

## Legislative Assembly of Alberta

Title: **Monday, April 29, 1996**

**8:00 p.m.**

Date: 96/04/29

[Mr. Clegg in the Chair]

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

THE DEPUTY CHAIRMAN: We'll call the committee to order, please. If everybody would take a seat. We went 30 seconds over. We don't want to do that. Everybody take a chair.

### **Bill 6 Gaming and Liquor Act**

THE DEPUTY CHAIRMAN: We are here in committee to debate Bill 6, and we're on amendment A12. The hon. Member for Sherwood Park had adjourned debate on A12. Are you ready for the question?

The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Chairman. It's a delight to be here to speak to the Gaming and Liquor Act amendments. [interjections]

THE DEPUTY CHAIRMAN: Order. We can't hear anything. Order. [interjections] Order. Sit down; don't wander around or stand up and talk. Okay. I think we can get started.

The hon. Member for Fort McMurray.

MR. GERMAIN: Yes. First of all, I'd like to extend my appreciation to the members opposite who, when the Assembly was not yet quite to the Chairman's fine standards of order – Mr. Chairman, when you suggested that I couldn't be heard, one of the hon. members opposite said what a shame that was. I know that he meant that very sincerely, and I respect that kind endorsement of the comments that I'm about to make on this section of the Bill.

Mr. Chairman, because this Bill has come back before the Assembly on several occasions, and just to serve as a checkoff, I understand that A12 is the amendment to section 121, the amendment to section 123 and to sections 126, 127, and 128, all as put forward by the hon. Member for St. Albert. Now, these amendments collectively, as I understand the amendments, if I'm on the right ones – could you just confirm that that is what amendment A12 is?

THE DEPUTY CHAIRMAN: This is amendments to sections 126, 127, and 128 only.

MR. GERMAIN: Yes, I thought that was indeed the case, Mr. Chairman.

These amendments go to the aspect of open and accountable government that from time to time members of the government are inclined to express. In furtherance of that concept of open and accountable government, these amendments do a couple of things. First of all, you will see that the amendment to section 127 requires that there be a section put after section 127 which indicates that all regulations made by the Alberta Liquor Control Board, or the Alberta liquor and gaming board, as it will then be called, "shall be published in The Alberta Gazette as soon as it is practicable." Now, I would be interested in hearing from the hon. minister as to what if any exception could possibly be taken

to that amendment. That amendment does not oblige any other input. It does not oblige any opportunity for further debate on what gets published, but it simply says that if the board passes regulations and bylaws and documents, those will be published in the *Alberta Gazette* in an effort to most widely disclose to all Albertans what the amendment is to be all about.

Now, if the members will look at section 128, they will see that section 128 relates to the minister's regulations "respecting the conversion to this Act of anything" from the lotteries, "respecting the conversion to this Act of licences, permits and registrations," and

to deal with any difficulty or impossibility resulting from this Act or the transition to this Act from the Interprovincial Lottery Act or the Liquor Control Act.

Now, I can't think of anything that would be more fairly published in the *Alberta Gazette*, Mr. Chairman, than those particular sections, than what the minister has regulated pursuant to that section, and I would strongly urge all members to vote in favour of that section.

In addition, section 127, Mr. Chairman, is:

The board may make regulations

- (a) excluding products from the definition of liquor . . .
- (b) specifying the provisions of this Act that apply to a class or type of liquor;
- (c) establishing provisions that are in addition to or replace provisions of this Act in respect of a class or type of liquor.

Is that legislative power that is being delegated to that board? Most certainly it is.

At the very least the hon. minister ought to be able to tell us why it should not be that those regulations are published in the *Alberta Gazette*. Now, the minister will say: well, people that need to know will be notified. That assumes that the government and the minister's department and the board involved are able to speculate accurately all who will and should receive notice. The better approach, I suggest to Members of this Legislative Assembly is that these be published in the *Alberta Gazette*. Of course the beauty from the minister's point of view is that once something is published in the *Alberta Gazette*, it is deemed to be known. As a result, the minister would then have the advantage, would have the high road of being able to say: it's in the *Gazette*. So I think that from the point of view of protecting the minister as well as protecting the public, there is absolutely no reason why regulations made by the board should not be published in the *Alberta Gazette*.

Now, the next amendments come to section 128, and I touched on those earlier, Mr. Chairman. What those amendments do is simply oblige the regulations made by the minister or the Lieutenant Governor in Council to go to the . . .

### **Chairman's Ruling Decorum**

THE DEPUTY CHAIRMAN: I understand what you say, hon. member. The hon. member should not walk between the Chairman and the person. It's been going on too much in the House, and we shouldn't stand for that.

MR. GERMAIN: So I take it that you understood both what I said and what I didn't say. Thank you, Mr. Chairman.

### **Debate Continued**

MR. GERMAIN: Mr. Chairman, the section that we're dealing with that amends section 128 and the section that amends section 126 basically constitute a referral of regulations, those made by

the minister and those made by the Lieutenant Governor in Council, to the Standing Committee on Law and Regulations of this Legislative Assembly.

You know, Mr. Chairman, it's like listening to some of those old Beatles' tunes from the '60s and some of the Rolling Stones' tunes from the '60s. Now, for some members in the Assembly that would be before their time, but others remember those olden goldies. We call those olden goldies when they appear on the radio station, and we all love to hear them. So when I again stand in this Legislative Assembly and talk about law and regulations and the desirability of referring that to the Standing Committee on Law and Regulations, that is indeed an oldie goldie.

We will then get into the debate about who has to call the meetings. The hon. chair of that committee, who has never chaired a meeting of that committee, says that it is not for him to call the meetings. Other Members of the Legislative Assembly debate whether it is the Premier that should call the meetings. Yet others say that it is the Legislative Assembly that should call the meetings. But the point is that we have a committee of this Legislative Assembly that has never met, has never sat, has never opened one page of paper, has never turned on one shredding machine to shred one piece of paper, and simply has never had to file a report to this Legislative Assembly.

Hon. members in good faith agree to allow their names to be put on that committee, yet the committee never meets. Could the committee do some good work in this Legislative Assembly? Yes, it could. Could the committee do it in a cost-efficient way? Yes, it could, because the hon. members on that committee sitting on this side of the Legislative Assembly have agreed publicly, on the record, in *Hansard* to waive all of their committee fees and other stipends for sitting on this particular committee. As a result, Mr. Chairman, I urge all members to vote in favour of this particular amendment, which you have numbered A12.

I know that there are other Members of this Legislative Assembly that want to speak to this amendment. Perhaps even the minister will want to hazard an explanation as to why regulations passed by the board should not be published in the *Alberta Gazette*. To give all Members of the Legislative Assembly an opportunity to speak further on this, I will now take my place and turn the floor over to others.

Thank you, Mr. Chairman.

**8:10**

MR. VAN BINSBERGEN: Mr. Chairman, I feel compelled to speak to this particular amendment. Perhaps there is a slight risk that what I'm about to say has been said before by me or by other members, and that is that I fully favour this amendment because it once again refers the matter of the regulations to the Standing Committee on Law and Regulations.

Mr. Chairman, I think it's safe to say that this is probably the most favourite committee on this side of the aisle, probably because it never sits. It's because of that reason that it causes us to call for its sitting time and time again. Now, the task of this committee, of course, is to peruse regulations that have been thought up by the minister and his department. As such, this particular committee would peruse the regulations and would determine whether they are consistent with the delegated authority provided in this particular Act and whether they are necessarily incidental to the purpose of this Act and whether that particular regulation is reasonable in terms of efficiently achieving the objectives of this Act. Those are things that we can never have enough of really. I fail to see the reluctance on the part of the

people on the government side to for once call this particular committee into being and allow it to discharge its duties.

Mr. Chairman, there is another side to this particular amendment, and there's another reason, I think, why this particular committee ought to be called into being. We all know that it can only be done by probably the Premier himself or by a majority. I'm not really sure, but we've been assured by the chairman, anyway, that he cannot do it himself. I submit that we are committing a grave injustice upon the Member for Calgary-Shaw. After all, he is the only member on the government side who is in theory a chairman and who in practice has never been allowed to convene his committee, thereby being deprived of considerable extra sources of income. Now, I submit that that is a grave injustice that we are visiting upon this person. So let us even out the playing field. Let us make it level at least for members of the other side. Let us together decide here and now by simply passing this amendment that the Standing Committee on Law and Regulations be hereby convened.

Thank you very much.

THE DEPUTY CHAIRMAN: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Chairman. I, too, would like to make just a few comments to amendment A12 before us this evening, that proposes to amend three sections of Bill 6, the Gaming and Liquor Act. This particular amendment, of course, deals with regulations.

The amendments before us today all have the same root theme to them, and that is the issue of accountability. Mr. Chairman, as you're well aware, any legislation that comes before this House is debated in a thorough manner, particularly by members on this side of the House. Members on the other side of the House, of course, are loath to enter debate on frequent occasions. Now, what we are attempting to do, of course, is deal with an issue that proposes to put rules and regulations before people without the benefit of that debate which we enjoy on legislation, and that is the whole issue of regulation.

Mr. Chairman, when you look at the amendments before us today, the first amendment to section 126 suggests that the committee chaired by the Member for Calgary-Shaw should meet and should have regular *Hansard* recordings of the proceedings of that committee. That would help to address the issue of public debate. It would help to address the issue of accountability and would help to address the issue of openness. The way the Bill is written without the amendment, there is no requirement for any kind of a debate. Typically, what we often see happening, of course, is that orders in council come forward that enforce this regulation or that regulation, but there is no debate and no recorded debate in terms of *Hansard*, as we have here, that tell us how that regulation came into existence. That to me, Mr. Chairman, is an oversight that should be corrected and indeed is corrected by the amendment put forward as the first part of amendment A12.

