

Legislative Assembly of Alberta

Title: **Monday, October 23, 1995**

1:30 p.m.

Date: 95/10/23

[The Speaker in the Chair]

head: Prayers

THE SPEAKER: Let us pray.

At the beginning of this week we ask You, Father, to renew and strengthen in us the awareness of our duty and privilege as members of this Legislature.

We ask You also in Your divine providence to bless and protect the Assembly and the province we are elected to serve.

Amen.

head: Presenting Petitions

THE SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. It's my pleasure to present on behalf of 342 constituency members in the Smoky Lake-Redwater area a petition to save universal medicare and enhance quality health care.

We the undersigned residents of Alberta re-affirm our support for the five basic principles upon which Medicare was built: accessibility, universality, portability, comprehensiveness, and public administration.

We also oppose two-tier health care which moves us toward an American-style system.

We also call for national standards for Medicare to be maintained.

MR. VAN BINSBERGEN: Mr. Speaker, I'd like to present a petition on behalf of 113 of my constituents who petition the Assembly to "de-insure the performance of induced abortion under the Alberta Health Care Insurance Plan Act" while using "the community-based resources that are already in place that offer positive alternatives to abortion."

Thank you.

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

MR. HENRY: Thank you very much, Mr. Speaker. One of the privileges given to us as MLAs is the privilege of presenting petitions on behalf of our constituents so their views can receive a fair hearing in the Legislature. In that spirit I'd like to present a number of petitions: one from the parishioners at paroisse St. Joachim in my constituency and from paroisse Immaculée Conception just outside of my constituency as well as from a group from Edmonton and another group from outside of Edmonton. I've been asked to pass these on to the Premier and to the Minister of Health. All petitions ask that "the performance of induced abortion under the Alberta Health Care Insurance Act" be deinsured and that the "community based resources that are already in place that offer positive alternatives to abortion" be used.

Thank you.

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

MR. DICKSON: Thanks, Mr. Speaker. I'm pleased to present a petition signed by 75 Albertans who urge the Legislature to

eliminate the \$25 application fee under the Freedom of Information and Protection of Privacy Act. I'd point out that this fee is five times higher than the highest fee charged anywhere in Canada.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I have two petitions to present this afternoon. The first is a petition signed by the parishioners of Annunciation church, which is a church within my constituency, requesting that "the performance of induced abortion under the Alberta Health Care Insurance Plan Act" be deinsured and that "community based services that are already in place" be provided as a positive alternative to abortion. It's signed by 162 members of that particular parish.

The second is a similar petition that is signed by individuals out of the Westlock, Barrhead, Lac La Biche, Thorhild, and Legal areas requesting the same.

Thank you.

head: Reading and Receiving Petitions

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

MR. BRUSEKER: Thank you, Mr. Speaker. I would ask that the petition I presented when we last sat in the springtime regarding the potential closure of the Bow-Crow forest office in my constituency be now read and received.

THE CLERK:

We, the undersigned residents of Alberta petition the Legislative Assembly of Alberta to urge the government to maintain the Bow/Crow Forest Headquarters in Calgary.

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

MR. HENRY: Thank you very much, Mr. Speaker. I would ask that the petition I tabled in this Legislature last week requesting full funding for kindergarten now be read and received.

THE CLERK:

We, the undersigned residents of Alberta petition the Legislative Assembly to urge the Government of Alberta to continue to recognize the importance of, and fully support, the provision of Early Childhood Services to children in this province.

head: Presenting Reports by head: Standing and Special Committees

MR. HIERATH: Mr. Speaker, as chairman of the Standing Committee on Legislative Offices I would like to present the annual report of the Auditor General for 1994-95, which is submitted pursuant to section 19(4) of the Auditor General Act.

head: Notices of Motions

MR. DAY: Mr. Speaker, I'd like to serve notice of the following motion:

that changes to the membership of the following committees be approved by this Assembly: on the Standing Committee on Private Bills that Mr. Langevin replace Dr. Oberg and on the Standing Committee on Public Accounts that Dr. Oberg replace Mr. Friedel and that Mr. Coumts replace Mr. Friedel as deputy chairman.

head: Introduction of Bills**Bill 48
Teaching Profession Amendment Act, 1995**

MR. JONSON: Mr. Speaker, I request leave to introduce Bill 48, the Teaching Profession Amendment Act, 1995. These amendments deal with the discipline provisions relating to unprofessional conduct and will allow the Alberta Teachers' Association to respond more quickly and effectively in the best interests of all those involved.

Mr. Speaker, the current Teaching Profession Act dates back to 1935. It is not consistent with current processes with respect to professional discipline, and it does not conform to the government policy on professions and occupations. The provisions of this Bill will ensure that teachers are treated in a manner consistent with the process of other professions in Alberta.

These amendments were developed in consultation with the Alberta Teachers' Association, and in developing the amendments we've been careful to ensure that the process is consistent with the rules of natural justice and that the public interest is protected.

[Leave granted; Bill 48 read a first time]

head: Tabling Returns and Reports

MR. MAR: Mr. Speaker, it gives me pleasure to table five copies of each of the following: the 1994-95 annual report of the Alberta Foundation for the Arts; the 1994-95 annual report for the Alberta Multiculturalism Commission; the 22nd annual report, for the fiscal year ended March 31, 1995, of the Alberta Human Rights Commission; the 1994-95 annual report of the Alberta Sport, Recreation, Parks and Wildlife Foundation; and finally, the Glenbow-Alberta Institute annual report for the year 1995.

MR. JONSON: Mr. Speaker, I wish today to table five copies of the guide for developing interim business plans for school boards and five copies of a document released in June 1995 entitled Accountability in Education Policy Framework.

Thank you.

THE SPEAKER: The hon. Member for West-Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I'm delighted to be able to table copies of 20 letters sent by Hinton residents to the Premier. They want him to know that they're adamantly opposed to any possible right-to-work legislation, and they also want him to know that they totally agree with the conclusion by the Minister of Labour last year that there are no economic advantages to this kind of legislation.

head: Introduction of Guests

1:40

MRS. McCLELLAN: Mr. Speaker, I'm very pleased to introduce today a constituent from Chinook. It's a rare pleasure for me to have visitors from that distant constituency. I want to present to you and through you to members of the Assembly Mr. Lloyd Blue from Castor, Alberta. Lloyd, we're delighted to have you.

THE SPEAKER: The hon. Member for Three Hills-Airdrie.

MS HALEY: Thank you, Mr. Speaker. I, too, have visitors from afar. It gives me great pleasure to introduce to you and through you to members of the Assembly two of my Three Hills-Airdrie

constituents. I am very pleased to ask Mr. and Mrs. Chester Davidson to please rise and receive the warm welcome of our House.

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

MR. DECORE: Thank you, Mr. Speaker. I would like to introduce 61 students from the Bishop Greschuk school, a school located in my constituency. I had the honour of speaking to these students two weeks ago. Most of them had taken their civics course, and I was amazed at the things that they knew about democracy. I would like to introduce the 61 students along with their leaders and teachers: Mrs. Neuls, Mrs. Eger, and Mr. Schlender. Would they stand and be introduced to the House.

THE SPEAKER: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. It is a privilege to introduce to you and to other Members of the Legislative Assembly 65 students from one of St. Albert's finest schools, Sir Alexander Mackenzie. They are in grade 6. I had the opportunity to spend some time with them last week. They asked excellent questions and are here to learn more about how the Legislative Assembly operates. They are here with their educators Pat Collins, Anne Marie Fraleigh, Carolyn Svekla, who is the student teacher, Gayle Billinton, Karen Sylvester, and Rodger Bouthillier and with parents whom we thank for coming and assisting: Mrs. Moyra Johnson, Mrs. Shelley Klesko, Mrs. Jane Height, and Mrs. Barb Shoemaker. They are in both the members' and public galleries. I would ask that they rise and receive the warm welcome of the Assembly.

head: Oral Question Period**Private Medical Clinics**

MR. MITCHELL: Here we go again, Mr. Speaker. The Premier has instructed his Health minister to begin her letters to the federal government with the assertion that Alberta is right to allow private clinics to charge facility fees, yet the minister has said that she won't clarify or withdraw her promise to eliminate fees in private clinics. Now that the Premier and his minister have had the weekend to sort things out, will the Premier tell us once and for all who speaks for Alberta when it comes to health care policy, and what is today's policy when it comes to facility fees?

MR. KLEIN: Mr. Speaker, nothing has changed. [interjections] Nothing has changed over there either.

Nothing has changed. MRI clinics are operating as they have been operating in the past. Various eye clinics are operating as they have been operating in the past. Other clinics that charge facility fees are still operating today as they have been operating in the past.

Now, it's no secret that the federal Minister of Health has said that she feels that the way these clinics are now operating is in violation of the Canada Health Act. We have been saying all along that we see nothing wrong with it but that we are willing to put on the table some areas of compromise that the two ministers can discuss, Mr. Speaker. Our Minister of Health and I have talked about this, and we have said, "Lookit; we don't think what we're doing now is wrong, but if you think there are some areas where we might reach compromise on this situation, let's talk about it."

MR. MITCHELL: Where we need some compromise, Mr. Speaker, is between the Minister of Health and the Premier.

Will the Premier please explain what exactly his Minister of Health meant when she said that if she knew her letters to Minister Marleau were going to be public, she would have said something different?

MR. KLEIN: First of all, I'll have the hon. minister supplement. But I can say with a great deal of suspicion . . .

MR. DINNING: No.

MR. KLEIN: Well, will the Liberals explain to us how they were getting copies of our minister's private correspondence to the federal Minister of Health?

MRS. McCLELLAN: Mr. Speaker, I'm pretty sure this is another overheard comment in a press scrum.

Please let me try and help out the hon. member across the way, because he truly is confused. I think my comment centred around the fact that there has been a series of letters on this issue. On October 11 I wrote a letter to the hon. Minister of Health for Canada, and I outlined some principles and a proposal and a request to meet with her. She wrote back to me on October 13, and in that letter she suggested that there was an area in my letter that she had some concerns with and that my letter didn't address. It dealt with elimination of fees. So I wrote her a note back saying: thank you for your reply; to clarify the overall purpose of the Alberta approach – the Alberta approach – it is our intention to eliminate facility fees in semiprivate clinics.

Now, I understand that the members across the way have not grasped the whole issue, but I would be happy to offer the hon. member a package, in sequence, so that he could read it through carefully. In the future, Mr. Speaker, in the correspondence, knowing that he is going to probably have it almost as quickly as the federal minister, I am going to make sure that I write four- and five-page letters so that we don't lose any of the sequence.

Interestingly enough – and I'm surprised he hasn't tabled this one – I have a letter from the federal minister, who had no questions about the content of my letter or a lack of understanding about it.

MR. MITCHELL: Mr. Speaker, back to the point of my earlier question. What exactly are the Premier and the Minister of Health now telling the federal government privately, either in writing or otherwise, that she won't tell Albertans about what they're doing to facility fees in private clinics in this province?

MR. KLEIN: Mr. Speaker, there is nothing untoward about this, and there is nothing being covered up. We have always maintained the position that the way clinics operate now is quite proper under the Canada Health Act. The Minister of Health disagrees with us, and I find this somewhat astonishing in that these clinics have been operating that way for about 10 years and no one has really complained. The federal minister, however, has said: well, we don't think this is in compliance with the Canada Health Act. We're saying: well, we think it is, but if you can show us where we differ on this and where we can perhaps reach some compromise, let us know. That is why in the very near future our Minister of Health and the federal Minister of Health with be sitting down to discuss some of these points contained in the ministers' letters.

MR. MITCHELL: Mr. Speaker, it's not only the Minister of Health who disagrees; it's also the Premier's own health care officials who disagree. On May 2, 1994, the Deputy Minister of Health advised that the Dr. Gimbel private clinic model would ultimately challenge the ability of the publicly funded system to maintain access to a comprehensive range of publicly funded health [care] services, violating two of the principles of the Canada Health Act: comprehensiveness and accessibility. Specialist services in short supply are particularly vulnerable.

This stands in stark contradiction to the Premier's repeated claims that Alberta is doing nothing wrong and that the federal government has only now changed the rules on facility fees. Mr. Speaker, I table four copies of the letter from health officials to the Premier and his minister.

Given the conclusion that the Gimbel proposal violated the Canada Health Act, can the Premier explain his continued support of extra billing in the form of facility fees?

MR. KLEIN: Yes. Mr. Speaker, I guess we go on the basis of precedents. The precedence has been established over the past 10 years since these clinics have been operating in the matter that they are now operating today, and no one has complained about it.

MR. MITCHELL: Could the Premier please explain clearly for all of us here how government policy, his policy, can support facility fees on the one hand and then his policymakers admit that they violate the Canada Health Act on the other hand? You can't have it both ways.

1:50

MR. KLEIN: I'm sorry, Mr. Speaker; there is a fundamental difference here, and I'm surprised that the leader of the Liberal opposition doesn't understand the difference. A public service employee is not a policymaker. A public service employee is a policy adviser, not a policymaker. Policymakers are elected.

MR. MITCHELL: The two of them are elected and in disagreement.

Could the Premier tell us whose interests he thinks he's serving by defending facility fees, Mr. Speaker, because it certainly isn't the elderly, the chronically ill, the poor, or any typical family in Alberta?

MR. KLEIN: Mr. Speaker, indeed we are defending the interests of all these people because through the system as it now operates we have in fact – and it can be demonstrated – eased the pressure on the publicly funded system. We have eased the pressure on the publicly funded system, and there ought not to be anything construed as being wrong with that.

Quite simply, and again I would have to reiterate, this has not been an issue. If the leader of the Liberal opposition is receiving a lot of mail opposing all clinics that charge facility fees, would he share the rafts and rafts of letters that he gets on this particular issue? Mr. Speaker, I virtually get no mail from people who say that they oppose the concept. Quite the opposite. I get a lot of mail – a lot of mail – from people who have been served by these clinics who are totally and absolutely satisfied with the treatment they get.

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

Doctors' Fees

MR. SAPERS: Thank you, Mr. Speaker. This government has a bleak track record when it comes to dealing with health care professionals. Just ask the doctors in this province. The Alberta Medical Association states that during negotiations between their association and Alberta Health, the government reversed their negotiating position within a nine-day period and then misinformed the public on the issue of physicians' fees. The Minister of Health claims in an August 17 government news release that no cap on doctors' incomes "has been proposed or [even] considered." It must just be another typo.

Now, my questions to the Minister of Health are as follows: will the minister please tell the Assembly who it is that's telling the truth and who isn't about what happened during negotiations between the province and our doctors?

MRS. McCLELLAN: First of all, Mr. Speaker, I will inform the hon. member and all members in this Assembly that part of the agreement on negotiations with the AMA, agreed to by both parties, is that the substance of those negotiations will be kept between the negotiating teams during the period of negotiation.

Now, further to the comments that the hon. member has stated, I think it is another bit of selective reading. Mr. Speaker, over the period of the several months that negotiations have been going on, there have been a number of things that have been put on the table by the AMA and accepted or rejected by Alberta Health, and pending that, taken off the table or left on. Similarly, there have been a number of items that have been put on the table by Alberta Health which have been accepted or rejected by the AMA and subsequently either remain on the table or are taken off. One of the objectives to reaching an agreement – and that is our objective, both the AMA's and Alberta Health's – is that both parties can feel free to place items on the table, have them freely discussed, and accept or reject those. At no time did we suggest a cap on physicians' salaries in negotiations. There was a proposal that was ventured on a short-term strategy regarding salaries, but it was not a cap on physicians' salaries.

That is one of the difficulties we have when you take an excerpt, one line from an item, in this House and try and build some fabric around it. You are missing the whole several months of negotiations between the two parties. It is a matter of honour and trust that those items at that negotiation table are at that table. Mr. Speaker, this minister will keep them there.

MR. SAPERS: Mr. Speaker, I'd like to table *The President's Letter* dated August 22, 1995, from then president Frederick Moriarty of the AMA, in which he says, "Alberta Health reversed its . . . position" and "Alberta Health provided a cap on physicians' incomes" – the AMA's words, not mine – and a government news release dated August 17, in which the government, in spite of the minister's assertion that they negotiate behind closed doors, issued a press release about those negotiations. Hardly behind closed doors.

Now, Mr. Speaker, will the minister please explain why chief negotiator David Kelly of Alberta Health was dismissed by new Deputy Minister Jane Fulton in the middle of these delicate negotiations on the heels of those documents and why those positions of the government were turned absolutely upside down, in the words of the AMA at that time?

MRS. McCLELLAN: Mr. Speaker, I know that you will provide me some licence to answer the preamble, seeing there was a

preamble on a supplementary question and a tabling. I believe that when hon. members do examine both of those documents, you will note that the minister responded after the AMA raised some points in an open letter which was made public on those, and I did clarify in that the issue of capping physicians' salaries. It was not a cap. It is in fact a practice that occurs in a number of other provinces in this country.

Mr. Speaker, the restructuring of Alberta Health has followed the restructuring of health services delivery. You know that we have taken all of the various sectors of health and put them into regional health authorities. Therefore, it was important that we restructure at Alberta Health as well. Today Alberta Health has three assistant deputy ministers. I believe that when I assumed that portfolio, there were eight or nine; I think it was eight and an associate deputy. You cannot restructure how you deliver health services and leave the model of Alberta Health in the old age. This was simply a matter of restructuring – phase 3, which was coming – and the position was eliminated. Practitioner services has been integrated into the other areas of responsibility and actually is working extremely well.

THE SPEAKER: Final supplemental.

