

Legislative Assembly of Alberta

Title: **Wednesday, November 24, 1999** 1:30 p.m.

Date: 99/11/24

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon.

Let us pray. Our Father, give to each member of this Legislature a strong and abiding sense of the great responsibilities laid upon us. Give us a deep and thorough understanding of the needs of the people we serve. Amen.

Please be seated.

Hon. members, I'm pleased to acknowledge today that we have a by-election anniversary here for an hon. member, the hon. Minister of International and Intergovernmental Relations. An anniversary for her.

Hon. members might also want to convey the happiest of thoughts to three hon. members who are celebrating birthdays today: the hon. Member for Edmonton-Glenora, the hon. Member for Grande Prairie-Wapiti, and the hon. Member for Calgary-West.

head: Presenting Petitions

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

MS BLAKEMAN: Thank you, Mr. Speaker. I would like to present another ACTISEC petition signed by 150 people, mostly students, mostly from the Camrose area but also from Alder Flats, Calgary, Vermilion, Daysland, Czar, Standard, Riviere Qui Barre, Westlock, Kitscoty, Killam, Gwynne, Bonnyville, and others.

Thank you very much.

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

MS OLSEN: Thank you, Mr. Speaker. I, too, would like to present a petition to the Legislative Assembly.

Whereas, Speech-Language Pathology and Occupational Therapy services are an essential part of a child's education and need to be considered as basic services itemized on school budgets;

We, the undersigned residents of Alberta petition the Legislative Assembly to urge the Government to provide funding allocated specifically to Speech-Language Pathology and Occupational Therapies based on children's needs.

It's signed by 57 Edmontonians.

DR. MASSEY: Mr. Speaker, with permission I present a petition signed by 116 citizens in Jasper, Leduc, Devon, St. Albert, Spruce Grove, Sherwood Park, and Amisk urging

the Government to increase support for public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

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

MR. BONNER: Thank you, Mr. Speaker. I have two petitions to present today. The first is a petition signed by 105 residents of Alberta from Jasper and Leduc urging

the Government to increase support for children in public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

My second petition, Mr. Speaker, is signed by 450 Albertans from Edmonton, Fort Saskatchewan, St. Albert, Ardrossan, Spruce Grove,

Bon Accord, Holden, and Gibbons. This urges the government to conduct an independent public inquiry of the Workers' Compensation Act, including an examination of the operations of the WCB, the Appeals Commission, and the criteria for appointments to the Board.

With this 455 names, Mr. Speaker, that brings the total in this short session up to 4,870 Albertans.

THE SPEAKER: The hon. leader of the third party.

MS BARRETT: Mr. Speaker, yes. Thank you. I have 110 signatures on the petition calling for the government to introduce legislation which would ban for-profit hospitals.

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

DR. PANNU: Thank you, Mr. Speaker. I've got a petition here signed by 120 Albertans that come from communities like Bruderheim, Lamont, Coronation, St. Albert, Edmonton, and many other places. They petition this

Legislative Assembly to urge the Government of Alberta to hold an Independent Public Inquiry into the complete operations of the Workers' Compensation Board of Alberta.

Thank you, Mr. Speaker.

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

MR. SAPERS: Thank you very much, Mr. Speaker. I would like to table a petition that's been signed by 107 taxpaying Albertans, most of whom live in the Red Deer-Innisfail area. The petition reads as follows:

Whereas, excellence in public education is the cornerstone of our future, and students, parents, teachers and community volunteers are being exhausted by endless fundraising for basic educational materials and services;

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to increase funding of children in public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

head: Reading and Receiving Petitions

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

MS BLAKEMAN: Thank you, Mr. Speaker. I would ask that the ACTISEC petition I presented yesterday be now read and received.

THE CLERK:

We, the undersigned, urge the Legislative Assembly to freeze tuition and institutional fees and increase support in the foundation of post-secondary education.

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

MR. BONNER: Thank you, Mr. Speaker. I request that the petition I presented yesterday now be read and received.

THE CLERK:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to conduct an independent public inquiry of the Workers' Compensation Act, including an examination of the operations of the WCB, the Appeals Commission, and the criteria for appointments to the Board.

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

DR. PANNU: Thank you, Mr. Speaker. I request that the petition I presented yesterday now be read and received.

THE CLERK:

We, the undersigned residents of Alberta, hereby petition the Legislative Assembly to urge the Government to introduce a Bill banning the establishment of private, for-profit hospitals to ensure that the integrity of public, universal health care may be maintained.

head: Tabling Returns and Reports

THE SPEAKER: The hon. Minister of Innovation and Science.

DR. TAYLOR: Thank you, Mr. Speaker. I'm pleased to be able to table five copies of the annual report of the Alberta Agricultural Research Institute, and I would like to give a special thanks to the Member for Little Bow for the fine job he has done in chairing this group.

Thank you.

MR. JONSON: Mr. Speaker, I wish to table five copies of the Alberta Association of Registered Nurses' annual report for the year ended September 30, 1998.

Further, I would like to table five copies of the Alberta College of Optometrists' annual report for the year ended December 31, 1998.

Copies of these reports have been provided to all Members of the Legislative Assembly.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. leader of the third party.

MS BARRETT: Thank you, Mr. Speaker. I have three tablings, all three of which would be of particular interest, I believe, to the Premier. The first one is a chapter out of a book entitled *Universal Health Care* written by Armstrong and Fegan in 1998. It's all about Tommy Douglas. [interjections] It sure is. Oh, yeah. Well, being the author of medicare; right?

The second one is just one sheet out of a book called *Tommy Douglas* by Doris Shackleton. There's a quote in here the Premier would really love. It's just great. It's all about how he wants to sponsor not-for-profit hospitals and health care.

The third one, Mr. Speaker, is copies of the postcard campaign Be Like Mike, with respect to establishing fair human rights legislation in Alberta.

Thank you.

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

DR. PANNU: Thank you, Mr. Speaker. I've got two tablings to make. The first one is a copy of a message that's just been sent by the Nobel peace laureate of 1991, Ms Aung San Suu Kyi, the Democracy leader of Burma. This is to thank Canadians and the government of Canada for the support that the Burmese people have received in their struggle for democracy in Burma.

The second tabling, Mr. Speaker, is a set of nice notes to the Premier: "C'mon Ralph, be like Mike," and respect the human rights of Albertans in this province.

Thank you.

1:40

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I have four tablings today. The first tabling is a letter from the hon. Member for Banff-Cochrane, chair of the standing policy committee on health and safety, to the women's program and Menopause Clinic at the Grey Nuns. Included in that letter is a listing of the projects supported by Alberta Health on the health of women, only two of which talk about mature women's health and only one other talks about women in general.

My second tabling is also as a result of a meeting with mature women's health with the hon. junior minister for Health and Wellness, and he was requesting references on osteoporosis, and the references are now being tabled and provided to him.

My third tabling is five copies of 752 of the Be Like Mike cards urging Premier Klein to make sure that all legislation enacted is mindful of human rights for all Albertans, and I will send the cards to the Premier.

The fourth is a series of letters on midwifery, Mr. Speaker, requesting that Alberta Health fund midwifery services. The letters are from Susan Skaret, Shelly Hritzuk, Erin Pankratz-Smith, the Roberts family, Anita Allsopp, Jorge Maigler, Janice Coulter, Shana Webster, and Kimberly Bitz. I'll table five copies of each of their letters.

Thank you very much.

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

MS OLSEN: Thank you, Mr. Speaker. I'd like to table five copies of a letter addressed to Minister McClellan in relation to a petition that was sent to her regarding the status of C-31 and Metis folks on the settlements in the province.

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

MR. BONNER: Thank you, Mr. Speaker. I beg leave to table five copies of a report from an Alberta injured worker which indicates how a medical adviser from WCB changed the WCB's responsibility from full to aggravational even though the worker's surgeon did not corroborate this change and the medical adviser's opinions and theories had no factual evidence to support this change.

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

MR. WICKMAN: Thank you, Mr. Speaker. I have three tablings today. All three are dealing with the question of the principles of midwifery. One is from Jacquie Eales, another is from Paul Miranda, and the third is from R. Olvera.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you very much, Mr. Speaker. I have here the required number of copies of letters sent about midwifery asking for funding under Alberta health care. They are from Sandi Olsen in Stony Plain, Shauna McLean in Edmonton, Jody Francis in Beaumont, and Margaret Fisher from Edmonton.

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

MRS. SLOAN: Thank you, Mr. Speaker. I'm pleased today to rise and table correspondence relating to a 1998 complaint to the Health Facilities Review Committee and subsequent investigation by the provincial Ombudsman.

Secondly, I'm pleased to table an outline of Campaign 2000,

celebrating the 10th anniversary of the federal and provincial governments' commitment to eliminate child poverty by the year 2000. Accompanying that tabling, Mr. Speaker, are five empty lunch bags to symbolize the Alberta government's failure to keep its promise to Alberta children.

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

MR. DICKSON: Thank you, Mr. Speaker. I'm pleased to table this afternoon copies of my analysis of a document from the Privacy Commissioner entitled Response to Bill 40, The Health Information Act, dated November 22, 1999.

Thank you.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I have five tablings this afternoon requesting the government to fund midwifery through Alberta health care. They are individual letters from Cherilyn Michaels, Amanda Woodward, Danielle Monroe, Deanna Gaggero, and Laeonie Ferguson.

Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. With your permission today I'd like to table two letters with the Assembly. They both have to do with health care. The first is from Edmontonian Carol Inglis, who writes the Premier with her concerns concerning health care and says, in part "Instead of bribing voters with tax reductions, first put money back into health, education."

The second is from Edmontonian Mr. Bill Holmes, who implores the Premier to please adequately fund Alberta's health care system and protect it and not to further privatize it.

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

MRS. MacBETH: Thanks, Mr. Speaker. I have three tablings today. The first is an important study which appeared in *The New England Journal of Medicine* in August of this year entitled The Association Between For-profit Hospital Ownership and Increased Medicare Spending.

I'm tabling what the writers believed was a petition to the Legislature but which does not meet the required form. Nonetheless, I had made the promise to these individuals and want to table it in this Assembly.

Finally, Mr. Speaker, I'd like to table with the author's permission a letter from Mr. Jim Hugo of Hugo Farms at Three Hills, Alberta, with respect to the crisis that he faces as an Alberta farmer. I think it's important to note his last line: "Burn down your cities and leave our farms, your cities will spring up as if by magic. But destroy our farms and grass will grow in the streets of every city in the country."

Thank you.

head: Introduction of Guests

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

MR. GIBBONS: Thank you, Mr. Speaker. I would like to introduce to you and through you to Members of the Legislative Assembly two classes of 57 students from J. A. Fife school in the Edmonton-Manning constituency led by their two teachers, one being a very familiar face to everybody here, and she's wearing her mace today:

Ms Christie Mjolsness. The other teacher is Mr. Henry Taschuk. They're in the members' gallery. I'd like permission to ask that they now stand and receive the traditional warm welcome of the Assembly.

