

Legislative Assembly of Alberta

Title: Tuesday, May 20, 1997

8:00 p.m.

Date: 97/05/20

[Mr. Tannas in the Chair]

head: **Committee of Supply**

THE CHAIRMAN: Good evening. I'll call the Committee of Supply to order.

head: **Main Estimates 1997-98**

Legislative Assembly

Agreed to:

Support to the Legislative Assembly	\$22,386,620
Office of the Auditor General	\$9,336,000
Office of the Ombudsman	\$1,175,400
Office of the Chief Electoral Officer	\$6,265,770
Office of the Ethics Commissioner	\$168,490
Office of the Information and Privacy Commissioner	\$950,429
Capital Investment	\$483,000

THE CHAIRMAN: Shall the vote be reported?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Federal and Intergovernmental Affairs

MRS. SOETAERT: I have some questions here. How long do we have for this? [interjection] Four minutes.

I want to ask one thing – and maybe I'll talk to the minister after about that – with regard to the agreement with the Alexander First Nation. Does your department have anything to do with that negotiation that they're working on with the federal government right now? I'll talk to you about that later maybe, because obviously we only have four minutes right now.

AN HON. MEMBER: No, that's not true.

MRS. SOETAERT: Oh, here I am talking quickly, Mr. Chairman, and it's so unlike me to get flustered. I really thought I had four minutes left, because an hon. member beside me said that was true, and I believed her. Let me take my time and ask a few questions if I may.

Let me continue then. To the minister. I think I was going to start by congratulating you, though expressing my disappointment that you didn't answer one of my questions in the House about where the money went. But that's separate from estimates, so I won't mention that one again. I did want to mention that the Alexander First Nation is in the middle of signing their treaty agreement. There have been many public meetings out in the community. Things seem to be going well, though there are some concerns about political parties getting involved where they maybe shouldn't have. Not the Liberal Party anyway. They were behaving as they should, as always.

I want to ask you about the Premiers' Conference. I want to ask: how did we get those sponsors, and how much did they pay? I think that was the question you didn't answer last time either, but maybe in estimates you will. Who sponsored that, and what were they paid?

I had another question. Actually for now, Mr. Chairman, I did want to mention those two, and I'll have a look through my notes

again and hopefully have a chance to ask more questions later.

Thank you.

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

MS BLAKEMAN: Thank you very much. I just have a few questions that were left over from the earlier session. Given that cultural industries rank ahead of agriculture in contributions, over \$11 billion, to the Canadian economy, what is FIGA doing to promote Alberta's arts and cultural sector? Do you have any initiatives or have any initiatives been developed for interprovincial or provincial/federal programs in the arts? Has there been anything done about promoting Alberta arts internationally with any of the many countries that are talked about in the estimates: the U.S., Latin America, Asia, Japan, China, Korea, Europe, Africa? As well, what about promoting international fairs and exhibitions?

On to a different subject. Has FIGA undertaken any studies to address the concerns that Alberta labour, particularly women, has not fared well under NAFTA? I know there have been a couple of studies done in the nonprofit sector, but I'm wondering if FIGA has looked into that, and if they haven't, it would be nice if they did.

The last thing is: I have a question about public consultations around the Constitution. My experience is that to get a truly widely based consultation takes an awfully long time. If you look at the amount of time and money that went into the Shaping Canada's Future Together constitutional forums, it would be nice to see that kind of thing, but it is extensive if you're really going to get the input from the community.

Those were my few questions. Thank you very much.

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

MR. DICKSON: Thanks, Mr. Chairman. I have a number of questions for the minister, and they also revolve around constitutional discussion. I seem to recall – I think it was in 1991 or 1992 – when the government of the province of Alberta undertook a very broad consultation on constitutional change and struck a select special committee of the Legislative Assembly. I know that my predecessor, the late Sheldon Chumir, and Yolande Gagnon, who was a Liberal member at the time, were on that. They traveled around the province, collected a lot of submissions from Albertans on constitutional change, and produced I thought a very worthwhile report, a very good synthesis of views. What was most important was it was a way of reaching out and giving Albertans an opportunity to be heard on an issue that's of enormous importance to them.

I hate to see this business of constitutional change simply left to political parties in the course of a federal election campaign, so I'm wondering what current plans this minister has for considering once again consulting with Albertans in a very broad-based way similar to the consultation that was done, as I say, in 1991, possibly in 1991-92: creating a select special committee, ensuring that Albertans who have views on further constitutional change would be heard. I'm interested if in fact the department has done any particular working papers or internal discussion guides in preparation for the constitutionally mandated federal/provincial conference to take place in the spring of 1997. I understand that at one point there was work being done towards a conference this year, and I'm asking the minister, absent a freedom of information request, to make copies of those working papers available.

More importantly, I'd ask him what plans he's got to distribute those papers, whether it's a question of putting them on the government's home page, making them accessible through that or in some other fashion, in a way that allows Albertans to see what they've paid for in terms of discussion papers of different options in terms of constitutional change.

One of the things the government has been strangely silent on is the discussion when the Parliament of Canada, the House of Commons, was dealing with a natural resources veto. I'm interested in knowing what specific studies have been done by the government of the province of Alberta with respect to a natural resources veto other than simply a protocol within the House of Commons, which has no constitutional force and effect.

8:10

The other thing I'd be interested in. I know the Minister of Federal and Intergovernmental Affairs to a large extent serves the other ministries, the other departments, in terms of federal/provincial conferences. Rather than going around to each individual department, I'm interested if the minister can identify for the balance of 1997 the federal/provincial/territorial working groups in which the province of Alberta is participating. Typically, there's been one in Justice that had a great deal of input in the federal divorce support guidelines. I know there has been similar input in the fields of education and health care – I assume there's some co-ordinating done through his office – and I wonder if the minister can simply identify which federal/provincial/territorial working groups will be meeting during the balance of 1997. What reports are anticipated within this next fiscal year?

The other question, then, would be something I've asked the Minister of Economic Development and Tourism before, and that has to do with the European Union protocol that's going to come into force in 1998 and article 25 of that, which is going to have a big impact in limiting foreign trade. Allan Rock, the Minister of Justice, has spoken about some legislative initiative to try and protect private information in a way that would meet the requirements of the economic union directive, article 25. A good part of that because of our division of powers is a provincial responsibility, and I'm not sure how far Mr. Rock can go in terms of legislating the protection of personal data held by nongovernment entities. So I'd be interested in terms of what if any steps are being undertaken by this minister or his ministry to initiate, co-ordinate, anticipate that 1998 decision. I've suggested to the Minister of Economic Development and Tourism before that right now the province of Quebec is the only jurisdiction compliant with the EU code, and it would just seem to me that if we don't have a federal/provincial/territorial group working on this, Mr. Minister, we certainly ought to.

On the question of Senate reform, I'd simply like to ask the minister if there's anything further being done. There has always been, I think, very broad-based support for turning the Senate into a more effective vehicle through election to provide a counterpoint to the representation by population in the House of Commons. I'm interested in terms of whether the provincial government through FIGA has undertaken any particular studies, discussion papers, opinion surveys relative to that issue. If I didn't make it clear before, I'm interested in any opinion surveys, Mr. Chairman, that this ministry has undertaken with respect to any other element of constitutional change.

One of the other things I'd ask you is whether there has been any initiative under way on the part of a federal/provincial/territorial creation of a national stock exchange. I know that there's been strong sentiment in the province of

Alberta in many sectors opposed to that, whether it's western Canada based or a national entity, and I'm simply asking for an update in terms of whether anything further has been done through FIGA with respect to that particular initiative, which has been discussed from time to time.

Then finally there has been some discussion, I understand, in terms of taking the Alberta Law Reform Institute and comparable organizations across Canada – some provinces have felt they can no longer afford a law reform institute. My question would be, Mr. Chairman, if there's thought given to pooling resources. In a way I'm not sure I'm in favour of that, but I've heard comment that that's afoot, and I'd simply like some explanation in terms of whether that's a live issue.

I think those are the questions I have at this point to this minister, and I appreciate the opportunity. Thanks, Mr. Chairman.

MS OLSEN: I just have one more question for the minister that was asked of me actually by a constituent. It's in relation to the Premiers' Conference, and it's in relation to the Métis Nation. I don't know if you know the answer or can respond at some other time. The question that was asked of me was – there was some concern last year before the conference in terms of sponsors for the conference. One of the sponsors was apparently the Métis Nation, and they had apparently donated the bottled water.