MR. SAPERS: Thank you, Mr. Speaker. It sure would have been nice if in all that leeway there'd been an answer.

What exactly has the Minister of Health done to rebuild trust between herself, her department, and Alberta's doctors? What is she doing to get the doctors back into productive negotiations?

MRS. McCLELLAN: Mr. Speaker, I would suggest quite a lot. The hon. member might disagree, but I can tell you that the minister and the president of the AMA have met probably on at least four occasions in the last two weeks. We have daily telephone conversations, it sometimes seems, and the purpose of those is to assist our negotiating teams in areas where they may be having difficulty on agreement.

Mr. Speaker, I could ask the hon. member what he is doing to assist building trust with Alberta doctors and helping with health restructuring, but that would be a rather useless question.

THE SPEAKER: The hon. Member for Cypress-Medicine Hat.

Canada/U.S. Cattle Trade

DR. L. TAYLOR: Thank you, Mr. Speaker. My questions are to the minister of agriculture. The cattle industry is one of the main economic drivers in agriculture and truly in the province. Right now is the height of the calf run – calves are moving – and any change in regulations by the feds is certainly noteworthy. Last week the federal minister of agriculture announced that he was amending regulations to eliminate the compulsory testing for bluetongue in cattle imported into Canada. Could the minister tell us what this means for trade between Canada, Alberta in particular, and the U.S.?

2:00

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

MR. PASZKOWSKI: Thank you, Mr. Speaker. I welcome the question from the hon. Member for Cypress-Medicine Hat. Yes, we're quite pleased with the announcement that was made in that it is extremely good news for Alberta and Alberta agriculture.

Through a period of time we had made repeated representations to our federal counterpart to have these rules changed and to allow for access from the state of Montana as well as 30 other states within the United States. This indeed was actually becoming a border irritant, and there were threats that this would become a trade sanction if indeed there weren't some changes made. So it's good news for Alberta. It's good news for the Alberta feeding industry in that we'll now allow for a growing capacity in the feeding industry using Montana cattle who can access Alberta feedlots.

As a matter of fact, just a week ago when we were meeting with the director of agriculture and the Governor and the Lieutenant Governor in Montana, this was one of the major issues that was on the table. Indeed, this is good news for both Alberta agriculture as well as Montana agriculture.

DR. L. TAYLOR: Thank you.

MR. N. TAYLOR: How about bluetongue in the government?

DR. L. TAYLOR: Your language might be blue, Nick, but you don't have bluetongue.

THE SPEAKER: Order.

DR. L. TAYLOR: Could the minister assure the Alberta cattle industry, especially in this time of transition, when calves are moving and are so sensitive, that there is no danger to the Alberta herd?

MR. N. TAYLOR: Write a letter thanking Chrétien.

MR. PASZKOWSKI: Thank you, Mr. Speaker. Bluetongue is a result of a virus that's spread by insects. [interjection] It's unfortunate the hon. Member for Redwater doesn't take this seriously, because this is serious. This is something important. It allows for additional trade to develop in Alberta. It allows for additional industry to prosper in Alberta. This is serious. It's a serious agricultural issue, really.

Nevertheless, Canadian studies have indicated very clearly that the insect doesn't survive through the difficult Canadian winters that we may have periodically, so really there is no risk of bluetongue on an ongoing basis here.

DR. L. TAYLOR: Could the minister describe the change in federal regulations and the probable effects on the Alberta cattle producers?

MR. PASZKOWSKI: In the past what was required in order for the animals to access Alberta from the state of Montana, as well as 30 states in total from the United States, was that an extensive series of tests had to be taken: one to two tests over a 30-day period. Of course, this would indeed create a very great inconvenience to the feedlot industry and to the shipper. Consequently, it really didn't allow it to be practical. As a result of these changes, it is a border irritant that's removed. It's going to allow for the free flow of cattle in either direction.

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

Pediatric Heart Surgery

MR. BRUSEKER: Thank you, Mr. Speaker. The Minister of Health has commissioned a report to review Alberta's pediatric

heart surgery program. The report has two recommendations. Recommendation one is that the Alberta government should recruit a world-class surgeon to prevent children having to leave the province and, two, increase the success rate of operations that are being performed. Now, although those may seem like two relatively simple and logical recommendations, the unfortunate result is that what's happening is that specialists are leaving the province, not coming in. My questions are to the Minister of Health today. My first question is: how long does the minister anticipate it will take to attract this pediatric heart specialist to the province when in fact the minister can't keep doctors in Valleyview over the weekend?

MRS. McCLELLAN: Again, Mr. Speaker, I have to comment on the hon. member's lack of either knowledge or sensitivity to the issue at Valleyview. Physicians are human beings, and they have the same personal lives and commitments, although they forgo them a great number of times on our behalf, but also other commitments. It is indeed unfortunate that it is an issue in many rural communities that we have a difficulty attracting physicians.

Mr. Speaker, I can tell you that the Alberta Medical Association, the AMA, and Alberta Health are working together on a physician resource management plan that we hope will assist in the distribution of physicians. On the issue of attracting a top pediatric heart surgeon, Mr. Speaker, this is going to be extremely difficult. There are other centres larger than ours that are looking for the same type of person, and it will be certainly very competitive to attract that person.

MR. BRUSEKER: My supplemental question, then, along the same line, Mr. Speaker: what incentives will the minister be offering to attract a world-class pediatric heart surgeon to Edmonton when in fact we're having problems getting a new obstetrician to go to Medicine Hat?

MRS. McCLELLAN: Again, Mr. Speaker, I think if the hon. member had the time or the opportunity to review some of the strategies that we do have in place or if he had had the opportunity, as I did, to visit the physician recruitment fairs that were held in both Edmonton and Calgary, where many communities including Medicine Hat – almost all of the regions in this province were present at those along with the deans of medicine and a number of the medical students.

I should clarify one thing for the hon. member because he certainly isn't aware of this either. It will be the Capital regional health authority, not the Minister of Health, that will be recruiting that position.

MR. BRUSEKER: It's always amazing how long the minister can take to say nothing and not answer the question. So let me try one more. And she's good at it too, Mr. Speaker. How many other reports is the minister going to commission that will tell her what she already knows, which is that the policies of this government are destroying health specialists' services in this province?

MRS. McCLELLAN: Actually, Mr. Speaker, I think the hon. members opposite should be quite admiring of the minister to try and make any sense at all out of the questions they ask her. So if I try to take some time with their questions, it is in a desire to help illuminate and provide some intelligence across the way.

Mr. Speaker, despite the hon. member's comments I can tell you that the AMA and Alberta Health are having very positive

negotiations. They are tough negotiations, make no mistake, but we will be proceeding in those negotiations with the desire that we will reach an agreement that meets the needs of the physicians in this province and the needs of the people of this province.

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

CFB Calgary

MRS. BURGNER: Thank you, Mr. Speaker. Very quietly and without any fanfare the federal government continues to implement the closure of CFB Calgary. In documents that were released this weekend the Department of National Defence raised some very serious issues for my constituents. I'd like to quote:

Some misgivings exist as to the reliability of the costing data. There is concern as to whether the whole program can be achieved, in the stated timeframe, given our past track record . . . only about 60% of the expected savings may be achievable. Anticipated savings from reductions in civilian personnel are unlikely to be met . . . On the base closures side we would not see any net savings from the closures . . . for several years due to the front end loaded construction costs in Edmonton.

Mr. Speaker, my question is to the Provincial Treasurer. Will he not intervene on behalf of the constituents of Calgary-Currie and indeed all Albertans, as we are not prepared to accept the negative economic reality of this \$110 million decision?

MR. DINNING: Well, Mr. Speaker, clearly the hon. member is in command of more facts than the federal government seems to be on this issue. I would encourage her to provide us with all the information we need to be able to go back to the federal government and say: come clean on the information that's going to show that there are savings associated with the closure of this base. Clearly, the hon. member is speaking out on behalf of her constituents, which is more, I might say, than the Liberals are prepared to do, certainly the Liberals from Calgary. Here is a base closure that's occurring in Calgary, and constituents, residents of Calgary, and the hon. member who represents those people are unable to get the facts because the federal government is unable to come clean with the information to justify their decision.

THE SPEAKER: Supplemental question.

MRS. BURGNER: Thank you, Mr. Speaker. The planning process itself is called into question. I quote:

This program review and other similar activities [have their] price . . . That price is the instability generated by constant change.

Again to the Provincial Treasurer: is there any guarantee that our current planning process will be changed to address this instability?

2:10

MR. DINNING: Well, no, Mr. Speaker. The problem is that the information is not available. I know the mayor of Calgary shares the concerns of the hon. member, and they are still seeking. I know the MLA for Calgary-Elbow, who also happens to be the Premier of this province, has the same concerns and is unable to get straight answers out of the Liberal government in Ottawa.

MRS. BURGNER: My final question to the Provincial Treasurer: are there any guarantees that this current planning process involving the city of Calgary and the government of Alberta will

have the flexibility to address the fiscal problems now being identified?

MR. DINNING: Mr. Speaker, only if the federal government is willing to provide the necessary information to justify a very important decision. At this stage it appears that information isn't forthcoming, so the member and her constituents and the people of Calgary who are seeking the information are left without sufficient material, in which they might help the federal government, wanting to help the Liberal government in Ottawa - God knows they need the help - to make the right kind of decision.

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

School Transportation Fees

MR. HENRY: Thank you very much, Mr. Speaker. While the government has moved to address inequities in funding education on one hand, it has created a whole series of inequities on the other hand with ECS and transportation fees and user fees et cetera. The government said they were trying to restructure education to bring about equity, but what they've done is create a system with transportation user fees that vary from a parent paying zero dollars in one jurisdiction to hundreds of dollars in another jurisdiction regardless of the parents' income.

AN HON. MEMBER: Speech. Speech.

MR. HENRY: Patience. The questions will come. I'd like to ask the minister: in addressing the equity issue in education, does he not consider getting the child to the school a part of basic education?

MR. JONSON: Well, certainly, Mr. Speaker, having a fair and uniform policy across this province with respect to transportation support is important and part of our government direction. Across this province the same transportation funding and the same transportation policy applies. So I would look forward to the hon. member's supplementaries as to actually what he's asking about.

MR. HENRY: What I'm asking about is that since in some jurisdictions funding from this government for transportation has dropped by 20 percent or more, is the minister trying to tell Albertans that now costs of transportation have dropped 20 percent so we can save the money?

MR. JONSON: No, Mr. Speaker. As I said, the same system of transportation across this province exists as before. Certainly we have been in a time of making very significant and beneficial changes in education, but this happens to be one area where we have been quite consistent in our funding formula for transportation. In fact, the only change we've made in regard to that is that during the past few months we have eliminated a reference in the regulations to having to transport within 4.8 kilometres versus reducing it to a uniform rate of 2.4 kilometres as the minimum transportation service. If the hon. member across the way has some specific case that he wants to discuss with me, I'm very open to talking about that, but I still don't know what his question is.

MR. HENRY: Well, I can provide the minister with several cases, but perhaps I could ask the minister: has the minister taken any effort to track across the province the varying charges and

user fees for transportation from one jurisdiction to another, or is he going to simply allow a system whereby parents can pay up to hundreds of dollars a year for transportation regardless of their personal income? Is this a tax on parents or what?

MR. JONSON: There are two points to be made here. First of all, the setting of fees at the local level is the prerogative and the responsibility of local school boards, something which I think the member across the way at some time or another may have defended. I think the important point here is that along with the changes in the regulations there were a couple of very important stipulations and requirements. If a school board does have to charge, in their judgment, a transportation fee to parents, then it must be related to the actual cost of any additional service that they are providing. It cannot be used as a means of raising additional funds, and yes, that is a change we've made over the past year.

THE SPEAKER: The hon. Member for Highwood.

Special Waste Treatment Centre

MR. TANNAS: Thank you, Mr. Speaker. My questions today are to the Premier. We've recently heard in this House considerable discussions and questions about the costs of the Alberta Special Waste Treatment Centre at Swan Hills. Could the Premier tell us how the cost of disposal at this facility compared to other facilities in Alberta or elsewhere in Canada?

MR. KLEIN: Well, as you know, the Auditor General's report has just come down, and there is a special section, at the request of the government, devoted solely to the Swan Hills treatment plant. It's a very interesting question, but it's hard to quantify because there are no other facilities like Swan Hills in Canada. Perhaps there are no others in North America. There are other facilities that do look after hazardous waste but do not have the three technologies. I guess the point I've been trying to make all along is that there is a cost to garbage, whether it is hazardous waste or normal domestic garbage, and those costs are passed on to the taxpayer.

You know, I demonstrated, and I'm sure that the former mayor of Edmonton can attest to that, that a good part of the municipal tax bill was for garbage collection. I understand that in the city of Edmonton over about the same period of time, it was about \$400 million. Now, that stands to be confirmed, but I wouldn't be surprised if it were in the neighbourhood of \$400 million to collect garbage just in this city. Well, there is a cost attached to hazardous waste as well, and that, by the way, is pointed out in the Auditor General's report. But, again, he was unable to quantify it because he points out quite clearly on page 13 that . . . [interjections] Well, I ask the hon. members to turn to page 13 because it's very important. He said: "the facility incinerated its waste to higher standards (99.99999 percent destruction) than [any] of its competitors," and I think he's talking about its competitors in North America, "yet it was not allowed to charge more than its competitors." In other words, we looked at this plant as a facility, a utility to dispose of very dangerous and hazardous waste in the province of Alberta.

THE SPEAKER: Supplemental question.

MR. TANNAS: Yes. Thank you, Mr. Speaker. Again to the Premier: would the Premier detail how this facility impacts on my constituency of Highwood and other rural constituencies?

MR. KLEIN: Well, I guess the benefits that accrued to the hon. member's constituency are the same that accrued to constituencies throughout this province. Quite simply, we were able to take hazardous waste from those constituencies. In the case of Highwood I know that there was the situation of the old Purity 99 site. I think there was a situation in Cayley where a site was left as an orphan site, highly contaminated. In the city of Calgary now, as environmental officials try to address the whole problem of carcinogens that got into the Bow River, the result of the old creosote plant, I know that will have to be disposed of in some way, shape, or form. Certainly once it's all gathered, it will be disposed of at Swan Hills.

What we're saying is that if we couldn't look after it here, we would have had to have looked after it someplace else, maybe across the border, or perhaps we would have had to store it, and there's a cost to storing it as well.

THE SPEAKER: Final supplemental.

MR. TANNAS: Thank you, Mr. Speaker. Again to the Premier: would the Premier assure Albertans in the spirit of Canadian Confederation that Alberta is willing to help our nearby provinces to provide for the safe destruction of their hazardous materials?

MR. KLEIN: Certainly. But, Mr. Speaker, the only jurisdiction in Canada able to do that is the province of Alberta. We are the only jurisdiction with a facility really to handle Canadian waste within Canada without having Canadians send all that waste to the United States or putting it into landfills or storing it in a very dangerous manner.

2:20

One of the most recent examples was the willingness of Alberta, even before we changed the policy, to accept on humanitarian grounds a considerable amount of waste, PCBs that had been rendered harmless through a fire at St-Basile-le-Grand in Quebec. As I understand it, that waste is still lying around someplace, and if they want to do a deal with Alberta to dispose of that waste in a manner as described in the Auditor General's report, "99.99999% destruction", then I'm sure that offer would be open to Quebec today.

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

Access to Children of Divorced Parents

MR. DICKSON: Thank you, Mr. Speaker. There are too many children in this province who are denied the full benefit of both parents, grandparents, uncles, aunts, or cousins, after their parents separate. On October 3 of this year I wrote the Minister of Justice, and I asked him to commit this fall to public consultation on the question of access and custody. The minister, I'm sorry to say, refused that request. I'm tabling copies now in the Legislature of my correspondence to the minister dated October 3 and October 16, his letter dated October 11, and an excerpt from his speech in the Assembly on May 12, 1992. My question to the Minister of Justice: how can the minister reconcile this statement, this position he takes now, with the bold statement he made in

promoting his own private member's Bill in May 1992, when he said:

The time is now to introduce legislation that could dramatically improve the access and custody situation in Alberta.

Mr. Speaker, why is this no longer an urgent matter?

THE SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you, Mr. Speaker. It is an important issue, just as maintenance and custody are important issues. As a matter of fact, it's such an important issue that my colleagues and I have established a federal/provincial/territorial task force to look at this issue very carefully and determine how we can make the process of enforcement of orders of the court relative to access that much more enforceable and allow for parties who are impacted by orders and who are not seeing them enforced by a voluntary method see an easy way to get before the courts and have their matters dealt with.

I've met, quite frankly, Mr. Speaker, with a number of parents and grandparents who were concerned about this issue during the summer, at the end of July. I've been waiting for some recommendations back from the organizers of that meeting, which I am going to bring forward to my colleagues representing that task force. We'll continue to work on this, because I think it is in the best interest of children to have access to both of their parents and of course to try to encourage grandparents to have just as much access.

MR. DICKSON: Mr. Speaker, I wonder if the minister would tell us what advantages would accrue if he permitted an open consultation with Albertans on this important question instead of a secret consultation with federal bureaucrats.

MR. EVANS: Well, Mr. Speaker, first of all, it's not a secret consultation. We are waiting as ministers of departments of justice throughout Canada, including the federal minister, a Liberal counterpart of the Member for Calgary-Buffalo opposite, for the report back from this consultative process and firm recommendations from them. Of course, the issue is: how do you give access to the courts? How do you ensure that a court order is lived up to? That is not a matter that any legislator can have total control over, because if a party is opposed to granting access, that party can make life extremely difficult on the party who has the access order and, quite frankly, the child or children of the marriage who are impacted by the lack of integrity in living up to that order.