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

MS CARLSON: Thank you, Mr. Speaker. Today it's a pleasure to introduce to you and through you to all members of the Assembly one of my favourite schools. Today we are visited by 45 students from Ekota school. They are accompanied by teachers Sharon Robertson and Don Auch and parents Nicole Ringuette and Neil Robertson. I would ask that they please stand and receive the traditional warm welcome of this Assembly.

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

MS HALEY: Thank you, Mr. Speaker. It's a great pleasure for me to be able to introduce to you and through you to the Assembly a young man from my constituency. He's here in Edmonton taking physiotherapy. We're all working really hard to try and get him into medical school, where he truly belongs. I'd like to welcome Bryce Weber and have him receive the warm welcome of the Assembly.

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

1:50

DR. PANNU: Thank you, Mr. Speaker. I have the pleasure of introducing a very special guest to you and through you to the members of this Assembly. The guest's name is Dr. Alice Khin. Dr. Alice Khin was the personal physician of Mme Aung San Suu Kyi, the leader of Burma. She now holds a cross-appointment within the faculties of nursing and medicine at the University of Alberta, and she's also the director of the Burma Watch International here in Canada. I will ask Dr. Khin to rise and receive the warm welcome of this Assembly.

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

MRS. FRITZ: Thank you, Mr. Speaker. I'm honoured today to introduce to you and through you and to Members of the Legislative Assembly Miss Cheryl Ryder, who is seated in the members' gallery. The Member for Calgary-Currie and I have been privileged to work with Cheryl, who has been our legislative assistant for two and a half years, and today Cheryl leaves for new horizons as she's been the successful candidate for an executive position with the College of Chiropractors. Cheryl has made many friends in this Legislature, and we will all miss her. Cheryl, I'd ask that you please rise as members of the Assembly join the Member for Calgary-Currie and I in wishing you all the best in your new position.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I'm very pleased today to introduce to you and through you to members of the Assembly two groups of women who are working very hard to educate and advocate for mature women's health. With the Women's Wellness Action Committee we have Rita Gemmell, Elsa Bowen, Cathy Pagliuso, and Audrey Brooks and with the Edmonton Osteoporosis Support Group Shelly Hagen, who is a board member of the Osteoporosis Society of Canada, Edmonton chapter, Ine Spetter, Ms Vander Well, and Hans Biermann. If they would all please rise and accept the warm and traditional welcome of the Assembly.

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

MR. BONNER: Thank you, Mr. Speaker. I have two introductions today. My first is a group of tenants from Casa Romana Romanian House in Edmonton-Glengarry. They're accompanied by manager Les Lupeg. They are seated in the members' gallery, and with your permission I would ask that they now rise and receive the traditional warm welcome of the House.

I'd also like to introduce to you and through you Max Kobza. Max is seated in the public gallery, and I would ask Max to now rise and receive the traditional warm welcome of the House.

Thank you.

head: Oral Question Period

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

Private Health Services

MRS. MacBETH: Thanks, Mr. Speaker. When the Premier talks about choice in health care, what he's really talking about is prolonging the pain and suffering he caused, higher waiting lists for surgery he created, and higher costs for what he wants Albertans to pay. The Premier has failed to provide one shred of evidence to show that his scheme to contract out medicare to private hospitals will result in anything other than higher costs for Albertans. In fact, an August '99 study in *The New England Journal of Medicine*, which I tabled today, shows that U.S. medicare payments to private hospitals are \$732 U.S. per person, or 16 percent higher than not-for-profit hospitals. My questions, Mr. Speaker, are to the Premier. Yesterday the Premier's excuse was that New Zealand was 10,000 miles away. Why is the Premier proceeding with his scheme to contract out medicare to private hospitals when hard evidence from the United States right next door shows that it results in higher costs?

MR. KLEIN: Well, Mr. Speaker, again the Liberal opposition either hasn't read the policy statement, or if they've read it, they won't understand it, or as I said yesterday, they can't understand it.

Mr. Speaker, I'll go through the policies again. We are firmly committed to the principles of the Canada Health Act. All of the people who are now participating in the debate from coast to coast are saying that we need to find new ways to reduce waiting lists and alleviate suffering, and that's exactly what we're trying to do.

Mr. Speaker, there are some key principles associated with this policy statement. One is that all Albertans will have access to insured medical services through the publicly funded and publicly administered health care system. No Albertans will pay for insured medical services, and nobody will get faster service because they have more money. As I said before, the only card they will need is their Alberta health care card. Regional health authorities will be responsible for all insured surgical services.

Private providers of insured surgical services will be able to operate but only under contract with the regional health authority and only within the principles of the Canada Health Act. That is much, much different than any system in the United States, Mr. Speaker, because they do not have a national health care system nor do they have a Canada Health Act. These principles will prohibit the development of a parallel, for-profit, private health care system. This is quite correct.

These are principles that we are fully and absolutely committed to, Mr. Speaker. They will prohibit any private facility from charging Albertans for medically necessary services. Also, with the concurrence of the minister the health authorities will have to demonstrate

fully that there will be a cost benefit. They won't be allowed to contract unless there is a cost benefit.

MRS. MacBETH: Mr. Speaker, Albertans deserve more than a repeat of the \$11,000 fairytale they got last week from this Premier. What proof does the Premier have that his scheme to contract out medicare to private hospitals won't result in higher costs as in the United States example?

MR. KLEIN: Mr. Speaker, as again I pointed out, read the policy statement. It's so clear in the policy statement that there has to be a demonstrated cost benefit before any regional health authority will be allowed to contract. What we are trying to do here is to provide more choice and better service to alleviate suffering. When it comes to fairytales, these Liberals are the only people spreading fairytales.

MR. SAPERS: Nobody believes you. Nobody believes you.

MR. KLEIN: Mr. Speaker, he's shouting that nobody believes. Well, there are articles and editorials from coast to coast saying that we are doing the right thing.

MRS. MacBETH: Mr. Speaker, again, no answers from this Premier. What evidence does the Premier have to show his scheme to contract out? Will he go on provincewide television and debate it with me, or is he afraid to do it?

MR. KLEIN: Mr. Speaker, we are on provincewide television right now.

MR. SAPERS: Step outside, Ralph.

MR. KLEIN: Step outside? Now he's challenging me to fisticuffs.

Speaker's Ruling Inflammatory Language

THE SPEAKER: The purpose of question period is to seek information. The purpose of question period is not to have inflammatory remarks or those which may be construed by some to be inflammatory remarks. Ask a question without the preamble, and the answer will be short and succinct. Ask a question with a lengthy preamble, and the answer will be longer.

When recognition has been provided to the Leader of the Official Opposition, then all of us will have the courtesy of listening to the question of the Official Opposition. When the floor has been given to the hon. the Premier, then all of us will have the courtesy of listening to the response given by the hon. the Premier. And we do not need invitations to go elsewhere. We've only been here 30 minutes. It's too early to go to the bathroom, anyway. Hon. Member for Edmonton-Glenora, if you want to step outside, you feel free to go. No challenges.

Second main question. The Leader of the Official Opposition.

2:00

Health Contract Monitoring

MRS. MacBETH: Thank you, Mr. Speaker. Olsten corporation of Melville, New York, is North America's largest provider of private home health care and related health management services with revenues of \$4.8 billion U.S. last year. On March 30 of this year Olsten announced that it had reached a tentative agreement with the U.S. departments of Justice and Health and Human Services to pay \$61 million U.S. in administrative and criminal fines for fraudulent billings of the U.S. medicare and medicaid programs. Like the

Premier's privatized health care scheme, medicare and medicaid in the U.S. are in fact single-payer public health insurance programs that contract out with private health corporations. My questions are to the Premier. Under the Premier's plan for contracting out to private care providers, what plans has his government and its health authorities to set aside the tens of millions of dollars that will be necessary to monitor, investigate, audit, and prosecute health care fraud?

MR. KLEIN: Mr. Speaker, first of all, the policy is simply that. It's out there for public discussion and public input. I'm sure a lot of these items will be addressed in the legislation when it is introduced next spring. The point that I would like to make – and I can't understand why the hon. leader of the Liberal opposition is referring to the United States. This has nothing to do with the United States. This has something to do with providing more choice and better service and alleviating suffering, and it has something to do with being firmly committed to the fundamental principles of the Canada Health Act. There is no Canada Health Act in the United States. This has nothing to do with the United States.

As a matter of fact, the proposed legislation is to demonstrate that we are fully committed to the principles of the Canada Health Act, and that under no circumstances will any Americanized, U.S. style, two-tiered health care system be set up.

MR. JONSON: Mr. Speaker, I would just like, because of the inference in the question from across the way, to supplement by indicating that in our publicly funded, publicly administered health care system in this province, particularly because this was an allusion to long-term care, we do have voluntary and private and directly government-owned and -run long-term care services in this province. They have provided, I think, a very reliable service.

We have not had, to my knowledge, any problems of fraud as is being implied across the way. I think that should go on the record, Mr. Speaker. But if by some chance there were some irregularity, certainly we have mechanisms to follow that up through the regional health authorities.

MRS. MacBETH: Mr. Speaker, given that this government, in fact, contracted with Olsten corporation's Alberta subsidiaries for \$1.1 million last year, what measures has the Premier taken so that Albertans can be sure that they receive value for money in these government of Alberta contracts?

MR. KLEIN: Mr. Speaker, that is a question that requires some detail in its answer. I simply don't have that detail, so I will defer to the hon. Minister of Health and Wellness.

MR. JONSON: Mr. Speaker, we have no indication, nor do I have any indication through our regional health authorities that her comment has any substance. Further to that, I think this is well monitored within our publicly funded, publicly administered health care system, unlike what the situation might be if you had a situation where somebody such as the leader across the way would advocate the independent licensing of private hospitals, the opting out of doctors to serve in those hospitals in some type of totally parallel system.

MRS. MacBETH: Mr. Speaker, in the Olsten Corporation lawsuit included in the bills were personal expenses of Olsten executives, including personal credit card charges, country club memberships, ski equipment, golf outings, and jewelry. The question is: what safeguards has this Premier put in place in his scheme to ensure that

Alberta taxpayers will not be billed for these costs by private health corporations?

MR. KLEIN: Again, Mr. Speaker, I'll defer to the hon. Minister of Health and Wellness.

MR. JONSON: Well, Mr. Speaker, first of all, in the public health care system we have, when it comes to the payment of practitioners, the physicians - I'm assuming that's who they may be referring to. We pay them on an overall agreement where there is a fee-for-service schedule. They are paid equitably according to that particular agreement. We have a joint AMA/Alberta Health and Wellness monitoring committee, which oversees the implementation of the agreement. I think it is working very well. I have not had any indication - and I'm sure it would be drawn to my attention and acted upon - that there is any irregularity in our adherence and their adherence to that particular agreement.