MRS. SOETAERT: No.

MS OLSEN: Yeah.

MRS. SOETAERT: Say it isn't so.

MS OLSEN: Clean water. I don't know if you know that answer. I don't know if you can just get back to me. Certainly if you could check the skulduggery behind the bottled water, I would appreciate it. They sponsored the bottled water; is that correct? [interjections] I don't know. The reason for asking the questions on whether the Métis Nation would sponsor the bottled water is because they are a government-funded agency. So if you could let me know at some later date, I'd appreciate it.

MRS. SOETAERT: I actually just wanted to take one moment to ask the minister or else thank him if his department was responsible for the negotiations with Alexander First Nations and the fire-fighting contract that they just signed. Was that your department? You're going to take full credit or your department? [interjection] Of course. Anyway, a very successful program as far as I can see. Alexander First Nations is a very forward-thinking band and good, good people who are looking out for the best interests of their band and all the people of Alberta as they serve that fire-fighting region. I'm very pleased about that. I'm sure you will see that partnerships with that band will always be successful because they're very good people. I just wanted to add that, Mr. Chairman. I see there is one minute left on the clock, and I do thank the minister for his work with that band. With that, I shall take my chair.

Thank you.

THE CHAIRMAN: After considering the business plans and proposed estimates for the Department of Federal and Intergovernmental Affairs, are you ready for the vote?

HON. MEMBERS: Agreed.

Agreed to:
Operating Expense \$27,140,000

THE CHAIRMAN: Shall the vote be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

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

[Motion carried]

8:20

[The Deputy Speaker in the Chair]

MR. SHARIFF: Mr. Speaker, the Committee of Supply has had under consideration certain resolutions for the fiscal year ending March 31, 1998, reports the approval of the following estimates, and requests leave to sit again.

Legislative Assembly: \$22,386,620, support to the Legislative Assembly, operating expense; \$9,336,000, office of the Auditor General operating expense; \$483,000, office of the Auditor General, capital investment; \$1,175,400, office of the Ombudsman, operating expense; \$6,265,770, office of the Chief Electoral Officer, operating expense; \$168,490, office of the Ethics Commissioner, operating expense; \$950,429, office of the Information and Privacy Commissioner, operating expense.

Federal and Intergovernmental Affairs: \$27,140,000, operating expense.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: **Government Bills and Orders**
head: **Second Reading**

Bill 13
Trespass to Premises Act

[Adjourned debate May 20: Mr. Renner]

THE DEPUTY SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. We had a good discussion on this Bill this afternoon. This is a good Bill. This is a Bill that comes as a result of a court decision. It gives the owner of a premises the right to control who enters his premises. Frankly, the retail sector is the group that I've heard from the most on this particular area, when they have asked someone to leave their store or their shopping centre and they've refused to do so. In the past the police have been able to help them out. Since the ruling in court that indicated that the Petty Trespass Act does not apply, the police have really had their hands tied, and this Bill gives them an opportunity, then, to serve the same role that they traditionally had. I think we had a good discussion this afternoon, and at this point I'd like to call the question.

SOME HON. MEMBERS: Question.

THE DEPUTY SPEAKER: Ready for the question?

The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Speaker. To start, I would like to say that according to the House leader's agreement earlier today we would be dealing with 11, 12, 8, and 1 in that order. However, just moments ago I found out we would be dealing with Bill 13. I'm disappointed in that quick move, and I'd like that maybe addressed in the future between House leaders so that doesn't happen again and take people a bit off guard if you come prepared to speak. Maybe that side doesn't come prepared to speak, but we certainly try to. In fact, I'd love to hear . . . [interjections] I woke them up. Isn't that a sad thing?

Just a few comments about Bill 13. I heard some of the debate this afternoon. My understanding of it – and the sponsor of the Bill can maybe correct me later if I'm wrong – is to allow owners and occupiers of a premises, which means any building and the land around it which is used for parking or any use of that building, to give notice to a person that they are not allowed to enter the buildings or lands around it. So living where people do – well, I can't really say trespass – use our land, you have to wonder about what your rights are and what other people's rights are. I do have some questions, and I'm not sure yet whether I should support the Bill or not. I'm sure in committee we'll have a chance – and I'll maybe have a chance to read over some of the *Hansard* from today and some of the things that were said.

One of the things that I know came up is that if a problem is being remedied and a court interprets the Petty Trespass Act – no wonder nobody uses that expression. It's too hard to say. If it's that narrow that a person could only argue that it applies to agricultural lands and lawns and gardens, then why wouldn't that case just be appealed in court? How narrow is this Bill? Why wouldn't the government amend that existing Act rather than put in another piece of legislation? Wouldn't that be a more practical way to address these concerns? Maybe the Bill is too broad. Would this apply to grazing leases and prohibit somebody from entering Crown land? Could the government prohibit certain people from entering government buildings such as hospital waiting rooms? Now, that would be an interesting case; wouldn't it? Could a store owner post a sign prohibiting anyone that had ever been convicted of shoplifting from entering?

I still have questions about the Bill. I wish we could just adjourn debate on it and continue second reading at another time. I would appreciate that. The minister says that she'd rather do it in committee, and of course, if we have a standing vote, we know who'll win. We get used to that on this side. But I am disappointed that there was no warning that this would be discussed tonight. I certainly would have liked to have had the chance to be more prepared. However, having said that, I hope those things will be considered in the future: when an agreement is reached with the House leaders, they stay to the agreement. [interjection] There are some sensitive people on the other side, I'm sure, Mr. Speaker, and I wouldn't want to aggravate them much.

I will reserve judgment on Bill 13 and have a look and see if we really shouldn't just be amending the Petty Trespass Act instead of an entirely new Act that may be just too broad and not take into account some of the rare situations and sometimes not so rare. I'm not sure if this is too broad an Act to address one problem. I'm sure the sponsor of the Bill will clarify all my questions in committee

8:30

So with those few comments I will allow anyone else on either

side, of course at your discretion, Mr. Speaker, to speak to this. Thank you.

Speaker's Ruling House Leaders' Agreement

THE DEPUTY SPEAKER: The hon. Member for Spruce Grove-St. Albert appeared to make an appeal to the Chair with regard to a House leaders' agreement. The Chair is not able to intervene at all in that and would remind all hon. members that if it's on the Order Paper, it can be brought up for discussion at the appropriate moments. That's beyond the Chair's purview, and that's what I wanted to say.

The hon. Member for Edmonton-Centre.

Debate Continued

MS BLAKEMAN: Thank you, Mr. Speaker. [some applause] Thank you, hon. colleagues. I rise tonight to speak to Bill 13, the Trespass to Premises Act. I will have to reserve whether I'm speaking in favour of the principle of this Bill or against it.

I find this a confusing Act in that as citizens in Alberta we already have a Petty Trespass Act. Now it appears that there is a recommendation that we would have two petty trespass Acts. How is one to know to which you should be applying? Or do you try one, and if it doesn't work, then you try another? It seems that either there was an enthusiasm for creating legislation or perhaps we didn't know there was already one in existence. It does raise the question: how are citizens to know to which Act they would look for solution?

And what happened to plain language? I thought there was a commitment on behalf of the government to write legislation in language that's very clear and easy to understand. I am hard pressed to believe this is easy to understand, and I think the whole concept is confusing to people.

So I will leave my brief comments at that until I've had time to study the Bill a bit more. I haven't heard an explanation yet for why this has been brought forward. I understand the point behind it and that it was in reaction to a criminal trial and a commitment to try to give legislation to shopping malls to be able to ban kids from hanging out, but could we not have done that by working with the legislation that we had? I am surprised at the enthusiasm for legislation that I'm witnessing.

Thank you very much.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Chairman. Bill 13 does raise a number of questions, and they've been touched on by previous speakers. I think the question that does immediately come to mind is the amount of legislation that is being generated that interferes in people's lives or tries to govern their behaviour, and there is no better example than this Bill and how it overlaps or pretends to be a companion piece for the Petty Trespass Act.

I know that the government has been very vocal and has a committee struck with the purpose of trying to review and cut down, I assume, on the number of regulations that have been generated over the last number of years. I wonder if this kind of legislation isn't going to lead to the need for a similar committee to cut down on the amount of legislation that's being passed in an effort to control behaviour. I don't in any way denigrate the importance of the Bill in terms of trying to protect people from trespass, but it just seems to me that we're going one step too far

when we start having two Bills covering something like trespass being passed by this Legislature.

