

Legislative Assembly of Alberta

Title: Tuesday, April 22, 1997 1:30 p.m.
Date: 97/04/22
 [The Speaker in the Chair]

head: Prayers

THE SPEAKER: Good afternoon. Today's prayer is an excerpt from a prayer of the Nova Scotia House of Assembly. Let us pray.

O Lord, in whom we trust and with Whose guidance and grace this land was founded, we pray that You will give to each of us the courage required to become servants of God through our service to this province.

Assist us in our deliberations so that our legislation will reflect a true spirit of justice and equity to all people.

Amen.

Please be seated.

head: Presenting Petitions

THE SPEAKER: The hon. Member for Wainwright.

MR. FISCHER: Thank you, Mr. Speaker. I wish to present a petition on behalf of the community of Heisler in my constituency. This petition is signed by 750 residents. The Battle River school board has decided to close the Heisler junior high school effective June 30, 1997.

head: Notices of Motions

THE SPEAKER: The hon. Opposition House Leader.

MR. SAPERS: Thank you, Mr. Speaker. I rise to give oral notice of motion that pursuant to Standing Orders I will be raising a point of privilege at the appropriate spot in the Routine today.

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

DR. NICOL: Thank you, Mr. Speaker. I stand now to give notice that after question period I'll rise pursuant to Standing Order 40 to present the following motion:

Be it resolved that this Assembly recognize Earth Day and congratulate all those who work to protect the environment in Alberta not only on Earth Day but every day of the year.

MRS. BLACK: Mr. Speaker, pursuant to Standing Order 34(2)(a) I'm giving notice that tomorrow I'll move that written questions and motions for returns appearing on the Order Paper stand and retain their places.

head: Introduction of Bills

THE SPEAKER: The hon. Minister of Environmental Protection.

Bill 2

Special Waste Management Corporation Act Repeal Act

MR. LUND: Thank you, Mr. Speaker. I request leave to introduce Bill 2, the Special Waste Management Corporation Act Repeal Act. This being a money Bill, His Honour the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

[Leave granted; Bill 2 read a first time]

head: Tabling Returns and Reports

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

MR. PHAM: Thank you, Mr. Speaker. As chairman of the Standing Committee on the Alberta Heritage Savings Trust Fund and pursuant to Standing Order 52, I would like to table the 1997 report of the Standing Committee on the Alberta Heritage Savings Trust Fund. The recommendations were written and adopted by the 1996-97 committee, chaired by Mr. Clint Dunford, which was dissolved with the 23rd Legislature.

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. I want to table, this being Earth Day, the air quality monitoring results compiled for the first quarter of 1997. This indicates that 96 percent of the time the air quality in Alberta has been at the top of our rating, which is good. In fact, in Calgary and Edmonton 98 percent of the time it has had that rating.

MR. JONSON: Mr. Speaker, I wish to table four copies of my response to the Member for Calgary-Buffalo to questions raised on April 16 and taken under advisement by the Acting Minister of Health of the day.

THE SPEAKER: Hon. members, pursuant to Standing Order 109 I am pleased to table with the Assembly the eighth annual report of the Legislative Assembly Office for the calendar year ended December 31, 1996. A copy of this report is being distributed to all members.

I'd also at this time under tablings like to remind all hon. members that under this item of business the Standing Orders require that you provide the House with four copies of documents for both required and voluntary tablings. Members are urged to provide complete copies of their tablings, which includes ensuring that two-sided copies are indeed complete, and I would ask your co-operation in this matter.

head: Introduction of Guests

MS EVANS: Mr. Speaker, it is my pleasure this afternoon to introduce to you and through you to all members of the Assembly 53 energetic students from Father Kenneth Kearns school in my constituency of Sherwood Park. They are seated in the public gallery. They're accompanied by two dedicated teachers, Mrs. Gursky and Mrs. Kardynal-Bahri, as well as parent volunteers Mrs. Shostak, Mr. Burak, and Mr. Yakimyshyn. They are here to tour the Legislative Assembly and view the proceedings of this House. At this time I'd like to welcome them all and ask you to join me in a warm welcome from this Assembly.

MR. BRODA: Mr. Speaker, on behalf of yourself as the MLA for Barrhead-Westlock I would like to introduce to you and through you to members of this Assembly grade 6 students and members of the public, adults who are attending this Assembly today. It's my pleasure to introduce the adults. I don't have the students names. However, I will recognize the adults: Mrs. Dagmar Visser, Mrs. Marge Wierenga, Mrs. Rulie Wierenga, Mr. Alfred Tuininga, Mr. Jan-Gerrit Slomp, Mr. Bob Rauscher, Mr. Tony Wierenga, Mr. Henry Gelderman, Mr. Arnie Stoik, Mrs. Alida Tuininga, Mrs. Sandra Olthuis, Mr. Gary Wierenga. I apologize if I didn't maybe pronounce your names correctly. However,

welcome to this Assembly, and would you please give them a warm welcome from this House.

THE SPEAKER: The hon. Member for Edmonton-Mill Creek, followed by the hon. minister responsible for science, research and information technology.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I am very pleased to introduce to you and through you to all members of the Assembly 12 very special students who are here with their teacher Mrs. Arlene Cairns from the wonderful W.P. Wagner school. This is one of many excellent schools in the new riding of Edmonton-Mill Creek, and these students reflect some of the excellence pursued at all of those schools. I'd ask them to please rise and receive a warm note of excellence from us for coming.

Thank you.

THE SPEAKER: The hon. minister of science, research, and information technology.

DR. TAYLOR: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you a young lady who keeps my constituency office running very efficiently and does an excellent job for me. She's sitting up in the members' gallery, and her name is Sherry Dyck. Sherry, if you would stand.

head: Oral Question Period
1:40 Health Regions' Funding

THE SPEAKER: The hon. Leader of the Official Opposition.

MR. MITCHELL: Thanks, Mr. Speaker. For three years the government has dragged its feet on implementing a population-based funding formula for RHAs. This budget delays the decision further. No reasonable restructuring of the health care system should ever have been started without the funding formula being in place in the first place. To the Premier: why would the government fail to put a population-based funding formula into this budget after promising it to the RHAs and to all Albertans for the last three years?

MR. KLEIN: The whole situation relative to the RHAs is a revolutionary process, but it is also an evolutionary process. The first step, of course, was to take some 200 separate health jurisdictions in the province, reorganize those jurisdictions into 17 regional health authorities, certainly define the boundaries, and define a level of funding that would indeed be population-based and would meet the criteria and the needs of the 17 regional health authorities, all of which have different needs and different requirements but all of which have a responsibility and a requirement to provide those things that are deemed to be essential in health.

Relative to the progress being made, which I think is substantial, with respect to population-based funding, Mr. Speaker, I'll have the hon. Minister of Health supplement.

MR. JONSON: Well, Mr. Speaker, I'm somewhat astounded by the hon. leader across the way not being – well, I've been astounded for a long time but that's on other topics.

Mr. Speaker, the population-based funding formula is in effect as of April 1 of 1997. The member across the way might be referring to the fact that we've also put in place, which I think is

sensible in terms of planning and looking down the road and being able to adapt to changing circumstances, a very credible council or committee to monitor the implementation of that formula and to recommend any needed adjustments as circumstances in the province, such as marked growth in particular areas of the province due to our strong economy, occur.

MR. MITCHELL: Well, Mr. Speaker, if this population-based funding formula is in place, then why is the Premier still making piecemeal decisions like pulling \$20 million out of the air so he can plunk it down for doctors' fees?

MR. KLEIN: Mr. Speaker, that was not a piecemeal decision. Basically because of the good work and the thoughtful reinvestment by this government in health care we have actually created more work for doctors and have provided the opportunity for more procedures to take place. These procedures, as I understand it, are in neurosurgery. They are in joint replacements. They are procedures relative to cardiac problems. All we have said to the medical profession is that rather than taking the cost to provide for these services out of their fees, we will simply put more money into the budget. That seems to be the fair thing to do, understanding that the physicians in this province have already taken their 5 percent pay reduction. Again, I'll ask the hon. Minister of Health to supplement.

MR. JONSON: Mr. Speaker, part of our November 24 announcement with respect to health care funding was the clear initiative with respect to putting very substantial amounts of money particularly into the Edmonton and Calgary regional health authorities to recognize as part of our overall approach to funding that there are certain services that they are almost exclusively in charge of not only for those two cities but for the entire province. Now that particular increased funding for provincewide services we've recognized does create an additional drop on the overall physician pool, and we are recognizing that drop in the estimates tabled with the Assembly yesterday.

MR. MITCHELL: Despite the Health minister's good intentions, Mr. Speaker, why won't he and the Premier admit that the funding formula that he's talking about has not been broadly accepted, is still being debated, is still seen as very, very unfair by many regions, and in fact hasn't been properly implemented because these two and their government are afraid of the political fallout?

MR. KLEIN: Mr. Speaker, that statement is very broad; it is very, very generic. If the hon. leader of the Liberal opposition wants to provide the specifics, I would challenge him to provide region by region the inequities, provide that information to the hon. Minister of Health. If indeed there are inequities that have occurred relative to what we think is a fair and very proportional kind of situation with respect to population-based funding, if the hon. member finds that there are incidents of unfairness, then please pass those examples along and we'll have a look at them.

MR. MITCHELL: Talk about broad and generic, Mr. Speaker. You saw it in those answers; didn't you?

THE SPEAKER: Hon. leader, we have dealt with the first series of questions, and the tradition is that there will not be editorial comment on things that have already been raised.

I invite you now to proceed with your second main question.

MR. MITCHELL: Mr. Speaker, you have been very fair. I was out of line. Thank you for pointing that out. I'm glad you pointed that out, though.

Provincial Budget

MR. MITCHELL: Yesterday's budget addresses economics and fiscal policy, but it neglects the human deficit in this province. Despite the fact, Mr. Speaker, that there are hundreds of millions of dollars of cushions in this budget, there are few cushions for Albertans in need or for lower and middle income families. To the Premier: why is the government saying that there is only a \$150 million surplus when the Treasurer has so carefully hidden \$1.3 billion worth of cushions in his budget?

MR. KLEIN: I don't know of any – what is it you said? – \$1.3 billion worth of cushions in the budget. Mr. Speaker, that to me sounds like a ridiculous statement to make. Our budgeting is based on fact. It's based on the realities. It's based on predictable flows of revenues. It's based on reasonable expenditures. We don't build cushions of \$1.3 billion into our budget.

As a matter of fact, what we have done in this budget is we have budgeted even more conservatively relative to our anticipated revenues, particularly in the energy sector, where we have budgeted on the basis of \$18.50 a barrel as opposed to \$19 a barrel, Mr. Speaker.

MR. MITCHELL: For the Premier who has been out in his fiscal budgetary projections by as much as 2 and a half or 3 billion dollars, this feigned surprise seems quite inappropriate, Mr. Speaker. Why does Alberta, with that kind of surplus, still have the lowest per capita funding for health care and the seventh lowest per capita funding for education in the entire country?

MR. KLEIN: Well, I would also say, Mr. Speaker, that we have probably the lowest debt servicing charges per capita of any jurisdiction in this country. We now have the opportunity for the greatest degree of reinvestment using unborrowed dollars, using the money that we would otherwise pay to banks to reinvest precisely in those areas but to do it wisely and to do it properly.

1:50

As the Provincial Treasurer has said, we don't necessarily get a healthier Canadian by just throwing money at the situation. We don't necessarily get a better educated student simply by throwing money at the situation. It's not a matter, Mr. Speaker, of how much money is spent – and we think that we are spending a reasonable amount – it's where those resources are directed. This government is committed to getting health care dollars to the patients, the people who need those dollars. We are committed to getting education dollars into the classrooms and out of administration. Those are the priority areas. It's not how much you spend; it's where you spend and where you get the most value for your dollar.

MR. MITCHELL: He pulls one adage out of the ether, Mr. Speaker. The other one is that you get what you pay for.

What good does a \$1.3 billion cushion do, for example, for a family with four children paying as much as \$1,800 a year in extra user fees for school or for the 125,000 children in this province living in poverty?

MR. KLEIN: Well, Mr. Speaker, I don't know where this \$1.3

billion cushion is. Show me where the cushion is. I would like the hon. leader of the Liberal opposition to show me where this cushion is. I have no idea what he's talking about. We have budgeted for a \$154 million surplus. As he knows, if there is any money over and above that that comes to this government by way of a surplus, the law is really quite clear. That money must go directly to the debt. The only money available to us, to the government, to the people of this province for reinvestment is the money that we would save on interest payments, money that we would otherwise have to pay to the banks.

Alberta-Pacific Forest Industries Inc.

MR. ZWOZDESKY: Mr. Speaker, the Premier's Provincial Treasurer has assured Albertans that there is absolutely no problem in collecting the \$342 million owing to taxpayers by AI-Pac. Now, article 3.3 of the AI-Pac credit agreement states that interest . . . on the Alberta indebtedness . . . which accrues during the period from the time of the Initial Drawdown by the Borrowers until . . . Two years after Final Completion . . . shall accrue and shall be added to the Outstanding Principal and become part thereof.

Mr. Speaker, I'm filing four copies of that article 3.3(a) from that very agreement. My questions are to the hon. Premier. Can the Premier please tell Albertans why an estimated \$29 million in accrued interest owing to taxpayers was not added to the \$342 million already owing?

MR. KLEIN: Mr. Speaker, I don't have all the information relative to the specifics of the AI-Pac agreement in front of me. I will take that question under notice for the Provincial Treasurer, and perhaps he can answer it when he returns tomorrow.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I will also table four copies of page 73 of Budget '97: Post-Election Update, which shows that the carrying value of the AI-Pac loan as of March 31, 1997, remains only at \$342 million, the same value as it was in the previous year.

Mr. Premier, in the meantime, will you please advise your Treasurer to stop telling Albertans that the AI-Pac loan is no problem when this credit agreement clearly indicates that there is an additional and thus far unreported \$29 million problem?

MR. KLEIN: Mr. Speaker, again I will take that question under notice and refer it to the Provincial Treasurer, perhaps for an answer tomorrow.

MR. ZWOZDESKY: Well, perhaps while we're doing all of that digging, we could also ask the Premier to consult and find out why this \$29 million write-down wasn't properly reported or not reported at all in the first place.

MR. KLEIN: Mr. Speaker, again I will take that question under notice for the Provincial Treasurer.

You know, Mr. Speaker, it's so strange that this caucus over here, all but two of them, come from the city of Edmonton.

MRS. SOETAERT: Three. Point of order.

MR. KLEIN: I'm sorry. Well, close by. All but three come from the city of Edmonton.

Here you have an operation, Mr. Speaker, that really is one of the industries that sustains the economy of this city. Now, I don't

know what they're trying to do, but it seems that they're trying to break down and destroy this industry, this industry that was built at a cost of \$1.2 billion, that put thousands of people to work, this industry that generates annual revenues for all governments, the provincial and federal governments, of \$128 million annually, this industry that pays \$75 million a year in salaries, this industry that pays property taxes to local municipalities to the tune of \$8.6 million, this industry that pays royalties and fees of \$5.8 million annually, this industry that now employs 460 full-time-equivalent workers at the pulp mill and another 600 full-time equivalents in the woodlands, this industry that creates another estimated 1,650 jobs. All these people want to do is knock that industry apart. I think it's shameful. [interjections]

THE SPEAKER: The next member who has the floor is the leader of the ND opposition.

The Chair would also like to note that he has caught the noted point of order by the Member for Spruce Grove-Sturgeon-St. Albert. That will be dealt with at the conclusion of question period, so perhaps any comments with respect to that point of order might be held until that time.

Health Care System

MS BARRETT: Mr. Speaker, Albertans know that adequately funded, publicly administered, and universally accessible health care is the best health care system in the world. Yesterday Albertans were treated to a bizarre insight courtesy of the Provincial Treasurer, who introduced the concept of supply and demand when contrasting his approach to funding health care and other services. My question today is to the Premier. Why is the Premier advocating the so-called law of supply and demand to the health care system, and does this mean that this government is now advocating an increase to or new charges and user fees in the health care system?

MR. KLEIN: No, Mr. Speaker. We aren't advocating that at all, and there is no secret agenda here. I would think that what the hon. Provincial Treasurer was alluding to in terms of supply and demand is having an adequate supply of beds, for instance, to meet the health needs of Albertans, to make sure that on an ongoing and reasonable basis we can provide for the needs of patients in terms of community health and in institutions. It's really quite simple. You don't build, you know, literally hundreds and hundreds more beds than you need. You don't put in facilities that you don't need and that you might have to close. You try to provide on a reasonable basis adequate and quality health care in accordance with the needs of the patients. That, basically, is supply and demand.

2:00

MS BARRETT: Mr. Speaker, yesterday in the budget speech the Treasurer said, "Nobody has solved the problem of rising costs . . . in the health [care] system." Will the Premier at least acknowledge that the crisis that was caused in the health care system was by his government's massive and now proven to be totally unnecessary cuts to the system?

MR. KLEIN: Mr. Speaker, there are some who said that there was a crisis in the health care system. There are others who have said: problems, yes, but crisis, no.