The same is true when it comes to another example in the system, the long-term care situation that I referred to. These entities are funded on the same basis as the voluntary and public operators. There is an approach there that deals with, I think, the security of funds and their fair application.

THE SPEAKER: Third Official Opposition main question. The hon. Member for Edmonton-Meadowlark.

Private Health Care Services

(continued)

MS LEIBOVICI: Thank you, Mr. Speaker. The Premier seems to be very anxious to introduce a two-tier health care system, and that's spelled t-e-a-r. As a result of the Premier's privatization scheme, Albertans will shed the first tear when they wait for surgery because of the Premier's lack of support for our public health care system. The second tear will roll down Albertans' cheeks when they receive their expensive health care bill in the mail. My questions are to the Premier. Mr. Premier, where's the concrete written proof, not just your words, that your scheme to privatize medicare will result in anything more than an increased cost for Albertans and a guaranteed profit for promoters of private, for-profit health care?

MR. KLEIN: Mr. Speaker, it is precisely that kind of misinformation, that kind of fear mongering that does a tremendous disservice not only to the Liberal Party of Alberta but to the people of this province. We are not talking about a two-tiered American style system. As a matter of fact, we're talking the opposite. We're talking about legislation that will firmly commit us to the principles of the Canada Health Act. Nothing could be more straightforward or more honest than that.

We're also committed to the principle of finding new and better and more effective and more efficient ways of reducing waiting lists and alleviating suffering under the publicly funded system. We are firmly committed to the principle that all Albertans will have access to insured medical services through the publicly funded and publicly administered health care system. We are firmly committed to the principle that no Albertan – no Albertan – will ever pay for insured medical services, and nobody will get faster, quicker service because they have a credit card or a cheque book.

We're firmly committed to the principle that all – all – contracts have to be done and negotiated and exercised by regional health authorities. We're also saying that private providers of insured surgical services will be able to operate but only under contract with regional health authorities and only within the principles of the

Canada Health Act. Only within the principles of the Canada Health Act.

Mr. Speaker, this has nothing to do whatsoever with what the hon. member is trying to suggest, and I think that this kind of misinformation, this kind of fear mongering is deplorable.

MS LEIBOVICI: Mr. Speaker, since the Premier held a Senate election last year, why won't you give Albertans a choice on this important health care issue and call for a referendum on your scheme to privatize medicare? Are you worried what Albertans are going to tell you?

2:10

MR. KLEIN: No, not at all. Not at all. You know, the media asked me this question, and I sort of thought about it, and I said: why would we have a referendum on upholding the principles of the Canada Health Act? Everyone wants us to do that.

MS LEIBOVICI: The Premier won't debate; he won't call a referendum; he won't call an election. Will he admit that the only real choice he is giving Albertans is cash, cheque, debit card, or American Express?

MR. KLEIN: Mr. Speaker, this is the only card Albertans will need. It's this card, the health care card. Don't leave home without it. That's the only card.

Regional Health Authorities

MS BARRETT: I think I want to wade back into chutzpah territory today, Mr. Speaker. Tommy Douglas dedicated his entire life to getting the profit motive out of health care. Meanwhile, this Conservative government makes a virtue of expanding the role of private, for-profit health care while cynically using Albertans languishing on government-created waiting lists as pawns in its efforts to alleviate the suffering of HRG shareholders. Why does the Premier want to advance this private, for-profit hospitals legislation while regional health boards are still 100 percent made up of handpicked government appointees rather than by independent citizens democratically elected by Albertans?

MR. KLEIN: Mr. Speaker, that question just went all over the map. The question is, first of all, any illusion to a for-profit, two-tiered health care system – the hon. leader of the ND opposition is falling into that same insidious trap that the Liberals have now got themselves into, and that is really spreading misinformation and fear mongering.

Mr. Speaker, we are again firmly committed to the principles of the Canada Health Act, firmly, absolutely committed to the principles of the Canada Health Act.

MS BARRETT: I was talking about the poor, suffering HRG shareholders, Mr. Speaker.

Will the Premier move up the date for the election of regional health authorities so that the decision on whether to contract with government-sanctioned, for-profit hospitals is at least made by democratically elected health authorities rather than by handpicked Tory appointees?

MR. KLEIN: Well, Mr. Speaker, a little bit of history, first of all. At one time we had about 200 health jurisdictions, and very few of those were . . . [interjection] Two hundred. When the hon. leader of the Liberal opposition was the minister of health, we had something like 200 various health authorities. Very few of those

authorities were elected. They were mostly appointed. I served on a hospital board. I served on the Calgary General hospital board, and I was appointed to that board. Most of the memberships on those boards were appointed memberships.

We have introduced a policy, and, Mr. Speaker, we intended to introduce it during the last municipal elections. A number of health authorities indicated that they simply weren't ready. They were in the midst of restructuring. We are firmly and absolutely committed to the election of boards in accordance with the policy which says that two-thirds of the members will be elected in conjunction with the next municipal elections.

MS BARRETT: Well, let's get specific, then, because it seems to me that this is a Calgary and an HRG related issue. Will the Premier agree to allowing the people of Calgary to elect the members of their regional health authority rather than having Chairman Dinning and his cronies running it before any contemplation of signing on with a private, for-profit hospital deal.

MR. KLEIN: Mr. Speaker, I can't figure out why the hon. member is singling out Calgary. I mean, there are 17 regional health authorities in the province. The policy and the legislation, once it goes through this Legislature, will apply to all regional health authorities. It's beyond me why she would single out Calgary.

Yes, Mr. Speaker, the Calgary regional health authority along with the Capital regional health authority, Mistahia, and all the others will be allowed to hold elections for two-thirds of the membership of the board in conjunction with the municipal elections next time around.

THE SPEAKER: The hon. Member for Lacombe-Stettler, followed by the hon. Member for Edmonton-Riverview.

Private Health Services

(continued)

MRS. GORDON: Thank you, Mr. Speaker. In conjunction with my question I will be tabling some corresponding documentation.

My questions are all to the Premier. Dr. William Orován, past president of the Ontario Medical Association and chair of a summit on the Canada Health Act, has publicly endorsed the proposed health care policy. Now, David MacKinnon, president of the Ontario Hospital Association, has stated publicly, and I quote, that while his association supports the Canada Health Act, he agrees that we need to find new ways to meet the health needs of Canadians, including partnerships with the private sector. It's well and good, Mr. Premier, to hear what credible people in other provinces are saying. However, I need to hear what Albertans are saying. What have you heard from provincial organizations with member representation linked to grassroots Alberta?

MR. KLEIN: Well, Mr. Speaker, in fact, I heard yesterday from the Alberta Chambers of Commerce. [interjections] Now, these people over here purport to be the defenders of rural Alberta. Well, their president, Michael O'Connor, sent me a letter on behalf of his federation, which represents 132 community chambers of commerce from across Alberta. Those 132 chambers of commerce represent thousands of businesses who employ hundreds of thousands of Alberta citizens, and I would think that this organization has a pretty good read on grassroots Albertans.

The letter says – and I'm going to have to table this letter now because I referred to it.

The Alberta Chambers of Commerce . . . applauds the Alberta government's leadership in the area of health care reform . . .

Despite the fear mongering and reports that innovations to

Alberta's health system will lead to a two-tier, American-style health care model, we are convinced that the objective of allowing the private sector to complement services offered by public providers is good medicine for our health care system.

They have attached their own principles document.

It's that kind of input we want to receive, good, positive input, not the fear mongering and not the misinformation being spread by the Liberals and the NDs.

MRS. GORDON: Again to the Premier. I totally agree, Mr. Premier. Since grassroots input is so essential to solid policy development, how do you plan to garner necessary grassroots feedback and involvement from other similar provincial organizations and associations?

MR. KLEIN: Mr. Speaker, that is precisely why we put out the policy document. That is why we took great efforts to advertise the phone numbers, to invite Albertans to phone. We are inviting input, and I would throw out the challenge today to our own medical establishment. We have heard from the former president of the Ontario Medical Association. We now hear from the president of the Ontario Hospitals Association. We have heard from medical providers in British Columbia. I would like to hear from our own medical establishment. I would urge past and present members of the College of Physicians and Surgeons to let us know what they think. Last month they were chastising us for not having legislation. Now we're proposing legislation. Let's involve them in the debate. Let's get their good, constructive input. I invite that. I invite input – good, honest, constructive input – from all segments of Alberta society.

2:20

MRS. GORDON: Mr. Speaker, speaking of phone lines, could the Premier please indicate how many phone calls have come in on our toll-free line and share with us some of the comments people that are phoning are making?

MR. KLEIN: Mr. Speaker, when we last checked, just over a thousand calls had come into our toll-free line since we released our proposal last week.

MR. DICKSON: Point of order.

MR. KLEIN: So far this week the calls are coming in at the rate of about 100 per day. Most of the calls last week were from people seeking more information. They simply want to know what this is all about, because obviously they aren't buying into the misinformation and the fear mongering being spread by the Liberals. They want good, solid information. This week the calls are a mixture with some people calling to express support and others calling with questions and concerns.

One question is: didn't Albertans say no to this proposal in recent summits and public consultations; does our input make a difference? Well, Mr. Speaker, the answer to that is that Albertans have said no to allowing American style, for-profit hospitals that can charge people for medically necessary services.

They were concerned because of the misinformation and the fear mongering being spread throughout this province by the Liberals. They are not going to get away with it this time, Mr. Speaker. They are not going to get away with it this time.

Health Facilities Review Committee

MRS. SLOAN: Mr. Speaker, the provincial Ombudsman recently

concluded an investigation into the Alberta Health Facilities Review Committee. My questions are to the minister of health. What recommendations did the Ombudsman make to the facilities review committee?

MR. JONSON: Mr. Speaker, with respect to this particular investigation and response, we have been in dialogue with the Ombudsman's office with respect to his initial ruling. We, of course, want to seek clarification, and we have raised some issues in discussion with him, but certainly we respect the ultimate ruling of the Ombudsman in this regard and would certainly abide by it.

THE SPEAKER: Hon. member, first of all, I'm going to recognize the hon. Minister of International and Intergovernmental Relations.

MRS. McCLELLAN: Mr. Speaker, in the heat of the debate I called across, I think, a remark that I would rather not have made. I know very well this Member for Edmonton-Riverview can read. I apologize.

MRS. SLOAN: Mr. Speaker, what policy and procedure changes have resulted in the Ombudsman's investigation to the committee?