The other comment I'd like to make is the whole need and the whole promise – I remember reading with interest statements prior to the 1993 election by people who were running for office on the government side at that time talking about a need for plain language legislation, legislation that didn't, with all due respect, need lawyers to interpret it. There have been a number of Bills in this House where it, I think, is requisite that it be written in language that ordinary Albertans have access to. The living will legislation was an example where we made that plea: please let's put that kind of legislation that affects a wide number of Albertans who may not be as sophisticated as some of our lawyer friends are in terms of interpreting legislation. It seems to me that this is another Bill that fits into that category. It's a Bill that applies to a large number of Albertans who may or may not be sophisticated in the use of interpreting legislative language. I'm not quite sure why it isn't written in street language.

The intent of the Bill I think is clear, but again it would be reassuring to know that there had been some attempt to correlate the sections of this Bill with the Petty Trespass Act and why there wasn't just simply an amendment to that Act rather than the introduction of Bill 13, the Trespass to Premises Act.

Thank you very much, Mr. Speaker.

[Motion carried; Bill 13 read a second time]

Bill 11 Registries Statutes Amendment Act, 1997

MRS. LAING: Mr. Speaker, I now move second reading of Bill 11, being the Registries Statutes Amendment Act, 1997.

This Act amends schedule 13 of the Government Organization Act, the Vital Statistics Act, and the Builders' Lien Act. The primary intent of this Bill is to support the government's direction for improving customer service and efficiency and finding new ways of delivering service to Albertans.

The re-engineering of corporate registry and vital statistics will create a more efficient data management process through employing new technology and entering into private-sector partnerships for the delivery of products and services. Through the expanded use of electronic communications and computer systems, Alberta Registries can achieve greater efficiencies, thereby reducing the duplication of paper and improving access to corporate registry and vital statistics products and services.

If you'll allow me, Mr. Speaker, I will outline the main changes to the Government Organization Act, schedule 13. Alberta Registries is redesigning the way corporate registry does business. This is a move from filing paper documents to transmitting information electronically. With the development of a new computer system, a number of business efficiencies will be accomplished. Some of those efficiencies are capturing information and storing information closer to the source, reducing the number of times a piece of information is passed from one person to another, and capturing and storing electronically as much information as possible, which will remove the need for paper documents.

Law firms and private registry agents will be the primary groups approved to be the service providers under the new model. They will be trained and accredited in the area of corporate registrations. The accreditation program will be developed to safeguard the integrity of the system and to ensure that legislative requirements continue to be met. In addition the government will

retain the option to deliver services to those corporate registry customers who prefer to deal directly with Alberta Registries.

By using modern technology, registration processes will be streamlined and businesses should enjoy substantially quicker, in fact almost immediate responses to their business needs through expanded hours of operation offered by the private sector.

Vital statistics is responsible for registering all births, stillbirths, marriages, and deaths that occur in Alberta. Alberta Registries is looking for ways to improve customer service by removing the redundancies and duplication in registration processes. Moving the service delivery closer to the people who use it will maximize efficiencies. The proposed business model facilitates data entry at the source of the event wherever possible, and a new computer system is being developed to make it easier and more convenient to register vital events while ensuring accuracy and privacy.

8:40

The protection of privacy will continue to be a primary role of government. While registration processes will change, Alberta Registries will implement strict security measures to protect the public and the integrity of vital records and certificates. Formal discussions have taken place with concerned stakeholders such as hospital administrators, funeral directors, and marriage commissioners. Confidentiality clauses will also be included in the regulations and contracts with these service providers. We will also be consulting with the Information and Privacy Commissioner.

Other than the re-engineering of corporate registry and vital statistics, this Bill also deals with a number of other changes. Regarding the Builders' Lien Act an amendment is being proposed to reduce the holdback fund from 15 percent to 10 percent. In January of 1995 the Minister of Municipal Affairs established a task force of industry representatives to look at problems within the Builders' Lien Act and to recommend solutions. The task force created three subcommittees to research and report on specific amendments to the Builders' Lien Act by the business sector. The three subcommittees represented residential construction; industrial, commercial and institutional construction; and oil and gas-related construction. The holdback fund was one of the recommendations agreed upon by all representatives and judged to be beneficial to the majority of Albertans. The Minister of Municipal Affairs agreed to bring forward this amendment.

Many documents and certificates require the registrar's signature or seal, and whenever there is a change of registrars, a large supply of presigned forms becomes obsolete. This amendment will allow required documents and forms that have the registrar's signature or seal to remain valid on any presigned form until that supply of existing stock is depleted.

In closing, I would like to assure all Albertans that government will continue to maintain control and ownership of all the information collected and stored in the corporate and vital statistics registry system. Formal discussions have taken place with concerned stakeholders, and these amendments reflect those discussions.

I look forward to the Assembly's discussion. Thank you.

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

MR. GIBBONS: Yes, Mr. Speaker. In five weeks of sitting in here as a rookie, this is the most deceiving Bill that I've seen yet. We have three very hidden agendas brought together into one, one being the Builders' Lien Act, second is the Government Organiza-

tion Act on registries and document handling, and the last one is vital statistics. We were just told that these were brought in for better efficiency. Better efficiency for what? Most confusing Act that's been presented?

The goals and principles that are in these Bills are totally unclear. Questions are: what is the principle of this Bill; what problems related to them before? For example, in the lien Act, why would we drop from 15 down to 10? Does that only accommodate the big contractors? It doesn't help the little subcontractors. Further to that, why is this change needed now? I understand that you had a study on it. I still don't believe that the full input was put into this one. Which Albertans does it change for? Only the big people. It only helps them.

Now, leading into the other items in here, the next point is to change the Government Organization Act relating to registries. On these questions I just have a lot of trouble trying to understand why you would take the seal, which presumably was given to a nongovernment employee described previously – now, you've got in that Act 6.3.1.

You've brought in two new items: statutory function and statutory officer. Now, to me that means you're taking away a position that is controlled by government and handing it to somebody out in the registration office. What are the criteria being used to determine if the registry should be designated?

Why is the crux of this Bill being done behind closed doors through regulations? Under (4)(c) the question is: what is the point of having any law if the minister can simply overrule the law through regulations?

Vital statistics is one that really worries me, and I think it comes back to the old ring of what's been happening over the last couple of years, of going to the smart card and bringing this out.

Can the minister assure that there will be full accountability for these changes? Does this mean that they have flexibility to have more control over what the district registries can do? Vital statistics is this another way that the government is downsizing what is already a very downsized municipal government? Under section 26, is the government expanding to cut or are they trying to expand it? I can only see that they're trying to cut back on it. An example, too, is what kinds of answers we're getting from social services in the last few days on accountability. I hope that the minister can have a lot more accountability on this.

Thank you, Mr. Speaker.

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

MR. DICKSON: Thanks, Mr. Speaker. I, too, have a number of concerns with Bill 11. Firstly, in terms of the Builders' Lien Act change it's fine for the government and the Member for Calgary-Bow to say that there's been consultation with stakeholders. She indicated three different groups: the residential construction sector, the commercial construction sector, and the oil and gas construction sector. Now, I'm afraid that's not particularly helpful to me. The holdback may be easy for a large general contractor to see waived, but I guess when I deal with this, I come at it in the same way I did when the government put to me and to my colleagues last spring a draft miscellaneous statutes amendment Bill. This provision was in there, and we didn't consent to it at that time.

What we indicated at the time to the representatives from the Department of Justice, to Mr. Peter Pagano, was that if in fact the government elected to pursue this route, then they should do it

through an amendment to the Builders' Lien Act. They should give as much public notice as possible to allow the broadest possible kind of input and advice. The reality is that the holdback works for employees; it works for a self-employed masonry subcontractor, for a caulker, for a carpenter, for an electrician. These are small businesspeople. These are people who live in our constituencies. These are people who don't have a lawyer on a permanent retainer. These are people who don't have a lawyer on staff. These are people who can be easily put out of business, easily put out of business if in fact there aren't funds there to protect their security.

