

Legislative Assembly of Alberta

Title: **Wednesday, March 27, 1996**

8:00 p.m.

Date: 96/03/27

[Mr. Tannas in the Chair]

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

THE CHAIRMAN: I'd like to call the committee to order. While you're finding your present seats, I'd like to share a little bit of information with you. The hon. Member for Calgary-Bow and her husband are down in Toronto, and his Wyeth's operation appears to have been successful. He's cleared through that, so those of you who have your thoughts and prayers with them will be pleased with that information.

Bill 5 Racing Corporation Act

THE CHAIRMAN: As you may remember, we have before us a set of amendments that were proposed by the hon. minister, known as A1. Last day the hon. Member for Fort McMurray adjourned debate and still has, if he chooses to take it at this time, a few minutes left standing in his debate time. Of course, he can come back again to life later on. So if we could recommence then, on the amendments to Bill 5 that were proposed by the hon. Minister of Transportation and Utilities.

Fort McMurray are you ready?

MR. GERMAIN: It's kind of you, Mr. Chairman, to call on me so promptly after the 8 o'clock reconvening, but of course somebody has to be called on to be the first speaker of the evening. I join with other members of the Legislature expressing sympathies to members of our House who are experiencing family difficulties, and I'm grateful that they're doing very well.

To the business at hand, we are dealing, members will recall, with Bill 5, the Racing Corporation Act. In this particular Bill, Bill 5, we are dealing with the fundamental issue of how far we are going to legitimize the lack of control and the lack of scrutiny over gambling in the province of Alberta. That's what we're on, Mr. Chairman; right? Bill 5?

THE CHAIRMAN: You bet.

MR. GERMAIN: The amendments were filed by the hon. minister, amendments which I must say, Mr. Chairman, cover the entire width and breadth of the Bill, and thereby stand as an invitation and welcoming beacon for a speaker to speak on the entire aspect of the Bill. You will recall that when I last spoke I was concerned and was expressing some concern about whether we had gone to the area . . .

THE CHAIRMAN: Hon. members, I'm sure it's been a lovely dinner hour, but we do want to hear those members who are attempting to speak on Bill 5, that is really before us.

MR. GERMAIN: If other members, Mr. Chairman, have an unbridled enthusiasm to speak to Bill 5 now, I'm happy to continue my comments later. Of course, that would be in breach of our rules of procedures, so let me finish my remaining part of my 20 minutes.

You will recall . . . [interjection] I'm sorry. Mr. Chairman, you're not suggesting that I have only four minutes left; are you?

THE CHAIRMAN: Three.

MR. GERMAIN: No, no. The hon. members, Mr. Chairman, are calling for me to have more than four minutes left. Ten minutes left. Much better. Eleven.

Mr. Chairman, let me press on with the issues at hand, and those are the objects of this Bill. One of the pressing concerns that members will appreciate is that we were concerned that the objects of this Bill not allow for wholesale, unbridled, uncontrolled gambling. Now, the minister of course says to the Legislative Assembly that section 11 of this Bill, a section that he has not amended in his amendments, covers the issues that speak to the issue of unbridled, uncontrolled gambling in his amendments.

I want to remind all Members of this Legislative Assembly that section 4, the object section of the old Bill, which the minister says is new and improved, provides a certain amount of comfort level to members of the public, but it does not take away the wide-open definition that the corporation can deal with, "regulate, manage, market and promote horse racing in any or all of its forms in Alberta." The concern that was raised is that the phrase "any or all of its forms in Alberta" would in fact constitute this corporation with the right and the power to allow offtrack betting to an even wider stance than they presently allow. Therefore, I urge all Members of the Legislative Assembly to accept the minister's amendment to paragraph 4 but in recognition that at some point we will have to deal with a subsequent amendment that knocks out that phrase "in any or all of its forms," because I do not believe that members in this Legislative Assembly want to express that message to this particular industry.

You will appreciate that the minister goes on in section 9 of his legislation – and section 9 of the legislation, Mr. Chairman, to refresh your memory, is the financial disclosure section. Now, you recall that historically this was a very flawed Bill, because it provided for no review in this Legislative Assembly and virtually no disclosure whatsoever. The minister has seen the error of his ways in that particular area and has attempted to insert a section of the Bill that indicates that the report will be submitted to the Legislative Assembly and that the minister will table that report within 15 days of the date that he receives it if the Legislature is in session. Now, what is flawed in that and what is wrong with that is that there is no triggering time period by which the corporation must report to the minister.

AN HON. MEMBER: If you shake that thing, Adam, it might go off.

MR. GERMAIN: Yeah. The hon. member accuses me of premature and untimely discharge, and I want to resist that, and when she tells me that it might go off, I want her to caution her phraseology and listen carefully to the comments that I make about this Bill. What is important is what you do about the minister's amendments, hon. member.

What the minister proposes to do is table the material when he gets it. But here's the rub: there's no obligation to set a time limit by which the minister must get this material. So I want to suggest to all Members of the Legislative Assembly that since the minister proposes to table the report of this particular corporation and since it is a corporation, since it's carrying on like a corporation, it should be bound by some of the same basic reporting rules that other corporations are bound by, and that is to prepare their financial statements and file their material within 180 days of their year-end.

So when members vote in favour of this particular amendment, I urge them to expect and to consider a possible further amendment, perhaps brought by the hon. Member for Edmonton-Rutherford, who, as you will recall, has led the charge on this Bill 5 and has done much to ensure that the horse racing industry is preserved in the province of Alberta but continues to attract the respect and goodwill of the public that it deserves. So I urge all members, when they consider paragraph 9, to look at that particular section.

I want to direct the Legislative Assembly's attention to the sections on the publication of the rules in the *Alberta Gazette*. I want to say that this is a large and giant step forward for the minister, and I want all Members of this Legislative Assembly to be cognizant and to remember that when we suggested open and accountable publication of the rules and regulations in the *Alberta Gazette*, there was much pooh-poohing. There was much concern from other Members of the Legislative Assembly that we didn't need to publish these rules, that people who would be subjected to fines, to penalties, perhaps to loss of livelihood would be able to read the rules from the mists of the Legislature. It is gratifying to see that the minister now intends to publish the rules in the *Alberta Gazette*, but he does now say that you will be deemed to have knowledge of the rules once they are published in the *Alberta Gazette*. So I would urge all Members of the Legislative Assembly to consider whether the minister's actions in that regard, in attempting to correct one abuse, have in fact created another.

Mr. Chairman, I'm going to conclude now on the minister's amendments. I recognize that I have much time left, but I know there are other members here in this Legislative Assembly that want to speak up about gambling in the province of Alberta. They want to speak up about uncontrolled gambling, and they want to speak up about the delegation of authority that relates to this particular Bill. Since, as I have mentioned earlier, the minister's amendments cover virtually the whole waterfront of his Bill, I suspect that other members will have some wide-ranging concerns as well.

So with that, I will take my place and listen anxiously for the other debate from both sides of the House.

8:10

THE CHAIRMAN: Okay.

The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Chairman. I had the opportunity to have a discussion earlier today with the minister responsible for this particular Bill. The amendments that we have in front of us, which were introduced by him at our urging, at the urging of this caucus, which obviously is supported by the government side of the House, do go some distance to improving the Bill. They don't go the complete distance, but they do go some distance. They do reflect some of the concerns that we on this side had expressed to make the Bill a bit better than it was.

In fairness to the minister I made it very clear to him that there were other amendments that would be coming after his amendments were dealt with tonight, and one additional major amendment we have will be introduced, plus there will be some others that will follow. At that point I indicated that I would be willing to adjourn debate on my first amendment to allow him the opportunity to participate in the debate that will occur on that particular one. That's an amendment to the Bill that we feel is very, very important, yet we haven't come to an agreement as to a way of making that amendment acceptable to both sides of the House.

Just speaking very generally on Bill 5 and the numerous amendments that are incorporated in the minister's package, let me say that on this side of the House, myself in particular, we are willing to do what we can to make this Bill as good as possible because we recognize that the racing industry in Alberta is going through some very, very difficult times. It is a major contributor to the economy of the province in terms of providing jobs, in terms of providing entertainment, in terms of providing excitement. For any of you that have followed horse racing over the years and have sat there by the finish line watching two horses come charging down neck-and-neck in a photo finish and then a print because the race was so close, or you take a sulky race where some magnificent horse from the back of the pack starts to circle every horse and just at the wire nips every other horse to finish first in virtually a dead heat.

There have been some great horses that have come out of Alberta: On the Road Again that raced at Meadowlands in New Jersey, raced against a horse called Guts. It was almost a grudge thing. They alternated as to who was winning. Guts was the name of the other horse from New Jersey. The Alberta horse was On the Road Again.

There is a great pride that Alberta has in its horse racing industry, and the horsemen do want control. They want control of this industry because they see that as a possibility of salvaging an industry that quite frankly, Mr. Chairman, is dying. We've spoken before of why it is dying. It's dying because of the competition that is provided from the other forms of gambling in the province, particularly the VLTs.

Now, with the amendments that the minister has brought forward, along with additional amendments that we will be tabling as debate goes on, if we can succeed with some of those amendments, possibly the Bill will be worthy enough that all sides of the House can support that Bill. But I have to caution members that there are still some outstanding issues that are very, very important to this caucus, and this caucus wants those issues resolved. Until that time, we hedge our indication of support or nonsupport. We want to see where the dust settles.

On the minister's amendments as they are, I am prepared to indicate the support of our caucus. There is no need, in my opinion, for further debate on these particular ones because the heavy debate is going to occur when my amendments start coming one at a time. So on this particular one, I'm prepared to call the question.

[Motion on amendment A1 carried]

MR. WICKMAN: Mr. Chairman, this is the first amendment that I'm going to introduce tonight and the only one that I'm going to introduce tonight. Then after a few comments, I will adjourn debate on this Bill to allow the minister to participate. The first thing I should do is have it distributed.

As this amendment is being distributed, I want to explain briefly what it refers to. It refers to section 2 being amended. Now, section 2 in the Bill deals with the nature of the way people are going to be appointed to the board of this . . .

THE CHAIRMAN: I wonder, Edmonton-Rutherford, whether or not we could just pause for a moment and let people get ahold of the amendment so that they might better follow debate.

MR. WICKMAN: Mr. Chairman, I'm sorry I didn't distribute that amendment earlier because I certainly could have.

MRS. ABDURAHMAN: So that I understand, what did we just pass?

THE CHAIRMAN: For greater clarification, hon. members of the committee, we just passed a two-page set of amendments which we collectively agreed the other evening to call amendment A1. Those are sections (a), (b), (c), (d), (e), (f), (g). That's been passed.

We now have before us for our consideration amendments known as A2, which is a one-page amendment. For whatever reason, it is called A9, but for reasons of the Table and for *Hansard* it will be known as A2. This is the one proposed on Bill 5 by the hon. Member for Edmonton-Rutherford. We've waited a moment to let everybody get a copy and would now ask Edmonton-Rutherford to elaborate on his set of amendments. You did want to take them as one lot; did you not? Yes.

Okay. Edmonton-Rutherford.

MR. WICKMAN: This amendment in front of us deals with section 2. Section 2 of Bill 5 sets out the mechanism as to how the directors of this corporation are to be appointed. Under the Bill, as presented by the minister responsible for horse racing, the board itself just reappoints itself, very similar to Northlands, for example. They have a situation where a vast majority of their board members are kind of reappointed by themselves. So in effect what happens is that a small clique – I'm not saying that with Northlands that's the case. I'm just saying that the potential is there for a small clique to take over the board, and once they control that board, they can continue to control that board because there's no outside mechanism to prevent them from just kind of appointing their own kind to the board. They basically could control the racing industry in this province and not let control of it get away.

What we're proposing is a system where there is accountability to this House through the Lieutenant Governor. If you read the amendment as presented that would correct section 2, that amendment would call for

3 persons appointed by the Lieutenant Governor in Council, after consultation with the selection committee, who represent the interest of the public,

and then

2 persons appointed by the Lieutenant Governor in Council, after consultation with the selection committee, other than those who represent the interests of the associations.

So here we have a mechanism where we have direct representation from those that are involved in the activity that is being represented, that being the horse racing industry, plus two others, two other members of the public. You have five people that have to be appointed by the minister really. That's the bottom line. Even though it states the Lieutenant Governor, the appointments are ratified by the minister.

So, Mr. Chairman, this is one that is very, very important to us. We have to somehow resolve how these appointments are going to take place. In fairness to the minister, who indicated he wished to participate in the amount of debate that will go on on this one, at this time I'm going to move that we adjourn debate on this amendment and on the Bill.

8:20

THE CHAIRMAN: The hon. Member for Edmonton-Rutherford has moved that we adjourn debate on amendment A2 and on the Bill, Bill 5. All those in support of this motion for adjournment, please say aye.

HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no. Carried.

Hon. Deputy Government House Leader, would you move that we report progress on Bill 5.

MRS. BLACK: Yes, Mr. Chairman. I would move that when the committee rises and reports, it reports progress on Bill 5.

[Motion carried]

Bill 6 Gaming and Liquor Act

MRS. BLACK: Mr. Chairman, on behalf of the hon. Minister of Transportation and Utilities I am pleased to move amendments to Bill 6 for section 58(3) and section 135. I believe they are at the Table. If they could be distributed for hon. members to see.

THE CHAIRMAN: Okay. Hon. members of the committee, we are passing out the amendments to Bill 6 which will be called A1. These are the ones proposed by the hon. Deputy Government House Leader on behalf of the hon. Minister of Transportation and Utilities to amend sections 58(3) and 135.

AN HON. MEMBER: Agreed.

THE CHAIRMAN: No. We're just in the process of handing them out.

Hon. Deputy Government House Leader, would you care to speak further to the amendments that you've just proposed on behalf of your colleague.

MRS. BLACK: Well, just very briefly, Mr. Chairman. The amendments are fairly straightforward. Simply in section 58(3) we are striking out the term "Commission" and substituting the word "board." Then section 135 is being amended by adding the following before subsection (1):

The Charitable Fund-raising Act is amended in section 3(c) by striking out "an event that is authorized by the Alberta Gaming Commission" and substituting "a gaming activity that is authorized by a licence under the Gaming and Liquor Act".

They're very straightforward, very simple terms, and I would hope that the members of the House would accept them.

THE CHAIRMAN: Okay.

The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Chairman. I certainly will support the amendment, but I don't think we've gone far enough when it comes to section 58. When we look at the concerns of the Canada Council of Grocery Distributors, I think we clearly have to show that there are concerns with that section, and this amendment doesn't do it.

Once again they're saying that there are no criteria established to either delineate the board's power to establish conditions and what types it can establish or to limit the conditions it can impose. Thus, by virtue of the Act the board can establish any conditions or policies, and these bind the licensees. There is again no certainty whatsoever. This is particularly disturbing with reference to subsection (3) and the case of grocery stores applying for a licence. A condition can be imposed that is not imposed on anyone else, and it can be very restrictive. There is no recourse

and no level playing field.

So, Mr. Chairman, while I support this amendment, they've not addressed, once again, the concern of the grocery industry, who play a very important role in the economic well-being of this community.

THE CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Chairman. The hon. minister who is speaking for the minister of transportation in charge of the liquor and gaming regulations in the province of Alberta invites us to come along with her on these amendments because they are simply housekeeping and of no consequence. Then that begs the question: why are they now coming forward in a Bill that was exhaustively studied, in a Bill that was promoted by the minister as being debugged, the purest of the pure? Why are they now coming forward, and what is the overall purpose of them?

