

## Legislative Assembly of Alberta

Title: **Thursday, May 29, 1997**

1:30 p.m.

Date: 97/05/29

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Good afternoon.

Let us pray.

We give thanks to God for the rich heritage of this province as found in our people.

We pray that native born Albertans and those who have come from other places may continue to work together to preserve and enlarge the precious heritage called Alberta.

Amen.

Please be seated.

Mr. Clerk, just a second.

Before the Clerk proceeds with the Routine, hon. members, this afternoon the House will be graced with the presence of His Honour the Lieutenant Governor, and we'll proceed with the Lieutenant Governor and Royal Assent at the conclusion of the Routine, right after Projected Government Business and before any purported points of order might be dealt with.

Please continue.

head: **Introduction of Bills**

THE SPEAKER: The hon. Minister of Justice and Attorney General.

### **Bill 20 Conflicts of Interest Amendment Act, 1997**

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I request leave to introduce a Bill being the Conflicts of Interest Amendment Act, 1997.

[Leave granted; Bill 20 read a first time]

THE SPEAKER: The hon. Minister of Environmental Protection.

### **Bill 22 Environmental Protection and Enhancement Amendment Act, 1997**

MR. LUND: Thank you, Mr. Speaker. I request leave to introduce a Bill being the Environmental Protection and Enhancement Amendment Act, 1997.

[Leave granted; Bill 22 read a first time]

head: **Tabling Returns and Reports**

MR. DAY: Mr. Speaker, on behalf of the Minister of Municipal Affairs I'm tabling a document which describes the pieces of legislation which concern the consumer-related issues related to that department and will help the opposition to understand the difference between those issues and health issues and highways issues and other issues like that.

Thank you.

MS BARRETT: Mr. Speaker, it gives me pleasure to file with the Assembly today four copies of that which the Health minister has so steadfastly refused to provide to members of the public, and

that is the full business plan of the Health Resource Group.

Thank you.

THE SPEAKER: The hon. Minister of Energy.

DR. WEST: Yes, Mr. Speaker. In response to a question from the hon. Member for Lethbridge-East, I would like to table copies of the ammonite regulatory review process. This review is consistent with our overall government objective to streamline and get rid of unnecessary regulations. Accepting applications for ammonite shell agreements for lands shown on our ammonite shell maps on a first come, first served basis is consistent with the past procedures for lands containing minerals which the province does not collect a royalty on. We'll be mailing this to all of those involved in this industry.

THE SPEAKER: The Speaker as well has the honour today of tabling copies of a memo from the hon. Member for Calgary-Cross to the Speaker advising that the hon. member

would like to bring Bill 205, the Protection from Second-hand Smoke in Public Buildings Act, to Third Reading on Tuesday, June 3, 1997.

The Speaker would note, however, that currently on the agenda for that day is Bill 208. It's up for second reading, has 86 minutes left in it, and it is possible that Bill 205 will not be considered at third reading until Wednesday, June 4, 1997.

The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Mr. Speaker, I have two documents to table this afternoon, four copies of each as required. The first one deals with a letter from a constituent of mine, actually addressed to the *Edmonton Journal*, that talks about a young man, 30, going through McDonald's eating leftovers of other patrons.

The other, Mr. Speaker, is addressed to the Premier, and it refers to what happened in the municipality of Wood Buffalo and what's happening in other communities and asks the Premier to resolve this issue once and for all by holding a provincewide plebiscite on VLTs.

head: **Introduction of Guests**

THE SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. STELMACH: Thank you, Mr. Speaker. It's indeed a pleasure and a honour to introduce to you and through you to members of this Assembly 22 distinguished guests from the sausage capital of Alberta, Mundare. Present in the gallery are seniors from the Mundare Senior Citizens Centre led by Mr. Lloyd Sereda, the very active president of the Mundare senior citizens club. I would ask that they rise and receive the traditional warm welcome of the Assembly.

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

MR. JACQUES: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you a total of 72 visitors from the Parkside elementary school in the vibrant and beautiful city of Grande Prairie. They include grade 6 teachers Dan Woodman and Kip Kurylo. There's also a total of 16 adults with them. They are seated in both galleries, and I would ask them to rise and receive the warm welcome of the Legislature.

MRS. McCLELLAN: Mr. Speaker, it is my pleasure to introduce to you and through you to all members of the Assembly Mr. Yong-Teok Paek. He is the director of the planning office from Alberta's sister province of Kangwan, Korea. Alberta and Kangwan have been twinned for over 20 years and have a very active relationship, especially in the field of sports exchanges. In fact, we just hosted a group of fencers from that province a few weeks ago, and our fencing team will visit Kangwan in 1998. Mr. Paek is in charge of international affairs, planning research and development for Kangwan. He is visiting our province for meetings with officials to review and initiate Alberta/Kangwan bilateral activities. Mr. Paek is accompanied by Mr. Shin, Mr. Han, and Mr. Kim and as well Mr. Marvin Schneider, I believe, from Federal and Intergovernmental Affairs. I would ask our guests to please rise and receive the very warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Edmonton-Calder.

MR. WHITE: Thank you, Mr. Speaker. I'd like to introduce to you, sir, and through you to the members of the Legislature a young woman that is becoming a friend, a young woman that is shown to be a very good worker, a young woman that is actually the daughter of another very good worker in our offices. I'd like to introduce to you and through you two wonderful people in the gallery. I'd like to introduce Jackie, who's the daughter of Celeste Best. If they'd please rise and receive the warm welcome of the House.

THE SPEAKER: The hon. Member for Banff-Cochrane.

MRS. TARCHUK: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to members of the Assembly two very special people to me, an aunt and an uncle, Bill and Joy Bonikowsky, who are visiting our wonderful province from Vancouver, attending a conference. I should also add that they continue to do very good work in British Columbia with and for young people through the Youth For Christ organization. If they would stand, please, and receive the warm welcome of the Assembly.

1:40

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

MR. SAPERS: Thank you, Mr. Speaker. Today it's my privilege to introduce to you and all members of the Assembly Mr. Brian Aaberg, who is a teacher at McMan Youth Services' Tower Road school. Mr. Aaberg has brought with him to the Assembly today three students from his school: Mr. Jesse Davis, Mr. Brad Greenaway, and Mr. Jason Hamer. I would ask that Teacher Aaberg and his three young scholars please now stand and receive the warm welcome of this Assembly.

head:

### Oral Question Period

#### Homeless People

MR. MITCHELL: Mr. Speaker, yesterday the Minister of Family and Social Services stated that homelessness "is a problem in rural Alberta and we are looking [into] that." To the Minister of Family and Social Services: how many homeless people live in rural Alberta, or is his department failing to track that as well?

DR. OBERG: I would like to thank the Leader of the Official

Opposition for that question. Yesterday I stated that there are homeless in rural Alberta as well. Mr. Speaker, there is no doubt that there are homeless in rural Alberta. One of the biggest problems that we have is tracking down and actually quantifying what number these are. I'm sure that everyone who is from a rural constituency knows at least one or two or three or four people that are in that category. I'm not proud of this as Minister of Family and Social Services.

Mr. Speaker, we do have to find a way to bring these people in, to give them the help that they need. It's a very difficult job, but the staff in my department is very good. They do the best they can, and they're working very hard to do that.

MR. MITCHELL: Since the minister, as he stated yesterday, has known about homeless people since he was a doctor in rural Alberta, even prior to becoming a Member of the Legislative Assembly, I wonder what steps, rather than just looking into it, he has been suggesting over his years in the Legislature to deal with the homelessness problem in rural Alberta.

DR. OBERG: I will reiterate what I just said, Mr. Speaker. It's an extremely difficult job to track down the homeless in rural Alberta. What happens in rural Alberta is that often the community embraces these homeless and does give them a home. Still, some of them do go out on the street, and this is a very unfortunate circumstance. It's again one of those issues that is very difficult to deal with. The staff in my department is doing their utmost to deal with it, and I'm very confident that my staff can look after it.

MR. MITCHELL: It's not the staff's responsibility to look after it, Mr. Speaker. What is the minister's specific action? What actions, not looking at, has he taken, is he proposing to take to deal with the homelessness problem in rural Alberta?

DR. OBERG: Again I will reiterate: the staff in my department – and it is a staff's issue. Mr. Speaker, if I could be in every community around Alberta, if I could be in every community today, you know, I would do it to try and find it out. I rely on my staff to give me the contacts back, to give me the programs to look after that.

The hon. Leader of the Opposition made reference to: when I was a physician, what did I do? Well, Mr. Speaker, we did see these patients. We saw them very often, and we tried our best to get them to essentially come in from the cold. Some we were successful on and others we weren't, but it's a very difficult problem.

I would advise the hon. Leader of the Opposition that there is a homeless conference in Calgary this weekend that he's more than able to attend. Mr. Speaker, for your information again, there's a consultation summary called the Homeless Initiative Ad Hoc Steering Committee Consultation Summary that will be released there tonight, and I would really advise the hon. Leader of the Opposition to attend that conference.

#### Private Health Services

MR. MITCHELL: Mr. Speaker, just a month ago the Premier called upon government MLAs to support either the federal Conservatives or the federal Reform Party, both of which . . . [some applause] We're all very interested to see the warm and enthusiastic support from government backbenchers and frontbenchers for two parties that support two-tier, for-profit health

care. Now the Premier is calling on other western Premiers to join him in demanding that Ottawa give more powers to the provinces over health care so that he can promote his private hospital, privatized health care agenda. It's very obvious that any further regionalization of health care will make Canada even more vulnerable to for-profit, inefficient, American style health companies. To the Minister of Health: is the government caucus backing the Conservatives and the Reformers because Charest and Manning support their kind of health care: two-tier, privatized, commercialized, Americanized health care?

MR. JONSON: Mr. Speaker, it is clear and I know that the Premier is making it clear that this government makes its own decisions in the interests of Albertans with respect to health care policy.

Secondly, Mr. Speaker, the Premier has stated at the Premiers' Conference, as I understand it, that we are fully supportive of an effective and efficient health care system, a public health care system. We want to be able to manage it in the most flexible and effective manner, and he has reiterated our support for the principles of the Canada Health Act.

MR. MITCHELL: Perhaps the Minister of Health can tell us this: is his Premier attempting to open more doors for Alberta-based private hospitals and Alberta-based privatized health care initiatives with the other western Premiers over the next several days?

MR. JONSON: Mr. Speaker, what our Premier, the Premier of this province, is endeavouring to do is to make sure that there is a partnership between the federal and provincial government with respect to a number of important matters and particularly in this case health care. He wants to make sure that there is a clear understanding and clear communication between the two levels of government. I've said that he's reiterated his support for a top quality health care system in this province and for adherence to the principles of the Canada Health Act. He is saying that there needs to be open communication, that there needs to be co-operation between the two levels of government, and that the provinces need to be able to manage their health care system in an effective and efficient manner.

MR. MITCHELL: Yeah. In the interests, then, or their interests, of open communications at the federal level, could the Minister of Health please explain, clarify whether he's received any guarantees from either the federal Conservatives or the federal Reformers that they will, in fact, allow greater two-tier, Americanized medicine to be practiced in Alberta when and if they form the government of this country?

#### **Speaker's Ruling Questions outside Ministerial Responsibility**

THE SPEAKER: Hon. members, *Beauchesne* 409 makes it very, very clear here in (10) that "a question ought not to refer to a statement made outside the House by a Minister." The Chair is totally unaware that there is a federal representative who is elected to this Chamber who could comment on the positions of their respective federal parties. This is a provincial Legislature.

Hon. minister, if you want to respond to some portion of that question, feel free to do so. If you choose not to, feel free to do so as well.

#### **Private Health Services**

*(continued)*

MR. JONSON: Mr. Speaker, I certainly appreciate your wise ruling, and I will simply say that as an individual minister I've had no such contact.

THE SPEAKER: Third opposition main question, the hon. Member for Spruce Grove-Sturgeon-St. Albert.

1:50

#### **School Bus Safety**

MRS. SOETAERT: Thank you, Mr. Speaker. You know, a year ago we told this government that with deregulation and privatization of school bus safety our children would not be safe. Now, the minister boasts about rehiring 28 transport officers, but he neglects to mention that these officers only have one week of training, none of which is about propane-powered buses. That's half our school buses in Alberta. Four out of five school buses inspected yesterday failed the inspection just after having dropped off our children. To the minister responsible for getting our children safely to school: when will the minister secure the safety of our children and put an end to self-inspection of school buses and ensure that the people inspecting those buses are qualified to inspect propane-powered vehicles?

MR. PASZKOWSKI: Thank you, Mr. Speaker. The safety of our children is also our concern. Our primary objective is to see that the buses as well as carriers as well as all highway service in Alberta is as safe as it possibly can be.

Certainly the school bus issue is something that's key and very, very important to us. That was why, Mr. Speaker, we put together the plan that we announced in early April regarding the safety front issue as far as school buses are concerned. That is why we are dealing with the issue in a comprehensive way. We published a schedule of events. That schedule is still in place, and we are still moving towards that schedule. We are working with the various police agencies. We are working with all the safety agencies that are in place. Indeed, this is a program that was put together in conjunction with 30 stakeholder groups in this province who share our concerns regarding safety. It is indeed something that we are moving on. It's something that we are consulting with the various police forces on. We're in constant communication. Ultimately at the end of the day we are going to see safe school buses, just as we are going to see safe carriers in this province.

MRS. SOETAERT: Thank you, Mr. Speaker. My second question: does the minister realize that under the freedom of information Act he must release information about a significant risk to the safety of the public? Like every other parent with a child on a bus, I want to know how many buses aren't safe. You have that information.

MR. PASZKOWSKI: Well, Mr. Speaker, it's an unusual question to ask. [interjection] Indeed if we knew that there was an unsafe bus, we would see that that bus was . . .

THE SPEAKER: Hon. minister, I and all members of the Assembly would like to hear your answers.

So shh.

Hon. minister, from the top again.

MR. PASZKOWSKI: Thank you, Mr. Speaker. Indeed, from our perspective it's very key and very important that all the school buses in this province are safe. That's ultimately our objective, and that's what we are continuing to work towards. We have developed a strategy, we have developed a process, and we have developed a calendar that we are going to abide by. Indeed at the end of the day it's our objective to see that the buses are as safe as is humanly possible.

MRS. SOETAERT: Four out of five failed yesterday.

My final to the Minister of Education: why is the minister, through underfunding education dollars, forcing school boards now to choose between our children's safety and their education? I just don't get why you don't care about these kids.

MR. MAR: Mr. Speaker, we do give transportation grants to school boards for the provision of services of getting kids to school safely. I have not examined all of the contracts that are struck between the school boards and the transportation companies, but it is a common clause in those contracts that the transportation company that undertakes to provide that service will do so in accordance with the terms of the Highway Traffic Act and ensure that there are safe buses for these children to go to school. If those contracts are not being abided by by the transportation companies in accordance with their own terms, then they ought not to be bidding for those contracts. There is an obligation, a responsibility on the part of school boards to ensure that the terms that they strike are in fact being upheld by the transportation companies that submit these bids for kids to be transported safely to schools.

THE SPEAKER: The leader of the ND opposition, followed by the hon. Member for Edmonton-Beverly-Clareview.

The Chair feels that he has to clarify something. It was shh. S-c-h.

Hon. member.

#### **Health Resource Group Inc.**

MS BARRETT: Thanks for the spelling lesson.

Mr. Speaker, I had an interesting meeting this morning with the president and one of the directors of the Health Resource Group out of Calgary. Very interesting. They tell me that they believe the public system in the Calgary regional area is not, quote, undersourced, yet they say to me: oh, but our facility, which they're not going to officially call a hospital, will be able to accommodate, for example, in the ski season more accidents than the public system can accommodate. Look at what they put in writing in the full business plan, that the minister has had for weeks.