You don't undertake the kind of reconstruction, the kind of reorganization that this government undertook over the past four

years without creating some problems. If the hon. member thinks it was right to have 200 separate administrations in this province, then her thinking is a lot different than mine. Mr. Speaker, if this member thinks that overuse and abuse of the system is okay, then her thinking is different than mine. If this member thinks it's appropriate to flush down the drain, literally – well, we know that 40 tonnes of drugs go to the Swan Hills plant to be destroyed. I would suspect that at least the equivalent to that goes down the drain, down the toilet, or into the garbages. That is an absolute waste. If she thinks that that kind of waste is appropriate, then her thinking again is a lot different than mine and that of this government.

Mr. Speaker, we had to take steps to make the health care system more manageable, more accountable and to really concentrate on those areas where health care really matters. That's care for those people in society who are sick and need our care.

MS BARRETT: Well, Mr. Speaker, if the Premier wants to talk about waste, all he needs to do is look south of the 49th parallel, where the rule of so-called supply and demand governs health care.

In the interests of promoting the confidence of Albertans in our health care system, will the Premier now publicly categorically deny that this government will ever sponsor or promote a private, for-profit health care system in Alberta?

MR. KLEIN: Mr. Speaker, I will say this on behalf of all my colleagues: this government will promise – and I was a Scout; Scout's promise. We will promise that we will never do anything that will violate the fundamental principles of the Canada Health Act.

THE SPEAKER: The hon. Member for Red Deer-South, followed by the hon. Member for Edmonton Gold Bar.

Release of Criminals

MR. DOERKSEN: Thank you, Mr. Speaker. One of the strategies outlined in the Alberta Justice business plan is to focus resources on serious and violent crime. Yet recently it seems that more serious and violent offenders are being released into Alberta communities. These cases are receiving high-profile attention and are of concern to Albertans and are of concern to citizens of Red Deer. My question is to the Minister of Justice. Can the minister explain why we seem to be hearing more about serious offenders being released into our communities?

MR. HAVELOCK: Well, thank you. There are a couple of primary reasons, Mr. Speaker. One is that there is a notification protocol in place pursuant to section 31 of the Freedom of Information and Protection of Privacy Act which actually gives authority to the local police to advise communities when serious and violent criminals have been released into those communities. The police services throughout the province are certainly using that provision aggressively, and we encourage that. We encourage it because we want communities to be able to prepare for the release of these people who have completed their sentences.

We also have in place an initiative put in a couple of years ago called SHOWCAP, and that is the serious habitual offender comprehensive action plan. What that program involves is the justice system working closely with the community not only to identify at a very early stage those individuals who may be serious and/or violent offenders but also to track them through the

system, again so that when they are released into the community, the community is well aware of that. So those are two of the reasons why we are certainly seeing more of this being made public.

MR. SAPERS: Point of order, Mr. Speaker.

MR. DOERKSEN: Can the minister explain what steps other than just identifying the prisoners are being taken to deal with these violent offenders?

MR. HAVELOCK: Well, Mr. Speaker, the bottom line is that we need to have a stringent management of high-risk violent offenders, and they must be dealt with appropriately under the law. Certainly our province has been lobbying long and hard for increased penalties for those who commit serious and violent crime.

What we have also done is designate specific prosecutors to identify individuals who would properly be the subject of dangerous offender applications. The police services have also assigned additional personnel to work in this area. Again, as I mentioned earlier, we will continue to work with the federal Justice department to ensure that this group of offenders is dealt with in an effective way.

MR. DOERKSEN: Can the minister also explain to this Assembly whether he has in fact hired additional Crown prosecutors, which was also outlined in the business plan?

MR. HAVELOCK: Well, Mr. Speaker, upon becoming the Minister of Justice, I sat down with the Crown prosecutors association, also the Civil Trial Lawyers' Association. We met; we had an excellent discussion. There are certainly a number of issues on the table that we're reviewing, but I can indicate that in accordance with the budget we will be hiring I think approximately 18 new Crown prosecutors. There will be some support staff provided also. Where those Crown prosecutors are going to be allocated at this stage: we're working with the various jurisdictions to ensure that they're placed where they are needed the most.

Safeway Labour Dispute

MR. MacDONALD: Mr. Speaker, the Safeway strike is now entering its fifth week. The longer this strike goes on, the more it is prone to violence. In yesterday's budget announcement the Minister of Labour claimed that his goal was to "continue to build on Alberta's stable labour relations by providing effective facilitation and mediation." My question is to the Minister of Labour. How long will he let this strike continue when incredibly we now have reports of drive-by shootings on Calgary picket lines?

MR. SMITH: Thank you, Mr. Speaker. In response to the member's question the goal of the department and indeed of any government that's responsible is to minimize days lost due to work stoppages. In fact, because of the overarching legislation that exists in Alberta labour legislation, we have a record that is the envy of Canada. We are one-eighth of the national average in the number of days lost due to strikes. British Columbia has more than 30 times the rate of days of strikes. Quebec had 101 strikes last year. There were four in Alberta.

The department's job is to act as a facilitator and as a mediator

when asked by the parties when they are in the collective bargaining process. We find no benefit, Mr. Speaker, to photo op politics where leaders of political parties march picket lines. In fact we're here to provide those services at the request of both labour and management.

MR. MacDONALD: Mr. Speaker, will the Minister of Labour whip his department into shape and change the laws to prohibit replacement workers?

MR. SMITH: I didn't get the last sentence, Mr. Speaker.

Speaker's Ruling Decorum

THE SPEAKER: The Minister of Labour has indicated that he did not hear the whole question, and that's really regrettable because the hon. Member for Edmonton-Gold Bar I'm sure has spent a great deal of time framing his question. So, hon. member, would you kindly play it again.

Hon. members, it does indicate that the interjections in the House really forestall an opportunity to have information sought and received. I'm sure the hon. Minister of Labour was prepared to provide an answer but unfortunately didn't hear it. In due course for our own efficiency and the fact that I've now probably taken one more minute of question period time here just explaining this – it works against the members. It doesn't work against the Speaker.

So hon. Member for Edmonton-Gold Bar, you're invited to replay your whole question, and let's have quiet so the hon. Minister of Labour can hear it.

2:10 Safeway Labour Dispute (continued)

MR. MacDONALD: Thank you, Mr. Speaker. Will the Minister of Labour whip his department into shape and introduce legislation to prohibit the use of replacement workers?

MR. SMITH: No, Mr. Speaker, we won't. The reason we won't – and I know the member wants to hear this – is that the record clearly indicates that in areas of Canada such as British Columbia and Quebec where the use of replacement workers is banned, there is in fact a much worse labour relations record than what exists in this fair province today.

I would ask the member to consider the strike between this employer and the union in B.C. last year that lasted into the 40 days and more. We're at about day 30 and change, Mr. Speaker. So the record here continues to work in the interest of the union and in the interest of management as well.

MR. MacDONALD: Will the Minister of Labour join me on a picket line to hear firsthand the struggle that the striking workers are going through?

MR. SMITH: Mr. Speaker, he has heard the answer to the first question. I talked about photo op politics, and I think this member is in fact going to be a victim of photo op politics.

Mr. Speaker, I must congratulate the more sane, the more reasoned minds who have provided a picketing protocol that was negotiated with both labour and management to avoid violence on the picket line. There is no evidence at this point that the incident referred to by the member was directly related to the striking event, and in fact if the member would work with both labour and

management, we will work towards watching a collective bargaining process have a natural outcome in this good province.

THE SPEAKER: The hon. Member for Calgary-West, followed by the hon. Member for Edmonton-Riverview.

Child Poverty

MS KRYCZKA: Mr. Speaker, it is my understanding that social services ministers from across Canada recently met to further discuss the development of a national child benefit. My question is for the hon. Minister of Family and Social Services. Did you attend this meeting, and what came from it?

DR. OBERG: Thank you very much, Mr. Speaker. As a matter of record I did actually attend this meeting. It was a very positive meeting where ministers from around Canada, including our federal counterpart, met to take on the issue of child poverty through developing the national child benefit.

Mr. Speaker, child poverty is something that is quite substantial in this country. The National Council of Welfare showed that some 20 percent of children are living in poverty in Canada. Alberta has the fourth lowest rate, but it's still nothing to brag about. Consequently, what we have done as a group of ministers is address an agenda to look at this problem.

Mr. Speaker, this meeting was extremely positive. The ministers, regardless of their political stripe, agreed that first of all the national child benefit should not disadvantage families with children receiving social assistance. We reaffirmed that the objectives of the national child benefit must be to help and prevent child poverty, to promote the attachment to the workforce, and to reduce overlap and duplication.

We took one further step and agreed to a July of 1998 implementation of the national child benefit, or sooner if possible. This is a \$600 million benefit that will result in co-operation between provinces to fight the very important issue of child poverty.

MS KRYCZKA: How much flexibility will provinces have in planning these programs for low-income families?

DR. OBERG: Thank you, Mr. Speaker. One of my main concerns when I went down there was that as the national child benefit is implemented and as the feds put money into the province freeing up our dollars, I was concerned as were the other ministers that the federal government would dictate to us how we would spend provincial dollars in the fight against child poverty. This was an issue that was echoed by my counterparts across Canada.

Mr. Speaker, I was very pleased to learn and to get an affirmation from the federal minister that we will have ultimate flexibility in the reinvestment framework as to how we put the dollars back into child poverty. Even more so, the Hon. Pierre Pettigrew agreed that in the upcoming legislation there would not be any ambiguous wording that could lead to arbitrary rulings by future governments on how we invest Albertans' dollars in the issue of child poverty.

MS KRYCZKA: What are we already doing to address child poverty in Alberta?

DR. OBERG: Well, Mr. Speaker, interestingly enough we are doing a lot in Alberta, but one of the things that is often missed that we feel very strongly about in Alberta is that we must have

a definition of what child poverty is. Indeed, if I may, I'll read you a quote from the previous ministers' meeting. The background on this is that the ministers' council and the ministers from across Canada put forward a mandate to a working group to attempt to develop a consensus definition of basic needs/poverty levels as an alternative to the myriad of existing definitions and particularly Statistics Canada's Low Income Cut-off.

This is very important. As you know, we have the employment tax credit, which again helps child poverty and low-income families.

I would also invite the hon. minister responsible for children's services to comment on the children's services initiative.

THE SPEAKER: I think we've had a very good explanation.

I'd just remind hon. members to make sure that when they do phrase their questions, they are through the Chair and they indicate to which minister they are to be directed.

The hon. Member for Edmonton-Riverview, followed by the hon. Member for Lac la Biche-St. Paul.

Child Welfare

MRS. SLOAN: Thank you, Mr. Speaker. A topic closely related to child poverty is the issue of child welfare. My questions are for the Minister of Family and Social Services. As your department prepares to regionalize child welfare and implement a new funding model, how do you explain a reduction contained in yesterday's budget for the child advocate, reducing the funding of that department from \$1.7 million in '96-97 to \$1.5 million in '97-98?

DR. OBERG: Thank you, Mr. Speaker. I will be sure to answer these questions in estimates. However, one thing that I must add is that we are putting the children's welfare services down to the communities so that the people in the communities are looking after these services. I would ask the minister responsible for children's services to respond to that, though.

THE SPEAKER: The hon. minister for children's services, briefly.

MS CALAHASEN: Thank you, Mr. Speaker. The way we're dealing with the children's services initiative is that we're hoping that with the regions taking authority, we will not need as much of the work of the Children's Advocate, and hopefully the Children's Advocate will take a different direction in terms of what it has to do. I really appreciate that question, because it's something that we have to work through as we're working through this whole initiative.

MRS. SLOAN: Thank you, Mr. Speaker. The minister for children's services, with an additional \$44 million allocated to her budget, obviously speaks with some authority in terms of how additional money can be allocated.

My second question is also for the Minister of Family and Social Services. Regionalization of the health care system resulted in the creation of five advisory and appeal mechanisms funded in this year's budget to a tune of \$24 million. As the minister responsible for Family and Social Services, why have comparable mechanisms not been instituted for child welfare regionalization?

DR. OBERG: Thank you very much, Mr. Speaker. One of the

things that we pride ourselves on is an easy, efficient, transparent appeal mechanism, and as we develop children's services, that's a very important aspect of it. We are looking at avenues to expedite and streamline any issues when it comes to child welfare.

I must remind the hon. member that we are still very much in the planning stage on that. These are issues that are being brought forward by people in the field, by concerned parents, and we hope to address all of them when these are implemented.

2:20

MRS. SLOAN: An additional flaw, Mr. Speaker, can be discovered in this department's plans if you contrast departmental performance measures. In comparing these, you can discover some fascinating differences. Can the minister explain why his department's performance measures are not designed to reflect recipient need and access or the number of appeals utilized as are reflected in the measures of the Department of Health?

DR. OBERG: Thank you, Mr. Speaker. One of the issues is first of all that the population and the issues are different in health as opposed to social services. We view our mandate in a slightly different fashion. When it comes to child welfare, we are looking for the number of children that are placed in safe homes. We're looking at a lot of these in our performance indicators. I am quite proud of the performance indicators by our department, and we will be going into them more in the estimates as they come forward.

THE SPEAKER: The Member for Lac La Biche-St. Paul, followed by the hon. Member for Edmonton-Norwood.

Ambulance Services

MR. LANGEVIN: Thank you, Mr. Speaker. The cost of ground ambulance transfer from an emergency room in rural Alberta to a higher level of care hospital in the city is becoming a financial burden on many rural Albertans. On March 31 one of my own constituents was transferred from St. Paul emergency to a hospital in Edmonton, and then she received a bill for \$1,299 for the cost of that service. Today I would like to ask the minister responsible for health: what is the reason for these charges and others like them?

MR. JONSON: The member correctly identifies a problem and an inadequacy within the ambulance service as far as funding is concerned in the province. These particular incidents occur when a patient is taken from the site of an accident or other occurrence to a hospital and, rather than being admitted to that first service centre, is transferred to a trauma centre, an emergency centre, without, as I said, being admitted. If the person is not covered by insurance for that particular purpose, the previous procedure was that the person was billed directly for the cost.

This inequity was correctly identified by the ambulance task force chaired by the Member for Lacombe-Stettler, and today, Mr. Speaker, we were able to announce as part of the overall budget plan that was introduced by the hon. Treasurer yesterday that we have allocated funding to provide for a system of coverage for that interfacility transfer that is medically required.

MR. LANGEVIN: Thank you, Mr. Speaker. Again to the same minister: under the new announcement, who is responsible for the trip from the home or the accident site to the first hospital?

MR. JONSON: In terms of the first stage of ambulance travel as described by the hon. member, Mr. Speaker, that still remains the responsibility of the individual. Of course, in this province we do have insurance coverage in the private sector and Blue Cross, which is an arm's-length insurance entity in the province that also provides that coverage. It is still the responsibility of the individual to either pay individually or have insurance coverage.

MR. LANGEVIN: Again to the same minister, Mr. Speaker: in view of the fact that the minister referred to the ground ambulance task force, what is the status of the other recommendation from that task force?

MR. JONSON: Mr. Speaker, as I think all members of the Assembly are aware, prior to the provincial election an interim report had been provided by the ambulance task force. We are in the next short while going to complete the compilation of the responses received from interested parties, both individuals and groups, from across the province, assess those particular responses, and take what measures are feasible with respect to improving ambulance care in the province.

I might add just one other thing, Mr. Speaker, and that is that preliminary indications are that on some issues there is certainly a great lack of consensus, particularly with respect to any kind of change from the current governance system for the ambulance services of the province. That is something we will have to deal with when we get to the point of considering responses.

THE SPEAKER: The hon. Member for Edmonton-Norwood, followed by the hon. Member for Calgary-McCall.

Administration of Justice

MS OLSEN: Thank you, Mr. Speaker. This government has been warned by the judicial community that there is a crisis looming in the justice system. The Premier responded to this by stating that government focus on law and order would be paramount and that he would hire more prosecutors and increase their salaries as they are understaffed, overworked, and are the lowest paid west of the Maritimes. My questions are to the Minister of Justice. Can the minister explain how these promises will be kept when yesterday's budget allocates only 703,000 more dollars for general prosecutions than what the department actually spent on general prosecutions in 1995 and 1996?

MR. HAVELOCK: Well, Mr. Speaker, I can assure the House, as I did earlier in responding to a question from the Member for Red Deer-South, that we are hiring additional prosecutors; we are hiring additional support staff.

The hon. member raises the issue of salary. For her information we have retained Price Waterhouse to conduct an independent survey of Crown prosecutors throughout the country. We expect to receive that report in the near future, but until I've received that report, I'm not prepared to make a comment on the salary issue.

The other difficulty quite frankly, too, is that it's a labour relations issue. You need to be careful when you get into those types of discussions.

Nevertheless, what I can assure the House is that there will be additional Crown prosecutors hired. We will consider the Price Waterhouse study seriously, and then we'll work with the Crown prosecutors after we've done that.

MS OLSEN: Twelve senior prosecutors have left the department in 1996, five more since January 1, 1997. How are you going to keep experienced prosecutors if you don't target more money for existing employees? The Price Waterhouse report will probably give you an open door to give this group of people raises.

MR. HAVELOCK: Well, Mr. Speaker, I'm not clairvoyant. I don't know what Price Waterhouse is going to be saying.

DR. TAYLOR: Well, you're supposed to be, Jon.

MR. HAVELOCK: Yes. I guess when you wind up in this position, you should know all and see all.

Nevertheless, I can indicate that certainly there have been prosecutors leaving the service of the province. This is normal. There is turnover with respect to all departments throughout the province.

Again I'll make the commitment that once the Price Waterhouse report comes out, we will work with the Crown prosecutors and attempt to address some of their concerns. Again we are living up to the promise that was made before the election, Mr. Speaker, and that was to hire additional Crown prosecutors, and that is provided for in the budget.