If we look at the first amendment, Mr. Chairman, it indicates that the commission, which is the largest authority, is going to be downgraded in section 58(3) and substituted with the board. In other words, section 58, which deals with the matters of conditions on licences, is now suddenly going to remove that very important issue from the highest level of governance internally, the commission, and delegate that to a subgroup, a subset of the commission, a board. I would want the hon. minister to stand in her place and tell us why that appropriate delegation is necessary. Why is it that the commission does not set the rules and regulations? Why is this very important function going to be delegated to the board? Why is it going to be delegated to the board now and wasn't brought forward as part of this package in the first place?

I want to move on, Mr. Chairman, and address the Assembly on section 135. Now, 135 is the so-called consequential repeal and commencement section. Historically the Charitable Fund-Raising Act used to get special permission from the commission to carry on a fund-raising event. Now that is going to be stripped away, and they are simply going to have to embark on a gaming activity that is authorized by a licence under the Gaming and Liquor Act.

Now, licence is not defined in this particular legislation, Mr. Chairman, and what this means to me is that now gaming activities will be even less controlled than before this amendment came into the Act. We have been urging the government to take a sober second look at the relaxation of gaming rules and gaming regulations in the province of Alberta. The first two amendments, right out of the block, like a starter, like a sprinter leaving the block, deal with the further relaxation of the control of gaming in the province of Alberta. Frankly, this is a serious matter, and perhaps later in the debate on this amendment we'll want to adjourn this debate on this amendment to get a further and better explanation from the minister as to why he sees fit to further deregulate the control of liquor and gambling in the province of Alberta. It is that deregulation that worries many Albertans.

With that, Mr. Chairman, I'll take my seat on these amendments. But I want to urge all members of the Assembly to not look at these amendments as simple cosmetic cleanup or a simple correction of errors or simple adjustments of mistakes. These are further substantive erosions of the control of gaming in the province of Alberta and should be looked at closely.

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

MRS. ABDURAHMAN: Thank you, Mr. Chairman. In light of the comments from the hon. Member for Fort McMurray and actually perusing the document that the Canadian Council of Grocery Distributors directed to Dr. West, the minister of transportation, I think it would behoove us all in this Assembly to take the comments on Bill 6, the Gaming and Liquor Act, very seriously. We're looking at a major player within the economic well-being of this province, and when we see medium- and small-sized businesspeople from across Alberta through their association communicating to a minister their grave concerns related to this Bill, I think it would behoove the government of Alberta to take these comments seriously.

8:30

I tended to look very quickly at this amendment, "by striking out 'Commission' and substituting 'board,'" but after listening to the hon. member, quite frankly, Mr. Chairman, I'm not afraid to say that I'm not comfortable anymore. Looking once more at the contents of the letter dated March 12, I'm puzzled as to why this Bill would be in committee without more serious amendments coming before this Assembly. I would have thought that this government would have taken the grocery industry seriously in their concerns.

As the hon. Member for Fort McMurray clearly pointed out, we're on this road to self-destruction, where the permissiveness of gambling is being enhanced through legislation coming before this Assembly, and here we see it once again under Bill 6.

So, Mr. Chairman, I would urge all members to adjourn the debate on this Bill, go back to the hon. minister, and ask him to please bring forward to this House the points that the grocery industry has brought forward and address them in a serious way.

Thank you, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. I'd like to concur in the comments made by my colleagues from Clover Bar-Fort Saskatchewan and Fort McMurray. In terms of amendments that could have been anticipated from the government side with respect to Bill 6, the concern with the amendment to section 58 of the Bill is to simply redistribute the power that is being now taken away from the commission directly to the board as the direct entity for the decision-making with respect to conditions imposed on liquor licences.

Like my colleague from Clover Bar-Fort Saskatchewan I just had an opportunity to review the comments under a letter by Mr. Bryan Walton, the vice-president, western region, of the Canadian Council of Grocery Distributors. They specifically raise with the Minister of Transportation and Utilities, responsible for lotteries and gaming, the provisions of section 58. Now, their concern is not necessarily with who is empowered to act under section 58 in terms of imposing conditions on a licence. Their concern is that there are not entrenched in legislation "criteria established to . . . delineate the Board's power to establish conditions and what types it can or to limit the conditions it can impose." So their concern is that "by virtue of the Act, the Board can establish any conditions or policies, and these bind the licensees." But ultimately, of course, what that means, Mr. Chairman, is that there is absolutely "no certainty" whatsoever.

Now, the major concern, of course, with section 58 is specifically in subsection (3), and that particular subsection is particularly disturbing because if a grocery store applies for a licence, "a condition can be imposed that is not imposed upon anyone else,

and it can [therefore] be very restrictive." Now, their interpretation, I think, is very, very clear when you read section 58(1) through (4) in that the board's policies become conditions of the licence, and they can be therefore imposed upon any particular licensee after the fact. If you or I, Mr. Chairman, were in the business, it means we operate on a daily basis with tremendous uncertainty as to whether or not a condition that will have a negative or detrimental impact on our abilities to compete in the marketplace is going to be coming up as the sun rises on that particular day. There's no certainty, and even more important, there is no predictability to take steps for long-term planning.

Mr. Chairman, I note that the letter from the Canadian Council of Grocery Distributors makes a very broad statement, and it is a statement that essentially concurs with comments that have been coming from members of the opposition in debating Bill 6. I'd like to just mention what it says. It says, "All elected officials should carefully consider how much power they give to the Gaming & Liquor Commission." Their concern, of course, is that it moves outside of the legislative realm, and I say legislative realm and not the political realm because they also express concerns with the politicizing of this. I might perhaps take some issue with that. I think that there is clearly a role for governments and for legislators to take in the regulation and control of the sale, consumption, manufacture, and distribution of liquor in the province of Alberta. Their concern is that the power is being handed over to the commission. The commission, through its board, can establish policies as it sees fit. Those policies which are unpredictable, those policies which are uncertain, those policies that can creep in to impact on business may appear at any point in time without notice to those members.

Now, the government may respond by saying that we will provide sufficient notice, we'll have ongoing negotiations, we'll have ongoing discussions as have been going on for some considerable length of time, where one sector of our retail community considers that they are being treated less than equally from another sector of our retail community in the sale of liquor. Nonetheless, that will still not give them any great comfort in the potential for having policies imposed upon them or a licence refused because of certain policies that were imposed by the board.

So, Mr. Chairman, my comment is that the section 58(3) amendment as proposed by the Deputy Government House Leader on behalf of the Minister of Transportation and Utilities, responsible for gaming and liquor, simply does not go far enough. I'll ask the minister to reconsider the comments presented to him by the Canadian Council of Grocery Distributors, call upon the minister to give further consideration to amendments and consider the debate that we've had tonight.

Mr. Chairman, I know that there are other matters and other issues we do wish to debate. I'll look forward to further amendments from the minister, and with that I will move that we adjourn debate on Bill 6.

THE CHAIRMAN: The hon. Member for Sherwood Park has moved that we adjourn debate on Bill 6. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

THE CHAIRMAN: Opposed, please say no. Carried.

MRS. BLACK: Mr. Chairman, I'd like to move that the committee report progress on Bill 6 when it rises and reports.

[Motion carried]

8:40

**Bill 7
Municipal Affairs Statutes
Amendment and Repeal Act, 1996**

THE CHAIRMAN: The hon. Member for Innisfail-Sylvan Lake to begin tonight's discussions.

MR. SEVERTSON: Thank you, Mr. Chairman. I'll just say a few brief words to start the discussion on Bill 7. This Bill encompasses about 14 or 15 Acts altogether. It amends some, and it repeals a number.

In second reading some of the concern was with reference to the Cemeteries Act and not having to send in your contracts or letters prior to signing. How we balanced that is that if contracts violate the Act, they are not valid contracts, and they can't enforce a contract.

MR. COLLINGWOOD: What?

MR. SEVERTSON: What we said in the Cemeteries Act is to amend so that the cemetery companies no longer will have to go through the process of having their forms, contract sales, lease or rent, or space of cemetery sent in ahead of time. They have to go by the rules of the Act and follow the Act. Right now they have to send in their contracts prior to signing any contract.

Before I go through the whole Act, I'd rather just briefly touch on it. As members on the other side ask questions clause by clause, I'll try to answer them.

The other one is the Direct Sales Cancellation Act. A number of questions were asked in second reading. The main changes to the direct sales Act were to harmonize with the intertrade agreements with the other provinces. So most of the changes there are to comply with the internal trade agreements that we've made with other provinces.

With that, Mr. Chairman, I look forward to discussion, and I'll try to answer the questions as they come.

Thank you.

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

MRS. ABDURAHMAN: Yes. Thank you very much, Mr. Chairman. Once again, speaking to Bill 7, I must be quite frank. I have great difficulty when I see a Bill of the nature of Bill 7, the Municipal Affairs Statutes Amendment and Repeal Act, and look at the amount of legislation that has been incorporated under this Bill 7 to be amended. It is really quite frightening in many respects. As a layperson, to actually take a Bill of this nature and do a comparison with the original Bills and not have a legal background I would say is a challenge at the best. Fortunately, we have access to lawyers as researchers and, of course, colleagues who are lawyers within this House.

The first thing that comes to my mind when I see a Bill of this nature is that the average Albertan who has an interest in any of these pieces of legislation should be able to pick up a piece of amending legislation and be able to understand what's happening to the legislation that governs their day-to-day life, and that does not happen under Bill 7. My concern is that it's the consumer, it's the average Albertan that gets hurt by this type of legislation, because things slip past, and we're seeing more and more of this kind of legislation coming before this House. We're sitting in this House, you know, looking at the clock, wanting to get home because people haven't sufficient interest in dissecting what the

government of Alberta is doing through these Bills. So I really, quite frankly, am appalled that this is happening, and there's other legislation that fits into the same category that we're going to be dealing with in this House.

So, Mr. Chairman, to try and ensure that the consumer out there is indeed protected and that this buyer-beware attitude that is failing Albertans miserably in the marketplace is not further disadvantaged, I would like to bring forward on behalf of the Official Opposition amendments at this time. While you're getting them distributed, I'd like to point out that because of the number of pieces of legislation that are under Bill 7 we can't do them as one package. They have to be taken Act by Act, and I'll try to do it as expeditiously as I possibly can.

THE CHAIRMAN: Hon. member, we'll just take a moment to let them distribute these amendments. As you say, they're quite extensive. We'll just take a moment.

Hon. member, just so other members will know, we've got under the hon. member's name four amendments to Bill 7, which are numbered here 1, 2, 3, and 4 and for our purposes will be known as A1, A2, A3, and A4. Although we're getting them on two pages, they will be going through as four separate amendments.

MRS. ABDURAHMAN: That's correct.

THE CHAIRMAN: On amendment A1, hon. member.

MRS. ABDURAHMAN: Yes. Mr. Chairman, while we were having the amendments distributed, I was just consulting with my colleague. The Bill that I was trying to recall coming before this House was Bill 21, the Financial Institutions Statutes Amendment Act. You would wonder at the name of the Act. The content is mainly the Insurance Act. Now, any Albertan looking at the name of that Bill would never dream that the Insurance Act was actually being amended through that Bill. The point I'm trying to stress is that it's so important, when we're dealing with these amendments, that they be taken seriously because they're undermining the average Albertan.

The first amendment, A1, to the Cemeteries Act governs the location, licensing, maintenance and sale of cemeteries and crematoriums, et cetera. What we're looking at is: section 2 is amended by striking out subsection (2). Section 2(2) states that contracts for sale of a cemetery plot no longer need filing and approval by the director. The reason for this amendment is quite clearly: how will any family or an individual know the funeral arrangements of the deceased if it's not on file? No consumer protection there. For example, quite often you get a phone call at home asking if you've made the arrangements for your funeral. You know, one day maybe I'll pick up the courage and make arrangements for my funeral, but so far my husband and I haven't done that. I'm looking at my age today. If I'm fortunate enough to live to be 89, like my mother is presently – and she may even live to be a hundred – and you make your funeral arrangements when you're 57 or 58 and they're not filed, how is the family going to know what arrangements were made? So there's no protection there for the individual families or friends. It's easier now to run funeral homes and cemeteries as we're now unregulated and uncontrolled in any way.

Mr. Chairman, to have that clause struck I think would serve Albertans in a very positive way, so I would ask that the Assembly support the amendment as put forward.

THE CHAIRMAN: Any comments on the amendment moved by the Member for Clover Bar-Fort Saskatchewan known as A1?

The hon. Member for Sherwood Park.

8:50

MR. COLLINGWOOD: Thank you, Mr. Chairman. In conversation with my colleague for Edmonton-Glengarry, we were discussing that perhaps the Member for Innisfail-Sylvan Lake just indicated a short few moments ago that what he'll attempt to do, as we go through clause by clause, is comment to the House on the amendments that are being proposed, hopefully give some rationale for the amendments as they exist in the Municipal Affairs Statutes Amendment and Repeal Act.

The comments, with respect to the Member for Clover Bar-Fort Saskatchewan, on the first amendment really are just an attempt to have some form of certainty again, as we have discussed many times in the Assembly, so that there is more than simply individuals who are in the business of selling, leasing, renting, or offering for sale, lease, or rent, plots, compartments, crypts, and so on, that they simply then become "registered by the Director" and do not take the time to identify the form of contract.

Now, of course, in terms of the form of contract, that goes further into the second aspect of the very first amendment dealing with section 2, which deals with an even more difficult situation, and that is the voiding and severance of a particular clause of a contract. Now, Mr. Chairman, I appreciate that the Member for Clover Bar-Fort Saskatchewan, who has introduced this amendment, has not yet spoken to that amendment, that aspect of it, so I'll wait to make my comments on that issue. As I said, we will look forward to the comments of the Member for Innisfail-Sylvan Lake.

MR. DECORE: Mr. Chairman, I'd like the hon. government member, who has kindly volunteered to give us an explanation, to allay my fears on this first amendment that's being proposed; that is, to do away with the need of filing the contract with a registry. Now, my recollection as a municipal councillor, as an alderman, and as a mayor of Edmonton is that there is great difficulty in getting land established, finding land for cemeteries. There is the usual situation where a church or an entity will go out and option a piece of land, and by the time it gets through the planning approval process, there's such an outcry that that cemetery never comes to be, never is allowed to become a cemetery.

There are many instances where people came to me as the mayor of Edmonton and said, "You know, we want to set up a special cemetery for our religion, and it's just outside the city limits, and we're having this difficulty and that difficulty." Now, I can envisage, hon. member, that there could be advantage taken of people who are down, who don't have their antennae up, who are not sort of cognizant and careful like they should be at a time of grief, dealing with people that are unscrupulous, saying, "Yeah, we do have the zoning approval," or "We do have the approval to set up a cemetery in this area," and so on and so forth. Now, part of registering and recording these contracts is to ensure that people are protected, that the consumer, if that's the right word, the family isn't done in. I'd like the member or the minister to stand up and tell us how this won't happen, how people won't be taken advantage of.

Thank you, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Chairman. I was just

looking at amendment A1 to strike subsection (2). One of the main focuses of the Bill was to limit the number of forms that the department had to look at. If we agreed with that amendment, then you would be gutting the amendment that we brought forward.

In this part we're saying that the contracts, prior to being signed, do not have to be recorded with the Department of Municipal Affairs, and the protection to the consumer is that if any contract is made that violates the terms of the Act, then that contract is void and the money would have to be returned. That makes it a lot simpler for the people running the cemeteries and also less regulation for the Department of Municipal Affairs. The protection is: any contract that contravenes the Act is void.

MRS. ABDURAHMAN: Mr. Chairman, I'm not clear from the member's comments. If you're not requiring a filing of the contract and indeed the person you've entered the contract with, as they would say in Scotland, flew the coop, how are you going to know? How are you going to have recourse? It sounded to me that what you were saying was that you're more interested in reducing what you were calling the bureaucracy within government than in protecting the average Albertan. I mean, if I as an Albertan go out and spend significant dollars in buying a plot in a cemetery that's supposed to be there 20 years from now, I want to know that somewhere that contract is filed, and that my estate would be able to find that contract and that contract would be honoured.