Mr. Chairman, the second part of A12 deals with amending section 127 of the Bill. Now, we have seen many pieces of legislation before this House where we see the phrase: the Lieutenant Governor in Council may make regulations. Then there's usually a long list of those issues to which the Lieutenant Governor in Council may address itself in making its regulations. But when we look at section 127, it says that "the board may make regulations." Again, there's no public disclosure necessar-

ily from this. There is no open debate that would ensue from this. There is no recording of how the decision was made to create or amend or delete a particular regulation. In fact, by allowing the board to make regulations in the same fashion as the Lieutenant Governor in Council makes regulations, indeed that virtually gives the board the same power as the Lieutenant Governor in Council.

In fact, when you look at section 127(a), it says that the board may even make regulations regarding what is defined as liquor under the purposes of section 1(1)(q). Indeed, the whole Bill, Mr. Chairman, deals with the issue of the government making a profit through gaming and liquor. So since the board will be given such considerable power and authority as to be able to make regulations under section 127, it is important I think that we have the amendment that is put forward by my colleague for St. Albert that would say that those amendments should be published in the *Alberta Gazette*. Now, I'm not sure how wide a readership the *Alberta Gazette* has. Certainly we get it in the constituency office of Calgary-North West on a regular basis. The *Alberta Gazette* contains a number of things in terms of regulations and so on and so on.

What the amendment simply proposes in this case is that indeed regulations passed by this board should be subject to the same kind of public scrutiny. In the way the Bill is currently written, currently drafted, there is no requirement for these regulations to be made public outside of any perhaps vested interests or whatever. So the obvious question is: why is it that the board is granted this kind of authority, or I should say, I guess, since the Bill hasn't passed yet, is proposed to be granted this kind of authority, the passing of regulations? If anyone should be doing it, Mr. Chairman, it should be the Lieutenant Governor in Council and not the board itself.

The next section, the other part of the amendment, deals with section 128. Here again – and I referred to this, I believe, in second reading debate on these three particular sections – we now see that “the Minister may make regulations.” Well, Mr. Chairman, if we don't have some kind of a publication, perhaps a listing of regulations made, on one hand, by the Lieutenant Governor in Council and, on the other hand, by the board and, if you will, on the third hand, which is what's being proposed here, by the minister, then I can see where you would get regulations being made that maybe don't even complement one another but may in fact contradict one another. So the amendment before us again today suggests that where you have the Lieutenant Governor in Council making regulations and the minister, the Standing Committee on Law and Regulations, if they were to vet those sets of regulations, in fact could address the issue and the concern of contradictory or conflicting or contrasting regulations.

So the amendment that we have before us today by the Member for St. Albert, Mr. Chairman, would ensure that the regulations being proposed would indeed be amendments that flow logically, that make some sense in terms of regulations, that would make some sense based on the direction that the board chooses to go under the Gaming and Liquor Act.

8:20

So, Mr. Chairman, when we see a piece of legislation like we have before us today, that contains as part 6 the whole issue of regulations and who may make regulations about what issues, it's clear that there must be some review, some vetting, some debate, and some public oversight into those regulations. But the way the Bill is currently drafted – and that's the reason, again, for the need for this amendment. It would allow those regulations some

kind of a public review prior to their implementation. For that reason the member has put forward the amendment that says that the Standing Committee on Law and Regulations shall review all of these regulations, and it says:

shall indicate any matter referred to . . . to which, in the opinion of the Standing Committee, the attention of the Minister should be drawn.

I think that helps the minister to ensure that he's got a firm control on the various entities that may indeed be creating and drafting new regulations. That allows the focus, I guess, to remain in the same track, whatever that track may ultimately be decided to be, since you're going to have these three different entities – the minister, the board, and the Lieutenant Governor in Council – all making regulations. I think what it does is provide a mechanism that would allow hopefully for a good regulation to follow good legislation.

Now, I don't want to infer that this is necessarily good legislation, nor do I want to leap to the conclusion that the regulations would necessarily be wonderful regulations. What I'm saying is that if we have that public debate, you are more likely, in my opinion, to get better quality than if things are done behind closed doors. For that reason, Mr. Chairman, I would support amendment A12 that is before the committee today.

#### Chairman's Ruling Decorum

THE DEPUTY CHAIRMAN: Before I call on the Member for Clover Bar-Fort Saskatchewan – it's really hard to even be Chairman of this committee because every corner of the House is just a roar. If you want to talk or if you want to have a meeting, please go outside. We just can't operate with this much noise in the House. There are about six places in the House that are too noisy. Calm down your voices.

By the way, it's unparliamentary to sell tickets in the House.

The hon. Member for Clover Bar-Fort Saskatchewan.

#### Debate Continued

MRS. ABDURAHMAN: Thank you, Mr. Chairman. Your comments speak volumes about the legislative process in the province of Alberta, when the Chair has to try and bring some order to this Assembly when we're discussing government legislation as important as Bill 6, the Gaming and Liquor Act.

Like my colleague for Calgary-North West, while we're speaking to the amendments, we certainly don't want to give credence to another piece of legislation that is fundamentally flawed. It certainly communicates once again that within the province of Alberta we are sadly in need of parliamentary reform, when we have to stand up in this Assembly and ask for support when indeed a government has got itself elected on caring and listening and also being open and accountable, when we see a key standing legislative committee has never even been called to deal with regulations.

You know, we all know that within the legislative system, the meat of any legislation, the power behind any legislation – Mr. Chairman, I can see that your words were taken to heart and they were very meaningful: to my right, it's very impressive, the breadth of the girth.

THE DEPUTY CHAIRMAN: Hon. Member for Grande Prairie-Wapiti.

MRS. ABDURAHMAN: Someone was paying attention. That's

better, Mr. Chairman. I can see you. The breadth of the girth has been removed, and I won't find it quite so distracting.

AN HON. MEMBER: You liked it, eh?

MRS. ABDURAHMAN: No. That wasn't quite what I was saying, Mr. Chairman. I found it distracting because I felt that possibly we should be having some more exercise and maybe the diet should be looked at. Anyway, Mr. Chairman, getting back to the legislation before us and the amendments.

We know that the power behind the legislation, the meat of the legislation, is indeed in the regulations. Yet we see continually in the province of Alberta through this Legislature where unelected bodies are indeed given the mandate to develop the regulations. In this piece of legislation we go beyond that, where we actually say that a board can indeed develop the regulations. Yet those regulations will never find the light of day within this Assembly.

It's an interesting proposition when we hear the chairman of the Law and Regulations Committee saying that as chairman he doesn't have the power to call a meeting. I would like to ask this Assembly through you, Mr. Chairman: how does the parliamentary system work, if the chairman indeed does not have the authority to call a meeting? I look at Public Accounts where I'm the chairman. Am I wrong in the assumption that once the Legislature has accepted the nomination and indeed approved the appointment of the chairman to a committee, the chair is powerless, has no rights to call a meeting? Now, I know that in Public Accounts, yes, the chair may indeed call a committee, but the bottom line is that because of who has the majority in this House, the chair's meeting may be short-lived. That still begs the question and I would it put to Calgary-Shaw: does he indeed not have the legislative power or democratic right to call a committee meeting? I find that mind-boggling. Well, if he doesn't have that right – once again, Mr. Chairman, I can't see you; you're hidden from me. Once again Calgary-Shaw's girth is in front of my eyes, and I can't see the Chair, so I can't speak through the Chair, and once again the legislative process is being interfered with. That's better. His front is a bit more acceptable.

Getting back to who has the right in this Assembly to call a meeting of a standing legislative committee, I think that has to be addressed. If indeed the chairman of that committee does not have the legislative right, then I would suggest that we indeed should be looking at significant parliamentary reforms. The parliamentary reforms that I'm talking about if this Assembly won't accept these meaningful amendments to get open accountability and to allow all members of this Assembly, who are voted in to represent all constituents, to have the right to know what's within regulations, what regulations are going to be revised or indeed withdrawn when the sunset clause comes up clearly identified, brought back to this House – I think this Bill 6, the Gaming and Liquor Act, once again just reinforces the need for these amendments that are before this House.

Quite frankly, I can't believe that the Premier of this province can say, on the one hand, that he cares and listens, that he's for open and accountable government, that we're here to do a job and have good legislation, responsible legislation that does the job, that doesn't create confusion out there that indeed results in lawyers having an increased marketplace because of poor legislation that passes through this House. Let's face it, Mr. Chairman, it is the lawyers that benefit from poorly written legislation.

DR. TAYLOR: You hear that, Jon? She's slurring lawyers.

MRS. ABDURAHMAN: Yes, and I don't have any difficulty, because I'm sure the Member for Calgary-Shaw would agree with me that when you do a job, you should do it well, and one of the first things you do well is how you write legislation. The only way you can make sure that you have good legislation is if it indeed can be written in plain language, it can be easily interpreted, and you don't have half a dozen lawyers all disagreeing in the interpretation. We see that continually in this House. Then they add insult to injury. When you bring forward meaningful amendments that would allow this Assembly to have an opportunity to debate whether a regulation will do the job or not, we're denied that democratic right. I would think Calgary-Shaw would agree that this is the place that democracy should appear to be alive and well, that there should be an openness there. I would suggest that the Member for Cypress-Medicine Hat represents that with his private member's Bill. When it comes to walking the walk within the government caucus, it suddenly seems to disappear, it becomes silent, and I think it might be that because within the democratic process, somehow the party Whip undermines that democratic process. That's why we need to have significant parliamentary reform in the province of Alberta.

8:30

So I would say to the Member for Calgary-Shaw: "Stand up and be counted as chairman of the rules and regulations committee. Do something to earn that title. Don't just sit on your hands." Because that's in essence what you're doing. When you accept the title, you've an obligation to meet with that title, and in three years, Mr. Chairman, he's done zilch. I also say that if the Member for Cypress-Medicine Hat is sincere about direct democracy and allowing Albertans the right to have a say in this Legislature, what could be more democratic than a rules and regulations committee that functions?

DR. TAYLOR: I agree with her.

MRS. ABDURAHMAN: He's actually acknowledging that I'm right. Well, why don't you support this amendment? Support the amendment and we might get somewhere, Mr. Chairman.