This is a complex problem. We're going to work through it, Mr. Speaker, and I would suggest to the hon. member that he stay tuned.

MR. DICKSON: Well, my final question, then, to the hon. minister: why do we have to wait for the permission of Ottawa or some other province to amend our own Domestic Relations Act to allow grandparents, in appropriate cases, to apply for access or custody?

MR. EVANS: Well, Mr. Speaker, the issue of grandparents is being analyzed by people from my staff and federally, provincially, and territorially across this country. We want to have a comprehensive approach to these issues across Canada because we want them to be effective. We want to improve the lot of the children who are growing up in broken families throughout Canada. To do that effectively does not just involve Alberta. We

must have a comprehensive approach because we will have parents and grandparents moving into our jurisdiction and, of course, we'll have them moving out of our jurisdiction. It is in the best interests of the children of this nation to have a comprehensive, Canada-wide approach.

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

Driver Licensing

MR. DOERKSEN: Thank you, Mr. Speaker. The Insurance Bureau of Canada, in a letter to all members of the Legislature, indicates that lack of driving experience is a major factor in higher than average accident rates. They further note that the combination of lack of driving skills and alcohol is deadly. Nearly every week we learn of yet another tragic story of real people being injured or killed as a result. To the Minister of Municipal Affairs: what testing policies are in place to ensure that drivers have adequate driving skills before granting them unrestricted licences?

MR. THURBER: Certainly, Mr. Speaker, it's a good question. Driving tests in Alberta have been designed to comply with the National Safety Code standards. These were all approved at different points of time by all of the provinces in Canada. As you are aware, the tests that we put young or new drivers through are put there for a reason: to try and determine their ability to drive and some measurability of their driving skills before they're given a licence to drive in this province.

MR. DOERKSEN: Mr. Minister, have you seriously considered the benefits of graduated licensing provisions?

MR. THURBER: Well, Mr. Speaker, that's a very good topic. It is in place in some jurisdictions in Canada, but it has not been in place very long. We think there are some fundamental flaws with this, and it needs time to determine whether in fact they're going to reach the goals as set out by the people that brought the legislation forward.

MR. DOERKSEN: Will the minister commit to establishing a consultation process with the various stakeholders to examine the options available, including testing and graduated licensing?

MR. THURBER: Certainly, Mr. Speaker, I would commit to that. In fact, I recommend a consultation process with all of the stakeholders to further develop the methods under which we test people to drive in this province. As it stands today, if you have a learner's permit, you can put it in the dresser drawer basically for a year and then go and challenge the test. I think there have to be further ways of developing the testing to in fact prove they have had some time behind the wheel and have spent the time necessary to learn to drive.

I also believe there's an area where the insurance companies can get involved in this. I don't see them coming forward with a lot of initiatives for young drivers. Believe me, we have a lot of good young drivers out there. It's not always the young drivers or the inexperienced drivers that cause traffic accidents and produce mayhem on the highway, particularly when you put the factor of alcohol in there. It's not always the young people. I have a great deal of faith in the young people and in their driving ability, so we have to be careful not to downgrade that point too, Mr. Speaker.

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

Women's Shelters

MRS. SOETAERT: Thank you, Mr. Speaker. The move by the government to swallow up the provincial women's shelters under the child welfare reforms leaves us wondering if this government has even a clue about the needs of battered women and how shelters meet their needs. My questions are to the Minister of Family and Social Services. How could you consider such a fundamental shift in the mandate, the funding, and security of shelters without first asking the women running the shelters if this will even work?

MR. CARDINAL: Mr. Speaker, the whole issue of children's services, of course, is under review, and the only time we will make changes is when we can improve the services to children and women. In any particular case where that is not possible, we won't make changes. We'll try and improve what we have out there in another way. I wish the member asking the question would be more specific on what issues she is talking about, and then I may be able to give a better answer or an answer that makes sense, because the question doesn't make too much sense.

2:30

THE SPEAKER: Supplemental question.

MRS. SOETAERT: Thank you, Mr. Speaker. I'm asking why shelters are now under child welfare. Why are you demanding that women's shelters become the responsibility of child welfare? Who said that was a good idea? Where did it come from? It doesn't make sense.

MR. CARDINAL: I would hope the hon. member would spend some time in my office so I can maybe give her some education on how our department is structured, Mr. Speaker. Child welfare is one division of many in my department. They continue to be the responsibility of the minister and this government. That's how the government is structured. Nothing has changed. We will continue to do that. All we are doing in that area is trying to improve, wherever and whenever possible, the services to children and women.

THE SPEAKER: Final supplemental.

MRS. SOETAERT: Thank you. My final supplemental to the minister: will you assure this House that family violence issues and the impact on women will not get lost under the child welfare reforms?

MR. CARDINAL: Mr. Speaker, part of the overall reforms of the department, of course, was to always find ways to better utilize the dollars we have in the department. You're aware we made major welfare reforms in the past two and a half years where we moved healthy Albertans who should never have been on the system back into the workforce, which allowed us in the past two years to move at least \$178 million to high-needs areas.

The second phase of the reforms was services to children, Mr. Speaker, and we are now just implementing those programs for children. In fact, the budget in that particular area has increased, I believe from \$160 million to \$190 million this year. Therefore, what we are doing is providing more dollars, better services, and

more efficient services for the high-needs areas. That's the children.

THE SPEAKER: Did the hon. Member for Edmonton-Rutherford have an introduction?

MR. WICKMAN: Should you not make the motion first, though, giving me permission?

AN HON. MEMBER: Just take it.

MR. WICKMAN: Okay. I'll take it.

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

head: Introduction of Guests (reversion)

MR. WICKMAN: Thank you. Mr. Speaker, to you and through you to other Members of the Legislative Assembly I wish to welcome 35 visitors this afternoon from the Richard Secord school, a school in Edmonton-Rutherford just three blocks from where I live, a school that my son had the opportunity and the privilege to attend. These students are accompanied today by their teacher Claire Tremblay. They are also accompanied by two parents: Cindy Pouliot and Bea Grey. I welcome them to the Legislative Assembly. I would ask them to stand and receive the warm welcome of this House.

head: Orders of the Day

head: Government Bills and Orders head: Second Reading

Bill 46 Regulations Amendment Act, 1995

THE SPEAKER: The hon. Member for Peace River.

MR. FRIEDEL: Thank you, Mr. Speaker. I'm pleased to spend a few minutes today explaining the purpose of Bill 46. In fact, the intent of the regulatory review program is probably as important to this discussion as the content of the Bill itself. Anyone who has been interested will have had the opportunity to read the regulatory reform work plan, but I'll give you the two-minute tour. It includes the sunset plan, which is a mandatory process for reviewing every regulation in every ministry over the next three years. We chose the sunset method because we feel it's the only way to assure that every regulation would in fact be reviewed. If not and if the existence of a regulation cannot be justified, it will be rescinded. There is a lot more to it than that. There certainly are a number of fail-safe devices built into the program, but as I said, you could read that for yourself as well as I can quote it to you.

[Mr. Clegg in the Chair]

We had to come up with an effective but simple way to put a sunset date on these regulations. We could have done it without the amendment, but under the present legislation you can only amend a regulation by the authority under which it is originally enacted. In other words, if a regulation was enacted by order in council, then only an order in council can amend it, and similarly,

if it is done by a ministerial order, then an order is required by the minister to make that amendment.

I suppose we could have gone through each regulation and determined its origin and gone through the complicated process of implanting a sunset date in this way. This works okay if and when you're dealing with one regulation at a time, but there are hundreds of regulations. In fact our best estimate is that there are about 15,000 pages of regulations on the books of this province. Obviously that would not have been a very practical solution.

The more practical method we are recommending is to authorize the Lieutenant Governor in Council to set that date regardless of whether the original regulation was enacted through an OC or by ministerial order. I want to make it very clear that the only thing this amendment to the Regulations Act does is authorize the Lieutenant Governor to set the date. It does not authorize making any other changes in a regulation.

As part of their priority plan each ministry will make up a list of the regulations along with a recommended sunset date. This list, which will be made public as soon each ministry has completed its plan and had it approved, will be the basis from which the order in council for the sunset date is established.

The second and third clauses of the amendment provide a protection against having any essential regulation inadvertently expire. If, through no fault of its own or in spite of its best efforts, a regulation cannot be reviewed and re-enacted as necessary before the sunset date, then the Lieutenant Governor can extend that date. There are in fact other fail-safe devices built into the process, but as they are not directly related to this amendment Act, I recommend that you could read it in the work plan, or for additional information I would be glad to explain to anyone who was interested, at their convenience, what those fail-safe processes might be.

I'm not sure, Mr. Speaker, if it was necessary for me to give this much of an explanation for a three-clause amendment to the Act, but I wanted to assure this Assembly that the amendment is only for a practical purpose and nothing else. I would be pleased at this time to address any other concerns or questions that members of this Assembly might have.

Thank you.

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

MR. DICKSON: Thanks, Mr. Speaker. It was with some excitement that I saw the title Regulations Amendment Act, 1995, and I thought finally, after members on this side raising our concern about regulations being done in secret and requesting in excess of 47 times in the Legislature that regulations under the Regulations Act be referred to the standing committee with representation from government and opposition, we were going to see some headway in that respect. I'm disappointed to look at Bill 46 and find all it does is . . .

Point of Order

Questioning a Member

THE ACTING SPEAKER: The hon. Government House Leader.

MR. DAY: Mr. Speaker, under the rules of *Beauchesne*, would the member opposite entertain a question?

THE ACTING SPEAKER: Hon. member, yes or no?

MR. DICKSON: I'm always delighted to receive a question from the Government House Leader.

2:40

Debate Continued

MR. DAY: The presenter of the Bill indicated there were some 15,000 pages of regulations. Has the member opposite, in his request to have all regulations go before the Law and Regulations Committee, done any kind of time/cost analysis on reviewing either 15,000 pages of regulations or even ensuing pages in the future?

MR. DICKSON: It's actually a good question, but the short answer is this: an all-party committee operates the same way any other committee does. You sit down, you determine a number of principles, you subdelegate, you determine what the key issues are, and you involve staff in a meaningful way. You obviously don't have MLAs sitting down, wrestling with minutia, but the point is it takes an all-party committee done in an open fashion to be able to identify what the principles are that you review regulations with.

You know, the Department of Justice in the last year introduced 331 regulations. The point, Mr. Speaker, is that these regulations are crafted by bureaucrats. They're approved by members of the government that passed the enabling legislation. They're members of the government that assume responsibility for the administration of the department. There is no independent oversight.

When the government decided to move on their so-called government-light approach and appointed the Member for Peace River to chair a task force or committee or whatever we call it, they started by saying: we're going to bring in people from outside to look at regulations. The reality is that almost every other Legislature on this continent, certainly every other Legislature I can think of in this country has recognized that regulation and regulatory lawmaking in many respects are more important than the enabling statute. That's where the abuse comes.

[The Speaker in the Chair]

We have only to look at three recent examples that happened this summer with regulations that were passed by bureaucrats, without public scrutiny, that represented enormous problems. The one, I think, is under the Freedom of Information and Protection of Privacy Act. The government in secret hatched a regulation to impose a \$25 application fee, five times higher than the highest fee charged anywhere else in Canada, when in fact the Act was modeled on statutes in Ontario and British Columbia, and those jurisdictions have no up-front application fee at all. If there had been an all-party oversight of that regulation, that problem could have been identified. Albertans could have been alerted, and hopefully change could have been made.

We saw another regulation this summer that came through the government process, the secret process, and that was one that would allow for people other than nurses in operating rooms, a requirement that you didn't have to have nurses in operating rooms. This is the sort of thing, Mr. Speaker, that when Albertans hear it, they shake their heads and say, "What are these people smoking or drinking that they come up with that kind of a wrongheaded notion, that kind of a regulation?"

The third regulation was one that my colleague the Environmental Protection critic identified. That was some major concern with, I think, two or three regulations under the environmental

protection Act. Those are three concrete examples of administrative lawmaking gone amuck.

This is presumably the very reason why the Zander committee of this provincial Legislature back in the early '70s said that all regulations should be reviewed by an all-party committee. Subsequent to that recommendation we created the committee, and each session we go through the nonsense of designating a chairman for the committee, designating people to the committee, and it never meets.

That is surely the most basic first step we can take to try and get a control and a handle on regulatory lawmaking in this province. Unless and until the government is prepared to address that fundamental principle, what is the point in tinkering and allowing the government in secret to do more work and to do it differently? Until the secrecy is removed, until regulatory lawmaking is brought into the open – and the only way that can happen, it appears, is through opposition representation on the committee – we're going absolutely nowhere.

To this argument that's been propounded by the Government House Leader, that there's simply too much detail to make it work, I can only respond by saying it this way. For many Albertans the laws that impact them and affect them aren't statutes. They're not in the *Revised Statutes of Alberta*. It's in that body of regulation. That's where the oversight is required, and that's where the public attention is absolutely necessary.

Now, Mr. Speaker, what's interesting when one looks at this Bill is that it doesn't even provide for a mandatory expiration date on every Bill. It only states that "the Lieutenant Governor in Council may . . . set expiry dates." So what kind of an improvement have we got? It doesn't address at all how existing regulations should be reviewed. It doesn't call for an open and accountable review of new or existing regulations. It absolutely ignores the Standing Committee on Law and Regulations. In sum, it does nothing to alleviate this member's concern, the concern I think of many of my colleagues in opposition, that the government has every intention of continuing to lawmake, to legislate by regulation behind closed doors.

I think that if the government were sincere and genuine in promoting aggressive reduction in the number of regulations, the very best way to do that is to convene the committee chaired by the Member for Calgary-Shaw, convene the Committee on Law and Regulations. I'll make this undertaking, Mr. Speaker. If they put opposition representation on that committee, I can assure you that we'll find a way to go through every one of those regulations passed since the last election on June 15, 1993, and we will prune more aggressively and I daresay more effectively than a group of government bureaucrats and some friends of the government, who are brought in purportedly to represent a business perspective, could ever do.

Mr. Speaker, I think that we still are waiting to hear from this same Member for Peace River. What happened to expanding the task force? The public focus was on bringing some businesspeople together to assist the government in looking at government regulation, as if a few businesspeople are going to be better qualified to deal with the public interest in the areas of social services, health care, education than members in this Assembly, members elected by Albertans, responsible every day of their mandate to the people that elected them. That should be the concern, and that should be where we start.

I want to refer the Member for Peace River to the motion that had been proposed by the Leader of the Opposition on February 28, 1995. The motion was to

refer all regulations enacted pursuant to Acts of the Legislature which received royal assent subsequent to June 15, 1993, to the Standing Committee on Law and Regulations.

We went further than that, and in that motion we said: what would the committee do? Well, it would do three things. It would ask the fundamental question: "Is the regulation consistent with delegated authority provided in the [enabling] statute?" That's important, and it continues to be important because often what happens is that people in the bureaucracy sometimes get carried away with building empires. Sometimes I find that you have well-meaning bureaucrats, but they want to usurp the lawmaking role that we've been elected to discharge. So that's why I think it's fundamental that that first question be asked.

2:50

The second question that has to be asked: "Is the regulation necessarily incidental to the purpose of the statute?" Why would we think for a moment that the task force created by the government, chaired by the Member for Peace River, is better qualified to make that assessment than a group of MLAs, elected and responsible, as every member in this Chamber is? It's a mystery to me.

The third question and in some respects one of the most important questions: "Is the regulation reasonable in efficient provision of service to Albertans?" My own experience, Mr. Speaker, is that members in this Chamber bring a very broad experience in the business sector, in the academic sector, in a variety of professions. For the most part, every one of us comes here through a chain of community organizations, boards of directors, and I think each of us learns through that kind of experience not only how to delegate but how to be able to separate what's really important from what's simply more red tape. Frankly, I can think of no better pool to draw talent from to be able to do the kinds of purposes that Motion 502 contemplated in February 1995 and the purposes that members of the opposition contemplate here at the end of October 1995.

The Member for Peace River, in introducing this Bill a moment ago for debate at second reading, said that he wanted questions from us, that he wanted suggestions. I'll just conclude my remarks by saying that the most positive and important suggestion I could offer the Member for Peace River is to do what the Zander committee recommended, do what virtually every other Legislature has done on this continent: make for all-party scrutiny. It's as simple as this member sponsoring a motion or persuading another member of his party to sponsor a motion to refer every regulation passed since June 15, 1993, to this standing committee. Hon. member, what have we got to lose? What have we got to lose by doing that? I've suggested that if that happens, we're going to start winnowing and pruning far more aggressively than the so-called task force.

I think we can be more efficient than a group operating in secret. *Hansard* will be there. The public will be looking over our shoulder, as indeed they should. I think we can do the job. If the hon. member doesn't think we can, I'd make this challenge to him: allow us to operate for six months using the Standing Committee on Law and Regulations, and we'll deal with every regulation. We'll take five, six, 10 statutes, and I challenge the member to see if we can't demonstrate that that kind of a process will work and work in a more efficacious way, work in a more responsible way. It sure as heck will work in a more open and publicly accountable way.

So with those comments, I know that there are other members that are anxious to add their input as well. Thanks, Mr. Speaker.