MR. SEVERTSON: I guess another way of saying it is: we have a number of contracts done throughout the province in all areas of business. They are not sent to any department. Every contract that is done in the province of Alberta doesn't have to go through the scrutiny of the administration of a department. We've had that in the Cemeteries Act. Now we're saying that that doesn't have to happen in the Cemeteries Act. They have to live by the rules and regulations of the law of the land in the contract. If the contract goes against the Act and they can't enforce the Act, then they're in violation, and a penalty could ensue. We have contracts in this province on a number of areas. In the Cemeteries Act we've had it where they've had to file their contracts prior to being signed. So that's why we're trying to simplify and get the government out of areas that we don't have to be in. That's the idea for the amendment.

THE CHAIRMAN: The hon. Member for Fort-McMurray.

MR. GERMAIN: Thank you very much, Mr. Chairman. I know that there are other hon. members on this side of the House that want to continue to engage in debate with the hon. member who has sponsored this part of the Bill, but the bottom line question that we have to ask ourselves in this particular situation is: is there a disproportionality of bargaining position between somebody selling services for the conclusion of a person's life by way of funeral, cremation, or service of remembrance, the entrepreneurs that make their living selling this type of service, and the grieving widow or widower or the grieving mother and father?

Now, in the province of Alberta you can go and buy a \$150 automobile insurance policy, and the government has scrutinized every word, every line, every comma, and every syllable of that policy, but if somebody is going to bargain to the tune of \$8,000 or \$10,000 or \$20,000 or \$30,000 in remembrance of their loved one at their most emotionally weak time, this government now

says to those people, "We don't even worry about you enough to insist that the operators file their contract with us and that we give their contracts the once-over." Should grieving widows, Mr. Chairman, be forced to adjourn their arrangements for the funeral of their loved ones to go seek legal advice on an extensive and lengthy and costly agreement that is put under their nose with the little X that says: sign here?

9:00

The original draftsman of this legislation recognized that there was a tremendous disproportionality of bargaining position between the people in those two groups, and the hon. member living in the area that he lives in, which has a population that in many cases is senior, should know that. He should be standing up here in this Legislative Assembly and fighting for those people, instead of standing up here and saying: well, we don't make you file your Canadian Tire credit card contract in the Legislature; why should we make a company selling funeral or remembrance services file their contract?

It is not such a big thing for people to ask of the government that they be protected in their moment of greatest grief. I ask the member to stand up and support the amendment of the hon. member who is concerned about the disproportionality of the bargaining position between those two people. To vote against this amendment is to say that the grieving widower or widow or the mother or father who has just lost their child is an equal match for a seller of services of this nature, and I think they are not. I think that no matter how strong you are, at that period of emotionality you are not in the equilibrium necessary to make appropriate decisions, and the government should protect people.

It costs you, hon. member, nothing. The cost of administering this filing program would be less than one employee per year in the government's civil service. It is consumer protection for people at their most vulnerable, and I urge you to stand up and support your constituents tonight. For the first time perhaps in this Legislative Assembly, vote for your constituents by supporting this amendment.

MR. DECORE: Mr. Chairman, recently I had the unfortunate experience of having to deal with the purchase of a cemetery plot for my own family, for my father. In the course of dealing with the purchase of that plot – the plot is on 82nd Street and 137th Avenue – I was told by the people that run St. Michael's cemetery that the land is coming to an end; that is, the land that Ukrainian Orthodox and Ukrainian Catholics use in that vicinity. They've not been able to find a piece of land; they simply can't get a piece of land. Everywhere they go, if they put an option on a piece of land, the community around it gets all upset and so on, and they lose it. This isn't a kind of use that lends itself to happy neighbours. They don't like this kind of development in their neighbourhood. So you have that problem.

The hon. Member for Fort McMurray talks about people in grief. It's true. When I went to deal with the people at St. Michael's, I trusted in what they were doing. I knew that they had certain regulations that they had to live by and certain recordings that they had to do, and I was content in dealing with them. I didn't have to go and check up the caveats on the land or see if the city zoning was correct or that this was proper or that was proper. I knew that was all in place.

You're putting a very heavy onus on people who are at a very vulnerable time in their lives. I guess if you look at it in terms of the vastness of land, if you're buying a quarter section of land, that's a big deal. You go to a lawyer or you go to somebody that

assists you in that purchase, and the lawyer checks out the zoning and checks out this and checks out that, checks out everything, and you rely on that lawyer. It seems that when you go and buy a little plot of land to bury your father or your mother or some family member, you say to yourself: "Well, gosh, it's just a little piece of land. There couldn't be that much to it." I submit, hon. member, that you can be lulled into a false sense of security by some charlatan and that you can be taken advantage of. When you have a marketplace where it's difficult enough to find property for this sort of use, I think that there have to be some safeguards put into place to protect Albertans.

Hon. member, mark our words. If this is done in the way you want to do it, there's going to be a recourse on the government and a recourse on this Assembly to fix it up. Let's do it right, now.

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

MR. BRACKO: Thank you, Mr. Chairman. In speaking in support of the amendment proposed by the Member for Clover Bar-Fort Saskatchewan, I think it's really important, it's essential that the consumer is protected, especially at this time when people are most vulnerable. I've said this before but I'll say it again: this is when you can be taken advantage of.

I know that when I had to deal with purchasing plots for my own family, I dealt with the city of Edmonton. I had trust in them, that everything was aboveboard, that they would honour what they said they would do. If it gets into private plots, others promoting in the private sector, most are trustworthy, but some are not. They're there for the quick dollar. They're there to take advantage of those in their most vulnerable time. When is that? The time when someone dies. They can add on different costs and services that may not be needed or not tell you about services that require payment later on, and they come to you after. I've been around times when they've exploited people, "Don't you want the best for your loved ones?" Lay the guilt trip on you. If you're not above the guilt trip laying, you can be taken advantage of.

This is what this Legislative Assembly here is for, to protect the consumer, to protect the most vulnerable people and people at their most vulnerable times. So this would be an important step to make sure that the consumer's protected. This is needed.

Thank you.

MR. COLLINGWOOD: Just very quickly, Mr. Chairman. In going through the existing section 37.1 with the proposal by the Member for Clover Bar-Fort Saskatchewan to repeal the proposal to repeal section 37, there are some interesting aspects in 37 that currently exist. The amendment as suggested in the Bill is that there will still be a requirement for registration with the director for the purpose of being in the business of selling, leasing, renting, or offering for sale cemetery plots, compartment, crypt, or proposed cemeteries and so on. Now, in the original form, the ability to operate in that business required that the form of the contract for sale, lease, or rental was filed and approved by the director, which was the essence of the debate we're having at this point, and that the person is registered by the director for that purpose.

Now, the registration continues, but what's interesting, Mr. Chairman, is that the balance of section 37 is repealed, so it's unclear as to what further requirements are necessary under that particular registration. For example, under the existing legisla-

tion, the registration exists for a period of one year. After that there is a renewal. "An application for approval under subsection (1)" is effective "for a period of one year from the date it is granted." So there's a mechanism in place for renewal of the registration. Under 37 as proposed in this Bill, there is no reference and no indication as to whether or not a registration is in perpetuity or whether or not there is any further involvement in terms of a renewal period or a renewal time for that individual or that company to be registered with the director.

The existing legislation, in addressing in some detail the renewal aspect, does make reference to the compliance of the registrant with various aspects of the Bill and gives the director, therefore, some opportunity to refuse to issue the renewal if there has been some difficulty with that particular operator. As I look at the section 37 proposed, there's no vehicle; there's no mechanism. There's no tool there for the director to have any control over the situation once that individual or corporation comes to the director and says: "Here I am to be registered. Register me." If there's a problem along the way, what recourse does the director have to unregister them? The original section 37 deals with that issue; the proposed section 37 does not deal with that issue.

9:10

The existing section deals with the ability of the director to not issue a renewal or an approval to be canceled, if that particular owner, individual or corporation, "ceases to manage the cemetery, columbarium or mausoleum." All right; that's fair enough. If you're no longer in the business, then the director doesn't renew or cancels your approval. Well, what mechanism exists now, hon. Member for Innisfail-Sylvan Lake? He has all the answers for why this is a better way, so what mechanism now is in place? If the member is suggesting that registration is necessary, then presumably the rest of the mechanisms to give some balance and some life to that registration have to also be here. So where are they? How do we do that?

The other one that's very important is - let's assume, Mr. Chairman, that the registrant with the director is a corporation. Now, currently the director has the authority under the legislation that if there is a transfer of shares of the corporate owner "to a person who was not a shareholder at the time of the approval," when it was granted, then the director has the ability to cancel the registration. So if I've got a company and I flip the company to somebody else who was not part of the approval process, the director has some latitude, has some ability, has some authority to cancel the registration "unless the Director consents to the transfer."

Well, what happens now? If I register once only, according to the Member for Innisfail-Sylvan Lake, and then I flip my company over, that company can then acquire the shares in my company with approval intact. So there's no ability for a legitimate owner who's in the business, selling to someone who decides they're not going to be legitimate in the business - the approval carries forward with the company and off they go. There's no ability and no authority for the director to have any say in that.

The final aspect is, "the owner or any salesman of the owner is convicted of an offence under this Act." Now, there is nothing, Mr. Chairman, in the current proposal by the Member for Innisfail-Sylvan Lake for the director to have any ability to deal with that approval, to deal with that registration if "the owner or any salesman of the owner is convicted of an offence under this Act."

Now, I know, Mr. Chairman, that we are going to get into the

next aspect of the amendments that are coming forward, and that is where under section 37.1 a salesman or a company involved in this business “misrepresents” to the client, customer, purchaser; misleads the client customer, purchaser; or “contravenes this Act.” Now, potentially there is some latitude there. There may even be some criminal activity involved in that, but under the section as it’s proposed, in section 37.1, all that can happen is that that particular section that is misleading or misrepresented will be severed from the contract. If in fact there are those who engage in business that amounts to criminal conduct, as the hon. Member for Innisfail-Sylvan Lake has put forward in proposed section 37, there is no ability of the director to cancel the registration for that purpose. How does the director cancel the registration?

I think it’s important that we address each of those items that I raised where the director’s ability to respond to circumstances that come before him are available to him under current legislation but do not appear to be available to him under the proposed legislation, and we’ll need to know how that’s going to be dealt with if this is passed.

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

MRS. ABDURAHMAN: Mr. Chairman, further to the discussion with the member who brought forward this Bill, I do not read or interpret that section the same way that government members do. The suggestion that the only people that indeed this would involve are government at the municipal level or private cemeteries within the province of Alberta may indeed be the reality at the present time, but there is another reality, that it can also deal with a proposed cemetery. We look at where we’re going municipally with regards to cemeteries, and I would suggest that there are many municipalities, not unlike the provincial government, who want to get out of being in the business of supplying land and in actual fact caretaking cemeteries through volunteer groups, as it is in the city of Fort Saskatchewan.

So this piece of legislation, if it’s being put forward on the basis of what’s there today, I think is doing Albertans a disservice. You don’t just create legislation for today. You look at the future, what the potential difficulties are that Albertans may be facing. Quite frankly, Mr. Chairman, if the government can’t support this amendment this evening, I would ask, through the Chair, the Minister of Municipal Affairs to consider adjourning debate on these amendments and going back to legal counsel and saying, “Have you indeed missed something here?” Because I can’t believe that a government would intentionally risk people at the most vulnerable time of their life or risk an estate, not knowing what contract had been entered into.

I won’t go into my next amendment at this time, Mr. Chairman, because there’s certainly a close correlation with 1(a) and 1(b). I would ask the Member for Innisfail-Sylvan Lake to consider adjourning debate on the amendment this evening and having some further discussion with his legal counsel and also with the Official Opposition.

Thank you, Mr. Chairman.

THE CHAIRMAN: Hon. member, maybe I misunderstood. Before I recognize you, Innisfail-Sylvan Lake, I need to clear this up.

We have on the first page of this series of amendments number 1, which we are calling A1. In section 2 as amended there’s sub (a) and sub (b) in your amendment. Are you saying you want to split those now?

MRS. ABDURAHMAN: My understanding was that that’s the way we were going to be dealing with them. I mean, if it expedites matters and there’s a close correlation and none of my colleagues object – but certainly the Chair ruled that way. That was my understanding.

THE CHAIRMAN: Well, I’m sorry if I misled you. It doesn’t really matter to the Chair, but that’s why I asked. Section 1 would be A1, and that would be both parts that would be moved on one vote. Then for section 2, two parts of that would be moved in one vote. Then section 3, your number 3, which consists of . . .

MRS. ABDURAHMAN: I can certainly do that, Mr. Chairman, but what I’d like to see is that we consider adjournment on these amendments.

THE CHAIRMAN: Well, okay. That’s another matter entirely. I wasn’t meaning to foul you up. I was just trying to explain what I had said and what we’ve written down. If that’s not the way, then we should renumber them.

MRS. ABDURAHMAN: Well, to accommodate the Chair I don’t have any difficulty doing exactly as you’re requesting, and I believe that’s the way legal counsel would see them being brought forward. I don’t have a difficulty with that, so I will deal with the (b) section of the first amendment at this time.

Section 2 is amended in subsection (3) in proposed section 37.1 of the Cemeteries Act by adding “at the option of the buyer” after “is void and severable from the contract.” Section 2(3) states that any misleading term in a contract “is void and severable from the rest of the contract.” Now, quite frankly, Mr. Chairman, that should be a concern to everyone. Voiding and severing a contract may mean that a customer is left with a very bad contract. You can’t have a little bit of contract that’s bad and assume that what’s remaining is going to be a good contract. I think that’s being very naive. In actual fact, before one could go to court to declare the whole contract void and get all your money back, it could be all over. You’ve literally lost because you couldn’t get into court in time. I would suggest that Albertans would be indeed bamboozled and to some extent would be coerced into contracts containing misrepresentation, and no recourse would be available.

Once again, as I stated on the (a) section of this amendment, you’re dealing with a time when you’re very emotional. There’s a high stress level, you’re vulnerable, and people who have lost a loved one shouldn’t be taken advantage of. That’s what in essence I see these amendments to the Cemeteries Act doing, Mr. Chairman. I would certainly welcome any clarification or clearing of the view of the Official Opposition on this amendment.

9:20

THE CHAIRMAN: The hon. Member for Fort McMurray. I guess you can address either one under what we’ve started out here. The mover has focused more laterally on the (b) part, but the hon. member can speak to either (a) or (b) of A1.

MR. GERMAIN: I already spoke to section 2(a), the portion “by striking out subsection (2).” The reason I didn’t speak the first time around to subamendment (b), Mr. Chairman, was because I had taken your direction that the two separate concepts would be voted on separately and would therefore be spoken to separately.

I want to urge the hon. member who sponsored this Bill to think long and hard about what he proposes to do here. If we

accept your scheme, hon. member, which is therefore to renounce the amendment, what you are saying is that if there is an odious term in a contract, that odious term will be simply excised and the rest of the contract will go forward. Now, who do we protect in that particular transaction? We are protecting the person who has drafted, who has written, who has created the odious term. Surely what we should be doing is protecting the customer, protecting the consumer. My pitch to the Members of the Legislative Assembly tonight is that we vote in a nonpartisan way on this amendment to protect the consumer.

