

Legislative Assembly of Alberta

Title: **Tuesday, October 31, 1995**

8:00 p.m.

Date: 95/10/31

[The Deputy Speaker in the Chair]

THE DEPUTY SPEAKER: Please be seated.

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

[Mr. Tannas in the Chair]

Bill 49 Racing Corporation Act

THE CHAIRMAN: The committee is called to order. We have before us this evening for our consideration Bill 49, Racing Corporation Act. Any further discussion or amendments, or are you ready for the question?

The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Chairman. I rise to speak to Bill 49 and in doing so am speaking against this Bill. To be quite frank with you, I find this Bill quite insulting to the democratic process, and all Albertans should be alarmed by the attempts of this government to take away the legislative authority and accountability from the Legislative Assembly in the province of Alberta.

Over and above that, Mr. Chairman, this government has certainly demonstrated that they are not only past gamblers with the taxpayers' money over the past decade, but they are also gambling on the future of this province and removing that responsibility from this Legislature through this Racing Corporation Act. It's certainly the intent to introduce amendments this evening to try and make this Bill more acceptable, and it's going to take a number – indeed nine amendments – to get anywhere close to making this Bill to some degree acceptable.

We certainly know that the horse racing industry has been in difficulties, and certainly as an Official Opposition we support the racing industry and recognize not only the economic benefit to all Albertans but in fact that it's also a recreational sport that many people enjoy, but to go in this direction because of the misguided move by this government that has been hung up on putting hope in gambling – if it wasn't with lotteries, it was with VLTs. Quite frankly, Mr. Chairman, hope today in the province of Alberta is not a job or an education; it's winning the 6/49 or some form of gambling that hopefully people believe will resolve all their fiscal problems. That's not the direction to go in.

So at this time I'd like to introduce amendment 1. I would bear with the members of the Assembly while it's being distributed to them, Mr. Chairman.

DR. WEST: Bear with us.

MRS. ABDURAHMAN: I certainly will, to the hon. Minister of Transportation and Utilities.

THE CHAIRMAN: Let the hon. members of the committee know that the Table has the requisite signatures by Parliamentary Counsel and the sponsor. This will be known as amendment 1 on the note, but A1 in our records.

Did you give it to the minister? Hon. Minister of Transportation and Utilities, do you have a copy yet?

Clover Bar-Fort Saskatchewan, most people now have them, including the minister at last.

MRS. ABDURAHMAN: Thank you very much, Mr. Chairman. It's a pleasure to introduce this amendment at this time. I would move that Bill 49 be amended in section 1(1)(d) by striking out (vii) and substituting the following:

any activity specifically related to horse racing but not referred to in subclauses (i) to (vi) that is prescribed by the rules as a licensed activity;

Mr. Chairman, this Bill is wide open when it comes to the objects of it. This amendment will restrict activities the corporation may be involved in to specifically those activities related to the horse racing industry. Now, that's essential because, in essence, Bill 49 allows the Racing Corporation through their commission to, indeed, enter into other areas.

One of the reasons we see the horse racing industry having difficulties today is because of the impact that VLTs have had on the whole area of gambling in the province of Alberta, be it the small community groups or, indeed, within the horse racing industry. We all know that there's only so much disposable income that any family has specifically for recreation. It's been so diluted to this point in time through the VLTs that the horse racing industry has certainly seen an impact on that.

The other is that the horse racing industry has to some degree an image problem because of some past practices. I believe that if they, indeed, did significant work in that area to improve that image, we would see people being more supportive of this industry. If indeed this government followed the move of the Official Opposition in removing VLTs, we would also see that negative impact being removed from the horse racing industry.

Mr. Chairman, I know that many of my colleagues wish to speak to this amendment and to the Bill, so I would take my seat at this time and look forward to hearing their debate.

THE CHAIRMAN: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Chairman. I listened to the debate from my office this afternoon, and I was very surprised that this has come back again without any amendments, because it is riddled with contradictions, holes. I think it's like Churchill once said about a problem: an enigma wrapped in a mystery, surrounded by stupidity in this case. But it just doesn't make sense.

I just wonder if the minister, when he gets a chance to answer, whether he would tell us where it comes from. I mean, surely nobody in his department that he's paying money for – I know he's gotten rid of a lot of the good staff in order to cut costs. But this is ridiculous. I would think the average waiter or waitress who's been delivering drinks in the corner emporium would be able to know more about Alberta racing than this. This is an absolutely wide open ability . . .

8:10

DR. WEST: He's a veterinarian. That's all. I'm sure an oil man knows more about horses.

MR. N. TAYLOR: Mr. Chairman, just because the minister knows what goes in one end of a horse and what comes out one end doesn't mean he knows how they run. As a matter of fact, the veterinarians have ruined more good racehorses than not.

I come from a racing family. I had an uncle we used to call Doctor. I remember one time he overdosed a horse, and it went

around a track three times and disappeared out the gate again before we could get it stopped. Veterinarians of course are very much . . .

Anyhow, back to the bases here. The whole point of this amendment that we've introduced is to restrict the activities of the corporation just to those activities involved in horse races, because the way this is written, they could be in charge of dog races, greyhound races, donkey races.

I was once down in Mexico and saw donkey races, but that was before the hon. Member for Cypress-Medicine Hat won the race down in his constituency which outlawed donkey races up here, and nobody would try it anymore. [interjection] I would suggest the member for Grande Prairie had better keep quiet too, or I'll turn my guns on him too.

Nevertheless, Mr. Chairman, we have no restrictions on what this can do. As a matter of fact, if they're involved in gambling, I think they could put money in one of the dry holes that I often drill in this province. No, it doesn't sound like it's working out at all for the objects.

The other area is that I just wondered why the minister would want to be bothered by striking out subclause (vii) and putting in ours: subclause (vii). I think they call that seven here in Roman numerals. I'm having trouble finding the darn thing. We would say

any activity specifically related to horse racing but not referred to in subclauses (i) to (vi) that is prescribed by the rules as a licensed activity;

Mr. Chairman, I don't think there's any necessity to cast the broad net that this Bill does. As a matter of fact, it is so broad that you wonder whether there is some sort of ulterior motive in why they made it this broad. When you realize that regulations are made from time to time by the ministers and by orders in council and then have a Bill like this that could be built onto and added onto a private racing commission for people that are going to be looking after the horse racing – I don't know.

Mr. Chairman, I'm sure you're a Damon Runyon enthusiast. Do you remember Damon Runyon's stories about the horse races in New York? Well, how anybody could read Damon Runyon and still allow horse racing to be governed by horse racers is beyond me.

Now, I come from a family with a lot of horse races. My father I think would come back from the grave if he knew that the horse race owners could now set the rules, because that was one of the problems we had. We ran racehorses through the '30s. My father never made much money out of it. He did sell his racing stable later on. But I do know that horse racing is something that since time immemorial has to have a very jaundiced eye from outside looking at it.

As a matter of fact, I think in Australia they have a system where they've done away – and the minister may be interested in this. Mr. Minister – I'm having another debate going on here. He may be interested in this system. I believe they have a system where the jockey doesn't know the horse that he will be riding before he gets out to the racetrack, and then the last horse in the race is the one that wins the money. So of course everybody tries to pass it. What you have is everybody racing like the dickens to make sure that they've passed the horse that normally is going to win the prize money, so that makes a very interesting combination.

All we want to do is amend this Bill so that it sticks to horse racing. It's got nothing to do with skidoo racing; it's got nothing to do with reindeer racing; it's got nothing to do with elk or any of those things. So I think that the least the minister could do is

show his good intentions and show that broad good nature, which he's famous for, and get up and accept this amendment. I challenge him to accept this amendment. We're catching his attention now. You see, this is what happens, Mr. Chairman. How can you expect a minister like that to look after horse racing when he can't even pay attention to the debate? This is one of the problems, you see. [interjections]

Oh yes. I would ask the Member for Calgary-Montrose: do you have a racehorse? Is it fair to ask you if you have a racehorse? Could you ask the Member for Calgary-Montrose to cease and desist importuning the minister in charge of horse racing until at least the Bill is passed? I understand that the Member for Calgary-Montrose may have one of these four-legged equines, and I'm not speaking about a German shepherd that is good on his feet. I was just wondering why he was cornering the ear of the minister when we're trying – hey, that's possibly it, because I did mention dog racing; didn't I? Yeah, that this Bill could be expanded to race dogs. Knowing the size of his constituency, I don't think he could be pasturing a horse, but it's quite possible that he could be pasturing a couple of greyhounds in the back, feeding them Safeway's prize beef.

Well, that's what's worrying me about the Bill. I'm just wondering whether it couldn't be used for dog racing and many others. Also, if we don't restrict them to horse races, they could buy VLT machines and put them out through the grocery stores. Who knows? Maybe we couldn't stop them from putting them in the churchyards. Could you see a corporation that's got VLT machines installed in the graveyards? On your way to the funeral you could play a few races in memory of the dear departed, as they go by. Mr. Chairman, I mean, there are so many openings here that it's just impossible to try to close them all down.

Thank you.

THE CHAIRMAN: Are you ready for the question?

The hon. Member for Edmonton-Whitemud.

DR. PERCY: Thank you, Mr. Chairman. I rise to speak to the amendment, perhaps not with the eloquence of my colleague from Redwater. Specifically I'm concerned about the open-ended nature of the Bill. What the amendment attempts to do is reduce the open-ended nature of the Bill, particularly section 1, and restrains it to dealing specifically with those issues related to horse racing. In that light it makes a lot of sense. When you look at this amendment in the context of section 1, it's very clear that what is being set up is a designated regulatory organization or a DRO, a designated autonomous authority – there were so many acronyms at the time that Bill 57 came through – that all deal with delegating activity from government control to the private sector, precluding any application of the Regulations Act or the Financial Administration Act.