MR. JONSON: Mr. Speaker, what the issue is here – and I think I must take a few seconds to clarify it for members of the Assembly and people in the gallery. We have, I think, very diligently been following the legislation as we understand it. We have a very active and I think capable process in place with respect to protection of persons in care and commit energy and resources to following up on all complaints that are lodged through that legislation. The issue is one of interpretation or application of the legislation, and that surrounds whether the person who can lodge a complaint is a person who is directly connected or, in fact, an individual who feels that proper care is not being provided.

The issue here that is being, I think, somewhat skewed by the member across the way in terms of the question is an issue of interpretation of a specific part of the legislation, and that is whether or not someone outside of the system or working in the system can lodge complaints. We are very willing to follow the ultimate interpretation of this legislation, but currently there is still some discussion going on over the topic.

MRS. SLOAN: Mr. Speaker, given that the committee has said that MLAs cannot report to that committee or cause a complaint to be made and the Ombudsman has disagreed with that position, where will MLAs report concerns relating to patient safety in Alberta facilities, public or private, in the future?

MR. JONSON: Mr. Speaker, first of all, I do not recall in the discussion quite frankly that MLAs per se were the focus of debate. It was a discussion with respect to who the individuals are, what categories of individuals, what relationship they have to have to the case in order to lodge an official complaint. We are, as I say, still working on getting a complete clarification of the matter. As I said, there is no issue as far as Alberta Health and Wellness is concerned with respect to the whole matter. We just need to know the proper interpretation of the situation.

THE SPEAKER: The hon. Member for West Yellowhead, followed by the hon. Member for Edmonton-Centre.

Forest Fires

MR. STRANG: Thank you, Mr. Speaker. Forest fires can threaten our parks, our protected areas, as well as our forest and the tourist

industry and our communities. This year Alberta experienced another record year of wildfires. My questions are to the Minister of Environment. What contributed to 1999 being such a bad forest fire year?

MR. MAR: The worst fire year on record was 1998. The second worst was this year, 1999. There were a number of conditions that resulted in the fire season that we had. First of all, Mr. Speaker, early on in the year we began with lower than normal precipitation levels throughout the province but particularly in the southwest part of the province as well as in the northeast boreal region. The conditions of drought that existed in those areas were even more severe than they were in the previous year. The result in the southwest part of the province was a number of grass fires, both inside and outside of our forest protection areas.

Mr. Speaker, these dry conditions and these high wildfire hazards resulted in fire bans being placed throughout the province as early as March of this year and as late as October of this year. That is the longest season that we've had for fire bans that I'm aware of.

MR. STRANG: Thank you, Mr. Speaker. My first supplementary question is to the Minister of Environment. Exactly how many fires were there, and how much of the province was affected?

MR. MAR: Well, Mr. Speaker, first of all, I'd like to commend the staff of Environment for the kind of work they did in containing these fires. This year there were approximately 1,300 fires that burned, and that compared to about 1,600 last year. The fires started as early as April of this year. My understanding is that as early as April of 1999 there were about a dozen fires already burning in the province of Alberta, which is a very early start.

With respect to the number of hectares burned, Mr. Speaker, this year approximately 120,000 hectares were burned compared to almost 750,000 hectares last season. So we were able to contain about 80 percent of this year's fires to an area of four hectares or less. I think that is demonstrating that the department is doing a very good job of containing these fires.

MR. STRANG: Thank you, Mr. Speaker. My second supplementary question is to the Minister of Environment. What is the department doing to ensure that it is well prepared for the next forest fire season?

MR. MAR: Mr. Speaker, first of all, we will review our fire operations from this past year, as we've done in previous years, to determine if there are improvements that need to be made, and we'll act upon any improvements that need to be made in advance of the upcoming season. We are continuing to act on the Auditor General's recommendations on the financial side. We've already implemented a number of changes to ensure that Albertans are getting good value for their dollars.

2:30

With respect to between now and next season also, Mr. Speaker, our meteorologist and staff will continue to track precipitation over the course of the winter so we'll again be ready for the next fire season. We are strategizing on how we will be prepared for any situation at the beginning of next season.

Mr. Speaker, the last comment I'd make is that we always have to remember that we are at the mercy of the weather, but I'm confident that because of the good people working in the Department of Environment, we will be ready to protect our valuable resources in the province of Alberta.

THE SPEAKER: The hon. Member for Edmonton-Centre, followed by the hon. Member for St. Albert.

Osteoporosis

MS BLAKEMAN: Mr. Speaker, unbelievably, the preventable disease of osteoporosis affects 150,000 women in Alberta, the majority of whom are seniors. This results in 7,600 hip, spine, and other fractures per year, 21 per day. Now, that's a lot of surgery. Given that seniors are the third largest group of poor in this province, that's a lot of people who can't afford gold-plated private surgery. My questions are to the Minister of Health and Wellness. Given that Health Canada approved the drug Evista, which reduces fractures, decreases heart disease in women, and reduces the incidence of new invasive breast cancer, why has this government's expert drug committee deferred approving Evista not once but twice?

MR. JONSON: Mr. Speaker, we have, as perhaps the member across the way knows, a process that is followed very consistently, and that is that we have an expert committee which has a number of physicians and other people very much qualified to assess the effectiveness of particular pharmaceutical products. We depend upon that particular committee to review new authorizations and make recommendations to government. Government has, I think, responded on a consistent basis to the recommendations of that committee. I quote as a recent example the approval of the pharmaceutical product known as Aricept. That is the way the process works. Many of these pharmaceutical products, of course, are applicable to medical conditions that may affect the female population just as others are with respect to the male. This is a process that is consistently followed, and it is under way.

MS BLAKEMAN: I wonder how many mature women are on that committee?

Mr. Speaker, why is this government doing things backwards by providing Fosamax, a drug approved for the prevention and treatment of osteoporosis with the best track record for the prevention of a fracture, only after the fracture has already occurred? It doesn't make any sense. Why is that?

MR. JONSON: Mr. Speaker, the member across the way perhaps has expert medical advice to which I am not privy, but the approval of Fosamax and the application of it in terms of coverage is something that was recommended to us through a panel of expert people who are very knowledgeable in this area. They are people who actually practise in the system; they are not people who just sit around a table. I think the hon. member across the way and all members of the Assembly would probably agree that we do need that kind of expertise in making these types of decisions.

MS BLAKEMAN: Okay. No preventative medicine. All right.

Well, the Premier says that these are the people he is trying to help, but will the minister tell us how many poor seniors will not get a hip replacement because they do not have enough cash, credit, or private insurance?

MR. JONSON: Mr. Speaker, hip replacements are an insured service under the Canada Health Act. They are being provided at a rate per month, per year higher than ever before in this province. The technology, the treatment methodology has improved. We are providing that service. We are responding to the increased age of our population and unfortunately the frequency of this being a condition that has to be dealt with. That's happening within a

publicly funded, publicly administered, publicly paid for health care system, which of course this government is very much wanting to maintain and preserve.

THE SPEAKER: The hon. Member for St. Albert, followed by the hon. Member for Edmonton-Ellerslie.

Impaired Driving

MRS. O'NEILL: Thank you, Mr. Speaker. Effective December 1 of this year the administrative licence suspension, commonly known as ALS, becomes law in Alberta. This means that drivers charged with an alcohol-related offence will face an automatic suspension of their driving privileges and that no conviction is necessary. My question is to the Minister of Alberta Infrastructure. Given the fact that the holiday season is upon us, could the minister explain how Alberta's new ALS, or administrative licence suspension, program will get drunk drivers off the road and make our roads safer?

MR. STELMACH: Mr. Speaker, effective December 1, as the hon. member mentioned, our administrative licence suspension program will take effect, meaning that when a police officer or peace officer stops a vehicle or even in a Check Stop, if someone either refuses to provide a breath sample or the breath sample or blood sample is over .08, the licence will be immediately suspended. Upon that suspension the officer will issue a temporary 21-day licence to allow that person to look after any affairs that may be necessary in terms of looking for alternate transportation. At the end of the 21-day period the licence will be suspended for 90 days.

MRS. O'NEILL: Thank you, Mr. Speaker. I have a supplemental to the same minister, and that is: why extend the current five-year monitoring period for impaired driving convictions to 10 years?

MR. STELMACH: What has happened is that at the conclusion of five years the record becomes clean, and if a person reoffends, then they would suffer the consequences as for a first offence. By extending the window to 10 years, a person caught in the sixth or seventh year will now face a second offence, which will carry a much larger penalty and a longer suspension period. I believe that for the second offence it is in excess of three years.

MRS. O'NEILL: My second supplemental is to the Minister of Justice, and that is: are there any other provinces who have a program similar to this? Have there been any constitutional issues associated with their programs because they are taking away someone's licence before they have been convicted of an offence?

MR. HANCOCK: Yes, Mr. Speaker, the administrative licence suspension program is in effect in a number of other jurisdictions. In Manitoba, for example, their program was introduced in November of 1989. Annual impaired driving charges there have decreased 32 percent. The charge rate per 10,000 licensed drivers also decreased from an annual average of 94 prior to their program to 61.4 after the introduction of the program. Similar programs are in place in Prince Edward Island, Nova Scotia, Ontario, and British Columbia. All of these jurisdictions have successfully withheld court challenges within their provinces on constitutional grounds.

It's important, Mr. Speaker, to emphasize that driving is a privilege; it's not a right. You get to drive in this province and in other provinces when you're granted a licence because you've passed some basic skill and knowledge tests. Well, in Alberta now licences will only be granted to people who pass those tests, and one

of those tests is: do you know well enough not to drink and drive? In Alberta legislation is constitutional. It's within our jurisdiction to set the standards for who gets to drive in this province, and if you don't know well enough not to drink and drive, you don't pass the basic skill test to get a licence in Alberta or to keep it.

2:40

Sour Gas Wells

MS CARLSON: Mr. Speaker, across the province groups of people are protesting the location of sour gas wells near their homes because they fear for their health and safety. My questions today are all to the Minister of Health and Wellness. Will the minister review the setbacks and standards for emergency response plans between housing and sour gas wells to ensure that they are adequate?

MR. JONSON: Mr. Speaker, the answer is yes, we are certainly taking this matter seriously. I'm sorry that I did not hear the complete question. Perhaps it could be repeated, because there was reference to something that I think is also the responsibility of the Energy and Utilities Board.

MS CARLSON: Well, Mr. Speaker, why would the Calgary regional health authority, under your purview, be challenging the Energy and Utilities Board decision on a critical sour gas well near Bears paw if the conditions set by the board are adequate? You need to be doing your job here.

MR. JONSON: Mr. Speaker, despite the reference at the end of the question, I am not aware of the details of the challenge, but I will certainly undertake to ascertain what they are.

MS CARLSON: Mr. Speaker, as more and more wells are being drilled close to homes, I will ask again, as we have done before in this House: will the minister hold a public review of the standards as he, not the Energy and Utilities Board, has the responsibility for protecting public health?