If you have any nagging doubts, if the hon. Member for Lac La Biche-St. Paul has any nagging doubts, let's err on the side of the consumer. If the hon. Member for Lesser Slave Lake has concerns, let's err on the side of our constituents. Why would we allow a contract that has a flawed term in it, drafted by the person who put forward the flawed term, to be patched up by excising the one bad term and therefore leaving a whole bunch of additional terms that the grieving widow, the grieving widower, the grieving brother, sister, mother, or father might not want? Let's put some teeth in the legislation. And you know the beauty of this, hon. member and sponsor of this Bill, is that the cost of putting the teeth in the legislation is exactly zero. There is absolutely no cost whatsoever. What we say is that if you have an odious term in one of these contracts, the risk to you, the person who put in that bad term, is that you're going to lose the whole contract at the option of the customer who was taken advantage of. There is nothing wrong with that.

This is an amendment that will sell on Main Street, Sylvan Lake. It will sell in Innisfail. It will sell in Fort McMurray and in Calgary and in Edmonton. And you know why it will sell, hon. member? It will sell because it protects the consumer. It is also common, very common in legal machinery and legal practice to give the person who is aggrieved the right to cancel the contract. If you're defrauded in the purchase of a car, you have the right not just to get a new odometer, if the odometer has been turned back, but you have the right to in fact get rid of the car and get your money back. So let's give the consumer the protection here, particularly when it costs zero.

That's my submission hon. member. I know others on this side of the Legislative Assembly want to get on the record as standing up and fighting for consumers here tonight, so I won't make any more comments on this.

[Mr. Clegg in the Chair]

MR. DECORE: Mr. Chairman, I would like the minister and the hon. member who's sponsoring this Bill to have a good look at the clause that they're submitting and arguing that is the saving portion of the argument that we've been trying to make. The hon. member says: well, gosh, you can stand up and you can void the situation. Have a look at 37.1, hon. member. I'm just re-emphasizing what the hon. Member for Fort McMurray has been talking about. Section 37.1 says, "Any term of a contract entered into." It doesn't say "the contract." It says, "Any term of a contract entered into is . . . void and severable from the contract." So the contract continues; the contract can continue. You can have somebody who's completely done out of their money, completely hoodwinked, and the contract can continue. I think, hon. minister and hon. member, that this is just bad wording, and I'd like to suggest that the minister and the hon. member take this whole thing back and review it and come back with some proper amendments that clean up what I think is really bad draftsmanship here.

I repeat: "any term of a contract" is void. Not the contract itself; "any term of a contract" is void. That's not good enough. I don't like this anyway, because I think you should have a registry protecting families so that they don't get hoodwinked. But if you're going to ram this down our throats, at least do it so that it's clean and understandable and right. It's not right now.

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

MR. COLLINGWOOD: Thank you, Mr. Chairman. I would like to remind the hon. Member for Innisfail-Sylvan Lake and indeed my colleague from Edmonton-Glengarry that the very nature of the concern that is being expressed with respect to section 37.1 of this piece of legislation is the very same concern that I raised in second reading. This member and the minister have had ample opportunity to review the *Hansard* record, to understand the concern with section 37.1, and to respond appropriately; plenty of time to do that. They have acted through their words, which is silence. They have done nothing. That suggests to me that it is indeed the intention of this government without any question, unequivocally, that they want people who are the most vulnerable entering into these contracts where a piece of paper is put under their nose, with "Sign on the X," to take the full responsibility for an individual or company who comes to them, who misrepresents what they're saying, who misleads them as to the true nature or purpose, or who contravenes this legislation. It's just their tough luck: that's what this section 37.1 says, hon. member.

In fact, Mr. Chairman, this particular section goes so far in making the playing field so unlevel that it actually changes the common-law protection that people enjoy right now. If the Member for Lethbridge-West enters into a contract where someone fraudulently misrepresents their petition . . .

MR. DECORE: He doesn't have the mental capacity to do that.

MR. COLLINGWOOD: Well, mental capacity is another issue, hon. member, as to whether or not you can enter into a contract.

AN HON. MEMBER: Oh, no. Two lawyers after me. Oh, my God.

MR. GERMAIN: That's legal humour. You just don't recognize it when you see it.

MR. COLLINGWOOD: It's okay, hon. member. Lawyers don't recognize legal humour.

MR. GERMAIN: He's putting a hex on you, like you were back in the bayou somewhere. The hon. member's putting a hex on you.

9:30

MR. COLLINGWOOD: Oh, I don't know about that, hon. member.

Mr. Chairman, in common law, if the hon. Member for Lethbridge-West enters into a contract with someone who dupes him – heaven forbid that that would ever happen, hon. member – if he is the subject of a fraud, that individual would hire extremely competent counsel, who would then go and suggest and argue that through fraudulent misrepresentation, the contract is void. Void ab initio is the legal terminology, hon. member. It's as if the contract never existed.

Now, if it's characterized as innocent misrepresentation, then perhaps there are other remedies that are available to the hon. member. But I'd suggest, Mr. Chairman, that this goes further than the common law in taking away the protection from consumers in that it would be very difficult under section 37.1 to appreciate any distinction between fraudulent misrepresentation and innocent misrepresentation. So if I am a victim of fraud and fraudulent misrepresentation, I simply look at the legislation and say, "Well, that particular term of the contract was misrepresented to me or was misleading as to its true nature and purpose." I may not even have the option anymore to claim that it is a fraudulent misrepresentation, allowing me to void the contract from the very beginning and get my money back.

It's almost as if the government is siding with the, quote, entrepreneur, that clever person who is going to take money from people for cemetery or burial plots, from people who are perhaps not on a level playing field at the time that they expend significant amounts of money for something that would in probably many circumstances not be a priority in spending unless that situation arises. Why, Mr. Chairman, is the government choosing to side with the entrepreneur and allowing people to be taken, to literally be taken out of their money, and to simply say, "Well, the law of the land in Alberta is: that's simply your tough luck. You should have known better than to enter into a contract with someone who is committing a fraud on you. You should have known better than to enter into a contract with someone who is misrepresenting either their or your obligations or liabilities. You should have protected yourself from entering into a contract with someone who is deliberately misleading you as to the true nature or purpose of the contract that they're getting you to sign." The Member for Fort McMurray said it well. This is a question of balance between the consumer being protected and the marketplace offering the service to that particular individual.

I said at the beginning of my comments, Mr. Chairman, that the government knows full well the implications of section 37.1. They know full well that it puts senior citizens and vulnerable people at risk in spending their money. It sides with the entrepreneur, it abandons those seniors and those persons at risk, and it knows exactly what it is doing with section 37.1.

The Member for Innisfail-Sylvan Lake, the sponsor of the Bill, has had an opportunity to review my comments in second reading about this concern. He will certainly have had an opportunity to listen to the debate this evening, and on behalf of my colleague from Fort McMurray and my colleague from Edmonton-Glengarry I'd like to hear from the Member for Innisfail-Sylvan Lake as to why he continues to stand behind section 37.1 and abandon consumers who are simply attempting to enter into a legitimate contract, who will certainly not know by the very nature of fraud, by the very nature of misrepresentation, by the very nature of being misled that they are dealing with someone who cannot be trusted. They will put their faith in that individual. They will put their trust in that individual. They will find out when it's too late that they have been misled or that there has been a misrepresentation. The result, of course, is that that individual or company will have their money, they will have something less than they bargained for, and the government will simply say, "That's not our problem."

So I'm looking forward to hearing from the Member for Innisfail-Sylvan Lake as to why he and his government choose to abandon individuals when they are simply trying to purchase goods and services in the marketplace at a time when they really are quite vulnerable, as indicated by other hon. members.

MR. SEVERTSON: Mr. Chairman, some of the concerns that I think may be addressed are on page 4, 67.1 and 67.2(1). That's where the enforcement comes in under this Act for anyone that has contravened the Act or the contract. As has been mentioned here earlier by some hon. members, a company has to invest a great deal of money if they're going to go into the cemetery business. Right now we've only got I think one or two private cemeteries in Alberta. Under 67.1, 67.2 is where the penalty comes in, and they can lose their right to even practise if they contravene it and go to the Court of Queen's Bench.

MR. COLLINGWOOD: They've already taken their money and run.

MR. SEVERTSON: No, what I'm saying is – the members across the way are assuming that everybody is crooked. Most of the cemeteries are run by municipalities as of today. We have one private one, and they invest a great deal of money. If they lose their right to practise because they contravene a contract or the Act, they have a great risk and that I think is the counterbalance of not having to file every contract before they're signed.

MR. GERMAIN: You know, Mr. Chairman, when I dreamed about what it would be like in the Legislature before I got elected, I dreamed just this opportunity: to express an exchange of ideas back and forth, first one speaker and then another.

Now, the hon. member who sponsors this Bill says that it is okay if we abuse the odd person because we have abilities to punish them after. But you know, none of those punishments puts one single penny back in the pocket of somebody who has been disadvantaged. So when I asked the hon. member to speak up for his constituents, I could also add there all of the honourable and proper thinking municipalities and cemetery owners and the like that are operating these facilities.

Hon. member, if you go back and read your amendment very carefully, you will see that it covers "in a proposed cemetery, columbarium or mausoleum." In light of this government's penchant for privatization – if we are prepared to privatize liquor sales, if we are prepared to privatize the record-keeping of your very intimate details of your marriage, if we are prepared to privatize the sentiments and the intimacies of your health records going all the way back to your first case of measles when you were six years old, then how long can it be before privatized cemeteries are around the corner? When you bring forward a piece of legislation into this Assembly, I suggest that it is intended to stand the test of time and to take into account changing conditions and changing attitudes, and private cemeteries might be just around the corner.

You've indicated that there's a large capital expenditure, but there is also an opportunity to have no capital expenditure at all and create an illusionary cemetery and go out and start selling plots of land that you're going to develop on spec later. Perhaps you've got an option from the government, and you're trying to get proposed cemeteries.

I want to say to you: do not find comfort, hon. member, in section 67. Section 67 is a punishment section. It is like when someone is a victim of a vicious assault, a vicious beating, or a vicious criminal act. We put the perpetrator in jail, but we do not take away the wounds and the cuts, and we cannot take away the soreness or the viciousness of the attack. Well, in a monetary sense that is exactly the parallel between these two sections. One speaks of the civil rights that your constituents have, and the other

speaks of the Crown's ability to punish the wrongdoer. In addition to being able to punish the wrongdoer, which is all well and good, we should err on the side of consumer protection when we vote. Be clear on this, hon. member. A vote against these amendments is a vote against consumer protection.

9:40

MR. THURBER: Mr. Chairman, I get up to speak against the amendment. You say that this should all be "at the option of the buyer", and it's up to the buyer even if the person selling this misrepresents or is misleading or contravenes this Act or these regulations. What we have said in here protects the viability and the contract for the consumer. This is consumer protectionism and is totalitarian. If you take the amendment the way that it's written there, "at the option of the buyer", even though this contravenes this Act or the regulations, even though it is misleading, even though it misrepresents the obligations and liabilities of the parties to the contract, the buyer has the final say and he can say, "Yeah, let's go ahead and do it." I don't think that's fair to the consumer. We're trying to protect that consumer. We're trying to protect both parties of the contract. I don't believe that the amendment does any more protection for the consumer at all.

MR. DECORE: Mr. Chairman, hon. minister, you do away with only a term of the contract; you don't do away with the contract. Look at the wording of the section. So when you say that the consumer is protected, the consumer would be protected if you could say, "The contract is finished, no good; I don't want any part of it," and you walk away. I still think you need protection.

But let's say we use your argument. Your wording in your section says a term of the contract, not the contract. A term of the contract. You haven't protected the consumer. You haven't done the kind of draftsmanship to this legislation that you should, and you're going to pay the price. My suggestion, hon. minister, is take this back under advisement. Spend a little time with legal counsel, with people around you that can say, "Hey, I think we should make a few little corrections here." That's all we're asking that you do.

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

MRS. ABDURAHMAN: Yes, Mr. Chairman. Quite simply put: when you're doing legislation to protect the consumer, it should be preventative in nature. You don't close the barn door once the horse has bolted, and this in essence is what this legislation is doing under the Cemeteries Act. For the minister to suggest otherwise I find very disappointing. I think it's a sad day in the Legislature when you can't see the wisdom that's being offered by the Official Opposition on behalf of consumers to ensure that the Cemeteries Act does prevent people at the most vulnerable time of their life to be taken advantage of. To say that a little bit of a contract can be bad and the rest good I think is just ridiculous. I don't say that from a legal perspective; I say that from a commonsense, practical perspective.

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

MR. COLLINGWOOD: Thank you, Mr. Chairman. I'd like to just go back to the comments made by the Member for Innisfail-Sylvan Lake in his response. While indeed the government is

clear and unequivocal in its decision to leave consumers unprotected in section 37.1 – because it does say, as my colleague for Edmonton-Glengarry points out, "any term of a contract . . . is void and severable", not the entire contract, and therefore they take your money and run – the Member for Innisfail-Sylvan Lake says that all you have to do is look at the enforcement sections in section 67.1 and 67.2 to deter a potential charlatan from duping a potential consumer. Well, as I read sections 67.1 and 67.2, the so-called enforcement provision or, as my colleague for Fort McMurray refers to it, the punishment section, the punishment is for the director to issue an order telling the person to stop misleading people. That's the punishment. Don't do it anymore. That's the punishment. Slap them on the wrist. Slap them on the wrist. Shame on you. That's the so-called punishment. The Member for Innisfail-Sylvan Lake says: there is a strong deterrent to prevent people. Let's get tough on them, hon. member. Let's tell them to stop doing that. Get tough, hon. member; get tough.

Now, Mr. Chairman, if you go to section 67.2, it says that if after you've told them to stop, they don't stop, then what you do is you go to court, and you ask the court to tell them to stop. So that's the extent of the penalties and the punishment for the charlatans that are going to take the money. They're going to run, and they're not going to file a copy of their "sale, lease or rent", or other form of contract with the director. They're not going to stop. They're simply going to move on or change that particular section of their contract and find a different form of the contract, having stopped what they did before but nonetheless still cheating consumers out of their money. According to the member and the government, that's just fine because we told them to stop doing that.

Mr. Chairman, I know that the Member for Innisfail-Sylvan Lake knows that out there in the business community the brains are working overtime to find ways to get around government regulation or government requirements for consumer protection. It's human nature, hon. member, and you know it. You know it. So, hon. member, not only should you consider an amendment to section 37.1, but you might want to consider, with the government rhetoric of getting tough, changing the provisions of sections 67.1 and 67.2 to do something a little bit more than to say, "That wasn't very nice, and you should just stop it."

Thank you, Mr. Chairman.

THE DEPUTY CHAIRMAN: All those in favour of amendment A1: section 2 is amended by striking out subsection (2) and in subsection (3) in proposed section 37.1 of the Cemeteries Act by adding "at the option of the buyer" after "is void and severable from the contract." All those in favour of that amendment, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: The amendment is defeated.

[Several members rose calling for a division. The division bell was rung at 9:49 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Germain	Wickman
Bracko	Kirkland	Zariwny
Collingwood	Massey	Zwozdesky
Decore	Sekulic	

10:00

Against the motion:

Ady	Gordon	Mirosh
Amery	Haley	Oberg
Black	Havelock	Renner
Brassard	Herard	Rostad
Calahasen	Hlady	Severtson
Coutts	Jacques	Shariff
Doerksen	Jonson	Stelmach
Dunford	Kowalski	Tannas
Forsyth	Langevin	Thurber
Friedel	Mar	Yankowsky
Fritz	McFarland	

Totals: For – 11 Against – 32

[Motion on amendment A1 lost]

MR. GERMAIN: To allow the Members of the Legislative Assembly to put this amendment into perspective, it is speaking . . .

THE DEPUTY CHAIRMAN: Hon. member, we've got a little – well, we haven't got a little mix-up here; we haven't had anybody move this amendment as yet.