THE SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. Picking up where the hon. member left off, as one member of that Standing Committee on Law and Regulations that has not met in the two some years since I've been an elected Member of the Legislative Assembly, I will increase the stakes that my learned friend from Calgary-Buffalo so eloquently established. I will say this: if you call that committee to meet for the six-month trial period that the hon. Member for Calgary-Buffalo said, you have my undertaking in this Legislative Assembly that not one single penny, not one sou, not one deutsche mark, not one single penny of committee fees will be taken by this member providing his job and doing his job for the people of Alberta. Not one single penny. I think other members may . . .

AN HON. MEMBER: Are you going to give up practising law too?

MR. GERMAIN: The hon. member raises a very important objective of Members of the Legislative Assembly, and that is the desirability that all professional men in this Assembly read enough and do enough and study enough so that they can remain current in their profession at all times, so that they can provide decent services to the Legislative Assembly of Alberta and to the people who've elected them.

Now, with that background, you know, it's about this time every afternoon, after I follow my learned friend from Calgary-Buffalo, that someone chirps up about us creating make-work schemes for the lawyers, that we want to have these make-work schemes for the lawyers. Well, you know, if the government were serious about chanting about putting lawyers out of business and reducing the hourly rates of lawyers, as they do from time to time, one of the best ways to do that would be to clean up the regulatory morass that we have in this particular province, Mr. Speaker.

If anybody in this Legislative Assembly has ever tried to research regulations and to look in the books where the regulations are stored, the *Gazettes*, you find that you've got to go on a historic preamble down memory lane. You have to guess which ones have been repealed. They are hardly ever updated, hardly ever consolidated, and they're hardly ever available where many Albertans live, which is in rural Alberta. Once you leave the Legislature Library and once you leave the big city of Edmonton and the big city of Calgary, you know, it's hard for somebody to tell someone else what time bars have to stop selling liquor and how old you have to be before you can buy liquor and how cold your off-sale beer has to be, Mr. Speaker. This is the kind of provincial regulation that we have in the province of Alberta.

Regulations have become a necessary evil to try and protect Albertans. It is regulations that tell restaurateurs how cold they should keep their freezers so that their cabbages do not rot away on them while they're waiting for human consumption, and, you know, it was regulations, Mr. Speaker, that dealt this government that death knell blow on the Bovar waste treatment facility. You know, the regulation that exempted oil field waste from going to Bovar has probably cost this government upwards of a hundred million dollars, a hidden, silent, quiet regulation buried deep in the bowels of the regulatory regime of this province. Now the hon. member comes forward, and he wants more of the same.

Earlier today the Minister of Labour thought he could trap the wily fox from Calgary-Buffalo on a question about how many

regulations there are and how much time it would take to review them. That hon. minister's answer is simple: we'll simply grandfather them all. We don't care if they're a good regulation or a bad regulation; we'll simply grandfather them all.

That brings me, Mr. Speaker, to my first comment about this hon. member's Bill today. It would seem to me that if you're going to have a section in the Regulations Act that deals with the automatic termination of regulations, you would want to have some transitional provisions that tell you what happens to the people who have effected their legal position and their legal rights based on the regulations that were in existence and have now been terminated. Now, you may say, "Ah, that's just a suspicious lawyer raising that question," but some of you may – you know, the hon. Member for Barrhead-Westlock may be asking himself: well, yeah, what exactly does happen to that restaurateur when suddenly the regulation that says how cold he will keep his freezers is terminated? What happens to the people who go into the restaurant and are no longer protected by those health care regulations? What happens to the people who go into the liquor stores and are no longer protected by the liquor regulations? What happens to all of the people in Alberta who are protected by the fact that . . . [interjections] Ah, they're all chirping away.

Mr. Speaker, some hon. members are urging me to answer the questions that are being hollered at me across the way. You know, this is the kind of debate that we get in this Legislature. We get quiet mumbles. A few courageous souls, most of them ensconced on this side of the Legislative Assembly, have the courage to stand up and speak to an issue that's important to them and important to all Albertans, and what happens is that we get this background chatter.

So I say to the member who sponsored this Bill: you might want to look at what transitional provisions you're going to put into this legislation if you are going to have grandfather clauses that terminate certain regulations. In other words, what happens when the regulation is over? What fills the void? What happens if you've conducted yourself based on a regulation that was part of the law of the land and suddenly has disappeared? All of those things have to be given careful and considerate thought before you simply take the weaknesses in the Regulations Act and build in a termination clause, because terminating weakness is not any improvement whatsoever; it simply indicates a frustration and a failure to deal with the problem that exists. Every regulation that is passed by this government should be properly sounded by the people's representatives.

3:00

Now, in a small, less voluminous Legislative Assembly with less political and policy agenda it might be possible for the regulations to be dated, much like the Committee of Supply or much like any of the committees in the Legislative Assembly. But because we don't do that, we've divided our labour up into smaller groups and have established a committee, that, embarrassingly, has not met in two and a half years, under the chairmanship of the hon. Member for Calgary-Shaw. He was standing here a couple of weeks ago, in effect whistling past a graveyard, Mr. Speaker, when he said that his committee fees were the lowest of any committee in Alberta because they'd never met. We have that committee. It has a useful function; it should be allowed to perform that useful function. Then what we will do is we will get better regulation. It'll fit with the laws in a better way, and we'll solve some of these problems, such as the transition problem that I've raised.

Now, the question that the Minister of Labour directed to the Member for Calgary-Buffalo seems to imply that there's a grandfather clause going to be imposed on all regulations. I think one of the first things that the proponent of this Bill has to tell us is whether these grandfather clauses are only going to be put on regulations that come forward now, new regulations, so that they will be studied, debated, passed, and ordered in council with the termination date built into them or if the Lieutenant Governor in Council is going to go back through all the old regulations and start arbitrarily assessing the termination dates of regulations in the province of Alberta.

So, Mr. Speaker, talking to the policy of the Bill, it is useful for us in a modern society to recognize that regulations are a necessary evil of the political process. The Bills themselves are supposed to deal with policy; the regulations are supposed to deal with the details but relating only to the policy of that Bill.

In recent years it has become the government's approach to pass very loosely worded policy Bills. I'll give you a health example: the Lieutenant Governor in Council may make regulations relating to health. That would be the whole health legislation in the province of Alberta. We would have delegated the legislative function completely from the Legislative Assembly to regulatory rule-makers. That was not how the concept of regulations evolved. It was intended that the Bill would lay out the policy with sufficient detail that those regulatory draftsmen could then cross the t's and dot the i's. We have slipped away from that tradition in the province of Alberta.

So having slipped away from that tradition, legislators on both sides of the House, remembering that things change and that today's opposition may be tomorrow's government and that today's government probably will be tomorrow's opposition – at least the way they've been going lately – should always remember that what we're here doing is trying to bring forward a program that is good for Albertans, no matter what side of the dog you're on when you're doing the kicking. What is good for Albertans is to have an open and transparent regulatory procedure and stick with that.

So I urge the hon. member to give some thought to amending this particular Bill in policy by referring all of these regulations to the standing committee for the sunset clause materials, and I also urge him to consider the transition rules. It is in my view virtually mandatory that we have those transition rules so that the people who ordered their affairs based on the regulations know where they stand when they end.

I'm grateful today that the members of the Assembly have allowed an opportunity for me, just as I do part-time every summer, as you do as well, Mr. Speaker, to talk about something that's important to me, and that is law in the province of Alberta.

Thank you.

DR. L. TAYLOR: Another lawyer rising.

MR. DECORE: Well, Mr. Speaker, it shouldn't be just put as "another lawyer rising," rather as "another member of the Law and Regulations Committee rising."

MR. GERMAIN: Tell us: will you be working for free?

MR. DECORE: I'll work for free too, Mr. Speaker.

A committee that hasn't met since 1985. Mr. Speaker, I think it's correct when the Member for Fort McMurray says, "I wish

some of the people that are chirping would stand up and add to the debate, because I can't hear some of the chirping sounds."

Mr. Speaker, the hon. Member for Peace River has invited us to ask some questions, and I would like him to take his pencil and paper out and jot down these questions.

MR. GERMAIN: You'll have to go slow.

MR. DECORE: All right; I'll go slowly.

Mr. Speaker, the first thing . . . [interjections]

THE SPEAKER: Order please. The Chair would like to be able to hear what the hon. Member for Edmonton-Glengarry has to say, because he generally makes very perceptive observations.

MR. DECORE: Mr. Speaker, the first thing that I'd like to know is: how could the government, how could this hon. Member for Peace River, who is normally pretty studious and careful, forget something which now appears to be so critical to the legislation that was introduced just a short time ago? Why was it forgotten, hon. member? Why did you not have these three sections included in the original legislation? That's my first question.

My second question is this. Much was made, Mr. Speaker, in a news release, that the hon. member was part of, aligning himself with business and saying: oh, the business community wanted to see deregulation. I think that's correct. The business community wanted to see costs and effort reduced. I think that's correct. I'd like the hon. member, then, to tell us: if there are some 15,000 pages of regulations, what has he done and what has the government done to reduce those 15,000 pages of regulations since the original legislation was passed? I'd like to know what has been done to reduce the 15,000 to 7,000 or 3,000 or in fact whether there's a target at all. I'm getting the impression from the comments that the hon. member makes that there is going to be some sort of a provision, a time limit put on regulations that is going to see most of them wiped out.

Now, the hon. Member for Fort McMurray was correct: this is a necessary evil of a part of government. You need to have regulations when you're, for example, displaying meats in a grocery store, hot meats or cold meats. You've got to have regulations that say how cold the cold facilities are to be and how hot the hot facilities are to be so that you don't start spreading disease and whatever else. But how do you deal with that, hon. member, when you start putting a grandfather clause, as you've suggested, on every regulation?

I'm getting the impression, Mr. Speaker, that this is much like the health care process. You kind of have a dream about what you'd like to do, but the government can't seem to implement it because they go off in 16 different directions, and it turns out in the end that there is no plan. I'm getting to feel like there's no plan. Why else would you have a provision, like we're getting in Bill 46, that says: you can set by regulations expiry dates on other regulations? Now, that means it's like a buffalo jump. You know, you're coming up to the buffalo jump, and you're going over the buffalo jump, and then, my God, subsection (2) says: "Oh, yeah. Within 30 days, even after the expiry of one of these regulations, we can reinvent it. We can re-establish it. We can put it back into place." You're already over the buffalo jump.

One of the things, hon. Member for Peace River, that I know business likes and wants and demands – because I'm part of that business community as well – is certainty. They'd like to know and want to know and demand to know what the royalties are

going to be with respect to oil and gas. They want to know how long that regime will last. They don't want to be chasing through 15,000 pages or a registry. Hon. member, tell us what you've done about the registry that you promised us with respect to regulations. This thing is becoming a nightmare. We're jumping over the buffalo jump, and you're recalling the jump and saying: oh, my God, we just passed a regulation, even though the regulation died, allowing the regulation to live again. That doesn't make good sense in the business world, hon. member. So tell us how the business community is going to be happier with this kind of legislation, when they want certainty, they want understanding, they want clarity, they want transparency, and you're not providing it.

3:10

Mr. Speaker, one of the reasons that you have a Standing Committee on Law and Regulations is that you allow sober second thought. You allow a timeliness. You allow people to know what's going on. You allow for a registry to be set up. You allow for something to be reviewed that needs to be reviewed. Here you've got things happening in back rooms, putting deadlines on regulations, then regulations dying, and then regulations being reinvented even though they're only dead for two days or three days. Up to 30 days you can reinvent them again. How is that certain? How is that clear? Why don't we have, hon. Member for Peace River, a system of going into law and regulation review that allows for that certainty, that allows the business community to be content and happy and feel good about their planning? When you sit down and you're trying to plan a Syncrude plant or you're trying to plan some kind of environmental business upon which regulations bear heavily, how do you tell your accountants and your specialists that are giving you help to get certainty when you can't provide certainty yourself?

Mr. Speaker, this thing is getting worse instead of better, and I'd like the hon. member to allay my fears and to allay the fears of a lot of businessmen and businesswomen in this province that I think are going to have a nightmare going through this kind of a maze.

THE SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. Bill 46, the Regulations Amendment Act, has come forth as the product of a committee headed by the Member for Peace River and staffed by, I think, several businesspersons. It was charged with reviewing all 15,000 regulations, I think. It has laboured mightily for about half a year and has now produced something, a product I think that is less than mighty, to put it mildly. The committee seems to have come up with the notion that it is up to cabinet to decide which regulations should be expiring.

I've looked at a few items here in the Bill. It seems to me that to force a review of the regulations for the purpose of relevance, cabinet can set an expiry date. I was wondering: does that mean that they will set one expiry date for all 15,000 regulations, or will there be 15,000 expiry dates? Then that would conceivably set in motion review by probably the appropriate minister, in secret of course. If somehow the cabinet or the minister forgets to act upon the regulation simply because the expiry date has approached, then he still has another 30 days to resurrect the body from its expiration.

Many of the points that I had have been made already regarding relevance and certainty and openness and honesty, where all Albertans would like to know what in tarnation is going on with

these regulations. After half a year's work by this committee this is all we've got. The Member for Calgary-*Buffalo* expressed it well, I think. We were all looking forward with keen anticipation to the product of this committee. We were sure it would most likely be flawed because there was no participation by members from the opposition; nevertheless, we were looking forward to it because it is a mighty task to review all those regulations.

Now, I think many references have been made to the standing committee on regulations, which happens to be an all-party committee. I'm sure that the Member for Calgary-*Shaw*, its chairperson, along with the committee would have been able to come up with these few proposals that have been made in this particular Bill. I think they would have come up with it rather easily, particularly because on that committee of course are representatives from the opposition, who for years and years and years have been proposing that there be a sunset clause applied to regulations. So that's the only thing that's good about it.

Mr. Speaker, another question I have is: if this Bill passes – and it may well be that it will pass because of the weight of the numbers on the other side; whether it is a reasonable Bill or not seems to be irrelevant – does it mean that this committee, headed by the Member for Peace River, will expire because the sunset clause will apply? I think that would be probably the only beneficial result.

Back to the standing committee, all-party, which represents an open forum and which is in my view the only place where all these regulations ought to be reviewed. Mr. Speaker, I think in addition to that, it is very important that the members on this side who are sitting on that committee have already pledged that they will do all that labour for free. Now, I'm not sure whether the chairman of that committee was present at the time, but I'm sure that he, being a man of principle, would go along with that recommendation.

So, Mr. Speaker, I intend to oppose this Bill because it is not in the spirit of openness that we on this side of the House would like to see.

Thank you very much.

THE SPEAKER: The hon. Member for Edmonton-*Rutherford*.

MR. WICKMAN: Thank you, Mr. Speaker. I want to take the opportunity to say a few words on Bill 46 as well. It's a period in time when it's fashionable to say: let's get rid of regulation. People would love to get rid of the photo radar. People would probably love to get rid of the speed limits because they find at times they're overregulated. I know myself, dealing with city hall, the planning department, on some occasions it seems: regulation, regulation, regulation.

Now, it's good to get rid of regulation. There's no question that government has an obligation to minimize regulation in terms of its impact on Albertans. Albertans don't want to be caught up in a bureaucracy. Albertans don't want to be caught up in needless red tape. The difficulty I have when we look at this particular piece of legislation and the powers that it gives and the decision-making abilities it gives and that whole process – it really, really puzzles me. It's been made mention of the Standing Committee on Law and Regulations, a body that is there, a body that is in place. If I recall correctly, a member of this particular caucus, when we debated the original Bill in the spring session, referred the entire matter to the Standing Committee on Law and Regulations. The ironic thing when we look at the Standing Committee on Law and Regulations is – I've been here since

1989, six years. In that period of time – I don't know – can anybody tell me how many times that committee has met?

SOME HON. MEMBERS: Zero.

3:20

MR. WICKMAN: Zero. I've got an interesting story there, Mr. Speaker. A while ago one of the local columnists working for one of the local newspapers did an article about some of the government MLAs drawing extra pay for sitting on certain standing committees, and one of the standing committees that was referred to was the Standing Committee on Law and Regulations. The particular chairman at that time, who is no longer a member of this House but was a government member, was so indignant that he phoned that newspaper, that columnist, and he threatened to sue, because he said, "It's not true; I did not draw one cent." Sometime later I ran across that columnist, and he said to me, "Isn't it something that that member did not draw one cent for being on the Standing Committee on Law and Regulations?" I laughed. I said: "Well, how could he? The committee never met." It was unbelievable. [interjection] Well, that member is no longer here; that member was replaced by one of our good members in this particular House. It does show you that there is some wisdom out there, a great deal of wisdom out there. Albertans do monitor what does happen in this Legislative Assembly.

Mr. Speaker, I have some questions that can be answered. I know we're just talking in terms of principle at the second reading stage, but it will give the member the opportunity to address them in full detail, to respond to those questions when the Bill advances to the committee stage.

When we look at the expiry dates that will be set, Mr. Speaker, what is to prevent the government from setting the expiration date so far into the future that the regulation will never be reviewed? Under the provisions of that Bill that is possible. That could happen. As I read through the Bill, I don't find the provision as to who is going to assume the responsibility to conduct this review. Is it going to be the same department to which that particular regulation applies, or is it going to be some outside body? When we are at the committee stage and the member is addressing these questions, possibly he could take a bit of time, maybe do some research, some homework ahead of time, and talk about the Standing Committee on Law and Regulations as to why that is not the appropriate body to review these regulations, to eliminate regulations, to do whatever. Why is that committee there, and why has that committee not been given the opportunity to fulfill its function?