MR. JONSON: Mr. Speaker, it is my understanding that the EUB did hold hearings on this particular matter. There were opportunities for intervenors to make representation. It was quite a lengthy and detailed process, which extended over a period of time, so I think that there has certainly been evidence here that the process is working. I understand that there was a ruling as far as the Energy and Utilities Board is concerned, and I have undertaken to look further into what the status is of the Calgary regional health authority's views on this particular matter.

As I've said, I think that the process the government has established has been working. It is quite a lengthy and quite thorough process, Mr. Speaker, and I will want to ascertain whether there are any outstanding issues that Alberta Health and Wellness has. At this particular point in time I'm not aware of any, but certainly, being that it is an important area, one that of course government is interested in handling properly, we would want to follow up and find out exactly what the situation is.

Recognitions

THE SPEAKER: In 30 seconds, hon. members, I will call on four hon. members today to participate. We'll go in this order: first of all, the hon. Member for Calgary-Currie, then the hon. Member for Edmonton-Centre, the hon. Member for Edmonton-Strathcona, then the hon. Member for Edmonton-Glengarry.

Museum of the Regiments

MRS. BURGNER: Thank you, Mr. Speaker. Just prior to the House convening, we celebrated Remembrance Day in this province. I know there's a lot of discussion about support for understanding our Canadian history, and we've had some discussion about that recently. I just want to take the time to recognize the tremendous work that's being done by the Museum of the Regiments, which is located in Calgary-Currie. As recently as this November we had close to 5,000 people attending the outdoor celebrations honouring our war dead.

Mr. Speaker, in this very moving tribute the chaplain of the museum speaks with prayer and with hymns. We have a beautiful celebration honouring our war dead. What's very interesting about this particular event is that the museum is then made available to the hundreds and hundreds of students who come to visit. It's an opportunity for them to not only participate in a religious and spiritual ceremony honouring our war dead but also to have a hands-on opportunity to learn about the men and women who have served this country.

So, Mr. Speaker, I want to just take this opportunity to thank the organizers and the work of the museum for bringing Canadian history to the citizens of Alberta. Thank you.

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

Osteoporosis

MS BLAKEMAN: Thank you very much, Mr. Speaker. I would like to recognize three groups working hard to educate and advocate for mature women's health: the mature women's program at the Grey Nuns hospital in Edmonton, the Women's Wellness Action Committee, and the Edmonton Osteoporosis Support Group. Osteoporosis is a killer for older women. One in six women over 50 will fracture a hip, and up to 20 percent of them will be dead within six months. It is not only breast and cervical cancer which kill women in Alberta.

According to the World Health Organization, osteoporosis is not a normal part of aging, but uninformed policy-makers do not recognize the urgency of this problem. These three groups presented to the government's standing policy committee on health and safe communities, and in a written response, which I tabled earlier, the SPC states the government's health initiatives for women, only two of which are directed to mature women and one more for women generally. The rest don't mention women.

With education, exercise, diet, and drug therapy we can reduce this impending epidemic, but today we still spend 98 percent of our dollars on chronic short- and long-term care, with only 2 percent of the budget for osteoporosis going to drug therapy for prevention and treatment. We can do better.

Thank you.

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

Aung San Suu Kyi

DR. PANNU: Thank you, Mr. Speaker. This week marks the eighth anniversary of the announcement awarding the 1991 Nobel peace prize to Aung San Suu Kyi of Burma. Ms Aung is one of the world's leading campaigners for democracy and indeed has come to be seen internationally as a symbol of heroic and peaceful resistance in the face of oppression. Inspired by the nonviolent campaigns of Mahatma Gandhi and later on Martin Luther King, she campaigned for change through dialogue. She continues to lead the nonviolent struggle of the Burmese people for freedom, democracy, and human rights.

She returned from Britain to her home country of Burma in

August 1988 and became a leader of the burgeoning pro-democracy movement in the aftermath of the brutal repression of the pro-democratic uprising earlier that summer. Soon she was to be put under six years of house arrest by the military rulers of that country. Nevertheless, the movement grew into a political party that went on to win an overwhelming majority, 82 percent of the seats in the national Assembly. [Dr. Pannu's speaking time expired] Mr. Speaker, I'll finish within a couple of seconds, with your permission.

The military regime refused to relinquish power and intensified repression of her party, the National League for Democracy. For her indomitable courage and relentless struggle to restore democracy to the people of Burma, she was awarded this Nobel prize.

I rise today to join with many thousands of Canadians, many of them Albertans, to pay tribute to this remarkable woman for her unfaltering pursuit of and fight for democracy. Thank you, Mr. Speaker.

Speaker's Ruling Speaking Time

THE SPEAKER: Before I call on the hon. Member for Edmonton-Glengarry, again, just a polite bit of advice to both the hon. Member for Edmonton-Strathcona and the hon. Member for Edmonton-Centre. It's not the Speaker whose permission you need to go beyond the rules that we have; it's the House's. The chair would have stood up; undoubtedly one member would have said no. So let's just work towards one minute or work towards two minutes and stay within the bounds.

The hon. Member for Edmonton-Glengarry.

2:50

Sport Central

MR. BONNER: Thank you, Mr. Speaker. It gives me a great deal of pleasure today to recognize Sport Central, a nonprofit registered charity that supplies free of charge sporting equipment to underprivileged children. This year, with the support of approximately 150 volunteers, Sport Central disbursed 32,389 pieces of sports equipment, which is an increase of 12,000 items compared to last year.

Sport Central has provided equipment primarily to Alberta children but also to Canadian children in Nunavut, the Northwest Territories, Quebec, and Newfoundland. Equipment was also provided to children living in Nicaragua, Russia, and the Philippines. Sporting-goods stores and individual donors provide equipment for distribution through Sport Central. The Brick and McDonald's are two of its major sponsors. The Oilers alumni have generously provided an equipment van. In addition, Alberta Sport, Recreation, Parks and Wildlife Foundation and lotteries provide fund-raising grants to Sport Central.

On behalf of the Legislative Assembly of Alberta I would like to extend my congratulations to Sport Central on a job well done and extend my best wishes for its continued success. Thank you.

THE SPEAKER: The hon. Member for Calgary-Buffalo on a point of order.

Point of Order Urgency of Questions

MR. DICKSON: Mr. Speaker, the authority is *Beauchesne* 408(1)(a), the admonition there to ask questions "in respect of matters of sufficient urgency and importance as to require an immediate answer." I stood when the Member for Lacombe-Stettler was putting a question to the Premier with respect to the number of calls I think it was either the Premier's office or the Public Affairs Bureau had received with respect to the new health policy. I could

have raised the same concern when the Member for St. Albert posed a question.

Sir, you dealt with this before, very specifically on February 18, 1999. On February 23 you were in the chair when the MLA for Calgary-West asked, "How many homes, schools, businesses are affected in Calgary and in southern Alberta with pine shake problems?" You made a suggestion then that that's a question that belongs as a motion for a return, as a written question. With respect, Mr. Speaker, I'd suggest that the same ruling would apply in these circumstances this afternoon.

Thank you.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. It should be noted that we can quite easily distinguish what was said today from the previous remark that the hon. member across the way referred to.

Now, the matter that was discussed today and raised by the Member for Lacombe-Stettler related to the collective expression of opinions by Albertans regarding the issue of health care. In fact, if I'm not mistaken, Mr. Speaker, virtually every question asked by the opposition during this session has related to health care, and this also related to health care. So I don't think we should be so specific when we're analyzing the question as to the fact that it only asked about the number of calls. It was directly related to the issue of health care. I would refer to *Beauchesne* 409(4), (5), and 410(11). I, too, would quote those as being the appropriate sections because this was a matter of urgency.

Further, Mr. Speaker, the member is seeking information on behalf of her constituents, and I know that you've provided a great deal of latitude in that regard in the past. It is consistent with *Beauchesne* 410(6), which states: "The greatest possible freedom should be given to Members consistent with the other rules and practices."

So, quite frankly, Mr. Speaker, I don't believe there is a point of order. In fact, I'm rather surprised the hon. member would raise it, because it was directly related to the issue of health care, which we've been debating day in and day out since we've come back to this House.

THE SPEAKER: Well, having heard the submissions of both the Opposition House Leader and the hon. Deputy Government House Leader, the hon. Deputy Government House Leader may be very, very surprised to hear what I'm going to say. I agree with him completely. This is not a point of order. [interjections] The euphoria may be a moving, temporary thing, hon. Deputy Government House Leader.

Point number one is that we've been here since last Wednesday, and if I look at the count of the questions, the three questions provided by the Official Opposition and the question provided by the leader of the third party, that's four times five. That's 20 questions. All have been related to health.

The question raised today by the hon. Member for Lacombe-Stettler was the following:

Mr. Premier, speaking of phone lines, could the Premier please indicate how many phone calls have come in on our toll-free line and share with us some of the comments people that are phoning are making?

The chair listened very attentively to this. This certainly is current, up-to-date information. The chair would have intervened on the subjective side of the question. It says: "share with us some of the comments people that are phoning are making." If the respondent to the question had gone on for more than several of these examples, then there would have been interjection saying: we don't have to deal with a thousand or more of these.

Hon. Opposition House Leader, this morning when this individual

got up at 6 o'clock, the first lead story on the news at 6 o'clock, 6:30, 7 o'clock, 7:30, 8 o'clock, 8:30, and 9 o'clock on three different radio stations had to do with exactly the subject matter raised by the hon. Member for St. Albert. It was nothing else than that. So if that is any reflection of so-called urgency or up-to-date information, then certainly the question provided by the hon. Member for St. Albert was also in order. [interjection] If you want to raise a point of order on the question by the hon. Member for St. Albert, you do that independently. To make sure we have maximum enthusiasm for the decorum in this House, don't sweep it in in terms of the other one.

I received three notes from hon. members saying that they don't like the glasses in this Assembly because they spill. Well, the glasses are perfectly fine. We're not going to change the glasses. Just spend a little more attention in terms of how you drink out of them.

head: Orders of the Day

head: Written Questions

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Proper notice having been given yesterday, it is my pleasure to move that written questions appearing on today's Order Paper stand and retain their places with the exception of written questions 218, 219, 220, 226, and 227.

[Motion carried]

Provincial Income Tax

Q218. Mr. Sapers moved that the following question be accepted. What is the breakdown of the economic impact of the \$600 million provincial income tax cut under the 11 percent single rate proposal for years 1 through 5 inclusive as cited on page 162 of Budget '99, government of Alberta fiscal plan, attributed to the components of the elimination of the 8 percent surtax, the elimination of the .5 percent flat tax, the increase in the personal and spousal exemptions to \$11,620, the increase in the personal and spousal exemptions in the 1999 federal budget, and the introduction of the 11 percent single rate tax by the following: real GDP, employment, labour force, unemployment rate, net in-migration, personal disposable income, real consumer spending, corporate profits, and real business investment?