MR. GERMAIN: Oh, well, that's very good. Then on behalf of my hon. colleague for Clover Bar-Fort Saskatchewan, I will move amendment A2, which deals with amendments to section 3 of Bill 7 under the Collection Practices Act.

Now, speaking to the amendment – and thank you, Mr. Chairman, for bringing that to my attention – this is more of the same. We have a situation where once again uncontrolled collection agencies are going to be exempted from filing their contracts, and if there is some part of their contract that is perceived to be odious, then what is going to happen is not that the whole contract is null and void, but the part of the contract only that is offensive is going to be considered voidable.

Once again, I say to the hon. member and the supporting underlining minister that this is an amendment that speaks to consumer protection. The Collection Practices Act exists in the province of Alberta for one purpose only, and that is to curb the enthusiasm and zealotry of collection agencies and collectors who are often working on a percentage of what they collect. So if you can wring \$20 out of somebody, you will get your 15 to 35 percent slice of that. If you can get \$10 or \$11, you will do the same. You can make calls at all hours of the night if there are not controls, and you can contact people at work and leave with them the fear that their employment will be disrupted. So the collection practices area is one area where this government historically has felt, rightly so, that there is room for consumer protection.

Now, Mr. Chairman, what we have done is we are taking away that consumer protection. We are unwinding the consumer protection. So what the hon. member wants to do in her amendment – and I agree with her amendment. What the hon. member proposes is that we put back some of that protection by basically

adopting the same approach that we attempted to do moments earlier in the Cemeteries Act. I urge all Members of this Legislative Assembly to make a decision here tonight, and make the decision one of consumer protection.

I want to say that all members in this Legislative Assembly know that the sponsor's allegation of this Bill, that he could make the last time, that cemeteries are mostly controlled by a bunch of good guys in municipalities, is not the case in collection practices. This is not a government agency. These are not municipalities. These are individuals who are collecting on a commission basis. The more they collect . . .

AN HON. MEMBER: From deadbeats.

MR. GERMAIN: The hon. member from Medicine Hat refers to people who are financially impecunious as deadbeats. What a shameful thing for a Member of this Legislative Assembly to say. People might be down and out because their government job has been taken away from them, down and out because the company that they were working for is downsizing, down and out . . . [interjection] Yeah, when the member from Medicine Hat refers to people who are down and out as deadbeats, he may not appreciate that this is one area where we could use that phrase, "There but for the grace of God go I." Every single person has the potential to be up, and every single person has the potential to be down.

I know that the member from Medicine Hat in debate will want to stand up and retract those words and express his regret that he uttered them, because it is inappropriate in this Legislative Assembly for anybody to be referred to as a deadbeat simply because they cannot pay their bills from time to time. I reject that vocabulary, and I urge the hon. member from Medicine Hat to retract and recant that vocabulary.

[Mr. Tannas in the Chair]

The Collection Practices Act is consumer protection. The hon. Member for Clover Bar-Fort Saskatchewan's amendment is consumer protection, and I urge all Members of this Legislative Assembly to vote for this consumer protection.

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

MR. WICKMAN: Thank you, Mr. Chairman. The Member for Clover Bar-Fort Saskatchewan has been a very effective and serious advocate of consumer protection, and that is what we're dealing with when we deal with amendment A2. We're dealing with consumer protection.

During the period of time of the last two or three years, we've seen how consumer protection in this province has deteriorated to the point where there's very, very little left. Most of the public don't even realize any longer which minister is responsible for consumer protection, because it's kind of spread around, what's left of it. I think there's some hot lines that one can track down and get some advice.

This one dealing with the Collection Practices Act is a very, very serious concern, and most of us can relate to somebody, whether it be a family member, whether it be a constituent, or whether it be somebody like my mother-in-law, 83 years old, harangued by one of these types of guys that the Member for Fort McMurray was talking about, making his 20 to 35 percent commission, going after some other family member, but trying to

get that family member by going to an 83-year-old lady, scaring the wits out of her, haranguing her, calling her. It continued until I phoned the head of that collection agency, and I demanded that they stop. He told me that it was none of my blankety-blank business, and he made it quite clear that from his point of view I had no right to intervene. They continued to harangue her. Eventually I did get it stopped.

To even weaken further what mechanisms are in place, which are very, very limited, is a step in the wrong direction. To the member presenting this Bill: don't take these amendments lightly coming from the Member for Clover Bar-Fort Saskatchewan. These amendments aren't being done just for some political fun. These amendments are here to strengthen a Bill that has some glaring weaknesses.

If the member can see beyond the end of his nose and take a lesson from the minister responsible for gambling in this province, he didn't just shun every amendment. He recognized that some of them were worthy. So to that member presenting this particular Bill, I would advise him to pay heed to the Member for Clover Bar-Fort Saskatchewan. The end result would be a Bill that would be tightened up considerably, that would enhance considerably consumer protection in this province, which is vitally needed.

10:10

MR. COLLINGWOOD: Mr. Chairman, just very briefly, first of all, I just wanted to say that in my constituency office in dealings that have related to aspects of the Collection Practices Act, I had occasion to meet with a young and a very capable individual who was a recent graduate from the University of Alberta who was having some difficulties with a collection agency that related to his student loan. I did what I could to assist that individual, and not once did I consider that person who was having some difficulty with a collection agency to be a deadbeat Albertan. Clearly there were some circumstances that were personal circumstances that were difficult and finding appropriate employment was difficult, but certainly I would not have considered that individual, who came to me at my constituency office, to be a deadbeat Albertan because he was dealing with collection agencies.

What I would like to point out is in terms of the provision in the Collection Practices Act that is very similar in nature to the concern that we expressed in the Cemeteries Act. In the section that we were dealing with previously, it allows for the term of the contract to be "void and severable" if it "misrepresents the obligations or liabilities of the parties to the contract." The wording is slightly different under the Collection Practices Act in that a term of an agreement "is void and severable" from the agreement if that term "misrepresents the rights and powers of a person collecting or attempting to collect a debt." Now, that is, in my mind, Mr. Chairman, extremely significant in that again it is only severable from the contract. If a collection agency misrepresents by fraud or otherwise their powers of collecting on a debt, they can get away with it is essentially what this says.

Now, there will be no question in these circumstances as to whether or not - well, potentially there could be, but I'm going on the assumption that there would not be an issue as to whether or not the debt was owed. But we do have in this province, as my colleague from Fort McMurray indicated, collection practices legislation that uses appropriate measures for the collection of a debt within the normal confines of normal business practice. We do not resort to threats, intimidation. We do not allow those kinds of activities to govern or rule or reign over collection practices acts in the province of Alberta. So we knowingly enter into legislation that creates an environment for a businesslike

collection of debts within the province of Alberta. This detracts from that; this takes away from that.

This will allow a debt collector to go beyond the normal confines of a normal business or commercial environment, to now be able to go forward and misrepresent the rights that they have to attempt to collect a debt or the powers they have to collect or to attempt to collect a debt. Once again the consequence of their misrepresentation of the powers they have in attempting to collect a debt is that it is "void and severable from the valid terms of the agreement." The agreement is not void in total. Only the term of the agreement that this represents, "the rights and powers of a person," is severable from the contract.

Once again we have the situation where if it comes to the attention of the administrator that a collection agency is misrepresenting the nature of their power and authority or relation to the debtor, the administrator can ask that collection agency or that individual to stop engaging in that practice. That is the extent of the powers that have been provided to the administrator, and in that order he can say: "Yes, you have to comply with the Act. No, that's not right. You're not supposed to misrepresent your rights and powers in collecting or attempting to collect the debt."

So the wording is slightly different than what we dealt with in the Cemeteries Act. The idea is exactly the same. In my view, Mr. Chairman, this goes further in that it essentially invites them, by virtue of the punishment and the consequences of the actions of that debt collector, to misrepresent their rights and their powers over a person who is in a position that is not on a level playing field with them, to misrepresent their powers on their ability to collect or to attempt to collect a debt. Powers can be in terms of where they can confront the individual, when they can confront the individual, how they can confront the individual.

My colleague from Edmonton-Rutherford talked about a constituent of his who was constantly being harassed and harangued by a debt collector. Whatever it takes to collect the commission fee, that's what the debt collector will do. We attempt to control that kind of behaviour in debt collection, not always successfully, but the legislative framework is in place. This essentially invites them to go beyond those parameters because there really is no consequence for doing it. Once again the government, by virtue of these statements in this attempt at legislation, sides with those who would resort to misrepresentation, because there is no consequence and no punishment for their actions.

Thank you, Mr. Chairman.

[Motion on amendment A2 lost]

THE CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you, Mr. Chairman. I've been trying to figure out as I've sat here and enjoyed the debate back and forth with the hon. sponsor, the Member for Innisfail-Sylvan Lake, why these obvious consumer protection amendments are not finding favour with the Legislative Assembly. Of course, there are four more of these equally impressive and equally appropriate consumer protection amendments. Therefore, before moving the next amendment, or two more, if you insist, Mr. Chairman, on these pages, what I will now do - I have come to the conclusion in my own mind that the hon. members opposite have not had enough time to digest these amendments, and as a result, I will propose that we adjourn debate on this Bill at committee stage at this time.

THE CHAIRMAN: The hon. Member for Fort McMurray has moved that we now adjourn debate on Bill 7. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: The motion to adjourn is defeated.
The hon. Member for Fort McMurray.

MR. GERMAIN: Very good then, Mr. Chairman. What we will do is deal with the amendments to section 5, and to refresh the Members of the Legislative Assembly's memory on this, section 5 of this particular Act amends the Direct Sales Cancellation Act. Now, you'll recall that these are door-to-door sales, an area that has been much in need of consumer protection over the years.

THE CHAIRMAN: Hon. member, just so that we all understand, on the front page this is section 5(a), (b), (c), known as A3, and the second page includes 13.2.

MR. GERMAIN: Yes.

THE CHAIRMAN: Good. Okay. As long as we're in agreement. Thank you.

10:20

MR. GERMAIN: These are amendments now to the portion of this Bill that deals with the Direct Sales Cancellation Act, surely an area where all Members of this Legislative Assembly will agree that consumer protection is necessary. So to assist the members in digesting where these particular amendments occur, the first one occurs on page 7 of the Bill. On page 7 of the Bill you'll see that what is intended in the mover's Bill is to take away the \$25 threshold limit with which you must comply with the Act and alter the amount not with a set figure but by altering the amount to correspond with an amount set by regulation. Now, what is intended there, I presume, is to move upward the threshold level before which this Bill doesn't apply, because it would seem nonsensical to move it down and further widen the scope of the Bill. So we can only assume that by putting in this requirement that it now change to a regulated matter, the government intends to deal with issues such as inflation and deal with issues such as relative economic importance to exempt certain transactions from this particular Bill.

One has to look at the issue of inflation in the context of the types of individuals who most need the protection that this Bill affords. A Direct Sales Cancellation Act is important for an individual who is approached by a siding salesman, an individual who is approached by a chimney rebricking salesman selling bricks, somebody who is selling pots and pans, vacuum cleaners, magazines. Very often the people that are most susceptible to these often persuasive and highly charming door-to-door salesmen are people who are at the low end of the economic curve, often people on fixed incomes, often people with minor disabilities living at home on AISH assistance, living on fixed pensions and fixed incomes.

I want to say to all Members of this Legislative Assembly that a \$20 or \$25 sale may not mean much to Members of the Legislative Assembly who are getting committee fees and getting

salaries that are tax deductible and who are getting a salary that is considered in the above-the-mean range of salaries, but to an individual who is living on a fixed income, \$25, \$19.95, \$23.95 may seem like a very important amount and may in fact be their food budget for an entire week.

I want to say to the hon. member who sponsored this particular Bill: why would it be so necessary to take away this amount and set an amount by regulation? The Direct Sales Cancellation Act is an Act where many people who come to the province engaged in interprovincial travel and sales do not bother or have time to look at the regulations, but they might get from their head offices a copy of the Act. By having the threshold amount prescribed in the Act, it is a very important safeguard and it is a very important warning to those people who are selling items such as this door to door.

So I urge all Members of the Legislative Assembly to accept the amendment that is proposed, in this case, by the hon. Member for Clover Bar-Fort Saskatchewan. And, Mr. Chairman, in case I haven't moved these amendments, I will do so now, if I did not at the front end of this move the amendments. If I did, then I will move on.

We then come to the second amendment, found on page 8. Now, on page 8 of the Act, Mr. Chairman, is the section that indicates what things the Act does not apply to. It doesn't apply if you go to the salesperson's place of business – and that's been a long-standing application – and it doesn't apply if you go to a trade fair or a market. It doesn't apply to those things. But what we are proposing to do is to make it apply for sales of time-shares sold at fairs and marketplaces, because that is a very common place where these items are sold and there is an increasing number of concerns raised by Albertans about the time-share. They see an exciting movie at a trade fair, perhaps somebody that looks to be living the good life. It persuades them that they can have everlasting youth and good health and bring their golf score down by 10 strokes if they simply sign on the dotted line. They get caught up in the euphoria of the moment, and they often make a large commitment to a piece of property for a time-share portion of that property that they have not ever inspected, that they cannot afford, and that in retrospect they do not want.

So because we perceive on this side of the Assembly, Mr. Chairman, that there is some mischief here that should be corrected, we are proposing that this Direct Sales Cancellation Act apply to time-share sales of real estate. So what does that mean? If the Act applies to those type of transactions, it means in effect that the purchaser will have a 72-hour cooling-off clause where he can withdraw from the transaction. So that was the second proposed amendment in this package of amendments.

Finally, we come to the last amendment in this group, which deals with section 13, found coincidentally on page 13 of the legislation, for the interest of the members, whom I know are following along very closely. Now, section 13, Mr. Chairman, deals with the issue of regulations. It indicates that there will be regulations made by the minister. What has been added here is the requirement that whenever regulations are proposed by the Lieutenant Governor in Council, "a copy of the regulation shall be forwarded to the Standing Committee on Law and Regulations."

Now, members here in this Assembly will remember that we have this Standing Committee on Law and Regulations, chaired by the capable hon. Member for Calgary-Shaw. That hon. member, as a testimony of his capability, was graciously rewarded this year with the designation of Queen's Counsel, learned in the law. That

meritorious appointment is not handed out lightly, and the reason, I'm sure, that it was handed out to the hon. Member for Calgary-Shaw is because everybody in this Assembly knows that he is capable of chairing this committee. So why doesn't the committee meet? It is not meeting simply because it has not been called to meet. It is only by including provisions such as this in the legislation that the committee will meet and will deal with proper regulations to protect all Albertans.

I want to suggest to the Member for Calgary-Currie, who thinks that maybe protecting people in regulations is not important – I urge him to reconsider his position and agree with . . .

MRS. BURGNER: Him? Calgary-Currie is her.

10:30

MR. GERMAIN: I'm sorry; that's right.

. . . this recommendation and agree with this particular amendment.

Now, we have made this point several times in this Legislative Assembly. It is inevitable that sooner or later people are going to say: "Yeah, you have this committee. Why doesn't it work? Why isn't it put to work?" You will recall, Mr. Chairman, that the members on this side of the Legislative Assembly who sit on that committee have publicly in this Legislative Assembly certified that they will not take a single penny in committee fees. No matter how many days, how many hours, how many weeks, how many months, how long this committee serves the Legislative Assembly by reviewing regulations, the members on this side of the Legislative Assembly will not take a single penny in committee fees. That being the case, there would clearly be no downside to this Assembly to approve this particular addition to the amendments.