It's rare that liens are left on a property. Usually what happens is that an application is made to the court to pay the amount of a lien holdback into court so that the owner is then free to deal with the lands as he chooses, and that lien holdback is in many cases the absolute only security that that small businessman has in this province. So when anybody comes along and says, "Well, notwithstanding that we've had a 15 percent holdback since . . ." I'm not sure what the history of our Builders' Lien Act is, but certainly for at least 30 years I expect we've had this particular legislation. We've had a 15 percent holdback. I think it's worked reasonably well. I think to change from it, the case has to be made in terms of how it doesn't work anymore, it's crippling contractors, or it's discouraging economic activity.

8:50

Well, if we look at the evidence, Mr. Speaker, Alberta is undergoing a construction boom the likes of which we haven't seen for at least a decade. We've got an enormous amount of residential construction activity going on. In the city I'm from, Calgary, there's a great deal of construction activity. So I look at that and I say: obviously, the amount of the lien holdback isn't discouraging all of this activity going on in the province. I know from talking with tradespeople, those kinds of small businesspeople that tend to be one of the biggest employers in this province – it's the fellow who has his own painting outfit, who started out working for somebody else and now has his own painting company and may have two or three employees working with him. I haven't had constituents in that situation coming forward and saying, "Calgary-Buffalo, let's reduce the amount of the lien holdback so our risk is increased and our security is decreased."

So when the Member for Calgary-Bow says there's been consultation, then I guess I have to say: well, who in the residential construction industry was consulted? How many subtrades have we had representations from? The Mechanical Contractors Association of Alberta? For a change with as major an impact as this one, one would expect that at the minimum we would come forward with something that is clear to be a major amendment to the Builders' Lien Act, not to be tucked away in a thing called the Government Organization Bill. The tangential relationship between builders' liens – I mean, the only possible reason it could be in here is because you register a builders' lien, but other than that it has nothing to do with registry services, Mr. Speaker, and everything to do with the fair treatment of small tradespeople and small businesspeople in this province. For the reasons I've mentioned, I have concerns with that.

The Member for Calgary-Bow in introducing the Bill made a number of references about how we want to increase products and services sold through registry offices. Now, I stand to be corrected, but my recollection is that when the government first came through and talked about private registry services, there was a lot of concern and apprehension, mainly from our opposition

side, maybe exclusively from the opposition side. It seems to me that the response of government at the time was: well, they're not able to sell all kinds of products; they can't sell, for example, marriage certificates and birth certificates. It was going to be a much narrower range of products, to use the terminology of the government. And we've watched and we've seen that as some people suspected, the security isn't the same. Once you go from a single registry system and you decentralize it, now you have a whole lot of for-profit operators of varying experience and varying financial security and financial resources.

DR. WEST: It's a bunch of nonsense, and you know it.

MR. DICKSON: What you have are some real risks that you bring in in terms of protecting personal information.

We heard a minister a moment ago, you know, dismiss the concern that I've been trying to express. But it seems to me that's the same minister I've heard stand up and say that really what we need is a single identification card in the province, and that would be efficient. That makes me nervous, too. We've discovered in Australia, Mr. Speaker, where there was an attempt to have a national identification card, what incredibly divisive debate was engendered there. We know what problems go along with that sort of system.

So I think with the registry offices my point is just that we see a real proliferation, a real expansion in terms of services the government wants to sell. I come back to the story that I've related before, where we discovered a registry office in Calgary that apparently has been in the position where some unscrupulous operator in the registry office was making available fraudulent drivers' licences which people were able to use as fake ID.

I started thinking about what the potential is in terms of marriage certificates. For example, people who go to court need a marriage certificate to be able to prove you've been married to this person to be able to get your divorce. What happens if we increase the potential for people to obtain fraudulent identification like birth certificates, marriage certificates? Some may say: "Well, Dickson, this is unfair. You're parading the horrors, you're fear mongering, and you're trying to exaggerate the risk." My response to that, Mr. Speaker, is that when the government comes forward and proposes such massive change with such minimal explanation, somebody has got to ask; don't they? Somebody has got to ask the questions about where this takes us and what the impact is going to be, not just today and next week and next month.

You know, Mr. Speaker, this doesn't require a delay. Some people make the mistake that consultation with Albertans and allowing Albertans to have some input and allowing them to assess the risk translates into huge delay. The reality is that we're more likely to see waiting when government only speaks to selected stakeholder groups.

I will speak for myself, not for other members, Mr. Speaker, but I just have a lot of difficulty with what I see as expanding the range of product. I guess my other question: Mr. George Samoilo and the high-powered information council that the Premier had announced I think just before Christmas 1996. This group was to go and find other products that government could sell in terms of information, data, and so on. I'm interested in terms of whether this is a product of the information council and if they provided a report identifying a whole lot of new so-called products, namely personal information, that they're going to be able to sell. What would be really helpful in assessing this Bill and how members

should vote for it would be seeing the full report that's come from Mr. Samoil's information council. Let's see the range of products that these very senior bureaucrats have identified with market potential. Let's see what they are, because we don't find it anywhere in Bill 11, and effectively if Bill 11 passes, we'll lose any say in what's going to be on that list. The catalogue will come out, and that will be the first time we see what's there. So that seems to be a significant problem.

The Member for Calgary-Bow said, and no doubt was genuine when she said it, that protection of privacy will continue to be a priority of this government. But forgive me, Mr. Speaker, if I say that we've seen in a host of ways that the protection of privacy has never been a priority of this government beyond talking about it in Speeches from the Throne and presentations by the Premier and different ministers. When we look at the legislation they bring forward, when we look at their business plans, when we look at their practices, we see that in virtually every case where there's a collision between protection of privacy and government efficiency, government efficiency wins not five out of 10 times, not seven out of 10 times, not nine out of 10 times, but 10 out of 10 times. Mr. Speaker, those are all concerns I've got with what's been raised so far.

The notion that this allows us to reorganize to deal with electronic data – and I'm very nervous when it says “storing information closer to the source.” Well, since the source is now going to be disbursed, and you have multiple agencies, multiple offices that are going to have this information, you'd better have an incredibly good security system, because what you've just done is increased your risk. You've increased the exposure for trafficking improperly, illegally in personal data many times over.

9:00

It just seems to me that if we're going to go down this road – and I suppose government can say they have the majority in the House, and they can do whatever they wish – why wouldn't we do this in a frank fashion and in a spirit of full disclosure? Why wouldn't we come forward, Mr. Speaker, and tell Albertans exactly what's for sale?

The Member for Calgary-Bow kept on saying: products, services, products, services. Well, let's remember what this is. This is information about you, information about me, information about our constituents. Government has a whole series of files on each one of us. Is it unreasonable to ask which of those files are going to be up for sale, which of that information is going to be available? It's not just good enough to talk about products and services.

Electronic data is easier to access. It's easier to shop around. It's easier to move around between government departments. It's easier to move around between government departments and nongovernmental agencies, and it's easier for those nongovernmental agencies to in turn sell it either legally or illegally. So this is a time when I think we have to address that, and I think that passing this Bill as it is is just exceedingly dangerous. If in fact this is part of a more comprehensive package, it would sure be helpful to see the whole package instead of dealing with it in the way it's come before us.

I have great difficulty with that portion of the Bill that deals with schedule 13 of the Government Organization Act. I've highlighted the concerns I have with the Builders' Lien Act. In terms of the Vital Statistics Act, this may be a fairly benign amendment. I'm not sure that this is of such great concern, but I'd sure want some satisfaction that the documents that now are available only to our vital statistics branch are not going to be

caught under schedule 13 of the Government Organization Act. If they are, then we're very concerned. I'm very concerned, at least, with what's happened to vital statistics.

I think that when we deal with the Government Organization Act, we reduce the kind of control we have in this Assembly on what's done with information that we own. It's just very hard to reconcile what's in Bill 11 with what the government starts off saying on their training film on freedom of information. They say that it's time government civil servants understand that government information is owned by Albertans, and it's only lent to the government for periods of time and for particular purposes. Well, it appears that the draftsman behind Bill 11 didn't get that message, Mr. Speaker, at least the part in terms of government organization. It appears that the draftsman of Bill 11 in fact has somehow decided that this data isn't owned by Albertans at all. We're going to go back to the old days: government owns it all and government can do what it jolly well pleases and they can sell it to whomever for whatever price they can get. Well, Mr. Speaker, I don't think that's good enough.