SOME HON. MEMBERS: Muriel for leader.

MRS. ABDURAHMAN: I mean, I can't believe it. The members to my right are supporting me. Well, why don't they put their vote where their mouth is, Mr. Chairman, instead of sitting on their hands. Let's be democratic. Let's get the rules and regulations committee going. Let the Member for Calgary-Shaw do something meaningful when he's sitting in this Legislature, and let him take the Premier's care and listening and open and accountable government and bring it right into this Assembly.

Mr. Chairman, I'm going to watch closely how these members to the right that have another title – and I won't repeat that tonight – vote. Do they vote with their heads or do they vote with their ears? So stand up, gentlemen, and be accountable tonight.

Thank you, Mr. Chairman.

[Motion on amendment A12 lost]

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

MR. BRACKO: Thank you, Mr. Chairman. Again we've just witnessed a vote for secrecy over there. They're all talk and no

action. Secret government, closed government, unbelievable government.

MR. GERMAIN: See no evil, hear no evil, and speak no evil.

MR. BRACKO: Exactly.

Mr. Chairman, I will move A13 now, which reads that section 131 is amended by renumbering it as section 131(1) and by adding the following after subsection (1):

(2) The Commission must report to the Minister any steps taken to divest itself of leased premises pursuant to subsection (1) and the Minister shall as soon as practicable table in the Legislative Assembly a report summarizing the steps taken to terminate leased premises including any projected losses to the Government related to those terminations.

Mr. Chairman, this is a very important amendment, one that deals with freedom of information – again we just saw the secrecy of this government as they voted against our previous amendment, A12 – one that would open up the democratic process to all Albertans. We're continuing this in the same vein to open up the process so all Albertans know what has taken place, what has happened to their tax dollars, and accountability by this government to all Albertans. We don't want a government that does things behind closed doors, as we saw with the privatization of liquor stores, the leases. We couldn't get information for months on end. They were saying that they made \$50 million or \$60 million on the sales of these properties, but the facts show that this wasn't the case, and the truth came out months later when we realized that they only made \$46 million or so instead of the 50-some million dollars they had claimed they were making. So we need to know exactly when a lease is terminated and have an explanation given so all Albertans know what has taken place.

This is again the minister who always says freedom of information. He is tabling this information. So this will assist him in again moving freedom of information a step forward in this perspective. We want to know what the commission has done, what leased properties or anything else they divest themselves of. We want to know this. We want to know why it's happening and what the consequences are. This is important to all Albertans. I know there are others in my caucus who want to speak to this, who want to go into more detail, who have more experience in this, and will continue on.

So with those remarks I will conclude for this time.

THE DEPUTY CHAIRMAN: Before I call the hon. Member for Fort McMurray, hon. Member for St. Albert, are we dealing just with Q?

MR. BRACKO: Mr. Chairman, that's correct; Q, section 131.

THE DEPUTY CHAIRMAN: All right.

The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Chairman. This is, frankly, a nonpartisan amendment that should be and I'm sure at the appropriate time will be embraced by the minister in charge of this department; that is, the Minister of Transportation and Utilities. Section 131 of the Act is contained in part 7 of the Act, and it is one of the transitional provisions. It is a recognition that the old Liquor Control Board and the new commission may still have premises – liquor stores, regional warehouses – facilities, leases that have not yet matured and not yet expired and for which the government is still responsible.

Now, when we dealt with the debate on the privatization of the liquor industry in 1993 in this Legislative Assembly, it was interesting to note that the then minister indicated that he would disclose frankly and fully all of the sales and all of the assets and that they would budget appropriately for losses, if they had to carry any forward, and that the Legislative Assembly would receive a report on these issues.

In this particular section what we have, Mr. Chairman, is the section that allows the commission to basically dispose of its remaining, residual, property, and I think there would be few that would disagree with that particular position. The section provides that

the Commission must

- (a) terminate the lease, cease to use or occupy the leased premises or sublet, assign or grant a concession or licence for any interest in the leased premises for any reasonable [time],
- (b) part with possession of the leased premises, and
- (c) be released from performing the terms, covenants and conditions under the lease with respect to those premises.

Now, basically that is a mandating section that provides for the commission to get itself out of the real estate business as quickly as possible.

#### 8:40

Against that backdrop of the section, Mr. Chairman, the members of this Assembly are asked to consider whether it is appropriate that the commission report to the minister and the minister

as soon as practicable table in the Legislative Assembly a report summarizing the steps taken to terminate leased premises including any projected losses to the Government related to those terminations.

Now, as you know, this information is tortuously obtained through motions for returns, requests for information, private meetings with the minister, and by screening and considering loss write-offs and loss provisions in the annual budgets of the province of Alberta.

However, it seems to me that just as the Department of Energy displayed in this Legislative Assembly the documents and contracts between itself and Murphy Oil when they divested themselves of 5 percent of the Syncrude project and just as the minister has promised to provide information concerning the sale of the rest of the Syncrude project to Gulf Resources and Torch, just as the minister has made those promises, I'm sure that the Minister of Transportation and Utilities, also in charge of the Gaming and Liquor Commission, would in fact provide that information on request.

Well, this transitional amendment goes one step further. It obliges the minister "as soon as practicable" to file that information in the Legislative Assembly. I do not know any reason why the minister would not file those documents. The minister from time to time has been quite forthcoming with the filing of documents, and there is no reason why the minister would not file them on this occasion.

What I'm suggesting to the members in support of this amendment is that since it is a transitional provision only, since it will grandfather itself the same as every other transitional provision in part 7 of this Act, why don't we as the Legislative Assembly express the natural curiosity that people elect us for and ask the minister to file those materials in the Legislative Assembly when he divests himself of these interests? In fact, if you dug deeper, you might find an order in council that would cover off some of these things. But the issue is: why should that be a matter of

research disclosure? Why isn't that a matter of automatic disclosure? The minister himself knows when each of these facilities is disposed of. Why doesn't he just accept the amendment tonight that will allow the House to have the information that details that amendment and what, if any, loss the government has obtained on that particular amendment?

This makes very good sense to me, Mr. Chairman, and is another amendment that attempts to allow the government, if I might use the vernacular of the street, to put its money where its mouth is. The government always speaks in terms of open, accountable government. The government always says, "Ask and ye shall receive"; that is, as it relates to information. All we say here is let's make it mandatory. This province and this government still have liquor store facilities, liquor store realty, and those are going to be disposed of pursuant to this provision.

It is neither unreasonable nor inappropriate for members of this Assembly to request that this information be filed in the Legislative Assembly. As a result, I urge all members to support this particular amendment.

I know that there are other members now that wish to speak on this matter of open and accountable government, so I will take my place, Mr. Chairman, so that those members who wish to can express themselves, and undoubtedly we will hear in the fullness of time this evening a commentary from the minister indicating what, if anything, he feels is wrong with this particular amendment that would oblige the filing of a report when the liquor store premises still held by the government are disposed of.

THE DEPUTY CHAIRMAN: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Chairman. Just a few words to sort of underscore the importance of this amendment, as has already been outlined by my colleague from Fort McMurray. It's extremely important. We're all aware of losses that have occurred simply because the government had found itself involved in long-term leases as it was privatizing its liquor stores and also in the speedy sales that occurred of its own property at that time. I think most of us can come up with an example in our own constituencies where money was lost to the taxpayer simply because deals were conducted, were executed that were not in the interest of the taxpayer. I think it is that kind of action, which I realize happens every once in a while, that if not unbeknownst to the minister, then at least is probably against his wishes. These are all in the nature of conducting business, but I think it's important that the taxpayers find out where exactly they stand and how much has been lost upon those occasions.

Mr. Chairman, I know that this government prides itself constantly and consistently on conducting its business with transparency I think the chosen word is, openness and transparency. I submit that at times it actually instead discharges its duties with the consistency and transparency of coffee grounds, and there's a great need to illuminate the business in which they are involved.

So, Mr. Chairman, I call upon the minister to accept this amendment. After all, he's been a known proponent of the pursuit of the truth. He's a man of principle, and I can't imagine that he would oppose a simple amendment such as this. In fact, I go one step further. I beseech the minister to explain to me, to others on this side probably, and to those on his side why this amendment ought not to be passed. I would like to know that.

Mr. Chairman, that's about all I have to say. Thank you very much.

[Motion on amendment A13 lost]

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

MR. BRACKO: Thank you again, Mr. Chairman. Moving on to A14, section 132 is amended by adding the following after subsection (4), which is subsection (5):

Despite subsection (3), the Court of Queen's Bench of Alberta may determine whether a binding contractual agreement existed between the Alberta Liquor Control Board and a licensee and award any damages to any licensee whose rights are affected by any decision of the Liquor Control Board, its Board or the Chairman of its Board.

Speaking to this amendment, we've seen the case where it would only be fair that they would have this right. We saw with the wine stores earlier where the government tried to take away their contract through legislation in this Assembly, and we don't want to see that happen again. In any contractual dispute they should be allowed to go to court and have the courts decide the outcome of it. Each presents their case as they go through, beginning with discovery and moving on to the different aspects.

Again, in this we look at the larger stores, which may wish to see whether it's proper, in order, whether it's legal for them not to be allowed to sell in their store. They may wish to challenge this, and they should have this ability to do that. Again, no one should be penalized by not being able to go to court for what should be their legal right in our country and our province, Mr. Chairman.

With that I will conclude and turn it over to my colleagues.

**8:50**

MR. GERMAIN: I continue to follow the hon. Member for St. Albert, and I must say that I'm starting to feel like the second elephant in a two-elephant parade, Mr. Chairman. Perhaps on this particular amendment other Members of this Legislative Assembly will be motivated to put their oars in the water and contribute to the quality of the debate, because it is always very awkward when individual members of the Assembly remain silent. It is, of course, their right to do so, but when there is that silence, we can only assume that there is some tacit approval for those comments that are being made. Then when you rule the amendment to fail, as you have in the last two amendments, we're left scratching our heads wondering if there was some more advocacy or some more commentary we could have made that would perhaps have turned the day.