MS OLSEN: Well, I'm happy to hear that the Justice minister is going to hire 18 prosecutors. That would be about \$39,000 a year. Does this mean that this government is prepared to have first-year entry-level prosecutors prosecuting offences of a serious nature against senior defence counsel? That's what you're going to get for \$703,000.

MR. HAVELOCK: Well, Mr. Speaker, the hon. member has raised one of the issues which again we're discussing with Crown prosecutors. There have been concerns expressed that there are instances where relatively inexperienced Crown prosecutors are dealing with very substantive matters. We are going to be addressing that.

Again we will be hiring new prosecutors. Yes, most of them will probably come in at the lower entry level. We feel, nevertheless, that we have enough experience in the department and in the Crown prosecutors office that if need be we will allocate experienced Crown prosecutors to serious cases.

2:30

Food Inspection

MR. SHARIFF: Mr. Speaker, Alberta is blessed with bounties of good agricultural land and hardworking farmers who produce the highest quality of food for consumption. Albertans also consume a lot of fruits and vegetables imported from other parts of Canada and foreign countries. We expect the food that we purchase for consumption to be safe and free of contaminants. Recently there was a scare concerning frozen strawberries imported into Quebec from Mexico. Can the minister of agriculture explain to this House who is responsible for inspecting food coming into Alberta and where this inspection takes place?

MR. STELMACH: Thank you, Mr. Speaker. Alberta is not directly responsible for the inspection of foods which are imported from other countries. The inspection comes under a new agency that was just formed, actually on April 1, a consolidation of all federally mandated inspection agencies. It's called the Canadian Food Inspection Agency. We have an international protocol agreement with the United States that will inspect all food

traveling through the states for either consumption here or transporting through the province. The food inspection is handled by the USDA inspection agency.

MR. SHARIFF: Thank you, Mr. Speaker. Can the minister also explain the inspection process for fruits and vegetables shipped into Alberta from other jurisdictions?

MR. STELMACH: Mr. Speaker, the inspection of fruits and vegetables coming in from other provinces is handled by the Canadian Food Inspection Agency with co-operation from Alberta Health and also our own inspectors within the department of agriculture. Interprovincial transport of fruits and vegetables is done by the Canadian Food Inspection Agency.

MR. SHARIFF: Mr. Speaker, will the minister work directly with the federal minister and consider the need for reviewing grading and inspection procedures for imported fruits and vegetables?

MR. STELMACH: Mr. Speaker, when all of the federal/provincial agriculture ministers meet in July, I propose that we will bring this forward and put it on the agenda. I also wish to inform the House that any time there is a threat of contamination - in this particular case, the strawberries - all the product is pulled from the shelves immediately and even all of the baked goods. There is no risk of any contamination here in Alberta.

head:

Members' Statements

THE SPEAKER: There are three members' statements today, hon. members. First of all, the Member for Calgary-Lougheed, followed by the Member for Spruce Grove-Sturgeon-St. Albert, and then the Member for Bonnyville-Cold Lake.

The Member for Calgary-Lougheed.

Information Rights Week

MS GRAHAM: Thank you, Mr. Speaker. This week, April 21 to April 27, has been designated Information Rights Week in Canada by the Canadian Library Association. One of the issues of this fourth annual Information Rights Week is the potential for increased access to information posed by computers and information telecommunications networks.

Mr. Speaker, the government has made enormous strides in making information available electronically. Internet users can access and search the equivalent of many volumes, including budget documents, quarterly and annual reports, public accounts, and even *Hansard* transcripts. In addition, by investing in technology in schools, this government is providing young Albertans with the opportunity to obtain the skills necessary for the information age.

I'd also like to say that I think it is very timely that Information Rights Week should occur while we are about to debate the amendments to the Freedom of Information and Protection of Privacy Act. Mr. Speaker, the Act works. The annual report, which was tabled by my colleague the Minister of Labour last week, indicates that over 90 percent of the requests which were obtained were responded to within the required 30 days. As we prepare for the orderly extension of this Act to local public bodies, we owe it to Albertans to continue and maintain this excellent record.

Now, although Information Rights Week only occurs once per year, I know that this government is very serious in its commit-

ment to ensuring that Albertans have access to information. As an example of that, this government, along with Albertans from across the province, will be participating in the third annual conference and training session on freedom of information and protection of privacy.

Mr. Speaker, freedom of information and protection of privacy are two of the most important aspects of a healthy democracy, and I am proud to be part of a government that promotes and ensures access to information in Alberta this week and every week.

Thank you.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert. In fairness, you can go on beyond two minutes by a few seconds, but that's it.

Long-term Care

MRS. SOETAERT: Thank you, Mr. Speaker. Countless times the Minister of Health has assured this Assembly that regional health boundaries are only administrative in nature and that access to health services across the province is seamless. Well, last week a constituent ran into a brick wall that might as well have encircled the entire Capital health authority, with those of us living outside of that wall unable to find an entrance.

The constituent is an 87-year-old bachelor. His sisters who care for him are nearly his age and struggle with his needs as he gets older. He needs long-term care, pure and simple. He was told that he would not receive a bed in the Capital health authority because he lives five whole miles outside of the health authority. It's happening, Mr. Minister, and, Mr. Speaker, that's why I have this private member's statement today.

Being placed in his own authority means being at least 35 miles away in Westlock or even further away in Whitecourt. His family, friends, and church community are in the community of Villeneuve, seven miles west of St. Albert. If he is placed in Whitecourt, he might as well be in another country.

Mr. Speaker, this man is a pioneer who worked all his life and paid his dues to his community. This man and his family have supported the Sturgeon general hospital and the Youville home with their donations and their fund-raising efforts over the years, and now, when he is in need of long-term care, he is told: gee, I'm sorry; you'll have to go somewhere else.

Mr. Speaker, I am asking the Minister of Health to please do something about the lack of long-term care in this province. Our seniors deserve better.

Soil Conservation Week

MR. DUCHARME: Mr. Speaker, in acknowledgement of today being Earth Day, I am pleased to announce that the 12th annual National Soil Conservation Week is under way and runs through April 26. It is promoted to increase awareness of soil conservation and to highlight the efforts of farmers, the public, industry, and government to keep our soil healthy.

In the agricultural community soil conservation is a focus all year long. Government, industry, and farmers have joint efforts for more comprehensive research and practical on-farm testing of these conservation practices. In Alberta a series of federal/provincial agreements have expanded these efforts. The Alberta environmentally sustainable agriculture program, or AESA, has just been introduced this year and will be provincially funded. AESA programs will help develop and maintain environmentally sustainable management practices and technologies in the

agriculture industry. There will be a focus on five major components: farm-based programming, process-based programming, resource monitoring, research, and program management.

Agriculture, Food and Rural Development is responsible for encouraging the industry to take care of the soil and water resources it uses. Direct seeding, which conserves soil and soil moisture, involves seed placement into previously untilled soil. Direct seeding increased 750 percent, or 4.5 million acres, from 1991 to 1996. The number of direct-seeded acres in 1996 was 7.14 million. Summer fallow acreage was 3.2 million last year, a decline of 20 percent, or 800,000 acres, since 1992. We are certainly on the right track.

Alberta's farmland is a legacy we will leave our children. All Albertans have the challenge to protect, maintain, and enhance our soil resources for future generations. As the theme for National Soil Conservation Week emphasizes, soil conservation is in all of our hands.

2:40

THE SPEAKER: Hon. members, before calling Orders of the Day, we do have some business that has arisen today. We have two points of order that have been raised, we have one alleged point of privilege that has been raised, and we have one Standing Order 40 to deal with. So let's deal with the points of order first.

Hon. Member for Spruce Grove-Sturgeon-St. Albert, on your point of order.

Point of Order Clarification

MRS. SOETAERT: Yes. Thank you, Mr. Speaker. It's 23(i). Often we hear the Premier and other members saying that there are only two Liberal MLAs outside of Edmonton. I would like this clarified once and for all. I do not live in Edmonton. I mean, the city is a wonderful place, but no, it is not my constituency. I live in the MD of Sturgeon. I also have the city of Spruce Grove and the northwest corner of St. Albert in my riding. I am very proud to represent that area. It is not Edmonton. So I wanted to clarify that for all members.

I also want them to know, within this Standing Order, that just because an MLA does come from a certain area – we should be concerned about all of Alberta. I mean, I'm concerned about Dutch elm disease in maybe your area at the lake that we go up to near Barrhead. I don't want to see those beetles climbing all over the beautiful park that you have there. So I'm concerned about that, and it was an Edmonton MLA who addressed that. I think it was a Calgary MLA who addressed frozen strawberries today. That's a real issue, I'm assuming, since the minister of agriculture answered it.

Furthermore, to punishment of Edmonton within the context of the Premier's answer and the point of order . . .

THE SPEAKER: I believe the member has made her point that it was a clarification of residency and recognition, that there were three members that represented rural ridings. Now, that's a clarification perhaps more than anything else. Unless there is anyone else who wants to participate, I thank the hon. member for raising this as a point of order. We've had the clarification now, and I think we can perhaps move on.

The second point of order, Opposition House Leader.

Point of Order Oral Question Period Rules

MR. SAPERS: Thank you. I rise referring to *Beauchesne* 409,

which talks about Oral Question Period. Mr. Speaker, previously you've already ruled in this so far short session that questions posed to members of the Executive Council should pertain to their areas of competence and shouldn't address federal jurisdiction matters. The Member for Red Deer-South during Oral Question Period asked some important questions about criminal justice; however, they certainly weren't within the area of competence of the Minister of Justice.

I would also like to point out, Mr. Speaker, that the question is also a little bit on the repetitive side. As well, in the way that it was phrased, it invited an answer that would have been detailed and would have gone far beyond the standing practice in this Chamber and other parliaments regarding brief answers in Oral Question Period. I would appreciate your counsel to the Assembly regarding the appropriate nature of phrasing questions and also perhaps your advising ministers of the Crown that should they wish to make ministerial statements, they do so at the appropriate place on the Order Paper.

THE SPEAKER: Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. In response to the point of order, the hon. member is confused. The administration of justice is actually within the responsibilities of the Department of Justice. The Criminal Code is administered by the province with respect to the matters which were raised by the Member for Red Deer-South.

In fact, I'd like to explain the process to the member so he understands. A dangerous offender proceeding is commenced after conviction. After conviction the Crown prosecutor will request sentencing to be adjourned so that the consent of the Deputy Attorney General can be obtained. Those two individuals, Mr. Speaker, happen to be part of the Department of Justice and the administration of justice in this province. The question quite clearly was appropriate. In fact, it was also appropriate because the hon. member is concerned about the issue in his constituency. His constituents are concerned, and if his constituents are concerned, it's appropriate for this Legislature.

MR. DOERKSEN: Mr. Speaker, if I may say a few words as well on the question that I asked. This issue is certainly of concern to the citizens of Red Deer. In fact, there has recently been a high-profile case of a serious offender released into a community in Red Deer, which attracted a lot of attention and a lot of concern from the residents of that city. It was only incumbent upon me and my duty to ask this question in the House to that minister to make sure that we look after those situations.

I would also add that the Member for Edmonton-Norwood asked very similar questions with respect to the Crown prosecutors and very good questions, I might add, because those are the questions in my mind as well. She helped to get that information out as well, and I appreciate that. So the question was appropriate for asking.

THE SPEAKER: Thank you all, hon. members. There will be from time to time the situation where we will have suggestions of overlapping jurisdiction and the like. The Chair will listen very, very attentively. We had another example today in terms of strawberries and who would look after the importation of such. Those questions and clarifications – there will be the odd occasion in which such overlapping matters will come before this Assembly. The hon. Opposition House Leader was certainly correct in

raising this point under *Beauchesne* 409(6) in terms of a question dealing with government competence in the area of responsibility for it.

On the other hand, the hon. member and the Government House Leader were also very correct if the intent of the question was to deal with the subject matter of public safety, which was not closely related to parole. We're going to have that kind of a situation from time to time, remotely, I sincerely hope. Unless hon. members take due diligence in terms of drafting their question to focus on what is the competence of a provincial jurisdiction rather than a federal jurisdiction, then we will have to periodically deal with such questions.

I think in this case the Speaker listened very attentively to the question that was raised and looked for some certain catchwords to make sure it didn't fall under the complete federal jurisdiction, and it was close. It was close: perhaps some imperfect expression or phraseology or drafting of the question on the edge. But I think in this case it's another one of those things that we'll all learn to grow with and really not a complete point of order on this point. Close to the edge, but from time to time an expression of public safety with respect to that.

Hon. Opposition House Leader, you want to raise a question of privilege.

Privilege Freedom of Speech

MR. SAPERS: Yes. Thank you, Mr. Speaker. I stand to raise a point of privilege pursuant to Standing Order 15. In 15(1) it reads: "A breach of the rights of the Assembly or of the parliamentary rights of any member constitutes a question of privilege." I will establish a prima facie case that that is what has occurred as a result of Government Motion 13 being on the Order Paper. That government motion, of course, is the motion that deals with the creation of subcommittees of supply.

Further, Standing Order 15(2) reads:

A member wishing to raise a question of privilege shall give written notice containing a brief statement of the question to the Speaker and, if practicable, to any person whose conduct may be called into question, at least two hours before the opening of the sitting.

Mr. Speaker, I want to assure you that every reasonable effort was made to comply with 15(2). However, I am informed by your office that written notice of this point of privilege did not arrive at your office and your chambers until 12 noon. That would make the notice 30 minutes short. I would hope that you will accept as an expression of goodwill on the part of the Official Opposition that every reasonable effort was made, in fact, to get written notice to you consistent with the Standing Orders. I hope that you will not disallow the arguments on the substantive issue because of this technicality. Of course, we've all seen rulings from other legislative officers, most notably the Ethics Commissioner, who have accepted that there may be technical breaches of this or that but not necessarily a substantive one.

So with that as an introduction to my motion, Mr. Speaker, I'd like to continue by quickly referring to *Beauchesne* 106, which reads, "Many of the privileges of the House extend also to its committees," and in particular the following sentence or two: "They may exclude the public from their meetings and commonly do so, particularly while considering their reports to the House." And now with particular emphasis, "Members not on the committee may be requested to leave but cannot be forced to do so."

I read that and quote *Beauchesne* 106 simply to draw your attention to the applicability of the general rules of privilege which

pertain to the Parliament or Assembly and how they can be extrapolated to committees as well as the notion that members cannot be forced to leave a committee. Now, Mr. Speaker, we have the opposite situation here. Some members are simply not invited to participate in committees because of this exclusionary motion. I believe that at that point alone there is evidence of an impairment of the ability of all members to carry out their responsibilities and to uphold their oath that they have taken.

2:50

Mr. Speaker, the motion that I gave you also pertains to contempt, and I would like to quickly refer to *Erskine May* and quote from page 115 of *Erskine May*, where May offers:

Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

Mr. Speaker, while I have my *Erskine May* open, I'd like to draw your attention to page 135, chapter 10: "Complaints of breach of privilege or contempt." Halfway through the first paragraph, titled "Raising a Complaint," it reads:

A Member who wishes to raise a privilege complaint is required to give written notice to the Speaker as soon as reasonably practicable after the Member has notice of the alleged contempt or breach of privilege.

I raise that, again, just in reference to my recognition that the notice may not have reached your office two hours before, but certainly it was as soon as I could reasonably do so.

Mr. Speaker, the government has now for two years running forced the opposition to endure a very undemocratic estimates debate and in doing so has deprived the people of Alberta of an ability to fully understand and appreciate the government's plans for spending billions and billions of tax dollars. Quite simply put, forcing estimates debates into this subcommittee process really requires that members either don't do their job or that they try to be in two places at the same time. Private members obviously can't do that, and they don't have access to all of the briefing notes that ministers of the Crown would have, so they simply can't question the estimates in a way that they would need to do should they be fully fulfilling their duty.

Furthermore, Mr. Speaker, this subcommittee process completely diminishes parliamentary accountability and ministerial accountability. It is hard to mount rigorous questions and ask serious questions in terms of government spending plans when you are running back and forth between meeting rooms and the Assembly. I will say that based on last year's experience, often with meetings being given on short notice or rooms changing, certainly there is a tremendous amount of confusion coming from the government as they establish this subcommittee process.

Mr. Speaker, you may be tempted to rely on a previous Speaker's ruling on this matter, and certainly in the last session this point of privilege was dealt with. I submit that there are some important differences, which I hope will govern your ruling on this point of privilege. Number one, when the previous Speaker made his ruling on a similar point, of course there was a different composition of the Legislative Assembly of Alberta. There was a much larger opposition; there were only two parties in the House. There are now three parties in the House. One of those parties is represented by only two members. The Official Opposition is now represented by 18 members. All of the arguments that were offered last year in terms of the inability of

private opposition members to properly acquit themselves and hold the government accountable during estimates debate have far more force today because of the particular imbalance in the Assembly. The government has a sizable opposition and therefore has an additional responsibility to not use that opposition to frustrate democracy or frustrate debate, and I'm afraid that that's exactly what has been happening.