THE SPEAKER: The hon. Deputy Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. On behalf of the hon. Provincial Treasurer I'd like to move that Written Question 218 be amended by striking out "What is the breakdown" and substituting "What information has been prepared by or for Alberta Treasury on the breakdown." Thus the amended Written Question 218 will read as follows:

What information has been prepared by or for Alberta Treasury on the breakdown of the economic impact of the \$600 million provincial income tax cut under the 11 percent single rate proposal for years 1 through 5 inclusive as cited on page 162 of Budget '99, government of Alberta fiscal plan, attributed to the components of the elimination of the 8 percent surtax, the elimination of the .5 percent flat tax, the increase in the personal and spousal exemptions to \$11,620, the increase in the personal and spousal exemptions in the 1999 federal budget, and the introduction of the 11 percent single rate tax by the following: real GDP, employment, labour

force, unemployment rate, net in-migration, personal disposable income, real consumer spending, corporate profits, and real business investment?

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

3:00

MR. SAPERS: Thanks, Mr. Speaker. The proposal to amend the written question is interesting, and in fact it may appear to be mere semantics to a casual observer. The question as proposed included the phrase "What is the breakdown," and the request for the amendment is "What information has been prepared by or for Alberta Treasury on the breakdown." The reason why this is not just mere semantics has to do with the recent history of correspondence exchanged between myself and the Provincial Treasurer.

I requested this information in writing from the Provincial Treasurer on July 20 of this year. I requested information on August 19 of this year. I requested information on August 9 of this year. We've even gone so far, Mr. Speaker, having not received satisfactory responses, as to ask for similar information through accessing freedom of information procedures in this province. What we have found is that Treasury is unwilling or unable to share information that it has on the question of the breakdown of the economic impact of the proposed tax cuts, and I suspect, after a careful reading of the Treasurer's suggested amendment, that if this amendment is accepted, the response will be: oh, well, the answer is none.

You see, Mr. Speaker, the original question is very precise. It wants information, specifically the kind of information that should be sought in a written question. What is the breakdown? We want the numbers. The amendment makes it into sort of a yes or no question: what information has been prepared? Now, this would simply allow the Treasurer to continue hiding behind exemptions in the freedom of information act and say: well, there's either no information prepared or no information that we would be prepared to make public.

Mr. Speaker, based on that analysis of the proposed amendment, I'm going to recommend to my colleagues that they vote against it, and I'm going to ask that the government very carefully think about the message they are proposing, because what in fact they're saying is: we're not going to tell taxpayers how we came to the numbers that we published in the government's budget plan; we're going to keep Albertans in the dark about how it is we arrived at the numbers in the budget. This is a very dangerous road for the government to travel down, because there is already a tremendous amount of suspicion in the minds of Albertans about the government's budgeting process.

How is it that year after year after year after year the Treasurer and his colleagues could be just so wrong when it comes to the projections and the forecasts? Mr. Speaker, what we have is an opportunity for the government to prove that they really do do their homework first, that the research is there, that the numbers have been crunched, the beans have been counted, and that they have the documents to back up their claims.

So with that, Mr. Speaker, I would ask that the amendment be quickly voted down and that the original motion be quickly voted for.

[Motion on amendment carried]

THE SPEAKER: The hon. Member for Edmonton-Glenora to close debate.

MR. SAPERS: Well, I continue to be disappointed, because this is

a bit of a tennis match that we get into every time we get written questions. The government bends over backwards to find ways to not provide the information, at least not satisfy the original intent of the question, and they've found some clever wording to avoid it one more time. I will be happy to withdraw, retract, and apologize for the suggestion that this is a manipulation, Mr. Speaker, if in fact I'm wrong and the Treasurer will forthwith upon the passing of this amended motion give me the numbers so that I can share them with Albertans. If he doesn't do that quickly, then I'm afraid my comments will just simply stand, as the government's actions will stand on their merit.

Mr. Speaker, I want to point out one other frustration that I have with this process. Due to your intervention in this Assembly the process for amending written questions was changed. In fact, it was formalized a little bit, and I sincerely appreciate that. The process changed in such a way that the government, in responding to these written questions from the Official Opposition, could no longer just drop an amendment on the Assembly without any notice. In fact, because of your ruling there was a deadline of 11 a.m. on the day that the written question was to be discussed that it would have to be presented to the Official Opposition mover of the original motion.

Mr. Speaker, you know, when you set a deadline, unfortunately it seems to become a target for the government. What I have in my hand is a fax from Alberta Treasury to myself that was time-stamped by the fax machine at 10:59 this morning. So in fact, according to the letter of your ruling, Treasury did try, in fact did comply with providing this member with notice prior to 11 a.m. that the motions were about to be amended.

Now, the reason why I find this frustrating is because I can just imagine this poor, unfortunate soul who works in Treasury standing with a stopwatch over a fax machine waiting for the seconds to tick down until it was just prior to 11 a.m. so they could send me the information. The reason why I suspect that that may have been the case, Mr. Speaker, is because I do note that Parliamentary Counsel approved these amendments yesterday, so certainly Treasury would have had more than adequate time to have sent these over yesterday afternoon, earlier this morning, so that they could have been considered and discussed.

Mr. Speaker, these actions do not match the words of the Treasurer when he talks about openness and transparency and accountability and, in fact, the invitation that he's made in this Assembly so many times to just pick up the phone and ask and that he'd be forthcoming with the information. This action instead speaks of a Treasurer who wants to do everything possible to frustrate the honest attempts of the opposition in this Assembly to get information of importance to the taxpayers of this province.

[Written Question 218 as amended carried]

Tax Cuts

Q219. Mr. Sapers moved that the following question be accepted. How much of the \$35 million economic offset or revenue recovery projected in 2001-02 as cited on page 17 of Budget '99, government of Alberta fiscal plan, results from the reduction of the 8 percent surtax, from the increase in the personal and spousal exemptions contained in the 1999 federal budget, from the reduction of the .5 percent flat tax, from the increase in the personal and spousal exemptions to \$11,620, and from the introduction of the 11 percent single rate?

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

MR. SAPERS: Thank you, Mr. Speaker. I'll hasten to add at this point in moving the motion that I do anticipate, in fact I know that it's about to be amended by the government. But I would remind the Deputy Government House Leader before moving the amendment that we can incorporate by reference I think some of the same debate, and I will say now that the same legacy of requests for information and no substantive responses is in place in this question as it was in Written Question 218.

THE SPEAKER: The hon. Deputy Government House Leader.

3:10

MR. ZWOZDESKY: Thank you, Mr. Speaker. I respect the comments from the member opposite. However, I will move on behalf of the Provincial Treasurer that Written Question 219 be amended by striking out "How much" and substituting "What information has been prepared by or for Alberta Treasury on how much." In that case the amended Written Question 219 will now read as follows:

What information has been prepared by or for Alberta Treasury on how much of the \$35 million economic offset or revenue recovery projected in 2001-02 as cited on page 17 of Budget '99, government of Alberta fiscal plan, results from the reduction of the 8 percent surtax, from the increase in the personal and spousal exemptions in the 1999 federal budget, from the reduction of the .5 percent flat tax, from the increase in the personal and spousal exemptions to \$11,620, and from the introduction of the 11 percent single rate.

THE SPEAKER: The hon. Member for Edmonton-Glenora to close the debate.

MR. SAPERS: Thanks, Mr. Speaker. This is on the amendment?

THE SPEAKER: That's correct. On the amendment.

MR. SAPERS: Thank you. The revenue recovery that was predicted in the economic offset of \$35 million is central to the success or appropriateness of the government's overall tax plan and the fiscal policy that they have put forward and in fact are now selling around the province and around the countryside. I find it very interesting to note that when specific information was asked about how those numbers were generated, we get answers such as the one contained in the July 20, 1999, letter from the Provincial Treasurer to myself, which in part reads: "We continue to feel that very little value would be added by breaking out the fiscal impacts of the various components of the plan."

Mr. Speaker, what are Albertans supposed to think? What are they supposed to believe? Is this another case of somebody standing up on the government side and saying: hey, I'm from government; just trust me. We're not talking about chicken feed here. We're talking about tens of millions of dollars and, as the Treasurer is so fond of saying, tens of millions of . . .

MRS. SOETAERT: Sweat-soaked loonies.

MR. SAPERS: I couldn't have said it better myself: sweat-soaked loonies.

I can't help but wonder why the Treasurer doesn't think that value would be added to the discussion, the debate, and the understanding of the government's tax plan if they did in fact break out the various components.

Now, in the government's own language they talk about revenue recovery estimates for the single rate tax being available only through to the end of 2002-2003. That's on page 17 of Budget '99.

No breakdown is available on the impact of the various components of the proposal, and the government claims that the reason why that's the case is because the methodology used to analyze the impacts is only done at an aggregate level. Well, if it's only done at an aggregate level, Mr. Speaker, how do they know, for example, that the tax benefit to Albertans in '99-2000 would be \$55 million and then \$115 million by the end of 2001 and \$273 million I think it is in 2002? How do they know that the impact on government revenue by the end of the forecast period, fiscal year 2003, will be \$480 million? I mean, do they use a Ouija board? Did they consult a psychic? If they didn't break out the numbers and if they didn't do the homework and if the methodology they used to analyze the impacts is only done at an aggregate level, how do they know?

Now, Mr. Speaker, longer term estimates of the economic and fiscal impact of the tax plan are extrapolations of the study done by the ATRC, the Alberta Tax Review Committee. That study talked about a \$500 million proposal, the discussion of which can be found on pages 159 through 164 of Budget '99. Again, a breakdown of the impact of the various components of the proposal is simply not made available.

Mr. Speaker, when I'm presented with somebody trying to sell me something and they say, "Just trust me," I get mighty suspicious. When you try not once, not twice, not three times but a half dozen times to get the answers, to get the information and you even go to the trouble of trying to access the information through freedom of information and you still don't get disclosure, then you become, at least I become very suspicious that it's not a lack of competence. In fact, what we're dealing with here is quite a purposeful tactic on the part of the government to keep myself, my colleagues, and Albertans in general in the dark as to how these numbers were arrived at.

I'll say once again: these numbers are central to the fiscal plan that this government presented to Albertans in the last budget. If they can't make this public, Mr. Speaker, then you certainly have to wonder what else they're hiding and why.

[Motion on amendment carried]

THE SPEAKER: The hon. Member for Edmonton-Glenora to close the debate.