Now, this particular section is a very, very interesting section, Mr. Chairman, because for the first time ever that I could see, it cancels the right of lawsuit for various groups and organizations before they even know if they have a right of lawsuit, or if their right of lawsuit has matured, or if there is to be any kind of an opportunity they may have to bring a claim against the government on its handling of matters relating to the privatization of the Alberta Liquor Control Board.

[Mr. Herard in the Chair]

The government, in fairness, has recognized one particular lawsuit by court action number and has actually taken the unusual step of identifying a court case in a statute of the province of Alberta and preserving their right of litigation in that particular action number. As I understand that court case, there are multiple parties to that particular lawsuit, and one or more of them might want at some point to branch out on their own and allege further

and other breaches of their arrangements with the Alberta Liquor Control Board. We cannot presuppose how that lawsuit might go, and to simply provide that one particular lawsuit has merit to be advanced in the province of Alberta on these issues in dispute and no other strikes me as being most unfair and most unreasonable.

In addition, there is an indemnity provision given to the past members of

the Alberta Liquor Board, its Board or the Chairman of its Board or the Commission, its board, or the Chair of its board or the Crown based on any claims for compensation or for loss or damage in contract, property, tort, equity or otherwise as a result of the enactment of this section or of section 37.1 of the Liquor Control Act.

Wide-sweeping removal of people's rights to legal process in the province of Alberta.

I want to suggest to all Members of the Legislative Assembly that if people have legal rights to bring on a lawsuit, they should be given the opportunity to do so. If they don't win, that's fine. They pay court costs. But if they win, they should not have their opportunity to do so stifled by this Legislative Assembly. I mean, first thing you know, we'll have legislation in here, Mr. Chairman, that simply stifles a community's right to vote because they may have voted a certain way in past elections. Taking someone's right of recourse to the courts away from them is an ultimate sanction in a free and democratic society, and all Members of the Legislative Assembly should have their hearts almost stop when they see provisions such as this come forward in legislation.

Now, I do not know and I'm not going to presuppose whether there are zero lawsuits out there. I'm sure the minister, if he responds to this section, will say, "Oh, nobody's affected." If nobody's affected, then why do you have the section in there? If there is no possible aggrieved person, then why do you need a bar and a block? Why must you have legislation that takes away any action or proceeding? That must mean and that must tell me, Mr. Chairman, that there are potentially some litigants out there who have not been completely identified and who may have suffered losses arising from and through the transition of the Alberta Liquor Control Board and the privatization of liquor in the province of Alberta. I would be very concerned if somebody came and approached me on the street and said: "Way to go, you guys in the Legislative Assembly. You took away my right of lawsuit. You didn't say, 'Pay costs if you lose.' You didn't say, 'You've got no case.' You took away my right to go and plead my case." That would be like a mother having her child come home from school and start yarding away on the child because the child had done something alleged to be bad at school without even giving the child a chance to speak her piece. You do not in a free and democratic society take somebody's right of lawsuit away.

You know, a few months ago we were talking about how we could handle the Bovar contracts. The hon. chairman in charge of the special waste treatment facility said that, oh, it would be wrong to affect their rights retroactively; it would be not right; it would be unseemly in the province of Alberta to do that. Yet here we are taking people's legal rights away. Has this legislation come to that? Have we drifted so low in terms of our assessment of other human beings who might want to sue the government that we are going to simply say: "No. We think we're right. You're wrong, and to prove it, we're going to take away your right of lawsuit."

That is simply wrong. I didn't get elected in 1993 by the good citizens of Fort McMurray to stand by and see people's legal rights trampled, and I'm sure none of you did. I don't think that

the hon. Member for Calgary-Currie, for example, was knocking on doors and saying, "Elect me; I'm going to take away your right of lawsuit in the courts," or that the hon. Member for Dunvegan, if he was campaigning in the farmyard, was saying, "Elect me because I'm going to pass a law that says you can't go to court."

That is wrong, and I do not know why this Legislative Assembly doesn't simply stand up one time at night like this, at 9 o'clock at night, and say, "That's wrong; we're not going to take away people's lawsuits." Only in one type of country do they take away people's right to lawsuits, Mr. Chairman, only in one type of country, and that is a type of government where they do not respect free and democratic rights, where they do not have an independent judiciary, where they do not have a separate legislative function and judicial function. If people have property rights, if people have legal rights, if the state is expected to protect those rights and give them a chance to have due process in the courts, the people do not expect the Legislature to take away their legal rights. They do not expect them to take away their legal rights.

You know, some members of this Legislative Assembly, Mr. Chairman, are members of the legal profession. It's an honourable and just profession. It has been around since before the time of Christ. You know, one of the things that the legal profession has always prided itself in is sticking up for people's legal rights. If you did a poll of the members of the legal profession in this Legislative Assembly and asked them as a matter of principle if they supported legislation that retroactively took away people's potential legal rights without giving them the opportunity to be heard, without giving them their day in court, without giving them the opportunity to plead and to present their advocacy to the appropriate courts, I think you would have unanimous agreement among the members of the legal profession who are also Members of this Legislative Assembly that that is wrong.

What is troubling is that that should not be a question that has to be asked. There should not be one single Member of this Legislative Assembly that votes to take away people's legal rights retroactively and without notice. Mr. Chairman, you know, on this very point I could go on talking about the importance of people's right to have access to the courts, what you have if you don't have access to the courts – people run the risk of taking the law into their own hands – but I will forbear this evening because I know this is such an important point that there are other Members of the Legislative Assembly who want to get up and want to go on the record as saying no to this government. Do not take away people's rights. If they don't have a lawsuit, that's fine. They will lose. They will pay costs. But if they do have a lawsuit, do not take away their right to advance that lawsuit.

The wording of section 133 of this particular legislation is draconian. To ameliorate that somewhat, the hon. Member for St. Albert has very wisely come forward with an amendment that will not remove section 132 – there will be many, perhaps, in this room who will argue that it should be removed – but the hon. member comes forward only with this amendment: that where there is an issue as to whether a binding contract existed between the ALCB, as it was then called, and a licensee, it may allow that person to sue and may award any damages to any licensee whose rights are affected by any decision of the Liquor Control Board or the chairman of the board.

9:00

So I want to urge all members to allow this amendment because this amendment puts a reasonable escape valve into the draconian nature of section 132 of this transition provision. Now, when the

transition provision ends, so too of course will this amendment end. I know, Mr. Chairman, that you will want to hear from both sides of the Legislative Assembly. I know that the hon. minister will want to speak to this issue, because it is a startling and astounding proposition for people to lose their legal rights, their recourse to the courts without even having the opportunity to get there to prove that they should be there in the first place. I can only reiterate that that is like a proposition of guilty before proven so, and that has never been the kind of benchmarks that we have established and that we have tried very hard to attain in a free and democratic society such as the province of Alberta.

This paragraph does not read well. It does not read well in the public press; it does not read well in the public domain. The public domain will say: "It's liquor store operators this week. Who is it next week? Is it parents next week? Is it employees next week? Who is it next week that will lose their right of recourse to the courts without even having an opportunity to be heard?"

I know that on an important point like this, Mr. Chairman, numerous Members of the Legislative Assembly will want to stake out their position. Those members who do not want to stake out their position, those members who want to vote tonight for removing people's rights to go to the courts will also have to deal with that issue when they are confronted in the public domain, when people ask them: "Why in the world did you vote to take away people's potential rights in the court? Why did you do that? Why did you do that retroactively? Why did you do that without allowing us a chance to be heard? Why did you do that without giving us our access and our day in court?" Even those people not affected by Liquor Control Board contracts may well ask the important, \$64,000 question: if these stores today, who next tomorrow?

Thank you very much, Mr. Chairman, I know others want to speak on this important point.

THE ACTING CHAIRMAN: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Chairman. I would just like to say a few words. I'm not as passionate in my oratorical skills and as sanguine as my learned friend from Fort McMurray. Of course I'm much older, wiser, and I'm trying to save my breath and energy for perhaps more important endeavours.

Mr. Chairman, sober-minded as I am, I'm still stupefied by this particular clause 132. Hence the reason it needs to be amended. I'm stupefied, I've said. I mean, this is a very heavy-handed way of dealing with simple items. To in fact take away, to deprive any citizen of his or her right to sue doesn't make any sense to me. It almost seems as if the government in its infinite wisdom is afraid that a whole bunch of lawsuits may eventually be launched, and therefore this is sort of like a pre-emptive strike. So I don't understand this at all. That's why I'm firmly in favour of this particular amendment which allows us at least a modicum of democratic rights in the sense that we will be able to sue if we deem that to be just and fair and correct.

Now, Mr. Chairman, I've asked on a previous occasion, I think begged the minister to explain to me why I should not vote in favour of this particular amendment, and he did not pay heed to my urgent calls, but I'm extending this particular invitation again. I really would like to know why it is that this particular amendment is not right in the eyes of the minister and other members of

the government. I think it makes eminent sense; I think it behooves us to defend the rights of ordinary citizens. That's what we're doing by this amendment. So once again, I invite the minister to tell me – am I wrong? This is what I would like to know.

Now, this comes on the heels of another gesture on the part of the government, I might say, and that is to continuously deny to refer any of the regulations to the standing committee on regulations. Mr. Chairman, I find that so hard to stomach. Those are all very democratic Acts that we propose and that the government opposes; namely, allowing citizens the right to sue and allowing citizens to know what's going on in the way of regulations, as to how they're arrived at and whether they make any sense. Both these actions ought to be accepted by a government that prides itself on favouring openness and transparency. That is not the case.

When I look at the Member for Calgary-Shaw, distinctly a prototype, a specimen of sober-minded second thought, in fact I think he would be a perfect candidate for the Senate. Unfortunately, he is a member of the wrong party, a party that federally at least is hovering in an extinction mode. Of course, if his sympathies lie with the Reform Party, then we all know that they are as popular in eastern Canada as a herd with mad cow disease, so I think that for awhile there's no chance of that.