If you'll permit, it is not just simply the subcommittees that are an affront to the democratic process. There are many things that this government has already done since the last general election which, I submit on behalf of the Official Opposition, are an affront to democracy, and the accumulative effect of these actions are to the detriment of the people of Alberta. This government tried to thwart free votes in the Legislative Assembly, Mr. Speaker. Now, it is true that the Government House Leader and I have now been able to reach an agreement on free votes, and the Whips will now be off on private members' business. I certainly am pleased that the government has reversed its position on that, but I'm afraid that they wouldn't have done so without some rather vigorous and vocal opposition.

Furthermore, Mr. Speaker, the whole process of standing policy committees. We have now seen where the government has rewarded some more of its backbenchers by creating some more standing policy committees. There are now seven. These exclude members of the public. They exclude members of the opposition. These are really little more than caucus committees, yet the Legislative Assembly budget is forced to pay for them. These standing policy committees themselves are an affront to democracy and a serious one, and I'm sure we haven't heard the last of this point.

Mr. Speaker, this government has already been unprecedented in its use of closure, and I hear threats of closure on the horizon one more time, in fact pertaining to this particular motion, Motion 13. This use of closure again frustrates democracy and free debate.

Mr. Speaker, I'm sure you'll be particularly interested in this. The government has withdrawn its commitment to hold two sittings of the Legislature per year. While it is true that the Legislative Assembly Act only requires one, the previous Legislature agreed quite appropriately that the business of Alberta was far too complex to be dealt with in only one sitting and committed to two. This government has done a complete reversal on that and wants to do its business in private, wants to shut out the Alberta public, wants to silence debate and cancel fall sessions.

Finally, Mr. Speaker, I submit that this subcommittee of supply process is the final nail in that particular coffin of democracy, which is a very interesting legacy for this government so early in its mandate.

Mr. Speaker, a couple more references to *Erskine May* just for your consideration before you give your ruling on whether or not a prima facie case of privilege has been established. I am now referring to page 69, and you will read at the top of page 69 where it says:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals.

With particular emphasis on the phrase which reads, "without which they could not discharge their functions," how can I or any private member in this Assembly account to their constituents about the expense of over 14 billion tax dollars without being able

to participate fully and freely in all of the debate surrounding that expense?

Mr. Speaker, I'd also like to turn your attention to page 71 of *Erskine May* under the heading "Freedom of speech." I will argue that freedom of speech includes the freedom to express opinions as well as the ability to raise questions. Those two go hand in hand, have always gone hand in hand in parliamentary practice and are essential components of a government being accountable in a parliamentary democracy. I'm now quoting from page 71: "The first claim in the Speaker's petition is for freedom of speech in debate." I believe that you have to argue at least that there is on the face of it a case of privilege with this motion which is an affront to democracy. It thwarts freedom of speech in debate, it diminishes my ability and the ability of my colleagues to do their jobs, and it really brings the entire process of budget debate in this province into disrepute. For a government that prides itself on being open and accountable, I suggest that this is exactly the opposite. This is more like a cloak of secrecy than a transparent debate. In particular reference to all of the newly elected members in this Chamber, I would argue that members on both sides of the House are really being slapped in the face by this motion and by the rather arrogant way in which it is being put forward by the government.

3:00

THE SPEAKER: We'll recognize the hon. Government House Leader, then the Member for Calgary-Buffalo if he chooses to speak.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I'll try and be brief. To begin with, I don't believe that you should disregard the rulings from 1996. In fact, I think those rulings were given on February 26 and 29, and they indicated quite clearly that this was not a question of privilege. The Standing Orders provide for this process, Standing Order 57(1), and we've clearly followed that process.

In responding to some of the specific comments made by my colleague, the House should be aware that with respect to the estimates in 1995 the House had 135 speakers address the estimates. Of that, opposition comprised 115, government 20. We expended 57 hours and 40 minutes on estimates debates. Now, when we brought this process into place last year, the total number of speakers went from 135 to 194, the total opposition from 115 to 133, government from 20 to 61, and the time expended was 60 hours and 43 minutes. So despite what my colleague across the way has asserted, the time spent on the budget and the opportunity for members to participate actually increased.

You should also be aware that there are other jurisdictions which use a similar process. In fact, they not only use it with respect to the estimates, but they also use it with respect to enacting legislation. It also provides an opportunity for members on the other side of the House, in fact for both sides of the House to explore the estimates not only at the subcommittee stage but also when the subcommittee reports to the Legislature. Members may move freely from one committee meeting to another, and I think that the way we're trying to structure it is so that opposition members have that flexibility and have the schedule well in advance so they can plan their time and participate as they see fit. The proceedings will be recorded in *Hansard*, and certainly again the opposition members will be able to raise some questions emanating from that recording.

As concerns the composition of the Assembly, actually the way

we're structuring it, Mr. Speaker, allows the opposition members greater time to address it, because we're going to maintain a similar structure to what we had last year. The same amount of time will be allocated, yet there are fewer members in the opposition this time around. Therefore each member of the opposition should have a greater opportunity to address the issue.

The comments regarding the affront to democracy. I guess one can't respond to ramblings of that nature other than to suggest that they have absolutely no basis. In fact, it has never been indicated by this government at any time that it does not support free votes. What was indicated was that, yes, we support free votes. We were more than prepared to have free votes but didn't see any need to put it into an agreement, because basically we are of our word. However, Mr. Speaker, by putting it in the agreement, we will certainly abide by the terms, and we are redrafting the agreement so that it applies to private members' business. I doubt, however, that the opposition will do the same, based on past experience. They very rarely had free votes when it came to issues of private business in this House. [interjection] Actually, I listened patiently while you spoke, so I'd appreciate the same courtesy, if you don't mind.

The SPCs. There are a number of instances where members of the public and/or the opposition are excluded from meetings because the individuals making the presentations to the committees request that happen.

Regarding the holding of two sessions, historically it's been very rare to actually have fall sessions. However, the Standing Orders and the legislation provide that if the government sees fit, it can call a fall session. We will not, however, call a fall session if there is no legislation to put forward.

MR. MITCHELL: There's the question period to have; there's accountability.

MR. HAVELOCK: Well, a good opposition, Leader of the Opposition, can actually hold government to account without having to do so through the theatrics of question period. If you're not able to do your job in that regard, then quite frankly that's not our problem. Your problem is getting your message out to your constituents. It's not our problem. If you can't do it without a question period, then you're not doing your job.

Mr. Speaker, the last issue that was raised: the freedom of speech. There's ample opportunity for all members of this House to participate in the budget process. As I've outlined, there's actually greater opportunity through the subcommittee process.

Therefore, I would urge you to disregard the arguments that have been made. This is not a question of privilege. It has been ruled as such in the past, and I would hope that you would rule the same. Let's dismiss this, and let's get on with the business of the House. The people of Alberta did not elect us to make these types of arguments or spend government time or opposition time on this. They want us to get on with debating the budget and making sure we're providing good government.

Thank you.

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

MR. DICKSON: Thanks very much, Mr. Speaker. There's been much interesting discussion about a number of issues, but I intend to confine my comments to those directly related to Government Motion 13 and what I'll call the budget or the estimates process.

The Government House Leader has made a number of points,

and I might just respond to those as directly as I can. The first one: he said that you shouldn't disregard previous rulings. I don't think that anybody on this side suggests you should disregard previous rulings. It would be my respectful submission that the last ruling made in February of 1996 can be distinguished basically on two counts or for two reasons. The first one would be that in February of 1996 at least we had an opposition in an 83-seat Legislature of close to 32 members. It may have started to shrink a little bit, but it was a much bigger opposition than is currently the case. I think that the Speaker can take notice of the fact that many of my colleagues actually shadow more than a single minister and a single department. In many cases some of my colleagues shadow three different departments.

The other important distinction, I suggest, is this: one year ago this was a brand-new process. We heard representations from the then Government House Leader that this in fact would result in more opportunity for opposition MLAs to ask questions, that it would allow for a greater level of scrutiny than had previously existed. Mr. Speaker, you're a senior member of this Legislature, so you're invested with the experience of knowing what's happened over a number of years and certainly what happened in the 1996 spring session. If we leave aside the aggregate numbers that the Government House Leader likes to tout, the reality is that individual opposition MLAs had significantly less time to hold the government accountable. It seems to me that that's the point that has to be made and reinforced, and the business of pooling together all time and questions isn't very helpful to us. In fact, I think members will understand that a greater portion of time is taken up with speeches by ministers, with questions by government members, who also have the benefit of attending government-only standing policy committees, who have a chance to deal with and vet proposed legislation and proposed budget notions long before they ever come into the Assembly, when members in the opposition have a chance to be heard.

The second point that I understood the Government House Leader to raise was this: the Standing Orders clearly provide for these kinds of subcommittees. Well, it's absolutely true that Standing Orders do make provision for the Committee of Supply to break itself into committees, but the rub, the key is – and we certainly saw this problem very clearly last year – that the government chooses and proposes again to organize subcommittees of supply to sit concurrently. While the Government House Leader lauds some kind of mobility opportunity, what sense does that make? When estimates are done in this Chamber, every one of the 83 MLAs has an opportunity to ask questions, to listen to what's said by the minister, to be able to listen to what responses come from the minister to questions on both sides of the House.

The reality is that when we have a minister upstairs in one of the rooms and certain MLAs there and we have another minister down here, it simply is not physically possible for an opposition member to be both places at the same time. The government minister or the chairman of the committee will be the first one to protest when an opposition member comes in halfway through the committee session upstairs and starts asking questions that have already been asked. Not very efficient.

3:10

The government makes much of the cost of the Legislature sitting. The reality is that the government of this province spends something like \$700 million a day. It seems to me that it would be absolutely essential that we have the full opportunity for opposition members to do what we're paid to do, what we've been elected to do, which is to hold the government accountable and to

provide an effective level of scrutiny. I think those are the key points I wanted to make.

I want to suggest another authority that you may not have, Mr. Speaker. There's a precedent from Ontario. The Speaker in Ontario was the Hon. Mr. Warner. In a ruling May 13, 1991, he talked about the extent to which a Speaker is bound by the Standing Orders in that jurisdiction and what kind of residual discretion, inherent discretion, or jurisdiction he had. I just quote the summary of that decision in Ontario. It's simply this:

Speaker has an inherent discretion or latitude to act when the business of the House is being obstructed or when the Standing Orders are being abused, but does not do so in the case at hand because there is still room for negotiation among the Parties and because the situation in the House does not approach a deadlock or standstill.

Well, I think it's clear that the opportunity to resolve this by amicable agreement between House leaders has been attempted and exhausted. We are in fact deadlocked in terms of our different perspectives on what's appropriate in terms of an appropriate level of scrutiny of the budget estimates. I think that this is a case where the Standing Orders, in my respectful submission, are abused, when the Government House Leader coordinates contemporaneous or simultaneous committee sessions when opposition members simply can't cover both places at the same time.

As I say, I didn't want to get into discussions about the other issues, but I think it's clear that Albertans lose, not just the Albertans represented by the 20 opposition MLAs, with the kind of the process that the government has put in place. When there's a conflict between so-called administrative efficiency and the public's right to know, it's worth while recognizing that democracy is sometimes pretty untidy, Mr. Speaker. It's sometimes a little inefficient. Sometimes it's a little slow and poky. But if we've learned anything in the history of parliamentary democracy, it's that ultimately accountability is a more important principle, a more important objective and goal, and when the two competing interests collide, upholding vigorous scrutiny and debate ought to be given the primacy and the higher order of importance.

Thanks very much, Mr. Speaker.

THE SPEAKER: The hon. Opposition House Leader is raising a question of privilege concerning Government Motion 13, which appears on the Order Paper. It deals with the appointment of subcommittees of supply. Under Standing Order 15(2) in our rules the Speaker and "any person whose conduct may be called into question" are to be provided with written notice "at least two hours before the opening of the sitting." The Speaker's office received the written notice from the Opposition House Leader at 12 o'clock noon, which is less than two hours before the opening of the sitting. Needless to say, of course, under Standing Order 15(5) a member may rise on a question of privilege immediately after the words are spoken or the events occur, but that is not the situation this afternoon.

The Chair would like to point out that even if the notice was provided on time, the purported question of privilege would seem to be premature as Government Motion 13 has not been moved. It's simply on the Order Paper as notice. In the Chair's experience there are occasions when government motions appear on the Order Paper but are not necessarily moved. Accordingly, the question of privilege will not proceed as the required notice was not provided and because it is inappropriate at this time.

Now, to all members, in anticipation: should the motion be moved, the Chair no doubt recognizes that the matter would

probably be raised again then, but the Chair would like to point out several things in anticipation and not to foresee the debate that may occur. The Chair would ask that all members read Standing Order 57(4), which allows expressly that members who are not members of subcommittees that may be appointed do have the right to attend any meetings.

Furthermore, the Chair would like to draw to all members' attention the gist of Speaker Schumacher's ruling of February 26, '96. His ruling was that following the rules of the House as an example, the establishment of subcommittees could not be a breach of privilege. So as to where we are in dealing with the current matter, I repeat: this question of privilege will not proceed as required notice was not provided, number one, and because it is inappropriate at this time.

head: **Motions under Standing Order 40**

Earth Day

THE SPEAKER: The next order of business is a Standing Order 40.

The hon. Member for Lethbridge-East.

Dr. Nicol:

Be it resolved that this Assembly recognize Earth Day and congratulate all those who work to protect the environment in Alberta not only on Earth Day but every day of the year.

DR. NICOL: Thank you, Mr. Speaker. It gives me great pleasure to stand this afternoon and speak to the urgency of Standing Order 40. April 22 has been designated as Earth Day since 1970, when it was first celebrated in the United States, and each year it comes up as part of the celebrations of the Earth that we live on and the interaction that we as the dominant species, should I say, play in the role of interacting with all the rest of the parts of our Earth, whether it's the other animals and plants on the Earth or the atmosphere and the water. So it's important that we take an opportunity to recognize this in the Legislature today, specifically the urgency being that today is the official day of it.

In Calgary the organizers had planned for events last weekend, and the issue of celebration was carried out there under the guidance of Kate Marsden and Jani Meyers. Next weekend here in Edmonton at Hawrelak park will be a series of celebrations under the direction of Peter Jansen. So as we look at the celebrations that are going on around us in the province, it's important that we recognize today, the 22nd, that we speak to it today because this is the official day, and kind of split the activities that are going on in the province in recognition of that.

So I'd allow that to stand right now in terms of the emergency, and if the House sees fit to have us address this, I'd like to speak further as to the significance of Earth Day and the importance that it has to the future that we have on the planet Earth.

THE SPEAKER: May we have unanimous consent to proceed with the motion as proposed by the hon. Member for Lethbridge-East?

SOME HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE SPEAKER: It's defeated.

head: **Orders of the Day**

3:20

head: **Public Bills and Orders Other than
Government Bills and Orders
head: Second Reading**

THE SPEAKER: The hon. Member for Grande Prairie-Wapiti.

Bill 202

Crown Contracts Dispute Resolution Act

MR. JACQUES: Thank you, Mr. Speaker. It's my pleasure to rise today to speak in debate on Bill 202, the Crown Contracts Dispute Resolution Act, which stands in my name.

I should point out for the benefit of returning members and new members that in the 23rd Legislature, more specifically on May 22 of 1996, a similar Bill, which was then numbered Bill 216, was introduced in first reading. In the August session of last year, '96, it received second reading and indeed was passed. There were some issues that were raised in the debate at the time, and we were poised to incorporate those if we had got into Committee of the Whole, but the session was adjourned. Bill 216 then became Bill 219 in the very, very short session of the 23rd Legislature that we had in February of this year, Mr. Speaker, and Bill 219 did indeed incorporate some amendments that had been discussed by myself back in August of '96.

As a result of the draw in the 24th Legislature, Mr. Speaker, I had the privilege of drawing position number two, and hence what was Bill 219 in the last session of the 23rd Legislature has now become Bill 202 in the First Session of the 24th Legislature.

Mr. Speaker, Bill 202 is a step in the direction to reduce the current burden on our legal system. This system is constantly under a great deal of stress, placed there in most cases by parties who feel the courts are their only means of resolving their problems. It is time that we as a government led by example rather than following the current trend. We must release our court systems from the onerous task of resolving contractual conflicts that can and should be resolved in a mutually agreeable manner between the parties involved. The adversarial system of the courts is an evolving process and one that must change to meet today's needs.

Mr. Speaker, today's disputes call for the use of alternative dispute resolution, more commonly known as ADR. No longer is a judgment delivered by the courts the only mechanism to handle problems. The time to legislate ADR into Crown contracts is now. The forum of ADR will save the court system valuable time and money, not to mention the savings to the Alberta government and other parties involved. It can resolve conflict more quickly while providing the parties with a less formal, less costly, and certainly a less intimidating environment for dispute resolution. Those are the principal reasons behind my sponsorship of Bill 202.

To reduce the court time and to reduce the cost to government and other parties, Bill 202 compels the government and other parties involved in a contract dispute to attend a mediation session. The mediation session intent is to inform the parties of the ADR techniques that are available prior to going to court. Essentially Bill 202 would require ADR to be included in most government contracts. Because of certain complicated natures or because they are governed by binding forms of legislation presently established, certain contracts would be excluded.

Under the proposed Bill the proceedings for a contractual dispute would run something like this. Once an action by either

the government or by the other party has been initiated and preliminary pleadings have closed, the government and the parties involved would arrange for and attend a mediation session prior to any other court action taking place. At the session the mediator, who was chosen by the parties or who is appointed by the court if no decision between the parties can be made, will inform both parties of the alternative to going through the court system. The session will focus on the alternative forms of dispute resolution. The ADR mechanisms presented by the mediator can range from but are not limited to negotiation, mediation, arbitration, minitrial, summary jury trial, neutral expert fact finding, or moderated settlement conferences.