MR. SAPERS: Well, we are in fact at the same point we were with the previous written question. The question was specific, to begin with: "How much?" Show us the numbers. Put it on the table. Let Albertans know. What we're left with now is a watered-down version saying: "What . . . has been prepared by or for Alberta Treasury on how much." The Treasurer can simply say "nothing," which is what he's basically been saying on this matter ever since Budget '99 was introduced.

This amendment is inconsistent with the Treasurer's words that he wants to be open and accountable. In fact, I wonder whether the Institute of Public Administration, which has conferred an award on the provincial government, would be interested in a transcript of today's debate on these written questions and a package of the correspondence that has been entered into between myself and the Treasurer. As I understand it, the province was congratulated in part on its transparency, and this certainly doesn't look terribly transparent, unless of course you want to just think of it as being able to see through what they're up to. I don't think that that's the kind of transparency they were recognized for.

Mr. Speaker, I'm disturbed that the government has taken this tack to these questions. I would have thought that it would have been in their best interests to simply make the information available as

quickly as they can and then trumpet all of the advantages that their projections would bring to the people and the economy of this province.

[Written Question 219 as amended carried]

Tax Cuts

Q220. Mr. Sapers moved that the following question be accepted. How much of the \$20 million economic offset or revenue recovery projected in 2000-01 as cited on page 17 of Budget '99, government of Alberta fiscal plan, results from the reduction of the 8 percent surtax, and how much is from the increase in the personal and spousal exemptions contained in the 1999 federal budget?

MR. SAPERS: Mr. Speaker, the written question also, of course, brings us into the territory of trying to understand what the government had in mind when it accelerated the removal of the surtax that the highest income earners in the province pay, thereby providing a tax benefit to a select group of Albertans, instead of accelerating the removal of the flat tax, which the vast majority of income tax filers pay, which would have provided a much wider enjoyed benefit.

Since it was, generally speaking, the middle-income earners who have endured the brunt of the government cuts and it has been the working poor in this province that have been hit the hardest by a number of government policies, it seems very unfair that they would be the very last on the list to receive the benefit of any tax policy changes and that those individuals who have been able to very well weather the storm, who have been able to ride out the economic volatility brought on by government policy in the last half dozen years are the first to receive a tax benefit because of government policy.

I would hope that the government won't proceed to amend Written Question 220 and will just simply accept it. It's a very, very straightforward question. It's very simple: how much of the economic offset is due to the 8 percent surtax and how much is from the increase in the personal and spousal exemptions in the 1999 budget? How much of a tax benefit did Albertans get because of provincial government projected tax policy, and how much of a benefit will Albertans get because of federal government tax policy?

3:20

Clearly, they've done the homework. Clearly, they've got the numbers. They must know. If they don't know, then we've got a whole other problem, Mr. Speaker. So I would like to ask that we don't play games with words and semantics, that we don't try to mess around with the question. It's a short, easy-to-understand question. The wording is clear, and it just simply seeks information that we know the government has and that we believe they should share with Albertans.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. On behalf of the hon. Provincial Treasurer I will move that Written Question 220 be amended by striking out "How much" and substituting "What information has been prepared by or for Alberta Treasury on how much." Therefore, the amended Written Question 220 will now read as follows:

What information has been prepared by or for Alberta Treasury on how much of the \$20 million economic offset or revenue recovery projected in 2000-01 as cited on page 17 of Budget '99, government of Alberta fiscal plan, results from the reduction of the 8 percent

surtax, and how much is from the increase in the personal and spousal exemptions contained in the 1999 federal budget?

THE SPEAKER: The hon. Member for Edmonton-Glenora on the amendment.

MR. SAPERS: Well, thanks, Mr. Speaker. I of course was able to see the amendment and had encouraged the Deputy Government House Leader and junior minister to not proceed with the amendment.

I have to comment on the irony of that particular member introducing this kind of an amendment because I know full well the frustration he used to feel when he was faced with these kinds of shenanigans coming from the government side in terms of obscuring information requests and answers. But I guess, you know, we all move on to other things, and he finds himself in the position now of trying to justify this kind of response. It's unfortunate, because Albertans really will find it very easy to pass judgment on that. I'm not personalizing that with the junior minister. When I say "pass judgment on that," I mean the behaviour of the government as a whole in withholding this information from Albertans, because I believe that will be the net effect of this amendment should it pass.

[Motion on amendment carried]

THE SPEAKER: The hon. Member for Edmonton-Glenora to close the debate.

MR. SAPERS: Mr. Speaker, thank you. The motion as amended substitutes the phrase: "What information has been prepared by or for Alberta Treasury on how much of the \$20 million economic offset" is due to the provincial government plan or federal government activity? I wonder why we see this pattern and what is behind it. It's really unfortunate that we don't have any explanation coming from the government with the moving of these amendments. What we have is just simply the government in a very monolithic way coming in and saying: here's the amendment; take it or leave it; we've got a majority; we'll use our majority, and your information request be damned. It borders on being irresponsible, actually.

The process is a much more honest process and would have much more integrity if at least there was a rationale provided, if we could have the Provincial Treasurer say, "Here's a list of reasons why that information can't be made available in the way that it was requested," or if we could have the Provincial Treasurer say, "This would provide an unfair advantage to a business sector," or if we could have the Provincial Treasurer say: "We simply didn't think of that. It's a good point. We're glad you raised it. We didn't do the homework that way before, but we'll begin to pay attention to it now." Mr. Speaker, we're not hearing any of that coming from the government. We're not hearing any explanation. We're not being given any rationale. We're simply seeing an exercise of power. They don't want to tell us probably just because we asked. That is childish, to say the least, and unacceptable.

I know that I've been asked that question myself. I've been asked by taxpayers in this province for my understanding of how much of a tax benefit they have received because of federal government policy and how much they may receive based on any of the number of scenarios, any of the various tax policies that have been announced or speculated or mused about by the Premier and the Provincial Treasurer. I have not been able to adequately answer that question because the government won't give us the answer, and the government won't give us the answer because they don't want to. I can't believe it's because they don't have the information. I can't

believe it's because they simply haven't done the homework.

The amended motion, I'm sure, will be passed. The chorus of government supporters, I'm sure, will be heard; they've no doubt been given instructions on this. Albertans will be all the poorer in terms of what information they have about their government's plans for their money.

[Written Question 220 as amended carried]

Tax Cuts

Q226. Mr. Sapers moved that the following question be accepted. What is the breakdown of the fiscal impact of the \$600 million provincial income tax cut under the 11 percent single rate proposal for years 1 through 5 inclusive as cited on page 163 of Budget '99, government of Alberta fiscal plan, attributed to the components of the elimination of the 8 percent surtax, the elimination of the .5 percent flat tax, the increase in the personal and spousal exemptions to \$11,620, the increase in the personal and spousal exemptions in the 1999 federal budget, and the introduction of the 11 percent single rate tax by the following: personal income tax, corporate income tax, other direct taxes, fuel and indirect taxes, federal transfers, other transfers, and direct fiscal impact and revenue recovery?

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

MR. SAPERS: Thank you, Mr. Speaker. I would like to move, of course, that that motion as read be accepted by the government. I will hasten to add that this is different from the previous question, which spoke of economic impact. Now, the economic impact deals with a number of indicators, which include real GDP, employment labour force numbers, unemployment rate, in-migration, disposable income, et cetera. This is asking for specific fiscal impacts on forecasted income tax and corporate tax collection, other direct taxes, and of course on fuel.

This becomes all the more critical today because we heard over the last 24 to 48 hours that the government is now speculating about changing the fuel tax regime in the province of Alberta, that there may be some cuts in fuel tax to help keep the price at the pump down. Mr. Speaker, this is very interesting. This is very intriguing. We have not heard any debate on this issue. We have not heard whether or not there have been any numbers run on this issue. We haven't heard whether or not there's been consultation. We haven't seen this in the fiscal plan as presented by the government. We have no idea what the impact will be.

Now, Mr. Speaker, if the government refuses to provide this information because they say they haven't done the homework, they haven't crunched the numbers, then one has to wonder how they can speculate about reducing the tax on gas at the pump. Clearly, they would be doing that as an emotional response to gasoline prices as opposed to using any kind of arithmetic to figure out how much benefit it would really provide Albertans and how much money it would really cost the Provincial Treasurer.

3:30

Now, it may in fact be a good idea, maybe just jim-dandy to reduce the fuel tax, but of course we won't know that, and what we'd like to see is this discussion in the context of a comprehensive tax plan. What is the provincial government thinking in terms of the hotel tax, the aviation tax, the tire tax? What is the provincial government thinking in terms of income tax now? Is it still the 11 percent rate? Is it still going to be a flat tax? Are they talking about

accelerating other parts of the plan? Are they talking about decelerating? Mr. Speaker, it is quite interesting that we see all this speculation and trial-ballooning, but what we don't get are answers to legitimate questions that would show that the government has actually done its homework.

[Mrs. Gordon in the chair]

So I would move that Written Question 226 be accepted the way it was proposed so that Albertans can enter into the discussion and debate about the fiscal impacts of the government's tax policy, including the latest speculations.

THE ACTING SPEAKER: The hon. Minister of International and Intergovernmental Relations.

MRS. McCLELLAN: Madam Speaker, the hon. Provincial Treasurer has moved that Written Question 226 be amended – I'll say this very carefully – by striking out "What is the breakdown," those four words, and substituting "What information has been prepared by or for Alberta Treasury on the breakdown." With the mover's permission, I will only read the sentence that applies to the change. I followed his reading of the question, and there is no change from there on. The amended Written Question 226 would read:

What information has been prepared by or for Alberta Treasury on the breakdown of the fiscal impact of the \$600 million provincial income tax cut under the 11 percent single rate proposal for years 1 through 5 inclusive, et cetera. You don't want me to read the whole question, because there is no change in the wording beyond that first sentence.

THE ACTING SPEAKER: That would suffice.

MRS. McCLELLAN: Thank you. We'd so move that amendment.

THE ACTING SPEAKER: The Member for Edmonton-Glenora on the amendment.

MR. SAPERS: The Provincial Treasurer has just moments ago provided me with a written response. It is curious timing, Madam Speaker.

MRS. McCLELLAN: Very fast.

MR. SAPERS: Well, I hear the Minister of International and Intergovernmental Relations saying, "Very fast." In fact, it's a response that's undated to my letters dated August 9, August 16, and October 19, so it's not very fast at all. In fact, it's several weeks old.

What it tells me now is that Treasury has not simulated the model to estimate the overall economic impacts of the latest version of the Alberta tax plan and therefore has no new estimates of economic offset of the revised tax plan. Estimates of the revenue impacts are being prepared for Treasury Board briefings. Very, very interesting indeed. So Treasury Board will eventually get some briefings.