Other contracted services including the care of longer stay inpatients transferred from public hospitals who are recovering from medical, surgical or rehabilitation intervention.

My question to the Minister of Health is: given that this is in black and white, why hasn't he told that group no?

MR. JONSON: Mr. Speaker, first of all, I would like to just indicate that I am pleased that the hon. member has availed herself of an opportunity which I had invited her to access some time ago and that the business plan has been previewed by the hon. member.

Now, with respect to the question – and, of course, Mr. Speaker, I was not privy to their particular conversation – I have

indicated in this House and I would want to emphasize once again that I have communicated by letter with all the regional health authorities of this province and indicated that I would want to review and to approve any contractual relationship with an entity such as this and that in doing so, I would certainly want to be ensuring that the principles of the Canada Health Act are being adhered to and further that there is no detriment to the good quality health care service provided by the public health care system.

MS BARRETT: Mr. Speaker, they made it very clear to me this morning that they want to take advantage of all the closed hospital beds in the Calgary region. That's the target they're after. Why won't the minister now admit that the HRG facility – in other words, hospital – wants the best of both worlds by operating both inside and outside the public health care system; in other words, double-dipping?

MR. JONSON: Mr. Speaker, as I indicated, I was not privy to their particular conversation, although I'm glad that they did have an exchange of views and information was provided. The point here is that we are committed to providing for a good public health care system in this province. We are committed to adhering to the requirements of the Canada Health Act, and that is our position, which we are following through on.

MS BARRETT: Well, Mr. Speaker, it's been my pleasure to do the research for the Minister of Health, and in that context I offer this: will the minister commit to putting back all the money that they took out of health care so that we can get those hospital beds open so that there would be no need and no room for a private hospital?

MR. JONSON: Mr. Speaker, first of all, we have in our reinvestment strategy as a government certainly made health care a priority, and I could but I will not take the time of the House to reiterate all the initiatives that were announced in this regard on November 24 and since that particular time.

Secondly, Mr. Speaker, in the system we have put additional resources into long-term care, into home care, into alternative settings, which are, I think, agreed to by all hon. members as being good initiatives in terms of the future needs of the health care system. Certainly no one in this province in certain areas would contemplate another reopening and major growth in acute care beds. The important thing here is that we need the required number of acute care beds to meet the needs of the system, and that is what our goal is.

THE SPEAKER: The hon. Member for Edmonton-Beverly-Clareview, followed by the hon. Member for Edmonton-Riverview.

#### **School Construction and Renovation**

MR. YANKOWSKY: Thank you, Mr. Speaker. My questions are all to the hon. Minister of Education. Mr. Minister, Edmonton public school trustees voted to ask Alberta Education for \$27.5 million to modernize 15 schools in 1998-99. Can the minister explain what he is prepared to do with this request?

2:00

MR. MAR: Mr. Speaker, as the member indicated, there is a request from the Edmonton public board for \$27.5 million. I

want to clarify that that \$27.5 million is divided into two different areas. First of all, \$9.1 million is for 1998-99 capital projects. Those projects have already been approved in principle, and those announcements were made in December of last year. The School Buildings Board will make a decision for final approval on those coming forward in this coming December.

The additional \$18.4 million is a new request for funding for the school year 1999-2000. Those requests will be considered along with other submissions from school boards throughout the province. Decisions about whether those will be approved in principle will be made later on this fall.

The approval process is a rigorous one, and a number of criteria are applied to examine these requests from school boards throughout the province objectively.

MR. YANKOWSKY: Thank you, Mr. Speaker. Edmonton public schools educate about 15 percent of Alberta students but in recent years have only received about 10 percent of the available capital funding. Can the minister explain the rationale for this funding distribution? Why is Edmonton getting 10 percent less?

MR. MAR: Mr. Speaker, the School Buildings Board makes its capital funding decisions on a number of criteria, including health and safety requirements, the critical need for new classrooms, and essential modernization. I think, in listening carefully to the hon. member, that he's probably correct in the figures that he referred to, but in recent years the Edmonton public school board has experienced a decline in their student enrollment, and as a consequence their requirement for new construction is somewhat less than in other parts of the province where jurisdictions have in fact experienced growth in their student numbers. That is the reason for the lesser amount of funding for the Edmonton public school board.

MR. YANKOWSKY: Thank you, Mr. Speaker. Edmonton public schools indicate that there are over 100 schools in their jurisdiction alone that are in need of upgrading, excluding the rest of the province. Mr. Minister, are there or will there be adequate funds available to upgrade and keep Alberta schools safe for our children?

MR. MAR: Well, Mr. Speaker, I strongly am of the view that we do appropriately fund capital requests in the province of Alberta. It should be noted that of the almost 1,600 or 1,700 schools in the province of Alberta, about two-thirds of them are older than 25 years. As a result, there has been an increasing demand for upgrading and modernizing of older schools. We will continue to monitor the requests as they come in. I can advise the House that in 1996-97 capital funding was increased to \$110 million, '97-98 to \$122 million, '98-99 to \$140 million.

Mr. Speaker, the issue of capital facilities is an important one because of the growth of students in the province of Alberta and the need to maintain existing school buildings. As a consequence, on 10 February of this year I did announce a task force that will look into the issue of capital facilities, that will be headed up by the hon. Member for Innisfail-Sylvan Lake.

#### Social Assistance

MRS. SLOAN: In 1996 following a recommendation from the Auditor General, the Department of Family and Social Services commissioned or was to commission a study to produce an objective assessment of the impact of welfare reforms initiated in

1993. Terms of reference for the project required that the report be completed by a consultant with knowledge of income support, employment programs, social issues, and policies. My questions are to the Minister of Family and Social Services. Given that the project report was required by the end of March 1997, over two months ago, will the minister indicate what the status of the report is and when he intends to table it in this Assembly?

DR. OBERG: Thank you, Mr. Speaker. The hon. member is absolutely right: one of the recommendations that the Auditor General asked us to do was take a look at exactly what is happening to the welfare system. The C.D. Howe Institute wrote that we are the best example of a welfare system in Canada and that the rest of Canada should emulate what we're doing, but the Auditor General, in all fairness, did raise some very good questions. Quite frankly he asked: where have the welfare recipients gone that have gone off welfare? We put it out to bid; we asked the Canada West Foundation to come back to us with the report. As of today I have not seen the report, and the report has not been over across my desk, but as soon as I see the report, it will be tabled in the Legislature.

MRS. SLOAN: Thank you, Mr. Speaker. Given your statement that this was tendered – the project was \$60,000. To my knowledge it was not publicly tendered, but I'm wondering if you could table evidence of that in this Assembly and also provide the criteria which prompted your department to choose the Canada West Foundation in light of the specific criteria which I named to the Assembly in my preliminary remarks.

DR. OBERG: Thank you, Mr. Speaker. Any time we put out a tender, it's purely a public process. I would be more than happy to bring in to the Legislature any data that we have available for it, but I will not bring anything into the Legislature that will put the Canada West Foundation or any other bidder at risk.

MRS. SLOAN: Thank you. Mr. Speaker, again to the Minister of Family and Social Services: what is the likelihood that the report will demonstrate that many of the homeless you allege have chosen the street by choice are in fact past recipients of programs from your department?

DR. OBERG: Mr. Speaker, to guess what the report is going to say, I think, is rather foolish. We will certainly accept what the report says, and we will look at it very closely. We objectively asked a foundation to come and give us a critique of our welfare programs, which I feel is very open on behalf of the past ministers that have served in this department. We are not going to hide anything. We will bring it forward. We accept any critique. In our business of Family and Social Services we aim to do a hundred percent of the job, but as the hon. member knows, we don't always do it. That is not through fault of our department. It's a very difficult portfolio. It's a very difficult scenario when people choose one way or the other.

Mr. Speaker, the Canada West Foundation hopefully will track down these people, they will ask them, and we will bring that forward. It's in our best interest to have the people of Alberta know what happened to these 90,000 people to go down to 39,500, which was the lowest welfare level in 15 years.

THE SPEAKER: The hon. Member for Calgary-North Hill, followed by the hon. Member for Edmonton-Mill Creek.

### Air Traffic Safety

MR. MAGNUS: Thank you, Mr. Speaker. My questions are all to the Minister of Transportation. After spending \$15 million in 1991 on a state-of-the-art air traffic control facility in Calgary, the third busiest airport in the country, Navigation Canada will shut down this facility, which handles instrument flight rules aircraft which is all commercial, passenger type aircraft, transfer 32 highly qualified professional controllers to Edmonton, gut the equipment from this state-of-the-art facility, and send it to Vancouver and Toronto. [interjections] I'm amazed that the Liberals aren't concerned about the safety aspects. My first question is: if this is a 10-year plan, as Navigation Canada states in their news release, why did the federal government spend \$15 million on this facility in 1991?

#### Speaker's Ruling

#### Questions outside Ministerial Responsibility

THE SPEAKER: Hon. member, federal matters are not within the competence of provincial ministers. [interjection] Hon. minister, the question to the provincial minister was: why did the federal government do something? That was the question, bottom line. Now, hon. member, would you proceed with a second question, but this is a provincial parliament.

2:10

### Air Traffic Safety (continued)

MR. MAGNUS: Thank you for that ruling, Mr. Speaker. This has to do with safety and efficiency of the system in Calgary. The equipment in Edmonton that controllers use is 20 years old, as opposed to Calgary's current state-of-the-art equipment, and lacking many functions of the newer equipment. Will the minister be making representation to the federal government or Navigation Canada about the safety aspects?

MR. PASZKOWSKI: Indeed, Mr. Speaker, and this is a very, very valid question, because it does involve safety of air travel in Alberta, and one that we obviously share concern about. The hon. Member for Calgary-North Hill was correct. This is federal jurisdiction, a federal decision to privatize the whole process, and ultimately in the privatization process there is a consolidation that's taking place. Staff is being relocated from Calgary to Edmonton. But the big concern and the major concern is that we are actually moving the state-of-the-art equipment from Calgary to Vancouver and to Toronto. Consequently we're moving backwards 20 years as far as the quality of the equipment is concerned. So indeed this is a primary issue as far as safety is concerned. We're actually taking a step backward in the whole process as far as the delivery of the service through the equipment that is here. Indeed this is of concern, and certainly we will be expressing our concerns as have been identified here now.

MR. MAGNUS: Mr. Speaker, then, my third question, and I'll await your ruling on it: is there any possibility that this issue is connected to the army base moving from Calgary to Edmonton . . .

THE SPEAKER: The hon. Member for Edmonton-Mill Creek, followed by the hon. Member for Wainwright.

#### EDO (Canada) Ltd.

MR. ZWOZDESKY: Thank you. Mr. Speaker, we now know that Alberta taxpayer losses in EDO (Canada) Ltd. will actually

total \$9.6 million because the government-owned shares in that company had no value or, in the Treasurer's own words, there was no market for EDO shares. However, in December 1995 two very large Japanese companies, Toray Industries and Sumitomo Corporation, who have combined sales of over \$200 billion worldwide, bought \$5 million worth of shares in EDO (Canada), giving them a 16 percent ownership in that company. Today I'm tabling excerpts from the shareholder's agreement between EDO (Canada) Ltd. and the government of Alberta, which explains how government shares in EDO (Canada) could have been sold or transferred. My questions are to the Provincial Treasurer. How can the Treasurer say that the government's shares in EDO (Canada) had no value and that there was no market for these shares when two Japanese companies paid \$5 million to buy a number of EDO (Canada) shares just over a year ago?

MR. DAY: Mr. Speaker, I think that if I were an opposition member, I would probably be frustrated if all I wanted to do was try and create a negative aura in the province. Things are going so well in this province, not just from the economic indicators that we have within the province, but whether we're talking about the Conference Board of Canada, the Bank of Canada, whether we're talking about international rating agencies, whether we're talking about investment from within, whether we're talking about new home building, whether we're talking about expansion, this province is number one in Canada, leading the nation. Leading the nation. So it would be interesting, it would be so much better if opposition members would help us to steer this very significant growth period that we are in.

It's a wonderful time we're in, but what do we get? We get living in the past. They dig into the past of previous administrations and dredge up publicly accounted, very clearly publicly accounted, deals from the past to try and deflect from what is going on now and in the future.

The member opposite just mentioned the Japanese share of 16 percent. I gave him that information yesterday. He didn't have it yesterday. I gave it to him here in this Assembly. I can imagine his reaction, Mr. Speaker, if we had bought shares in December at that kind of dollar worth and they cratered today. Can you imagine the reaction? Yet he's praising the Japanese investors for jumping in, and now that thing's gone down the tubes.

MR. ZWOZDESKY: Mr. Speaker, I did not intend to inflame the Provincial Treasurer. I'm simply asking: why didn't the government look at selling its shares back in December of 1995, when they obviously had a proven value of at least \$5 million? Taxpayers could have perhaps recouped some of the losses. Why didn't you look at selling them then?

MR. DAY: Well, he's just repeated the question. I'll repeat the answer. I'm glad I'm not sitting around the boardroom, one of those tables, of the Japanese company explaining the wisdom of buying those shares just a few months ago and now they've cratered and are worth zero. I'm glad I'm not sitting around that table trying to explain that one, Mr. Speaker.

MR. SAPERS: No, no. Sell, Stockwell, not buy. Sell. Recover the losses and protect taxpayers.

THE SPEAKER: Hon. Member for Edmonton-Glenora, please. You have your colleague who has the floor.

MR. ZWOZDESKY: I hope we live long enough to actually one day have real answers compelled to be given.

Perhaps the Provincial Treasurer could at least tell us on what basis the government determined that those shares had little or no value when two Japanese companies felt that they did. What was your basis for determining that they didn't, and why didn't you sell them? That's the question, Stock.

MR. DAY: I wish that after Bre-X had crashed I had some shares to sell this guy, because he would have scooped them up. He would have been right in there: buy the ones that are under a disaster.

Mr. Speaker, we're talking about valuations here, and this particular company and its shares are valued, and the downgrade on the values is listed in public accounts. It is very publicly listed. I would like to table at this point – it will need a couple more pages here – the last five years of public accounts. It's all there.

They are living in the past. I heard an interesting quotation: nabobs of negativism. Nabobs of negativism. That's what we're hearing. Mr. Speaker, I appeal again to the opposition members: help us to continue to steer this wonderful province into an ongoing age of productivity, an ongoing age of optimism. From around the country people are coming to Alberta, and they're saying that Alberta is the place to be. Help us. Give us a hand. Help us out. Don't live in the past, but help us out.

In the past one or two of their members, Mr. Speaker, have been positive. One or two of their members in the past have been positive, have given us good suggestions, haven't been mired . . .

Thank you, Mr. Speaker.

### Speaker's Ruling Provoking Debate

THE SPEAKER: I'm sure it's probably redundant at this point in time for the Speaker to quote *Beauchesne* 417, which indicates that "answers . . . should not provoke debate." Questions the same way as well. It must be the temperate-coloured suit today. I'm sure it is. The Chair will anticipate this in the future and only fear when it's a dark-coloured suit.

The hon. Member for Wainwright, followed by the hon. Member for Calgary-*Buffalo*.

### 2:20 School Closures

MR. FISCHER: Thank you, Mr. Speaker. My question is to the Minister of Education regarding the very sensitive issue of school closures. Closing schools in some cases rips the heart right out of communities. One of the major goals in our three-year business plan is to encourage more community and parent involvement. Closing schools and forcing long bus rides completely ignore this goal. The Minister of Education recently approved the closure of three schools: the Waverly school in Stettler, the Halkirk school, and the Heisler school. He did this after meeting with the parents in these communities and hearing their strong opposition to closing these schools. Why has the Minister of Education ignored the wishes of these communities and agreed to close the schools? Is that the Alberta advantage for rural communities?