What this amendment attempts to do, then, as I suspect subsequent amendments will attempt to do, is narrow the scope of the Bill. This amendment specifically, then, removes clause (vii). Clause (vii) is one of those classic open-ended type of phrases: "any activity not referred to in subclauses (i) to (vi) that is prescribed by the rules as a licensed activity." Well, Mr. Chairman, that is extraordinarily open ended, and I'm sure that it was just an oversight on the minister's part that he allowed such a phrase to go in. As my colleague from Redwater suggested: if it was truly allowed to stand as is, you could have everything from VLTs in graveyards, you know, to dog races on the streets. It's far too open ended. This amendment is brought forward in

a constructive, positive sense to ensure that that entity under consideration has a narrow focus and in fact it doesn't grow like Topsy.

With those comments, Mr. Chairman, I will take my seat.

8:20

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

MR. SEKULIC: Thank you, Mr. Chairman. I, too, rise in support of this first amendment to Bill 49, what's coming to be known as the bookie Bill. Speakers before me articulated fairly well one of the key concerns, one of the key concerns that was first addressed amongst many concerns that we as the opposition found in this Bill, and that is that this just seems to be far too wide open.

When we look at other Bills that have been passed in this Assembly, we look at scopes of practice and everything being narrowed down and defined specifically, and I think that's one of the roles of legislators: to ensure that we have clearly defined areas within which the Act will be administered. Here we see that that clearly hasn't been the case. I'm not sure why the minister has permitted in section 1(1)(d)(vii) such an open-ended statement. In effect it's very similar to many of the areas that this government has fallen victim to in the past, and I guess the best way of defining it is: a blank cheque approach. Then you're hoping for the best, and you hope that if it's ever cashed, it's cashed in a small amount. Once again, I'm not convinced that this blank cheque is in fact what the minister himself intended here when his staff was drafting this Bill.

I question, in fact, when the Bill was being drafted – and I know the minister being the elected representative that he is would have had public interest in mind. Surely this subsection (vii) would have been an oversight, because I don't believe that the minister, with all of his integrity, could have been swayed by any kind of stakeholder pressure on him to represent the stakeholders as opposed to public interests.

So I'm sure that the minister of transportation will see that this amendment is in fact a friendly amendment, a positive amendment, and it's an amendment which can go a long way to improving this Bill. It's far from just any form of political nit-picking but rather a refinement of a Bill which potentially has some positive outcomes. I think that before we get to the final voting stage, this is certainly one of the consolations that the minister has to make to ensure that no blank cheques are written by this Assembly.

With those comments on this amendment, Mr. Chairman, I will pass the floor to a colleague.

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

MR. WHITE: Thank you kindly, Mr. Chairman. I rise to speak in favour of amendment 1 to Bill 49, an amendment to section 1(1)(d). The effect, simply put, is to narrow the scope of this Act. I would think that the impetus, I suspect – I don't know for sure – that brought on this Bill was the behest of those that do simulcasting and those that do Northlands and the Calgary Stampede association, of course. The Horsemen's Benevolent and Protective Association, I suspect, would be interested in limiting this. As well, the standard breeders association would also prefer to have this Act dealing with just horse racing and horse racing only. The title of the Act in fact implies the only racing that in fact is allowed in this province currently under the regulations. However, as we have seen in other Bills and in other regulatory

areas, regulations do have a way of changing, unbeknownst to the citizens of this province and in particular this House until after the fact.

We think on this side as well as representing those citizens that we do – and having spent five years on the Northlands board, I know that they would like to have some latitude, but this amount of latitude they don't need and don't want, in fact. If in fact this province headed for dog racing or pig racing or any other kind of racing that could be included in this Act as it is written now, I would think that would be most offensive to those in this province that are in fact horse breeders or those that are horsemen, as it were.

I believe there is no downside to this amendment. In fact, it does say exactly what the intent of the Bill is, that which was described by the minister when he presented the Bill. Mr. Chairman, I believe the activities that are outlined in this Bill are well described but do need to be limited, and I do believe this amendment does just that.

Thank you for your time, sir.

MR. DECORE: Mr. Chairman, I rise to speak in favour of amendment 1 to Bill 49, which is an amendment to restrict an otherwise pretty open process that's given to this new racing board. I've been trying to figure out why on earth the minister responsible would ever allow this kind of legislation to come forward.

If you look at the legislation – we're talking about section 1(1)(d) – it sets out specifically the areas that are referred to as “licensed activity.” The first licensed activity is “the operation of a race track.” Well, that's something that you would assume a body, an entity like this would be responsible for. The second item that is listed as a licensed activity is “the conduct of a horse race;” again something that one would think would be exactly what this kind of entity, this kind of body would be responsible for. Number (iii), responsible for the licensed activity involving “riding or driving a race horse in a horse race;” again right on exactly what it's supposed to do. Number (iv), licensed activity includes “the operation of an off track wagering facility.” The next licensed activity is “the operation of a facility showing or otherwise operating simulcast horse racing.” Again, clearly horse racing is something that this entity should be responsible for. Finally, “the operation of a facility at which or through which wagers may be placed in respect of simulcast horse racing.” Now, I have no difficulty with sections 1(1)(d)(i) to (vi).

Then we have this strange aberration that the minister has brought forward that says that licensed activity includes “any activity not referred to in subclauses (i) to (vi) that is prescribed by the rules as a licensed activity.” Now, my friend from Redwater, Mr. Chairman, has talked about some activities that could be licensed. The first thought that came through my head was that perhaps the Conservatives at a summer fair might have some sort of a one-legged race, hon. Member for Redwater, and bets might be placed on that.

MR. N. TAYLOR: Mind you, they're already handicapped.

MR. DECORE: That's true, hon. member. That's true.

Your mind can wander a long way, and you can imagine all sorts of activities that suddenly this board or this entity finds itself licensing. What about Alberta sweepstakes, à la the Irish sweepstakes? What about some sort of lottery process involving horse racing? This is carte blanche, Mr. Minister, to do anything

and everything that they want. Now, this bothers me, particularly in light of section 7 of this same Act that says, "The Financial Administration Act does not apply to the Corporation or any matter carried out under this Act."

8:30

Mr. Chairman, it's important to remind hon. members here tonight exactly what the Financial Administration Act does. Sometimes we have to pull these Acts and refresh our memories. The Financial Administration Act is an Act that controls the revenues and the disbursements of moneys that government deals with. Any time revenue comes to the Crown, any time disbursements are made by the Crown or any agency that relates to the Crown or is part of the Crown or is responsible to the Crown, the Crown is responsible, the Crown is involved, the Crown takes responsibility for those moneys. I just want to read one section of the Financial Administration Act.

Mr. Chairman, you're . . .

THE CHAIRMAN: I'm wondering whether you got on to the next amendment.

MR. DECORE: No. I'm not going on to the next amendment. My point is that this subsection is so broad, this subsection that we're attempting to amend and narrow down, that anything can be done, and you have to look at the kinds of controls, in addition to this broadening effect, that the minister wants to wipe out by saying that the Financial Administration Act does not apply. So you get *carte blanche* and then you get this added power, Mr. Chairman, of saying that there's no responsibility in terms of financial administration by the Treasurer or by the Crown. That's simply not acceptable, Mr. Minister.

I would like the minister to stand up in this Assembly and tell us what was intended here. This corporation is supposed to be dealing with horse racing. What else does the minister intend that this corporation do? If he has something that we can amend, that we can add in that specifically relates to horses, I don't have any trouble with that. But to leave it open-ended, to leave it *carte blanche*, I can't accept that. This amendment narrows down the desire of the minister to ensure that this doesn't run away and become absurd.

Thank you, Mr. Chairman.

THE CHAIRMAN: Calgary-Buffalo.

MR. DICKSON: Thanks, Mr. Chairman. A point I was trying to make this afternoon in fact has been addressed at least in part by the amendment that's now in front of us, marked amendment 1. The concern, of course, is that when one looks at section 1(1)(d)(vii), it's clear that "prescribed by the rules as a licensed activity" is to be a qualifier, or a narrowing of the ambit of the subsection. But immediately that one looks, there's no definition of rules. The only rules, therefore, are the ones set out in section 22. We look at three pages enumerating a long list – if not exhaustive, certainly a very long list – of things that can be subject to rules. We don't have even the minimal comfort that we have with regulations, where there is at least a process after the fact where we can access them and see what they are. But as I'd mentioned earlier this afternoon, there's no mechanism for Albertans to be able to access these so-called rules. There's no provision that they be published. I don't know where to send my constituents if they want to find out what the rules are.

I think the minister should jump at this amendment. One could argue that it still leaves too much discretion with this corporation, which has some kind of an amorphous existence independent of the Legislature but still able, in effect, to make laws as some kind of a subsidiary legislative body. So I'd just come back and say again that I would encourage all members to jump on this amendment and go with it. It represents, I daresay, the minimal qualification on what otherwise is an unacceptably broad power.

Just to follow up on my colleague who spoke a moment ago, he's quite right. If the minister feels there's something else that wouldn't be caught by the amendment, surely it's incumbent on him to share that with us now. If he neglects or refuses to do that, we'd have every reason to be concerned, and indeed our suspicions may be heightened. So I think the minister would be able to stand up and advise us now specifically in terms of what else was contemplated.

I would think that this amendment still gives the corporation ample latitude, ample scope, to be able to deal with things and have the flexibility that presumably the minister intended for the corporation. As it currently stands, that amendment is required so that it isn't as broad and unfocused as the minister presents to us in the original statute.

Those are the comments I wanted to make speaking in support of the amendment and urging all members to take this amendment. Thank you.

THE CHAIRMAN: The hon. Minister of Transportation and Utilities.

DR. WEST: Yes. There's been some good discussion on this amendment. A lot of the discussion is focused, I think, on some real issues, and I'm willing to accept this amendment in this Act because it makes sense.

MRS. ABDURAHMAN: In the spirit of co-operation and acknowledging what the minister has stated, I wonder if you would consider allowing amendment 2, because it enhances amendment 1?

Chairman's Ruling Sequence of Amendments

THE CHAIRMAN: No.

MRS. ABDURAHMAN: I was asking a question of him.

THE CHAIRMAN: You can't have number 2 because you haven't moved it yet. It's not on the table.

MRS. ABDURAHMAN: Yes; I realize that, Mr. Chairman. I was asking a question of him.