Mr. Chairman, I want to get back to the amendment before you pull me there and force me to go there. I just want to reiterate that this particular amendment defends the rights of citizens to sue the ex-commission. That is important.

Mr. Chairman, I'll cede the floor to someone else. Thank you.

THE ACTING CHAIRMAN: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Chairman. The amendment before us today, that begins with the words "despite subsection (3)" and then continues on allowing the Court of Queen's Bench to determine whether or not any damages should be awarded and so on and so on, refers specifically to subsection (3). It's important, when you look at subsection (3) of section 132, that it says that "no action or proceeding may be instituted . . . as a result of the enactment of this section." Now, the Member for Fort McMurray has already clearly and succinctly elucidated one major concern at least with respect to this, and that is that if the amendment fails, there is no possibility that anyone may at any time file a lawsuit. He has expressed I think very clearly and very accurately the concern with respect to removing a person's right to sue. I think that is certainly an issue that should be of concern to any and all Albertans.

Mr. Chairman, there's another principle here that I want to address, and that is the issue that if you read section 132(2), it says:

Any right or benefit that may have arisen under an agreement, policy or representation described in subsection (1) is null and void from the date the agreement, policy or representation was made.

Presumably, if this section passes and 132(3) passes, then what it says is that even though there is an agreement that has been signed between two individuals, that agreement is of no force and it is of no force from the date it was signed, from now back to the date that it was signed. Well, it seems that then you have the situation where the government finds itself in the embarrassing position of having signed agreements on behalf of the government with individuals who have entered into contractual arrangements, and



now that contractual arrangement itself is going to be null and void. The obvious question is: if we start doing that in this particular piece of legislation, in what other situations will we find the government saying, "Well, we've decided that that agreement is no longer acceptable; that agreement can be eliminated and described as null and void from the date the agreement came into force"? That's what section 132(2) says.

So if we pass that section without the amendment, then a person could find themselves in a situation where they've entered into a contractual agreement with the government and that contract is now eliminated, eradicated on the basis of the section I just read, and that individual will have no recourse because section 132(3) says: sorry; you can't file a lawsuit. So if one is to bargain in good faith, to negotiate in good faith with the government, one has to have a sense of stability, of equity, of fairness that in the event that suddenly the government changes its mind, turns around 180 degrees, as they have certainly done on the whole issue of liquor sales in this province over the last few years, then the individual so affected, Mr. Chairman, must have some recourse. To leave sections 132(2) and (3) in force as they are without the amendment takes away an avenue of recourse that I believe individuals should have.

So from that standpoint, I am supportive of the amendment that we have before us today to add a proposed subsection (5) to section 132 of the Gaming and Liquor Act. I would again raise the concern that the whole issue of removing agreements that have been in place and deciding that they are suddenly null and void is a principle and a philosophy that I think should be a concern to all Members of this Legislative Assembly and to all members of the public. For that reason, Mr. Chairman, I fully endorse and support this amendment.

Thank you.

[Motion on amendment A14 lost]

9:10

THE ACTING CHAIRMAN: On the remaining clauses of the Bill, are you agreed?

Hon. member, I apologize. Parliamentary Counsel says you were up, so we'll give you an opportunity to sum up.

MR. BRACKO: Thank you, Mr. Chairman. We have three more amendments. I'll have them passed out, and then I will speak to them once we have them. I want to make sure everyone has one.

THE ACTING CHAIRMAN: Hon. member, we'll label the first amendment A15; the second amendment, A16; and the third amendment, A17, if it's your wish to have them separate.

MR. BRACKO: I'd say, Mr. Chairman, that I would start with the bottom one as A15 and move upward, if that's okay, with your permission.

THE ACTING CHAIRMAN: Why not? Everything else is done backwards.

MR. BRACKO: Add some spice, you know, variety too. We want to get some thinking here. So the bottom one, which is 3, will be A15, 2 will be A16, and 1 is A17.

I move that 83(1) be amended by striking out "in the adult's residence" and substituting "in a private residence".

Mr. Chairman, this is a move basically to allow adults or even ethnic groups who may want to make wine in one house, where

three or four families get together and use one winepress, the possibility to do this instead of each having to have their own. For many ethnic groups it's a gathering together where they have fun and fellowship, and they produce their wine for their own needs, not to sell, not to produce beyond their own needs, for that year or half a year or whatever.

We believe that it's a very positive amendment to allow this to happen. With that, I will conclude.

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

MR. GERMAIN: Thank you very much, Mr. Chairman. Did I hear the hon. Member for St. Albert propose that amendment 3 on this page is amendment A15, that we're speaking to now?

THE ACTING CHAIRMAN: Yes.

MR. GERMAIN: All right. Well, speaking to A15 then, Mr. Chairman, it affects section 83 of the ALCB. This is where "an adult may make, in the adult's residence, wine, cider and beer up to a quantity permitted under the regulations." I think that the amendment proposed here is a very fair one because you will sometimes, for example, have two brothers-in-law that will get together and will want to make a batch of wine and enjoy the exercise together, and they will each contribute. But of course they will do it for the sake of harmony and for the sake of enjoyment. They'll do it at one location. It seems to me that to restrict an adult from only making wine in his own home, in his very own home, is, with respect to the minister, who may think otherwise, too narrow a restriction.

There is nothing wrong with an adult making wine in any private residence. It is a nonpublic, noncommercial event, and it would allow for the provisions when people want to get together and make a batch of wine in a slightly larger batch or when they want to mix and match a couple of different fruits. They might want to have some grape, they might want to have some cherry or some chokecherry wine, so they're going to work on it together, a little party, and that should be allowed. This particular amendment restricting adult making of wine only to their very own residence is simply too narrow a restriction. I don't know what the public policy reason for that is.

If I want to make wine with my 76-year-old father, why can't I make wine in my father's house? Why can't my father make wine in my house? That is inappropriate regulation. That is too much of an intrusion into the private affairs of individuals. There's nothing wrong with the hon. Minister of Energy making wine in someone else's house. She might make wine in the minister of transportation's house. There's nothing wrong with that. Should she be charged with a quasi-criminal offence?

MRS. BLACK: Do I have to stomp the grapes?

MR. GERMAIN: Stomping the grapes. The hon. minister says that she'd love to stomp the grapes.

MRS. BLACK: Oh, good. I'd like that.

MR. GERMAIN: I don't think they stomp grapes in North America anymore, Mr. Chairman. My wine-making friends tell me that they use a press, but I could see where the hon. Minister of Energy might want to stomp the grapes. She should be allowed to do that in any private residence.

I don't see why we can't have this amendment, and I would say

that if hon. members agree likewise, they should vote for the amendment.

Now, I know that others will want to speak to this amendment, so I will stand down now and allow others to make their position known on this particular amendment. I know the hon. Member for Calgary-West, who knows a lot about wine-making, may want to speak to this amendment too.

9:20

MR. VAN BINSBERGEN: Mr. Chairman, just a few words in case members opposite might think that I'm not in favour of this amendment. I think actually that the point has been made, but I just would like to add that if two consenting adults are putting themselves to the task of making wine together, then I think – we're talking wine here, nothing else – that they ought to be allowed to do that.

I think when we're talking about stomping grapes, that has been a time-honoured activity in southern European countries for many years. There was never any thought that one could only stomp one's own grapes in one's own cellar. No. One stomped the grapes wherever one could find them, and not only that, Mr. Chairman, I venture to wager that at times when one has finished the task of making wine, one starts tasting and that when one runs out of this fresh batch of wine, one has to continue making some more. If one has to move to one's own basement to do that, then one runs into trouble.

Therefore, I think this is a very straightforward amendment, and I urge all members in the House to vote for it. Thank you.

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Manning. [interjection]

MR. SEKULIC: Thank you, Mr. Chairman. I hear some cheers from across the way, but it's probably because the hon. member knows that I make wine at my home.

MR. VAN BINSBERGEN: It's not Slivovice.

MR. SEKULIC: It's not, certainly.

AN HON. MEMBER: Did you say you're a whiner?

MR. SEKULIC: Not a whiner, Mr. Chairman, but certainly I know I'm very concerned about intrusive governments.

Mr. Chairman, this afternoon we spoke of multiculturalism, of Bill 24. Certainly many people that I know in Edmonton, many constituents, who consider wine-making and beer-making an art, take great pride in treating their friends to it. It's even a social event to participate in the brewing of these spirits. Here we see a government that is content with getting out of the business of being in business, but it seems like they're in the business of getting into the homes of Albertans. I just don't understand why a government which wants to deregulate in so many areas wants to regulate in each household in my constituency. I just don't understand it.

Currently section 83(1) reads: "An adult may make, in the adult's residence, wine, cider and beer up to a quantity permitted under the regulations." Well, Mr. Chairman, I don't see the concern as one that should be left to government in terms of the quantity. I'd be more concerned with what is done with this product after it's made. If it's being made for the purpose of resale, then I see an area for government regulation and in effect the application of provincial law. But if the wine, cider, or beer

aren't being made for resale, I can't think of one reason why government would want to bother with any form of regulation on it if it's for private, personal consumption.

I think, as so many times on the floor of this Assembly, the Liberal opposition is proposing a positive amendment, an amendment which reflects the private interests of Albertans to protect their pastime, this art, and to protect this social activity from intrusion by a government that's sneaking into our lives more and more every day under the guise that they're removing themselves from our lives. It's quite the opposite.

Like I say, many of my constituents in northeast Edmonton would have concern, and on their behalf I would ask that the government and all members of this Assembly support this amendment to protect private rights, individual rights for, of all things, to make wine and to make beer, to make cider, and to enjoy what they used to enjoy in Alberta for the past 50, 100 years. There are some aspects of Albertans' lives that we don't need to meddle in. Clearly this is one of them.