Obviously ADR is not limited to one form, and with the numerous options available the mediator and parties can choose the form which best suits their needs. In order to remove the ability of the mediation session to be used as a stall tactic in a proceeding to court, the mediator must be named within 60 days of the close of pleadings, and the actual mediation session must take place within 60 days after the mediator is named. This time frame will allow all parties involved sufficient time to prepare for mediation.

The flexibility, Mr. Speaker, and the adaptability of ADR are the key concepts that would make this Act highly effective in almost every dispute that may come forward. When the mediator informs the parties of the ADR mechanisms, the likelihood of going to court will hopefully be reduced, providing a speedier resolution to the conflict, and with a quicker resolution comes a cost savings to all involved.

Upon the conclusion of the mediation session the parties will receive a certificate of completion, which will demonstrate to the courts their attendance at the session. Once the certificate of completion has been received, either party is then able to, without further consideration of ADR, continue with court action. All they would be required to do under this legislation is attempt to resolve the conflict prior to going to court. If upon completion of the mediation session the parties agree to continue with ADR, they can choose which form of ADR is best suited to their particular situation.

If a party involved in the court action fails to attend the mediation session, a certificate of nonattendance will be filed with the court. If such a certificate is filed, the court may then force the party or parties to attend, strike out the pleadings of the party, terminate the process on terms the court considers appropriate, or grant any other relief deemed appropriate.

A very important note in relation to the proposed Bill is that nothing in this Bill – nothing at all – would prevent or limit either party from taking court action after a mediation session. In addition to this, any evidence which is submitted during the ADR process is not admissible in court. Mr. Speaker, the fact that evidence presented in a mediation session cannot be used in a court of law is one of the driving forces or advantages behind ADR. The evidence presented will stay, if you will, at the table and go no further. This fact will allow the parties to express their points without fear of reprisal, which may come about if such evidence were to be opened for public scrutiny as with a legal trial. Another great strength behind the concept of ADR is that individuals need not be educated in the adversarial system of law in order to participate in the dispute resolution process.

The reason that the Bill would be applied to government contracts is twofold, and I should emphasize: only to government contracts. Firstly, I do not believe that ADR should automatically apply to all contracts in the province. Most certainly the private

sector does not want government-imposed solutions in that regard. We as a government are in the business of getting out of business, but this does not mean we will stop looking out for the best interests of fair contract resolutions. We do not wish to intervene in the process by imposing this legislation in one broad stroke without concentrated effort to ensure that the end result of ADR is good for the process of conflict resolution.

Secondly, Mr. Speaker, by having ADR apply only to government contracts, the government has the ability to lead by example. I believe that if ADR is successful in government contracts, as I foresee, then it is highly probable that private contracts will increasingly include ADR provisions based on our experiences. With the acceptance of Bill 202 the government can demonstrate its willingness to embrace the changing form of dispute resolution.

Mr. Speaker, I would like at this time to shed some light upon the history of ADR for those members that may be unfamiliar with this concept. Its roots can be seen to come from the United States back in the days of legal reform and the 1960s civil rights movement. It was during this time that the United States was in the throes of considerable internal conflict in addition to a marked increase . . .

THE SPEAKER: Excuse me, hon. member. I hesitate at this time to interrupt the hon. Member for Grande Prairie-Wapiti, but the time limit for consideration of this item of business has concluded.

Hon. members, this is the first Tuesday that we've had. If you were to refer to your Standing Orders and if you were to look at item 8(2), you'll see the agenda for business on Tuesdays.

The hon. Member for Grande Prairie-Wapiti was participating in a session of business that had to do with public Bills and orders at the conclusion of Oral Question Period, but at 3:30 p.m. there's provision now for Motions Other than Government Motions, that will now follow this agenda for a period of one hour. So we're now into Motions Other than Government Motions.

head: Motions Other than Government Motions

3:30 Policy Development Committees

501. Mr. Mitchell moved:

Be it resolved that the Legislative Assembly urge the government to ensure that committees dealing with policy development have representation from both government and opposition Members of the Legislative Assembly.

THE SPEAKER: Hon. members, we're now dealing with a matter on the Order Paper on page 7, item 501, Motions Other than Government Motions.

The hon. Leader of the Official Opposition.

MR. MITCHELL: Thank you, Mr. Speaker. This motion is really very straightforward. I will therefore speak to it briefly.

The motion addresses the matter of the standing policy committees as opposed to the standing committees of the Legislature. My premise in this motion is that these committees are not structured properly and, structured as they are, erode and diminish the legitimacy of this Legislative Assembly. They are good to the extent that they are focused on receiving public input. Groups and individuals can appear before them and have their say on a range of issues. They are good as well because they engender policy discussion, and more good policy discussion can only assist in good government. They are good to the extent that they can provide to some extent informed recommendations, we would hope, to this Legislative Assembly and to this government.

[The Deputy Speaker in the Chair]

When only members of one political party, in this case the Progressive Conservative Party, the party that forms the government, are members of those standing policy committees at the same time as those committees are supported by public Legislature funds to pay \$22,000 a year to each chairperson and to provide each chairperson with a car, then, Mr. Speaker, they are not good and they are not proper. No other province has committees of this nature, committees that are structured under the rubric of the Legislative Assembly but have only one-party and not all-party representation, no other province in this country except now more recently the government of Ontario, which of course is very much like this government in its predisposition, its twin sister, and which is very much following this government's unfortunate precedent to create committees of the Legislature which do not have all-party membership.

These committees are of course appropriate caucus committees. Every caucus in this Legislature has an unfettered right to meet groups and individuals, to discuss policy, to listen to the public, to create policy recommendations, provide it to the government or provide it to the Legislative Assembly. Every caucus has that unfettered right. What every caucus does not have in a proper and fairly operating Legislature is the unfettered right to spend public money for a purely partisan committee structure which has been inserted inappropriately under the structure of this Legislative Assembly.

I believe we see the real face of the partisanship in these committees when we compare the government's use of these committees to the government's failure to use the other standing committees of the Legislature as extensively and as properly as they might otherwise use them. For example, while these standing policy committees meet year-round, including those times of course when the Legislature isn't in session, critical, important committees – one I'm thinking of in particular is the Public Accounts Committee – only sit once a week while the Legislature is sitting. Ofttimes that means that that committee may only review the past year's expenditures of maybe a handful of departments and that 10, 12 other departments go unsupervised or unquestioned on their previous year's expenditures. So while the standing policy committee meets many times throughout the year, the Public Accounts Committee, one of the most significant and powerful and important committees in the parliamentary legislative process, is dismissed once the House stops sitting.

The Standing Committee on Law and Regulations: the Member for Banff-Cochrane is the Chair of that committee. That will not be a very intense job for that member. If I might point out, that committee has not met a single time in the 11 years that I have been in this Legislative Assembly. If we had strength and influence in government backbench members – and I wait with interest to see whether that's the case – then the Member for Banff-Cochrane will of course establish her presence in this Legislative Assembly by insisting that that standing committee of the Legislature meet as it should to review the burgeoning regulations, the unsupervised, unquestioned regulations of this government.

Mr. Speaker, it's interesting. They have partisan standing policy committees, which they use all the time, supported by public money, paying only caucus members of one caucus, but at the same time they have standing committees of the Legislature steeped in decades and decades of tradition in the parliamentary and the legislative processes not just in this country but in other

countries in the world which they simply all but disregard. I think what that underlies is the government's fear of open, all-party committee debate and their desire to control and to limit debate for their own purely partisan purposes. Now, some of that of course is good, clean partisanship, but it isn't when you're using public money to pay for it.

There are two solutions. Either they continue them without public money paying for the cars and paying the \$22,000 for the chairpeople or they structure them in a way that includes all-party membership. We're not asking for our members to be paid to sit on those committees. We're simply asking that if those committees are going to be under the Legislative Assembly structure and if they're going to be paid for with public money, then there is no question but that they should have all-party representation.

The Legislative Assembly, as frustrating as it sometimes seems to members, is much more than just the sum of the parts of what goes on here. This Legislative Assembly is the symbol of freedom of speech. It is the symbol of rights. It is the symbol of people's ability to have their concerns listened to and voiced at any moment in the process of public life in this province. Any initiative that begins to erode it, to dismiss it, to displace it is an initiative, Mr. Speaker, that begins to erode the essential foundation of democracy in our society. If all of us come here with many responsibilities, charged with many important things to do, then the overriding and single most important thing to do is to ensure that democracy is never, ever eroded for a single second in this Legislature if it can possibly be avoided and that democracy and freedom of speech and the rights that are symbolized by this place are only emphasized and nurtured and honoured by everything that we do.

There are, Mr. Speaker, 20 MLAs other than government MLAs in this Legislature who were elected by people who didn't vote for this government. There is 49 percent of the electorate of this province who voted for parties other than this government. [interjection] I don't think the Member for Stettler-Drumheller was elected unanimously.

MRS. McCLELLAN: Stettler?

MR. MITCHELL: Sorry. Drumheller . . . What is the new name?

MRS. McCLELLAN: Chinook.

MR. MITCHELL: Drumheller-Chinook.

So it may be that she doesn't represent the interests of every single member of her constituency. If she did, then we would of course never have needed the kinds of opposition structure that have been proven over literally hundreds of years to make this process of government one of the most successful if not the most successful in the history of modern government.

3:40

I want to quote the Premier from an earlier debate on this very issue where in his defence of these committees he says that he genuinely wishes to bring Albertans back into the process both directly and through their MLAs. Mr. Speaker, it's hard to bring Albertans back directly and through their MLAs through a standing policy committee structure that excludes representation of 20 MLAs, 25 percent of this Legislature, who reflect almost 49 percent of the voters' choice in this province. It seems to me that, without doubt, this structure undermines the integrity and the legitimacy of this very Assembly, and it seems that this has

happened because more and more the government views the Assembly as an inconvenience. The point of order today by my colleague from Edmonton-Glenora underlines again the further erosion, the accumulation of initiatives that are beginning to affect detrimentally the legitimacy and the integrity of this Assembly.

I simply ask all members to reflect on their/my/our responsibility to uphold the important democratic traditions of this Legislative Assembly and underline that as partisan as we feel we must be, as partisan as we are driven to be sometimes, there is a higher ideal and a higher level at which we are called to play and which we are called to honour. Mr. Speaker, this is one of those times, and this is one of those issues.

I ask for the support of the Members of the Legislative Assembly.

THE DEPUTY SPEAKER: The hon. Member for Airdrie-Rocky View.

MS HALEY: Thank you very much, Mr. Speaker. I am delighted to be able to enter the debate on Motion 501. Just to set the record straight and to ensure that the hon. members to my left, way to my left, don't have any illusions about where I stand on this motion, I will not be supporting it.

In the history of government I'd be truly surprised to find that any government anywhere spent more time and energy gathering input prior to implementing a policy decision than we have. For example, going back to the spring of 1993, roundtable discussions were started on the Alberta economy. These discussions led to an election platform for the 1993 election. Everything that we were going to do was out there for the general public to look at in 1993. Through the economic summit that was done in 1993, it was very clear that the message was that we did not have a revenue problem but a spending problem. The message was clear that we had to cut 20 percent out of our budget. That was garnered from public input. It impacted the policy that the government of that day ran on.

By the fall of 1993 roundtable discussions were going on throughout the province on everything from freedom of information to health and everything in between. People attended from all over the province, even Liberals. The Premier set up the standing policy committees so that individuals and groups could come in and make presentations to a group of government MLAs and cabinet ministers. You might ask: why? Clearly, Mr. Speaker, so they could advise of their thoughts on our policies. These groups are always encouraged to make public presentations. Some, however, have chosen from time to time to make a private presentation, and we have respected their right to choose.

We have another major public input coming up called the Growth Summit, and guess what: one of the co-chairs, a former Liberal colleague from this side of the House. Another hon. colleague from the Liberal side of the House, Mrs. Bettie Hewes, has been asked to participate. That's called input, and it will no doubt impact the policy of our government. In the past two and a half years I've had the privilege to chair community services; later, agriculture and rural development for a short period of time last year; and now jobs and the economy. The vast majority of our presentations were made publicly. Amazingly enough once in a while a Liberal actually showed up. Usually they just sent their researcher though. You know, I suggest to you, Mr. Speaker, that this newfound interest in the standing policy committees is much more for political posturing than it is from any desire to sit on yet another committee.

Look briefly at what we do now as far as input goes. To start with, they take up at least 60 percent of question period with probing questions on government action and policy. Their leader gets 90 minutes to respond to the Speech from the Throne. He gets time again on the budget speech. Every member in here is encouraged to debate the Speech from the Throne, the budget, and any and all legislation that comes into this House. All members have a right to introduce private members' Bills and motions, and all members are allowed to make member statements. Any and all of these allow any person in this Legislature to influence policy.

There are joint committees in this Legislature, Mr. Speaker. There are many of them.

AN HON. MEMBER: Many of them don't meet.

MS HALEY: Well, there are many that do meet, and I guess you'll find that out. There are actually Liberals on them. Apparently, Mr. Speaker, it's not enough for them. They want to influence policy before it even gets here.

I wonder from time to time if the editorial board of the *Calgary Sun* would welcome the editorial board of the *Calgary Herald* into their daily planning sessions or if, on the other hand, perhaps the Edmonton Eskimos would like to have the coaching staff . . .

MR. SAPERS: What's that got to with it?

MS HALEY: It has everything to do with it, Howard.

. . . of the Calgary Stampeders into their strategy meeting before the Labour Day classic. I don't think so somehow. Do they think the executives of Shell and Chevron get together to discuss policy before they purchase land for future development? Somehow I just can't see it happening.

SPCs do indeed have closed-door sessions, Mr. Speaker. We are creatures of Executive Council. I am paid by Economic Development and Tourism, which makes me a member in that capacity. This is not an open committee. We meet to discuss budgets. We meet to discuss legislation, and we discuss business plans before they even go to our full caucus. Ideas and concepts come forward from SPC to cabinet and then to caucus. Anything that survives that process comes here, and that is as it should be. Clearly the opposition policies are different from ours. That's why they're in the opposition and we're in the government. That's the way the people of Alberta wanted it, and that's the way it is.

I ask all members to vote no on Motion 501.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Highlands has made a request to speak, but I had indicated to the hon. Member for Edmonton-Glenora beforehand. So I'll recognize you next.

MR. SAPERS: I'm not sure what the urgency is, but I'm sure she will be brief, and then I will stand in my place.

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

MS BARRETT: Thank you to the Member for Edmonton-Glenora. I have a 4 o'clock appointment, and I will be brief.

I'd just like to point out in response to the previous speaker's statement that in fact this Legislative Assembly survived for, oh

gee, I think around 76 years, if I'm not mistaken, without standing policy committees that were solely comprised of government members. And you know what? I was here. Democracy worked just fine. No, you don't invite your competitors to your planning sessions. However, I understand that this government keeps saying that it's going to be open and honest and accessible. Well, if they want to have policy advisory committees that are comprised exclusively of Conservative Party members, you do it through the government departments.

Let me tell you what I think this is really about, Mr. Speaker. These committees are only a few years old. They didn't exist when I was first elected to the Legislature in 1986. While the government was telling everybody, "Tighten your belt; we're in crisis" – and the hon. member who just spoke before I did said: remember, we had to cut 20 percent; we had a big job to do. You know what? While the government was out there in the 1993 campaign pounding the pavement saying, "Hey, we've reduced the size of cabinet; we're leading the way," that's when they were establishing their standing policy advisory committees. What do you think they did in 1997 right after the election? They increased them from five to seven. What we've got is an additional seven mini cabinet ministers without the government admitting it. That's part of the problem, my friend. [some applause] Thank you.

So while there's one agenda for public consumption, Mr. Speaker, there's quite another agenda when it comes to the consumption habits of the governing party. Shame on them. You should all vote in favour of this motion.

To the Member for Edmonton-Glenora: thank you for letting me in.

3:50

THE DEPUTY SPEAKER: The hon. Member for Redwater.

MR. BRODA: Thank you, Mr. Speaker. I am most pleased to be able to enter into this debate on Motion 501 today. I am particularly pleased to do so because as a new member of this Assembly I believe I bring a fresh but perhaps not so new insight to this debate.

Mr. Speaker, I see the government and the opposition as two separate entities and I believe rightly so, as this division has been the way of parliaments and Legislatures around the world for many, many hundreds of years. From the first days of Parliament in Britain a distinction between the government and the opposition was made. That tradition applies here in Alberta, and it should continue. In that light I would like to begin my discussion on Motion 501.

To help illustrate my point, Mr. Speaker, I believe we need to go back to the basics, as it were, to a brief description of the foundations of the Legislature. Let's start with the fact that the Legislative Assembly is the public forum where the government of the day is held accountable. Here in this House, as in many other chambers around the country and in the world, elected individuals meet to debate policy and governments in an open and public forum. Having the Legislature serve as a place where the government can be held accountable has been an immutable fact of many, many years in the parliamentary tradition.

Since the development of political parties, accountability has been sought through the division of the Assembly into government and opposition. This division takes place after an election. Although we just came out of an election, for the benefit of the members of the Assembly that are unfamiliar with the process, I will briefly describe what occurs after an election.