THE CHAIRMAN: If he said yes, then where would we be? We don't have it before us.

MRS. ABDURAHMAN: What I was hoping was that if there was agreement, we wouldn't vote on amendment 1; we'd do it as a package.

THE CHAIRMAN: Hon. member, I can certainly see the opportunity that you're trying to seize here and would just say this. It was my understanding when you began the evening that you were going to move them one at a time. If you wish to move

two in one go, then that would be fine, but right now we only have amendment 1 before us.

MR. DECORE: Mr. Chairman, a point of order. Doesn't it follow that 22(1)(b) needs to be struck if the minister agrees to the amendment? We're talking about activities other than those listed in 1(d). [interjections]

THE CHAIRMAN: I'm sorry, hon. member. I didn't get the point.

Debate Continued

MRS. ABDURAHMAN: It's all right, Mr. Chairman. The hon. minister is begging to differ, so we'll acknowledge that.

[Motion on amendment 1 carried]

THE CHAIRMAN: The hon. Member for Edmonton-Manning on the Bill itself, yes?

8:40

MR. SEKULIC: Yes. Thank you, Mr. Chairman. I did want to speak on the Bill itself prior to the second amendment being moved. The specific concerns I had when I spoke at second reading to this Bill were on sections 9 and 10. Since that time I've actually managed to answer my question pertaining to section 9, and in fact it was an oversight on my behalf.

However, section 10 is one of the concerns that I had, yet the minister, when he first spoke this afternoon in response to the questions raised in second reading, seems to have somehow omitted my concerns that I've cited and that were recorded in *Hansard*. Specifically those concerns were pertaining to section 8, where the Bill goes on to say that "the Corporation is not an agent of the Crown." So, in fact, it's outside the body of the government, yet section 10 gives this Corporation, which is outside the body of government, a significant amount of power. Section 10 goes on to read, with reference to Crown agreements, that the corporation "may on behalf of the Government enter into agreements with any other government, person or agency." I know I'm taking an excerpt from that section. However, that in itself is a very powerful statement and in fact a statement that should be of concern to members on both sides of the Assembly, that this corporation, which is not an agent of the Crown, may enter into agreements on behalf of the government.

Now, that is an authority, a power, that I think is inappropriate to be placed and legislated into a Bill like this for any corporation which isn't an agent of the Crown, including this one. This is clearly a remnant of last year's Bill 57, and I did raise this as a concern yesterday, quite a sincere concern. I'd like to hear the minister respond as to why such a power would be legislated to a corporation that is not an agent of the Crown and enable it on behalf of the government to enter into agreements.

With that question to the minister responsible, I'll take my place, and perhaps the minister can respond.

THE CHAIRMAN: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Chairman. Just a couple of comments that I'd like to make on the Bill clauses in general before we start dealing with any further amendments to it. This piece of legislation, the Racing Corporation Act, looks at changes in the operation of the racing industry that appear to be very much

in line with what we've heard the groups involved in the racing industry ask for over the last number of years. As I went through it the last day or so, looking at some of the things that were coming up, I ran across a couple of questions that I'd like to bring out which I haven't heard or read in the *Hansard* that have been brought out by other individuals at this point.

First of all, in the definition of horse racing at the beginning, it basically means a horse race in any form. We start then looking at section 4, and basically it allows the corporation to "direct, control, regulate, manage, market and promote horse racing in any or all of its forms." In the last couple of years when some of the controversy has come up in connection with the operation of the chuck wagon races, a lot of people have defined that as another form of horse racing. I would like to have the minister respond to whether or not he sees at some point in time that becoming a possible horse racing activity that might be controlled under this corporation. I know there are a lot of groups that would be very interested in that kind of an answer. The chuck wagon racers end up trying to justify some of their activities, some of their promotions in connection with horse racing, and other times they want to make sure that it's specifically separated from the rules and regulations of horse racing. Section 4 of this Act really opens up the power of this corporation to include the activity of chuck wagon racing and the various forms of that chuck wagon racing that are now undertaken as part of the control of this corporation.

I've got a lot of concerns that have been brought up by a number of the other members, but I'll go to another section that basically I haven't heard anyone else speak to yet. I'd like the minister to look at section 17, where it talks about searches and the power of the corporation. Basically here section 17(1) states that "where a racing official designated under subsection (2) suspects that," and then we have a list of activities from (a) through (g) which are potentially in violation of normally accepted practices as defined by the corporation, such things as safety of the horse, whether or not the horse race has been conducted under these rules, all of these kinds of things. There's a whole list there from (a) through (g) of very, very valid concerns that the corporation may have in connection with the operation of their horse racing.

My concern basically comes down under the sections (h), (i), and (j), where it starts talking, then, about what the corporation could do if it finds one of its activities being violated. Effectively there it's giving the people in the corporation the power to

- (h) conduct a search
 - (i) of any building, area, receptacle, facility or vehicle that relates to any matter referred to in clauses (a) to (g); and
 - (ii) of any person who may have been involved in any matter . . .
- (i) conduct a search of or in respect of any race horse;
- (j) seize any document, record, object or thing that relates to any matter referred to.

Mr. Chairman, I would suggest here that if we're going to give any group the power to conduct a search to open up these kinds of activities, we should have a possibility in there of some kind of overview on this, some kind of a second opinion as to the legitimacy of that search. I think that what we should have here is basically a clause introduced that would require a warrant before any of these searches can be carried out. I think that's justifiable. If we go back and look at section 21, here they're talking about some of the activities that are here, and they require the concurrence of the courts. So what we're asking in section 21

is concurrence of the courts, and all I'd like to see in section 17 is that before the officials of this corporation are allowed to conduct searches or do seizures, it be done only with the justification of a warrant from the courts. That is one of the things that I see as kind of a little bit of an excess of power.

In general, the perspective that the Bill puts forth, as I said at the start, is very favourable to what the horse racing groups have been asking for. I think it would be a real contribution to the industry if we could make sure that some of these open-ended parts of it are brought up and this one that I brought up in connection with 17.

There's one other final comment that I'd like to make before passing on the discussion. This corporation really sets up an autonomous group to look after the racing industry, and I would like to have some feedback from the minister in connection with the commitment that we're still going to be making to the horse racing industry. Under the Alberta heritage savings trust fund there are dollars given out to the major agencies that operate the tracks in Calgary and Edmonton and that. I was just wondering if that kind of transfer of public dollars is going to continue when this corporation is set up. It's kind of a matter of we seem to be setting up this organization totally away from supervision of the government, yet there's no reference in here to the fact that these dollars that are transferred out of the Alberta heritage savings trust fund are going to continue or whether they're going to be stopped as well. I think that's a concern that I would have in terms of money going off into this organization that we have no control over.

Thank you, Mr. Chairman. Those were my concerns.

8:50

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

DR. PERCY: Thank you, Mr. Chairman. I rise to speak to the Bill and a number of concerns. I think my colleague from Lethbridge-East has identified the fact that many elements of this Bill are in fact an outcome of consultation with the racing industry and stakeholders in the industry, and it would go a significant way to addressing some of the concerns that they've raised with regards to declining betting, declining attendance, and a need in a sense to have an institutional structure that will allow them to be more responsive and proactive.

Although one can agree with the objective of the Bill, which is to try and set up an umbrella entity that would allow them to face the competition that they now face with so many other events being televised, with VLTs and the like absorbing other funds, there are some concerns that the opposition has about the Bill in its present structure. Some of them I think obviously the government will not deal with because they're philosophical in nature. I do think that in part the industry exists as a consequence of regulation and that we create the pools of profit that are out there. When we do, then, propose an Act like the Racing Corporation Act and there will be tens of millions of dollars flowing through this entity, I do think that scrutiny by the Auditor General is important. We're dealing with significant sums of money. The threat of an arm's-length auditor always brings a little more clarity to the accounts and the way that income is spent.

Accountability, I think, is the issue. So when I look at section 7, for example, with "the Financial Administration Act does not apply," I have a concern. The minister says that, well, it's not an agent of the Crown, but there has to be some mechanism for public accountability. Now, the argument that can be used is that

the accountability that counts is whether or not in fact customers continue to use the facilities of the corporation and that the stakeholders in the corporation continue to participate. But this is an industry that has long-standing roots in the province of Alberta, and I think we do need independent financial review. So I do have concerns about the lack of application of the Financial Administration Act.

I am concerned that the Regulations Act does not apply. Again, the minister may say that it's not a Crown corporation – in fact, it is a DAO – and that there are a number of mechanisms that the government has for setting up this entity other than bringing in an Act itself. That would bring, rather than debate in the Legislature, debate in the editorial pages about government using the back room and order in council to achieve what they could not achieve in the Legislature.

So I think that if we're going to go down this path and set up a racing corporation, there has to be some effort to narrow its focus. I think some of the amendments that are being brought forward under my colleague the Member for Edmonton-Rutherford – their intent is not to eviscerate the Bill. Their intent, in fact, is to narrow the scope of the Bill in the sense that it's very clear precisely what its functions are, as opposed to these types of open-ended statements, as we saw with the first amendment that the minister had accepted. So the fact that the Financial Administration Act does not apply, the fact that the Regulations Act does not apply: what we have being set up here is a DAO.

Now, in this instance it's clear that for many of the stakeholders this is their preferred option. They feel they have been fettered in some sense by being too closely bound to government and that the problems they face in terms of attendance and revenues are more a consequence of government regulation as opposed to the state of the industry in particular. I don't think we can have the pendulum swing too far, where we completely untie and set up this entity without any recourse by government.

You know, there is the ability of the government, then, to also transfer to this entity other functions as they should so choose; for example, section 10:

Without limiting the capacity or power of the Corporation to enter into agreements, the Corporation, at the request of the Minister, may on behalf of the Government enter into agreements with any other government, person or agency with respect to horse racing.

There is a lot of power, then, being transferred to this independent entity without any mechanisms of public accountability or scrutiny. My concern, I guess, as a Treasury critic is that I've seen the Financial Administration Act be applied with force, and I think it really does bring forward a higher level of accounting and a higher degree of accountability. If in fact we're not going to have the Financial Administration Act apply and this Bill remains as open-ended as it is, I could see a number of instances where we could end up with significant problems and an industry in greater distress than it is presently.