Mr. Chairman, with those few comments I would encourage all members of the Assembly to support this positive amendment.

MR. DALLA-LONGA: Mr. Chairman, I feel compelled to get up and speak to this amendment. Some of my Italian friends back in Calgary that were aware of this Bill said, "Danny, you've got to stick up for our rights." I said, "Well, I'll do the best I can, but, you know, that government there, they just want to infringe on your rights at every turn."

Mr. Chairman, I can remember when growing up as a kid, not long ago, my family and all the relatives and other Italians – we had the odd German and Pole in there – used to go down to a central spot and pick up the grapes. Then you'd go back and at someone's house you'd crush the grapes and start getting the wine-making process going. As one of the other members said, this was a social event. There was nothing untoward about making wine in someone else's . . .

THE ACTING CHAIRMAN: Hon. member, this is a very interesting story, but could you stick to the amendment, please.

MR. DALLA-LONGA: I'm just trying to get to the point of why this amendment is necessary and why we should vote for this amendment. Mr. Chairman, maybe you've never made wine. Maybe if you would sort of allow me, you would see the point of why this amendment is being put forward. I mean, you can't just strictly stick to making it in one house or another house and call it a day. I think you have to explain the purpose of why this amendment is being put forward. I'm not trying to prolong the debate; I'm trying to get the other members to see the validity of what's being done here. [interjection] To see the light. Absolutely.

Whether you do it in your own residence or whether you do it in someone else's residence and then carry it back to your house – I mean, the equipment alone is really expensive these days. Why should everyone have to go out and buy their own wine-making equipment? This is ludicrous legislation as it sits. I can tell you right now, Mr. Chairman, that I personally have wine made in someone else's residence that I take back to my house, and I'm going to continue to do that. I don't have \$2,000 to lay out for buying the equipment. I don't see anything wrong with that. What's wrong with learning how to make wine from someone else? All this legislation here is doing is promoting bad wine. I mean, everyone is going to run off and make their own wine and not know how to do it. Why doesn't this legislation say that you can't even go into someone else's house when they're

making wine? I mean, why stop at just saying you have to make it in your own house?

AN HON. MEMBER: Don't give them ideas.

MR. DALLA-LONGA: Well, yeah, that's right: don't give them any ideas.

Mr. Chairman, I think that this legislation as it is written really is infringing on people's rights. I mean, it's a social event; it's not just the making of alcohol. You know, you get into someone's basement, you taste his wine, you taste your wine, and you see how it's coming along. You achieve certain economies of scale. I would urge all members to seriously consider this amendment. I don't see how it would possibly do any harm.

So with that, Mr. Chairman, I'll allow someone else the opportunity to speak, and I would urge all members to support this amendment.

[Motion on amendment A15 lost]

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

9:30

MR. BRACKO: Thank you, Mr. Chairman. Moving on to A16, I'll move that 108(1) be amended by striking out "not" after "this Act is". To have someone go to court and not be convicted and yet take away their liquor is not fair to that person. You don't see it done in other areas. It's important that there's fairness in it. If you're not found guilty, why should you be penalized for not being found guilty? So it's important that we put this in proper perspective by saying that if you are guilty, then your liquor can be confiscated or taken away by the Crown. This is determined, again, by the courts under legal process, due process, to make sure that it's fair to all involved according to the laws of our province.

With that, I will conclude, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Chairman. I was just looking back to see if my colleague was on his feet.

I, too, want to support this amendment. It seems to be rather contradictory that if a person is found not guilty or is not convicted, at any rate, nonetheless "the Crown may" in this section "apply to a justice for an order declaring that any liquor and containers seized . . . are forfeited to the Crown." So presumably what has occurred is that an individual has been charged, no guilty charge has been found, and notwithstanding that the Crown may proceed with seizure and forfeiture of all of the goods that have been seized. That may well amount to thousands if not tens of thousands of dollars that that individual had invested in that. Even though he has been exonerated in the court, this says that the Crown may go ahead and take his goods anyway.

Now, the amendment simply removes the word "not". If you remove the word "not," it says that if the person is convicted, then the Crown may indeed apply to a justice that liquor and containers may be seized in addition to any other penalty or fine or perhaps even imprisonment, depending upon the nature of the offence that has been levied against the individual. Presumably this would be in addition to something else.

To penalize someone that has not been found guilty seems to me to be a case of double jeopardy here. You lose if you win, and

you lose if you lose. So this amendment, I think, clears it up substantially so that if indeed a conviction is found by the court, then in fact the Crown may proceed with the application to seize liquor and containers.

I think, Mr. Chairman, that this amendment, as short as it is, is an amendment that deals essentially with the issue of fairness, with the issue of equity. If this amendment is not passed, then presumably at any time a charge could be filed, and the government could move almost at a whim to effectively bankrupt that individual by taking away the stock for his business and refusing to return it. That, as I said, may run into the thousands or even tens of thousands of dollars with the price of liquor these days or of wine or beer, because it seems that this would apply to any alcoholic beverage that is being sold in a store.

So, Mr. Chairman, I support the amendment. I think it makes it much fairer than what we see before us today. Again, I would encourage members of the Assembly to support the amendment put forward by my colleague from St. Albert.

Thank you.

THE ACTING CHAIRMAN: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Chairman. I always thought that in our legal system one was innocent until proven guilty. Here we read that that is not necessarily the case. I have laboured under a fundamental misconception as to the true nature of our legal system. I don't understand this. I do not understand how this can sneak into any proposed legislation. In fact, I firmly believe that it would not be permissible under the Constitution; I'm quite convinced of that.

Nevertheless, Mr. Chairman, there it is. No wonder we came up with a very simple amendment that deletes the word "not." I find it amazing when you juxtapose this with clause 132, where individuals are deprived from suing the Alberta liquor board, and here we have another infringement on our basic rights, where even though we are declared and found innocent, we can still lose a whole batch of booze. It could well have been homemade booze, made in our basement, and because of that other amendment that didn't pass, we could be declared guilty of making booze in somebody else's basement.

Now, Mr. Chairman, I submit that it was, I think, almost 30 years ago that one of the great, great statesmen in Canadian history by the name of Pierre Elliott Trudeau declared that "the state has no business in the bedrooms." It seems to me that following that particular line, the state has no business in the basements of the nation either. I think that in this particular case I appeal strongly to members opposite to think of the little man, the little man who can be found not guilty of a charge and still lose his batch of homemade brew.

DR. TAYLOR: Len Bracko's sitting right beside you.

MR. VAN BINSBERGEN: Now, I submit to the Member for Cypress-Medicine Hat, who is always, always defending the little man: rise up and smite this awful legislation and vote in favour of the amendment.

Thank you.

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

MR. SEKULIC: Thank you, Mr. Chairman. I rise in support of the amendment too, not surprisingly. You know, there are often

Bills that come before the Assembly which we're advised not to participate in because it could be perceived as a conflict of interest. In the case of this Bill, I'm not sure. I think I'm walking that fine gray line, because it's almost a conflict of interest, myself being one who makes wine at home and has been making wine with the family since I was knee-high to my father.

MR. DINNING: Wine.

MR. SEKULIC: Making wine. I'm going to have to invite the Treasurer over one day to have some. It may calm him.

MR. VAN BINSBERGEN: In whose basement?

MR. SEKULIC: In the family adult basement.

Mr. Chairman, like I said, I support this amendment. The reason I support it is that when I first read section 108(1), I was under the impression that perhaps the government had made a mistake, that there was an oversight by the hon. minister of transportation in drafting this Bill. Truly it's the opposition's role to point out shortcomings of legislation. I would say that would be one of the roles for any responsible opposition. Here is an area where there is yet another positive, proactive attempt at correcting what I perceive to be an oversight in the drafting of legislation.

Currently section 108(1) reads that

if a person charged with an offence under this Act is not convicted, the Crown may apply to a justice for an order declaring that any liquor and containers seized with respect to that charge are forfeited to the Crown.

Well, it would have helped in the introduction of this Bill if a member of government, perhaps even the hon. minister of transportation, had risen and explained the various clauses and the motivation behind this special situation. I, quite frankly, am not creative enough at this time to think of a special situation which would warrant confiscating someone's liquor when they've committed no contravention of any legislation. Now, surely this isn't something that happens in this country, and surely this isn't something that happens in this province, where you don't have to be guilty. All you have to be is at one point perhaps charged with an offence but not guilty of it, and the government, Big Brother, can come in and confiscate your liquor.

**9:40**

Now, that would be interesting. Let's say that you had under section 83(1) produced or made in an adult's residence an amount of wine which was in excess of what the regulations stipulate you can make. Consequently, you have now violated, perhaps unknowingly, the excess production of wine and are subject to the special situation of section 108(1), and it could be confiscated. I just don't see the reasoning that could lead to this section. In fact, I'm not even sure that this amendment goes far enough. I think we should have section 108(1) completely removed. As it reads, it's very inconsistent. To say the least, it's very unfair. To describe it most accurately, this is the largest example of Big Brother doing what Big Brother wishes.

Mr. Chairman, with those few comments I would encourage all of my colleagues in this Assembly to vote in favour of this positive and proactive amendment.

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

MR. GERMAIN: Thank you very much. You know, Mr. Chairman, tonight it never ceases to amaze me: the quality of the amendments brought forward by the hon. Member for St. Albert. This particular amendment is another example in that long line of high-quality amendments. This particular piece of legislation, section 108, creates the paradox that if you win a court case, you still lose.

Now, let us suppose, Mr. Chairman, that you are camping in one of the provincial parks in a motor home, and you have in the back of that motor home a dozen beers and a bottle of rye and a bottle of Scotch. Let's suppose that the police stop you, arrest you, seize that liquor, and charge you with the conveyance of liquor in a motor vehicle. You immediately spring to your own defence; you don't even hire a lawyer to advance that defence. You simply spring to your own defence by pointing out that in the park that was your home. The judge dismisses that charge and agrees that you are entitled to have liquor in a motor home when it is parked in a provincial park for the purposes of enjoying the wilderness, and he finds you not guilty of that particular crime.