Following centuries-old parliamentary tradition, when the election results are confirmed, the Lieutenant Governor asks the person who can command the majority of votes in the Assembly to form the government. In the case of Alberta this has always meant calling on the leader of the party that won the most seats in the Legislature to form the government. On March 11 of this year our esteemed Premier Klein handily won the election, returning 12 more Progressive Conservative members to this Assembly than in the 1993 election. The Lieutenant Governor had him form the government again, as he could command the most votes in the Assembly. It is a basic premise of the parliamentary system that this group, the government, those that win the election, formulate and implement policy. This is the manner in which all parliamentary systems function. Indeed, for centuries in the parliamentary system the government has established policies and priorities and controlled the passage of legislation. The opposition, meanwhile, is responsible for criticizing government and proposing alternatives.

MR. SAPERS: Point of order, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glenora has a point of order and a citation, no doubt.

Point of Order Relevance

MR. SAPERS: Yes, relevance, Mr. Speaker. I know that the hon. member is new and I was, you know, biting my tongue to not interrupt his address that he was reading, but the motion is very clear about the creation of all-party or bipartisan committees. The motion has nothing to do with the history of parliamentary tradition. I would suggest that if the hon. member had had a chance to review his speaking notes with whoever it was that prepared them for him before he read them, what he might have found is that there are lots of examples of select committees that are part of the process in this House which talk about all members of the House. I really find this history a little bit irrelevant to the motion.

THE DEPUTY SPEAKER: The Government House Leader would speak to the point of order on relevancy.

MR. HAVELOCK: Well, Mr. Speaker, it is relevant simply because, as pointed out by the member, the party that does elect the most members does form the government. The government formulates policy. There are opportunities for the opposition to participate in the formulation of that policy. The SPCs, for example, happen to be a specific way in which the government formulates policy. There are other opportunities for the opposition to become involved in the process, but I think it was relevant because the hon. member was simply trying to point out to the opposition how the system actually works: you elect more; you develop policy.

THE DEPUTY SPEAKER: The Member for Edmonton-Glenora has raised the point of relevancy on Motion 501 as being addressed by the hon. Member for Redwater. The hon. Government House Leader has had his comments on the point of order. The Chair would take the view that the hon. member was dealing with policy development, and it has in the motion, as the Chair reads it, "committees dealing with policy development." Maybe history repeats itself; nevertheless, it bears repeating as well. We'll

watch for your further comments to see whether they are relevant, but there's no point of order at this time.

Debate Continued

MR. BRODA: This adversarial relationship is a fundamental basis upon which our legislative system currently rests. In Alberta the opposition has many different avenues which it can explore to play a role in policy formulation. These avenues range from proposing private members' Bills and motions to sitting on certain House committees and/or review committees, proposing alternatives and providing constructive criticism during question period, and utilizing the media. Mr. Speaker, this list is by no means exhaustive. I am certain that there are also other methods by which opposition members can have some input.

Standing policy committees are another way in which the opposition can have some form of input. This is something that I'd like to talk at length about, if I may, Mr. Speaker, as it directly relates to Motion 501. Before I begin to discuss SPCs as they relate to Motion 501, I feel I should provide something by way of a historical and informational backdrop.

In Alberta prior to 1979 policy committees were expected to play a responsive rather than an initiatory role, studying problems on request and providing recommendations to the appropriate minister. This role was certainly passive and provided feedback, as opposed to constructive input into the public policy decision-making process.

In 1979, when Premier Lougheed made policy committees responsible for receiving submissions from interest groups and the public, these committees were divided into two groups: caucus committees and cabinet committees. This was a marked improvement and reflected a growing desire for governments to be open to suggestions from the public and interested stakeholders. By 1993 there were 13 caucus committees, 13 cabinet committees, and the Treasury Board.

In January of 1993 Premier Klein created a new decision-making process for the province. The government's committee system was downsized by disbanding all 26 cabinet and caucus committees. These were replaced by four standing policy committees. As we all know, today there are seven SPCs. Each SPC has the authority to hear public submissions, and unless specifically requested by an individual or a delegation, all submissions made to the SPCs are open to the public. Exceptions to this rule are made when any presentation involves personal matters, contractual obligations, land and/or real estate matters, and private-sector proprietary information.

4:00

Each SPC is chaired by a private government member, who sits at the cabinet table to represent the committee's views. Each of the committees is able to either initiate policy based on public or MLA input or review policy from a minister or the public service. It's important to note that any member of the public can make presentations to an SPC or attend a public presentation to an SPC. That applies to opposition members as well. So to claim the opposition isn't permitted involvement on SPCs is patently false. I know that they can attend, but their attendance at SPC meetings is sporadic and infrequent. That indicates to me one of two things: either the opposition is not interested, which is something they have not told us today, or they're looking for a personal, written invitation. Why can't they just go to the meetings? The ability to get involved is there. Why don't they take it? After all, the changes that were made in 1993 gave everyone the opportunity to participate.

Public participation, from my understanding, is growing steadily. Why? Simply because SPC meetings bring together the public, MLAs, and cabinet ministers not only to debate but to put forth on the table what it is that the government is doing. This is truly an open government, Mr. Speaker. By allowing public input, this government receives the best ideas not just from a narrow group of those in opposition – their ideas are certainly far from the best – but from all interest groups. The SPCs are open to the broadest of groups, the public at large. They are open to all, not just interest groups, the opposition, or groups who make a living criticizing the government but all Albertans wanting to make Alberta strong and a more prosperous place.

Another reason SPCs are popular is that the government has made it simple for members of the public and the opposition to know which SPC to attend by ensuring that all SPCs have specific terms of reference. As we know, these mandates refer to the specific types of policies and the budgets of specific government departments each SPC reviews. I would encourage all members of the Assembly, especially members opposite, to familiarize themselves with these mandates so they know which SPC to attend.

Mr. Speaker, SPCs are an ingenious way of decision-making together with interested members of the public, the opposition, and stakeholders. This system works extremely well, and I feel that acceptance of Motion 501 will likely be a step backward. I say this because I believe that the committee could get bogged down with internal arguments, and that would shorten the time available for public consultation.

Another reason we should reject Motion 501 is quite simple, and it relates to the election, Mr. Speaker. I would like to use the oft used analogy that the people of Alberta are the shareholders in a company called Alberta. The board of directors is elected by the shareholders to run the company. As a shareholder you would elect the best man or woman to be the chair of the board. Likely this individual would have a proven track record like our Premier. In addition, it would put a team of board members in place to run the company. [interjection]

Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Hon. member, it's early on in the session. There are going to be some more opportunities for hon. members to speak, whether on the front bench or elsewhere. Right now we have Redwater speaking, and I wonder if we could hear the remainder of his address to Motion 501 without all of the interruptions.

Redwater.

Debate Continued

MR. BRODA: Thank you, Mr. Speaker. Now, would it be wise to put members on that board who oppose your chair or other members of that board while offering alternatives you as a shareholder rejected? You wouldn't do that, or it wouldn't be long until the board either couldn't make decisions or was run into the ground. My point is simple. If you want to succeed, don't put someone with a bad track record on your board. Don't put someone you don't like on the board.

Well, Mr. Speaker, Albertans told the world on March 11 that they did not like the opposition. After all, they have 11 less seats now than before the election.

THE DEPUTY SPEAKER: The hon. Member for Spruce Grove-St. Albert is rising on a point of order.

**Point of Order
Parliamentary Language**

MRS. SOETAERT: Yes.

THE DEPUTY SPEAKER: Would you cite the . . .

MRS. SOETAERT: It's 23(i). He said: it told the world that we were not liked. Well, I hate to say this, Mr. Speaker, but in my riding I was, in that riding he was, and Lethbridge-East by 3,800 votes. So I think we were liked. The world saw that as well.

THE DEPUTY SPEAKER: The hon. Member for Medicine Hat on this point of order.

MR. RENNER: Mr. Speaker, 23(i) refers to words that could be insulting to another member in the House. Obviously, these words were not directed to any particular member in the House. They were made as a generality, and quite frankly I must point out that obviously the members opposite can give it out, but they can't take it.

THE DEPUTY SPEAKER: It perhaps is a good time, hon. member, to ask all hon. members to review their Standing Orders, particularly section 23(h), (i), and (j). I think it's (j) that the hon. member was referring to: "uses abusive or insulting language of a nature likely to create disorder." That's of course what occasioned the Chair to rise. When one has that kind of rhetoric in a speech, it does stir the hearts of those opposite, just as when that kind of oratory is used, it stirs the anger and the hearts of the government benches. So I wonder if we could all take some recognition of this little sermon in conducting ourselves in the days and weeks that come.

In the meantime I think the hon. Member for Redwater has got the point about stirring the other folks, and if you could rush to your conclusion now, Redwater.

MR. BRODA: Thank you, Mr. Speaker, for your ruling here. If the hon. member would have listened further to what I was going to say, when I said that the people didn't like the opposition or whatever, what they did say to the current government was: you're doing a good job; keep up the good work and stay on course. That's what this government is doing, as was clearly indicated by the Speech from the Throne and the Budget Address.

Debate Continued

MR. BRODA: The standing policy committee system as it stands now effectively addresses a gap in the old system. Elected officials are now meeting with concerned citizens, organizations, and colleagues in a formal setting. This direct accountability, much more than Motion 501 could ever contemplate, is a result of the tremendous leadership our Premier has given this government.

In closing, Mr. Speaker, I would like to again remind all members of this Assembly that the shareholders of this province asked 63 Conservative MLAs to sit in this Assembly on their behalf. The reason is simple. They like the policies of the Klein government and do not like those of the opposition. It just doesn't get any simpler than that, and until such time as the majority of the people of Alberta ask for the alternatives the opposition presents, these government MLAs will continue to

formulate and implement public policy. This is the nature of the Legislative Assembly, and it is a system that has worked very well for a long, long time.

Most importantly, Mr. Speaker, I believe that the current system works well. Public participation and involvement are high. The system is open to all Albertans, and we have solid, well-thought-out policy in Alberta. I can see no reason to change our current system and therefore no reason at all to accept Motion 501. I encourage all members in this Assembly therefore to defeat Motion 501.

Thank you.

4:10

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

MR. SAPERS: Thanks, Mr. Speaker. It's wonderful to be invited to enter debate on Motion 501 in such a target-rich environment. The Member for Redwater has a wonderful sense of history, and I'm just curious as to exactly how he came by some of those conclusions. I'm wondering whether or not he's ever had an opportunity to actually participate in a standing policy committee discussion or debate or whether he was actually monitoring the invitation process and the notice that was given and whether he actually was speaking from his own experience.

I want to address Motion 501 first of all by commenting on some of the submissions made by Redwater and as well from – and I want to get it right – the Member for Airdrie-Rocky View, and then I want to just offer some of my own experiences with this process. Mr. Speaker, the standing policy committees that were first brought in by the current government were done so to limit public debate. The message that was sent out to the public through the media was that this was going to streamline access and this was going to allow individuals and organizations to have more direct access to government, but in fact just the opposite happened. Many other committees, commissions, many other opportunities for MLAs to meet with non-MLAs and to discuss areas of policy were shelved or put on the back burner, and everybody was supposed to be funneled into these standing policy committees.

There was reference made, I think in Airdrie-Rocky View's comments, to the economic roundtables that were held in Red Deer in '93, I guess it was. I was a participant in those roundtables, and I can tell you, Mr. Speaker, that not once in any of the groups that I participated in did anybody say: "Oh, please let's limit access to the government. Oh, please let's make sure that we don't have an opportunity to talk to all members of the House. Oh, please, government, please make sure you shut out democratic debate in the process." Not once were those comments heard.

Even more astounding to me were the comments from Redwater, words to the effect that debate frustrates democracy. What poppycock and how outrageous for a newly elected member of this Assembly to stand in his place and read those words: we shouldn't have questions on government policy, we shouldn't debate it, we shouldn't invite the public in, and God forbid, don't invite any opposition; it doesn't matter. Mr. Speaker, I wonder what exactly this member is referring to.

THE DEPUTY SPEAKER: The hon. Government House Leader is rising on a point of order. You have a citation?

**Point of Order
Imputing Motives**

MR. HAVELOCK: Yes. Standing Order 23(h) and (i). The hon. member and Opposition House Leader is suggesting that the Member for Redwater made some comments. I would suggest and recommend that he check the record. I don't believe those comments were made, and therefore I'd appreciate it if you would tell him to quit putting words in the mouths of people across from him.

THE DEPUTY SPEAKER: On the point of order, Edmonton-Glenora.

MR. SAPERS: Please rule.

THE DEPUTY SPEAKER: The hon. member who was speaking, the hon. Member for Edmonton-Glenora, was making some comments as to what the hon. member knew or did not know and so was being specific about it. If that's the objection, then it's taken that there were words there ascribed to him that the hon. member may have objected to, inferring that they had certain unavowed motives or beliefs. I think maybe the hon. Member for Edmonton-Glenora could confine himself to Motion 501 and not to what other people might be thinking.

MR. SAPERS: Thank you, Mr. Speaker. The Government House Leader was talking about putting words in government backbenchers' mouths, and of course I would never, ever, ever want to do that. Now, the actual point was that the Member for Redwater used words to the effect that would lead a reasonable person to conclude that the essence of his point was that debate frustrates democracy, and I believe that if the Government House Leader checks the Blues, he'll see that he didn't have to rise in his place and take up valuable time in this House.

Debate Continued

MR. SAPERS: In any case, Mr. Speaker, there is also this spurious argument that was raised by Airdrie-Rocky View: would the editorial board of one newspaper put itself in the editorial room of another newspaper? That is a spurious argument, as I said. It's also a little nonsensical. We're talking about public accountability. We're talking about duly elected members, 83 men and women who were called upon by their constituents to come into this Chamber and hold the government accountable.

This would be the time, speaking of history, as the other hon. member did, to remind all members present that there are two kinds of people in this Chamber. There is Executive Council, members of the government, and the rest, and the rest are private members. The Legislative Assembly doesn't recognize one party or another, and it is absolutely incredible that an experienced, returned member would make this connection between some corporate interest, who might have some proprietary discussions, and the business of the Assembly, which is to protect the public good for the people of Alberta. I am absolutely astounded that that is the substance of the argument against Motion 501, and it is derivative of the other comments.

Mr. Speaker, it seems that some people in this Assembly believe they have some God-given right to make decisions for everybody else, not subject to debate, not subject to discussion, not subject to input from disparate voices. Perhaps they should also be reminded of the tyranny of the majority, and perhaps they

should also be reminded about the fundamental basis of democracy and the freedoms that we were supposed to be elected to uphold.

Motion 501 simply calls upon the government to do what is right, what is done in almost every other parliamentary jurisdiction, and that is to try to minimize the partisan nature of debate, particularly on policy development. We're not asking to attend their caucus meetings. Heaven knows, we wouldn't want to. We're not asking to participate in their secret cabinet discussions. What we are saying is that all private members have a right to receive input from and provide input to government and from outside organizations regarding policy development. These are called policy committees, standing policy committees of the Legislative Assembly. They are not caucus committees of the Progressive Conservative Party, and they are not the puppet committees of the Premier. They are in fact standing policy committees of this Assembly, of which there are 83 members, many of whom are private members and should all be entitled to the same rights and privileges, Mr. Speaker, and that doesn't happen because of how this government has decided to do business. This government continues to use its majority as a club to beat on democracy instead of a shield to protect democracy.

For the interests of some of the new members who may not have had the experience of participating in standing policy committees, let me quickly tell you about a couple of things that happen in standing policy committees. First of all, you're lucky as a private member if you get any notice whatsoever. You might get really short notice. Now, there are some committee chairs who have been better than others and some who have been notoriously bad. Don't look so guilty, Airdrie-Rocky View. It seems to be their call whether they want to provide adequate notice or not. Then when they do provide notice, you often attend in a room that is inadequate for the purposes of holding the meeting: not enough space for members of the public, not enough space for members of the opposition, certainly inadequate space for *Hansard*, inadequate space for members of the media. Mr. Speaker, these rooms have also been subject to last minute change, and unbelievably, even though they're supposed to be standing policy committees of the Legislative Assembly for which there is supposed to be *Hansard* and full public access, even on short notice sometimes the government has chosen to have these outside the precincts of the Legislature, which I think is quite objectionable.

Personally, I've had the ability to attend several standing policy committee meetings, Mr. Speaker, but I should also tell you that on one of those occasions when I attended, there was a public submission being made by a group that wished to have their submission heard in public. The group in fact had invited me to attend and participate in the discussion, and the chairperson of that particular committee decided that they would rather have that submission heard in camera, in private. What that meant was that I either had to leave the room or the chair was not going to allow the submission to be heard. Now, that is an arbitrary and abusive use of power, and that is not the way that public debate should go in this province. It is inappropriate for any private member, and certainly earlier today we've seen authority after authority quoted about freedom of speech and the freedom of all members to participate equally. That is contrary to all of those authorities.

4:20

I've had an opportunity to discuss the standing policy committee process in use in this province with several ministers of justice from at least four other provinces, representing various parties, and with my federal colleagues who are in cabinet and private

members. Mr. Speaker, I can tell you that they are all aghast when I tell them how standing policy committees in this province operate. They can't think of one example, one precedent, one authority that legitimizes this exclusion of private members from participating in that kind of debate. In fact, several of them have expressed to me that if anybody dared to try to do that in their home jurisdiction, they'd be called to account at the bar, that it would be seen as that much of a breach of the normal proceedings of the parliamentary process in their home parliaments. So it's only in Alberta that we see a government so arrogant and so devoid of democratic principle that it would use its majority in this way.