From my perspective, if we in fact remain with it being exempt from the Financial Administration Act and other regulations of government, then the Bill has to be tightened up, and I would hope that the government would look with favour on some of the other amendments that are being brought forward by my colleague from Edmonton-Rutherford.

Thank you, Mr. Chairman.

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

MR. SEKULIC: Thank you, Mr. Chairman. I once again rise to speak to Bill 49, the bookie Bill. When I read through this Bill

closely – in fact, it's a real challenge because it's a lot longer than most Bills put forward by this government; there's a whole 21 pages in this one – I look to section 11, which refers to gaming laws, et cetera. It states that

the Corporation shall operate in accordance with the laws governing gaming and the policies and directions of the Government with respect to gaming.

That gives me a bit of assurance that in fact there is a requirement for some compliance to some regulatory structure that the government has put in place for gaming in this province. Yet if one reads this and then goes to page 12 of the Bill, section 20(1), which refers to noncompliance, it states:

Any contravention of or failure to comply with this Act by a person does not constitute an offence.

Now, maybe it's the way I'm reading it, Mr. Chairman, but there seems to be an immunity for anyone who violates the terms of this Act. I'm not sure how the umbrella of section 11 with reference to gaming laws would in fact work out in practical terms. I have a bit of a problem perhaps comprehending what is really exempted here and what will be covered by gaming laws. If the gaming laws are comprehensive, as I assume they would and should be, then really there wouldn't be a need for that noncompliance clause, section 20(1), and in fact contravention of this Act would fall in as an offence, and perhaps appropriately, under the gaming laws which currently exist for the province. So I do have a bit of a problem with what I see there to be a contradiction, that gaming laws apply yet violations of any clause of this Act are not really a contravention of any law. That's one of the concerns I had.

The other has been put forward by my colleague from Edmonton-Whitemud but with reference to – and I hate to use this description – the open-endedness. For lack of a better phrase I have to use it. The open-endedness just permeates throughout the Bill, the fact that section 7, referring to the Financial Administration Act, really gives an incredible amount of autonomy to this corporation. Yet given that autonomy, it has also given them a significant amount of power by section 10. To me, I'd like to see that it would be either one or the other; you're either independent of government or you're not. I personally would prefer to see that the Financial Administration Act becomes applicable to the corporation, so section 7 would have to be modified. Then still with some difficulty, though, I would be able to accept 10. That's, like I say, with the provision that 7 would be amended.

9:00

I also have a concern with section 2, and I know some of my colleagues have gone on to some extent about that section. That section doesn't go on to stipulate or to specifically exclude individuals with criminal records. I think the power and the authority that this Bill gives in an open-ended manner not to ensure that individuals with criminal records can't become members of this board is a bit troublesome to me.

The other thing I found a little bit troubling is that the corporation board is initiated or is first formed by appointment by way of the minister, and then from there on it's self-perpetuating. You know, Mr. Chairman, I'm not saying that the minister would, but if the minister made another error as was evident in section 1(1)(d)(vii) and appointed the wrong group to the board, then this self-perpetuating problem could persist. So I'm not sure what the solution there would be, but I certainly would appreciate if the minister perhaps could propose some other way by which this board could be established.

There's one final concern that I had as I was going through the Bill earlier, and that was section 19, I believe, with regard to the

hindering of officials. Now, this I found to be in fact a positive section. It reads:

No person shall hinder the Corporation, a racing official or any employee or agent of the Corporation from carrying out any functions or duties permitted or required under this Act.

I actually found that to be a very positive and responsible section to this Act. The only comment I have about that is I would have hoped that section would have been included in some of the other legislation which has been put through this Assembly this fall. It's unfortunate that I now see this come through because I would have suggested or even in fact proposed an amendment to a Bill that earlier came through, Bill 211, perhaps, persons in care, where I would have wished to see this same power given to investigators who are investigating cases where someone may have been abused in a group home, and that wasn't evident.

Certainly here it's a very positive feature of this Bill, so I must say that I do commend the inclusion of that. However, there are those other concerns that I did have, and perhaps the minister will at some point rise and respond to them because I believe they are legitimate and if they're addressed could in fact make this Bill better and perhaps bring it closer to being law.

Thank you, Mr. Chairman.

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

MR. WHITE: Thank you, Mr. Chairman. I rise to speak in general about this Bill and wonder about the impetus. What caused this Bill to come forward at this time? In speaking to some of the members, some old acquaintances in and around the business, they say that the business is not doing well and needed something else to be done. This may in fact be it; it may not. The facts are quite clear that what racing does need is more bettors, quite simply. [interjection] We can't quite legislate that. No, we can't do that. Why would one think that one could legislate more bettors? It seems to me that the government's attitude is that that seems to be the only reason for this and that some cost efficiencies somewhere may or may not occur. I can't quite see it myself. There wasn't a lot of day-to-day government involvement in the racing commission as it stood in any event. Certainly Mr. Farran never thought there was.

The question has to be asked: just who's protecting these potential customers, and how are they protected? Well, when you look at some of the parts of this Act – to me, read with a jaundiced view, which I am supposed to have, being in opposition – looking at it and saying: who's protecting who under section 18(1) in “a racing official designated under subsection (3)” when subsection (3) says somebody designated under subsection (1)? A racing official, as defined in the earlier sections, has the right and the power to carry out investigations. Now, when you read that in conjunction with section 12, which says, “No action lies against the members of the board” which appoints these racing officials, that's rather open ended, as I see it. It concerns me a great deal that the Legislature appoints, I think, three or four members, and then they jointly appoint some others, and the horsemen from two different organizations appoint one each. Well, who there on that board is supposed to have the knowledge to deal with protecting the customer, particularly with the provisions of section 18 in combination with section 12?

Then on top of that, the exclusion of any regulatory agency under the Regulations Act or under the Financial Administration Act is just ludicrous. I mean, this is the big green light to go off and do that which you will in an area that has traditionally been in history – not in the history of Alberta perhaps but in other

histories, the history of the eastern seaboard and the west coast – an area where there's been less than wholesome people dealing in the industry, shall we say, those that are interested in arranging profits from the betting and those that, when there's a lot of cash moving about, have the opportunity to do that.

Now, I don't quite frankly see the appeal of putting in place a potential kangaroo court under section 18 in combination with section 12 and without any regard for someone looking over the shoulder of this new corporation to guarantee that there in fact is some credence given to the protection of the customers, those bettors or their financial interests.

Another area that is not specifically outlined that I would think should be is with regards to stipends and that sort of thing paid to members of the board. Now, somewhere here it outlines that which the corporation may and should do. Here it is, section 9(4)(b):

shall not directly or indirectly pay any dividend or other form of profit sharing to any member of the board or to any other person.

The question is that a stipend would not be a profit sharing. So would a member of the board beyond expenses seek a stipend of \$120, \$150, \$200, or a thousand dollars a meeting? I for one can't discern whether in fact it is the case, because presumably everything that is made by this corporation above and beyond the normal expenses of operations, which are covered in earlier parts in that section 9, would be profit. So I would assume this would then read that this should not and could not provide any stipend to those members. I'd like some clarification on that if it's possible.

9:10

There are another three areas that concern me somewhat. I believe the minister – I missed it this afternoon. “Any contravention or failure to comply with this Act by a person does not constitute an offence.” I assume that's a criminal offence, because you could not usurp federal law by a piece of provincial legislation. But “does not constitute an offence?” Now, I don't know. If it's not a criminal offence and it “does not constitute an offence” in contravention to the Act, what is the remedy then? How is this regulatory body supposed to manage if it doesn't have any clout? Quite frankly, it leaves me at a little bit of a loss here to find how this works.

“The Financial Administration Act does not apply . . .” I do not understand why this would not apply and why the Auditor General would not have a right to protect the public's interest. Albeit not being tax dollars, it certainly is generated from taxpayers, and it certainly is one of the industries, as I said earlier, that has attracted many an unsavory character over its years of existence. I would think one of the things one would like to do is always have the opportunity to have an auditor come in and review the books, as it were, to ensure there isn't anything being set aside in some funds that are taxed by some third party that is unbeknownst to us at this point.

Mr. Chairman, I would like to have the opportunity to hear some more debate and certainly some answers from the minister. I further understood that the minister may in fact like to speak further on the matter.

Thank you for your time, sir.

THE CHAIRMAN: The Minister of Transportation and Utilities.

DR. WEST: Well, thank you, Mr. Chairman. There seems to be a continual discussion in and about the concept of what this company is. This company is not an agent of the Crown. This

company is a nonprofit corporation. The reason we're bringing it forward openly to the Assembly here is to make the transition from the Alberta Racing Commission Act and the repeal of the Pari Mutuel Tax Act smoothly and to delegate the rules and regulations of racing onto this new corporation in good faith and let them carry on in hope that racing in the province will sustain itself. There's no guarantee that this Act or this process will sustain racing. In fact, given the way racing's going right now, there's a chance of 20 to 50 percent that horse racing will survive the next decade to two decades in the province of Alberta.

MR. DECORE: Mr. Chairman, might I ask a question?

THE CHAIRMAN: The hon. Member for Edmonton-Glengarry is rising on a point of order related to 333.

Point of Order Questioning a Member

MR. DECORE: The minister has made the statement, Mr. Chairman, that this entity is not an agent of the Crown, yet section 10 . . .

THE CHAIRMAN: Hon. member, sorry. I did not hear the minister agree to the question.

Have you agreed to the question?

DR. WEST: No, I thought it was a point of order on some . . .

THE CHAIRMAN: It was a point of order, 333, which is the asking of a question.

DR. WEST: No.

Debate Continued

DR. WEST: I've listened quite a bit to the details of it, and I was quite prepared to continue the debate in some form. Mr. Chairman, I think at this time, because of the attitudes being displayed here – the horse racing industry is looking forward to this Bill and wanted it to come forward in this form. We have done a tremendous amount of consultation with them. This is a smooth transition. This would facilitate some of their needs and a hope to continue horse racing in the province of Alberta. This will probably only give it a 50/50 chance, not a 20 percent chance, what it likely has under the present-day organization.