Why, then, should there be any doubt or any remaining discretion of the forfeiture of that liquor? Wouldn't you feel personally aggrieved if you went to court and won that case and then had some Crown attorney representing the hon. minister of transportation, in charge of this Liquor Control Act, stand up and say: "Ah, but we want you to forfeit the liquor. We say that you can't have the liquor back"? You came to court, you won your case, but you can't have the liquor back.

That is not the type of legislation we should be voting for in this province. We should say yes to the amendment, which will say that you only forfeit the liquor if you get the conviction. That seems a very fair and reasonable approach, and I urge all members to vote for this amendment.

[Motion on amendment A16 lost]

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

MR. BRACKO: Thank you, Mr. Chairman. Moving to A17, I will move that section 49 be amended by striking out "if the majority of a corporation's directors or officers are minors, or." From my understanding – and if I'm wrong, I stand to be corrected – directors or officers are not allowed to be minors, so this is redundant; it's not needed. So we're just taking it out to make the Bill better.

With that, I will conclude, Mr. Chairman.

SOME HON. MEMBERS: Question.

THE ACTING CHAIRMAN: The question has been called.

The hon. Member for Fort McMurray just snuck in under the Bill there.

MR. GERMAIN: Under the wire. Let's appreciate your keen eye for the wire, Mr. Chairman.

I've had a little dialogue over here with the hon. minister of transportation, who in addition to commenting unfavourably on the quality of the debate here tonight has reached a small disagreement with me as to the quality of these amendments. I have adjudicated them to be pure gold, and the minister is somewhat skeptical about that pureness of the gold but still I think is prepared to admit that this amendment may indeed be worthy of adoption by the House, and I'm giving him a chance to digest this.

As my colleague from St. Albert says, you must under the

Alberta Business Corporations Act be an adult to hold a directorship because that director can bind the Acts and bind the corporation, and as a result, it is not possible in the province of Alberta, based on the existing state of law as I understand it, for a minor to be a director of a corporation. If that were the case, 12-year-old children could circumvent the law by forming companies and actively carry on business for commercial reasons in the province of Alberta.

What we suspect has happened here is that this particular piece of legislation was perhaps brought forward from previous drafting, and it will give the minister an opportunity at this time to clear up and correct and rectify one of these little anomalies. If the minister were so inclined, he might say, "Well, this is just codifying another Act, so we'll put it in both Acts." That's true, and if he's right, then it's right. I'm helping the minister with his speech here tonight. I've got to remind the minister, with the greatest of respect, that the laws and the legislation should make sense. The minister himself has stood in his place in this Assembly many times, on many occasions and said that you don't need it here because it's found elsewhere. He has used that as an argument to turn back some of the Bills and some of the legislation of this hon. opposition.

One that comes to mind is the Bill to preserve the principles of the Canada Health Act. Some members opposite said: well, we already have that legislation in Canada, and we agree with government policy. The minister I think nodded affirmatively when his other members were saying comments like that, so he should likewise be able to nod affirmatively tonight when we have this amendment, which would streamline this particular piece of legislation by taking out the phrase relating to corporate directors who are minors.

So it seems to me that at the end of a long night it would be very positive, it would be an act of fairness, and it would be part and parcel of the we listen, we care agenda if the hon. members on both sides of the House would agree that this amendment does make sense and that this amendment is another one of those amendments that I had characterized earlier as being pure gold.

[Motion on amendment A17 lost]

THE ACTING CHAIRMAN: Hon. member, the question was called, and I didn't see anybody standing at the time. Is it for the purpose of further amending the Bill? The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Chairman. I just want to thank the minister. I had another amendment, but I clarified this with the minister. He's a straight shooter, and I take him at his word. I appreciate that. I appreciate the attention of the Legislative Assembly to these amendments, your time and dedication in looking through them carefully to make this a better Bill, and I thank the members of my own caucus for this.

[The clauses of Bill 6 agreed to]

[Title and preamble agreed to]

THE ACTING CHAIRMAN: Shall the Bill be reported? Are you agreed?

SOME HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE ACTING CHAIRMAN: Carried.

head: **Private Bills**  
head: **Committee of the Whole**

9:50

THE ACTING CHAIRMAN: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Chairman. There are amendments for each of the four Bills. I wonder if we could get all of the amendments passed out at the same time.

THE ACTING CHAIRMAN: By all means.

Is the hon. Member for Little Bow ready to proceed?

**Bill Pr. 1**  
**Alberta Wheat Pool Amendment Act, 1996**

MR. McFARLAND: Mr. Chairman, if every member has a copy of the amendments, I'd simply move the amendments as listed under Bill Pr. 1 and as recommended by the Private Bills Committee.

THE ACTING CHAIRMAN: Hon. members, for those who did not hear the hon. member, he was simply moving the amendments as circulated for Bill Pr. 1.

Medicine Hat.

MR. RENNER: Thank you, Mr. Chairman. I understand that the amendments are just now being circulated, so while the pages are circulating the amendments, I could just briefly describe the reason for the amendments. The Private Bills Committee considered the petition of the Alberta Wheat Pool. The essence of the Wheat Pool petition was that they wanted to restructure their equity within the Pool and create a new division of equity known as preferred shares.

The committee really had no problem with the proposal from the Pool. However, there were concerns expressed by both Municipal Affairs and the Securities Commission, not related to the Act as presented and as proposed by the Pool but with some of the wording within the Act. There was a feeling that the original wording would have opened some doors that were maybe not contemplated at this time.

There are basically two amendments here. Amendment A deals with the concerns of Municipal Affairs in that the Pool designates by bylaw of the Pool who members are. The feeling was that while the Pool had indicated that they had no intention of selling these preferred shares to anyone but members, there was provision that the Pool could extend the definition of membership through bylaw. So this really puts a fence around it and restricts their ability to change the classification of members.

Amendment C deals with the Securities Commission's concern. The Securities Commission felt that while they had no problem with the preferred shares being issued as contemplated by the amendment, they felt that there needed to be some assurance that any future share offerings would not circumvent the safety clause of having the Securities Commission involved. So this creates an undertaking that the Private Bills Committee has viewed and has approved and will require that the Pool work with the Securities

Commission should they decide that any future share offerings are contemplated.

The Private Bills Committee unanimously recommended that this Bill proceed with amendment.

[The clauses of Bill Pr. 1 as amended agreed to]

[Title and preamble agreed to]

THE ACTING CHAIRMAN: Shall the Bill be reported? Are we agreed?

HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed? Carried.

**Bill Pr. 3**  
**Evangel Bible College Act**

THE ACTING CHAIRMAN: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Chairman. On behalf of the Member for Calgary-Montrose I would like to move the amendment as circulated. This amendment is in response to concerns that were raised with the committee regarding the scope of the college. In essence it ensures that the wording in the Bill is very clear that the college will have degree-granting programs in divinity and only "certificate and diploma programs in education, arts, science and other fields." It's very straightforward. Again the Private Bills Committee recommended unanimously that the Bill proceed with amendment.

[The clauses of Bill Pr. 3 as amended agreed to]

[Title and preamble agreed to]

THE ACTING CHAIRMAN: Shall the Bill be reported? Are we agreed?

HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed? Carried.

**Bill Pr. 4**  
**Bethesda Bible College Act**

THE ACTING CHAIRMAN: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Chairman. On behalf of the Member for Edmonton-Glengarry I would move the amendment as circulated to Bill Pr. 4. Bill Pr. 4 is almost identical to Bill Pr. 3, and the amendment is virtually the same as well.

[The clauses of Bill Pr. 4 as amended agreed to]

[Title and preamble agreed to]

**10:00**

THE ACTING CHAIRMAN: Shall the Bill be reported? Are we agreed?

HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed? Carried.

**Bill Pr. 5**  
**Farmers' Union of Alberta Amendment Act, 1996**

MR. McFARLAND: Mr. Chairman, I would move the amendment as circulated on Bill Pr. 5. The amendment simply handles an exemption clause that was previously granted to the Farmers' Union of Alberta.

While I'm on my feet, I'd like to thank the Member for Medicine Hat for the work that he's done on the Private Bills Committee and for getting all the information up for the various private Bills.

[The clauses of Bill Pr. 5 as amended agreed to]

[Title and preamble agreed to]

THE ACTING CHAIRMAN: Shall the Bill be reported? Are we agreed?

HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed? Carried.

head: **Government Bills and Orders**  
head: **Committee of the Whole**  
(continued)

**Bill 33**  
**Victims of Crime Act**

THE ACTING CHAIRMAN: The hon. Minister of Justice.

MR. EVANS: Thanks, Mr. Chairman. I want to begin by trying to answer a couple of questions that arose at second reading and then advise members of the Assembly that I am going to propose an amendment to deal with another issue that's arisen subsequent to second reading.

The Member for Edmonton-Glengarry was concerned that some people might end up in prison as a result of failure to pay a fine surcharge as contemplated in the Act. Mr. Chairman, I can confirm to you that the vast majority of provincial offences do involve speeding violations, and it is extremely unlikely that incarceration would result from that because there's no provision allowing incarceration for those kinds of offences. The other provincial Acts that could be involved, again, are provincial Acts. They're not guilty mind provisions; they're not guilty mind Criminal Code or federal legislation or Alberta legislation. I think this government has shown through the seriousness of the violent crime initiative that we don't believe that those who are found guilty of less serious, nonviolent, nonthreatening offences should be incarcerated. We think there are better ways to deal with those individuals, whether it's by a fine option program, whether it is community service work, what have you, or taking additional time to pay, but we certainly don't believe in incarceration as a means of dealing with those who default on payments. Although the hon. member's concerns at least in theory have some merit, I don't think from a practical point of view they need be the concern of members of the Assembly.

