, it slows down the process of adaptation to new financial innovations and the ability, then, of each of the commissions and each of the regulations governing the flow of financial instruments across provinces and of financial deals within and across provinces. It really reduces the speed of adjustment to financial change.

So when we look at this Bill – and we've gone through it in some detail – we support the underlying principles. However, there are some issues we will want to discuss in Committee of the Whole. These deal with issues related to remuneration, for example, and the fact that it appears remuneration of the senior officials of the commission will no longer be set by government grid. It'll be in fact financed and set by the commission itself.

5:10

We're also concerned about some issues related to disclosure of information and the issue of admissibility of reports, and the commission seems to have significant control with regards to admissibility of reports, when they will be released. One other issue that is of concern to us concerns who audits the commission. This will still be a provincial agency or entity, and it should be audited by the Auditor General. It's not actually clear in this, and we'll be posing some questions in Committee of the Whole.

Other aspects, though, in terms of compliance, in terms of ensuring that violations are dealt with expeditiously, which are embodied in the Bill, we wholeheartedly support. One principle that we have problems grappling with – and it embodied much of the debate about Bill 57 last session – deals with the trade-off between setting up basically a delegated administrative organiza-

tion, the delegation of powers, the loss of control, and earmarking of funds. Although the government will still set fees charged by the commission, the funds are all earmarked. In the past there in fact has been substantial revenue generated by the commission which then has flowed back to the government. Now the funds are dedicated and earmarked.

On one hand, again, that's good. The commission is going to be self-financing. On the other hand, those funds, since they're earmarked, are going to be very sticky; they're going to stay within the commission. You may in fact end up with what our concern is: a lot of administrative bloat. To the extent that you have a use it or lose it type of mentality, that funds generated, earmarked that are there should be used, there is the potential for a less efficient entity. On the other hand, if there is one industry where people monitor salaries very closely, are concerned about efficiency, it is the financial industry, and I would think that if salaries get out of line, if administrative costs get out of line within the commission, there will be an immediate response on the part of the industry itself.

So we've grappled with this issue, which is setting up what is in effect a DAO with all of the potential problems that we have envisaged about other types of DAOs that might have been set up and the specifics of the commission itself. It's an issue that we'll debate, I think, in Committee of the Whole stage and is one of the

principles that I know some of my other colleagues will want to debate in second reading when this Bill next comes up.

We do support the Bill in principle. We have some concerns that we will address in Committee of the Whole. We will pose a number of questions in Committee of the Whole, and if we receive answers that clarify our concerns, then we will not bring in amendments. If we don't get answers, then in fact we'll be required to bring in amendments to address the specifics of our concerns.

Now, with those comments, Mr. Speaker, I would adjourn debate on Bill 31.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Whitemud has moved that we now adjourn debate on Bill 31. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

AN HON. MEMBER: No.

THE DEPUTY SPEAKER: Carried.

[At 5:16 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