All said and all done in good faith, I'd like to adjourn debate.

THE CHAIRMAN: The hon. Minister of Transportation and Utilities has moved that we now adjourn debate on Bill 49. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

Hon. minister, are you going to move that we report when the committee rises?

DR. WEST: That's correct. I so move that the Bill be reported.

THE CHAIRMAN: The hon. minister of transportation has moved that the committee report progress on Bill 49 when the committee rises and reports. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

**Bill 46
Regulations Amendment Act, 1995**

THE CHAIRMAN: Just a reminder to all hon. members that we still have under consideration amendment A1, as proposed by the hon. Member for Calgary-Buffalo.

The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks very much, Mr. Chairman. You know, the reason for this amendment I think could not have been underscored more effectively than what we've had with the debate we just saw moments ago on Bill 49. It seems that some of us are having a great deal of difficulty in some fashion pointing out that the role of the Legislative Assembly in terms of representing the public interest has been developed over a long, long time for I think a pretty compelling reason. We saw a moment ago on Bill 49 where the government was prepared to embrace not simply regulations made outside of all-party scrutiny but in fact were prepared to turn over to a private corporation, completely independent of government, the power to make regulations.

We're back dealing here with an amendment which, if accepted, would do a couple of things: it would restore the paramountcy of the Legislature, and it would demonstrate to Albertans that it's the Legislative Assembly and the apparatus of the Legislative Assembly and committees of the Legislative Assembly that pass laws or at least oversee regulatory laws.

I wanted to make the point as well that many members have expressed some befuddlement in terms of how a group of MLAs would be able to deal with a large volume of regulations. I wanted to say again that we're not dealing with the 15,000 pages of regulations that the Government House Leader has put to us before as an illustration of the volume of material. Really what we're dealing with are the 393 regulations passed in 1993; the 410 regulations passed in 1992; in 1991 there were 440 regulations; in 1990, 398. So what we're looking at are regulations of less than 400 in the course of a year.

[Mr. Clegg in the Chair]

If it hasn't been clear from past debate on the main Bill as well as on this first amendment, I'd just say again that the proposal is a pretty simple one: that you allow this standing committee, chaired by a government member, a committee on which government members have an overwhelming majority and have the opportunity to dictate the pace and the rate of activity of that committee, to devise a system, a set of standards by which regulations would be assessed. I say again, as I've said and other speakers have said in propounding this particular amendment, that such a committee would be able to effectively oversee the regulations without getting buried in minutia, without having to spend every waking hour of their legislative job reviewing

regulations. It's a simple question of tasking it to staff and delegating to smaller groups, but it can be done and it can be done easily.

9:20

As has already been pointed out, the request has been made in excess of 40 times in this Legislature that regulations should be referred to the standing committee, and so far we have no clear, no cogent reason proffered by the government in terms of why this wouldn't work. The only thing I've heard so far is: the government has proceeded with their deregulation of regulation plan to a point where they don't want to change direction now. The problem I have with that explanation is that surely we're here to advantage Albertans. That's what the job is, not to pursue one side's plan just because they've come up with it and they feel they've invested too much of that party's credibility in the plan. One would have thought that that might have been considered before they proceeded down that road unilaterally. The only other suggestion that I can recall has been that the volume of regulations would simply overwhelm a committee, and for the reasons I've mentioned, that frankly just isn't a credible explanation or excuse to oppose this amendment.

I think, Mr. Chairman, I'd made the point earlier that if we were to have the standing committee actually operating, actually reviewing regulations, what it would do is give Albertans a greater measure of confidence. We would be able to avoid some of the obvious mistakes and glaring mistakes that have been identified from regulations made over the summer. I might say as well that it was interesting the other day in question period when I think it was the hon. Provincial Treasurer who said something to the effect that these regulations aren't made in secret because they're published after they become law. In making that observation, I can only say that the Provincial Treasurer quite misapprehends what the Standing Committee on Law and Regulations does in other jurisdictions. The role there is an important one, an accepted one, and an effective one. It means that you have some input from both sides of the Legislature before the regulation becomes law, not after.

Now, if the government's track record were a stronger one, I could understand the resistance to this amendment. If we hadn't seen the freedom of information law passed in the spring of 1994 and then the government bringing in the year later an amendment Act which was almost as big as the original Act, we might have had more confidence in the government's ability to identify problems with laws in advance. If we didn't see this large amendment to the Municipal Government Act, if we didn't see the large amendment to the School Act that came in in 1995 to remedy mistakes that had been made in 1994 – that's part of the record. We know that those mistakes were made. Everybody makes them. This isn't a partisan distinction I'm drawing. Governments get busy in terms of running a province. It's a large organization. Ministers get perhaps bad advice and in some cases don't get adequate advice on issues that may be contentious. Bureaucrats who are not challenged from time to time may start assuming that if it suits administrative purposes, that's the highest and best hurdle they have to jump over. Well, those aren't the conditions that ought to apply in a democracy, Mr. Chairman. What this amendment would do is attempt to reassert the important role of the provincial Legislature. My hope would be that members would take advantage of the opportunity we're given here to move in that direction.

I just say again, because I anticipate that there may be government members who want to join debate in an attempt to state the

corporate line of the government again, I just remind those members that in Ontario they have a Statutory Powers Procedure Act that works pretty well. The federal government has a system that allows an all-party committee that identifies problems in regulations to require a minister or a deputy minister to come before the committee and make a presentation. The House of Commons committee, in fact, has the power to throw a regulation back at a minister and say: "Sorry, Mr. Minister, this regulation doesn't cut it. This isn't an acceptable regulation, and it is an abuse of the executive lawmaking power, and for that reason you have to back up."

I think there's a book by John Mark Keyes, who is senior counsel, legislative section, federal Department of Justice. He wrote a book called *Executive Legislation*, and the subtitle is *Delegated Law Making by the Executive Branch*. In the introduction to his text – I'll paraphrase first – he talks about some problems and says that the "basic form of control is parliament's authority to amend or repeal enabling legislation," but he goes on to talk about the problems that go along with what are called executive legislation. He says:

To deal with these problems, most parliamentary bodies have enacted scrutiny provisions to improve the effectiveness of their control of executive legislation.

Mr. Chairman, that's all that this amendment talks about. This is the sole purpose of this particular amendment. It is to simply improve the effectiveness of the control of the Legislature over this kind of legislation.

What we've got as well is places like Ireland. In northern Ireland they have a provision that statutory instruments – that would include ministerial orders, regulations, orders in council – are laid in draft form before a committee before they become law. That's exactly what this amendment contemplates, and it is exactly what we'd like to achieve, Mr. Chairman. What's interesting is that in this province sometimes we tend to ignore what goes on in other jurisdictions. There's a sense that, gosh, this is Alberta, and we're going to come up with an absolutely unique Alberta provision. The problem with that is we ignore valuable lessons, lessons that are available to us from other jurisdictions.

9:30

You know, other parliaments have looked at this problem in terms of how you deal with regulations. There was the McGrath committee report to the House of Commons back in the late '70s. There was a MacGuigan committee report that looked at parliamentary reform. Each of these committees made recommendations quite consistent with the amendment that we have before the Legislature.

I guess I should make the point that there are a couple of options. This amendment entails an election. There was an alternate path that could have been elected, and this caucus chose to avoid it. That has to do with affirmative resolution procedures. That's a situation where the committee has a more extensive kind of veto. We didn't necessarily insist on that, and in this amendment we were looking for something that we thought would be workable and would fit in well with what the Legislature has done in the past here.

I think the other point I'd make is that if the government were prepared to commit to publishing regulations in draft form before they became law, then this amendment might arguably be less valuable. For example, Bill 101 in Quebec, in both Canada and Alberta the Business Corporations Act, the Canada Post Corporation Act, the Broadcasting Act, the Grain Futures Act: with each of those statutes that was a case where regulations were prepared

in draft form. They were shopped around not just to interest groups but to the general public as well. I thought that was a positive kind of approach that has been taken in other jurisdictions.

Mr. Chairman, I'd say that when it comes to subordinate legislation, we have fallen pretty far off the standard that has been accepted and indeed entrenched in almost every other parliamentary democracy. It's a system which has been accepted in virtually every American state Legislature and certainly in both the American Senate and the House of Representatives. So you have to ask yourself: if there's a system for reviewing subordinate legislation that's good enough for every other province in Canada, every other Commonwealth country, every state in the United States, the federal government in the United States, both Houses, the House of Commons in Ottawa, why would we reject that model? Why wouldn't we embrace it and then get on with making it work?

This surely is one of these cases where our insistence on doing things in some different style means that we're doing far more work than is absolutely necessary. Albertans are not well served, and as I pointed out before, there are serious mistakes in regulations that haven't had the benefit of vigorous bipartisan scrutiny. I'd think, Mr. Chairman, that after what's happened this summer, people would rush to embrace it.

I'd just make the other point again. I know from my discussions with the Member for Peace River that he's very proud of the government's work plan on regulatory reform. I recognize that he spent a lot of time and a lot of effort in putting that together, but it's based on an exceedingly scary premise. The scary premise, Mr. Chairman, is that as long as the government consults with stakeholders, that's the only consultation that's required before a regulation becomes law. The stakeholders are only those people identified by the minister and the government department as having an interest in the regulation.

For the reasons mentioned earlier – ministers aren't perfect, as close as they may come to that lofty standard; deputy ministers aren't perfect. They present with the same shortcomings all the rest of us have, even, I daresay, the Chairman of this august committee. I think that when we talk about safeguards, it's simply with the recognition that lawmaking is an imperfect process. Whatever we can do at either the executive or the legislative branch to make sure that our lawmaking is as sound as it possibly can be, surely that's the highest goal we can try and achieve in this Assembly. I look forward to working with members and the government as well as my colleagues in opposition to design a system that provides that kind of public scrutiny, to do the sort of thing that George McClellan said was so important about the Ombudsman when that first came into force in the early '70s, and that was to bring light, to illuminate those darkened recesses of government decision-making. That's where the abuse takes place. That's where the problems originate. If this Standing Committee on Law and Regulations can go any distance towards trying to eliminate this secret, dark closet kind of lawmaking, then I think we're much further ahead, and Albertans are clearly advantaged.