MR. MAR: Closing a school is an often difficult decision to make, but it is a decision which is a local decision, Mr. Speaker. It is one made by the school board with the input of the community. My role as the Minister of Education is to ensure

that the board's procedure for closing the school is consistent with provincial and local policies.

Now, I did attend with the hon. member to visit with the parents of students who attend schools in Halkirk, in Heisler, and in Stettler at the Waverly school, and I certainly did hear their concerns about those schools closing. I've also reviewed all of the material that was provided by the school boards on their school closures, and I did find that those school boards did make the difficult decision but did go through the appropriate policies and procedures that are set out for the closure of schools.

Mr. Speaker, local school trustees are elected. They do make decisions. They are sometimes tough decisions. But I'm satisfied that in the case of the closure of these three schools they did in fact take into account the viewpoints of their parents, they did have input from the community, and they did follow their procedures, and accordingly I approved their request to have those schools closed.

MR. FISCHER: Mr. Speaker, if the school closure is a school board decision, then how can the minister ensure that the wishes of the community school councils are heard and respected by the local boards?

MR. MAR: Mr. Speaker, I would not approve a school closure request by a local board unless I were satisfied that the local board had followed the following procedures: that there was advertising, organizing, and holding of public meetings; that there was informing of the parents of the educational, financial, and other implications of closing the school; that there were presentations heard from the community; and that there was an investigation conducted by the school board of the alternatives to the closure of the school.

Just parenthetically, Bill 21, the School Amendment Act, 1977, proposes to put those procedures into regulation so that then by law school boards will have to follow them. But I must stress, Mr. Speaker, that school boards are elected by people in the community, and those are the appropriate people for parents and other concerned people to speak to respecting the decision to close a school.

MR. FISCHER: Thank you. To the same minister then: will the citizens of Halkirk and Heisler see their schools reopen in the future, and will the minister give consideration to charter school status so they can operate their school in their own community?

MR. MAR: There are two questions there. I'll answer the question respecting the charter school application first. I'm of the view, Mr. Speaker, that charter schools are a very positive alternative in some cases to other types of public schools, and if a local community felt strongly that they did have a positive charter school application, I would certainly give that full consideration.

Mr. Speaker, with respect to the reopening of these schools that reside within the hon. member's constituency, I would encourage him to get together with the trustees from the Battle River regional division, the school board, to talk to them about this issue. It is not within my purview as minister to commit to reopening those schools. The reopening of the schools, again, would be a local decision.

THE SPEAKER: The hon. Member for Calgary-*Buffalo*, followed by the hon. Member for Red Deer-*South*.

### Mental Health Services

MR. DICKSON: Thanks very much, Mr. Speaker. The plan for mental health services that was released just last week by the government's Provincial Mental Health Advisory Board leaves a number of major issues unaddressed. The divestment to communities is going ahead next spring, yet the funding increase to enable this is less than \$3 million. To cash-strapped community mental health programs already in place this very modest amount falls far short of the \$13.4 million that was recommended by the previous board. In fact, last night at the public meeting of the Capital health authority this was an issue of concern. My question this afternoon is of course to the Minister of Health. Given that community mental health programs are already underfunded, how will this very modest increase translate to any meaningful, substantial change?

MR. JONSON: Well, Mr. Speaker, I wish to preface my answer by indicating that mental health reform and the relative transfer of resources to communities through Alberta Health and through Family and Social Services has been going on in this province for some time. In fact, I think to a considered degree it has been ahead of developments within the physical or acute care system. Some years ago a comparison with other industrialized countries – I think it was nine in number – indicated that our number of acute care and tertiary care hospital beds dealing with mental health in this province was the lowest among that group. Since that period of time the number of acute care hospital beds and tertiary care hospital beds, particularly the tertiary care beds, has been reduced further. So there has been a shifting of what resources are available to other programs based across the province.

Now, Mr. Speaker, as was indicated in the Provincial Mental Health Advisory Board's plan, there is a significant additional amount of money being transferred to make sure there's a degree of fairness in the funding for community programs. In terms of additional resources which might be available in the future, certainly I as minister will be endeavouring to make sure that mental health has every consideration and is given a proper priority. This identified \$13.4 million which was really not available I cannot comment on until our next budget is set.

MR. DICKSON: My follow-up question would be this: if the minister refuses to close the large mental health hospitals, the 800 beds at places like Alberta Hospital Ponoka and Alberta Hospital Edmonton, would he be good enough to tell us where the necessary funding is coming from to make sure these community programs are up and working?

MR. JONSON: Mr. Speaker, as I have clearly indicated, we do not have an excess by any modern standards of acute and tertiary care psychiatric treatment beds in this province. So let's start from that particular point of view. Secondly, when we talk about closing hospitals, I realize that there are certain organizations to which the hon. member may be listening that would advocate that there should be some massive closing of these hospital beds, but I come from the point of view that we should be providing the proper care for very needy and vulnerable people who do need hospital care. They do need preparation for transfer to the community. They do need the opportunity to return and to be provided with proper treatment.

Mr. Speaker, I'm really surprised by the hon. member because he seems to be advocating now what has been the experience of the American system as far as mental health is concerned, and that

is that where there have been massive and not thought out and not carefully considered transfers of vulnerable patients to the community, sometimes to the streets quite frankly, we have seen a great growth in private psychiatric hospitals because there's not been adequate service from the public system.

MR. DICKSON: A great red herring, Mr. Speaker.

My final question would be this. If the minister wants to do a needs analysis, let me ask him: if 75 percent of mental health services in this province are provided outside the three big mental health hospitals, why do they rate so low on your priority list?

2:30

MR. JONSON: Well, Mr. Speaker, the hon. member I believe, if I recall correctly, did attend upon the meeting of the standing policy committee when the Provincial Mental Health Advisory Board made its presentation. I'm sure that he was able to see, although he was at one end of the room, a very clear accounting through a graph of the relative expenditure in mental health in this province among the various departments and various services. He quotes 75 percent. As I recall, 22.8 percent is spent in the hospitals that he refers to. If I subtract from that, I believe you come up with over 75 percent being spent in other services across the province, which is right on what he's saying.

### Members' Statements

THE SPEAKER: We have three member's statements today. The hon. Member for Calgary-Currie first, followed by the hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Edmonton-Beverly-Clareview.

The hon. Member for Calgary-Currie.

### Grad Celebrations

MRS. BURGNER: Thank you, Mr. Speaker. It gives me a great deal of pleasure today to make an announcement on behalf of AADAC, which I am now chairing. AADAC recognizes graduation as a time of celebration that involves many young Albertans and their families. It is also a time when young people can be exposed to unnecessary risk. With that in mind, I am pleased to announce that AADAC has entered a partnership with several other agencies in Calgary to launch an exciting new radio campaign targeting our students. The stations involved are CJAY 92 FM and KISS FM 96.9. The Calgary Injury Prevention Coalition, which includes the Calgary regional health authority through its Calgary health services, AADAC youth services, and the PARTY programs are committed to working to ensure graduation is the beginning of a healthy future for young Albertans and is not marked by tragedy.

This partnership symbolizes an important ongoing relationship between key agencies committed to Alberta youth and their families. Mr. Speaker, it's an opportunity to promote healthy choices and to encourage young people to work together to ensure that graduation is a time to be remembered for its celebration of their accomplishments and future prospects. Our message to youth is to make responsible decisions about how to celebrate this important event, and we compliment the parents and teachers who are working with our students in recognizing this important achievement.

The agencies involved in this campaign are committed to working with youth, parents, and schools to help graduating students make healthy choices and to keep them as safe as possible as they celebrate this important milestone. We encourage them to make smart choices. We will continue to work actively with



youth, their parents, and their schools to keep them safe and to keep their dreams alive.

For any of my colleagues who are interested, I have copies of the news release from the CRHA, which will be available in my office. I congratulate all Albertan graduates in this 1997 year.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie.

### Environment Week

MS CARLSON: Thank you, Mr. Speaker. Sunday, June 1 will be the beginning of Environment Week. It is a time for all of us to pause and reflect on the importance of the environment in our daily lives, our future, and the future of our planet.

As Liberal critic for Environmental Protection, I believe it is my task to stand up for the environment. Likewise, at a time when there are many competing pressures on our land and resources, we expect the Minister of Environmental Protection to fulfill the mandate of his title and to protect the environment to the very best of his ability. We expect him to stand his ground in the government caucus and in the community to protect our natural heritage, to keep our air clean, to make our rivers pure, and to preserve unspoiled land to be enjoyed by future generations.

Unfortunately, we see the erosion of environmental protection through deregulation and industrial self-monitoring. We see policies that allow development in protected areas, privatization of many parks and recreation areas, and the selling of public lands. Many environmentalists who themselves spend thousands of hours each year trying to protect the environment are concerned about the future of this province. They have tried to meet with the minister, but without success. Here is what they recently told his executive assistant.

The minister receives good reports with good input and then totally ignores them. It is absolutely infuriating. If he won't listen to the experts he has appointed, then what hope is there that he will listen to us? I spent a lot of volunteer time going through the proper channels, and all the doors were closed. He has an appalling lack of sensitivity to the environment. Not only does he not heed us, he doesn't want us. The minister said there was no one knocking at his door. That's not true. I've gone. I wanted to be responsible and speak to him but can't get through. Others have said that not only can't they get through the repeated wall, but things are so wrong, they are giving up.

These people would like to remind the Minister of Environmental Protection that his constituents in this ministry are the birds and animals, the flora and fauna of the province. His first responsibility is to represent them. The environmentalists want to be his allies. We hope that he will open his door.

THE SPEAKER: The hon. Member for Edmonton-Beverly-Clareview.

### Social Sciences and Humanities Conference

MR. YANKOWSKY: Thank you, Mr. Speaker. I would like to share some exciting news that will impact Edmonton in a very positive way. The University of Alberta has been chosen to host the Congress of the Social Sciences and Humanities conference in the year 2000. Economic Development Edmonton predicts that the conference will provide a huge boost to the local economy, and it is estimated that the total economic spin-off for Edmonton and the surrounding area will be nearly \$9 million over a 12-day period.

Mr. Speaker, the Humanities and Social Sciences Federation of Canada represents some 25,000 scholars in 53 scholarly associations and 69 universities across the country and promotes teaching, research, and scholarship and the importance of such work for Canada and the world. The University of Alberta was chosen from among the 15 member western Canadian universities of the federation. The congress has been held in every Canadian province since 1949, and this is the first time since 1975 that Edmonton has been awarded the hosting of the congress.

Mr. Speaker, this is a very prestigious conference, and I believe it demonstrates that the University of Alberta is regarded as one of Canada's leading higher learning institutions. The University of Alberta in conjunction with Economic Development Edmonton worked to ensure the confirmation of Edmonton as the site for this conference in the millennium. The favourable reputation of the University of Alberta, local leadership, community and volunteer support, in addition to the superior facilities and services, all combined to support the successful bid. I would like to congratulate the University of Alberta, Economic Development Edmonton, and all other participants for facilitating an important event that this government supports and endorses: people and prosperity.

head: **Projected Government Business**

MRS. SOETAERT: Pursuant to Standing Orders I would now humbly ask the Government House Leader the projected business for next week.

MR. HAVELOCK: Is it appropriate for me to respond without an appropriate citation? Okay.

Yes. Thank you, Mr. Speaker.

MR. SAPERS: Which citation would that be, Jon?

MR. HAVELOCK: I don't know. I've never asked the question.

In any event, Mr. Speaker, on Monday, June 2 in the afternoon we will be looking at second reading of Bills 10, 17, and 21, then Government Motion 19, and then considering second reading of Bill 20. In the evening we will be looking at second reading of Bill 21 and, again, Government Motion 19.

On June 3 in the afternoon we will consider second reading of Bills 19 and 22. In the evening we're looking at Committee of the Whole for Bills 11, 16, 13, 15, and 18.

The remainder of the week, which I will certainly discuss with my opposite member, we'll be debating various Bills through second reading, Committee of the Whole, and third reading as per the Order Paper.

head:

**2:40**

head:

### Orders of the Day

#### Royal Assent

MR. DAY: Mr. Speaker, His Honour the Honourable the Lieutenant Governor will now attend upon the Assembly.

[Mr. Day and the Sergeant-at-Arms left the Chamber to attend the Lieutenant Governor]

[The Mace was draped]

THE SPEAKER: To the honourable people who are in the gallery today, what you're going to be witnessing in the next few seconds is a very historic event. The Queen's representative in the province of Alberta, the Lieutenant Governor, will enter these doors, come to this podium, the Chair will leave, and at that point

the Queen's representative will doff his hat, which means that there's third reading of a Bill that has now become a law in the province of Alberta. It happens very infrequently.

[The Sergeant-at-Arms knocked on the main doors of the Chamber three times. The Associate Sergeant-at-Arms opened the doors, and the Sergeant-at-Arms entered]

THE SERGEANT-AT-ARMS: All rise, please. Mr. Speaker, His Honour the Lieutenant Governor awaits.

THE SPEAKER: Sergeant-at-Arms, admit His Honour the Lieutenant Governor.

THE SERGEANT-AT-ARMS: Order!

[Preceded by the Sergeant-at-Arms, His Honour the Lieutenant Governor of Alberta, H.A. "Bud" Olson, and Mr. Day entered the Chamber. His Honour took his place upon the throne]

HIS HONOUR: Please be seated.

THE SPEAKER: May it please Your Honour, the Legislative Assembly has, at its present sitting, passed certain Bills to which, and in the name of the Legislative Assembly, I respectfully request your Honour's assent.

THE CLERK: Your Honour, the following are the titles of the Bills to which Your Honour's assent is prayed.

- 2 Special Waste Management Corporation Act Repeal Act
- 3 Colleges Amendment Act, 1997
- 4 Meat Inspection Amendment Act, 1997
- 8 Historical Resources Amendment Act, 1997
- 9 Election Amendment Act, 1997
- 12 Mines and Minerals Amendment Act, 1997
- 14 Appropriation Act, 1997
- 202 Crown Contracts Dispute Resolution Act
- 204 Provincial Court Amendment Act, 1997

[The Lieutenant Governor indicated his assent]

THE CLERK: In her Majesty's name His Honour the Honourable the Lieutenant Governor doth assent to these Bills.

THE SERGEANT-AT-ARMS: All rise, please.

[Preceded by the Sergeant-at-Arms, the Lieutenant Governor and Mr. Day left the Chamber]

THE SPEAKER: Please be seated.

[The Mace was uncovered]

head: **Government Bills and Orders**  
 head: **Third Reading**  
**Bill 1**  
**Freedom of Information and**  
**Protection of Privacy Amendment Act, 1997**

THE SPEAKER: The hon. Minister of Justice and Attorney General.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. On behalf of the Premier I would like to move third reading of Bill 1.

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

MR. DICKSON: Thank you very much, Mr. Speaker. In speaking at third reading to this Bill, there are couple of observations I wanted to make. The first one is: why were we even dealing with this Bill in the first place? The proposal to delete private colleges from the list of public bodies has been done with the most specious and the most vacuous reasons we've heard in this Assembly. We listened to the few government members that had the courage to stand, like Calgary-Lougheed, and attempt to put the best light on it, and she gets full marks for her effort. But I have to say that even those of us attempting to listen objectively – and sometimes that's a challenge – found that there simply weren't compelling reasons why about \$8.9 million, I think it is, of taxpayer funding to private colleges isn't reason enough to make them subject to the freedom of information Act. So that's one problem.