I would say, Mr. Speaker, under that particular scenario there would be the opportunity for some public discussion when there are changes, when there is termination of regulation or changes in the expiry date of regulation. Under this particular Bill expiry dates could be changed without any public discussion whatsoever. So as we go through the Bill, the Bill may have seemed very, very straightforward to begin with, but the Member for Peace River I think is going to get a bit of an understanding or a bit of an impression that there are concerns that are being drawn to his attention by members of this side of the Legislative Assembly, that are here to do their job and do their job very effectively in ensuring that when Bills do come forward, when Bills are put into place, those Bills are there to benefit Albertans, not to benefit a system that makes it easier for government to function, not to put into place a system that allows for decision-making to occur behind closed doors without full opportunity for public discussion.

So, Mr. Speaker, as I wrap up and allow others to speak – because there are others that are anxious to get on their feet and speak to this particular Bill – I would ask that the member very carefully take into consideration the various points that are being raised, that he be prepared to address those points in full detail when the Bill advances to committee stage.

Thank you.

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

MR. SEKULIC: Thank you, Mr. Speaker. It certainly is a pleasure to rise and speak to Bill 46, the Regulations Amendment Act. As I sit here and listen to the debate from my most hon. colleagues on this side of the floor, only having heard one member from the government stand and introduce this Bill, in fact the sponsor, it's been quite interesting. I think there are plenty of comments which have been made and some serious questions which have been raised by members on this side of the floor.

The Minister of Labour earlier raised the point that there were 15,000 regulations, I think. It wasn't 15,000 pages; it was 15,000 regulations. Either way it's an enormous amount, Mr. Speaker. I think that the question was in fact well placed, but the Minister of Labour seemed to imply that because of the enormity of the task and the associated costs of reviewing this, perhaps it's not worthy of being done properly. Now, maybe the Minister of Labour didn't really mean that we couldn't afford to do the job properly, but it reminds me of the old saying – I know many are familiar with this – that if you can't do it properly the first time, where will you find the resources to do it right the second? That's where I'm always taken back when I hear comments like that. There aren't any shortcuts. There is certainly no free lunch, and I think that many of my colleagues across the floor would agree with that. In fact, they advocated that at the doors.

Since coming to this Assembly, Mr. Speaker, on June 15, 1993, I've seen a large number of Bills that have been put before this Assembly which were categorized I think many times, not just once, as shell Bills, where you just see the shell, an intent, but everything else is to be left to the regulations. In fact, the opposition cried foul many times about this, saying that this Conservative government was starting to legislate and govern through its regulations and in fact skipping the stages of debate here, so Albertans wouldn't have the benefit of open debate and scrutiny of what they were about to live with or the impact they were about to suffer from many of the changes that were occurring through this government.

I believe such devolution by the government has crossed the boundaries to the point where accountability has certainly been compromised. We see the evidence every day during question period. Certainly, not having missed a single question period since coming to this Assembly, I've seen all too often . . . [interjections] Yes. Yes, Mr. Speaker, I'm doing the job I get paid for, and certainly no praise is warranted for that. Nonetheless, not having missed a single question period since coming here, I've seen all too often and in particular as of late the passing of the buck. What's happening is: well, we don't know; I don't know; I'm not responsible.

What really concerns me is that when we're talking about the questions of health and the changes that are occurring in health, the buck is being passed to nonelected, nonaccountable, and often appointed persons, who are not here to respond on these matters of urgency for all Albertans' benefit, Mr. Speaker. So I see that this Bill is consistent in fact with what the government has been

doing for the past two and a half years, but I find it somewhat offensive that what it does is it abdicates more responsibility out of this Chamber and into the bureaucracy. I don't think that's what Albertans believe they voted for some time ago.

Like the members for Edmonton-Glengarry and Fort McMurray, Mr. Speaker, I believe that regulations are a necessary evil. Just like common standards to protect Albertans, I think these regulations – the 15,000 of them, if there are – provide all Albertans with a sense of certainty, consistency, and a sense that the rules are common for everyone, for all taxpayers and for all businesses.

Mr. Speaker, this was stated earlier as well: the Bills are policy that is put forward, and the regulations operationalize that policy to ensure that they are carried out as intended. For that reason I think and I believe that those regulations must be put to the committee that Calgary-Shaw chairs. I think that provides the full representation of this Assembly to scrutinize changes which I would consider quite serious and which could affect Albertans adversely. So I believe that there has to be some statement or amendment in this Bill that would bring all the regulations to the Standing Committee on Law and Regulations. Now, that would be consistent with every other jurisdiction in Canada, including the federal one. They would look at every regulation proposed to ensure that it does three things: that it is consistent with the delegated authority provided in the parent Act, that it is necessarily incidental to the parent Act, and that it is reasonable in terms of efficiently achieving the objective of the Act. Mr. Speaker, I think those are honourable goals set out. I don't think they're unreasonable to ask. I don't think the opposition is unreasonable to ask that such does occur and that such an amendment does come forward from that member who introduced the Bill.

3:30

I think that we should only do a job once, and we should do it right the first time. Sometimes the price of doing that is a little higher than anticipated, but, you know, it's a straightforward, up-front representation of what it takes to do what's right and not shuffling it behind saying, "Well, we can save costs." You can save costs in a lot of ways. In fact, if the regulations weren't passed or if this amendment doesn't come through at some point later, you could probably save costs by buying that cabbage that wasn't refrigerated, as the regulations currently require, as the Member for Fort McMurray stated, and you could probably get it at a better price. But you know what? You wouldn't be getting the product you thought you were getting.

With those few comments, Mr. Speaker, I'll take my place.

THE SPEAKER: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. In speaking to Bill 46, as we look at the past 25 years, we've seen a tremendous amount of new regulations and rules. Whether it's business – my family in the oil business has had to cope with all these new regulations. It has been very costly. When they started, it was a handshake or a phone call, and it worked. They started putting more and more and more regulations: very costly to do this. Same in education. When I first started in education in the spring of '67, it was a call to the superintendent if you needed something, and it was done; a handshake. Now we have all the bureaucracy, rules and regulations that have to be performed.

Now, one could argue that there shouldn't be any, but that is not the case. There is need for regulation, whether it's in business, whether it is in education, or even in the family. You

don't want to be flooded with regulations, but you need some basic ones that make everything run smoothly and more efficiently. In school in my classroom I had two rules, or two regulations.

MRS. SOETAERT: I was in your class.

MR. BRACKO: Yes, the Member for Spruce Grove-Sturgeon-St. Albert was in my class. She always broke regulations. I was just telling students that I'd been talking to in grade 6 that she was a fine student but that she was overenthusiastic. I asked: what did I mean by that? One of the students' eyes lit up, a smile crossed his face, his hand went up, and he said, "She talked too much." I said, "You've got it."

So we need basic rules and regulations. In the school besides the classroom there are fire regulations, that everyone has to have for the safety of everyone involved. But it isn't done by one group in the school. The whole school is there taking part: parents, students, educators, administration. The custodians, who also play a very important role in the smooth functioning and the most cost-efficient use of the schools, are involved. You know, these are done for the best interests and smooth running of a school. They're not written down and left there year after year; every spring they're reviewed again. Those that don't apply or don't work we get rid of. If there's the odd new one that has to be brought in, we do it with the changing of times, the technology and so on. It's the way to do it to make sense. We need the regulations that are necessary.

I know the Member for Pincher Creek-Macleod said: no, business doesn't need regulations, because they look after the best interests of the students. Well, I don't know. I'll have to take him for a trip into the real world. I'll give him one example. When I was ordering jackets for the students, the company came to the school to take the orders, and we had the orders. He said: "This is how we'll do it. We'll collect \$100 deposit out of \$135." I said: "Absolutely not. We'll give you a 5 percent deposit; we'll put the hundred dollars in trust so that there's no possible means that the students will lose more than \$5." That is leadership, and those are regulations. You need to do that. The same year, Mr. Speaker, there were thousands of dollars lost by students who had given deposits of \$100, \$125 to a company who went bankrupt before they got their jackets. They were out. So there's a need for regulations, essential regulations at times.

In the furniture business the same is true. The family furniture business – there are some companies that do it honestly, with integrity, stand behind their product. There are others that will rip you off. So there is a basic need for rules, for regulations. Also in the restaurant industry. I was at a fund-raiser, an excellent affair in St. Albert, the great city of St. Albert, where I'm proud to have come from. Unfortunately, at this fund-raising the meal was served, and food poisoning took place, and they had to spend a lot of dollars following up for the Sturgeon health unit at that time to find out where the food poisoning came from.

MR. SEKULIC: The bad cabbage.

MR. BRACKO: Yes, the bad cabbage from the other side, that the Member for Fort McMurray was talking about.

There is a need, but make as few as necessary. Don't overburden people. Make effective ones, ones that should be reviewed regularly, ones where there should be a registry that people can go to, on computer, so they know what the regulations that affect them are and when they're due for change.

I also want to say that there was no Liberal opposition on the committee that went around with the Member for Peace River. I'm disappointed in that, because the opposition should be on there to add to it. You know, this is the thing. I'll also mention that the Member for Pincher Creek-Macleod, instead of standing up and debating, didn't. He yelled it out; I picked it up. It was like a breath of fresh air last week when the Member for Barrhead-Westlock stood up and debated. You know, you've got to appreciate. I say: the Member for Barrhead-Westlock for Government House Leader. He can debate, and we can improve our debating abilities. We're debating against nobody now.

MR. GERMAIN: He says that you don't respect the Leg. if you debate.

MR. BRACKO: Yes. You know, we debate so we can improve our skills. When you're debating against nobody, you never improve. You know, unless the speeches are written, they don't get up and debate.

I had to laugh one time. The bull trout came in, and I thought: man, they've done a good job; they've actually gone through it, done some study, and were delivering excellent speeches on it. I found the bull trout brochure; they'd read right from it. I was devastated.

Anyway, moving on to my points here. I get a little carried away. When you don't have the opposition on, then you don't get the best possible results. You know that they have to be on. We see that all through.

MR. DAY: Mr. Speaker.

THE SPEAKER: The hon. Government House Leader is rising on a point of order.

Point of Order Questioning a Member

MR. DAY: Would the member opposite entertain a brief question?

MR. BRACKO: Exactly. Love to.

Debate Continued

MR. DAY: Thank you. I've been listening for close to 10 minutes here. I wonder if he could indicate if he is for or against the Bill.

MR. BRACKO: That's a secret. I want to make sure they're listening, so I'll let them know at the end.

I can't believe it. You know, my grade 6 students would come up with a better question than that, Mr. Speaker. Bring back the Member for Barrhead-Westlock for House leader.

Moving on. Again, the Bill does not address how existing regulations will be reviewed. There has to be an orderly process. We have the latest technology, computer process, you know, so it's done clearly, precisely so everyone knows – not in different books, as the Member for Fort McMurray mentioned, where you have to search for it, waste a lot of money, legal fees; it's very costly – to make sure that business, education, or any group that the regulations apply to have quick access to it, that it's very cost-efficient. We don't know how this is to be done. Reviews: how are they to be done, and how often? When is it necessary? Show us a plan of how it's going to be done. We've heard the Health

plan. There is no plan; it's chaos out there. We want to support you in this Bill, support you to make it a more efficient way so that everyone will benefit.

3:40

The saddest part is that they haven't put in the Bill when these regulations will go to the Standing Committee on Law and Regulations. This is what we're elected to do, elected to go through. Instead, they want the cabinet minister to make these regulations, and no one else sees them until later. Secrecy, you know. We can't believe it. You know, there's a point where if you're open, people trust you and you get better input. You can do a better job. When you're secretive, people start to distrust you, and they're negative. In this province we need to build up, working together positively to make sure this happens.

You know, almost every other jurisdiction in our great country, the country of Canada, has a standing committee on law and regulations which looks at the regulations. I cannot understand for the life of me and Albertans cannot understand why this province is so afraid to do it. I don't know. I'd like answers to that question on everything. Why are they afraid? You want more of the truth? The truth will set you free. That's what Albertans want, Mr. Speaker.

MR. VAN BINSBERGEN: It's from the Bible.

MR. BRACKO: Yes, from the Good Book. Action instead of talk.

With that, Mr. Speaker, I will keep the Government House Leader in suspense on my position on this, but he has heard my words. Thank you.

THE SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you. As usual, Mr. Speaker, the debate on this Bill is limited, limited to the opposition. I guess that's because the opposition is the only true party in this province that actually cares for the concerns of Albertans. It would seem to me that we're the only party that wants to embrace democracy in this particular province as well.

You've heard the hon. members for Calgary-Buffalo and Fort McMurray and also for Edmonton-Glengarry. They all mentioned that there's a Standing Committee on Law and Regulations, that has been somewhat dormant for many, many years. It hasn't sat for the tenure that we in this House have been in this Assembly, Mr. Speaker. Calgary-Buffalo went on further to explain that in fact it's one of the few jurisdictions in North America that does now embrace all-party committees to actually review and I would suggest provide the conscience for legislation and conscience for this Assembly. That's truly unfortunate.

I would safely assume, Mr. Speaker, by the lack of debate that occurs in this House – it certainly is one-sided; 99 percent of the time it's the opposition who examines and analyzes the Bills that come into this particular House and stand to speak to them. We spend a fair bit of time scrutinizing because we know full well that with this government, generally speaking, the legislation that comes in here is for the benefit of them and their party and not for Albertans. As a consequence, it's critical to have an opposition such as us that has spent so much time looking at the merits, the lack of merits of the legislation.

There certainly has been much said this afternoon about the Law and Regulations Committee that fails to meet. I would have to assume that the Conservative members are reluctant to embrace

that good, democratic committee because, Mr. Speaker, they can clearly see that when it comes to debating here in the Legislature, the opposition are the clear winners in that area, and they would be the same with the Law and Regulations Committee.

Bill 46, the Regulations Amendment Act, fails in my view. It fails because it doesn't use the Standing Committee on Law and Regulations. In my view, it is another attempt to remove democracy from this very honourable institution and also remove democracy from the landscape of Alberta. I'm concerned about that, Mr. Speaker. There is far too much that's decided behind closed doors in this Assembly. We've listened time and time again when many members have stood up on the government side and indicated that they intend to embrace openness and that they are the open government. In reality and practicality it doesn't happen, and that's truly unfortunate. The best government is government in the open, and we don't see it from this group. Very unfortunate. I would say the Bill is a dismal failure. It's a dismal failure because it does not call for a mandatory expiration date on the Bill. There's still the option there, as there is with all legislation. It reminds me of many of the Workers' Compensation Board rules and regulations that I read. They can be interpreted to apply to whatever case fits the WCB's stated purpose.

The Bill also does not address how existing regulation should be reviewed. Critical. Once again, why be concerned with criticism in fact if you were to submit the regulations for review? You can only prosper from another viewpoint more often than not. Also, I would say that it falls into failure because it does not call for – and I spoke of this – an open and accountable review of the existing regulations.

We have belaboured the point on this side, Mr. Speaker, that it fails to employ the Standing Committee on Law and Regulations. I think that's extremely critical. We are one of the few jurisdictions that do not support that, as the hon. Member for Calgary-Buffalo has indicated. I would suggest that if we had spent more time looking at and employing the Committee on Law and Regulations, we might have avoided some of the atrocious embarrassments that still hang around this government's neck: the NovAtels and the Gainers and the recent \$450 million loss to the special hazardous waste facility, now known as 'BovAtel'. I suspect it would have even eliminated the \$147 million corporate gift to Chem-Security and Bovar.

I would suggest, Mr. Speaker, that today more than ever we have to have a very strong Bill on regulations, that ensures there's a proper review, that ensures in fact that the committees that are in place are actually employed, used. It would be to the benefit of all Albertans. That, to me, is not arguable. Today we look at a government that moves more and more into functioning by regulation. They diminished this Assembly considerably. I think that's very unfortunate. When you move into a government that works on regulations, those regulations being formed behind closed doors, we run into many difficulties. Again, the hon. Member for Calgary-Buffalo – and I'll use the example he used because I thought it was a critical one, an important one. That was a slight housekeeping change to the Nursing Profession Act, where in fact nurses were to be removed from the operating rooms. That's the sort of difficulty that you run into if you are not going to conduct your business in the open in this province and not conduct your business with an open mind.

Certainly there are many members, I'm sure, on the other side that are not comfortable with the fact that regulations flow from behind closed doors, and they on occasion would be blindsided by those regulations. So I would like to see some of those members

stand up and really speak for openness and speak for good, accountable government. They all stand up and read their little speeches, and when that little speech, which is written, prepared, more often than not by some researcher, is exhausted, the debate is exhausted. That tells me that in fact they're not giving due scrutiny to the legislation coming into this Assembly.

So, Mr. Speaker, we certainly need more review of the regulations. We do not need to loosen up the existing legislation that is there pertaining to regulations, and I would suggest that this Bill will do that. It has nothing firm in it. It simply has a tendency to be another hollow Bill that will change nothing for the benefit of Albertans. It will simply move it behind closed doors, and I think that's unfortunate.

I indicated and I would close with the fact that the best government is open government. We don't see that in this particular situation. This Bill does nothing to capture that particular concept, Mr. Speaker, and I of course will not be supporting the Bill.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. It's a pleasure for me to rise today to speak on Bill 46, the Regulations Amendment Act, 1995, as proposed by a member of the government. In fact, I'm almost as pleased and excited to rise and speak to this Bill today as I was when I first learned that I had been appointed to the Law and Regulations Committee two and a half years ago. [interjections] I truly was.

I recall when the hon. Member for Edmonton-Glegarry called me in and announced to me that I'd be serving on this committee. It was a great piece of news to me because I was so keen to be elected and to move in.

[Mr. Clegg in the Chair]

MR. DECORE: Are you trying to get nasty now or what?