Mr. Chairman, I know that there are others, certainly members of my caucus, that are anxious to further express reasons why they think this amendment is important. There may even perhaps be members such as the government Whip, who has had extensive experience as a parliamentarian in this House. I'd expect that he would be anxious to participate. Having been on both sides of the Assembly, that gentleman might have a perspective that may be

of tremendous value to all of us here this evening. I know there are some other members. The Minister of Education is a member who is constantly involved with significant lawmaking at the regulation level. It may just be that he would like to express some of the frustrations that he experiences when it comes to this kind of executive lawmaking. It may be that other members can offer further suggestions as well.

Thanks very much, Mr. Chairman.

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

MRS. ABDURAHMAN: Thank you, Mr. Chairman. I rise to speak in favour of this very important amendment. You know, Albertans and Canadians are looking for change. Unfortunately, within this Legislative Assembly we don't see change. We see business being done as it's been done over the past three decades, and that is the lack of openness and accountability, the lack of using the appropriate legislative tools, in this instance the rules and regulations committee. It's been recognized as the most democratic process on many continents when it comes to all-party committees looking at significant amendments to legislation or indeed the removal of regulations or the implementation of new regulations. To know that for the past 10 years the rules and regulations committee has never been called to indeed allow that democratic process to happen I believe is an indictment of the government. When it comes to an open and accountable and democratic process, it doesn't exist here in Alberta.

We look at Alberta regulations reform improving the Alberta advantage. The thing that I find so ironic, Mr. Chairman, is that the very regulations that should be doing an effective job and allowing the marketplace to be effective and at the same time securing the safety of Albertans – it's not even in force. I can use an example: the Calgary Police Service's traffic section truck unit safety check stops. It's an indictment of regulations that are not being enforced. For example, out of 55 inspections, 40 failed. That's a 73 percent failure rate. We look at restricted service; we had 11 vehicles fail that, which is a 20 percent failure rate. There were only four vehicles out of the 55 vehicles inspected – and these are trucks – that passed, a 7 percent pass rate. Now, that clearly tells you that the regulations dealing specifically with trucks were put in for a very good reason, and that was to ensure safety on our roads. It was to ensure that goods being transported in our major cities or around the province of Alberta are indeed safe and will not result in accidents or fatalities, which then result in major insurance claims, which then is passed on to the taxpayers of the province of Alberta. That is not accountability. That's not regulatory reform. It's abdication of responsibility.

9:40

Now, the House leader, the Member for Red Deer-North, obviously was trying to politically discredit me the other evening there, and in fact he was impugning my motives when I was clearly trying to show that when certain Albertans, whether they be gravel truck haulers or be it a farmer, phone up the politician to ask for regulations not to be enforced, I'm not criticizing the farmer or the gravel truck owner. I'm criticizing the politician, who for political gain will indeed pass through the system not to enforce the regulations. We know that in Edmonton safety checks, there have been cases where a truck has been stopped and it has a certificate that clearly shows that two months prior to that stop – it was a certificate of road worthiness, yet two months later it failed miserably. Well, why? What happened in the process

for that to happen? The stats are all there. They can be found through the Edmonton Police Service; they can be found through the Calgary Police Service. It clearly shows that even when we do have regulations in this province, they're not being enforced.

Now, if a regulation doesn't need to be enforced, I would agree that it should be taken off the books, but there should be a process that is open to ensure that that regulation indeed should be removed. That process is through this Legislative Assembly, the rules and regulations committee. You know, we hear these numbers of regulations that are out there. It sounds awesome when you say 18,000 regulations. Mr. Chairman, the reality is that when you break it down by department – and if you had been effective over the past 10 years, all the regulations that were not beneficial to the Alberta so-called advantage would not be on the books today. It would have been acknowledged at the time, whether it be five years ago or six years ago, that they were redundant regulations and would have been removed.

I mentioned that within the public health system there's an appeal process. Through that appeal process certain regulations were seen to be redundant. They were seen not to serve the purpose that it was first deemed that they would do, so it was recommended by the advisory and appeal board that the regulations indeed either be amended or removed. But to suggest that it be done in the back rooms is not an appropriate way.

There should also clearly be whistle-blower legislation so that reports like I have in my hands here that clearly show that we have a serious problem in the province of Alberta with unsafe vehicles, specifically trucks, on our highways – there's a fear that when you table documents like this, they can be traced back to the sources and people's jobs would be at risk. It is a terrible indictment that law enforcement people feel that they can't do their job because of political interference. For the Member for Red Deer-North to try and infer that I had a tone of cynicism when it came to Albertans, be it a farmer or a gravel truck owner or any other member of the private sector, phoning an MLA was totally impugning my motives. My voice certainly was not cynical, and it certainly wasn't directed towards any farmer in the province of Alberta or any gravel truck owner. Then he says:

She said with a tone of incredulity and amazement that to have a regulation changed, some farmer might phone up with a suggestion and have a regulation changed.

I can see the Member for Red Deer-North going out there saying, "See what the Member for Clover Bar-Fort Saskatchewan said, trying to politically discredit me." Well, the bottom line, Mr. Chairman, is that our agricultural community, our farmers are the backbone of the province of Alberta, but for that matter so are our independent gravel haulers. The people that indeed I could be cynical about – and I think many Albertans would join me in this – are the politicians.

We have heard from across Canada that people want change, people want openness. They want accountability; they want good legislation. They don't want legislation behind closed doors. They want the recognition that every member elected to an Assembly or to a municipal council is indeed there representing Albertans and that this one-party system of government has no place in change. It has no place in the turn of the century. Yet what we see is old-boy politics continuing in Alberta.

Mr. Chairman, I could go on, but I know that many of my colleagues would like also to be able to speak to this very important amendment and also the fact that once again we see a government that is bent on taking the authority of this Legislative Assembly into the back rooms.

Thank you, Mr. Chairman.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Glengarry.

MR. DECORE: Thank you, Mr. Chairman. I rise to speak in support of this amendment. I'm sorry that there's an hon. member missing that should be here to listen to the attempt to resurrect the Law and Regulations Committee, because he keeps spiking the opposition, saying: just introduce a motion, and I'll speak to it, and I'll have the matter dealt with; that's all you have to do. We keep trying to do it. We keep coming back. We keep getting our noses bloodied because nobody will buy in to this, including the hon. Member for Calgary-Shaw.

Mr. Chairman, there's an interesting analogy here, because sometimes you get a regulation that is extremely important, and I think it necessitates the Law and Regulations Committee meeting and dealing with a regulation. No better example could be given to you than what happened here earlier this evening. We were debating Bill 49. The first amendment that we made the minister thought was a good amendment and accepted it. Then when we got to discussions about the Financial Administration Act – we're talking about horse racing and the opposition wanting a financial control over a horse racing corporation – we suddenly were told, the minister yelled across the way and we all heard, that he was yanking this Bill and that he was yanking it because he could do it by regulations. In other words, forget about the Legislature, forget about Bill 49.

AN HON. MEMBER: It's too messy.

MR. DECORE: Yeah, it's too messy. We don't want any more debate.

We've spent a little too long in this Assembly already, an hour or so that he listened to the debate. He found it interesting enough to accept the first amendment. Then his nose gets a little bit out of joint. It's not moving as quickly as he wants, particularly the Financial Administration Act amendment that he sees coming up, and he says: forget it; I'm pulling it; we're going to do it by regulation. Well, if there is an example that I could give of the necessity of having something reviewed, it couldn't be better than this one. Because now the minister is going to go back, and he's going to create his Racing Corporation Act using that sweeping Act that was bullied through this Legislature last spring. He'll do it all by regulation, and there will be no Financial Administration Act that applies to horse racing. I think there's an area that lends itself to difficulty. When you get lots of money, when you get people controlling that money that's moving quickly in and out, I think you need all the financial control you can get, and simply filing a financial statement isn't good enough. You need the ability of a treasurer to walk in there, to demand and see books and look at books and have explanations given. That's the way that thing was dealt with.

9:50

Now, Mr. Chairman, I picked up the Standing Orders of our Assembly, and I picked them up tonight because last week during debate on this very issue I asked the hon. Member for Peace River why he voted in favour of me sitting on the Law and Regulations Committee and why he voted for the hon. Member for Calgary-Shaw to sit on the Law and Regulations Committee. He didn't give an answer.

I note from Standing Orders that section 49 calls for the appointment of committees. Our Standing Orders, Mr. Chairman, say that there are eight standing committees of the Legislature,

and the Standing Committee on Law and Regulations is one of those eight. It talks about how members are appointed to this and other committees. It talks about how there shall be proportional representation that relates to the various parties of the Assembly on each of the committees. It talks about how meetings are convened and how a chairman is selected. It talks about how the committees are administered and the procedure in those committees. It talks about how minutes are taken. It sets out exactly the rules and regulations for a Committee on Law and Regulations.

Then I picked up *Beauchesne*, Mr. Chairman. I looked under section 759, and I read that *Beauchesne* says that "standing committees are appointed under the Standing Orders" – that is, of the House of Commons – "to examine and report on the general conduct of activities by government departments and agencies." It goes on further to say:

Since 1985, standing committees have been given permanent general orders of reference which empower them to initiate examinations, and to report their findings to the House.

I remember the hon. Member for Peace River standing and saying: oh, we don't want to get this Law and Regulations Committee going, because it couldn't handle the many regulations that are there in place, and we'd be bogged down by the Liberals wanting to spend too much time on law and regulations. I note from *Beauchesne* and from our own Standing Orders – our own Standing Orders – that we can delegate power within those committees. You could delegate within the Law and Regulations Committee power to have somebody else look at the minutiae, if you're worried about minutiae and minutiae taking too much time.