The other one is this: why is it that our government shows such timidity – certainly there was legal advice available to the government – that they could selectively proclaim different local public bodies so that the Act would apply to different elements at different times? In this case the government suddenly decided that, no, they wanted to come in and pass a statute to give them that power. Well, every time members here talk about respecting the value of the time of the Legislative Assembly, let's remember that sometimes the government does things and introduces pieces of legislation that aren't required.

The other thing I simply wanted to address is that despite all of the mythmaking – and we always see lots of that at the provincial government level in Alberta – despite all of the myth spinning and the myth manufacturing, the reality is that freedom of information at the local regional health authority, at the city council, at the university is no closer with the passage of this Bill than it was a month ago.

**2:50**

We still have no outside date, and in fact we have a mess of confusion. We have the *Connexion* newsletter publication of the Provincial Mental Health Advisory Board saying that regional health authorities are ready for freedom of information on October 1, 1997. We had the Minister of Municipal Affairs tell us that some municipalities will be ready in 1998, and then we have the announcement made at the freedom of information and protection of privacy conference in February of 1995 that it would be 1999-2000 before local government bodies were subject to the Act. So we had a chance here, and we've attempted unsuccessfully from the opposition side to put a cap, to put some kind of an outside drop-dead date.

Now, Mr. Speaker, what we're left with is still no outside assurance in terms of when freedom of information will apply, and I think that's a shame. I think it's exceedingly unfortunate. Why the government, which has brought in arguably the strongest, most comprehensive freedom of information law anywhere in Canada – this is one of the strongest Bills anywhere – then will fiddle around and delay and procrastinate on giving Alberta citizens the same kind of right to access information and to protect their privacy at the local level that they already enjoy at the provincial level is a mystifying thing.

The Minister of Justice would have us accept that the unanimous report of the Premier's task force on freedom of

information made a recommendation, and what that recommendation was was that within five years all local government bodies would be subject to freedom of information. There's absolutely no reason, though, why we have to take the outside date, and in fact there is the kind of excellent work that's being done in this province by the information services branch, a branch now of the Department of Labour, run by Ms Sue Kessler. They've done such an excellent job preparing the material. The colleges and universities and local municipalities have actually anticipated and planned and been actively involved in getting ready for it. There is now no good functional reason why we can't move up the date for freedom of information to apply to local government bodies.

Bill 1 is really an empty piece of legislation, and it's a testament to a couple of things. It's a testament to the government's lack of planning. It's a testament to the government's lack of focus. It's a testament to the fact that this government will still pick winners and losers. This government is prepared to not treat all public institutions equally. There's going to be a different set of rules no matter whether you're getting taxpayer dollars or not. If you're a private college, you're going to be treated differently than a public institution. For most Albertans the only test is: are you getting taxpayer dollars or aren't you? And if you are, then that means there's a corresponding obligation, responsibility, to be bound by the laws that protect the privacy rights of Alberta citizens, that protect the most basic right of Albertans: to know.

Albertans can't know and can't participate as citizens ought to be able to if they can't get information, and in fact at the local government level the fact that we continue to procrastinate on proclaiming freedom of information effectively denies those citizens the full scope of section 3 of the Charter of Rights and Freedoms, which guarantees every citizen in the province a right to vote in provincial elections. Courts have construed that to say: you can't have an effective right to vote if citizens don't have an effective right to information. They go hand in glove. It's a package, Mr. Speaker, and what we've got here is not a full package. It's not the full meal deal.

Now, one could go through it again, but I suspect that *Hansard* has already recorded lots and lots of reasons why freedom of information is important whether it's municipalities, universities, colleges, or regional health authorities. I can only say on behalf of my colleagues that we will continue to turn up the heat under the feet of this government and this Premier. We will continue to press this government to accelerate the process, not just because we want to make a whole lot more freedom of information requests - mind you, there are probably some that we'll have ready when that happens - but simply because somebody in this Chamber has got to be asserting and promoting the right of Alberta's citizens to know, to get information in terms of how their tax dollars are being spent or misspent, how their resources are being managed or mismanaged, the most basic, most fundamental right.

I'd go even further, Mr. Speaker. Until this provincial government is prepared to give all Albertans an absolute, final date when all local government bodies, local public bodies will be subject to the freedom of information Act, they cannot lay claim, much as they covet it, to this promise of providing open government. It simply isn't there. You can't have it without freedom of information. In fact, now that we see the value of freedom of information at the provincial level, it's all the more important to have it at the local level.

I'd finally just say what freedom of information does. Most Albertans will never make a freedom of information application, but it imposes a kind of discipline on government record-keeping and administration that provincial government departments will be

the first to acknowledge is an enormous improvement over where we were pre-1994, when the Bill was first accepted.

So for all those reasons I'm going to be voting against Bill 1, and I'm going to encourage other members to join me. It'll be great fun, Mr. Speaker.

THE SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. I'd like to adjourn debate on Bill 1 at this time.

THE SPEAKER: Having heard the motion by the hon. Member for Medicine Hat, does the Assembly agree with the motion?

SOME HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

SOME HON. MEMBERS: No.

[Several members rose calling for a division. The division bell was rung at 2:58 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the Chair]

For the motion:

Amery	Graham	McFarland
Broda	Haley	Melchin
Burgener	Havelock	O'Neill
Calahasen	Hlady	Paszkowski
Cao	Jacques	Renner
Clegg	Klapstein	Severtson
Coutts	Laing	Shariff
Day	Langevin	Stelmach
Doerksen	Lougheed	Strang
Ducharme	Magnus	Tarchuk
Fischer	Mar	Thurber
Friedel	Marz	Woloshyn
Gordon	McClellan	

3:10

Against the motion:

Barrett	Leibovici	Sapers
Blakeman	MacDonald	Sloan
Bonner	Massey	Soetaert
Carlson	Mitchell	White
Dickson	Olsen	

Totals:	For - 38	Against - 14
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[Motion carried]

head: **Government Motions**  
**Ethics Commissioner and**  
**Information and Privacy Commissioner**

19. Mr. Havelock moved:

Be it resolved that the Legislative Assembly concur in the recommendations of the Select Standing Committee on Legislative Offices passed May 14, 1997, to recommend to His Honour the Honourable the Lieutenant Governor that Mr. Robert C. Clark be reappointed as Ethics Commissioner and

Information and Privacy Commissioner for the province of Alberta for a further five years effective April 1, 1997.

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

MR. DICKSON: Thank you very much, Mr. Speaker. I'm rising to speak against Motion 19. I'm a member of the Standing Committee on Legislative Offices, and in fact I'd voted against this recommendation at the committee meeting, and I now speak and vote against the motion at this stage. My reason is one of principle. This is no reflection on either the ability or the character of the incumbent officer. I have had and continue to have enormous respect for Mr. Robert Clark.

You know, there's a nice bit of dramatic irony in terms of this motion in front of us. On the same day we debated, the government issued their news release about the Conflicts of Interest Amendment Act. It's dated May 29, 1997. All the recommendations from the Tupper report are listed here. Now, this was the report of eminent persons. It was an excellent report. The Premier had gone and identified and recruited three eminent persons to look at our conflict of interest regime and see how it should be changed. Here was recommendation 14 from the report commissioned by the Premier, staffed by the Premier. It says:

Consideration should be given to separating the Offices of the Ethics Commissioner and the Office of the Access to Information and Privacy Commissioner.

Now, here's what's interesting in the news release. There's a note that "the Government accepts the recommendation." It accepts the recommendation. This is a government of Alberta publication. This isn't something I've made up. The news release goes on to say: "and will continue to monitor the need for a separation of the Offices of the Ethics Commissioner and the Office of the Access to Information and Privacy Commissioner." It is clear from the Tupper report that the two offices should be separated. The government says they accept the recommendation, yet the government now comes forward and moves a motion that repudiates the very recommendation they purportedly accepted. There's absolutely no logic to that. It's absolutely contrary.

The position that we have taken in opposing one person holding both offices, whether members agree with it or not, has at least been consistent. On September 27, 1993, in *Hansard*, page 516, I made the observation that we needed a single commissioner. When I say a single commissioner, that is a commissioner who held no other positions, because the proposal to the Premier's all-party panel in the fall of 1993 was that perhaps the Ombudsman should wear two hats and be the Information and Privacy Commissioner. The Premier's panel, a majority of government members, unanimously recommended that, no, it should be a stand-alone position, and the Information Commissioner shouldn't wear any other hat, have any other legislative office. That was clear. So that was September 27, 1993.

I think it's fair to say that since that time the Liberal opposition has consistently said two things. We've consistently said that we have great respect for Mr. Clark and his ability, but it is just a losing proposition to have one man hold both legislative offices at the same time.

Let's look at who's stacked up in opposition to the dual position. We've got the Premier's own panel on freedom of information when they tendered their unanimous report in November or December of 1993. We have the Premier's handpicked panel of eminent persons who made their recommendation late in 1996. How many other people have to come forward and give the Premier advice that this is a mistake?

Even if members didn't feel that in some sort of conceptual sense or some conceptual reason, just look at what's happened in this province when we've had one person trying to hold both offices. There are a couple of reasons why this doesn't work. Certainly what we saw with the freedom of information application, the request to access certain documents relative to the Premier's travel itinerary when he went to Hong Kong in 1993 and also 1994 – because Mr. Clark had previously dealt with this matter as Ethics Commissioner, he wasn't able to handle this appeal after the request for information had gone in and had been refused.

What happened, then, is that all of those strict time limits in the freedom of information Act, which protects Albertans' right to know and access information, went out the window. Because whenever Mr. Clark finds himself in a conflict position, the normal 60-day deadline for him to be able to turn around and access an appeal or a request for a review doesn't apply anymore. So what happens is that Mr. Clark has to notify the Minister of Justice, and the Minister of Justice has to notify the Chief Justice of the Court of Queen's Bench. No time limits are running anymore. No time limits are running. The Chief Justice of the Court of Queen's Bench of Alberta has to appoint one of his trial judges to hear this thing. Still no time limit, and if the court is busy, this could take a couple of days, a couple of weeks, or it could take six months.

This is what we found when Mr. Justice Cairns sat in the place of Mr. Clark in the spring of 1996. The system doesn't work. The judge was having to sort of create some procedural rules as he went along. When he finally rendered his decision, which took an hour to read and must have been something like 40 pages in length, the report wasn't accessible anywhere. The Information Commissioner puts out a news release with his own reports. They're available by electronic mail.

Here's what's interesting. You don't have to pay for the order when it comes to the Commissioner's office, but after Mr. Justice Cairns had made his 40-odd page ruling and an attempt was made to get a copy of it, first, there was no sort of process for it to be tabled. The clerk's office at the Law Courts Building in Edmonton then wanted to charge us I think a dollar a page to be able to get the judgment. What you've got are these kinds of impediments or barriers or obstacles surfacing, and it's absolutely inconsistent and in conflict with all of the principles of the freedom of information Act and everything that's led to it.

3:20

After the report was done – this is rich – after the order was issued by in this case Justice Cairns, it doesn't appear anywhere. The Information Commissioner publishes a sequential list of his orders. There's a book available of all of these orders, so Albertans who are interested can find out where they are and see what his rulings are and take some direction and guidance from that. What happened here is that Justice Cairns' order wasn't even available. I remember phoning the Information Commissioner's office and saying: can I get a copy of this order, please? They hadn't seen it. This was a week and a half after it had been issued. They didn't have it. What happens when it goes to a Queen's Bench judge? It's sort of out of the loop, and it's not part of the process.

I understand some steps have been taken since to sort of address some of these gaps in the system, but one then keeps asking: why is it that we're going to all of this trouble? Why are we having to sort of create these parallel systems when we've got a darn good system already in the existing Act? If we'd just say, "Let's

have an open competition for an Information and Privacy Commissioner; let's invite the most qualified people to apply for that position" – and if Mr. Clark wishes to apply for the position, I'd encourage him to do that, but you can only hold one legislative office at the same time. We've consistently argued for that. The imminent persons advocated that. The Premier's own all-party panel on freedom of information urged that, and I think experience proves that's the position we should be at, having two separate positions, not one single dual position. I think all of those ought to be compelling reasons to vote against Motion 19 that's currently before us.

The other thing that creates some difficulty is that when members of the public go to Mr. Clark – and Mr. Clark has assured us and certainly told me on a number of occasions that he tries hard to sort of create a glass wall between his office as Information Commissioner and his office as Ethics Commissioner. But the reality is that it's the same location, some common staff in both offices. If members aren't persuaded by anything else I've said, consider for a moment that some of your most personal information is turned over to the Ethics Commissioner, and no matter how honourable or what a high standard of integrity the commissioner has, over a period of time, when you have a common commissioner and some staff common to both offices, it seems a bit unrealistic to think that there isn't the potential for some leakage of information from one office to the other. It just seems to me a bad practice. I don't want to wait until something happens. I think we can head that off, and I think the responsible thing to do is to anticipate it and to avoid it.

Those are the reasons I'm speaking against Motion 19, Mr. Speaker, and I'd encourage other members to do likewise. Thanks very much.

THE SPEAKER: The hon. leader of the ND opposition.

MS BARRETT: Mr. Speaker, thank you. I rise in support of Motion 19. [interjection] The members of Leg. Offices know that I supported this motion at Leg. Offices, and I continue to support it but not without reservation. The reservations that the Member for Calgary-*Buffalo* just outlined are in some cases significantly different from those that he outlined at Leg. Offices. Considering the expansion, which the Liberals say is not happening fast enough, of the freedom of information circle, they argued in Leg. Offices that that was going to make the commissioner too busy to be able to do his job in ethics.

Now, my experience so far has been that if I want to see Bob Clark, I can walk in and see him. What he explained to me not long ago actually – I was filing a freedom of information application with respect to access – was that really he's just the bottom line adjudicator when the institutions which already have freedom of information co-ordinators run into some problems they can't resolve or apparent conflicts they need help with. So he's not all that busy when it comes to freedom of information.

The concern that was raised at Leg. Offices is that he's going to be too busy to do both jobs. What I suggested on the record there and will repeat for the benefit of the members of this Assembly is that we should review this within a year. I believe the government members on the committee were nodding their heads saying: sure; we'd be prepared to do that; let's ask Mr. Clark a year from now if one or the other of those jobs is becoming too onerous. If that is the case, I believe the government members were indicative that they would be prepared to separate those offices after an external review was conducted if such a review were needed.

I believe that kind of compromise is reasonable, Mr. Speaker. I would not want to see one position evaporate for a six-month period while we go in search of a person to occupy that position, whether it's the Ethics Commissioner's job or the freedom of information and protection of personal privacy job. I mean, you've got a government that has legislation or very soon, by 5:30 today, will have legislation that allows municipalities, universities, and so forth to opt into the freedom of information process earlier than the final year by which they must opt in. We know that it's possible some will and some won't, and it would be financial considerations which will dictate that. Unfortunately, the government's ears tend to close at that point because they don't want to fund those institutions at a greater level than they currently are, which is significantly reduced from the years 1992-93. However, I don't believe a lot of them will opt in that fast because of financial considerations, and therefore I don't believe that the freedom of information office will be overrun with work.

In conclusion, I would say that there are some things I believe one needs to oppose a government on for truly ideological reasons, for reasons that are spoken from the heart, but I see nothing the matter with being the leader of the New Democrat opposition and voting with the government on this motion, because it was the government members themselves who were evidently willing to have a look at this issue a year from now.

Thank you, Mr. Speaker.