There was another concern raised by Edmonton-Glengarry as to whether or not the Treasurer was required to report back to the Legislature on the fund that he has control of under this Act. Well, I can assure you, Mr. Chairman, that under the Government

Accountability Act the Provincial Treasurer is required to prepare a consolidated fiscal plan for the government each fiscal year. Section 5 of the Act ensures that the revenues and the expenditures associated with the prospective victims of crime fund, which is a regulated fund, are to be publicly reported. I hope that answers that concern.

Edmonton-Roper then asked a question about the percentage limit on the fine surcharge. He wanted to know, first of all, why it was in the regulations or why we anticipate and propose in this Bill that setting that fine surcharge would be in the regulations rather than in the Act, and he's looking for some advice as to what we consider to be a maximum. We did take a look at other legislation in other parts of Canada, Mr. Chairman. We found that in terms of a provincial surcharge rate being set in regulations, that occurs in Ontario, British Columbia, Saskatchewan, of course the provinces on either side of us, Prince Edward Island, New Brunswick, and Nova Scotia. There are provincial surcharge maximums set in the Act, with the actual level being set in regulation in Manitoba, Yukon, and the Northwest Territories. So you can see that the vast majority of provinces and territories in Canada deal with this matter through their own victims of crime legislation by setting the rate in regulation.

[Mr. Clegg in the Chair]

I can advise hon. members that looking at those other provinces and reviewing the criminal injuries compensation claims that have been made in Alberta, we assume that the surcharge would be no greater than 15 percent, but we're going to try to keep it at as low a rate as possible while still trying to give effect to the mandate of the legislation. So I hope that answers the hon. member's concern.

The amendment that I hope is being circulated now, Mr. Chairman, deals with section 12. Edmonton-Mill Woods asked me a question in question period last week as to why in section 12 we were excluding peace officers whose injury or death occurs in the course of carrying out the duties of a peace officer. That's in terms of eligibility for financial benefits. I mentioned to the hon. member at that time that we had had discussions, not I personally as they actually happened in 1994, I think, just before or just after I was appointed, but my staff had a number of discussions and a meeting with the chiefs of police at which time this issue was dealt with and addressed. It was the agreement of the chiefs of police that through the employment contract, through collective agreements, and through other matters related to the employment of peace officers carrying out their duties as peace officers they were covered and that it would be duplication to cover them under this piece of legislation. However, when rank and file members of police forces in the province took a look at this, they expressed some reservations. They expressed those reservations to their chiefs, and they also expressed those reservations to me.

We did some polling of the chiefs at the end of last week and came to the conclusion that the chiefs may have been a little premature in stating that all of the provisions in the Bill as we presented it in the Legislature were adequate and gave full coverage. They suggested to us that it would be wise to do something to deal with that provision in the Bill. So before members of the Assembly we now have the amendment to strike out the provision in section 12 dealing with peace officers and a consequential amendment to 12(c) to again take out any reference to the peace officers involved.

So I would like to move that amendment, Mr. Chairman, and

hopefully that will resolve all of the issues in front of the committee tonight.

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

MS LEBOVICI: Thank you, Mr. Chairman. I'd like to respond to the amendment that the minister has put forward that indicates that the rather offensive section 12(4)(b) that included peace officers along with those who committed an offence be deleted and that there be a recognition that those individuals who put their lives on the line should also be eligible for benefits as are any other victims of crime. So I'd like to congratulate the minister for dealing with that particular section.

There are, however, numerous other items in Bill 33 that are still of concern, and I know that colleagues on this side of the House will be addressing those other issues. Seeing that I was the one that brought this up in question period, I thought it would be appropriate that I respond to it on behalf of the caucus.

So thank you very much.

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

*10:10*

MR. WICKMAN: Thank you, Mr. Chairman. I want to take the opportunity in this particular portion of the debate – and if the minister responsible could respond to it – to try to tie it into this amendment, so bear with me. If it is not properly tied into this amendment, I hope you would overlook that.

There has been correspondence that has come from the Canadian Paraplegic Association – and I don't know if the minister has had the opportunity to see it yet – that proposes an additional amendment to this particular Bill. They're talking in terms of a concept of recognizing that many Albertans are brain injured as a result of car accidents. They're suggesting a mechanism whereby they could access dollars to compensate or to assist those persons with the brain injuries as a result of accidents on the roadways. Now, the argument may be made that it's like comparing apples to oranges. Possibly the minister has some other suggestions that can achieve the same goal, but I would ask the minister if he would review that letter and give serious consideration to the request that has been made by the Canadian Paraplegic Association.

Thank you.

THE DEPUTY CHAIRMAN: The hon. member for – the hon. Minister of Justice.

MR. EVANS: That too, Mr. Chairman.

I'll answer Edmonton-Rutherford. I did receive a letter from the Canadian Paraplegic Association of Alberta. They made a couple of suggestions to me that there be specific reference in the Bill in section 11, "including programs that . . . promote the prevention, rehabilitation and research of Neurotrauma injury," and as an alternative to that a change in the definition section to put in "Neurotrauma programs."

I've met with Rick Hansen, who of course is very involved in this initiative, and I intend to meet with him again. I'm not prepared at this point, hon. member, to put that kind of a specific reference into this Act. In the Act there are two specific kinds of funding sources available. One is for programs, and it could well be that the neurotrauma program could fit under that. Again,

we've set up a committee to deal with that. I think it would be abundantly unfair to all of the other very worthy organizations that are operating in the province at this point in time to specifically mention a new initiative and not to mention all of those others. That's why we've talked about programs. The other part of the program, of course, is dealing with specific awards to individuals who are the victims of crime.

I think it's premature at this point in time for the kind of amendments that are being considered, with no disservice to the great work that's being done. When I met with Rick Hansen, I suggested to him that he should talk to the other very worthy organizations that are operating within the province and try to reach a consensus as to whether or not these other organizations feel that some kind of a surcharge should be dedicated to the neurotrauma initiative. He's still working on that, and other representatives in the province are continuing to work on that. I undertake and have undertaken in writing to Rick that I'll continue to meet with him and judge the level of acceptance by the stakeholders who are involved in this issue for bringing that kind of an initiative forward. Again, I think it's premature at this point in time to move on that kind of a specific reference. Quite frankly, it would be going far beyond the policy that we have talked about in terms of preparing the legislation for debate in the House.

So, with regret, I won't be supporting an amendment if one were to come, but I think that they are well on their way to developing some kind of consensus in the province.

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

MR. GERMAIN: Thank you very much. I would like to congratulate the minister tonight for coming forward and adopting this particular amendment. It was an issue that was raised by many groups. It was first raised, as I understand it, in this Legislative Assembly by the hon. Member for Edmonton-Meadowlark. She should be commended for her eagle eye in addressing this particular issue, which is of serious concern.

Victims of crime, Mr. Chairman, often are our law enforcement agencies and our police officers. They are often victimized by crime, and they require the protection, the respect, and the understanding of this Legislative Assembly. They work under very difficult circumstances, often under very trying conditions. They work night work; they work shift work; they work at great personal expense to their families and their relationships. In fact, they work in a very dangerous environment.

How many of us, I say to you, Mr. Chairman, and to the Members of this Legislative Assembly, would want to go to work with a bulletproof vest on every day in the event that somebody will be inclined to take umbrage with them and perhaps shoot at them with a firearm or a gun, even knowing, as they put on those bulletproof vests, that not all vests will stop all types of bullets? In the new, modern arsenal that sometimes finds its way into criminal elements, even they know that the bulletproof vest is indeed far from bulletproof. As a result, peace officers do face injury or death in the course of carrying out their duties of a peace officer.

There has also been a very wide definition of peace officer in the legislative authorities and in the courts of the land. Of course, peace officer has in many definitions been given a much wider definition than just somebody who was earning their living as a peace officer: in some cases volunteer auxiliary constables; in

some cases volunteer auxiliary officers or peace officers. In some cases somebody exhibiting a quasi-enforcement role may also fall, with certain exceptions, into the definition of a peace officer. As a result, this amendment coming forward from the minister is of assistance to those people who face injury or death every day.

I commend the minister for this. I also point out that in his debate before introducing the amendment, he made other comments about the government's theoretical initiative in law enforcement to curb violent crime. As the debate in this Legislative Assembly will progress further this evening and on other days when this matter is dealt with, Mr. Chairman, we will raise the thesis and the hypothesis that the minister's attack on organized crime is akin to a six-year-old boy punching a balloon and letting the air out of the balloon. It has a bit of noise, creates a bit of a bang, but doesn't change much in the scheme of things.

So with that exciting prelude to what we have to look forward to, at least from members on this side of the Legislative Assembly, Mr. Chairman, I'll take my place and allow others to speak on this particular amendment, this government amendment that gives back to our police officers some of the protection and some of the comfort of knowing that they will be treated no lower than an average citizen, at least if they are an injured person.

With that, Mr. Chairman, I'm getting the hand signals, so I'll apply to adjourn debate.

THE DEPUTY CHAIRMAN: The hon. Member for Fort McMurray has moved that we adjourn debate on the amendments to Bill 33. All those in favour, say aye.

HON. MEMBERS: Aye.

THE DEPUTY CHAIRMAN: Opposed, if any? Carried.

The hon. Deputy Government House Leader.

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

[Motion carried]

[Mr. Clegg in the Chair]

10:20

THE ACTING SPEAKER: Order. Before I call the hon. Member for Calgary-Egmont to give the report, we have two birthdays in the House today. We have our Clerk's birthday today and the hon. Member for Clover Bar-Fort Saskatchewan.

SOME HON. MEMBERS:

Happy birthday to you,  
Happy birthday to you,  
Happy birthday, dear Clerk and Muriel,  
Happy birthday to you.

THE ACTING SPEAKER: I didn't really count on that.

The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain Bills. The committee reports the following: Bill 6. The committee reports the following Bills with some amendments: Pr. 1, Pr. 3, Pr. 4, Pr. 5. The committee reports progress on the following: Bill 33. 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: Thank you hon. member. All those in favour of the report, please say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any? Carried.

[At 10:24 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]