Now, once again I say to all Members of the Legislative Assembly – and I cannot help sensing and feeling how restive the members are getting as we move to 10:30 in the evening – do not be deterred by the length of the day or the time or the hour of the day. These proposed amendments are to protect people. This is consumer protection legislation at its very best. This is the kind of legislation that all of us feel good about when we pass this legislation, because it protects the public. It protects the people who are, for whatever reason, emotionally, intellectually, spiritually weak at the moment and unable to protect themselves. This protects them. Do not turn your backs, hon. members, on consumer protection legislation that makes sense both in law and logic.

With that, Mr. Chairman, I know that there are other members of the Assembly on both sides of the House that want to speak to this particular Bill and to speak to these amendments on the Direct Sales Cancellation Act. Just to conclude by refreshing everybody's memory, the three amendments here propose that we restore the \$25 fee as a consumer protection item, that we permit the cancellation of time-share real estate agreements even though they might be sold at an agricultural fair that is otherwise exempt, and thirdly, that we bring about the regulations and put into place the committee that will deal with the regulations on direct sales cancellation that are passed pursuant to the Direct Sales Cancellation Act and refer them to the hon. Member for Calgary-Shaw's committee.

So I will take my place now on these amendments to the Direct Sales Cancellation Act, as I know there may be others that wish to speak. I see that the hon. Member for Calgary-Shaw is getting ready to leap to his feet and confirm . . .

MR. DECORE: You mean the chairman of the committee is going to stand up and speak?

MR. GERMAIN: The chairman of the committee. I don't want to take away his moment of great suspense and excitement, Mr. Chairman, but he is probably going to (a) call a meeting and (b) confirm that the members of the committee on that side of the Legislative Assembly will waive their committee fees and take no committee fees. Therefore, I say to the hon. member who has sponsored this Bill that these amendments are a no-lose package for you. They protect consumer . . . [interjections] The hon. Minister of Community Development, himself a lawyer, himself a man learned in the law with the prestigious Queen's Counsel designation, now says that we should protect consumers. From the safety of his chair there he says: let's protect consumers. Well, this is a good way, Mr. Chairman, for us to prove that we want to protect consumers, to vote for the protection of consumers in this debate. The hon. member yearning but not yet a minister, the hon. Member for Calgary-Wapiti . . .

AN HON. MEMBER: Calgary-Wapiti?

MR. GERMAIN: I'm sorry; Grande Prairie-Wapiti. The hon. member has made such an impression on me over the three years, Mr. Chairman, that I can't even remember his riding. The hon. Member for Grande Prairie-Wapiti now has come alive and says: let's protect consumers.

MR. JACQUES: That's right.

MR. GERMAIN: There he goes. *Hansard* will record but history will little care that from sitting in his chair he said: let's protect consumers.

Now, the real test, hon. member, is in a moment. If there were to be a standing vote on this important piece of legislation to protect consumers, would you stand and vote for the protection of consumers, or would you follow the edict of the front row and not vote?

So I think I've given some members an opportunity to think about these amendments, Mr. Chairman, and I urge all members to support the amendments of the hon. Member for Clover Bar-Fort Saskatchewan. With that – I know that there are other members getting ready to comment on these sections – I will now take my place.

Thank you.

THE CHAIRMAN: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Chairman. Speaking against the amendment, I personally feel it makes far more sense to have the dollar amount in regulations so it can keep in time with the reality of the day. Instead of bringing in legislation, it'll be set in regulation.

I don't know why the member wants to single out the time-shares, because what we're talking about is direct sales. If a person tries to come to a person's residence with a time-share, then this Act takes effect. What we're talking about with your amendment is that if he goes to a marketplace, auction, trade fair, or agricultural exhibition, he's made the effort to go there, and now you want the direct sales section only on one industry. I can't support including one industry in the direct sales that doesn't apply to the direct sales. They don't come to the residence. If

you keep adding industries, how many industries are you going to add? If you go to any agricultural sale, pretty soon you'll want all of them to apply to a direct sale, and I don't think that's a fair way of looking at it.

That's all I'd like to say. I can't understand at all why you'd want that in.

MR. DICKSON: Let me try, Mr. Chairman, and respond to the query that's just been raised. His question – and it's a fair question – is: why is it that we single out one particular industry? Why is it that we focus on one particular type of product being sold? Well, hon. member, you've no doubt been to the Calgary Exhibition and Stampede, which occurs in Calgary-Buffalo every year. One of the things you'll notice, if you wander around through the exhibition hall, is people selling encyclopedias and a host of other things, but they sell time-shares too. This is a cold climate we live in. Once Albertans reach a particular age, where the cold seems to penetrate a little deeper than it does when you're younger, people long to be able to spend three months, four months in the winter in a warmer climate, and Lord knows they've certainly earned the right to be able to get some respite from a cold Alberta winter. What bigger investment would those people potentially make than getting locked into a time-share, a condominium, whether it's in the Okanagan or Maui or, for pete's sake, an Arizona houseboat? All of those things represent large capital investments. It's a big cost to Albertans.

AN HON. MEMBER: It's not like a vegematic.

MR. DICKSON: Precisely. You know, I think of the different things that are sold during the Calgary Exhibition and Stampede. There are the slicing and dicing machines and the mixmasters and the encyclopedias and all kinds of other things. Well, I'm not quite so troubled, hon. member, with those kinds of purchases, but when we're talking about an interest, particularly a time-share is what I'm thinking of, in some place that's of particular appeal, I'm concerned that those seniors deserve a degree of protection. I think we have an opportunity here with this amendment to afford for those seniors a modicum of protection.

This is not particularly onerous, hon. member. The Direct Sales Cancellation Act has been with us for a long time in this province, and I think most businesses involved in direct sales have been able to adjust their marketing techniques and educate their sales force. They know what's required. As I say, it's not particularly onerous to comply with. I don't have statistics for the number of sales where people are seeking relief as they're entitled to do currently under the Direct Sales Cancellation Act, but I'd suggest to you, hon. member, through the Chair, that it's a fairly small percentage of all sales.

So what do we open the floodgates to with the amendment that's proposed here in 3(b)? It's not something that I think is going to create catastrophic effects for people involved in this industry in terms of selling time-share interests. It seems to me that this is an area where there is a great deal of activity, but it certainly is not one where would be difficult for people in the industry to comply. I guess I have to ask the hon. member who spoke just immediately before I did: what's he concerned about? What's the concern that caused him to rise in his place and say: why would we single out this particular industry? I would think it would be fairly self-evident. Now, it may be that this member can think of some other industries that should be covered, and if so, I'd like his suggestion.

10:40

I think the amendment is a good one because it recognizes an area of potential abuse, and we know that abuse happens. I'm sure that this member knows, as I do, a lot of Albertans that have made lousy investments in time-shares. It's the sort of thing that's tough. I can think of one concrete case, the houseboat in Arizona. This isn't something I dreamed up. I know of a senior couple, in fact in southeastern Alberta, who ended up investing in such a time-share on the basis of – what? – something that would masquerade as a prospectus: a glossy photograph, a short description in terms of what the time-shares involve. Well, what happened is: these people I think invested something in the order of \$8,000, hon. member, and got down to discover that the houseboat wasn't anything like the wonderful representation on the brochure. The system of lakes in Arizona where the houseboats were moored and on which they could be used was not particularly well kept up. It didn't have the amenities or facilities they'd been led to believe. Well, these people weren't particularly wealthy, and they made an \$8,000 investment that they very much regret. I might say, they had the benefit of all kinds of advice from family after they made the initial investment, but then it was too late.

[Mr. Havelock in the Chair]

I think what this amendment would do would be to empower a couple of seniors like the couple I've just described. If they made a hasty decision in the excitement of the Stampede with a big crowd around them and a glib salesperson touting the advantages of this houseboat opportunity, maybe they'd reconsider. Why wouldn't we want to give them a remedy and an opportunity to be able to look at it on reflection and a little bit away from the hubbub of the market where the thing is promoted? That seems to me to be a reasonable kind of protection, and I wanted to stress we're not talking about all manner of product. This is one particular kind of product where we know that there are problems, where we know it's a significant amount of money, a substantial amount of money.

I think this is what I'd call a targeted amendment. There's a specific mischief that the amendment seeks to remedy, and it seems to me it's crafted in a way that it isn't a broad-brush approach, it doesn't cover all kinds of other areas. If the member is concerned that this is going to be the start of some kind of a slippery slope, well, the short answer is: you'll be able to raise your concern and vote against some further amendment if there's an attempt to expand this to other industries and other kinds of investments. But that's not currently the case, and I'd just encourage the hon. member: let's deal with this on its merits, as it is before you.

Now, the other amendment I wanted to speak to is the provision dealing with regulation and the Standing Committee on Law and Regulations. By my account it's now been 62 times that members of the opposition have asked the government to make a commitment to activate the Standing Committee on Law and Regulations. The response we get varies but only slightly, Mr. Chairman, only slightly. One explanation is: we don't need it because it's more efficient simply to keep the opposition MLAs out of the process. The other argument that we sometimes hear from the Member for Peace River is: we've got a deregulation task force, and why on Earth do we need a government standing committee to deal with this? Each time those objections have been raised, I think there have been thoughtful, considered, I'd like to think pretty persuas-

sive answers to each of those concerns. Yet here we are. We're still in the situation where not a single matter has been referred to the Standing Committee on Law and Regulations.

I go back, hon. members, to the Zander committee report. I refer members to the extensive work that was done when the Standing Committee on Law and Regulations some 12 years ago looked at the status of the child in this province and dealt with a whole lot of recommendations from the Law Reform Institute. That committee in a focused and deliberate and conscientious way was able to take many of those excellent recommendations and put them into legislation. The current Child Welfare Act is very much the product of the input that came not just from the Law Reform Institute, Mr. Chairman, but also as a consequence of the work done by the Standing Committee on Law and Regulations.

Whenever that committee has been used in the last three decades, it's been to positive effect. It's resulted in legislation that's been supported by both sides of the House. It's come forward and has advantaged Albertans. That surely, Mr. Chairman, is what we ought to be doing.

The amendment in terms of 3(c) – and I'm referring here to 13.2 – does something that I think is helpful. It's very specific in terms of saying what the Standing Committee on Law and Regulations would do if any kind of a statutory incident were referred to it. It wouldn't be a question of sitting down and casting about, trying to decide what the mission of the committee was. It's set out very clearly to be a threefold test. Firstly, the question is asked: is the proposed regulation consistent with the delegated authority provided in the Act? We have all kinds of court decisions in this province of regulations that were created by well-meaning but misguided administrators who tried to in fact make law through the back door. It's interesting; I often hear members expressing concern about the courts' lawmaking. Well, hon. members, I'm far more concerned about a more pernicious, a far more extensive kind of abuse, and that's lawmaking by administrators. At least the judges are called to account by the Court of Appeal, through the appeal process. Who calls to account an administrator or a deputy minister or an assistant deputy minister in a department who wants to be a lawmaker? We don't have that kind of check.

The Regulations Act, frankly, doesn't do the job, so here is a proposal to ensure that we deal with that pernicious lawmaking, the kind of lawmaking that is subject to widespread abuse. We're able to do it in a way that is open. There's a *Hansard*, a *Hansard* which would be immediately available, unlike the Government House Leader's subcommittees on supply, which so often meet and discuss things, and then we're left trying to track down *Hansard* to see what's been said. So we'd have the benefit of doing it in a public way, and we'd have the benefit of having a *Hansard* within 24 hours.

Just moving on, the second test that the standing committee would look at would be a question of asking whether any proposed regulation “is necessarily incidental to the purpose of this Act.” This also is a means of trying to curtail abuse, which we've seen certainly in this jurisdiction in the past, with regulations that go much further. They in fact exceed the scope and the ambit of the mother statute.

The (c) part, the third part of the test. This would be my favourite provision. I'd like very much to have the opportunity to be part of a committee that tried to apply this test. Is it “reasonable in terms of efficiently achieving the objectives of this Act?”

[Mr. Tannas in the Chair]

This is where members of the committee bring to bear their experience as legislators or as businesspeople or physicians or farmers or whatever their previous background was. When they sit down there, they bring that background and those skills and that kind of analytical ability to see whether this is really efficient. This would be a case where the deputy minister or the administrator would have to come forward. The Deputy Minister of Education might have to come forward and justify the regulation. This isn't the time for blue-sky thinking, Mr. Chairman. This would be a question of looking at what the purpose is of the statute.

Now, that does beg a larger issue, Mr. Chairman, and that is that in Alberta we have a big problem. Most of the statutes that are brought forward don't set out an objective. They don't set out a purpose clause. Now, we've got some that have slipped through. The Freedom of Information and Protection of Privacy Act has a purpose clause, so you can look and know what the purpose is of the statute. You've got some kind of criteria against which you can measure a statute's operation and find out whether it's doing the job or not. So the (c) part of the proposed 13.2 can be done. It could be done much better if in fact we had a purpose clause in every statute that was passed in this Legislature, but that's something that we haven't yet been able to achieve.

[Mr. Herard in the Chair]

Mr. Chairman, I notice that in terms of law and regulation, one might have thought that in the length of time that members on this side of the House have been urging that the constituted committee be mandated to actually deal with some regulations, we would have had the most exhaustive, detailed examination by the government of the whole regulatory lawmaking process. They would have presumably canvassed every possible reason why they couldn't accept this amendment as it's put forward now or as it's been put forward on any of the other 62-odd occasions that I can recall since the last election. The fact that we don't hear any new reasons, that we don't hear any more creative analysis in terms of why this doesn't work leads me to believe that there simply is no good reason why we don't go with this standing committee. There's no compelling reason at all.

10:50

Mr. Chairman, those are the principal points I wanted to make with respect to this. There may well be some additional analysis that can be offered by some of my colleagues. I know we've looked at this regulation issue upside down and from different angles. We've considered different ways of doing it. I guess in our collective best judgment we think that the amendment as you see it here, amendment A3(c), is the very best that we think can be done in terms of managing regulations in a way that's efficient. It's expeditious, it's timely, but most important, it's thorough.

I think with that, I'm going to encourage other members to offer their analysis of what I think is a very positive kind of amendment. I encourage all members to support this, not in a lukewarm fashion but with the kind of enthusiasm and gusto that the minister of advanced education brings to his portfolio or that the Minister of Municipal Affairs brings to his portfolio. We want to see that same sort of unbridled enthusiasm in accepting a constructive, positive, helpful amendment.

On that basis, I'll take my seat, Mr. Chairman. Thanks very much.

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

MR. COLLINGWOOD: Thank you, Mr. Chairman. In speaking to amendment A3, which deals with the Direct Sales Cancellation Act, I too would stand and concur that in particular amendment A3(c), which passes into legislation as the requirement for the Standing Committee on Law and Regulations to meet to review any regulations coming forward and to examine those regulations, is the step that we have been looking for time and time again to bring greater legitimacy to the regulation-making process in the Legislative Assembly of Alberta. I do concur with and listened carefully to the comments from my colleague from Calgary-Buffalo. Not only is it thorough, legitimate, efficient, and effective; it is also a fairly common and standard procedure in other Legislatures and Houses of Commons, where they rely on their standing committee on law and regulations and give some legitimacy to that parliamentary committee in their Legislatures.

Mr. Chairman, we have often commented in this Legislative Assembly – and the hon. Member for Calgary-Shaw has become the focal point of those comments – that as the chairman of the Standing Committee on Law and Regulations the hon. Member for Calgary-Shaw has never had anything to do. It can be at times acute, but I think we do get to a point where the statement made is well founded, where the statement made is realistic, where the statement made is appropriate to the circumstances and to the time that we serve in this Legislative Assembly on behalf of our constituents. Our constituents are looking for the Legislative Assembly as a whole to function effectively and efficiently in drafting the best legislation that can be created that will, of course, impact upon our constituents and become part of the law of the province of Alberta. It is incumbent upon us.