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

MR. SAPERS: Thanks, Mr. Speaker. I'll be voting opposed to Motion 19. I will be voting, I suppose, in opposition to the government and the New Democrat opposition. The time to review this appointment is now; not a year from now, not six months from now, not six days from now, but now. The fact is that there has been a joint appointment. Albertans have had the experience of having somebody filling both roles, of having one person in both jobs. We've seen the pitfalls of it, the folly of it. That's why the appointments are up for review from time to time. It's nonsensical to think that, gee, another 12 months from now would be a better time to review it.

The motion says to appoint Mr. Clark for five years. So we're going to appoint Mr. Clark for five years, and then we've got this wishy-washy notion that maybe within a year we can do a review of that five-year appointment. Point it out to me if I'm wrong, Mr. Speaker, but isn't that a huge contradiction? How could you appoint somebody for five years on a gentleman's understanding that you'd have a review just 12 short months later? Does that in fact mean that what the New Democrat opposition and what the government members on the committee are suggesting is that it should really only be a one-year appointment, but they don't quite have the courage to say that? Or are they in fact saying that it's a five-year appointment, and they'll use a smoke screen of "Maybe we'll talk about, think about, maybe we could perhaps kind of have a bit of a review at some point"? Mr. Speaker, it doesn't make any sense.

This motion is not defensible. It's not defensible for many reasons, and I will pick up a bit where my colleague from Calgary-*Buffalo* left off. It's not defensible, and the government knows it. The government knows that there shouldn't be a joint appointment because on May 29, 1997, a press release is issued. That would be today, Mr. Speaker. That press release is issued from the government of Alberta, and its title is Conflict of Interest Amendment Act Embodies Spirit of Tupper Report.

3:30

Now, it is no mere coincidence that we are dealing with this motion on the same day that this government is giving its response to the Tupper report. As I flip through the press release, I see a summary of the Tupper report recommendations and the government's response, and I get to recommendation 14. Recommendation 14 of the Tupper report, which the government is now trumpeting in its press release, saying our legislation reflects the spirit of the Tupper report – we like the Tupper report: that's what the government is saying – reads: "Consideration should be given to separating the Offices of the Ethics Commissioner and the Office of the Access to Information and Privacy Commissioner." That's the recommendation.

MRS. McCLELLAN: Consideration has been given.

MR. SAPERS: Oh, I hear the Minister of Community Development saying, yes, consideration was given. Well, Minister of Community Development, stay tuned, as somebody else in this Legislature says, because it then says that "the Government accepts the recommendation." The government accepts the recommendation. Well, if the government accepts the recommendation, what the heck are they doing moving a motion that says we're going to combine the two of them? It is a contradiction. Some would say it's misleading, Mr. Speaker. Some would say that it's dishonest to say one thing and do something else. The people of Alberta expect the government to do what it says it does. If it accepts the recommendation, then you can't vote for this motion.

MR. PASZKOWSKI: Grow up.

MR. SAPERS: And now I hear the minister of transportation saying, "Grow up." Well, how about a little bit of honesty, Mr. Minister? Were you part of Executive Council that accepted this recommendation and then is coming to the table and saying, no, with this Bill we won't do it. You know, Mr. Minister, you talk out of both sides of your mouth, and the people of Alberta know it.

Mr. Speaker, this motion takes us down a road that we shouldn't go, and it's got nothing to do with Mr. Clark. Mr. Clark is an individual that I have had the privilege to get to know since I've been an elected member of this Assembly. I've sought advice from Mr. Clark in both of his roles. I've had some very, very private and personal discussions with Mr. Clark about my role as a member of this Assembly and also dealing with constituent issues. It was a constituent of mine who found the government breach in the Minister of Community Development's department when they abrogated the privacy rights of senior Albertans by exploiting Revenue Canada information inappropriately. That was a constituent of mine, and I had to work with the Privacy Commissioner on that issue and enjoyed very much his counsel on that matter. On the issue of the minister of public works allowing for resale surplus government computers with confidential information on the hard drives of those computers, it was an individual who came to me with that hard drive which contained that information, and again I had to seek the counsel and the advice of the Privacy Commissioner on how to deal with that. I think I am aware of what the Privacy Commissioner can and can't do and should do and the scope of his office. I also have the privilege of serving the Assembly and

the people of Alberta as a member of the Standing Committee on Legislative Offices, and I voted against this recommendation at that committee and spoke about the future of both privacy issues and ethics issues in this province.

Mr. Speaker, this government is contemplating bringing in smart cards and all kinds of other sharing of information. The role of the Information Commissioner and his privacy functions are about to double, then double again, and then double again after that. The commissioner himself has said to me he's thinking that he may need some sort of an associate commissioner to help him with those duties. This does not suggest that it's a one-person job. The commissioner has said publicly that he would like to see his title on the ethics side changed to the conflicts of interest commissioner so all Albertans can be better informed and therefore more likely to approach him about the appropriate inquiries than now. So it seems to me that he would be encouraging and inviting more business, if I can put it that way, by calling his office the office of the conflicts of interest commissioner. The government themselves, in the conflicts of interest amendments they're bringing forward, anticipate clearly that they are broadening conflicts of interest guidelines. Therefore, there's more potential to run afoul of those guidelines. Therefore, you would conclude that there's more potential for work for that office.

Mr. Speaker, none of these things suggest that it is appropriate to combine the two offices. In fact, they all lead you to the conclusion that you should be separating these two offices because of the workload, because of the expectations of Albertans, and because of the previous experience that we've all had in dealing with these two offices.

The Ethics Commissioner and the Privacy Commissioner are two full-time jobs. As it is right now, we can't really expect the commissioner in either role to take advantage of his full powers or discretion because of time pressures. Those commissioners have the power to be much more proactive than Mr. Clark has found that he's had the time to be. For example, Mr. Speaker, there's a provision in the access to information law that provides for a request for information to be deemed abandoned after 30 days has elapsed from the time the department has provided an estimate of the costs of acting on the request. So once the fee estimate is given to the applicant, if no money is exchanged, if no money is given to the government by the applicant within 30 days, that request is deemed abandoned.

Now, there is a fear I have that many Albertans are denied access to government information not because it would be inappropriate to release the information but just because they can't afford the taxation, they can't afford the cost that's been prescribed to it by the government. We don't know how many Albertans are frozen out because they can't afford to participate, because nobody seems to collect that information. The departments say, at least suggest, that maybe the Privacy Commissioner should be monitoring that. The Privacy Commissioner says: well, I don't monitor that; it's up to the departments to monitor that. Well, wouldn't it be nice if the commissioner had the time to put into place a process to collect that information and share it with Albertans? Perhaps it could be part of the annual report.

These are the kinds of things that Albertans would like to know. These are the directions that we should take that office. It's very hard to play catch-up and to do those sorts of things and then think about the future and be proactive when you're bogged down with the day-to-day challenge of trying to manage two disparate offices, when you're challenged by trying to do two things that

really don't mix and in fact, as we have seen and as has been already put on the table by the Member for Calgary-Buffalo, are some things that bring you into direct conflict when you have to sort of look over your own shoulder. Mr. Speaker, I think you know just how difficult that is.

Mr. Speaker, Motion 19 is about the government being penny-wise and pound-foolish. They suggest that it would save money by having both offices together. Now, it may save a few dollars. You know, maybe we only have to have one doorway to walk through or one sign on the door, or maybe you could have one answering machine or maybe one administrative assistant. But certainly we've seen where the absence of protecting privacy has cost money. We've seen where the absence of proper ethics guidelines and conflicts of interest guidelines will cost money. It has been suggested by the very same people who did the Tupper report that the reason for having stringent conflict of interest legislation is not just to catch people but in fact because it helps hold the government accountable. When the government is accountable, the government isn't arrogant. When the government isn't arrogant, it doesn't do dumb things. And when the government doesn't do dumb things, it doesn't waste taxpayers' money. So it clearly is a matter of saying that we're going to save a few dollars here by forcing these two functions together into one office where they don't fit, and we're going to risk that loss of accountability, with the potential loss of millions of taxpayers' dollars on things that the government shouldn't be involved in, on bad decisions that nobody will really be in place to watch and to monitor.

3:40

Mr. Speaker, the Ethics Commissioner has within his mandate sort of a policeman role. In fact, Mr. Clark has expressed to me words to the effect that he sort of sees himself as a policeman/priest, I think were the words that he used, because you go to his office and you sort of bare your soul – you make some very personal details of your life and your finances known to this person – and then you seek his advice. Then on the other side he also has to adjudicate from the privacy standpoint, from the access to information standpoint should a constituent or voter or anybody, for that matter, want information about me and what I do, about what I've done in this Assembly, about what the government has done, and about those other things.

Now, I wonder if those dual responsibilities create attention, and I wonder how we would apply another section of another Act to that circumstance. What I'm thinking of is this. Under the legislation that sets up the office of the Privacy Commissioner, the Privacy Commissioner can be called upon to do a privacy audit of any government initiative. I'm just wondering out loud what would happen if the Privacy Commissioner were called upon to do a privacy audit of the role of the Ethics Commissioner with this potential conflict or this use of the information that he has. Now, he would have to split himself right down the middle. He'd have to say to one side of him: well, you can't have access to that information because you have to do a neutral privacy audit. On the other hand he'd have to say: but I'm aware of all of this other information, and how can I possibly separate that knowledge out of my consideration of this audit? And who except himself would the Privacy Commissioner or his agents ask for advice as to whether or not there was a conflict or potential breach of privacy?

So now we have this absurd situation of the Privacy Commissioner sitting in one chair on the right side of the table asking himself a question and then quickly moving to a chair on

the left side of the table and answering the question. And that is supposed to be a privacy audit? Mr. Speaker, it doesn't make sense. It doesn't make sense; it offends the sensibilities. It's not appropriate to put Mr. Clark, who is a very honourable gentleman, into that position, yet that's exactly what this government has done. It doesn't make sense to anybody that you would put these two roles together with that kind of potential friction and conflict. It's inappropriate. It's bad business. It's bad law. It's bad precedent. It's bad karma. It shouldn't happen.

Again, if we're being asked to vote for this motion, if they were paying attention, Mr. Speaker, simply on the basis of, "Well, it hasn't been so bad so far; let's ignore the Tupper report" – let's ignore the government's own twisted words saying they support it, yet they do nothing about it, and maybe we can have this sort of trumped up annual review of this five-year appointment – if that's what they're asking us to do, then it's no sale. It's no sale because it's not good enough. It's not the way to go. The government has yet to put forward a cogent argument other than "We're doing it because we want to" as a defence of this joint appointment.

I think Mr. Clark should be asked to pick a job that he would like to have. I think he should be invited to compete for that job, and I would be delighted if he was selected for one job or the other. But I cannot support the dual appointment for all of the reasons that have been enumerated.

THE SPEAKER: The hon. Member for Edmonton-Beverly-Clareview.

MR. YANKOWSKY: Thank you, Mr. Speaker. I move we adjourn debate on Government Motion 19.

THE SPEAKER: Having heard the motion to adjourn debate by the hon. Member for Edmonton-Beverly-Clareview, does the Assembly agree with the motion?

SOME HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE SPEAKER: The motion is carried.

Hon. members, before we proceed, would it be appropriate for the Assembly to just permit us to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

head: **Introduction of Guests**  
(*reversion*)

THE SPEAKER: The hon. Member for Edmonton-Calder.

MR. WHITE: Yes, Mr. Speaker. Thank you for allowing the time. Today in the gallery there are two young ladies that in fact have found debate in the House today to be interesting, so interesting that they came back from a tour they had earlier today especially to see what actually transpires here in the day-to-day business. We have in the audience today Tarah Rainville and Sarah Hole, both grade 10 students at Victoria high in our city, and I'd like them to stand and receive the warm welcome of the House.

head: **Government Bills and Orders**  
 head: **Second Reading**  
**Bill 17**  
**Municipal Affairs Statutes Amendment Act, 1997**

[Adjourned debate May 27: Mr. Yankowsky]

THE SPEAKER: Hon. Member for Edmonton-Beverly-Clareview, you adjourned debate. Fine.

Hon. member?

MR. SAPERS: I'm anxiously waiting to participate in debate on Bill 17, Mr. Speaker.

THE SPEAKER: Well, you have already participated in debate of Bill 17.

MR. SAPERS: On Bill 17?

THE SPEAKER: Yes. We have the Municipal Affairs Statutes Amendment Act, Bill 17. You already have participated, hon. member, so we'll recognize the hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you very much, Mr. Speaker. It's my pleasure to speak to Bill 17 today, though it really should be called Bill 17, 18, 19, 20, and 21 because if you really look for the one main purpose of this Act, you can't find it. There are five main purposes to this Act. There are really five Acts in one. It's like the mint that we've heard about in commercials.

A humble recommendation. I know the Speaker's thinking about this is really trying to wake up the government on issues of proper Bills and their format coming to the floor of this Assembly. Truly, you should break it down into the different Bills that it represents, because right now I might support some of this and I might not support other parts of it. So that creates quite a dilemma for people who are keenly reading the legislation that comes to this floor. It gives us an opportunity to point out all the flaws in an omnibus Bill instead of really pointing out the individual errors. With the great capacity we have for wise debate on this side, we will point out the flaws in all five sections of this omnibus Bill.

If you don't know the word "omnibus," I'm sure you can look it up in the dictionary. Some member is wondering over there. It's not anything to do with safety in buses. It's quite different.

[Mrs. Gordon in the Chair]

I have to say, just kind of for the reason that it's such a bad piece of legislation to chunk all into one, that I probably won't support it, first, just on principle. Maybe the government will get it right next time, though that's doubtful - I've been in here a few years - but we'll keep working on them.

Let's see. The first part of this Bill changes the Charitable Fund-raising Act with regards to which charities fall under the jurisdiction of the Act as well as which charities and fund-raising businesses can get licensed and registered. Now, that would be section 1(3)(a). Currently most of this Act does not apply to charities that raise less than \$10,000 per year. That's kind of an arbitrary figure that has never been explained in the first Act to me, but now they're changing it to \$25,000. So my question, and I'm hoping some of the sponsors - oh, this is the Minister of Municipal Affairs. I hope she will explain some of this when we

get to committee. Why is that being done? What causes this change? There must have been some issues that have come up that have created some problems. Obviously there's a reason why that was changed. I guess I'd humbly ask: why is that being done?

3:50

Then the next part of this section 1(5) of the first part of this convoluted Bill is being changed, I see, to make it a bit clearer. However, a charity's records of solicitations made in Alberta still must remain for at least three years after they are made, so does that require that a charity keep all the records of every solicitation it makes, regardless of whether it's resulted in an actual donation being given? That's a bit convoluted. Are you asking them to keep all the records of who they asked or who they actually got money from? So I think that still needs some clarification.

Now section 1(7) of the first part of this convoluted Bill, once again. This changes the wording from "professional fund-raiser" to "fund-raising business." That might be a good thing. I guess I'm asking: why was the term changed? Does that mean regulations have to change in order to fit that terminology?

I'd love to see the regulations. They're never in the Bill. That's another thing that I could wax eloquent on with almost every Bill that's presented in this Legislature: we never see the regulations before it gets Royal Assent. In fact, I think ministers make them up on a whim.

Now, I know there are other members of our caucus who want to speak more to the fund-raising aspect of that, so I'd like to go to the second part of this convoluted omnibus Bill, the Debtors' Assistance Act, with regards to the appointment to and the powers of the Debtors' Assistance Board. So let's find this part here in the Bill: section 2(3). This allows various organizations to appoint board members to the Debtors' Assistance Board. Currently, the board is appointed by the Lieutenant Governor in Council. I don't think any member from a consumers' group has been on that board, the Consumers' Association of Canada. So I guess that should be looked at.