It's interesting that on the same day we're dealing with amendments to the freedom of information Act, we're looking at Bill 11 that sends out absolutely the opposite message, that this is a government that's going to take your data, it's going to use it, it's going to deal with it largely in secret, and you're going to have virtually no control over what's done with that data. I just don't think that's acceptable.

For all those reasons, Mr. Speaker, I guess, barring some much more comprehensive explanation than what we've heard to date, some information in terms of what the impact is of Mr. Samoil's information council, my inclination is to vote against the Bill at second reading and to move a number of amendments if this Bill ever gets to the committee stage because I think it has to be revised substantially.

Those are the comments I wanted to make. Thank you very much for your patience.

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

MS BLAKEMAN: Thank you. As I rise to speak on Bill 11, the Registries Statutes Amendment Act, I have to agree that this is a very confusing Act to have a look at. It does seem to be three different things that are knitted together loosely, and one knows not why.

Starting from the beginning. Under the Builders' Lien Act, I've heard the hon. member sponsoring this Bill talk about a task force in which there were industry representatives. This hasn't been stated, but I suspect they were fairly large corporations that were discussing this. The hon. Member for Calgary-Buffalo has touched on this a bit as well. A number of the people that live around me and that are constituents of Edmonton-Centre are small contractors. They are self-employed individuals – drywallers and painters and finishing carpenters – and I think that reducing the holdback from 15 percent to 10 percent is not in their favour. I wonder if they were consulted with this happening.

The other question I have. The consumer information that I've always heard, and perhaps even some of it was put out by this very government, advises the person paying for all of this, building the home or the business or whatever – I thought we'd always been advised that we should only pay at the rate things were accomplished so in fact we're holding back so that you're exactly even. If half of it has been finished, then half is what you

should have paid to that point. There's something in what's happening with this that makes me think it's running against that very sound advice. So I do have a concern in this builder's lien about how it's affecting the smaller contractors and the self-employed tradespeople. Again, why? There doesn't seem to be any glowing reason for this to have been brought forward.

I'll move on to the Government Organization Act. I have deep suspicions about this, and again I wish that the language could be a bit plainer. It does begin to read around in circles at a certain point, and I would recommend a good editor. I have a question. Is this coming about and are these recommendations being made because the private licence registries are perhaps not making the money that they anticipated and they are looking for more services to be able to charge fees on? I'm getting nods from my colleagues on that one. That's the only reason I can see for doing this.

I get concerned whenever I read anything about capturing information and storing it electronically. I think the points that the hon. Member for Calgary-Buffalo has raised about the potential for infringement of our privacy and the possibility of selling information that comes out of both this section of this multipatched Bill and also the final section on the vital statistics registries – it's a concern. As a citizen, I want to believe I can trust the government in what it's doing about personal information about me and about others I know, and I'm finding that credibility is being strained to a tautness that is probably not safe.

9:10

I also had a question – in this Bill it says that the law firms were going to be the service providers, and I'm wondering if the law firms asked for this privilege and this service. Did they come forward and say: "Please, we don't have enough to do in the law courts. We really need to be providing document-handling procedures." I'd like to know the answer to that because it doesn't sit right with me. They seem to have plenty to do as is.

I'll flip forward to the section where it's talking about the signatures and the seals. Why in this day and age when we can computer generate one document at a time would there be a concern about wastage of overprinting all these presigned documents? Can we not simply do it through the computer, you know, generating it off the computer one at a time? So I'm even wondering why we need this section in here. I don't think there's really a need to farm it out.

This section – I think it calls everything that's in this Bill into question. We're still on the document section. At one point it says that "the Minister may, notwithstanding anything in that enactment, make regulations." Then why do we have the enactment if you're going to allow the minister to override through the use of regulations, which I understand with this particular government are not subject to public scrutiny? Why do we have the enactment at all if the provision is in here for the minister to override it at any point? I'm a new MLA, but it does make me start . . .

AN HON. MEMBER: But you weren't born yesterday.

MS BLAKEMAN: But I wasn't born yesterday. Good point.

Overall, I have a question about why there is such a reliance in all the legislation that I've seen put forward but this one in particular – why is there such a reliance on regulations, putting forward the meat and potatoes of what's to be done? It should be in the Act. It should be available for any citizen to read in plain language. Why does everything keep getting shuffled off into

regulations, which never do come before the scrutiny of the public eye or before the scrutiny of this Assembly? This is a democracy. Is this Assembly and the business that we perform in it an inconvenience somehow that we don't wish to be assembling to discuss anything? I think those questions need to be raised.

DR. TAYLOR: Ask Janis Tarchuk to call a meeting of the Law and Regulations Committee.

MS BLAKEMAN: No, thank you. I will continue.

There's also a section where it's removing the requirement that a person sign a document. Why would we do that? A signature is still a guarantee. It is still a control that we have, when an individual has signed something, that they've understood it, that they've taken the time to read and understand it. To remove the requirement that they sign it at all, it doesn't make sense.

Just briefly, what is this?

Modify that requirement so that only the information or a portion of the information contained in the accompanying documentation, and not the actual accompanying documentation, needs to be provided.

Please, make it make sense so that people can understand what you're trying to say.

The Vital Statistics Act section of this Bill is a great concern. I think there's a lot of potential for abuse with it. Again, this is the ultimate information that is required for the important moments in our life and other things that we need. To get a passport you need a birth certificate. Your marriage licence: you need that in order to take it to court if you're looking for a divorce. I think the potential for abuse here is very high, and I see nothing in here to address that, nothing to protect it.

[Mr. Herard in the Chair]

If we went out to Jasper Avenue here and started asking people on the street if they really wanted vital statistics farmed out like this, the potential for the abuse involved – and where are the controls on any kind of computer electronically held information? – I don't think they'd be too happy to hear this. Again, the reliance on taking everything into regulations, where there is no scrutiny of it, truly brings, I think, the whole question of democracy and the proceedings of this House into question.

So I'm having, obviously, a very hard time speaking positively to the principle of this Bill. I hope some of the questions can be answered or, even more, that amendments can be brought forward which clarify some of these issues or which even remove some of the things that have been brought up in here. I don't like the direction this Bill is going in. I think it's dangerous for all of us. We have to think 10 or 20 years into the future and start to imagine what can happen with this information if it's not dealt with in a responsible way, which is what we expect government to do. I think this is abdicating its responsibility and it's abdicating it to the private sector for a buck, which disappoints me.

Thank you.

THE ACTING SPEAKER: The hon. Member for Edmonton-Norwood.

MS OLSEN: Don't sound so cheerful about that there, Mr. Speaker.

I, too, have some concerns about Bill 11. Some of the questions I have are: who was on the task force? I don't think that's been identified. Who were the stakeholders that were

involved in the discussions with the government? This really is a very confusing piece of legislation.

AN HON. MEMBER: It's a dog's breakfast.

MS OLSEN: It's, yeah, somewhat of a dog's breakfast, I guess.

Under this Bill you've identified three different Acts: the Builders' Lien Act, the Government Organization Act, and then the Vital Statistics Act is the next Act covered. It doesn't make it an easy Bill for anybody to follow. I've got to wonder why the government would make a Bill that is so difficult to follow. I wonder if some of you have read it.

The first question I have is: what is the principle of this Bill? There are three Acts here. It's very difficult. Each Act should have a different principle, I suppose. Who identified the problems that need to be remedied? Was it the stakeholders coming to the government, or was it the government going to the stakeholders? Again, who are those stakeholders and why did it need to happen?

Concerns that the amount under the Builders' Lien Act be reduced. Again we have another piece of legislation that impacts small businesses, the small businessman, independent contractors that may not belong to large corporations. I'm wondering what the impact is. Has the government thought about what's going to happen to the smaller businessman as a result of this legislation? Why are these changes needed now, and who asked for the changes? Are there any letters, any petitions, any information from stakeholders that would support and that do support this Bill, and from not just the large corporations in this province but the smaller, independent businessmen?

My next questions actually revolve around the vital statistics and the protection of privacy. I have some concerns with the protection of privacy. I would question whether Albertans want to see further privatization of different aspects of information.

9:20

First of all, customer service should not be an issue here. Everybody's a citizen. This government's obligated to offer some services, and some of those services include licences or registries. Albertans are citizens; they're not customers. The services are provided as a result of the tax dollars that come in.