So, Mr. Chairman, it's kind of a crazy irony that we go through – in fact it's done usually on the first day of a new session – an incredible irony that we submit names and we vote on the hon. Member for Calgary-Shaw and the Member for Edmonton-Glengarry and the other members to sit on a standing committee called Law and Regulations that never meets and in fact has never met since 1985. If somebody thinks that's a good idea in view of what we just discussed about Bill 49, then I think they should go Halloweening instead of chirping from the sidelines tonight.

Mr. Chairman, this bothers me. It bothers me that somebody took the time to think about the need and the necessity of having the Standing Committee on Law on Regulations, that somebody foresaw that something like a Bill 49 would come up that would require us, members of this Legislature, to review why a Financial Administration Act shouldn't apply to a new racing corporation, because I think it should. Now we don't even have that opportunity. Simply in a closed room that the public aren't entitled to participate in and see, the media aren't entitled to go into, there are no minutes, a regulation is published, comes out of that room, and suddenly there is no more need for Bill 49. There is no more need for a financial review administration Act on racing in the province of Alberta.

I think it's important to note that there are many such extraordinary matters that are now being dealt with by orders in council, by regulation, and that a standing committee is important. In the context of the Bill that we're dealing with, Bill 46, we may well have important regulations that need to be reviewed, the processes put into place to have them reviewed, yet we don't do it. I still wait, Mr. Chairman, for somebody from the other side, the Whip or the minister or any member, to stand up and tell me why we are not using a standing committee that we all voted members into, why we're not utilizing that committee to deal with matters like Bill 49.

Thank you, Mr. Chairman.

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

MR. SEKULIC: I appreciate that. Thank you, Mr. Chairman. It's an opportunity to get up and discuss this important Bill. I know the Member for Calgary-Fish Creek is particularly interested in what I have to say. It is in fact enlightening.

I've spoken to Bill 46 a number of times. The reason I have stood in my place is because I am very concerned about the Bill and its potential without these amendments. Mr. Chairman, I look to some examples by which I can hopefully stress the principle that I think is being eroded most significantly through this Bill. It's in the text *Principles of Administrative Law*, where the authors Jones and de Villars state:

Unlike parent legislation which is enacted after at least three readings in a public forum, subordinate legislation is generally enacted relatively privately. It is important, therefore, to devise a method whereby the public can determine the existence and content of subordinate legislation.

Mr. Chairman, this same concern was shared by the Zander committee. This may have been stated before in this Assembly, but I think it's important enough to be repeated and hopefully ingrained in the minds of all members as to why this amendment is so important. As I said, this concern was shared by the Zander committee in 1974. In doing so, the committee made 41 recommendations, most significantly, as it reflects to this amendment, for the establishment of a provincial scrutiny committee, the prepublication of draft regulation, et cetera.

Mr. Chairman, when I look to even the most recent *Hansard*, from last evening, and I look at the membership and the composition of the membership of the Standing Committee on Law and Regulations, we count 21 elected members from this Assembly which sit on that committee. That's been published virtually in every *Hansard* since these members and the rest of us were elected, yet this committee has not yet met. It's not that it didn't meet because it didn't have a purpose or it didn't have work to do – in fact, this committee has an enormous amount of work to do – but wasn't permitted to meet to carry out its function and to do the work it was intended.

We look to precedents in other jurisdictions, Mr. Chairman. I've cited this a number of times, that there are enough examples out there of this committee's work and the way it's operationalized that we can benefit from those who have implemented and used effectively such committees, that it wouldn't be a trial period. We know it's been used effectively. It's not an experiment. All we need to do is undertake to ensure that this committee meets. The federal Parliament by practice establishes each session a joint committee to examine and supervise the exercise of the legislative powers which Parliament has delegated.

10:00

In the second report for the 1976-77 session of Parliament the joint committee said, and I quote here, Mr. Chairman:

The maintenance of parliamentary supremacy and of parliamentary democracy is imperative. The inability of Parliament to consider or to make all the laws necessary in the modern state should not lead to a decrease in accountability to Parliament for law making. Delegated law making is far too wide-spread a practice to be without democratic participation, procedural safeguards and parliamentary accountability.

Mr. Chairman, the list goes on. The precedents in other jurisdictions are endless, yet this government here in Alberta sees fit to prohibit and to do everything possible to ensure that the Standing Committee on Law and Regulations doesn't meet. When

I visited the library just recently to research specifically this topic, I came across some examples which I think are important to enter into *Hansard* should my constituents or the constituents of any of my colleagues across the way read this *Hansard* and wonder: "Well, what are those members going on about? Why do they go on about this amendment to include the Standing Committee on Law and Regulations in regulatory reform of the province of Alberta?"

I'll share with you a number of instances that I just picked off the shelves. One was the Health Insurance Premiums Act, Mr. Chairman, and specifically the health insurance premiums regulation. Now, this is something that, should this committee be in place, would be vetted publicly prior to Albertans being charged increased premiums or something that we in the province of Alberta have come to know as taxation, just by a different vehicle. We look to page 17 of that premiums regulation, and we see the monthly premium rates which this government, since being elected, has adjusted.

At the same time that they've been saying that there are no new taxes, we've seen that by way of regulation outside of this Assembly, they have increased the monthly premium rates. I can't think of a more significant way for a government – and I have to use it here. In a way it seems to me it's almost underhanded, because the Assembly has not been included in this decision, and despite the taxpayer protection Act, which the government brought forward as their lead Bill this past spring, we see that they didn't protect the taxpayer at all. In fact, I think they hit the taxpayer fairly hard in the wallet. By amending unilaterally, behind closed doors and with only the key players of cabinet, they changed the monthly premium rates for Albertans and in effect increased taxes on all Albertans. That's one example, Mr. Chairman.

Then I go to another example, and I just have a few here. The next example I came across on the shelves of the library of this Legislative Assembly was the Highway Traffic Act and the accompanying highway traffic regulations, Mr. Chairman. You know, this hasn't been changed by government, but in fact we saw a significant piece of proposed legislation, a Bill that was put forward. I think it was intended to be along the line of curbers, something to prevent unworthy vehicles from being sold to unsuspecting consumers in the province. Well, these highway traffic regulations in effect speak to that and would prevent that. Now, I'm concerned that if this Standing Committee on Law and Regulations isn't adopted, if this first amendment isn't adopted, Alberta taxpayers may see even this protection afforded them currently in the regulations just dropped because members of cabinet see fit to change this regulation based on consultation with stakeholders, not with regards to public interest but with a few stakeholders which may profit if this regulation is stripped from the current highway traffic regulations.

So I have a concern that there are substantive changes which are occurring, and that is best represented by the increase in taxes through health insurance premiums that was done behind closed doors. If the Standing Committee on Law and Regulations were in place and were meeting as was intended, then that tax increase would have been caught and debated publicly before it was imposed upon Albertans by this Conservative government. So, too, I have a concern that there are significant clauses in regulation which protect consumers currently, which, if this government decides to act in the interests of a few stakeholders, which it has done in the past, could work to the detriment of Alberta taxpayers and Alberta consumers.

Another example – actually that's enough examples, I think, Mr. Chairman, to emphasize why it is so important that this Standing Committee on Law and Regulations be put into effect and that those 21 members do meet and carry out those functions which have been proven to have worked in other jurisdictions. I know they can work here in Alberta. The point that I'm trying to put across at this time is that if any one of us were to go down to the Legislature Library right now and pick any one of these regulations off the shelves of that library, we could bring up numerous examples which would substantially affect Albertans and which, if this amendment isn't adopted, can be altered or amended without ever having crossed the desks or crossed the debates here of elected officials. It can be done within a bureaucracy, and it can be done by a very few members of cabinet. To me that's not parliamentary democracy at all. That's not at all what 83 members were elected to do.

I can't think that these 21 members that are on this committee – as far as I understand, there are no committee fees to be collected, or certainly all the Liberal opposition members of that committee have committed not to accept fees for work of that committee but are willing to do the work on that committee. So everything is here; all the ingredients are ready. I think it would require the Premier in fact to intervene at this point and to tell his caucus, which I know he's done in the past, to do the right thing. The right thing here is to adopt this amendment.

Mr. Chairman, with those few comments and specifically directed at the Premier, that the Premier intervene and ensure that this committee meet and carry out its mandate, I pass the floor to a colleague.

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

MR. DICKSON: Thanks very much, Mr. Chairman. You know, it occurs to me sitting listening to the debate that there may be some members that are wondering why the opposition is making this stand on this Bill now. I thought it might be useful to recount briefly what brings us to this point on this amendment. I think some people may say, "Well, on this little Bill that only has three small subsections, that on the face of it is all about a sunset clause for regulations, that on the face of it is a positive thing, why would the opposition be taking this kind of a stand?"

10:10

Well, let me touch on a couple of things. Firstly, the opposition unfortunately doesn't control the legislative agenda of this body. We're pretty well stuck with the legislation that the government brings in. It would be a wonderful thing if the government were to bring in a new Regulations Act and if we could have at it, but in the collective wisdom of this government they haven't done that. What they have done is they've embarked well down a road of regulatory reform, chaired by the Member for Peace River, and in charging down that particular road, they found that there are some things that they wanted to do to amend the Regulations Act. Now, I should say that my understanding is that the government can achieve the sunset provision without these amendments to the Regulations Act. This is the easiest way for the government to do it, but it's not the only way.

The point I was attempting to make, Mr. Chairman, is this. When you're in opposition, you have to take your forum as it's presented within the government's legislative agenda. In this respect Bill 46 provides this opposition with not only the best forum but indeed the only forum that we have in debate in this

Legislature to raise this issue of tremendous importance not just to members of the opposition but to all Albertans. One would have hoped that this could have been done, perhaps, in a different way.