It gives some of the members who are starting out a two-year term while others are given a three-year term. I would suppose that is so there are some members with continuity on the board and some who change. I guess I'd appreciate an explanation of that when the minister addresses this in committee.

Let's see. What's the third part of this convoluted omnibus Bill? It is changes to the Municipal Government Act with regards to fidelity bonds for municipal administrators and employers that handle money. Okay; let's see what changes there are in that.

Now, I know many members on that side of the House don't really have to speak to these Bills because they don't feel compelled to put their concerns forward in the Legislature, but we do.

MR. WHITE: We have to read them.

MRS. SOETAERT: We have to read them. This one's been quite a piece of work to get through.

I'm looking for that MGA part. All right. This requires a fidelity bond for senior administrators and employees to handle money. Well, I would say that's probably a good move. It would be interesting to see. Obviously that's been a concern out in the municipalities, so I'd appreciate hearing from the minister which municipalities have voiced a concern. Have there been different mishandlings of moneys for different . . . [interjection] Something about payroll, the member says, but not to me.



MR. WHITE: She wants to enter debate, but she's afraid to.

MRS. SOETAERT: She's afraid to. That's okay. That's common practice on that side of the House.

Now, there is a fourth part to this. It's changes to the Real Estate Act with regards to the power of the Real Estate Council of Alberta to impose sanctions on an industry member. It's a \$25,000 fine for any conduct that is found to be deserving of a fine by the Real Estate Council of Alberta. I guess I would ask what sanctions are in place now. Maybe they're inadequate, and that's why this change has been put forward. I didn't have a chance to refer to the old Real Estate Act. So I guess I'm just asking: what was it before, and why is it now \$25,000? I'm wondering: was this requested by the Real Estate Council of Alberta?

The last point, the fifth point, in this convoluted omnibus Bill is the changes to the Residential Tenancies Act with regards to the ability of the Banff Housing Corporation to refuse a sublease agreement. I'll bet the Member for Banff-Cochrane for sure will speak to this. This must be why it's here; she must have brought it forward as a concern from her constituency. So this section would allow the Banff Housing Corporation to refuse to give consent to a sublease. However, the grounds on which the corporation may do this are set out in the regulations, which I haven't seen, of course. We never get to see those regulations. I guess you're asking us to vote on something that we don't have all the information on.

MR. WHITE: Typical.

MRS. SOETAERT: Typical. Typical, typical. This happens all the time. I guess because of that then . . . [interjection] Pardon me? Just what?

MR. COUTTS: Just do your research.

MRS. SOETAERT: Do my research. Well, they hide the regulations. He says: do my research. But I would venture to say that you haven't had the courage, the guts, or the research to stand up and speak to one Bill in this House since the beginning of this session. So when you say, "Do your research," do your homework, I say: have the guts to stand up and speak to any one of these Bills. I'll bet you haven't even read them.

#### **Speaker's Ruling Decorum**

THE ACTING SPEAKER: Order. I'm sure, hon. Member for Spruce Grove-Sturgeon-St. Albert, if any of these people on this side of the House wish to stand up and speak, we'll allow them to do so once you're finished. We will not have debate going back and forth.

Thank you.

MRS. SOETAERT: Thank you very much, Madam Speaker. A very wise ruling on your part.

#### **Debate Continued**

MRS. SOETAERT: I hope the member for – I always want to say member from Coutts, but that's wrong. Pincher Creek-Macleod.

MS LEIBOVICI: Livingstone-Macleod.

MRS. SOETAERT: Livingstone-Macleod. It's changed. I'm sorry.

I'm sure he will jump to his feet and respond to some of these concerns about a convoluted omnibus piece of legislation. He's shaking his head - no. I venture to say: does he not know what's in it? [interjection] Oh, he says he does. He's talking across again, Madam Speaker, and it's not me goading him on. You know that.

I was on the Residential Tenancies Act, and I guess I was asking about the Banff Housing Corporation. Why does this have to be done? Why is the corporation asking for this at this time? Have they had problems in the past? Is that what's going on? I think that's a fair enough question. Why do you want us to vote on something when we don't have all the information? Unless, of course, the government would pay for a trip down to Banff, and we could do some homework. Maybe we could, and I'm sure the Member for Banff-Cochrane would welcome us and say, "I'll give you a tour," and show us around. But is there somebody that wants consent for a sublease from the corporation at this time? I guess that's what I'm asking.

I have to say that usually little things like this are put in a miscellaneous statutes amendment Act. They were sent over to our respective critics, and often it was just: "Yeah, this is a good one. This isn't. This isn't. This is, and this isn't." Then we would send it back, and the ones that weren't acceptable didn't come to the Legislature. It never wasted any time in here. It was a very co-operative effort, and critics and ministers would speak back and forth. It was a very efficient way of passing a great deal of legislation in this House.

#### **4:00**

So I really question why this kind of stuff is wasting our time in here. We have to maybe agree to some of it, maybe disagree to some of it, whereas some of this could have been under a miscellaneous statutes amendment Act and agreeably gone back and forth. I know the minister of agriculture – of course, none of his stuff is in here. He would never do it that way of course. He would do it under the miscellaneous Act. I think they just slipped down and maybe got a little lazy and didn't get their act together before this Bill came forward.

Pretty soon he'll stand up and speak. I know it. It's my hope for this session, Madam Speaker, but then again I am such a person of hope that just one person on that side will speak to a Bill. Sometimes Medicine Hat does. We goad him into it. He's very good at that, but that's about it for initiative over there. He should be closer to the front there.

Anyway, Madam Speaker, I know you're wondering about the intent of the Bill, but because it is such a convoluted omnibus type of Bill, it gives a person quite a wide range of scope and issues to speak on. So those points and a humble suggestion from very wise Liberal members who have done their homework, who have done their research: you know, if you want us to pass this kind of stuff, put it in a miscellaneous Act. Give us the information. Don't waste time in this Legislature on a nice, sunny day when we could all be outside in our gardens, mowing our lawn, sitting on the deck, I'm sure, in some cases. Certainly not in mine.

With those few brief comments about my disappointment in the way this Bill is presented and a few concerns about different parts of it, some I'd probably like to support, but some I can't. The government wants co-operation. We're willing to give that on some sections. Maybe the next piece of legislation that comes forward like this might be divided into different Bills, which would be a very good idea. Maybe then people on that side

wouldn't be as intimidated, and they could speak to different parts of it. They're probably intimidated because there's so much information in this convoluted omnibus Bill.

With those few comments, Madam Speaker, I'm sure there are members on that side of the House who would like to speak to this. I'm sure Pincher – it's not Pincher Creek-Macleod; is it? Livingstone-Macleod. I've been down there, you know. Just so you know, I have been down there.

THE ACTING SPEAKER: Hon. member.

MRS. SOETAERT: I know. I have to control myself.

### **Speaker's Ruling Relevance**

THE ACTING SPEAKER: I realize and recognize it is Thursday afternoon and it's fairly nice outside. Regardless of how you feel about the Bill, you are not talking about any parts of the Bill in this debate. So I would ask you to try to focus on that.

MRS. SOETAERT: Well, thank you very much, Madam Speaker. I will focus on this Bill.

### **Debate Continued**

MRS. SOETAERT: I would encourage all members to try to speak to one of the five parts or two of the five parts, possibly three or four or five, and hopefully – hopefully – they will learn: the next time a Bill like this comes forward, break it up into five parts, or put it into the miscellaneous statutes.

So with those few, short, brief comments about this convoluted omnibus Bill, I willingly hand over the floor to anyone else who would like to speak, with your permission of course.

THE ACTING SPEAKER: The hon. Provincial Treasurer.

MR. DAY: Madam Speaker, I move that we adjourn debate on Bill 17.

THE ACTING SPEAKER: Having heard the motion by the hon. Provincial Treasurer, does the Assembly agree with the motion to adjourn debate?

SOME HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: Carried.

### **Bill 10 Local Authorities Election Amendment Act, 1997**

[Adjourned debate May 28: Mr. Renner]

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

MS LEIBOVICI: Thank you, Madam Speaker. It gives me great pleasure to stand up this afternoon and speak to Bill 10, the Local Authorities Election Amendment Act, 1997, which is an Act that has partially been brought in as a result of the government's commitment to have local authorities semi-elected. Not all of the

regional health authority will be elected. As we know, there are only two-thirds of the members on the local authority that are going to have the privilege of being elected. That is one of the issues that I have with this Bill. If we are truly to have an elected body, then it seems rather strange to think that the electorate is not capable of making a decision and capable of electing all of the members on a particular authority. If we were to take that principle, we could use that same principle within the Legislative Assembly, within the municipal government, within the school boards.

So there's this strange division of logic there that says that when it comes to a regional health authority, which has been set up within the structures proposed through the Legislative Assembly, through the thought processes of this provincial government, there is not the trust in the regional health authorities and the trust in the electorate to feel the assurance that the regional health authorities will be run in a manner that is required in order to ensure health services within this province. Again, that then begs the question as to whether it was a mistake to set up the regional health authorities the way they were and whether in fact we will see some more Bills in this Legislative Assembly to correct some of the mistakes over the last three years. The reality is that the majority of the Bills that we are seeing here today are Bills that correct mistakes that have happened over the last three years, some of which, I may add with some pride, the opposition pointed out in the drafting of those Bills, whether it was – I think it was called Bill 19 at the time – with regards to education, the health Act with regards to some of the suggestions we made at that time. At that time we indicated that regional health authorities should have been elected.

What's interesting now is that if the government were to look at New Zealand, which was one of the areas that the government used as an example for its revolution, a lot of what New Zealand did is now changing back to the way it was, both in education and in health care. I think it would be interesting if the government backbenchers as well as the ministers were to call their contacts in New Zealand and ask them what's happening in education and ask them what's happening in health care.

As a matter of fact, all you need to do is look at the parliamentary magazine that we get once every three months, I believe. In there it outlines what some of the legislation is that is being passed in countries such as New Zealand. The one that I just read recently having to do with education indicates that the movement is now back that all teachers should be certified in New Zealand, which is contrary to some of the proposals that we have seen put forward by this government, some of the proposals that we have seen put forward by the backbenchers.

Now, the Local Authorities Election Act is an Act that will implement some of the recommendations that we have put forward in the past. Unfortunately, it does not implement the recommendation that all the regional health authority members should be elected.

### **4:10**

There is a question that I have with regards to the timing of this Bill. I recognize that there is a committee that has been struck to look at the boundaries, and there are three government members – and that's no surprise; usually these committees are composed only of government members – that will look at the boundaries. The boundaries as outlined – there are 17 at this point in time within the regional health authorities. We continually see that those boundaries may well be subject to change. I am wondering

whether in this piece of legislation at all there has been any contingency made for the regional health authority boundaries when they get changed from 17 to six, as rumour has it, or when they get changed to some similar number, for that contingency to be within the Act so that we're not back here within the Legislative Assembly trying to fix another mistake.

The Bill does provide for some new provisions for fines and penalties and outlines some new rules with regards to the creation of institutional voting and also creates the permanent voters list, which was an initiative that we saw at both the federal and provincial levels in the last election. I guess my question is – and perhaps it is within the Act. If I can just get clarification on whether the permanent voters list that's created within the Local Authorities Election Amendment Act is the same permanent voters list that we see at the provincial level as well as the federal level, whether that is the same list, or are we going to have two lists? If I could get some clarification on that, I would appreciate that.

There are a number of other areas within the Bill that are more with regards to how the elections can take place, what the questions are, the wording on ballots, those kinds of issues. In a quick look at what these provisions are, they seem to be more or less in line with the current electoral situations that we see within the province. The main issue that I have with the Bill at this point – and as we go through Committee of the Whole stage there are, I'm sure, some amendments that will be coming forward – is with regards to looking at whether the regional health authority does in fact have to be this hybrid model of election and whether or not the regional health authority could be a fully elected body. I understand some of the rationale that the government has put forward, that there needs to be some control on the spending, but again, if you follow that rationale to its logical end, you then begin to question what happens with municipalities that do get grants from the government, what happens with the schools boards, and any other situations that are similar.

So the rationale does not seem to carry through. The rationale does not seem to make sense when you say a regional health authority is so much different than these other areas. Either it is in a sense, as the government would like to have us believe when there are problems within the health care system, a separate entity apart from government, or it is not a separate entity apart from government. I think that's a decision that this government has to make as it looks more and more as to what the role of government is when it comes to these – I don't want to call it an NGO, a nongovernmental body – but when it comes to this hybrid situation of a government service that still is within the responsibility and purview, supposedly, of a minister but in fact is set up as a separate entity. I think that those are problems that were not thought through over the last three years. Some of those problems are coming home to roost. As a result, we are seeing these Bills that are attempting to fix some of those problems. As a result, I think we are starting to see decisions that are not logical as well. They just don't follow the train of thought that this government has put forward with regards to privatization, contracting out, setting up the NGOs, the nongovernmental organizations, as well as the quangos that we see in England and in Europe, where there is a proliferation of these quasi-autonomous nongovernmental bodies. I guess that's probably the better term to use for the regional health authority. So I again urge the government to look at the logic.

I know that there was a study done with regards to asking for input as to the regional health authorities, whether they should be

elected, nonelected, or a combination thereof. I think the solution that was put forward is a compromise because the government isn't sure of the direction that it is taking with regards to these organizations. As a result, I think the government needs to take a step back and re-evaluate what its position is with regards to this.

The other question I have is with regards to the committee that was struck that will look at the boundaries. I am curious to know whether that committee has any authority other than just to look at boundaries, whether that committee will in effect be redrawing boundaries, whether the impact of that committee's report will have any impact on the Local Authorities Election Amendment Act. If it does have an impact on the content, the principle of the Act, then I would suggest that this Act wait for passage until all of the information that is required is heard within this Legislative Assembly and is reviewed by the Minister of Municipal Affairs to ensure that we are not back here within a year's time looking at how we change this piece of legislation.

Now, as I indicated, there are a number of provisions within this particular piece of legislation that deal with rules. As I indicated, they seem to be a revamping of some of the rules that currently exist within the Local Authorities Election Act. One of the rules deals with the creation of institutional voting as well as advance polls, and I would like to know what the consultation process was with regards to these new roles for the institutional voting as well as the advance polls. When we talk about institutional voting – and I don't see it anywhere in here – I'm wondering whether the issue of whether prisoners do or don't, depending on what the current court ruling is, have the ability to vote in jails, whether that has been addressed in here at all and, if not, whether that will be addressed in a separate piece of legislation, whether the amendment is going to be elsewhere.

THE ACTING SPEAKER: Hon. member, is there a principle involved here?

MS LEIBOVICI: Yeah, there is. There was definitely a principle involved in that particular action.

The new piece of information that I've just received on the issue at hand has probably answered one of my questions. I will continue to look at the progress of this Bill and will continue throughout the different stages to look at what the impacts are of the changes that we see within this particular Bill.

Thank you.

THE ACTING SPEAKER: The hon. Member for Edmonton-Beverly-Clareview, followed by Edmonton-Calder.

MR. YANKOWSKY: Madam Speaker, I rise to adjourn debate on Bill 10, Local Authorities Election Amendment Act, 1997.

THE ACTING SPEAKER: Having heard the motion by the hon. Member for Edmonton-Beverly-Clareview, does the Assembly agree with the motion?

4:20

SOME HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: Carried.

head: **Government Bills and Orders**  
 head: **Third Reading**  
**Bill 1**  
**Freedom of Information and**  
**Protection of Privacy Amendment Act, 1997**  
*(continued)*

21. Mr. Havelock moved:

Be it resolved that debate on third reading of Bill 1, Freedom of Information and Protection of Privacy Amendment Act, 1997, shall not be further adjourned.