It is a reasonable amendment for that purpose in that we need to find mechanisms through legislation to empower the Standing Committee on Law and Regulations, to give it some force and effect, and to allow it to discharge its duty. When we designate members of this Assembly to sit on the Standing Committee on Law and Regulations, we do not do so in jest. We do it because we are expecting that those members of that committee as members of this Assembly will discharge their duty in an appropriate fashion.

Mr. Chairman, for those reasons I concur entirely that this is a good, progressive, forward-thinking amendment. We do need to empower and get that committee working, and this is the mechanism and the vehicle to do that.

Thank you, Mr. Chairman.

[Motion on amendment A3 lost]

MR. GERMAIN: Mr. Chairman, now on behalf of the hon. Member for Clover Bar-Fort Saskatchewan I will move amendment A4, which of course amends in this particular Bill section 9. If my colleagues in the Assembly will follow along with me, they will find that section 9 of this Bill is in fact the portion of the Bill that amends the Licensing of Trades and Businesses Act.

Now, there are two substantive amendments to this particular proposed amendment. One of them deals with our old friend ministerial regulations again. You will have noticed, Mr. Chairman, a theme that we feel strongly about, and that is that there is this committee. The hon. Member for Calgary-Buffalo summed it up so well in his last debates that I know he will want to reinforce his ideas, perhaps in a more imaginative way and

perhaps with other colourful examples, focusing on the Standing Committee on Law and Regulations of this Legislative Assembly. Sad testimony is that that committee of course has never met, and we've heard that tragic story time and time again.

We also want to keep in mind – the hon. Member for Calgary-Buffalo will in his own way ratify this – and you will recall, Mr. Chairman, that I mentioned last time that the members to a person on this side of the Assembly on this committee have agreed to waive any and all committee fees for no matter how often this committee has to meet to study regulations. It is in fact the attitude of many members of this Assembly that committee fees are, in effect, inappropriate and that committee work comes with the job and the territory. We have said that in this Legislative Assembly on several occasions, and we repeat it again. I know I will receive the concurrent comment from the hon. Member for Calgary-Buffalo when he speaks shortly to this amendment on the Licensing of Trades and Businesses Act.

11:00

So all of the amendments in part A of this proposed amendment deal with the referral of regulations to the Standing Committee on Law and Regulations to analyze and to ensure three things, Mr. Chairman: firstly, that “it is consistent with the . . . authority provided in this Act”; secondly, that “it is necessarily incidental to . . . this Act”; and thirdly, that “it is reasonable in terms of efficiently achieving the objectives of the Act.” These of course are amendments that come to us from the public in Alberta. We don't sit like Rumpelstiltskin in a room spinning yarn into ideas. Our ideas flow from the grass roots of the Alberta populace, and they want the regulations reviewed for fairness, especially when a committee is prepared to do it at no cost to the government. This is an extremely good deal, and I urge all members to support this amendment.

Now, the second portion of this amendment deals with prosecutions under the trades and businesses Act. This particular section, Mr. Chairman, is very important because what you have in this particular piece of legislation is the ability to admit a certificate in evidence against somebody. Now, this is a shortcut way to prove a conviction of a breach of this Act. The penalties are severe in this Act. The penalties can be as high as \$10,000, the penalties can be no less than \$1,000, and for individuals, half of those amounts. You can get prosecutions both against a company and all of its directors. Now, to do that, the Crown has to prove certain things. It has to prove the lack of licensing, the lack of following the prescribed regulations.

How they purport to do that is found on page 22 of the Bill. How they purport to do that is by a certificate, a prima facie evidence of a certificate without the proof of a signature or appointment of the person who signed it. So what we have is trial by pieces of paper, trial by certificates. I want to suggest to the hon. Members of this Legislative Assembly that all that the hon. Member for Clover Bar-Fort Saskatchewan wishes to put into this Act at this juncture is that no certificate will be admitted in evidence unless you've first given the accused person 10 days' notice that you intend to do so. That is a very fair and a very reasonable provision to have in this Act. It is not fair to be silent on this issue in this Act.

I know that the hon. Member for Barrhead-Westlock will agree that where the Crown takes shortcut ways of proof, surely serving the person who is accused of the offence and subject to a fine of \$10,000 and in default of that fine perhaps imprisonment with notice of an intention that you intend to introduce a certificate to prove some essential elements of the case is appropriate to give

that accused person notice in advance.

This particular amendment provides for a 10-day notice period, and it basically cries out on the basis of fairness, fairness in the prosecution of Albertans who are alleged to have done something wrong and who are to be presumed innocent until proven guilty. What is wrong with serving them with notice, telling them that you're going to prove some of the case against them by certificate, and giving them a copy of that certificate?

This is not a novel idea, members of the Assembly. It is found in the Narcotic Control Act, where the Crown proves the identity of the substance of a drug with a written certificate done by a crime lab analyst. It is also very common in some of the drinking and driving offences, where blood alcohol readings and readings in the breathalyzer are documented in a certificate, and that certificate is served on the accused person so that he knows what case he has to meet. It is common in civil litigation between businessmen, when business records are going to be introduced, that notice is given.

I want to suggest to this Legislative Assembly that when you have in this case beefed up the penalties by imposing minimum fines and you have a maximum fine of \$10,000, treating it as a serious item, it is simply wrong. It is a breach of the rules of natural justice, and it is a breach of public policy fairness that you do not give the person notice that you intend to prove some of your case using a signed certificate as opposed to an actual witness.

Now, I want to say to the Members of the Legislative Assembly that we have recently had a case go to the Supreme Court of Canada where the Alberta Attorney General was rebuked on issues relating to disclosure of documents, not personally but in the representative role of course. Disclosure in these types of cases is considered a fundamental and basic right of the accused person, and surely we should make our laws match the directions of the Supreme Court of Canada. Irrespective of what Members of this Legislative Assembly may from time to time say about the decisions of that court, it is still our highest court in Canada. We still are a law-abiding democracy with a judicial branch as well as an executive branch. We here are the legislative branch, and we have an opportunity to ensure that our legislation matches the judicial thoughts on this issue, and we should do so.

All I urge the members of this Assembly to do is to again vote for the protection of consumers and the protection of the Alberta public and again vote for the careful and conscientious scrutiny of the regulations passed by a committee chaired by your very own, the hon. Member for Calgary-Shaw.

Now, I know there are other Members of this Legislative Assembly who are going to rise and speak to this issue, so I will take my place to listen with great interest, Mr. Chairman, to the debate from the other members on both sides of the Legislative Assembly that want to speak to this. When I comment on these issues and people don't disagree with me – and this is of course the forum for open and conscientious debate – then I have to only assume that we're on the right track and that this amendment, when it is put to the vote, will meet with overwhelming success. Now others will speak as well.

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

MR. DICKSON: Mr. Chairman, thanks very much. I didn't see anybody else start to jump up, and I wanted to make sure I got my chance. I'd be happy to cut it short, if I got an indication that

there were members on the government side that wanted to be heard on this important issue.

The Licensing of Trades and Businesses Act is in many respects one of the big sleeper statutes in the *Revised Statutes of Alberta*. In fact, when you go through all of the statutes – and I don't know how many volumes; we must have about 20 volumes of *Statutes of Alberta* – there probably isn't another statute that is driven to such a huge extent by regulation as this one. I just thumbed through the mother Bill, if you will, a moment ago, and fully 11 of the 20 pages are delegating lawmaking power. So we've got more than half of the pages in a Bill which is 20 pages long simply giving lawmaking power away not to a judge, not to somebody who's been elected and accountable and responsible for the decisions they make but to some gnome in a department whose identity will never be known to Alberta taxpayers and the citizenry of this province. Nonetheless, this person is going to wield enormous clout and enormous lawmaking power. I think that for all of us that are trying to ensure that laws are made in a way that they're more comprehensible, easier to access, and I guess most importantly, Mr. Chairman, easier to understand, this is an enormous step backwards.

I think that for a lot of small businesspeople, one of the most frustrating things is to start your business operation having got the appropriate licensing from the municipal authority, having done what you have to do in terms of setting up your income tax account with Revenue Canada and dealing with Alberta Treasury in terms of provincial income tax – you organize all of those things, but what a lot of small businesspeople don't realize is that tucked away in the 11 pages of regulations under the Licensing of Trades and Businesses Act are things that are going to jump out and bite them when they least expect it.

What's going to bite them? As we look at the existing section 4 as it currently reads, it may be a designation of a business. A lot of businesspeople don't realize what's been designated and what hasn't been designated. The difficulty is that when it's in regulation, it's darn difficult to find out. There aren't an awful lot of Alberta businesses that have these *Revised Statutes of Alberta* in their office. Let me assure you, Mr. Chairman, there are far, far fewer that happen to have a complete set of the *Alberta Gazette*. There aren't even a lot of lawyers that typically have the *Alberta Gazette*. It's usually a question of sending the articling student down to the law library, although I expect the stuff can now be brought up on your computer screen.

MR. MAR: You do it yourself?

11:10

MR. DICKSON: Sometimes, Minister of Community Development, you even try doing it yourself. The point is that this is what I call iceberg lawmaking, Mr. Chairman. All you see is the tip of the iceberg when you look at a 20-page statute. It's easy for the small businessman to negotiate his boat around what he sees as being the tip of the iceberg, but the frightful thing is that just lurking below the surface is something that's 10 times bigger, and it's going to create a far bigger hole in the hull of your boat. What's lurking below the surface, members? Nothing but regulation. It's the kind of hidden lawmaking that people can't readily access, that's never been subject to any kind of public scrutiny before it became law. That's the evil that we should all be motivated to try and address.

There may be some other ways. I know this is a pretty creative bunch on both sides of the House. There may be some other ways in terms of dealing with subordinate lawmaking, but it seems

to me that until I hear a better solution, a more creative idea, what's set out in amendment 4 that's been brought in by our colleague from Clover Bar-Fort Saskatchewan looks to me to be the very best solution that we've heard to this point.

When we look at the Licensing of Trades and Businesses Act – I've given one example – the small businessman may not know, if he's busy setting up an autobody shop, that he has to get a provincial licence under this Act. Even if you know what kind of business you've got, you then have to check and see whether you fall within the subclass which may be exempt. So it's difficult enough to find out whether you're generally covered, but then you have to go the next step and prove the negative and find out whether you're covered by the exception. Even if you've got a type of business that may not be included, you then have to be concerned with registration of persons engaged or employed in the business. So we've got a whole cascading series of tests and questions.

If you've got somebody who wants to create an autobody shop in Delia, Alberta, Mr. Chairman, what does that small businessman have to do? First of all, he's going to have to check into the Licensing of Trades and Businesses Act. Then, if he doesn't want to pay a lawyer to get this information – let's assume that this fellow in Delia doesn't want to go to that expense or there isn't a lawyer readily accessible. So he's got to first get his hands on a copy of the Act. Then he's got to be able to find out what class of business he's got and whether that class of business is covered. Then he's got to determine whether he comes within the exception, which is the next test under the Licensing of Trades and Businesses Act. Then he's got to decide whether or not his business is covered or is exempt. He then has to turn his mind to whether there will be persons engaged or employed in the business who require registration. That's the next test. At each sequential stage of the process, he's got to be looking through regulations.

Now, if we've got the *Alberta Gazette* here – we may have it. I haven't taken the time to look. I'll bet that there are probably at least 35 pages of regulations under this Act. As this small businessman in Delia, Alberta, starts going through the process, he has to find out whether he requires additional registration in terms of each separate place, because this fellow in Delia may be pretty ambitious, and he may decide that he wants to have another shop in Oyen, Alberta, and he may be terrifically ambitious and may decide that he wants to set up a third establishment in Fairview. Maybe he plans on franchising these outlets, selling one to his wealthy relatives. You never know, Mr. Chairman. It's certainly a possibility.

So not only will he be looking through, but his relatives are now also looking, and they're all clamouring, asking where the *Alberta Gazette* is. They're running around, and they may go down to the local library. Are they going to find it in the local library? Not likely. Not likely. They may go down to the courthouse. There's a problem there. We're closing courthouses all over the province, and we're cutting back on court libraries. So that becomes a little tougher again. He may be looking for a government department that may have this information. Well, where's he going to find that, Mr. Chairman. What we're seeing is that we're closing government offices right, left, and centre. Whether it's in Delia, Alberta, or Fairview or Oyen, Alberta, it becomes more and more difficult to access the information.

Maybe you go to your MLA's office. Well, I'd invite all the MLAs that have a set of *Alberta Gazette* in their constituency office to put their right foot in the air. Well, I don't see anybody

rushing to acknowledge that they have a set of *Alberta Gazette* in their office. So that small businessman and his relatives in Oyen and Fairview have to continue to look a little further.

As they work their way through the Licensing of Trades and Businesses Act, they then have to be concerned that even if their business is covered, even if it's not part of the exception to registration, even if they're not part of a class of employees that have to be registered, they may still be caught, because in some cases we have people prohibited from being involved in certain kinds of businesses. So you have to work your way through that.

Then what they have to find out is if they get the licence, how long is it good for? What's the term of the licence? Once again, that's the part of the iceberg that's below the surface of the water. They're going to have to look someplace else to try and find that.

They then have to be concerned about salespeople. Now, in my example, the small businessman in Delia may not be able to afford salespeople to go out and try and drum up business. He's got wealthy relatives in Oyen, Alberta, and Fairview, and they've got deeper pockets, not deep enough to pay a lawyer to do this investigation but deep enough pockets so they may be concerned that they're going to have salespeople working for them, going out and drumming up business, going to the local AMA office and going to insurance agencies, perhaps going to the local high school, where they have a driver training program, and wanting to encourage people to be involved in finding out when they go through the trauma of that first motor vehicle accident, they'll have a place they can take their vehicle to. So you may have that kind of sales activity.

You know, not only may you have wealthy uncles in Oyen or Fairview but maybe even in Calgary-Fish Creek in one of those industrial parks sandwiched down there off Fisher Road.

MRS. FORSYTH: There are no industrial parks in Fish Creek.

MR. DICKSON: Well, who knows? Under redistributed boundaries, hon. member, maybe even Calgary-Fish Creek is going to take in an industrial park.

If that were to happen, Mr. Chairman, then we're going to want to find out which of these things apply. Once again, it's a question of this poor individual having to root their way through page after page after page of regulations. It doesn't make a lot of sense.

Perhaps that's enough in terms of trying to parade the horrors in front of members of the Chamber. To a small businessman, Mr. Chairman, that's exactly what they are. These are the horrors. This is the sort of thing that drives small businesspeople crazy. What they want is simplicity, clarity, and certainty. Well, they're certainly not going to get it without the kind of amendment that's being put forward.

11:20

That's the motivating spirit in which this set of amendments is brought forward. It's an attempt to recognize that small businessman in Calgary-Fish Creek – maybe he lives in Calgary-Fish Creek and drives to Delia. It's a long commute, but maybe that's where his autobody shop is going to be, and he's anxious to know that he can find out real fast what has to be done to be able to set up to carry on business. If he doesn't, those wealthy relatives of his in Oyen and Fairview are certainly going to want to know, and they're looking to him to provide that kind of direction, so he's going to have to have the information.

The amendment that has thoughtfully been drafted and put forward I think is going to address that, is going to give his

wealthy relatives in Fairview and Oyen the kind of assurance that they need and they want. Why is it going to do that? Well, Mr. Chairman, because the Standing Committee on Law and Regulations is going to be aggressive in terms of cutting back on red tape. If we want to really see regulations specific and targeted and narrow, this is a vehicle to be able to do that in a way that's impactful and effective. I think that's the kind of thing that every member in this Assembly really wants to achieve.

I expect there are probably other analyses that we could benefit from, looking at this particular section, Mr. Chairman. I know that there are probably many other elements to the Licensing of Trades and Businesses Act that are mysterious. I expect there are other members in this Assembly that have had experience working with those small businesspeople and probably have experienced firsthand many of those frustrations, or at least secondhand, some members being more entrepreneurial and experienced than others. I think there's much useful commentary we will yet be able to learn from this evening.