To continue, Mr. Speaker. On several occasions I've had members of the public and representatives of organizations come to me feeling quite intimidated, come to me to bring me information, to provide me with input, to seek my counsel, and they have felt quite belittled. When they have approached members of the government, they have been told: "Don't share that information with anybody but us. Don't you ever, ever take that information to the opposition. Don't you go and seek advice from anybody but us, because I can give you access to the minister." Perhaps it's even the minister talking. "I can do something for you but not if you go to those other people, not if you open up the debate to public scrutiny. Don't you dare – don't you dare – blow this cosy little relationship we've got, because if you do, something bad will happen. We'll get you." People have come to me and said: "Is this right? Is this Alberta? Should I feel this intimidated?"

Why is it, Mr. Speaker, that this is in fact what happens? Many people have come to me and handed me papers and said: "Look; here's the submission that I'm going to be making to the standing policy committee, but please – please – don't tell them where you got it. I'm afraid. Don't tell them where you got the submission." The people in the province are that concerned their government is watching and waiting for them to somehow offend their tender sensibilities and will then punish them for doing so.

This is certainly the attitude. This is the experience. These are the conditions that these standing policy committees have helped create. These standing policy committees are viewed by the public as arbitrary instruments of power. They are used in this Chamber as a way of excluding some private members and diminishing the stature of some private members and elevating the stature of other private members.

MR. SMITH: Shame.

MR. SAPERS: Yes, it is shameful, Minister of Labour. It is shameful, and thank you for that. I take it you will be supporting the motion.

Mr. Speaker, they are viewed absolutely as an exercise of power and an exercise of power of a government that says one thing and then does something else: says it's going to open things up and then shuts things down, says it's going to invite people to the table and then doesn't listen to what they're being told, says it wants to enjoy open and transparent government but then does everything it can to cloud its decisions in secrecy and to shroud debate. The two private government members who have so far participated in this debate have highlighted those concerns.

I was concerned about the standing policy committee process before, and I was quite prepared to come into this Chamber and talk about the ability of all parties who are represented in this Assembly to come together to work in a nonpartisan way to do the

best for the people of Alberta, to bring the best ideas forward, to hammer out whatever little differences there may be, and to truly work arm in arm towards developing the best public policy that would suit the public interest of all Albertans. But I'm afraid, Mr. Speaker, after hearing the comments from Redwater and Airdrie, that I'm not so sure I could see that happening in this Chamber.

No matter how willing members of the Official Opposition would be for that kind of bipartisan or nonpartisan debate and no matter how willing we will be to try and try again to get the government to recognize its obligation in this regard, I'm afraid the comments display a true sense that somehow they're right to make these decisions and that somehow government can do no wrong. To suggest that nothing can be added, nothing can be gained from an open and full bipartisan or nonpartisan questioning – it is a shocking turn of events to hear those comments not just from a newly elected member, who may be excused for rhetoric in his speech, but also from an experienced member who certainly knows better and in fact has been a chairperson of a standing policy committee. Mr. Speaker, it is a concern of mine that this issue is even before the Assembly again.

I would like to just simply remind you and all members that in 1993 a point of privilege regarding these committees was raised, a serious, serious charge of point of privilege. At that time there was a different Speaker in a different time. I think the Premier says: that was then; this is now. But some of those issues are still as real today as they were then and in fact more so and more troubling. In January of 1993 it may be true to say that the Liberal opposition only suspected that these standing policy committees would thwart democracy, that they only suspected they would be used as arbitrary instruments of power. But now we know the truth. We've seen the evidence. We've had the experience of these committees now for four years. And instead of limiting their power, instead of the government doing what you would expect it to do and recognizing the error of its ways, instead of doing that, what have they done? They've compounded the problem by creating ever more of these committees. They're breeding like rabbits.

We've got standing policy committees now on almost every area of importance to members of the public. And every time the government decides to have another one of these standing policy committees, what does it do? It siphons off other opportunities, it further intimidates members of the public and organizations, and it rewards some other private member in a way that's differential to some private members. The government has indicated clearly that it is not sensitive to the concerns of members of the public when they raise the concerns of intimidation. It's not sensitive to the concern when it's raised about the necessity for debate. This government has indicated that it is going to be arrogant about its ability to reward its friends and punish its enemies.

Motion 501 would be a very small step towards addressing all of these wrongs. Motion 501 would go a little way towards demonstrating that this government is willing to put its money where its mouth is, that it truly is interested in openness, accountability, transparency, democracy in debate. If this government votes against Motion 501, my submission would be that it is just the contrary. They're not interested in openness, transparency. They're not interested in democracy. They're not interested in debate, and in fact they shun debate. Of course, it's part of a piece that we've seen, that piece being that this government would like to do away with fall sittings, this government would like to do away with free votes, and this government would like to do

away with so many of the tenets of parliamentary debate. In fact, we've even heard that this government would like to limit question period. That's one of the reasons that's being trotted out for killing the fall session, that if the members of the Official Opposition can't do their job in question period, then maybe that's their problem. I submit it's the government's problem, Mr. Speaker.

Thank you.

THE DEPUTY SPEAKER: I hesitate to interrupt the hon. Member for Edmonton-Glenora, but the time limit for consideration of this item of business has concluded.

head: Government Bills and Orders
head: Second Reading

4:30

Bill 1
Freedom of Information and
Protection of Privacy Amendment Act, 1997

THE DEPUTY SPEAKER: The hon. Minister of Labour.

MR. SMITH: Well, thank you, Mr. Speaker. I really want to comment on the previous motion as it relates to this Bill and talk about the openness and the transparency of this government and the tremendous strides that this government has made that serve as benchmarks and best practices for governments throughout North America and for case studies that are being used by institutions as august as the World Bank.

I would like to get to the business at hand, Mr. Speaker, and on behalf of the hon. Premier it is my pleasure to move second reading of Bill 1, the Freedom of Information and Protection of Privacy Amendment Act, 1997. I know we will not have any trouble moving this Bill through the House because it was in fact the hon. Member for Calgary-Buffalo who was one of the signatories to the recommendations of the 1993 all-party panel. I think the all-party panel had visions of, you know, wearing Liberal sweater number 77, the hon. Member for Calgary-Buffalo. This all-party panel was on the freedom of information and protection of privacies, and in fact it was a unanimous report that was put together.

The recommendations from that all-party panel are the genesis of Alberta's original freedom of information Bill, Mr. Speaker, which was Bill 1 delivered in September of 1993, basically year one of the Klein revolution. I think the results of that revolution are well known by the increased presence of government members in this House today.

Mr. Speaker, it was also the Member for Calgary-Buffalo who stated in this Legislature on May 5, 1994 – I know it will be on the back of everybody's hand. It's on page 1749 of *Hansard*. He said: "If anything, we're anxious on this side" – and that's the side with 18 seats – "to see the scope of the [freedom of information] Bill expanded." In fact, that's exactly what we're here to do today, to increase the scope of the original Freedom of Information and Protection of Privacy Act and craft a Bill that will allow us to proceed in a planned and orderly fashion with a commitment to include schools, health authorities, postsecondary institutions, and municipalities under the Act.

Mr. Speaker, I'd also like to point out that I'm very pleased that the extremely capable Member for Calgary-Lougheed, who is filling with modest-size pumps rather large-size ex-Treasurer's shoes, will be responsible for steering Bill 1 through the House over the course of the next few weeks. I can say from conversations with the hon. member that her keen mind and commitment,

as is the commitment from all members of this government, to freedom of information and the protection of privacy will undoubtedly be an asset to this House.

On that note, Mr. Speaker, and on behalf of the Premier I am pleased to move second reading of Bill 1, the Freedom of Information and Protection of Privacy Amendment Act, 1997.

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

MR. DICKSON: Thanks very much, Mr. Speaker. I'm pleased to have a chance to join debate on Bill 1 for a number of reasons, not the least of which, certainly in this jurisdiction and I think in most parliaments, is that Bill 1 is invested with a particular kind of importance. Usually this is the flagship Bill for the government of the day. This is the Bill the Premier invests with all of the moral suasion and persuasiveness that he has in bringing forward what should be to Albertans a signal that this is the most important piece of legislation this government wants to put in front of this Chamber and in front of Albertans.

We're teased a little bit before we see the Bill, Mr. Speaker, because of course we had the benefit of seeing the Speech from the Throne. In the Speech from the Throne, for those of us who aren't able to attend the secret part of standing policy committees, this is the first time that we get a glimmer of what may be coming. In some cases that's done by the Government House Leader, as we've seen in the past, several weeks in advance of the session, having the courtesy to come and lay out the Bills that are going to be put in front of the Legislature and Albertans. Be that as it may, those of us who get our first glimpse, we wait anxiously to see the Speech from the Throne. Those of us who are interested in greater openness and accountability are excited to look to page 5. We see there the reference:

Our government will phase in the application of freedom of information and protection of privacy legislation to local public bodies like municipal governments, school boards, and regional health authorities.

Pretty encouraging. Why? Well, the Act that was passed first in the spring of 1994 and then fixed up and amended in 1995 and then proclaimed October 1, 1995, didn't ever set out dates when local government and universities and colleges and regional health authorities would be subject to the Act. When we look at the Act, the definition section talks about local government and talks about colleges and universities, but nowhere in the Act is there a provision that says when that's going to happen, and those parts weren't proclaimed. So what we expected or might have expected if we take the Speech from the Throne at face value . . .

DR. WEST: Get to the point.

MR. DICKSON: I see that the Minister of Energy is getting exercised and is about to engage in the debate. I'm looking forward to that, because that's one of the veteran members who was in this Assembly in the spring of 1993 when Bill 61 came forward.

The hon. minister, in introducing the Bill, started with Bill 1. What he forgot to mention was the sorry bit of history that happened late in the spring session of 1993, when the government, with the same Premier, brought in a disaster of a Bill called Bill 61. This was a Bill that would have set freedom of information back in Alberta and made us a laughingstock right across the country, would have set the cause back at least two decades. Fortunately, in the 1993 election the Premier got a very loud

message from Albertans that they wanted genuine openness and accountability. Hence, we then saw Bill 1 and the all-party panel the minister talked of before.

But the point I wanted to make is this. Despite the promise in the Speech from the Throne, Mr. Speaker, the commitment that we were going to see a phase-in of local government bodies under FOIP, freedom of information and protection of privacy, what we saw was only a very skeletal Bill. It's only three pages long. The Bill does, on the face of it, only two things. The first one is that it excepts or exempts private colleges. I thought we were expanding the scope of freedom of information. The first provision takes out private colleges. Now, one might ask why. I mean, that doesn't have anything to do with what the Premier told us, that we were phasing in local bodies. We're taking them out.

I think at this point it might be useful just to touch on a little of the history of freedom of information beyond Bill 61. The report that the hon. minister referred to that was – and I'm proud of this: together with a number of members on the opposite side of the House and some of my colleagues we came up with a set of unanimous recommendations, the panel being chaired by the current Member for Rocky Mountain House, the Environmental Protection minister. The co-chair had been the current Government House Leader, the current Justice minister. The Member for Calgary-Fish Creek was part of that consultation, the Member for Peace River, all members of the current House as well, as well as my colleague the Opposition House Leader. We heard representations and traveled around Alberta, were hosted graciously by the Member for Medicine Hat in the course of our sojourn and travel around the province. We heard a lot of submissions from Albertans in terms of what they wanted.

After I saw Bill 1, I wanted to go back and see how many people came forward to that all-party panel and said: "Hold it. Private colleges shouldn't be covered. Somehow, private colleges and the work that they do shouldn't be subject to scrutiny by Albertans." I looked through as many of the submissions as I had time to read, and we received plenty. I think we received something in excess of 70 written submissions, many more verbal submissions. And you know something, Mr. Speaker? Not a single submission that I could find said that private colleges somehow are a special case and somehow shouldn't be subject to freedom of information.

4:40

MR. SAPERS: So they don't care, and they make it up.

MR. DICKSON: Exactly.

So one might think that if we're going to put 8.7 million tax dollars into private colleges, there might be sort of a corresponding obligation. In fact, I remember the Government House Leader argued more aggressively than anyone on our panel that if you get government money, you have to meet the standards of openness and accountability.

In fact, when we look at the report at page 5, where we talk about "Scope of the Act" – and if not at page 5, certainly at page 11 of the report from the all-party panel – we talked about "self-governing professions, Not-For-Profit groups and charities receiving public moneys should be considered for inclusion." Why? Because the principle was a pretty evident one. If you take money from the taxpayers of Alberta, you have to be prepared to disclose what you're doing with the money. It absolutely wouldn't have made any sense at all to have said on the one hand that we're going to treat private colleges differently,

when as a group we were all set to make any recipient of government dollars accountable and subject to the Act.

When we saw the government news release that accompanied Bill 1, the comment was that "Bill 1 demonstrates our continued commitment to extend open, accessible and accountable government to the people of Alberta," stated Premier Klein. I was put in mind of another quotation that I thought was frankly much more apt than that of the hon. Premier. It was one of those truths offered by a very insightful gentleman, Lord Acton, before his death in 1902, who made the observation, as accurate now as it would have been in 1902, that "everything secret degenerates . . . nothing is safe that does not . . . bear discussion and publicity." I'd suggest, Mr. Speaker, that those words should be taped to the desk of the hon. Minister of Labour, the minister responsible for freedom of information, because he ought to be reminded of that from time to time.

Anyway, back to Bill 1. The reality is that there is no justification that's been proffered by the introducing member, by the minister on behalf of the Premier, in terms of why private colleges somehow should be outside the scope of the Act. There may be compelling reasons, there may be perfectly good reasons, but has anyone heard them? Unless you've been maybe part of one of those secret discussions at a standing policy committee, when you might have been privy to that kind of information prior to the introduction in this House.

Now, the other thing and the only other thing that Bill 1 does is perhaps the most curious thing of all. Even though the freedom of information Act that we have in front of us clearly covers local government bodies, the government feels that they have to expressly provide that different parts of local government can be proclaimed at different times. If the government has a legal opinion that says they have to do it, I wish they'd table it in the Assembly so we could all have a look at it. In my respectful view – and we certainly have some advice and opinions that make it clear – the government has the ability right now, tomorrow, to proclaim that freedom of information will apply to regional health authorities and regional health authorities only. Six months later they would have the power to say that freedom of information will now apply to universities and colleges and then a month after that proclaim it in terms of the city, the municipalities. So the power already exists, and what we're about here is not doing absolutely anything which brings up the application of FOIP to any of those three areas of local government. Contrary to the promise made in the Speech from the Throne and contrary to the news release that's been issued, this doesn't bring us any closer to freedom of information at the local government level.

So one then might ask why it is we're fiddling around with a piece of legislation that is represented to Albertans, that's passed off to Albertans as moving up government openness and bringing full accountability to local government. It's a piece of mischief, Mr. Speaker. This is absolutely mischievous because what it tends to do is play with people's expectations. People who think we're moving forward don't see that in fact we're moving backward. What happens is that unless and until the government comes forward and says without equivocation, without qualification that all local government bodies are going to be covered by freedom of information and protection of privacy by July 1, 1998, we're worse off with this Bill than we were with the Bill that had existed before.

Mr. Speaker, because this is an amendment Bill and there are really no principles to speak of, I think what Albertans will be asking and what I know certainly they're asking me, this huge,

growing, burgeoning constituency of information advocates – in fact, we heard in a private member's statement earlier today that this is a matter of great and growing interest to Calgarians and all Albertans. I think what those people want to see in Bill 1 and hopefully will see before this finally gets to third reading is some provision in terms of a stand-alone Information Commissioner. Something that we found doesn't work very well in Alberta is when you take one person and you say: we're going to make you the FOIP commissioner, but it's only a part-time job because you're also going to be the Ethics Commissioner at the same time. What we found, what that translates into is expensive judicial hearings. We had last spring virtually a one-week trial – that's what it seemed like – in front of a Queen's Bench judge because the commissioner was in a conflict position. Well, that's the kind of amendment Albertans want to see.

Alberta has the highest fees charged anywhere in Canada in terms of freedom of information. When Ontario and B.C., the jurisdictions upon which our statute was modeled, brought in their legislation, they had no up-front application fee. Alberta came along and created at the last minute a \$25 application fee. And we're surprised in this province why the number of requests for general information are a fraction of what the government's own estimates and projections were? The reason is that fees have become a significant deterrent.

What's of interest in Ontario, a jurisdiction that has a statute very similar to ours, is that when Mr. Harris rolled into power and decided that he was going to slash and burn at a pace akin to what we've seen in this province over the last four years and when he brought in and radically increased the fees in the province of Ontario, they found that the number of requests for information have dropped by 50 percent. So what's absolutely apparent and I think brooks no dispute is the fact that increased fees reduce access by citizens to the information they already paid for once with their tax dollars. Why isn't that being addressed in Bill 1, Mr. Speaker? That's what's important to Albertans.

We have section 21. We've got an advice to officials exception in here, which the Information Commissioner in Alberta calls the Mack truck clause. It's the broadest exception of its kind anywhere in Canada. Maybe that's what we should be looking at – retooling, reconfiguring, and narrowing – if we want to do what the Premier said in his news release, what the government said in their Speech from the Throne was their priority, but we don't see that anywhere in here.