THE ACTING SPEAKER: Having heard the motion by the hon. Government House Leader, does the Assembly agree with the motion?

SOME HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: Call in the members.

[Several members rose calling for a division. The division bell was rung at 4:23 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the Chair]

For the motion:

Amery	Havelock	Melchin
Broda	Hlady	O'Neill
Burgener	Jacques	Paszkowski
Calahasen	Klapstein	Renner
Cao	Laing	Severtson
Clegg	Langevin	Shariff
Coutts	Lougheed	Stelmach
Day	Magnus	Strang
Doerksen	Mar	Tarchuk
Friedel	Marz	Thurber
Gordon	McClellan	Woloshyn
Graham	McFarland	Yankowsky
Haley		

Against the motion:

Barrett	Massey	Sloan
Blakeman	Mitchell	Soetaert
Leibovici	Pannu	White
MacDonald	Sapers	Zwozdesky

Totals: For - 37 Against - 12

[Motion carried]

THE SPEAKER: The hon. leader of the ND opposition.

MS BARRETT: Thank you, Mr. Speaker. I need to speak against this Bill, not necessarily for what it is trying to do but for some of the exclusions from the Bill.

First of all, I believe that any institution that receives any public

dollars at all needs to come under this legislation. I mean, for example, private schools, which are not private; they are publicly funded. In my opinion they should not be, but they are. I accept the reality. They get money from this government. It's taxpayers' dollars.

Private colleges had been covered in this legislation. They will now be excluded. I oppose this measure for exactly the same reason. When public dollars are involved in any institution, there needs to be accountability, and that accountability needs to embrace freedom of information as well, not just on behalf of the taxpayers, not just on behalf of, say, the students in these facilities, but how about on behalf of the workers in these facilities? It seems to me there's been a lot of discussion on this Bill. Nobody ever talks about the employees, the workers. Well, I think they have rights too. Not only are they taxpayers, but they work in these institutions. If they need to know information, they should have the right to know information about those institutions. They are being denied what I believe to be fundamental rights.

The public at large, for the most part, does not use the freedom of information process. It will increasingly as more and more institutions come under this legislation.

Another thing that this legislation does not address is the cost associated with applications. The costs can be prohibitive to some people. I do not believe that a person in this province should be denied access to information because she or he lacks financial resources. This legislation doesn't care about that. Poor people are always ignored by this government, consistently. This is not new. In fact, it was happening long before I was first elected in 1986. It was happening when I was a researcher after the '82 election. It was probably happening before. I was out of the country for a few years, so I couldn't really comment.

MR. MITCHELL: Why didn't you stop it during all those years when you were the Official Opposition?

MS BARRETT: Stop what?

THE SPEAKER: Hon. Member for Edmonton-Highlands, are you participating in the debate?

MS BARRETT: Yes.

THE SPEAKER: Well, please continue.

MS BARRETT: Thank you, Mr. Speaker. Well, I should make note that the Liberal opposition leader was asking about when I was here as an opposition MLA before: did I make them listen? As a matter of fact, the answer to that is: yes, I did. One of the things that I did was I developed a video of the inner city, and I actually got the then minister of social services not only to watch it but to increase funding for social allowance in that particular year. So representing the riding that I do . . . [interjections] Gee, the Liberals don't like it when New Democrats talk. I don't blame them. Anyway, in that year I actually was able to get additional funding for social allowance recipients and some other provisions. So yes, I think I had an impact on the government of the day.

Back to the poor people, who are not cared about in this legislation. I don't believe that your right to information should be curtailed because you lack financial resources to obtain that information. They're not being helped by this amending legislation.

Ultimately, my concern is about the institutions that are being excluded. I hope that the institutions that are being included will volunteer to opt in faster than the deadline states that they must become part of the freedom of information process. I understand, though, that they have some financial restrictions, some financial barriers to opting in earlier, and that is because of the cutbacks of the last four years. Most of the money that has been returned to those institutions is still less than what they were receiving in the 1992-93 fiscal year.

4:40

I believe that these people should have the right to access – I hate using that; that's computer terminology – the right to get information, whether they work in a private school or a private college or whether they are students or taxpayers. The taxpayers are paying for these institutions. I don't care if it's one dollar or \$39 million. The minute the taxpayers are paying for any institution, the taxpayers have a right to know information about that institution, and they should have the right to demand it through the Freedom of Information and Protection of Privacy Act. They do not. For that reason, Mr. Speaker, I would vote against this Bill.

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

MR. MITCHELL: Thank you.

MR. SAPERS: Some real opposition for a change.

MR. MITCHELL: My colleague said that I'm standing here providing real opposition for a change, Mr. Speaker, compared to what we've had over on this side.

Mr. Speaker, I want to make the point that we oppose this Bill. We oppose it as much for what it is trying to do as we oppose it for what it could have done and didn't do. I am opposing it because it excludes private colleges from the jurisdiction of the freedom of information Act, and there is no excuse for them being excused. They get public funds. They are certified by this government, and Alberta students and other students go to them and are dependent upon what they offer. They put their money into that institution, an institution certified by the provincial government, and are dependent upon what they offer and what is sanctioned, authorized by the provincial government. It is very difficult to understand why the government would choose to make a special case of private colleges and exclude them from what the government itself says is a necessary piece of legislation to provide for more open and more accountable, more responsive government.

The second reason that I am opposing this is because they are trying to veil – well, it's pretty explicit – the fact that this legislation means the government does not have to proclaim what is already ready to be proclaimed in the Act, and that is that municipalities, universities, health care institutions and organizations, and schools do not have to come under the jurisdiction of FOIP for who knows how long. The real evidence of this is that the motion of my colleague from Calgary-*Buffalo* that there be a time limitation, 1998, by which time these institutions and entities would have to be included under FOIP was defeated by this government.

There is no indication therefore of when health care, when universities, when municipalities, and when schools will come under freedom of information. That is very disconcerting for two reasons. One, fully 70 percent or more of the provincial

government's budget is being spent by those entities and organizations that do not come under freedom of information and will not come under freedom of information quickly due to this Act. The fact is, Mr. Speaker, that public institutions that spend 70 percent of the money, Alberta taxpayers' money, are excluded from freedom of information today and for who knows how long with the omission in this Act. I don't know how it is that any government that claims that it wants open government and claims that it believes in freedom of information would exclude those areas that spend 70 percent of its entire annual budget. It's not their money; it's Alberta taxpayers' money.

MR. SAPERS: A real Treasurer wouldn't let that happen.

MR. MITCHELL: Exactly. In fact, the Treasurer stands so frequently and says: we're open; we're accountable; read it; here's all the information. Well, it isn't available in 70 percent of the budgeted institutions.

I am also, Mr. Speaker, particularly offended by this Bill because I think it underlines the real reason why the government wants to split up and not have to proclaim these sections all at once. I will wager the guess that the last sector to be brought under the freedom of information legislation – if ever it is – will be health care. That is because they do not want people to get what should be public information about what they have done to this health care system. They don't want people to know – and it might be nice to know – for example, what exactly the terms are of the lease that HRG has been given for its hospital. That might be embarrassing. They don't want people to know, for example, what insured health care services they might be contracting to that private hospital. They don't want the public to know what the relationship is between the regional health authorities and private medical labs. They don't want people to know an awful lot about what they have done in the restructuring, and they certainly don't want people to know what the real costs of public health care are compared to the real costs of private health care, because it is so much more expensive.

I look at Conservatives who should be worried about the impact of this kind of initiative on the economy and on small business and, for that matter, on big business, knowing that it's more costly to have private health care than public. Yet they do not want the information that would underscore that for Albertans to be out, because it would be very, very embarrassing.

We're not supporting this because it excludes private colleges. We're not supporting this because it excludes sectors, institutions, entities that spend 70 percent of Albertans' money every year. We're not supporting this because it allows the government to avoid being accountable to the people of this province on a range of issues, particularly health care, where today information is required if Albertans are ever to assess properly and hold this government accountable for what they've done to the public health care system in this province.

Mr. Speaker, I ask some of these members, who seem to find this funny, to reconsider their position and support our position, to vote against this Bill for the good of accountable and responsible government in this province.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I have not had an opportunity to speak to this Bill 1, the Freedom of Information and Protection of Privacy Amendment Act, 1997. I'm pleased to

be able to rise and speak to it. It's a very important concept for me, and I think it's an important concept for the public. The public expects government to be open and accessible and transparent. There should be no reason why things are hidden or difficult to obtain. Yes, there's some thinking and policy development that might need to be done on its own before it sees the light of day, but as a private citizen and now as an MLA I'm truly distressed by the amount of secrecy that does go on in this government. I don't think it makes us a better province.

Certainly I know that the constituents of Edmonton-Centre have also expressed that concern to me. It raises the question: what is there to hide? If you can't get at it, what is it that's trying to be hidden? I think it is about access; it is about transparency. Government shouldn't be done in secret, and I would hope that we are past the patriarchal attitudes toward the public of: "Well, that's okay. You just sit there. We'll do it all for you." We have a well-educated population. We have a population that's interested in what's going on in this Assembly and what the laws are in Alberta. That's a good thing, to have citizens that are watching what we're doing and participating in that debate.

In looking over everything that's involved in this Bill and in the original Bill, I was concerned about how the fee structure limits access. When people try and get information, it's not perceived to be open and easy to get when there's that kind of a fee structure in place, especially when it's significantly higher than anywhere in Canada. What are we saying to other provinces when that's the kind of fee structure we're placing in front of people? I want to be proud of Alberta when I go to other provinces and speak to other people. This is not something that I think is something to be proud of.

#### 4:50

Now, this amendment, Bill 1, specifically exempts private colleges, and I don't know how that can be done when \$8.7 million is put into these institutions. That's a lot of money. It may be insignificant to some of the people on the other side here, but I think that for most of the people, certainly in Edmonton-Centre and probably in Alberta, that's an awful lot of money. It's an awful lot of taxpayers' money to not know where it's going and why, to be able to see some of the decisions that are being made about it. I don't understand why there would be this hesitation, why it's being applied to different sectors at different times with no end date. This could drag on forever. I thought the point of this was to have a really good freedom of information legislation there. But when this could be dragged on, never proclaimed, never put in place until - when? - we're all long gone and our grandchildren are sitting here, what is the point of the original legislation then?

There are also a couple of things that I'm disappointed were not covered in this Bill. In particular, it's the chief information officer and the information council that's been developed. They are reviewing information systems, and it involves a fair number of high-powered people that work in the bureaucracy of this government. In reading their mandate, I am really concerned when it talks about developing policies to effect the sale of government information. That just brings a chill to my heart, frankly. If we're talking about government information and we have a freedom of information Act, why isn't this organization or this council included under that? What is going on? It feels suspicious and sneaky to me, and I wouldn't want to think that of anyone on the other side, because I'm sure you're trying to do a good job. [interjections] Well, I'm still willing to give the benefit of the doubt. I haven't been here long enough to do otherwise.

In particular, this information council includes no formal links with the FOIP co-ordinators that are already in place, which just strikes me as a very bizarre omission. If we put the FOIP co-ordinators in place and this council is dealing with information and possibly the sale of information, what do the citizens of Alberta think about this? Are they aware that when they ask for a pamphlet to be mailed to them on some service that's offered by the government, their name, address, and telephone number, and who knows what other information could then be sold? To whom? For what purposes? I think it's critical that we stay on our toes about this kind of thing. I mean, when we're talking about smart cards in health care, the potential for abuse of this is enormous, and the public does not trust what's going on. They want to be reassured that government is keeping their best interests at heart, and I'm not getting a very clear feeling about that. I don't want to be suspicious about the processes here, but there's been nothing to allay my suspicion.

The other thing that bothered me a lot is that the government is always telling us how they believe in public consultation, in consulting with the public and the experts, but in other areas and in this one I don't see that any information that came out of that process was used. We've got good people out there, and they work hard and consider these issues carefully. It's important to them. When they're asked to do a job like that, they put a lot of time and effort into it. But to then find out that, "Well, it doesn't matter," that's an insult to them and indeed to all of us here. I hope you look to it.

To wrap up, then, I think it's a terrible omission that a combination of institutions like the private colleges or any agency that is awarded that much government money out of the pockets of taxpayers is not open to that kind of scrutiny when we have the mechanisms in place to do that. It's a travesty. Secondly, it is the suspicions that are brought into place about the processes, with no deadlines and nothing in there to spur us to having some end date in place where this might actually happen.

So those are my personal feelings and observations on this legislation. I am deeply disappointed and indeed offended at closure, especially closure used around freedom of information. I keep looking to this government to show me leadership, to show me openness, to show me transparency in what they're doing. If it's a wonderful thing they're doing, I would think they would be open enough to show people that. I am deeply offended at the use of closure on any Bill. This is a place of discussion, and to cut discussion off is not to the benefit of the people that we are here to serve.

Thank you very much.

THE SPEAKER: The hon. Member for Edmonton-Riverview.

MRS. SLOAN: Thank you, Mr. Speaker. In the context of Bill 1, I think it is prudent for this Assembly to look at the variety of reports and recommendations that have been made not only in this province but across the country with respect to the reporting of health information.

Perhaps to start closest to home, I would like for a moment to refer to the Provincial Health Council's report, a summary that was commissioned by this government and released, and to specifically cite from that. They talked about how "in achieving a wellness-based system that is consumer-focused, integrated, appropriate, accessible and affordable, the development and reporting of performance measures must be a priority." But in the context of those performance measures, they did not call for

superficial, opinionated performance measures. They called for critical factors that the council indicated would be critical to the success of this government's reforms of the health care system.

They talked about information in relation to administration, information in relation to service outputs, information in relation to the allocation of resources, "the ability of staff [to sustain service delivery] in the face of work force changes," information on actual outcomes compared to expected outcomes and the impact on quality of life, patient, family and public satisfaction with services, "the health of the population."

The council went further to say that the data collected "should be related to costs to provide an overall view of value" received. They also made an interesting conclusion that it was difficult to find data currently. I believe this report was produced in 1996. "It is difficult to find [data] about changes to the health [care] system and their impact on [the health of] Albertans." For example, data is available on changes in the number of physicians or nurses in an area but not on the effect of these changes on health in the communities involved, exactly in that context and compounded by the fact that this government continues to delay the incorporation of regional health authorities in the freedom of information Act. When they have their own commissioned report saying that this type of integrated information must be available and they take the time to produce a report to advise the government to that effect, the government turns around and says: "Well, maybe we will; maybe we won't. But for sure we're not going to make it available to the public until we've had the opportunity to put it through our political sieve and see just how politically damaging that information might be to our livelihood."

5:00

Another interesting piece of information in the context of health information and a conclusion that I have drawn is that the public now relies in this province on the production of reports and the release of information by organizations – whether they be provider, consumer, public in nature – by nurses, by physicians, by social agencies to judge the performance of their health care system because the reporting of this government on those services is so skewed that they no longer trust it. Just as an example of that, we had the region 10 medical staff in October of 1996 release a report that was titled *The Report of the Critical Assessment Committee of Region Ten Medical Staff*, a potpourri of issues and analysis and observations, much of which demonstrated the complete lack of information from the government on those very same issues.

I would raise some examples. In the context of access to care and resources they talked about waiting lists. They talked about the fact that there were long waits for specialist referrals: patients waiting two to three months for neurology consults, a patient waiting several months to see a cardiologist, a woman waiting three months to see an obstetrician, rheumatologists so backed up they're asking residents to see patients. They talked about the area of orthopedic surgery: medial waiting time for orthopedic surgeons was 8.5 weeks, 658 patients waiting for joint replacement, 40 percent of patients waiting over three months. None of this was reported by the government. There was absolutely no reporting, even confirmed by their own Provincial Health Council that the government had failed to provide information with respect to the performance of the system and the impacts that their reforms had on that very vital system.