I go back to a note I sent to the Member for Calgary-Shaw back on April 27, 1994. What I encouraged the member to do at that point back in April of 1994 was request that the chairman schedule an early meeting of the standing committee. In fact, what happened was that from that point on I think we made a point in the Assembly on every Bill that came forward, every piece of enabling legislation that said that there will be regulations that can be made by order in council – we started saying as a caucus consistently, repetitively on Bill after Bill after Bill, and certainly every Bill since April of 1994: what are you going to do about the regulations, Mr. Minister, Mr. Mover, Madam Mover of the Bill? Will you commit to taking those regulations, that subordinate legislation, putting it before the all-party committee, which is all set up and ready to go with a chairman and a Conservative majority so they still maintain a hammerlock on the process? Time after time after time the minister, whoever was moving the particular Bill or motion, would say things like, "No, we can't agree to that," or "We're doing our own consultation with stakeholders," or "You can read *Alberta Gazette* as well as I can; bide your time."

I haven't done a calculation – and maybe some members here have – in terms of how many Bills have come before this Legislative Assembly for which the government has asked passage and acceptance since April 27, 1994, but there have been plenty. I can almost say with certainty that every one of those Bills would have had some delegated lawmaking provision, some much longer and some perhaps a little narrower, but every one of those statutes provides that laws can be made, not in this Chamber, not by this body, but by the Lieutenant Governor in Council. That translates into a cabinet minister. In some cases we're not even sure the cabinet minister has much control or much perspective on what's going on. It may largely be left to the work of people in whatever the relevant department is. I may be speaking out of turn here, and if so, I hope some of my colleagues would correct me, but I daresay that if the government had accepted our urging from April of 1994, had committed that regulations, not all the past regulations but regulations under that Bill, would be referred to the committee, you know, we might not have gotten to this point where people have dug in and the principle is elevated to a point that consumes a great deal of energy of this House, at least one-half of this House tonight.

In any event, Mr. Chairman, the opportunity was there. That opportunity has been created Bill after Bill after Bill, and the government has elected consistently not to take advantage of those opportunities. So as an opposition, what are we left with? What would government members do if they were in our spot? The principle is fundamentally important. Why? Well, because as we've attempted to say in the past, regulations affect the daily lives of Albertans. Bad regulations have tremendous capacity to hurt Albertans. They have the capacity to interfere with Albertans carrying on their daily life, their business, their activities. That's why it's important.

[Mr. Tannas in the Chair]

Now, I thought it might be useful, Mr. Chairman, to also mention that this isn't a case where the opposition shows up and says: "You have to accept all of our amendments. There's no

other alternative.” Not only have we given the government every opportunity since April 27, 1994, to make use of the Standing Committee on Law and Regulations, but when this Bill was first addressed at second reading, I recall – and I don't have the excerpt from *Hansard* at my fingertips – encouraging the Member for Peace River and the Government House Leader. I said that if there is a middle ground, you know what the principle is that motivates our opposition. If there's some means by which we can get this kind of oversight of regulations, we're prepared to be flexible. I've indicated to both the Government House Leader and the Member for Peace River that we could take, say, the regulations passed in 1995, or we could take the regulations under a number of statutes and refer them to that committee. Or we could agree to give the committee a fixed term, to make it something of an experiment. We tried to be flexible, and we said: give this committee six months to review regulations, and let's see if we can't demonstrate that a bipartisan committee doing this kind of work can work effectively, that we can work in a timely and efficient manner.

We made that suggestion, and I repeat it again tonight. It's still not too late. I still say to the Member for Peace River and the Government House Leader that this opposition is looking for a means to respect the principle. The principle is that regulations are still laws and regulation-making has still got to be subject to some kind of oversight provision. If the government could come up with an alternative, if they don't like the Standing Committee on Law and Regulations, if they could come up with what they think might be a more expeditious, a more reasonable proposal – although I can scarcely think what shape that would take – members on this side would certainly be prepared to deal with that. So I make that offer again . . .

THE CHAIRMAN: The Government House Leader is rising on a point of order. Will you share that with us?

Point of Order Questioning a Member

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

THE CHAIRMAN: *Beauchesne* 333.

MR. DICKSON: Absolutely.

THE CHAIRMAN: All right; he's agreed. Government House Leader.

Debate Continued

MR. DAY: An indication from, let's say, a member of Executive Council that in fact there is no problem with a particular member – in this case including, let's say, my critic – in the ongoing appraisal and asking for input for regulations coming up to be sunsetted, giving notice, et cetera: is that the type of thing that would be acceptable to the member?

10:20

MR. DICKSON: It's a good question that the minister raises. I would say that if we have 17 ministers and each of those ministers – not one, who may be as enlightened as the Minister of Labour, but if 17 government ministers were to say, as a corporate policy of this government, “We're prepared to include opposition representation on our various consultative bodies that review

regulations,” that goes a long way to address the concern we're raising. It's not as neat and as tidy as what I'm proposing but in the spirit of compromise that I'd indicated earlier before the Government House Leader rose.

I want to be fair, Mr. Chairman. This minister, unique among the front bench opposite, has made that offer to me informally. He's said that he would be prepared to entertain opposition representation on the task force that deals with Department of Labour regulations. I say publicly what I told him privately, that I think that's a very positive thing. The difficulty is that we have 17 ministers of the Crown, 17 sources of regulatory lawmaking, and what we hear is an overwhelming silence from his colleagues in terms of what they would do. I applaud the initiative of the Minister of Labour in attempting to address a concern, because he identifies and anticipates quite correctly that we're less interested in what happens with a particular committee than simply allowing the opposition a window into that very important kind of regulatory lawmaking.

I guess in the absence of that kind of commitment from all of his colleagues, that all regulations for every department are going to be reviewed in a process that involves some role for the opposition, we have to persist with the amendment because it's still the best ultimate vehicle. But I take very seriously the offer this minister has made, and I say that it's a positive one, and I know the Labour critic in our caucus also appreciates that opportunity.

AN HON. MEMBER: Why don't you ask the other ministers?

MR. DICKSON: Well, Mr. Chairman, the question has come from one of my colleagues: what do the other ministers say? As I look across at a lot of empty chairs, I'm not very good at imagining . . . [interjections] I notice in particular two other senior members of the cabinet sitting in the room at this very moment while we address this, and I challenge those two members to match the sterling example from the Minister of Labour and to stand at this point, and I'd be happy to step down. Yes, we have economic development here as well. If those other ministers would stand up and indicate whether they would be prepared to match the example set by the Minister of Labour, the regulations in terms of the Department of Education are of vital importance to my constituents and to all Albertans. People want to know what that Minister of Education is doing in terms of regulatory lawmaking. The minister of agriculture: there are a lot of Albertans who are affected in a very direct way by regulations made by the department of agriculture. Will that minister accept the challenge from his colleague the Minister of Labour and involve opposition representation on his oversight committee?

Mr. Chairman, I want to give those ministers – the minister of agriculture, the Minister of Education, and the minister of economic development – a chance to consider their position. While they're doing that, I just would spend a moment and indicate the experiences in other provinces on this amendment or on their counterpart to our amendment.

In New Brunswick they realized they had a problem back in 1984. In that jurisdiction what they did was they undertook a study and they developed a set of guidelines, which then were codified in 1985, as a procedure for the making of regulations under public statutes. They have a provision there which allows for an all-party committee to review these things and to review them thoroughly.

In Nova Scotia in 1984 they created the position of co-ordinator of regulations. What they had in Nova Scotia before was clearly an unsatisfactory means of dealing with regulations, but they made

some revision in 1984 and ensured that there they would be aggressive in terms of pruning out regulations that didn't serve any useful purpose.

In Newfoundland they are under a 1977 statute known as the Statutes and Subordinate Legislation Act, which provides that regulations in that province are the subject of some kind of an oversight provision.

Mr. Chairman, I notice that the minister of advanced education has come in. He may not have been present earlier when the challenge was put forward. [interjections]

SOME HON. MEMBERS: Order.

Chairman's Ruling Referring to the Absence of Members

THE CHAIRMAN: Hon. member, I think the little uproar is just trying to remind you that if you want to start naming who is in and who isn't in, it may be embarrassing for all concerned. So in fairness to all and in accordance with parliamentary procedures, it's not worthy to mention the comings and goings of members.

MR. DICKSON: I stand corrected, Mr. Chairman. I'm sure it was my own shortsightedness that didn't allow me to recognize the minister of advanced education, who no doubt had been listening to everything I said earlier.

Debate Continued

MR. DICKSON: Now that I specifically see him paying close attention to the debate, I want to give him the same invitation that was extended to his colleagues earlier: will that minister stand up and respond, as the Minister of Labour has, with a commitment here on the record, in the Legislature that when regulations are being developed for advanced education, he'll allow opposition MLAs or at least the advanced education critic to be part of that consultation process? For the benefit of *Hansard*, Mr. Chairman, the minister suggests that he doesn't have any regulations. It will be interesting to see how he can run a department as large as the department of advanced education without regulations. Perhaps as we look at this amendment, I hope the minister of advanced education would consider making a commitment in any event, when he does get around to making some regulations, as to whether he'll follow the process.

In any event, as we were doing our survey across Canada, Mr. Chairman, in terms of how other provinces deal with this and whether they already have what we propose to do here with

amendment 1, I think we had come to Newfoundland and I had mentioned the 1977 statute that governs there.

Prince Edward Island is unique in Canada. It has no equivalent of a regulations Act, and it's left to the good offices of Legislative Counsel there to try and keep cabinet ministers on their toes and avoid abusive regulatory lawmaking. In case members opposite are getting excited, I should quickly remind them that Prince Edward Island also doesn't have a freedom of information law, so I'm not sure we want to take a lot of instruction from that jurisdiction.

MR. DECORE: That's because everybody knows what's going on there.

10:30

MR. DICKSON: Hon. member, I said that one time and quickly discovered how many people there are from Prince Edward Island in Calgary-Buffalo. [interjections] Mr. Chairman, I hear the government Whip is stimulated to speak on this amendment, and I hope he will shortly do it standing, rather than from his seat.

MR. DAY: Mr. Chairman, given the late hour, I would move that the committee rise and report.

[Motion carried]

[The Deputy Speaker in the Chair]

THE DEPUTY SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain Bills. The committee reports progress on the following: Bill 49, Bill 46. I wish to table copies of all amendments considered by the Committee of the Whole on this day for the official records of the Assembly.

THE DEPUTY SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

[At 10:32 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]