3:50

MR. ZWOZDESKY: No, not at all. I am not joking whatsoever. I truly was excited about it. I thought that this of all committees is the one where all the laws of the Legislature, all the regulations, all the procedures that make this place tick would be reviewed, studied as it were. So I was quite excited by that. In fact, I had several constituents ask me, "Well, now that you're elected, what capacities will you be undertaking?" I explained the role I would have in community development, and I explained some roles in relation to question period and so on, and I was very proudly trumpeting the cause for Law and Regulations thinking: this is tremendous.

I'll tell you what made it so sweet, Mr. Speaker. It was because when I was campaigning at the doors, some people had asked me about some of the pay reimbursements that certain members were taking, and I specifically referred to some committees that had not met ever, and I in fact used that at the doors. So as I reviewed this piece of legislation, I thought: well, here comes something that I'm sure we can all count on as being good. I was hoping this would reinstate and correct some of those misgivings that had taken place earlier. Sadly, that's not the case here. So my delight was very short lived, for two and a half years, or perhaps it's still coming. It will be very sweet when the committee finally does meet. One of the two should happen, I'm sure.

In any event, as I read this bit of information through, I was anxious to start to compare how it is that other provinces address

this business of laws and regulations and to see how we as a government – and I'm speaking in the collective sense here – could in fact learn from other jurisdictions how they go about the business of reviewing procedures that affect virtually everything that government is about and everything that government does. Effectively, of course, instead what we have here is the government, I think, making a move, taking the initiative as it were, that would in fact allow it to arbitrarily set its own sunset for who knows how far into the future for certain things and perhaps make something even more abrupt in the short range that suits its particular fancy at that time. So that means that some regulations, I assume, would likely be given a sunset period of some indefinite date, perhaps into the future, and others would be given very specific ones, but it's not very clear as to how that would in fact take place.

The reason I flag that for your attention, Mr. Speaker, is because I know just how the government might be tempted to use that type of move, which is why when I read section 2(11)(1), that deals with determining expiration dates, I was anxious to see how in fact the government might be tempted. I suspect that what might happen here is that the government might take a look at some regulation that it genuinely feels is in its way, and it would announce that they would be perhaps withdrawing that regulation, let's say by the year 2000. Then when they come up to a group and they need that bit of information, to use it to sell a particular point, they'll be able to say: "Yes. Well, we dealt with that, and in fact we're canceling it." The sentence would end there, and in all faith of course the public would believe that. But in actual fact that's not the whole answer; is it? What you have to add to that is that it will be some point way down in the future.

Then as I looked at this in the future, I said: well, who's going to be doing these reviews into the future? The Bill simply is not clear enough for the reader to understand that point. Some department committees might be struck and might start operating to effect these reviews, but we already have a committee in place that is a standing committee of this Legislature called the Law and Regulations Committee that is charged with that task. It should get on with that business if the chairman would only call a meeting of it, rather than having this perhaps done in some secretive way in the back rooms.

MR. HAVELOCK: Point of order.

THE ACTING SPEAKER: A point of order, hon. Member for Calgary-Shaw.

Point of Order Clarification

MR. HAVELOCK: Yes, 23(h),(i), and (j). For, I think, the 50th time I have to explain to a member of the Liberal opposition that the chairman does not have the authority to simply call a meeting of this committee. It has to be voted on and passed by the Legislature.

Thank you.

MR. ZWOZDESKY: I appreciate that. I meant to focus on the fact, Mr. Speaker, that when you're elected to be a chairman or a chairperson, I think there is a certain amount of inherent leadership required in that title.

MR. HAVELOCK: They don't listen to me.

MR. ZWOZDESKY: Mr. Speaker, the hon. member who is the chairman of that committee is telling me that his own caucus doesn't listen to him. Well, if he needs some help, perhaps we can be a bit persuasive from our side.

There are a number of members on this side of the House, Mr. Speaker, who are currently or have been chairpeople of different committees in the community, in the church, and in the volunteer sector, and the first thing that you learn as chairman is to call a meeting of the people who serve on that committee to get on with the business that you're charged with chairing. Otherwise, why would you even have the title "chairman"? So I don't accept that comment from the chairman. If he's attempting to demonstrate some weakness in that leadership capacity, perhaps he should step down and let someone else step in who will call the meeting. Would he accept that bit of a challenge? [interjections] Well, I think we might be able to get on a little bit more with the business that's at hand.

Debate Continued

MR. ZWOZDESKY: So the Bill simply is not clear enough from that standpoint, and in any event, what would the purpose of such reviews be? I was looking forward to getting on to that point a little bit, because as I started reading through some of the various regulations that affect the general business of government, I was starting to look for things that pointed to some sort of consistency with policy or some compatibility with policy. That's what regulations, as I understand it, should be all about. Or is it to facilitate some form of implementation of this policy of the government, and who is going to be charged with doing that? That's the concern Albertans have.

Who exactly under the guise of this Bill will be charged with setting these expiration dates? What process will take place to ensure that those expiration dates are sensitive to the particular area that the regulation covers? Will it be a special committee of backroom employees? Will it be some government department? Will there be a mix of MLAs from both sides of the House? Nothing there is very clear. Perhaps that's why that committee hasn't yet met, because those are some questions that some people might be afraid to try and answer.

I guess the other part would be: what would the criteria be for looking at and setting some of those expiration dates, and what kind of a consultative process can we expect that would be gone through? If you don't go through that process in an open and accountable and honest fashion, such as the Law and Regulations Committee would provide for and I'm sure accomplish – at least we on this side would ensure that it accomplished that – then what other conclusion can we draw other than to say that it would be done in some fashion outside the legislative process, perhaps by a smaller department or perhaps by a committee of just government MLAs? I think we have to get away from that notion, Mr. Speaker. This particular Bill unfortunately doesn't do that. In fact it furthers that a little bit.

I'm sure in good conscience, Mr. Speaker, as you read it through yourself, you must have asked yourself a few of those questions. You had to have. Whether you agree with me or not is another matter, but I'm sure those questions must have popped to your mind.

The other thing that popped into a quick discussion between me and my colleagues was: what sort of a system might we expect here for monitoring whether or not these regulations and the expiration dates and so on are indeed on track? First of all, are they necessary? Secondly, are they on track? Is there something

within that Bill that provides for that? Well, sadly, Mr. Speaker, there is not.

Now, those regulations that are being phased out or that might be proposed for being phased out, have the affected stakeholders been consulted as to their outcomes? In other words, if I represent a particular business that is going to be affected by regulation X or Y, what opportunity do I have to feed in through this Bill my input and my concerns? We know that if you have an all-party committee, there's a balance there. Remember that we're here in part to try and help the government through some of this and to try and provide some sober second thought, as it were, to concerns that get expressed to us. A lot of those concerns, I want to tell the government opposite, come from constituents in areas that you represent, where for whatever reason some people feel they're being perhaps not heard in those areas and come to us for some leadership in that regard.

4:00

Also in this particular aspect, Mr. Speaker, let's take a look at the effect that some of this regulation or deregulation might have on what we might call the local authorities as spelled out in the Act itself. As we look at it, we see that MDs and improvement districts are affected. Cities and villages, even the RHAs, our hospitals, school divisions, and so on are affected. Surely they have a tremendous stake in knowing well enough in advance and having some meaningful way of inputting well enough in advance their feelings concerning some of these expirations that affect them very dramatically and directly.

So, as I conclude here, I want to know how in all conscience the government would expect anyone to support something such as Bill 46, which, unfortunately, doesn't clear up a heck of a lot of anything but creates just more uncertainty about everything. We have tremendous uncertainty already in many areas. We have seen this uncertainty created in large part by a lack of general planning, Mr. Speaker. I fear that there's a little bit more of that going on here. Uncertainty breeds some form of insecurities, some apprehensions, it results in frustrations, and sometimes it does create fears in people. Nothing worries people more than not knowing where they are going, but I'll tell you, it scares the bejabbers out of people when they don't see where government is going, because all too often when government arrives at where it's going, it's not where the people want to be at all.

With those brief comments, Mr. Speaker, I will take my seat. I have a great fear about Bill 46 creating just a little too much fear and uncertainty in the longer run as a result of the government again taking just a little too much power away from the people and away from us the elected representatives of those people. So I would caution the government to please give this another thought as they go about their daily routine and planning, or lack of it.

Thank you.

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I rise to speak to Bill 46. I will not be supporting Bill 46 in its present state. If the government in their wisdom will accept some amendments, then possibly I would look at supporting it.

Mr. Speaker, the reason I got into provincial politics was to ensure that there was some accountability by governments in the province of Alberta, because certainly that was sadly lacking over the past decade and a half. I continue to be deeply concerned.

I see legislation coming before this House that would suggest there is not going to be that level of accountability that Albertans deserve and desire. I look at Bill 46 and I immediately think of Bill 44 and the subtle way that you can remove power from this Legislature. In Bill 44 indeed we could be looking at the whole undermining of our professions and the standards required in the province of Alberta, not unlike, as we saw regulations being changed, where it would be appropriate for RNs to continue to practice a profession, specifically in the OR and intensive care. I liken Bill 46 to both Bill 44 and behind-closed-doors changes in regulations.

I worked within the public health field, Mr. Speaker, for over nine years in the province of Alberta, and if there was something that was key to the well-being of Albertans, it was the regulations. Now, I would be the first to agree that sometimes we're regulated to death, but the manner in which this government is going about reviewing regulations is totally inappropriate.

You know, when you look about, what goes around comes around. That's exactly what's happened in this Legislature today with the Member for Calgary-Shaw. He was proudly beating his chest that he had zero dollars expenditure in his budget. As my colleague mentioned, it takes leadership to ensure that you have effective governance. We certainly haven't seen that from Calgary-Shaw. He's indicated in this House that he doesn't have the support of his colleagues. Well, there's such a thing that's called question period. Why doesn't he get up and hold this government accountable and ask them, "Why will you not allow the Law and Regulations Committee to be held?" But, no, we haven't seen that. He stands up and suggests that the chairman of the Public Accounts Committee should maybe resign when she's trying to make it accountable through Bill 213. That's what leadership's all about, Calgary-Shaw, not sitting on your rear end doing nothing, because that's basically what you've been doing. To be proud that you've spent zero dollars of that budget, I would say, is nothing to be proud about, quite frankly.

Now, getting back to Bill 46, Regulations Amendment Act. So often regulations come about because of minority pressure groups, or indeed regulations are changed because of minority lobby groups. That's the worst way to amend or remove regulations.

I can think back a number of years ago when we were seeing a lot of *Campylobacter* being diagnosed in the province of Alberta. For those of you who are not aware, it's a bacteria that can be transmitted through animals and particularly through milk products that have not been pasteurized. It's very costly to our health care system. We see the public health professionals in this province saying to the government of the day: we've got to address this problem because it's costing our health care system significant dollars.

Well, it upset a few politicians because they might not get elected again because people wanted the right to sell unpasteurized products in the province of Alberta. As usual the gutless government of the day passed it down – they downloaded – and allowed the municipalities to make that kind of decision. What did that do for the health care system and cost effectiveness in our health care system? Zilch. We didn't have a level playing field. We had one municipality with a bylaw controlling unpasteurized products being marketed, and then next door they were allowed to market. So the bacteria is still being spread in the province of Alberta, costing our health care system significant dollars.

Now, that isn't effective governance. It's not an effective way to use regulations. It's not an effective way to use legislation.

It's gutless. It's passing the buck, and it's being pennywise and pound foolish, and that's typical of this government.

The other thing it does is it creates an unlevel playing field out there because it means that in one area people can market a product that's inferior, be it the cabbage from Fort McMurray that the member mentioned or be it the cream at a farmer's market that's not pasteurized. That's not fair in a marketplace.

Now, let's expand the ability of this Bill 46 because it's going to be behind closed doors again. You get a significant lobby by large industry when it comes to environmental regulations. We know what's happening in my constituency right now. Violations of the legislation and regulations have been taking place. Oh, the constituents, the residents are the last people to know. It's only when it gets into the Justice department that suddenly we start seeing governments acting.

I would suggest, Mr. Speaker, that indeed you use your Law and Regulations Committee in an effective way and have it in this Assembly no different than Private Bills, where you get into an open discussion in this Chamber, you get into an exchange with the private sector or Albertans and ask them questions about their private Bill. It would be interesting to see the Law and Regulations Committee allowed to do that in this Assembly, where farmers through one of their associations or a petrochemical group or some homemakers or some people from the retail industry or power manufacturers came in and said: "Look; this legislation through regulation is totally inappropriate. It's taking away our competitiveness." We can question these people in this Assembly. Then we start to get good government; you start to get accountable government. But no, no, no, the government always comes in through the back door. They come in with their Bill 44. They come in with their regulation, amending it, regarding the nursing profession. Now we've got Bill 46, that they want to do whoever knows where, that I would suggest would be an undermining of many of our legislative processes.

4:10

You know, there's a great debate going on right now between the minister of the environment in Alberta and the Minister of Environment Canada. No, you mind your business: this is the Alberta minister of the environment saying that. Well, I'll tell you as an Albertan who lives with petrochemicals on my door, thank goodness there are some governments that will stand up and be accountable for the residents of their community and province, because you cannot do things behind closed doors.

I'll use an example as well. When I was mayor of Fort Saskatchewan, we made sure we had independent environmental monitoring in the city of Fort Saskatchewan. When the computer printouts came in . . . [interjections] It's interesting, Mr. Speaker. When you strike a cord across there, they get very yappy. They really get yappy.

When we were dealing with environmental issues in the city of Fort Saskatchewan, we had independent environmental monitoring. The computer printouts would come across my desk, and if I saw a blip somewhere, I'd pick up the phone or one of our staff would pick up the phone to environment, and we would know within a few hours what had happened in our community. I asked what had happened to those computer sheets to try to get to today and not know what had happened in that community a number of months ago. The independent monitoring obviously is not being read by an independent body or person. That saddens me, because you know everybody has to work in partnership, and the only way you can work in partnership is through openness.

That's the way you get good governance, and that's something that's sadly lacking in the province of Alberta.

The government believes they're the only people that are elected to this Assembly and they're the only ones that have the right to scrutinize fully the legislation. Well, that isn't democracy. That's not the democratic process. It's like when you get up and make fun of Bill 213 and then you read the Auditor General's report. It's clearly stating – he's at least taking the time to point out 10 recommendations that still haven't been implemented. What happened to all the other recommendations from previous Auditor Generals that you haven't had the courage to implement? So don't stand in this House and mock Bill 213 when what it's calling for is accountability, and don't mock us, the Official Opposition, asking to amend Bill 46. That is good government; that's the democratic process being true and healthy. The day I see that happening in this House I'll believe I've achieved what I set out to achieve when I put my name forward for the nomination in the Clover Bar-Fort Saskatchewan Liberal Party and got myself elected the Member of the Legislative Assembly for Clover Bar-Fort Saskatchewan. When I see some of those things happening, we'll truly have a democratic process in the province of Alberta. Because, Mr. Speaker, today we don't have it.

Thank you.

MR. PASZKOWSKI: Mr. Speaker, I'd just like to point out that there is a regulation – I think it's important we understand – that governs the sale of nonpasteurized cream in farmers' markets. Indeed, there is a regulation that does cover that, and it's not allowable in the province of Alberta.

Point of Order Questioning a Member

MRS. ABDURAHMAN: A question to the minister, please, Mr. Speaker.

THE ACTING SPEAKER: Okay. A question to the hon. minister of agriculture.

MRS. ABDURAHMAN: Is there any legislation . . .

THE ACTING SPEAKER: Oh, just a minute. Will you accept a question?

MR. PASZKOWSKI: Oh, sure.

Debate Continued

MRS. ABDURAHMAN: Is there any legislation presently in the province of Alberta that bans the sale of unpasteurized milk in all of the province of Alberta?

MR. PASZKOWSKI: There's a regulation. It was alluded to during the discussion regarding the sale of pasteurized products in farmers' markets. That was what I was alluding to. There is a regulation, not in legislation but by regulation, that it is not allowed to be sold in farmers' markets.

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

MRS. SOETAERT: Oh, thank you, Mr. Speaker. I, too, would like to take a few moments to talk about Bill 46. You know,

when I look at Bill 46, I know that some day in the future this government will be written up as the most arrogant and secret government that this province has ever seen.

You know, every time we talk about a Bill and regulations and behind closed doors, no one has the courage on that side to stand up and defend what they're doing. Because you know what? They can't defend it. That's right. They can't defend it. Then when we have people like the Member for Calgary-Buffalo and the Member for Fort McMurray stand up and talk about the work of legislators and lawyers and how we implement Bills, we have yapping from Cypress-Medicine Hat and Vegreville-Viking slamming the work of lawyers. Now, Mr. Speaker, we do need those lawyers. I'm actually going to defend these lawyers. Because you know what? They're darn good people, doing darn good work for Albertans, and I'm proud of the lawyers on this side of the House. They can pick up a Bill, flimsy as this Bill 46 is, read through it in a moment and say . . .

DR. L. TAYLOR: Point of order.

THE ACTING SPEAKER: The hon. Member for Cypress-Medicine Hat.

Point of Order Imputing Motives

DR. L. TAYLOR: Attributing motives, 23(h), (i), (j). I can't speak for the Member for Vegreville-Viking, but I certainly have never, never slammed lawyers. I certainly recognize their value, just as I do chartered accountants. I mean, we use them all the time in our business. I resent any implication that I personally might slam a lawyer. So I would encourage the member to apologize forthwith for that comment.