Mr. Speaker, there are concerns in terms of the Legislative Assembly exception. You know, this is a sort of curious bit of history with freedom of information in Alberta. In 1994 we passed a law that was arguably the strongest and most comprehensive freedom of information law anywhere in Canada. The following spring, before the Bill was proclaimed, the government realized: "Oh, oh. We've got a bit of a problem here. We may have got carried away. We listened too much to the current Government House Leader and those people in the government caucus who were strong advocates of a real open and strong freedom of information legislation. We've gone too far. People may start being able to make freedom of information requests to find out about expenses and accounts of MLAs." Nothing to do with their constituents but everything to do with how they spend tax dollars.

4:50

So in 1995 the government brought in an amendment package that was almost as big as the Act we first passed the preceding

year, in 1994. It included the Clark amendments. It included a very generous exception which effectively gutted the provision that caught the Legislative Assembly and its offices. You know, the Legislative Assembly is still something Albertans pay with their tax dollars. Is it a totally unreasonable proposition that Albertans shouldn't have to wait to see the public accounts six months after the end of the last fiscal year? If they want to find out how much money is being spent in government standing policy committees, shouldn't they be able to access that information, Mr. Speaker? But you know something? They can't. They can't now because of the 1995 amendments.

Mr. Speaker, what we found and what the all-party panel was told and what the Government House Leader I'm sure will be quick to confirm, when asked, is that access delayed is access denied. Because we have all of these built-in conflicts with a part-time Information Commissioner, what it means is that we have all of these rigorous time constraints in the Act that apply when you try to get information from a department, but the minute the commissioner is in a conflict situation, the time limits go out the window. There are no longer any time limits. What then happens is that we get back into this soft world of making a request to the Minister of Justice to approach the Chief Justice of the Court of Queen's Bench of Alberta to appoint a judge. There's no time limit on this.

In fact, in the case last spring, in what was sometimes referred to as the Multi-Corp freedom of information inquiry, when we were trying to find out about the Premier's itinerary when he made a trip to Hong Kong, what we found was that the information not only wasn't readily available, but the Information Commissioner wasn't able to deal with it because of a conflict. We had to wait and wait and wait for a Queen's Bench justice to be appointed to do the hearing. What was curious then was that after the justice rendered his ruling, it didn't go anywhere. The Freedom of Information Commissioner didn't have a copy of his order. When he issues an order – and he has issued probably about 25 of them now – he sends out a news release to everybody in the information community so that they've got a copy of this release.

Mr. Speaker, there's much else to say, and I'm looking forward to dealing with this at the committee stage. Hopefully, the government will consider some substantial amendment in the meantime.

Thank you very much.

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

MR. SAPERS: Thanks, Mr. Speaker. There seems to be . . . The government Whip is . . .

MR. SMITH: There's no one standing.

MR. SAPERS: There is now, Mr. Speaker. I thank you very much for recognition, but in the spirit of bipartisan co-operation and full and open democratic debate I will give way at this time as long as I have the ability to speak again.

THE DEPUTY SPEAKER: Thank you very much for your kindness.

The hon. Member for Calgary-Lougheed.

MS GRAHAM: Thank you, Mr. Speaker, and I thank my

colleague for pointing out that I should have stood up a little quicker. I thought the Speaker had understood that I was speaking. However, I am very pleased to rise and speak in support of the Premier's Bill 1, the Freedom of Information and Protection of Privacy Amendment Act, 1997. It is also a pleasure for me to rise for the second time today to speak about the importance of access to information and protection of privacy.

Firstly, I would like to address the scope of Bill 1. Mr. Speaker, when the original Freedom of Information and Protection of Privacy Act was first introduced three years ago, the Premier made the commitment to expand its scope to include school boards, health authorities, postsecondary institutions, and local governments. Bill 1 allows us to proceed with this commitment in a planned and orderly fashion. Bill 1 is also consistent with this government's commitment to extend open, accessible, and accountable government to the people of Alberta.

Mr. Speaker, the reason for the amendment to the original Freedom of Information and Protection of Privacy Act is because the existing Act requires that all local public bodies be brought under the Act at the same time. Now, the hon. Member for Calgary-Buffalo has suggested that this is a mischievous Act, that the ability exists right now to do what this Bill purports to do, but I beg to differ. I suggest that the government's interpretation of this statute, based on the rules of statutory interpretation, is correct. That's not to say that maybe there aren't other ways to achieve what this Bill intends to achieve, and that might be an amending Act following another amending Act and another amending Act. But we want to do it in a more orderly fashion and in a better fashion, and this is the reason that this Act reads as it does. So rather than forcing all of these groups that I've mentioned previously to comply with the Act at the same time, Bill 1 allows these public bodies to be phased into the Act sector by sector as they are ready, and the government sees this as both a planned and orderly manner of proceeding.

Secondly, I would like to emphasize the important goals of transparency and accountability to be achieved. Mr. Speaker, to include all of those local public bodies that I mentioned earlier in this Act is a natural extension of the transparency and accountability that this government is well known for.

Yesterday in the House, Mr. Speaker, the Provincial Treasurer brought forward a budget which provides the most honest, accountable, and transparent set of government books in North America. This is what transparency and accountability are all about, and transparency is what the Freedom of Information and Protection of Privacy Amendment Act, 1997, is all about. It is knowing where your government is spending your money. It is knowing what your health authority, school board, or municipality is doing with your hard-earned tax dollars. It is transparency. It is accountability. [interjections]

Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Hon. member, sorry to interrupt you, but some people are continuing a lively debate across the floor. It's nonparliamentary and bad manners to do so when someone is speaking on a Bill. I wonder if all hon. members could remember these courtesies and let the hon. Member for Calgary-Lougheed continue on with her comments on Bill 1.

Do you have a . . .

Point of Order Questioning a Member

MR. DICKSON: Mr. Speaker, thank you. I was simply going to

ask the hon. member if she would entertain a question under *Beauchesne* 482.

THE DEPUTY SPEAKER: There is a provision in *Beauchesne* for hon. members to rise on that point of order and ask a question. The speaker at the time can either accept or decline or defer it until after they're finished speaking. So that is up to you and is not debatable, whether you accept, decline, or defer.

MS GRAHAM: Thank you, Mr. Speaker. On this occasion I will decline.

5:00 Debate Continued

MS GRAHAM: Just to conclude on the goals of transparency and accountability, the point of this is to give our 2.7 million shareholders in the province, or our citizens, the means to get information about how their money is being spent. It is one of the reasons that the people of Calgary-Lougheed elected me as their representative to this House.

Thirdly, I'd like to mention the level of customer service which has been achieved under the Act and which we want to maintain. Albertans demand an accountable government, and they also demand quality service. In the short time that I've been an MLA, I've discovered that when my constituents call me, they want a quick and efficient response, and Mr. Speaker, a quick and efficient response to freedom of information and protection of privacy requests is what Albertans can expect. Since October 1, 1995, when the requests for freedom of information began in Alberta, 2,250 requests for information have been received in the province. As I mentioned earlier this afternoon, in the first six months of that period over 90 percent of those requests were processed within the required 30 days. This is a tremendous indication of how seriously the government considers freedom of information and protection of privacy, and it is also a tribute to the hard work and attention to customer service for which the Alberta public service has become known.

Fourthly, I would like to speak to the cost of the FOIP Act, as I understand it is commonly known in these circles. I would like to state that the cost of administering the Freedom of Information and Protection of Privacy Act is significant. In the 1995-1996 fiscal year the cost to administer and implement the Act was \$3.5 million, and this does not include the office of the Information and Privacy Commissioner, and it does not include indirect costs to the government. Due to this cost there is a fee structure in place to provide for the sharing of a small part of the costs of these requests by the actual applicants. In 1995-96 the government collected fees relating to information requests under FOIP totaling \$9,211. So as you can see, Mr. Speaker, the fees collected under this Act are a fraction of its total cost, but it does demonstrate how seriously the government views freedom of information and protection of privacy. It is an obvious priority for Albertans, and if it is a priority for Albertans, it is a priority for us.

Mr. Speaker, as my colleague and the Member for Calgary-Buffalo have mentioned, Bill 1 is not a large Bill. It is only three pages in length, I believe. So what will Bill 1 do in the main? What is the scope of it? It will extend to Albertans the same access to information and protection of privacy from local public bodies which Albertans currently enjoy from the provincial government. This access will extend to, firstly, educational bodies, which could include a university, a charter school, or a school board.

Now, in speaking to this Bill, the hon. Member for Calgary-

Buffalo, who, as I have heard it said, was a signatory to the all-party panel, has criticized the fact that private colleges would be exempted from the purview of this Act, but he fails to point out that the Act as it reads does already exclude private schools. So in an effort to be consistent between private schools and private colleges, this amendment, as we see in the Bill before us, has been included. Further to that, it needs to be noted that the government does not appoint members to the board of trustees for private colleges, and the funding that it provides is certainly a mere fraction of the funding necessary to operate these colleges. As well, should any of these colleges be wound up, the government does not own any of these assets. So these are just some of the reasons why it has been determined that it is proper to exempt private colleges.

The access under the Bill will also extend, secondly, to health bodies, which means that you can get information about the workings of a regional health authority or a hospital.

Thirdly, you can ask for information about yourself which is being held by a local government body. That could be a municipality, a Métis settlement, or even an irrigation district.

Mr. Speaker, the current Act requires that all local public bodies be brought under the legislation at the same time. As things currently stand, some public bodies are telling us that they will not be fully ready to implement the legislation until almost the year 2000. However, some of the public bodies are much further along in their preparations, so the position we now find ourselves in is that every local public body and all Albertans would have to wait until perhaps the turn of the century for full implementation of the Act.

Mr. Speaker, Bill 1 allows those public bodies who are closer to being ready to move ahead in the implementation process. Schools, for example, may be ready to implement the legislation in the fall of next year. Under the current Act even if the schools were ready, they would have to wait until all the other public local bodies were ready. This would not be in the spirit of consultation and effective implementation of the Act. It is not in the spirit of what Albertans expect and deserve in respect to access to information and protection of privacy.

Bill 1 will give Albertans one more way to find the answers to many of the questions they have as taxpayers. It will make public organizations in Alberta even more accountable and transparent than they already are. Mr. Speaker, most importantly, it will give Albertans a tool they can use to protect their own privacy and to find out what kind of information the government has about them.

In conclusion, Mr. Speaker, Bill 1 provides for an orderly and planned extension of the scope of the Freedom of Information and Protection of Privacy Act to include schools, health authorities, postsecondary institutions, and other local public bodies. It's a priority of the government, and I'm pleased to have the opportunity to debate this Bill. I hope that all members of this House appreciate the significance of Bill 1, and I look forward to their full support for it.

Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. I rise to speak at second reading of Bill 1. I'll be speaking in opposition to the Bill at this point, which may come as a surprise to yourself and to all members of this Assembly because I, too, was a member of the select all-party committee which studied the freedom of informa-

tion issue and signed that unanimous report, which is slowly being chipped away at by subsequent government action.

Mr. Speaker, I would like to begin my comments by correcting the record. When the Minister of Labour stood to introduce second reading on behalf of the Premier, he made the comment that the legacy of freedom of information is really one that belongs to the current Premier and the current government when he said that Bill 1 was brought in. Well, of course, that's not the case. It was not even the first attempt on the part of the government.

More interestingly, Mr. Speaker, I think that if the record was checked, it would clearly indicate that it was members of the Liberal opposition who year after year after year after year came into this Chamber and demanded that freedom of information be put on the agenda. It was the former Member for Edmonton-Glenarry, Mr. Laurence Decore, that came in and tabled Bill 201 in the first sitting of the 23rd Legislature, which really set this agenda on its course to try to correct the wrong that they had compounded for so many years by ignoring freedom of information as a legitimate issue. The record really does show . . .

5:10

DR. WEST: What a bunch of gibberish. Freedom of information is a socialist placebo to democracy.

MR. SAPERS: Mr. Speaker, the Minister of Energy is saying – and I want to make sure this is on the record – that it's a socialist placebo for democracy. That's freedom of information.

Mr. Speaker, I say you have him withdraw those remarks.

THE DEPUTY SPEAKER: The hon. Minister of Energy will get an opportunity, when the present speaker finishes, to get up and speak to the House, but we'd appreciate if we could hear the speech without outbursts or undue interjections.

Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Speaker. I hope that that does not represent the official government position, that freedom of information is a socialist placebo of some sort to democracy. I hope that the Minister of Energy will stand in his place at some point and share with the House his view about freedom and democracy, because I'm sure it would be of interest. [interjection]

THE DEPUTY SPEAKER: Order. Would you continue on to talk on the Bill, please.

MR. SAPERS: I'm struggling to, Mr. Speaker, over the din coming from the hon. member opposite.

Now, the question really has to be asked: why would the government bring in this Bill? Why would the government bring in an amendment to its freedom of information Act? Why would it be the first Bill of this newly elected government? Why would it be their flagship? Well, Mr. Speaker, it's because this government has taken to governing by slogan. We see all kinds of slogan Bills. The Deficit Elimination Act is a Bill, and all other kinds of slogans that really don't do what they purport to do, and this is another example.

The Freedom of Information and Protection of Privacy Amendment Act, 1997, would lead any reasonable person to conclude that this government's business is all about making information more public and protecting what needs to be private. In fact, what it does – and it's very ironic – is that it takes out of the

public domain over \$9 million worth of funding that now goes to private colleges, and it excludes those private colleges. We've heard from the Member for Calgary-Lougheed that perhaps that could be justified, because after all, private schools aren't covered by the current legislation.

Whatever happened to the old adage that my mother taught me, that two wrongs don't make a right? I mean, the fact is that if this government was so concerned about addressing that imbalance or that inconsistency, then the right thing to do would be to include private schools, not exclude private colleges. It just doesn't make any sense, Mr. Speaker.

The Member for Calgary-Lougheed also went on to talk about the cost of freedom of information. My goodness. We have now degenerated into a discussion about democracy based on simply an analysis of nickels and dimes. Mr. Speaker, this is a further example that this government knows the cost of everything and the value of absolutely nothing. They clearly do not value freedom of information, and they have done everything in their power to thwart it.

Mr. Speaker, why not simply proclaim the current sections of the law? Why not simply do what the government committed itself to, obligated itself to when it brought that current Bill into the Legislature? When we had hours of debate, when we've already gone through one round of amendments, why not simply proclaim it? Why not? Did that discussion ever come up at caucus?

Why not, Mr. Speaker, simply take a look at moving towards an orderly implementation through a regulatory framework? And why not while we're at it refer those regulations to the Standing Committee on Law and Regulations so that the Member for Banff-Cochrane will have something else to put on her résumé? We would like to see that kind of debate. We would like to see those regulations debated in public.

It is really ironic that – feature this – the regulations that govern the implementation of the access to information law in this province are discussed in secret. Now, if that doesn't give you a picture of this government, Mr. Speaker, I have no idea . . .

MRS. SOETAERT: Oh, no. There's an oxymoron for you.

MR. SAPERS: Well, it's no more an oxymoron, hon. member, than Progressive Conservative.

In any case, Mr. Speaker, the issue with this Bill is what the government says it's doing versus what the government is actually doing. I guess I just have to ask again why the Premier would see fit to ignore the all-party committee that he selected, why we would now try to exclude one group and not another group. What else is behind this Bill? Why would we want to amend a section of a Bill that hasn't been fully implemented, that hasn't been proclaimed, that we have no experience with? What exactly is it that the government is either afraid of or hiding from, and what justification could there possibly be for this amendment at this time? There has been nothing offered to this Chamber from either the Minister of Labour or the Member for Calgary-Lougheed to explain that rationale, I would argue, because either it doesn't exist or we're not being told everything.

Mr. Speaker, another point that I'd like to make before I move along is that for the second time today in debate we have heard Alberta citizens, taxpayers referred to as shareholders. We've seen this analogy of the corporate citizen. This is deeply

troubling. I represent a constituency of over 30,000 people, not shareholders. I represent a constituency of individuals, of men and women and children who work and pay their taxes and have a trust in their government and who keep up their end of the social contract. They vote. They pay their taxes. They participate as vigorously as they can in what's called debate in this province. But not one of those people considers themselves to be merely corporate citizens or shareholders or people that only have a financial interest.

My constituents aren't bean counters. My constituents are men and women who care about their society, about their community, who have a stake in it and are as interested in the overall quality of life and the quality of life of their neighbours and of future generations as they are in today's bottom line, and I for one deeply resent this constant reference on the part of government members to my constituents as just shareholders as though it's some private corporation. It isn't. It's a public good, and it ought to be respected and treated as such.

Mr. Speaker, Bill 1 does nothing to advance freedom of information. Bill 1 does nothing to enhance the protection of privacy or privately held information. Bill 1 at best is a piece of mischief, and at worst it is just downright misleading. I don't understand the rationale for Bill 1. Nobody from the government has been able to explain the rationale for Bill 1. I submit that Bill 1 is not worthy of the support of this House, and I will vote against it.

At this point, Mr. Speaker, I would move that we adjourn debate on Bill 1.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glenora has moved that we adjourn debate. All those in favour of the motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: The motion is carried.

The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Deputy Speaker. In light of the hour I move that the Assembly do now adjourn and reconvene this evening in Committee of Supply at 8 p.m.

THE DEPUTY SPEAKER: The hon. Government House Leader has moved that the Assembly do now adjourn and that when we meet at 8 this evening, we do so in Committee of Supply. All those in favour of that motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

[The Assembly adjourned at 5:19 p.m.]