The problems that I see are especially when we're talking about the potential for criminal activity and the types of crimes that can be committed when there's ease of access to marriage licences, to birth and death certificates, for crying out loud. We have a tremendous number of immigrants. I don't know if any of you are aware, but to be giving out even your credit card number now is something you should really consider. There's a tremendous amount of ability to get this information and to use it, and in many instances collecting several pieces of documentation illegally is not difficult.

If you want to contribute to the high cost of fighting white-collar crime or crime involving computers and that type of thing, then keep going this way, because you'll be then spending more money in policing services to combat this kind of stuff. I would really sit back and review what you're getting into. Millions and millions of dollars end up in the hands of the bad guys, if you will, every year as a result of fraudulent use of documents. That's not just here. There's a tremendous number of immigrants that come into North America with false ID and have been able to get into the country with information from those very people who have passed on in this country.

I would strongly suggest that any further privatization, any further dealing with the smart cards and those kinds of things be

given some very serious consideration. We do not need a one-stop personal information card in this province. We do not need to have people with the ability to access that information, and I daresay there would be some liability placed in the palms of this government if something more tragic happened as a result of it or more heinous happened as a result of it. [interjection] No. I'm going to keep going now. You've kind of encouraged me to keep it up. I'm sure I can find some other thing to talk about, because this is such a dog's breakfast. I'm sure I could go through this.

I would ask a couple of other questions as well. You state in this Bill, 2(3) – section 6.3 allows for a document that would require the signature of a statutory officer to be considered actually signed if a seal of office of a statutory officer appears on the document. This seal could be put on the document by the staff in an office, and they may not necessarily be the type of person you'd want putting this seal on something and passing it off as signed. Would the nongovernment employee – because this is a privatized process – have the same qualifications and expertise as a statutory officer before he's allowed to use this seal? Will they have the same security checks? Already in the motor vehicles branch for years there have been problems of people giving out information. Certainly a lot of the organized crime, those folks with the bike gangs and those kinds of things, have connections into all these places. As a result of that many, many agencies now have their employees use their place of employment as their mailing address for motor vehicles branches, because they're afraid of the security breaches. [interjections] I don't know. I know a number of organizations that do that.

So what are the criteria being used to determine if a registry should be designated? [interjections] Could be the police; I don't know. Why is the crux of this Bill being done behind closed doors through regulation? Again, that question comes back: what's the point of having a law if the minister can overrule a law through regulation?

So I'd like to conclude my comments tonight – [some applause] Thank you – by asking the members on both sides of this House to give some serious consideration to the potential abuses in this less than adequate piece of legislation.

Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. The difficulty with speaking to Bill 11 at this stage is that it's a relatively unprincipled Bill, so I hope you'll permit me to talk a little bit about the individual sections, because you know you can't really talk about the principle of a Bill like Bill 11. It's three very distinct pieces of legislation.

Now, one of my colleagues has already talked about the fact that the builders' lien amendments really were tried once by this government. They were put forward as housekeeping through the Miscellaneous Statutes Amendment Act. They were rejected because they were seen as far more substantive than that, and now they're back again in a Bill called the Registries Statutes Amendment Act, which is a little puzzling to me as to (a) why this government is so bound and determined to amend the builders' lien law in this province and, second, why they wouldn't do it just head-on. Why wouldn't the government just come to the Legislature and say: we're amending the Builders' Lien Act, and we're doing that because we want to service large construction contractors, and we want to provide a disservice to small independent

subcontractors. I mean, you'd think that the government, being an open and accountable and transparent government, would come forward and do that.

I wonder about all the members of the bar who are now members of this Assembly who at one point in their legal practice or another, I'm sure, would have dealt with things like builders' lien actions and suits, and I wonder, really, how many of them represented small businesspeople who were thankful that the holdback was at least at 15 percent. And how many of them had the experience of getting a judgment and then finding that the affidavit, evidence that was sworn about the degree of the work that was finished and the nature and the quality and the value of the work, turned out to be false. Now I'm not saying that people would perjure themselves necessarily just for some kind of pecuniary gain, but you know it's occurred to me that it could happen, if not on purpose at least by accident, and maybe – maybe – even that 15 percent holdback would have been unsatisfactory. And I wonder about these members of the bar and whether or not they were asked their opinion when this went through the government's priorities, whether or not they thought that some of their clients would have liked this. I'm wondering what they would say to their clients at this point in time, now that the government wants to reduce that holdback.

This is one of those omnibus Bills, you know. It's one of those things where they try to cram a whole bunch of things into one Bill to make it sort of look innocuous and make it sort of look like they're trying to get on with ordinary business, but it's not. It's sort of like statute water torture: one drip at a time we sort of get one more little drop on our head. What's even worse than that is you can drown from this. You know, you get right up over your head, Mr. Speaker, in terms of what this government is trying to accomplish by putting together legislation like this.

9:30

Now, on the registry side what we find is an argument that's put forward by the mover of the Bill that we need to have more products for sale through registries. You know, in the Alberta that I came to love, Mr. Speaker, you went to registries because you sort of had to. I don't wake up on a Saturday morning and grab my wife and say: hey, honey, let's go shopping for more products at the registry store. I'm not sure . . .

AN HON. MEMBER: You don't do that?

MR. SAPERS: I don't.

It's never been, you know: let's put all the kids in the minivan and go down to Registries R Us and see what's on sale. Mr. Speaker, that's not what registries are all about. Registries provide a service and this government, for better or worse – and many would argue worse – decided to privatize that service.

[The Deputy Speaker in the Chair]

MR. SAPERS: Oh, if you're just switching, can I continue or do I have to sit? [interjections] Great.

So, you know, this whole notion about more products – I remember some minister standing up and saying how this didn't even need the permission of the House to proceed, and I remember the discussion then: don't worry about it; this is going to be the right thing to do for Alberta. And I remember some of the small businesspeople that put together business plans and responded to their government when their government said that they were going to privatize registries. Those business plans were

evaluated and they were vetted in some kind of voodoo process, and then some people got the ability to operate a registry.

All of those business plans were based on what the government made available. They didn't say: "Oh, guess what? We're going to allow for a vast array of new products and services." They said: "Here's what we're going to do. It's going to be mostly motor vehicle stuff, and you're going to be able to come and set up a business based on this volume on this kind of business." Then it turns out that the rush to privatize the registries turned out not to be quite such a good idea, didn't work out quite the way the government thought it was going to. Some of those businesspeople who put together their business plans and believed their government and rose to the challenge that the government put out for them said: "Wait a minute. It didn't work out the way you said it would. There's too much competition; there's too many of us. We can't make good on our business plans because we don't have the volume. Government, you're going to have to do something about this."

This is the same government, Mr. Speaker, that says, "Oh, we're going to get out of the business of being in business, and we don't want to subsidize private business, and we don't want to pick winners and losers." But then these winners and losers come back to the table and say: "Government, you didn't tell us straight. You didn't play fair. You've changed the rules again. You have to give us more products and services." So what does this get-out-of-the-business-of-being-in-business government do? They say: "Yes, sir. What kind of business would you like? Step right up. One thin dime, one-tenth of a dollar, and you can buy some more business. What we're going to do is we're going to give you more products to sell."

Now, what are these products that they're going to sell? They want to privatize vital statistics: birth certificates, death certificates. They want to turn this all over to the private sector. It isn't like this has been an experience without flaws. It hasn't been like we haven't seen security breaches. It hasn't been that we haven't seen lapses in confidentiality or breaches of privacy. In fact, it's been just the contrary. You'd think that before this government took this process any further, they would do what they said they would do, and that is protect the privacy and the integrity of the registry system. Before they privatize vital statistics, you'd think that they'd want to do a privacy impact audit. They haven't done that. They won't do that.

Mr. Speaker, you know, this government is slowly – and with this legislation they're taking another giant step – marching towards the same path that we now see the Harris-ites in Ontario talking about, you know, with the one great big fingerprint ident. I mean, we've already got a minister of the Crown saying that we should have a government service card, and maybe you'd get a tattoo someplace on your rump as well to go with that, to go with the card, so you could always be, you know, able to be identified, and every transaction you have, everything you do with your government will be linked to this card.

Now, we've already seen the reaction of their intellectual and philosophical cousins in Ontario when they said that they wanted to have this one-fingerprint ID process for everybody, Mr. Speaker, and I know I don't have to remind you of the time when Albertans had to be registered for health care and the hue and cry that was raised just when it came to developing the registration process for Alberta health care identification purposes. Albertans will passionately defend their privacy, and they will passionately defend the confidentiality of information that the government holds about them.