So I'll take my place and eagerly look forward to further analysis of some very positive amendments to a very consumer-hostile Bill, if I might describe Bill 7 in such a fashion.

Thanks very much, Mr. Chairman.

MR. DAY: Mr. Chairman, I move to adjourn debate.

THE ACTING CHAIRMAN: The hon. Government House Leader has moved to adjourn debate on Bill 7. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE ACTING CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE ACTING CHAIRMAN: Carried.

Bill 22 Appropriation Act, 1996

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

MR. COLLINGWOOD: Thank you, Mr. Chairman. While speaking to Bill 22, the appropriation Bill, in Committee of the Whole, I wanted to speak specifically to the appropriation for the Department of Environmental Protection seeking under the auspices of Bill 22 operating expense of \$286,840,000 and a capital investment of \$9,824,000.

Now, Mr. Chairman, in my comments I hearken back to the discussion and debate that took place in our designated subcommittee of supply on Environmental Protection, where we received some astounding information from the Minister of Environmental Protection when I asked him about details of his ministry's business plan. By way of background last year the Department of Environmental Protection issued its business plan through the Better Way II document of the government of Alberta. In that document there were several tables, 31 performance measures, and several appendices that provided information about the ongoing business of the Department of Environmental Protection.

In this year's business plan, Mr. Chairman, Agenda '96, much of the information that had been included in last year's budget document business plan was missing. There was nothing there.

I asked the minister about a follow-up on the information. Had the performance measurements been achievable? What had been the performance results? Where were the updated appendices? Where were the projections of revenue? Where were the projections of expenses? Why are the numbers changing on amounts such as the environmental protection and enhancement fund? I asked the minister why his business plan was so deficient this year. The minister's response on page 74 of the designated subcommittee of supply and environmental protection *Hansard* is:

Actually, we haven't totally completed our business plan. We're still doing some detailed work on it. Because we've had to reduce quite dramatically, we've had to do much more in-depth study, and there will be a more detailed plan released once we have completed that.

Well, that's a very interesting comment, Mr. Chairman. Apparently between last year and this year, according to the minister, they have had to reduce quite dramatically. Otherwise, the "quite dramatically" would have been in reference to the beginning of the three-year business plans, not the extension of the three-year business plan in Agenda '96.

Well, Mr. Minister, if you've had some more detailed work to do, then I've got some more detailed work to do. My only forum for doing that, Mr. Chairman, is in my subcommittee of supply, in Committee of Supply in this Chamber, and in speaking to the appropriation Bill. I don't have the business plan. The minister has not provided it to us. The minister will in all likelihood have the detailed business plan available shortly after the government members pass this budget.

Well, Mr. Chairman, I will not participate in that fashion. I will not agree to this budget until such time as the information that I have requested, in fact require, so that I can do an effective and adequate job in analyzing the Department of Environmental Protection business plan - I am in a situation where I simply cannot support the government budget. I have asked for that plan, and I have not received that plan.

I asked the Minister of Environmental Protection about a notation in his business plan that relates to a research business plan. The business plan makes reference to that document. I asked the minister for a copy of the research business plan. His response to me is: we don't have it yet. Well, now we find out in the last couple of days, Mr. Chairman, that one of the things coming out of that research business plan is the minister's intention to either eliminate or privatize the Alberta Environmental Centre in Vegreville. We need some details about that.

I asked the minister in the House a couple of days ago: tell us what is going to stay at the Alberta Environmental Centre, and tell us what is going to be eliminated and what is going to be privatized. Well, he just says, "Stay tuned." Well, that's not good enough, Mr. Chairman. That's part of our methodology; that's part of the system in place today, now, yesterday to debate this government's request for \$286,840,000 in operating expenses. I can't do that until I see the document and have an opportunity to analyze it.

11:30

The Minister of Environmental Protection states in his business plan that he is intending to privatize Alberta's provincial parks. Now, the minister says in debate: no, no, no, you're taking that entirely out of context; we're not privatizing Alberta's provincial parks; we're looking at things within the provincial park. Then two days ago the Minister of Environmental Protection says: absolutely, positively everything in the Department of Environmental Protection is under review; there are no sacred cows.

There will be absolutely no stone unturned in his department to decide what stays and what goes.

Well, how do I reconcile those two statements? How can I take the minister's word, on the one hand, that he is not going to privatize Alberta's provincial parks and listen to him, on the other hand, say: absolutely no decisions have been made about what stays in this department and what goes in this department? Stay tuned, hon. members. Mr. Chairman, that's simply not good enough. It is the minister's obligation to provide that information. It is my obligation to assess and analyze that information and to query the minister on those kinds of statements.

The minister states in his business plan that he is going to eliminate nonpriority programs. I asked the minister: what are the nonpriority programs that you're looking at? Tell us how you have ranked the programs in your department. What do you consider, hon. minister, to be the high-priority programs in your department? What's really important to you as the public defender of Alberta's environment, and what is less important to you? The minister has no answer. Everything in his department is a low priority. Everything in his department is on the table. Everything in his department is reduced to the level of a stone that the minister is going to turn over. He's become, Mr. Chairman, the minister responsible for a pile of rubble, because no stone will be unturned. But he can't provide answers to the questions I ask about information that is necessary for me to fully and completely analyze that minister's request for \$286,840,000. I need that information.

Mr. Chairman, the minister fully admits that he is cutting and slashing the full-time equivalent employees in his department. He is cutting and slashing the budget in his department. Originally the target was 30 percent. Now the minister fully admits that the target is 41 percent. The minister fully admits that it is not he and it is not his department that is determining the number of full-time equivalent staff that will be employed in his department. That decision he is deferring to someone else. He states at page 89 of *Hansard* for the designated subcommittee of supply, "As I indicated to you earlier, those are the targets that are set for us by Treasury." Treasury is deciding how many people are working in the Department of Environmental Protection. It is not the minister advocating for the relative benefits of particular programs and the services and the staffing that is required for that. The minister says in terms of targets: I simply follow what the Treasurer tells me to do.

Again at page 89 he says, "There are targets that have been given to us, but they haven't been identified." That was, I found, a very curious comment. We were speaking at this point in *Hansard* with respect to the full-time equivalent positions for the years 1997-98 and 1998-99. The minister says that in terms of the targets for full-time equivalents, "There are targets that have been given to us, but they haven't been identified." So apparently unidentified targets have been given to the minister. Well, I'm not sure exactly what he's saying, Mr. Chairman. He either knows and has to then work within those parameters, or he doesn't know, but it can't be half of one and half of the other. It is incumbent upon the minister while we do debates on the estimates to have all of that information available to us and to allow members of my caucus and my colleagues to have full opportunity for debate in this Assembly.

I refer back to the fact that I wanted to have some follow-through from the Better Way II document, the business plan of the Department of Environmental Protection, last year, with the department's business plan this year in the document Agenda '96.

I referred, Mr. Chairman, in my comments just moments ago to the fact that what we had in A Better Way II were a set of five tables, two appendices, and a number of performance measures, and when we did our debates in designated subcommittee of supply, I wanted to go through all of those components of the ministry's business plan and do an update.

[Mr. Tannas in the Chair]

Now, what I was told in the designated subcommittee of supply from a minister and his department, who were supposed to be prepared to come to that table for a full debate on their ministry's business plan, was that they didn't have those tables that I referred to. Well, Mr. Chairman, that was from the document A Better Way II. This is a continuation of the three-year business plans. That one started last year and carried on for three years. Agenda '96 starts this year and carries on for three years, and they are fundamentally different documents. The minister and his staff were not prepared. They were not prepared for our debate in the designated subcommittee of supply when we had that opportunity.

So what it did, Mr. Chairman, was take away our opportunity. We did not have the ability to deal with that. In fact, when I asked about the performance measures and where they were – because last year there were 31 and this year there were seven – members of the minister's staff said, at page 74 of the Environmental Protection *Hansard*, "Those [performance measures] will be contained in our more detailed business plan when it is released." "When is that going to be? Any idea?" This was my comment, Mr. Chairman. And the minister's comment: "We hope to have it out within a month."

Well, that's just preposterous. That is just preposterous that a minister of the Crown would come to debate on the budget and announce to the Members of the Legislative Assembly who serve on the committee to analyze in detail the budget for Environmental Protection: no, I don't have the business plan for you today, hon. members; I'll have the business plan for you in a month after I already have my \$286,840,000 in operating expenses and my \$9,824,000 in capital investment.

My question at that point is: what's the point? I'm dealing with a business plan document that for all intents and purposes is surreal. It's not the document that the minister relies on when I question him relative to accountability. He will simply say: "Well, that was just an interim document to placate my Treasurer and members of the opposition because I had to have something written on paper before I went in to the budget estimates. So I wrote out my little motherhood statement on my mission, and I wrote out my little motherhood statement on my goals, and I wrote out my little motherhood statement on my vision, and I put all the motherhood statements in there about how I intend to protect the environment." Yet not once does the Minister of Environmental Protection give any indication that he is the public defender of the environment of Alberta. He simply says: I'm here to cut, slash, hack, reduce, privatize, eliminate, deregulate, downsize, mutilate. Pick your adjectives or verbs or whatever, Mr. Chairman. Pick whatever.

The minister comes to that table with his so-called business plan that is not his business plan by his own admission. He comes to the table with a budget document that identifies and indicates an ongoing reduction for facilities like the Alberta Environmental Centre at Vegreville with no indication that the minister or his department is planning a wholesale or full-scale downsizing, elimination, privatizing of the Alberta Environmental Centre in his

budget document. Absolutely no indication of that whatsoever.

Now, apparently members who sit on the designated subcommittee of supply for Environmental Protection are supposed to query whether or not the numbers put forward by the Minister of Environmental Protection really mean something other than is presented in the paper. Well, why should they have to do that, Mr. Chairman? Why isn't the minister coming clean and telling us exactly what his intention is with the Alberta Environmental Centre and with all aspects of his department? He simply says: stayed tuned; I haven't figured anything out yet; as soon as I figure something out, I'll let you know. Well, these are the estimates for \$14 billion, of which the Minister of Environmental Protection wants \$286,840,000. He comes to the table and says: later, later; when I figure it out, I'll let you know.

Well, Mr. Chairman, for that minister to suggest that I am going to participate tonight to vote in favour of the government's budget when I have not received the business plan – I have not received the research business plan. I have not received his undertaking with respect to how many contaminated sites in the province of Alberta have been cleaned up and how many are slated for cleanup under the government's budget, various other undertakings that were given during the debate in the designated subcommittee of supply, which I have never heard back from the minister on. He has never provided that information. I'm simply not in a position to do anything other than wait for the minister to provide that information. If the minister is going to suggest to me, when we go through the appropriation debate for his \$286,840,000, that I'm going to have to just sit tight – “Wait, hon. member, while I figure out what I'm doing in the department,” – well, then I'll just wait, and I'll give consideration to the budget when the minister responds to my request for legitimate information. Until I receive that information, Mr. Chairman, I will not at this point in time be voting in favour of the government's budget.

Those are my comments. Thank you.

11:40

MR. DAY: Well, Mr. Chairman, we've listened for quite a few minutes to a discussion about a process of designated subcommittee of supply. It was mildly interesting from time to time. It was a brief historic note, I guess, of the Member for Sherwood Park's trials, tribulations, and frustrations with the process.

There were and are many, many things worth talking about related to Bill 22. There are all these departments of government. There are billions of dollars to talk about, and the record clearly shows that the member spent most of his allotted time talking about a process of designated subcommittee of supply, a process, Mr. Chairman, which I think shows an evolution of debate over the last two or three years, a process whereby at one point opposition members approached me and said, “Can't there be a more fluid interchange between minister and speakers?” That was arranged and allowed so that there was more of an informal atmosphere, not waiting for main questions and supplementaries and secondary supplementaries. So, you know, we have worked hard to try and improve the process. I would not suggest that that evolution has come to an end, because there have been ongoing suggestions, some good ones from members of the opposition on how that could be improved. I look forward to even more improvement.

I do want to make a point clear, Mr. Chairman, since the member opposite was talking at such length about the debates and the time. A number of members earlier today, even opposition members, had requested that there be time on this Bill, Bill 22:

could they get an hour on that? I said, “Well, that certainly could be arranged.” In discussions with the Opposition House Leader, as a matter of fact, I even said: “Look, why don't we go to legislation until about 9:30 and take an hour or so on the appropriation Bill, if that's what your members want. You can go over that, if you like, a little bit, and we could be out of here by 10:30 or a quarter to 11.” The Opposition House Leader said no, that there were members who wanted to go to 11:35, no matter what. Regardless of what forum, what Bill, what issue: 11:45, no matter what.

Around 10:30 tonight, as debate was carrying on related to Bill 7 here, the question again came up from opposition members: can't we just get an hour on Bill 22? I said, well, absolutely; we want to do that. Let's wrap up the debate on Bill 7 and on the amendments, amendments A3 and A4, and let's go – let's go – to Bill 22, which is the Bill I'm speaking on right here in front of me, Appropriation Act, 1996. Very important information in this particular Bill. Very important.

So at slightly after 10:30 after discussion with members of the opposition, including one member who was claiming to be sort of in charge of things, I said: let's go; let's do it. And what was the response after I thought we had agreement on that? The Member for Calgary-Buffalo buffaloed everybody and kept on talking. On and on he went, and we never did move off that other legislation. So they said they wanted to get to the debate, but every time they were offered the opportunity, they did not do that.

Mr. Chairman, in conclusion . . .

MR. COLLINGWOOD: A point of order, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Sherwood Park rising on a point of order.

Point of Order Questioning a Member

MR. COLLINGWOOD: Thank you, Mr. Chairman. Under *Beauchesne* 482 I wonder if the Government House Leader might entertain a question?

MR. DAY: Yes. Absolutely.

Debate Continued

MR. DAY: I'd just make one quick comment here. Anybody voting against Bill 22, as of course it's their right to do: you are voting against a Bill that is built on certain principles. First of all, this budget is based on a principle of less taxpayers' dollars being spent to run the government. Less taxpayers' dollars. Deficit-free government is the first principle.

Open government. Three-year business plans. No member should come in here wondering what's going on in departments in general or specific terms, because three-year business plans are out there. Questions should be readily available.

Accountability. People in the province, the Attorney General, and as a matter of fact members of the opposition have said . . .

THE CHAIRMAN: I hesitate to interrupt the hon. Government House Leader, but under Standing Order 61(4) I must put the question proposing the approval of the appropriation Bill on the Order Paper for consideration by the Committee of the Whole.

Does the committee approve the following appropriation Bill, Bill 22, Appropriation Act, 1996?

[Motion carried]

MR. DAY: Mr. Chairman, I move that progress on Bill 22 and on Bill 7 be reported. [interjection] Yeah. Report Bill 22 and progress on Bill 7 when the committee rises and reports.

THE CHAIRMAN: All right. The hon. Government House Leader has moved that we report progress on Bill 7 and report Bill 22.

[Motion carried]

MR. DAY: Mr. Chairman, I move that the committee rise and report.

[Motion carried]

[Mr. Clegg in the Chair]

MR. TANNAS: The Committee of the Whole has had under consideration certain Bills. The committee reports the following: Bill 22. The committee reports progress on the following: Bills 5, 6, 7. Mr. Speaker, I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

THE ACTING SPEAKER: All those in favour of the report by the hon. member?

SOME HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any?

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: Carried.

MR. DAY: Mr. Speaker, I move the Assembly stand adjourned for a little over 13 hours, until 1:30 tomorrow afternoon.

[At 11:47 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]