MRS. SOETAERT: Mr. Speaker, on that point of order, the Member for Cypress-Medicine Hat is constantly running down different professions. One day we were talking about work in here, and he said: Colleen, what would you know about work; you've only ever taught. Well, I took offence to that. This member loves to pick on lawyers, teachers, nurses, doctors. So I'm sorry; what he's saying is just not up to snuff.

THE ACTING SPEAKER: On the point of order, I don't really think the hon. Member for Cypress-Medicine Hat has a point of order, but it is certainly ironic that the Member for Spruce Grove-Sturgeon-St. Albert would accuse somebody else of yelling across the floor. It seems to happen quite often from one side of the House to the other, so I don't think that we have to start accusing anybody of anything. We're in a debate, and everybody has a right to speak, so keep your remarks to the Bill.

MRS. SOETAERT: Sorry, Mr. Speaker. I just tend to get overenthusiastic once in awhile.

Debate Continued

MRS. SOETAERT: To continue on about Bill 46, the secrecy of this government and how they can handle regulations on a whim is appalling. For example, to think that we as Albertans have to pay \$25 for a freedom of information . . .

AN HON. MEMBER: Relevance.

MRS. SOETAERT: It is relevant. Thank you. And you can talk rather than chirp.

MR. BRACKO: Squeak up.

MRS. SOETAERT: Squeak up. Are you a man or a mouse?

The point of charging \$25 is appalling. That's five times higher than any other province. And where was this decision made? Not in this Legislature, not in the Law and Regulations Committee. No. No. No. It was made probably at the minister's desk. "Hmm, I think I'll charge \$25. What do you think, hon. Member for Banff-Cochrane?" "Yeah, sure sounds good to me. Lots of people out there have money. Let's just charge them everything we can." Well, I'm sick of that kind of regulation happening all the time. I think there should be things that come to this Legislature that we can debate, but democracy erodes as this government continues to go on their merry way with regulations behind closed doors, and this Bill will do nothing to change that. In fact, on a whim: "We may get rid of it. The Bill says we may get rid of something. We may not, and we may bring it back." Well, I think that's appalling, and it's time that this government gets serious. Let's call this committee together that is supposed to have discussed regulations for over two years. Disappointing as it is, I'm not on that committee, but I know my colleague from Edmonton-Avonmore is really excited about that committee, really anxious about sitting on it and discussing the 1,500 or so regulations and picking and choosing which ones should be . . .

4:20

MR. DAY: Fifteen thousand pages.

MRS. SOETAERT: You can always get up and talk, but don't chirp from there.

He would love to prioritize and have these regulations brought forward so all people of Alberta can see what's happening with the regulations. [interjection] Vegreville-Viking is chirping now, and he bought new glasses just to go over all those regulations, and that's good.

What happens? We may get rid of some, and we may put a time line on others, and we may do whatever we want to do. Because democracy in Alberta – well, as long as the government has its way, why have an all-party committee to voice their opinion on certain things? No, we don't need that here. We're an arrogant government. What we want must be good for everybody. That's the attitude of the front row, and personally I'm sick of it. It's time that this government brings regulations to the front, brings it to this House so that all of us who are elected by all the people of Alberta – you know, all of us were elected to this Assembly and we all should have the opportunity to talk about these regulations that we are all governed by.

Mr. Speaker, I know you'll be sorry to see me sit down shortly. I just want to take this opportunity to say that as always this government is true to form. Things are being decided behind closed doors. Regulations may be put in place, may not be put in place. I'm tired of it. But you know what? Not so tired that I'll quit. I'm going to continue fighting for democracy in Alberta, and I'm going to continue talking in this House, taking my turn, having the guts to stand up and speak to a Bill, unlike so many other members in this House.

Thank you very much.

MR. DAY: Well, Mr. Speaker, we've heard a lot of talk. We've heard very little input that has any insight along with it. I do know that the majority of the people of Alberta have made it very clear, both in the last election and since then, that they want less regulation. They want less government in their lives. You know,

we hear the phrase that someone used over there: the power comes from the Legislature. The power comes from the people of Alberta, not from under this dome here, and it's that Liberal self-centred egotistical approach . . . But we heard it here today: the power from the Legislature. The power comes from the people of Alberta, folks.

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

Point of Order

Questioning a Member

MRS. ABDURAHMAN: Yeah; *Beauchesne* 333. Would the member entertain a question?

THE ACTING SPEAKER: Yes or no?

MR. DAY: Every time the member opposite speaks, it raises questions in my mind. So certainly I will entertain another one.

Debate Continued

MRS. ABDURAHMAN: Are you suggesting that the Members of the Legislative Assembly are not elected here by the people of Alberta?

MR. DAY: I thought it would be an intelligent question. I'll just move on with my discussion.

Mr. Speaker, one thing that people . . . [interjections]

Mr. Speaker, *Beauchesne* prohibits me from making an observation on why there was a loud chorus of boos – that's b-o-o-s – coming from this side, so I can't comment on the departure of the Member for St. Albert and thereabouts

Point of Order

Clarification

MR. BRACKO: Point of order. It wasn't St. Albert. Incorrect. He should get his facts ready and correct.

MR. DAY: I'm glad the Member for St. Albert got up to talk about the departure of the Member for St. Albert . . . [interjections]

THE ACTING SPEAKER: It seems like we're jumping up on points of order. They're obviously not points of order. Let's just get back to debate. In this House everybody has a right to speak. The Speaker's job is to keep order, and that's what I intend to do.

Hon. Government House Leader, let's not be catcalling across either side.

Debate Continued

MR. DAY: In conclusion, Mr. Speaker, the people of Alberta have asked for less regulation and less government. We have heard from . . .

MR. DECORE: Mr. Speaker, point of order.

Point of Order

Questioning a Member

MR. DECORE: I know that the hon. minister likes to give good answers to good questions, so as a member of the council I'd like to know exactly how many regulations since the spring have been

reduced, the exact number. I want to know how many people have spent time reviewing. What sort of review system exists to reduce those regulations? You asked a question of one of my colleagues earlier today. I want to know the cost that's attributable to that, Mr. Minister.

THE ACTING SPEAKER: Hon. member, I thought you were on a point of order. Obviously you want to ask the hon. Government House Leader a lot of questions, which he hasn't said he would or would not.

MR. DECORE: Oh, I'm sorry. I forgot. I thought you nodded yes.

THE ACTING SPEAKER: Is it okay with you, hon. Government House Leader, all these questions?

MR. DAY: Yeah.

Responding to a series of questions – and I'm glad they were raised. They were raised, in fact, in anticipation of the closing remarks of the good Member for Peace River, who is going to talk about a very extensive process that he has led, and I might say in admirable fashion and in a fashion which has set a tone right across this country, for putting a process in place that really looks at regulation and involves a wide circle of people: industry and public and business. To the Member for Edmonton-Glen-garry, I would suggest that if he has the exact cost of that, he might be able to talk about it.

Though I wouldn't have the exact number of regulations that have been reduced, I will do my utmost, in conjunction with the Member for Peace River, to come back with a specific answer on that. It'll avoid the time for Written Questions and returns. We'll get that to him.

Debate Continued

MR. DAY: In the ongoing necessity to get rid of regulation that is not required or excessive, here a member has come forward with a very powerful yet simple plan, and that is simply a three-year expiry date, a sunset clause as it were, on those regulations. For people who take the time to read *Hansard* – I won't exhaust their efforts right now as they are reading in the future in *Hansard* – this is a very short Bill. It's about three sentences long. The Member for Peace River will talk about how, when each of those 15,000 pages of regulations begins to come up and expire, every department, along with a group of stakeholders, has to justify those regulations. This is not only a simple process; it is profound in its simplicity, and that's probably why the members opposite have missed it totally. It is a profound yet simple and effective plan to meet the demand of the people of Alberta who are saying after decades of government, "We think we've got too many laws and too much regulation, and people need to do something about that."

What do the members opposite want to do? Start a committee. I mean, just do the math on this. Fifteen thousand pages. Let's say there are only 10 regulations per page: 150,000 regulations. Just start doing the math in terms of the hours, the days, the weeks, the years they'll be sitting reviewing regulations. You know what I think, Mr. Speaker? I think they want to get that going because they've always been upset that we canceled the MLA pension plan and this is a way to give them permanent, year-round work for the rest of their lives. I think that's really what they're after.

So, Mr. Speaker, in conclusion, I am totally supportive of this Bill.

THE ACTING SPEAKER: The hon. Member for Calgary-*Buffalo* on a point of order.

**Point of Order
Questioning a Member**

MR. DICKSON: Thanks, Mr. Speaker. I'm wondering if the hon. minister would entertain a brief question.

THE ACTING SPEAKER: Yes or no.

MR. DAY: It's always entertaining, Mr. Speaker.

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

Debate Continued

MR. DICKSON: Thanks, Mr. Speaker, and I appreciate the minister's courtesy. Why would he think that it's more important to hear from stakeholders than from the Alberta public?

MR. DAY: Mr. Speaker, the stakeholders are the Alberta public. What this member opposite wants and his crew, that want to stake out a lifetime job for themselves, is that they're the only ones, they're the only experts. What the Member for Peace River has done is gone out and talked to representatives of the people who will be affected by the regulations. That's who we need to talk to.

THE ACTING SPEAKER: The hon. Member for Edmonton-*Manning* on a point of order.

**Point of Order
Imputing Motives**

MR. SEKULIC: Yes, 23(h), (i), and (j). Mr. Speaker, I was elected here. I was sent by some 30,000 people in Edmonton-*Manning* who have the right to vote and be represented.

4:30

THE ACTING SPEAKER: You're not going to give a speech; are you? Do you have a question that you want to ask the minister?

MR. SEKULIC: Mr. Speaker, I cited 23(h), (i), and (j), imputing false motives against a member, that member being myself. In his speech the Minister of Labour referred to something about the people across the way wanting lifetime jobs and a pension. Well, I'm not sure if he's familiar, but the pensions were done away with. Myself as a new member, I don't collect a pension, nor do I care for one. That's point A.

Mr. Speaker, point B: I'm not here for a lifetime job; I'm here by the grace of God and those constituents who voted for me, some 30,000 constituents in Edmonton-*Manning*, a majority of which sent me here, a majority of which have the right to be represented, despite what the Member for Red Deer-*South* seems to think.

SOME HON. MEMBERS: North.

MR. SEKULIC: Red Deer-*North*. Sorry. I just don't want 23(h), (i), and (j) called against me from Red Deer-*South*.

Mr. Speaker, regardless of what the hon. Minister of Labour may think, the opposition is a valuable part of this Assembly, and their input in most other jurisdictions is considered valuable. It's to hold the government accountable. But here every time you make an attempt to hold the government accountable, they beat you down with great arrogance.

Now, they do have to recall – and I do respect the Minister of Labour for the fact that he was elected . . .

MR. DAY: Is this a point of order or a speech?

MR. SEKULIC: Mr. Speaker, I sat silent listening to the Minister of Labour and didn't say a word.

However, I think he should retract some of those comments which he has made, in particular that the members across the way are here for pensions, which don't exist, and secondly that they want lifetime jobs, because they don't want that. Those were my points, Mr. Speaker.

MR. ZWOZDESKY: Point of order.

THE ACTING SPEAKER: We're not going to have a point of order on the point of order, hon. members. We'll deal with the point of order by the hon. Member for Edmonton-*Manning*.

Obviously he hasn't got a point of order. What we have certainly in the House is a disagreement. I've been up here for about one hour now, and I've heard on my left a lot of statements that I'm sure that these members didn't agree with. We're now hearing from members on this side. This is a total disagreement. Let's get on with the debate, please.

**Point of Order
Questioning a Member**

MR. WICKMAN: Mr. Speaker, could I ask the Member for Red Deer-*North* whether he would entertain a question? *Beauchesne* 482.

MR. DAY: No. I'm getting tired of it now. No. They haven't asked one yet.

THE ACTING SPEAKER: The answer is no.

The hon. Member for Edmonton-*Avonmore*.

**Point of Order
Referring to the Absence of Members**

MR. ZWOZDESKY: Thank you, Mr. Speaker. I do have a point of order under 481(c) of *Beauchesne*, which states:

Besides the prohibitions contained in Standing Order 18, it has been sanctioned by usage that a Member, while speaking, must not . . .

(c) refer to the presence or absence of specific Members.

It took me a while to find this, and I just wonder if the hon. Government House Leader would like to be reminded of that and if he would like to therefore apologize to the hon. Member for Spruce Grove-*Sturgeon-St. Albert* for the reference he made a few minutes ago to her presence or absence. It's a legitimate point of order, and I believe he would like to apologize under that particular rule.

MR. DAY: Mr. Speaker, it was a very oblique reference I was making, and now the member has made it quite specific that his colleague departed from the Assembly because the debate got too difficult. If he felt I was being too specific, I know he will also

want to apologize to her for really being specific. I made an oblique reference. The fact that she has now departed – and that's been specifically brought out by the Member for Edmonton-Avonmore on her behalf. I apologize.

Now, Mr. Speaker, I'd like to say as I conclude, we have . . .

AN HON. MEMBER: Mr. Speaker, put an end to this nonsense.

THE ACTING SPEAKER: Yeah, that's exactly what I plan to do. I've heard several statements, like I said earlier, from this side of the House, use the word "gutless." I personally don't like those words. I heard some other words from this side of the House that I maybe didn't like. Let's get on with the debate. There is no point of order.

Debate Continued

MR. DAY: Mr. Speaker, what it really comes down to is a choice between two processes here. Process number one, behind curtain number one, I've already talked about what I think may be one of the motives, but we'll leave that aside because it's got members upset. We do have to remember too, because they responded on this question of a pension plan, that in fact a number of Liberals at the time we canceled the pension plan were in protest of that. Not all the ones here, like the Member for Edmonton-Manning. I don't recall him asking that the pension plan continue, and I give that to him.

So, Mr. Speaker, as I say, we have only two choices here. [interjections] Now I can honestly say, because there's nothing in *Beauchesne* that talks about a member shrieking at the top of her lungs, that the freshly returned Member for Spruce Grove-Sturgeon-St. Albert is shrieking at the top of her lungs, as usual, and making it difficult for people to hear.

The choice is quite simple. Do you want a process where you take 15,000 pages of regulation, give that to a committee – and at an average of only 10 a page, that's 150,000 recommendations. That's what the Liberals are asking for. For whatever motive just run the calculator on the time required alone? Do that process, or do something – and no process is perfect – as recommended by the Member for Peace River, which is: make every department responsible with a sunset clause to justify every regulation they have as it comes up and in fact to include people affected, the public in general or specific stakeholders, in that particular discussion. Which of the two processes seems to have the most common sense behind it? I know what I'm choosing. I'm voting for this Bill and for the member who's bringing it forward, the Member for Peace River.

THE ACTING SPEAKER: The hon. Member for Peace River to close debate on second reading.

MR. FRIEDEL: Thank you, Mr. Speaker. A few minutes ago the Government House Leader made an extremely eloquent introduction almost to the process of closing debate. Unfortunately, it was dulled by all these questions and points of order, so I'm going to have to build up that momentum again myself. [interjections] I can see it's already effective. I don't have the rapier wit, you know, the ability to stir up the pack like the Government House Leader, so I'll have to resort to facts.

Seriously, I'm very pleased to address some of the comments that were made by the members of the opposition relative to this Bill. The opening speaker from Calgary-Buffalo had suggested, as did a couple of others, that the regulatory review process

should have been done through the all-party Standing Committee on Law and Regulations. With all due respect, Mr. Speaker, I sit on two or three of those committees, and I've found that we often spend so much time arguing petty issues that we can't even get to any serious conclusions. If this particular issue was being handled by one of these committees, I'd suggest we'd probably still be working on the title for the work plan, rather than being a few weeks away from an actual implementation document for every department.

Obviously also, Mr. Speaker, from many of the comments that were made, the Member for Calgary-Buffalo and a number of the other members, all of them I would suspect, they haven't even read the work plan, otherwise they wouldn't have asked some of the questions they did.

The Member for Fort McMurray started out by saying that he would have been glad to sit on the Law and Regulations Committee for nothing. The Member for Edmonton-Glengarry made a similar offer. I'm kind of glad they brought this up because it gives me the opportunity to recognize that the task force members were not paid. They were given no expenses. There were no perks of any sort. These people donated hundreds of hours of their time and at their own expense to sit in on this. So if there was an implication that this was costing something, I would like to dispel that, but mostly to give recognition to the people who did donate their time.

The Member for Edmonton-Glengarry also asked: why was this amendment not included in the original legislation? I would suggest that if he was looking, he would have noticed that we're talking about an amendment to the Regulations Act, which was passed back in 1986 or prior. This particular initiative wasn't even thought of at that time, so it certainly wouldn't have been possible for either myself or a number of people who are here today to have anticipated that and included this amendment at the time.

4:40

The other thing from the comments: I would translate that they are reading this amendment as being the review plan. It is absolutely not. All it is is an efficient method of implementing one aspect of the process.

Several other members asked questions about the process, which kind of surprised me. Last May a copy of the original work plan was requested and delivered to the Liberal caucus research department. Also, updated versions of the plan had been sent out to anyone who asked for them. All of the questions, I would say without exception, were answered or were available for anyone who would have bothered to read the work plan.

For example, the Member for Edmonton-Rutherford asked: what would prevent a sunset date from being set so far in the future that it would never be reviewed? Obviously he hasn't read the plan, because the sunset plan specifically talks about three years maximum. I would suggest that that's not so far in the future that it's not going to be reviewed. We had originally even anticipated a one-year review, but in finding out the sheer magnitude of the numbers of regulations, it wasn't physically possible to contemplate. That's why we expanded to three years. But it is three years. There are no exceptions.