I would think that we should not be going down this path, and we should particularly not be going down this path with a Bill that sort of pretends to be something other than what it is. I mean no disrespect to the mover. I'm sure she was asked by somebody to introduce this Bill on behalf of the government. But this Bill is basically dishonest because it isn't what it's purported to be.

We've talked about the problems with privatization. We've talked about the lack of a privacy impact study or audit, the whole notion of the holdback on liens, this notion about government now riding to the rescue of businesses. It seems to me that there is no good reason to accept this Bill at second reading. This Bill is ill conceived. This Bill is badly packaged. No justification for this Bill has been brought forward in terms of its individual component parts. It seems to me that we have not heard one argument that would support Bill 11.

What I would ask of the government is actually very simple. I would say that what the government should do is hoist this Bill, withdraw this Bill, get rid of this Bill. Then they should have the courage to come forward with a stand-alone Bill called the builders' lien amendment Act, and they should put on the table exactly what it is, the whole picture of what this government thinks would serve the people of Alberta regarding builders' liens. Then we can have a reasonable debate with everybody speaking in turn in this Legislature on builders' liens. Then we could have another stand-alone Bill called the government organization amendment Bill. We can put in those amendments that have to do with document handling, and we can have a reasonable debate about that.

Then, Mr. Speaker, the government could come forward with a Bill that would amend the Vital Statistics Act, and we could perhaps even have public consultation. This government brags about public consultations. I know the Minister of Energy loves public consultations. They could have a public consultation with the people of Alberta, and they could say: "Do you want vital statistics privatized? Do you want that information widely dispersed? Do you want it widely held? Are you happy with the lack of security and the lack of controls that would engender?" If the answers come back from that consultation that Albertans would be happy, then the government could put a Bill called the vital statistics amendment Act that would implement, operationalize what we learned in that consultation.

That would be the way to deal with these issues, certainly a very different method of proceeding than what we are faced with here. Instead of doing that, instead of having the courage to put these Bills up front and talk about what they really are all about and instead of doing the consultation and talking to Albertans directly about what it is they think is important, the government has just decided to put forward a thin little Bill called Bill 11, Registries Statutes Amendment Act and put it in the middle of the week before a long weekend and kind of pretend that maybe nobody would notice.

Unfortunately for the government, Mr. Speaker, the people of this province did notice, and certainly the Official Opposition that the people of this province elected were vigilant enough to pick up the deficiencies in this Bill. I can't support it at this stage. I would really hope that somebody from the government, somebody other than the Member for Calgary-Bow, who's done her level best to present this Bill in the best possible light, would stand up, just leap to their feet and speak in defence of this Bill, tell us why this serves the interest of Albertans, tell us why this serves the small independent contractor, tell us why this doesn't offend the privacy and confidentiality rights of Albertans, tell us why it's good to come to the defense of this particular group of business-

people at the expense of other groups of businesspeople, which are all things that this Bill would accomplish. So I challenge somebody from the government. If they're not going to pull this Bill, do the right thing and just kill it and then do it the right way, then why don't they stand up and defend the Bill?

Thank you, Mr. Speaker.

9:40

MR. RENNER: Mr. Speaker, I've leapt to my feet to move that we adjourn debate on this Bill.

THE DEPUTY SPEAKER: The Member for Medicine Hat has moved that we adjourn debate on Bill 11. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

[On motion, the Assembly resolved itself into Committee of the Whole]

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

[Mr. Tannas in the Chair]

Bill 12
Mines and Minerals Amendment Act, 1997

THE CHAIRMAN: The hon. Member for Fort McMurray.

MR. BOUTILIER: Yes. Thank you, Mr. Chairman. Bill 12, the Mines and Minerals Amendment Act, 1997, is an important initiative by many stakeholders. As you recall, back in November of '95 the generic oil sands royalty regime for oil sands projects in Alberta was announced by our Premier and the then Minister of Energy. The new system, based on the comments that have been raised by the Official Opposition, is an example of the government's new approach to development. Instead of participating directly, we're establishing a framework that should encourage new projects, which will mean more jobs and a stronger Alberta and also a stronger Canadian economy. The government responded to the recommendations of many stakeholders across Alberta, and while offering a robust royalty regime, we are at the same time ensuring a fair return to the people of Alberta, who are the owners of this very important resource.

Like virtually any business oil sands growth will be market driven. This regime was put in place to ensure continued growth. If we were to ask, "What is the ultimate return to the public sector from establishing this fiscal regime and this new environment in terms of promotion?" an independent, Infrometrica, estimated the impact of tripling the industry production to improve government's balance in the order of \$97 billion in the next three decades.

Finally, I want to be able to say that industry and government, as has been noted by the opposition, will continue to work together and collaborate and plan for timely changes pertaining to issues such as pipeline expansions to smooth the flow of increased production at the least cost. As you know, the oil sands is a very capital intensive industry. Tripling its size will cost in the order

of between \$21 billion and \$25 billion. Moreover it carries certain risks including long payout periods, uncertainties about future oil prices, changing technologies, and so on. Capital availability is the key to capturing the social and economic benefits for Canada. So we must work hard to continue to work together to manage these risks, government and industry and stakeholders together, in order to attract new investment to the oil sands.

Bill 12 will do exactly that. In fact, that's what's happening as we speak. It's important to note that for these many reasons, if we take a look at what's taking place here, this regime will put in place continued growth and expansion for our oil sands resources in both in situ and surface mineral deposits. Believe it or not, ultimately based on the discussion pertaining to the fiscal regime, there have been announcements of over 8 and a half billion dollars in new oil sands projects that are taking place as we speak today. It's important to recognize that it is expected to be up to \$25 billion by the year 2020.

Members of the Assembly, it's important to note that over 44,000 new permanent jobs are expected, and in fact 17,000 of them will be right here in our province of Alberta. I think that is fairly significant. I might add that my colleague the former Minister of Energy has worked on this during her time. It's important to recognize the job creation that will take place to benefit all Albertans.

Finally, I want to say that I can bet you that if a tremendous resource of a comparable size were located in a country like Japan or Korea, it would be driven by public interest and enlightened leadership to become a national priority, and here in Canada we should do no less. I believe this is a blueprint for action, and I hope that we'll all work together to make it a reality for the benefit of Albertans in job creation and also to the benefit of all Canada and its economy.

Thank you very much, Mr. Chairman.

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

DR. NICOL: Thank you, Mr. Chairman. Since second reading we've had a chance to talk to a few more people in the energy industry about this Bill. There are some people who are saying: well, let's wait and see. None of them are concerned enough to suggest possible changes in it, so I think we should just all accept this as a Bill that's going to really contribute to the expansion of the energy industry and go ahead and put it in place so that the industry can work with it and we'll all benefit. The Member for Fort McMurray in sponsoring the Bill talked about the employment generation that's going to come about. The quicker we can get the jobs, the better Alberta will be, so let's vote on it and call it quits.

[The clauses of Bill 12 agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Bill 8

Historical Resources Amendment Act, 1997

THE CHAIRMAN: The hon. Member for Wetaskiwin-Camrose.

MR. JOHNSON: Thank you, Mr. Chairman. I rise to speak to Bill 8, and by responding to some of the questions and concerns that were raised during second reading, hopefully my comments will alleviate some of those concerns that were raised by the opposition at that time.

As I recall, the single greatest concern was one of intent of the amendment. Questions like "Is it necessary?" and "Why is the Bill being amended?" and so on were raised at that time. Well, in response I would like to say that this Bill allows for greater efficiency in the day-to-day financial operations of our heritage facilities by simplifying the accounting of admission fees. Currently the government employees collect and deposit admission fees into the historical resources fund. The government turns around then and redistributes the funds through contract with friends organizations for services that they provide at the various sites such as guides and interpreters and marketing and exhibit repairs and so on. Well, of course this is very time consuming and certainly lacking in efficiency. The amendment allows decisions to be made at the site between the government facility manager and the friends to accommodate visitors and make service level adjustments. There can be quick reactions to changing and fluctuating conditions such as changes in attendance and so on. So efficiency is a big thing.