The report went on in length. It talked about children's health. It talked about women's health. It talked in explicit ways about exactly what the government should have been providing in the

first place to the citizens of this province. Even with all of that being said, how can the government stand today and say that regional health authorities should continue to be outside the freedom of information Act? In essence what they're saying is that the public is going to have to continue to rely on professional groups, on public groups, on social groups, not the government, to get the real goods, the real statistics about what is going on in Alberta's health care system.

To just switch focus a bit and speak about, at a national level, the recommendations that arose, be they across the country but also arising out of consultations in Alberta, recommendations that formulated the *Canada Health Action: Building on the Legacy* final report of the National Forum on Health, a significant section on health information and the requirements, the expectations, the responsibilities of provincial governments with respect to health information. To quote specifically from that final report, the forum chose to say this:

A national population health data network should be established, [one that links] provincial and territorial agencies and a national agency. In creating this network, the Ministers of Health must ensure that issues (such as privacy, security and confidentiality), standards . . . and funding for research and development are addressed and that consensus on a national development and implementation plan is established.

Further, it was recommended that

provincial and territorial agencies should be mandated to develop and maintain a standardized set of longitudinal data on health status and health system performance and to advocate for, and advance, [the provincial] population health agenda.

There was discussion, as well, with respect to the formulation of a national population health institute.

The point I'm trying to make, along with sharing this information this afternoon, Mr. Speaker, is that if the province is being compelled by the federal government and their other provincial colleagues to move towards this open type of information collection and reporting, why is it that they do not put the regional health authorities, certainly the agencies that are going to be the primary collectors of that data, under the freedom of information? Are they saying that they're going to share that information interprovincially and nationally and not in the province of Alberta? However, we've learned this month that that could be the case, that sometimes we have to attend forums in Toronto to actually know what debts were incurred by government ministers during their portfolios, using the housing as an example. So perhaps that is the case. Perhaps we're going to have to have information sources in surrounding provinces and within the federal government to actually find out health information about the province of Alberta.

The national forum went on to talk specifically about the formation of a national population health institute with a mandate that should be

to aggregate and analyze data; develop data standards and common definitions; report to the public on national health status and health system performance; and act as a resource for the development and evaluation of public policy. The Institute would collaborate with provincial and territorial agencies. It would also report publicly on national trends, international and interprovincial comparisons, and key public policy issues.

Maybe what's going to happen is that we will find this government in a position where they're going to say that they're not going to co-operate with such an initiative. Maybe it'll be like chips in a poker game, where they say: well, we'll be quite happy to participate in that as long as you open the doors for us to have a private hospital. Is that the kind of trade-off that the people in

this province are looking at? If there was a commitment – and I'm assuming that there was because we had strong Alberta representation on the national forum, Dr. Tom Noseworthy as one example. If that representation was there and there was a commitment made, explain to me why at the provincial level this kind of commitment doesn't go forward to put the regional health authorities into the freedom of information?

It makes completely no sense. We're saying that we're going to be completely open and accountable with respect to the collection and the publishing of health information. [interjection] It has nothing to do with the transition. It has everything to do with keeping the impact secret from the people of this province. It has everything to do with being ashamed of what's happened to the best health care system, one of the best, in the world and wanting to keep it under the rug, Mr. Speaker. It has absolutely nothing to do with transition. We've been in transition in this province for the last three years, the last four years almost, with respect to health care. The minister can continue to use that as a rationalization, but it is a measure, it is a judgment of a democratic government, one that's accountable and one that's open, as to whether they do or they don't make information available to the citizens and the taxpayers they represent.

#### 5:10

The other interesting recommendation that the national forum made was that they said that

governance and funding arrangements for the agencies in the network should be adequately balanced to preserve the agencies' credibility and independence and be sufficiently secure over time to ensure their stability. The national agency structure [would] have provincial/territorial and academic involvement.

I have to raise here, Mr. Speaker, that again last year we saw significant downsizing within the Alberta Department of Health, of which many worked in the information systems. We now contract a private agency to provide much of our information support, and while we feel safe enough in letting a private corporation handle our information, we do not appear to feel safe enough to let public citizens in this province have access to the information. It's contradictory, it's hypocritical, and it continues to amaze me: the contrasts in this government in what they articulate, what they verbalize, and the reality of what they practice.

The other aspect with respect to the whole regional health authorities – I mean, one of the difficulties that this government has set itself up for is that all industrialized countries, when it comes to measuring their health status, look to measures like mortality rates, teenage pregnancy birth rates, infant mortality. They collect and measure those over time to determine whether or not they're doing a good job. Well, in fact, in the last five years Alberta's health status has been slipping. But it's interesting that when you ask for statistics from regional health authorities – and I have personally been in a position where I've done that; I have asked for the readmission rates, the mortality rates, the morbidity rates, the infection rates – they won't release them. It is not releasable information, and the rationale that they use, somewhat like the hon. member across the way: "Well, it's a transition. We don't have consistent information systems, and therefore we're not able to give a complete picture, so we can't even release them in part."

The point I'm getting to with respect to that is that while the government should assume and does allege to assume responsibility for the overall health of their population, it is extremely clear that only senior levels of government and to some

degree, increasingly, international trade organizations and treaties control the macro levers that actually affect health status. That's why it's ludicrous for the Alberta government to claim that health status is the responsibility of the regional health authorities. The province has to face the facts. The Alberta government should take responsibility for the health of Albertans and overall health policy and establish realistic expectations for the health care system, ensure its performance is monitored and that the performance monitoring reports are released, and decide when and how to take action to improve its performance, an action that has been starkly, starkly lacking.

I want to conclude, though, by saying that the strengths and the merits of freedom of information do not solely apply to health. There are many sectors, such as the private colleges that have been named by hon. members on this side previously, that public taxpayers have an entitlement to know exactly what they're doing and how their money is being spent. They are entitled to receive the reports from those institutions without the government putting them through their political sieve before they're released. To reinforce a statement made as well previously, there is obviously not enough courage and leadership on the opposite side of the House to undertake to do that, so in the context of other services, it's not only going to be health care, but it's going to be child welfare as well. It's going to be perhaps the services for people with developmental disabilities, where citizens, where parents, where advocates are going to find themselves in positions where they cannot get access to information, and they are going to have to try and find their way through a tangled web of government bureaucracy and public relations people who will try their darndest at every corner to deflect, reduce, minimize the potential damage for government by releasing that information.

I would ask the question: if the government was so sensitive about Premier Klein's admission, why didn't they have the regional health authority release the waiting times for all the other people in the 24-hour period when he was in the hospital? Or why wouldn't the regional health authority feel compelled to do that themselves? But we are now living in a society in this province where freedom of information only means information that has been subjected to the political sieve and all of the potential minefields and compromises have been removed, Mr. Speaker. We will have to await another government, I expect, for accountability with respect to that.

With that comment I will conclude.

MS GRAHAM: Mr. Speaker, I appreciate this opportunity to speak again in support of the Premier's Bill 1, the Freedom of Information and Protection of Privacy Amendment Act, 1997, as I did in second reading and in Committee of the Whole.

MR. SAPERS: You're wearing a jacket like that, and you're speaking in favour of it.

MS GRAHAM: Bad timing.

I have perused the volumes of debate which have originated from the members opposite over the course of the debate on this Bill through the House, and I must say I have found it to be extremely repetitive and extremely counterproductive. [interjection] As I was saying, I've found the debate to be extremely repetitive and extremely counterproductive to the aims of this Bill.

THE SPEAKER: The hon. Member for Edmonton-Calder on a point of order.



**Point of Order****Questioning a Member**

MR. WHITE: Is it a point of order, sir? I wonder if the member . . .

THE SPEAKER: Citation, please.

MR. WHITE: Citation 482.

THE SPEAKER: Forty-two?

MR. WHITE: To ask the member a question. If she'd allow it.

THE SPEAKER: Hon. member, Standing Order 42 deals with motions in writing.

MR. WHITE: It's *Beauchesne* 482. It's the big book.

THE SPEAKER: Oh, *Beauchesne*, not Standing Orders. Oh, 482 in *Beauchesne*. It's quite in order to ask the hon. Member for Calgary-Lougheed. Well, please proceed. The question was in order. [interjections]

MR. WHITE: Now listen. I'd like to ask if the hon. member would allow a question during her debate.

MS GRAHAM: Well, yes, today I'll be brave, and I will entertain a question.

5:20

**Debate Continued**

MR. WHITE: With your permission, Mr. Speaker, I would like to ask the member whether – correct me if I'm wrong, but I heard her just equating debate . . . [interjections]

THE SPEAKER: Edmonton-Calder has asked the hon. Member for Calgary-Lougheed, and the hon. Member for Calgary-Lougheed has responded in the affirmative. The hon. Member for Edmonton-Calder has the right to ask the question.

MR. WHITE: I was wondering how the member equates freedom of speech and freedom of information with not allowing, by closure, a member to speak on the Bill and being repetitive? How can you be repetitive when you don't say anything?

THE SPEAKER: Member for Calgary-Lougheed, you may continue in your debate.

MS GRAHAM: Just briefly in reply to that question, it may be that the hon. Member for Edmonton-Calder didn't have an opportunity to address this Bill, but from my observation almost to a man or to a woman everyone else in the opposition did have an opportunity to address the points, as I mentioned.

I would just like to reiterate that freedom of information and protection of privacy is a priority for this government. When the original Act was proclaimed some three years ago, there was a commitment by the government, by the Premier to bring in the various sectors of local public bodies or the MUSH sector as I've come to hear it called.

Before I start being repetitive myself – and I'm sure I will be in addressing the points raised by the members opposite – I would

like to perhaps bring up and point out some new information for the edification of the members opposite. We have heard much throughout the debate on this amendment Bill that the government has fallen down or has backed off its commitment to bring the MUSH sector under the scope of this Act, but in reading some of the materials that led up to the passage of the original Bill, I've had reference to the Freedom of Information and Protection of Privacy: Report on Public Consultation, which was compiled in December of '93 and to which at least two of the present members opposite – that is, the hon. Member for Calgary-*Buffalo* and the hon. Member for Edmonton-Glenora – were signatories.

It's very interesting to read that amongst the recommendations it is stated that

municipalities, educational institutions . . . and hospitals should be included as public bodies within the Act . . .

And in fact they were.

. . . provided such institutions must be given 5 years to comply with the Act and be further considered within the proposed 3 year review of the legislation.

So it was always contemplated that the MUSH sector would have up to five years to come within the auspices of the Act. By my calculation, the Act having been passed three years ago, that would take us to the year 2000. So there is nothing so unusual or so irregular about now wanting to bring in the MUSH sector in a planned and orderly fashion, giving each sector adequate opportunity to prepare for the requirements of providing freedom of information.

Mr. Speaker, from my observation and from my . . .

MS LEIBOVICI: Point of clarification.

THE SPEAKER: Hon. Member for Edmonton-Meadowlark, a point of clarification?

MS LEIBOVICI: Yeah, if I might.

THE SPEAKER: Please find the citation for me on a point of clarification.

**Point of Order**  
**Questioning a Member**

MS LEIBOVICI: Then if I may the ask the member a question under *Beauchesne* . . .

THE SPEAKER: Well, that's *Beauchesne* 482, but we've already had one.

MS LEIBOVICI: Well, it's her choice.

THE SPEAKER: Fine. Proceed, hon. Member for Edmonton-Meadowlark. Rise. Ask your question.

MS LEIBOVICI: Well, the question is: what is the date then?

THE SPEAKER: First of all, for permission: is she prepared to receive a question?

MS LEIBOVICI: I thought I had gotten permission. May I have permission to ask the member a question?

THE SPEAKER: The hon. Member for Calgary-Lougheed says yes. Proceed, hon. member.

### Debate Continued

MS LEIBOVICI: What is the exact date that the MUSH sector will be incorporated in this orderly fashion in the legislation? [interjections]

THE SPEAKER: I'm sorry. At this point in time we'll recognize the hon. Member for Edmonton-Meadowlark to ask a question, not the Member for Edmonton-Riverview, not the Member for Edmonton-Glenora. Please.

MS LEIBOVICI: What is the exact date that the MUSH sector will be incorporated as per the legislation? Is it 1999, the year 2000, or 1998? What is the exact date that's outlined in the legislation?

MS GRAHAM: In answer to that, in keeping with the provisions of Bill 1, the Freedom of Information and Protection of Privacy Amendment Act, 1997, it is clear that each sector will be brought in upon proclamation when it is in a position to comply with the Act. Obviously that is the whole thrust of this amendment Act. However, it is progress towards the phased-in proclamation of all of these sectors, which is something that all of us here want and certainly members opposite have been pushing for.

Before repeating myself, as I indicated I would start doing very soon, I would like to address one other point that I think was raised for the first time today by the Member for Calgary-Buffalo. That was to question whether or not this government had bothered to get legal advice about the ability of the government to selectively proclaim the various sectors of the MUSH group. I can certainly assure all of the members opposite that this government has done its homework. Because we've done our homework, this is why we're bringing in the Bill in the form that it is, not wanting to subject ourselves to improperly proclaiming various sectors one by one under the Act as it stands now and subjecting us to the charge that these proclamations were invalid. So we have done our homework, and this is precisely why the Bill reads as it does.

MRS. SLOAN: We can't get that legal opinion.

MS GRAHAM: Well, I am sure that good legal advice is available to all of us. That is the interpretation – and the correct interpretation, I would suggest – of bringing the MUSH sector into the scope of the Act.

#### 5:30

Now I am going to start repeating myself. The major complaint, it would appear, from members opposite has been the exclusion of private colleges from this Act. [interjections]

Well, noticing the hour of the day, Mr. Speaker, I would move that the division bells be reduced to one minute.

THE SPEAKER: No, hon. member. We're beyond 5:30 and we have a closure motion before us, and there is a rule associated with it.

Due notice having been given by the hon. Government House Leader under Standing Order 21 and pursuant to Government Motion 21, agreed to this afternoon, under Standing Order 21(2),

which states that no member shall rise to speak after the normal adjournment hour if the adjourned debate has not been concluded and all questions must be decided in order to conclude debate, I must now put the following question. On the motion for third reading of Bill 1, Freedom of Information and Protection of Privacy Amendment Act, 1997, as moved by the hon. Minister of Justice and Attorney General, does the Assembly agree?

SOME HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE SPEAKER: The motion is carried.

[Several members rose calling for a division. The division bell was rung at 5:32 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the Chair]

For the motion:

Amery	Havelock	Melchin
Broda	Hlady	O'Neill
Burgener	Jacques	Paszkowski
Calahasen	Klapstein	Renner
Cao	Laing	Severtson
Clegg	Langevin	Shariff
Coutts	Lougheed	Stelmach
Day	Magnus	Strang
Doerksen	Mar	Tarchuk
Friedel	Marz	Thurber
Gordon	McClellan	Woloshyn
Graham	McFarland	Yankowsky
Haley		

Against the motion:

Blakeman	Mitchell	Sloan
Leibovici	Pannu	Soetaert
MacDonald	Sapers	White
Massey		

Totals: For - 37 Against - 10

[Motion carried; Bill 1 read a third time]

THE SPEAKER: Hon. members, I want to thank you for your attention this week and your attention today in particular.

Now I'd like to advise that the Speaker has an incredible opportunity to become everlastingly popular with a great number of people in this Assembly because the Speaker now will not only declare that the House is adjourned but also declares until when it is adjourned. It stands adjourned until Monday at 1:30 o'clock.

[At 5:45 p.m. the Assembly adjourned to Monday at 1:30 pm.]