He also inquired about public input. Same answer. This is very clearly addressed in the work plan. In fact, it is a primary measurement criteria in the regulation impact report that consultation is required, and it is required up to and including the final draft version of the regulation.

Other members, the Member for Edmonton-Manning, called it an empty shell. The Member for St. Albert said, "Show us a plan." The Member for Spruce Grove-Sturgeon-St. Albert emphasized that it said we "may" do something with these plans. I'd suggest that if you read the sunset plan, hon. member, you would find that there is nothing optional about the sunset plan. In other words, if you don't take the prescribed action, the consequences are that the regulation falls off the books. It doesn't sound very optional to me.

Every one of these comments, Mr. Speaker, shows that the members have obviously not read the work plan, in spite of the press releases that were available. I find it hard to believe that they made these kinds of statements without having read the plan or at least some of the background material. I urge them to do so, or come to me and I will gladly explain, discuss the process with them. There's nothing secretive about it. Hundreds of copies of this thing were sent out to whomever requested them. We will make them available. It's not a very lengthy document. We can mail them, fax them, as we have done with 400 inquiries.

I'd suggest perhaps, Mr. Speaker, that it would be a valuable exercise for those who are interested to go through this, or at least to read them, before we have to go through all this again in the committee stage. I will do whatever I can to either make these documents available as they're requested or take the time to discuss it in person or by telephone, whatever method they choose.

With that, Mr. Speaker, I'd like to move second reading of Bill 46.

THE ACTING SPEAKER: The hon. Member for Peace River has moved second reading of Bill 46, Regulations Amendment Act, 1995. Does the Assembly agree to the motion for second reading?

SOME HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed, if any?

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: Carried.

[Several members rose calling for a division. The division bell was rung at 4:45 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Ady	Friedel	Mar
Black	Fritz	McClellan
Brassard	Gordon	Mirosh
Burgener	Haley	Paszkowski
Calahasen	Havelock	Pham
Cardinal	Hierath	Rostad
Coutts	Hlady	Severtson
Day	Jacques	Shariff
Dinning	Jonson	Stelmach
Doerksen	Kowalski	Tannas
Evans	Laing	Taylor, L.
Fischer	Langevin	Thurber
Forsyth	Magnus	West

Against the motion:

Abdurahman	Hanson	Sapers
Bracko	Henry	Sekulic
Bruseker	Kirkland	Soetaert
Decore	Leibovici	Van Binsbergen
Dickson	Mitchell	Wickman
Germain	Percy	Zwozdesky

Totals: For - 39 Against - 18

[Motion carried; Bill 46 read a second time]

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

5:00

[Mr. Tannas in the Chair]

THE CHAIRMAN: Hon. members, I'll call the Committee of the Whole to order.

Bill 44
International Trade and Investment
Agreements Implementation Act

THE CHAIRMAN: The hon. Minister of Federal and Intergovernmental Affairs.

MR. ROSTAD: Thank you, Mr. Chairman.

MR. DECORE: Mr. Chairman, point of order.

Point of Order
Voting on Amendments

MR. DECORE: Before you proceed, I think I'm correct in my discussion with the Government House Leader that even though the amendments are introduced in a group, the matters will be dealt with and voted on separately. Am I correct, Mr. Chairman?

THE CHAIRMAN: Well, since there are no amendments yet on the floor, it's hard to say that you're correct, but I'm sure that your advice will be taken into consideration when we move further.

Again I'd call on the minister to offer any comments or any amendments that he may wish to.

Debate Continued

MR. ROSTAD: Well, thank you, Mr. Chairman. We circulated and had some discussion on some amendments that we forwarded. There are two sections that they pertain to. I don't think there's any difficulty in dealing with them as A and B separately.

I would like to make a few comments on behalf of the member who moved Bill 44 and reflect back on, I believe, the much more than an hour of debate that has been held on this particular Bill. There has been some very valuable insight and comment made, although those nuggets have been couched in a great deal of rhetoric. These amendments are put forward on the basis of hopefully overriding those concerns.

I could probably put the amendments in the context of the particular sections as being: drafting enthusiasm with no nefarious purpose on them at all. In fact, if you look at them in the context of the Bill, they were put in there to give some flexibility to the government and I guess the minister if certain occasions arose, and if any of those occasions arose, they would in fact come back

to this Assembly within at least a two-year period. But with the cogent arguments that have been put forward by the opposition, we certainly offer the amendment of doing away with the possibility of a ministerial order and also doing away with any provisions coming into effect by regulation without first coming to the Assembly. As I mentioned, those instances in section 5 were there to give flexibility but in the spirit of the Assembly, being the prevailing jurisdiction in any of these, we certainly move those.

On that, I would move the amendments but welcome any debate.

THE CHAIRMAN: Hon. Member for Edmonton-Glengarry, before I ask you to begin, I wonder if we would note that this amendment that has been proposed by the hon. Minister of Federal and Intergovernmental Affairs be classed as A1.

MR. DECORE: Well, Mr. Chairman, I'll rise to speak to A1 then. That's the amendment that the minister has made with respect to part 1, section 3 of Bill 44.

Mr. Chairman, before I start, I want to say that I've been treated in a most courteous way by the minister and by the mover of the Bill. Those areas that I didn't understand or I needed some help with, if they didn't have the answers, they went and got me the answers or they provided answers for me, and I thank them for that.

This is a good amendment, this first amendment to section 3, because before the amendment was introduced, it meant that the minister with simply a stroke of the pen and without any kind of publication – the minister didn't wish to publish what he or she had done. Assent or some position could have been taken with respect to one of these international agreements and the public would not have known about it. It's important when you're dealing in an area of business or finance that there be clarity and certainty, and this now makes for clarity and certainty, because an order in council is published whereas the ministerial order may well not be published. So as to the first amendment, Mr. Chairman, this member agrees.

MR. DAY: Just quickly to the amendment and to the process of getting it to this stage. If members recall at second reading when the Member for Edmonton-Glengarry and others spoke, there was obvious disagreement on whether an amendment was actually needed, but members will also recall comments made from members on this side: let's treat second reading in the principles and move to Committee of the Whole to deal with amendments on the specifics. I just want to say that I'm glad that most of the members who spoke on this agreed and trusted that that process could happen. I want to acknowledge the good input we did hear from a number of members opposite. Though we felt strongly we were on the right side of the Bill, arguments presented convinced us to err on the side of being conservative, if I can use that word, and not radical. It shows that the process indeed can work, and we thank members opposite for their input leading to this amendment.

[Motion on amendment A1 carried]

MR. DECORE: Mr. Chairman, we're now dealing with section 5, and here's where I need some help from the minister. I think this is important to put on the record. The way 5(1)(a) and (b) are worded, if a member of the public were reading this Bill, they

wouldn't really be getting the kind of information they need. It's my understanding, Mr. Minister – and I'd like you to explain this in as complete detail as you can – that we're talking about retaliation here. The effect of leaving these particular subsections in 5 is to give effect to the government to allow for retaliation, and I'd like the minister to perhaps give us an example of how this might work, because it's important that the public know that the wording they see doesn't really talk about retaliation in the exact sense.

THE CHAIRMAN: The hon. Minister of Federal and Intergovernmental Affairs.

MR. ROSTAD: Yes, Mr. Chairman. I guess to put it into the vernacular, it is in fact retaliation. You may find that as an international agreement goes, we want to take an action to suspend benefits that another party might have to this. We might find that Canada and Alberta are in a position that we don't want to wait a long time or whatever, an extensive length, to get in and in fact suspend a benefit that they are in fact getting. By suspension of that benefit, I guess you could put it into those terms that that's effectively a way of retaliating, and this provision does allow us, then, to do that and suspend it.

Quite often the retaliation is to send the signal back that we are not happy with the transaction as it's unfolding. This is not a retaliation after a dispute resolution process has gone through. This is a retaliation or a suspension of benefits in fact perhaps to bring somebody to the table because they are in fact abridging the agreement from their perspective.

5:10

Any international agreement is going to set up a dispute resolution process. Quite often to either get to the dispute resolution process or to make sure that you're able to offset some severe effects that are coming on you through an activity of the other side, you are allowed here to suspend benefits that that party might be receiving in our jurisdiction and then allow the dispute resolution panel to in fact do their hearing and resolve it. Hopefully it's not a provision that you would want to use ever, but I think there are occasions when those things might arise. An example in more of a reverse side, I guess, would be the fact that the Americans used it in the softwood lumber. They in fact suspended some of our benefits even before the dispute resolution panel had a chance to look at it and resolve it. In the end we in fact won and got our money back, but in the meantime they were taking and imposing a penalty on us, that benefit.

So, as I mentioned, it's hopefully something we don't have to use, but if the provision is there, it will give us the chance to retaliate. Again, you'd have to use it with judicious cause because in fact the panel may very well hear against you, which might jeopardize the industry that you are utilizing this provision for or retaliating on behalf of. Therefore, we'd have to be extremely cautious in the use of it, but the provision is there.

MR. DECORE: Mr. Chairman, I have some difficulty when the minister uses words like: you may not want to wait too long. This is something that can be pretty draconian, yet there is no provision whereby the Legislature can deal with such a draconian measure. Why then, minister, if this is or could be as draconian as I'm suggesting, is the regulation not brought into the Legislature for full and complete debate? Why wouldn't you allow for that?

MR. ROSTAD: Well, the regulation is in fact here for debate. The provision that you might have is that some benefit is being given but because of something – I'll just use NAFTA as an example. If something is happening in the States where they are abridging the agreement and that has very, very significant ramifications to one of our local industries such that if it continued unabated, it would decimate that particular industry, you may then retaliate by removing some benefit that they're getting from us that might stop that bleeding until the panel has had a chance to in fact use it. Again, if that initiative was going to be taken, I have no problem with it being brought to the Assembly. This in fact is just saying that that's a provision. We may not be sitting. It may not be something that we will even legislate. It's just something in the area of economics that would be done by us or by Canada. Quite often it isn't even us if it's an international agreement. What we're trying to do with this Act is assert our authority and our jurisdiction in the area of international trade. It may not be us, but we still would like to be able to have the ability to protect that particular industry until the dispute resolution has heard it.

MR. DECORE: Mr. Chairman, the softwood lumber dispute went back and forth and back and forth for some time in terms of retaliation, but in every Legislature that I'm aware of or the House of Commons, there's always a provision, minister, for a regulation to be reviewed by a standing committee on law and regulations. We don't have this in our province. Is this the sort of thing that you think would be of benefit for something as draconian as this kind of retaliation provision?

MR. ROSTAD: Well, Mr. Chairman, I would hope that in the event that we had to implement something like this by passing a regulation which would obviously be by order in council, we'd have the ability to bring it before the Assembly and have it ratified. Quite often you can't wait. That's why we'll do it in a public manner. I have no qualms about bringing it to the Assembly and having it reported, but again, as I said, it's hopefully going to be a rarely used provision. We could bring it to the Assembly and have it debated, but you may not have that time. In the example I just gave of an industry being bled very quickly by some abridgement of the agreement that's done by the other party, we'd move on that. On moving on it, I'd have no problem with bringing it forward.

MR. DECORE: Mr. Chairman, except to give notice that in a few moments I'm going to put forward an amendment that allows for the Standing Committee on Law and Regulations to deal with matters, I think that the effects of the amendments are good. I want to note that the previous provision that called for inconsistencies to be dealt with by regulation – that is to say that if a piece of legislation, a Bill of our Legislature was somehow inconsistent with an international agreement, by regulation the Lieutenant Governor in Council could whitewash, could do away with the inconsistency – was an aberration that needed to be done away with, that needed to be expunged. I'm glad that the minister entered the debate and allowed and ensured that that was expunged, that we could not have a situation where regulations could be used to overpower or become more supreme than a Bill or a piece of legislation of this Assembly. So, Mr. Chairman, as the critic for this area I welcome these changes from now on as positive.

THE CHAIRMAN: Okay. The Chair would indicate that when the minister moved the amendments – there were two on the same sheet – we took that for general discussion, but we have split them into two separate votes. We've already voted on the first section, and now the second section: item B, dealing with section 5(1)(c), (2), and (3), which are struck out, and section 5(1) renumbered as section 5.

[Motion on amendment A2 carried]

MR. DECORE: Is the minister finished?

THE CHAIRMAN: It is carried.

Were you going to speak again?

MR. DECORE: Well, I understand that the minister is finished with his amendments now, Mr. Chairman, and I wish to put forward my amendment.

Mr. Speaker, this is an amendment to section 5, and it simply says that

before any proposed regulation to be made under section 5(1) is enacted it shall be laid before the Standing Committee on Law and Regulations.

Now, I'm really encouraged listening to my friend from Calgary-Shaw because he's the one that has kept saying: why don't you simply introduce a motion and take some action to have this matter dealt with? So I look forward to the members' support on this. That's why I asked the question of the Minister of Federal and Intergovernmental Affairs. I can see where a regulation done by an order in council could be so far reaching, so draconian, have such an impact on investors, on business people, on political people, on our economy in Alberta, that to simply not have it acknowledged in a democratic setting, I think, would be wrong.

5:20

This amendment, Mr. Chairman, calls for such an amendment to first be laid before the Standing Committee on Law and Regulations. The purpose thereafter is to have that committee meet, and it hasn't met, since 1985?

MR. HAVELOCK: Probably at least a decade.

MR. DECORE: At least a decade. We know that in all other jurisdictions in Canada there is a standing committee on law and regulations that does meet. We know that when Bills are proposed, usually the regulations are proposed at the same time, reviewed by the standing committee, and everything moves through in a proper, businesslike way. I'm suggesting that this simply would allow for clarity, certainty, control, and for things to be done that needed to be done that I think would be to the benefit of the government and of the people of Alberta.

DR. PERCY: I rise to speak in support of this amendment on very much the same grounds as the Member for Edmonton-Glenarry, who introduced it. It does provide for some clarity in the regulations. It ensures that there are no surprises. Firms that are investing, people who are making business decisions contingent on trade legislation don't want surprises.

I think this amendment is positive. It allows an all-party committee to assess the regulations, but more importantly, it allows the public to know what is being contemplated, because we've had a number of occasions with regards to regulations that have been changed that affected, for example, nurses in ORs,

where it was only because the stakeholders learned about it that the regulations were changed. So this amendment, I think, provides a very simple process. It's certainly consistent with the legislative process, and it allows this Legislature to be actively involved in assessing regulations that could have far-reaching effects on commerce and economic activity in this province. So I wholeheartedly support this amendment.

MR. DICKSON: I'd just add this observation, Mr. Chairman. We heard in debate earlier on Bill 46 that there was a concern that the volume of regulations was simply too large to be able to refer to the Standing Committee on Law and Regulations. Well, now what we've done, thanks to the mover of this amendment, is have a chance to test the committee. It's presumably a relatively small number of regulations that'll be brought in under this Bill, and I think this is an excellent opportunity to see if this committee can really do the job that I think it can and should.

Thanks.

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

MR. SEKULIC: Thank you, Mr. Chairman. I, too, rise in support of this amendment to Bill 44. It would be incongruent to have stood against Bill 46 and made the points that I did without now coming forward in support of this amendment. In my earlier debate on Bill 46 I raised points which were pertinent to 44. Now I raise them again. Since June of 1993 the majority of Bills that have passed this House have been shell Bills. Not Bill 46 or 44 but a majority of all the Bills which were brought forward were shell Bills. This amendment would prevent that from occurring again in the future. In fact, the Bills and their subsequent regulations would be debated by representatives from the full Assembly.

So, Mr. Chairman, I fully support this, and I would encourage all members of the Assembly to show the same support.

MR. VAN BINSBERGEN: Mr. Chairman, I would like to speak in favour of this amendment as well for the very simple reason that I think it is the right way to go in the spirit of open government that we have been reminded this government has been elected on, they say. I think for that reason alone we should adopt this amendment.

I think there's another reason that's important. The adoption of this amendment would unlock the committee of the Member for Calgary-Shaw and finally enable him to meet, to call his committee together. He's been asking for this motion for many a month now, and I think it's time that we pass this particular amendment so that he can be unblocked, so to speak.

Finally, Mr. Chairman, I would like to encourage members opposite to speak to this particular amendment. We've heard from them on various occasions as they hurl their, shall we say,

interruptions across the aisle. I challenge the Member for Cypress-Medicine Hat, the Member for Calgary-Fish Creek, those who often have these sorts of remarks that are flying across, to stand up and debate this amendment. It is a good one; I assure them.

Thank you.

THE CHAIRMAN: Ready for the question?

The hon. Member for Edmonton-Glengarry has proposed an amendment to Bill 44, 5.1 known as amendment A3. All those in support of this amendment, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Defeated.

[Several members rose calling for a division. The division bell was rung at 5:28 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Leibovici	Van Binsbergen
Decore	Percy	Wickman
Dickson	Sekulic	Zwozdesky

Against the motion:

Ady	Forsyth	Mar
Black	Friedel	McClellan
Brassard	Fritz	Mirosh
Burgener	Gordon	Paszkowski
Calahasen	Haley	Pham
Cardinal	Havelock	Rostad
Clegg	Hlady	Severtson
Coutts	Jacques	Shariff
Day	Kowalski	Stelmach
Doerksen	Laing	Taylor, L.
Evans	Langevin	Thurber
Fischer	Magnus	West

Totals:	For - 9	Against - 36
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[Motion on amendment lost]

THE CHAIRMAN: In accord with Standing Order 4(3) the committee is recessed until 8 p.m.

[The committee adjourned at 5:40 p.m.]