9:50

The amendment will also foster a strengthened partnership, a partnership with the nonprofit community supporters known as friends. Friends will collect the fees and spend them on specific programs directed and approved by the minister by contract. This is a good opportunity, I feel, for our government to effectively and meaningfully partner with local groups.

Another advantage of this Bill is that it allows for efficiency through greater flexibility. While opportunities are created for friends to be involved in collecting fees, the revisions do not preclude admission fees from being collected by the Crown and deposited in the historical resources fund, as is the case now. This flexibility allows for quick reactions to changing market conditions at our museums and historic sites.

Mr. Chairman, I think we have a win/win proposition here. The amendment allows for friends to be more active, and that should mean that we have the potential to increase our revenues at the historic sites, and as the revenues increase, of course the programs at the museums will be enhanced. The amendment, I think, simply allows us to operate in a better and more efficient way.

Some asked during second reading: what financial controls exist over the friends to ensure that the government's financial interests are protected? Well, these nonprofit groups will operate under contracts which stipulate in detail how funds are to be managed. The department also has audit responsibilities which will be regularly exercised. It is important to note that most of these friends groups have existed for some years and have had contracts to manage other revenue generators like gift shops and cafeterias. They have demonstrated strong fiscal responsibility and a real willingness to work with the department. In addition, before any contracts are entered into with friends, they will have to demonstrate that they can adhere to rigorous accounting standards.

Perhaps the most important question that was raised was one about privatization. I would like to emphasize that this Act is not an attempt to privatize operations. The government will continue to own and be responsible for the preservation of Alberta's 18 heritage facilities. I assure you of that. The minister will still be responsible for setting the fees to be charged. The only change

will be how business is conducted on a day-to-day basis. The amendments to the Act will allow the government-employed facility managers to on a daily basis through the friends deal with fluctuations in earned revenue and the services these revenues support. At all of our facilities the Department of Community Development remains responsible for the preservation of the site and the artifacts and for ensuring that the experiences of the visitor are quality ones. This is what the amendments are about, not privatization but maximization of opportunity, especially for the support groups.

Finally, let me emphasize again that the government will continue to own and be responsible for our 18 museums or historical facilities. This Bill simply maximizes the opportunity for friends or friends groups to do a good job in supporting our museums. It facilitates the work of proven support groups who have brought the energies and support of local communities to our museums through raising funds, through operating cafeterias, through operating gift shops, and who by this amendment will be able to contract with the minister to now collect admissions.

Mr. Chairman, we have a win/win situation in the making here, and I urge the Assembly to send this Bill to third reading.

Thank you.

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

MS BLAKEMAN: Thank you. There are just a few points I'd like to raise during Committee of the Whole as it reviews Bill 8, the Historical Resources Amendment Act, 1997. A number of the clauses in here or the suggestions for amendments are housekeeping. Removal of some redundant clauses and that sort of tidying up is always a valuable effort, but I think some of the other clauses have a more long-term effect.

I would like to support this – and I think the Member for Wetaskiwin-Camrose has spoken well in support of the Bill – but I can't. This Bill focuses on the friends-of groups, and I'd like to talk about how those friends-of groups came into being. There were two reasons for them. People wanted to take a very active role, a very hands-on role, wanted to have fun with the historical site. Board members were in place to establish policy and give overall direction to the organization, and that was more of a dry duty, a necessary one. But being able to coach or role-play or be a guide in a costume or organize special events, be more hands-on, get right down and have fun with it: that was the major function and the initiative behind friends-of groups being started. I think if you think about the friends-of groups that you know attached to organizations, that's why they came into being.

Of course, the second reason was for them to raise additional funds for the organization, because what it would allow organizations to do is apply for and get additional casinos, for instance, or twice the number of bingos. They could have a friends-of group fund-raising on behalf of the organization as well as the initial organization. So these groups were not established to manage facilities or to manage historical sites.

Something else that the hon. member spoke of was the contracting with these friends-of groups and that these contracts stipulate in detail what is to be done and that they would be audited. Additionally, before contracts would be entered into, the groups would come under intense scrutiny to make sure they could comply.

Well, the Minister of Community Development was kind enough to table in this Assembly some time ago, in response to questions that I had raised, sample copies of contracts that the government had signed with a friends-of organization here in Alberta. As I read through it, a few things came to light. In

particular with this one group whose sample copies were supplied to us, in the contract, dated March 31, '97, it stipulates quite clearly that the financial statements of the organizations must be prepared by an accountant. It's very clear on that, but the annual general meeting minutes, also from March '97, of the friends-of organization, show that the financial statements were reviewed. They were not audited, not prepared by an accountant; they were reviewed by three members of the group. There's no indication or mention that any of the three members were accountants. I did check their status according to the roll that's given at the beginning of the document, and while professional designations are given for some of them – I was careful to cross-check – none of the three who reviewed the financial documents were indeed accountants. My question to you in this particular case is: is there a document that I haven't seen that is waiving the requirement from the contract? I would have assumed, seeing as the minister was so careful to give me such an extensive amount of contracts with this particular group, that she would have included any document that was waiving this requirement.

10:00

So there's one small example of where the scrupulousness of the contract had not been followed. I think it raises a concern. One, this organization was likely, certainly in my experience, to have had a committee of three people reviewing the financial statements, because if it's a smaller organization and they don't have a lot of excess funds, that is accepted under the Societies Act as a way of presenting your financial documents. As long as three independent members have reviewed the documents, they will be accepted under the necessary clauses in the Societies Act, but it does definitely contravene the contract that's held between the government and this particular organization as to how those documents are to be presented.

Seeing as without too much trouble I've been able to locate this fairly significant deviation from what was to happen, where is the monitoring by the department that there would be compliance in all cases? It wasn't hard for me to find this omission, so it brings to me that there's most likely a number of other examples out there. I think it's a concern, because it is certainly against what I've been hearing.

I have taken the opportunity to speak with some of the groups who are friends-of groups for a few historical sites around the province, and they were surprised to hear of this initiative, of this legislation. More than that, at this time they were terror stricken. They were not prepared to take over the management of sites. They had not heard anything about this, and it was causing them some concern, which I could not alleviate unfortunately. They had no idea of a time line or when it would be expected that this would be put in. Was it being put in place for all 18 historical sites? Was there an end point where each site had to be managed by a friends-of group? The two that I spoke to had never heard anything about this.

I think it's critical that we do have an open and informative dialogue in Alberta with the public, with the sites, the support staff, the friends-of. As a result of what I think needs to be an open discussion around these ideas, I'd like to introduce an amendment. It's a short amendment and a simple one. This is a really simple amendment, but it is in keeping with an open discussion that the public might be able to have some input into. All we're doing is moving that Bill 8 be amended in section 3 by striking out clause (a). In other words, that would leave the clause to read . . .

THE CHAIRMAN: Order. Hon. member, if we could just take a moment so that people may get a chance to see it, particularly the Deputy Government House Leader hopefully and the hon. Member for Wetaskiwin-Camrose. This amendment we'll call A1, and we invite the hon. Member for Edmonton-Centre to continue.

MS BLAKEMAN: Thank you, Mr. Chairman. It would leave clause (a) in the original to read:

To fund programs designated by the Lieutenant Governor in Council for the protection, enhancement, promotion or display of Alberta's historic resources.

All we're really trying to do there is to make sure there is some public record, some public notification of a decision that's been made around the funds affecting these historical sites.

Again I comment on the tendency I see from this government to want to do a lot of things behind closed doors. I would think that particularly in that this Bill is talking about partnerships with friends-of groups and members of the public, they would be eager to have a discussion any time the government is deciding to do something that affects these people. So at the very least this would give us an order in council which could be published, and people could find out, albeit after the fact, that something had been decided. With this section taken out, as is recommended by the Bill, there would not be any notification to anybody nor any public record in any way of a decision that's been made. It would just be made and, one presumes, people instructed to fulfill it.

10:10

So that's the only amendment that I am suggesting for this Bill. I think there are a lot of other ones that could be done, but we'd be essentially starting over there.

Having said that, I move to adjourn debate.

THE CHAIRMAN: The hon. Member for Edmonton-Centre has

moved that we adjourn debate on Bill 8. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: All those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: The motion is carried.

The hon. Deputy Government House Leader.

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

[Motion carried]

[The Deputy Speaker in the Chair]

MRS. LAING: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports Bill 12. The committee reports progress on Bill 8. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

[At 10:12 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]