But even ahead of the briefings, Madam Speaker, we see this speculation to the press about reducing things like the fuel tax. It's very curious indeed and, of course, as I mentioned, the timing. This was sent to my office, I suppose, this afternoon, and I'm certain that the Treasurer would have known that I'd be in the House this very afternoon debating these written questions and would probably, not necessarily, be unable to see this until after the debate. So I'll have to talk to the Treasurer about that coincidence in timing just to be certain in my own mind that it wasn't done on purpose to try to

interfere with my ability to participate in this debate with the most up-to-date information.

Now, the question before us is the amendment. The amendment is removing a couple of words and adding just another couple of words. As I said before, it may appear to be just semantics, but what it does is allow the government to continue to withhold and massage – if the information can be withheld and if the answer can be massaged, then once again I ask, I hope not rhetorically because I'm hoping somebody from the front bench of the government will answer: what's being hidden and why?

So I can't support this amendment and I particularly can't support it in light of the most recent correspondence that I've received from the Treasurer. I would encourage my colleagues to not support this amendment, and then we can proceed with debate on the main motion.

THE ACTING SPEAKER: The hon. Member for Lethbridge-East on the amendment.

DR. NICOL: Madam Speaker, on the amendment. I sat and listened as the amendments were prepared on the other written questions, that were also added, and looked at the wording of them. Basically, what we're seeing is a situation where the government is trying to create a method of conducting the analysis that they would like yet not necessarily having to share that with the public or with the opposition when they request it through written questions.

If we look at the wording that is being added to this particular amendment, it says "What information has been prepared by or for Alberta Treasury," yet we're looking, as well, at a memo that we received this afternoon, which says: estimates are being prepared for Treasury Board briefings. In essence, if they have somebody run their simulations of the models and prepare them and submit them to Treasury Board for evaluation analysis, that is not being done for Alberta Treasury.

As I see it, there's a difference between Alberta Treasury and Treasury Board. What we've got now is basically a way that they can continue to do their analysis and present it to the decision-making body, Treasury Board, as opposed to the functional and the implementation body, Alberta Treasury, and in that way they can use that wording to not disclose it under Written Question 226. So this is basically one way that they can still have the information but not release it under the request for the public. What we've got to look at is the idea that if a government doesn't do any kind of analysis either internally or externally – and that's what "has been prepared by or for Alberta Treasury" is – the implication of that wording is: then how can we as a public or we as an opposition have any faith at all in the results that come out in the projections of the Alberta budget if these kinds of simulations and breakdowns are not done prior to the publication of their estimates?

In essence, Madam Speaker, I'm just saying that what we're looking at here is a way that the government can get around dealing with a direct request for the breakdown of those estimates. They're now modifying this, using fancy words, to come out with a means of getting around it. What I would guess now from this action and the result of this letter is that these simulations, these models, these runs, these estimates are all made, delivered to Treasury Board, and are not part of Alberta Treasury's database. I think this is, in effect, a method that they have to get around it and a way of not being open and accountable and honest with the people of Alberta.

Thank you.

THE ACTING SPEAKER: The hon. Minister of International and Intergovernmental Relations on the amendment.

MRS. McCLELLAN: Well, Madam Speaker, I must admit I am slightly perplexed, and I think that when the hon. members opposite read their remarks today, they will be somewhat perplexed as to what they had to do with the change in wording on the amendment. The written question said, "What is the breakdown," four words. The request for a change in the amendment that was read out in fact expands the ability for information.

The hon. Member for Lethbridge-East talked about Treasury Board being somehow a wrong part of the decision-making process. I think that every government in this country has a Treasury Board. I mean, it may be questioned in some cases, but I believe that to be true, and it's a very important part of the process.

3:40

In fact, the Treasurer, instead of just "What is the breakdown," has offered, "What information has been prepared by or for Alberta Treasury on the breakdown." Now, I know that every opportunity to question or to put a different opinion out here has to be taken in this House, but in fairness, the Treasurer has offered more and has expanded by saying, "prepared by or for Alberta Treasury," and it was Alberta Treasury that they asked the information of. So, Madam Speaker, I guess it is going to be a case of: do you really want this information, or do you want an opportunity to make comments? I believe that the Treasurer has, in fact, offered a better opportunity for information.

We in this government, the Treasurer, have never tried to hide the fact that this government believes in lower taxes, believes that the only way taxes should go is down. To bring an answer which, I believe, the Treasurer would have sent in good faith to the member's office for him to have that information as quickly as possible as some covert interest is simply puzzling, because we are very open about the desire for lower taxes. The Treasurer has spoken, the Premier has spoken, many members of this caucus have spoken on the acceleration of the tax plan if circumstances permit, and in fact we've announced some acceleration.

Madam Speaker, I urge the member to consider the amendment in the spirit that it was offered. I believe that on perusal, the information that will be received when it is up to date will be the information that he most desires.

So, in conclusion, I would move that the members accept the amendment to Question 226.

THE ACTING SPEAKER: The chair has to report to the House that I have been in error. Actually, the mover of an amendment cannot speak again. So I have allowed a little bit of leeway here, which was a mistake on my part. Hopefully that has clarified it somewhat. Under our Standing Orders it is not possible for the mover of the amendment to speak again.

So I will recognize . . .

MR. HAVELOCK: Wait. Two wrongs don't make a right.

MRS. McCLELLAN: Can he speak again on it?

THE ACTING SPEAKER: No.

DR. NICOL: Oh, okay; I'm sorry. We have to vote on the amendment. You closed the amendment. We need to vote on the amendment.

THE ACTING SPEAKER: The amendment has to be voted on, then I'll call again on the original mover, which would be the hon. Member for Edmonton-Glenora, to close debate on the motion as

amended, if it is in fact passed. I apologize to the Legislature.

Are you seeking clarification, hon. member?

MR. SAPERS: Yes, thanks. I appreciate your acknowledging the procedural error, but as I was listening to you, you were saying that you were allowing some leeway.

THE ACTING SPEAKER: Well, I was allowing some leeway because I made a mistake.

MR. SAPERS: Right. So your intent, therefore, would be to have the effect of that mistake have equal benefit to both sides of the House, which would mean . . .

THE ACTING SPEAKER: Well, now, that is really going for a fair amount of leeway, hon. member.

MR. SAPERS: So in keeping with that, then, my colleague from Lethbridge-East should be able to clarify?

THE ACTING SPEAKER: Hon. member, you are allowed under Standing Orders to close debate after we vote on the amendment as presented.

MR. SAPERS: No. I'm talking about on the amendment.

THE ACTING SPEAKER: I would ask that you bear with me. I have admitted that the chair was in error, and I think we'll try to correct things and move along in a timely fashion. Thank you.

Does anyone else wish to speak on the amendment?

[Motion on amendment carried]

THE ACTING SPEAKER: The hon. Member for Edmonton-Glenora to close debate on the motion as amended.

MR. SAPERS: I can't close debate yet.

THE ACTING SPEAKER: Pardon me. The hon. Member for Lethbridge-East to speak to the motion as amended.

DR. NICOL: I knew you were recognizing me anyway, Madam Speaker.

Just a quick comment on the comments made by the Minister of International and Intergovernmental Relations. I can tell you that when the information comes, if it is actually an expansion of what we requested in Motion 226, I will convey to both that minister and to the Provincial Treasurer my written apology for questioning her integrity. We'll wait until the information comes and then see.

Thank you.

THE ACTING SPEAKER: Not seeing anyone else rising to speak, the hon. Member for Edmonton-Glenora to close debate on the motion as amended.

MR. SAPERS: Yes. Thank you, Madam Speaker. I appreciate the opportunity to close debate. That was a very interesting exchange on the amendment.

I had an opportunity to be the shadow minister responsible for health when the current Minister of International and Intergovernmental Relations was the minister of health, and through that process over a few years I gained a fair amount of respect for the minister, because while we seldom agreed on issues, there was at least a

mutual respect and understanding of the perspective and of the issues as they were being debated. I carry that respect for the minister and her abilities with me today, and I preface my comments with that statement because I don't want this to be misunderstood.

When that minister says that the amendment, that has now been passed, will have the effect of broadening the information request and actually providing more information to the opposition and therefore to Albertans, I can only say that the minister has misunderstood the original request and misunderstands the impact of the amendment. It is, of course, a valiant effort on the minister's part to make the government's case. It was as well made as it could be made, but it's still wrong. It's wrong for several reasons.

The update which the Treasurer provided to me just this afternoon reads in part: finally, regarding your August 16, 1999, letter of Alberta's tax plan and the breakdown by income class, the analysis of various components of the tax system you asked for is not available. So that information is not available. The Treasurer doesn't say that it hasn't been done. He just says that it's not available.

The June 17 letter from the Treasurer to me, which of course was on the topic of the motion, says in the third paragraph on the first page:

To this were added the labour supply impacts noted above. The economic effects of the changes in the 8% surtax, the elimination of the . . . flat tax, the increase in the personal and spousal exemptions to \$11,620, and the introduction of the 11% single rate were not disentangled.

In other words, they didn't break them out. He's saying here that they weren't disentangled, yet in the update we're being told that similar breakdowns simply aren't available, not that it wasn't done. I'm beginning to see a curious change in language.

3:50

Then, finally, in that same letter of June 17, where we're told that there was no disentanglement, we are further told that

the final stage of the analysis involved running the economic impacts of the tax changes through our standard revenue forecasting models,

which we know to include those breakdowns, by the way,

which contain considerably more detail than the econometric model used in our economic forecasting exercises. This is where we obtained the estimates of revenue recovery.

So which is it, Madam Speaker? Which is it? Do they have the information or don't they? Did they disentangle or didn't they? Do they have the details or do they not have the details?

Madam Speaker, this an unacceptable response from the government, and it's unacceptable to try to pretend that the amended motion will give us more information rather than less. What the amended motion does – and I'll say it one more time – is allow the government to simply say: we don't have the information. Because it says, "What information has been prepared," it can simply say none, as opposed to putting that information on the table.

Earlier, when we began this round of debates on written questions, I alluded to the fact that the Official Opposition went so far as to request this information through freedom of information. The request went in in the spring of this year, and we received a response on June 21 of this year. Madam Speaker, I think you and all Albertans will find what happened with the response very interesting. Now, keep in mind that the correspondence and the response from Treasury have basically been: we don't have the numbers you were asking for; we haven't done the work. That's very curious, because the response from the Treasury Department, from their freedom of information and protection of privacy co-ordinator, on June 21 indicates to us that in fact there were 325 pages of records

held by the Treasury Department that were responsive to the request. That's a lot of nothing; isn't it, Madam Speaker? Three hundred and twenty-five pages, yet the correspondence indicates that they haven't prepared the analysis.

You may be asking yourself right now, Madam Speaker: well, if they told you there were 325 pages, then your information requests must have been satisfied; if you've got over 300 pages of documents from Treasury that are responsive to the information request, then you must have the numbers you were looking for. Well, guess what? Of those 325 pages that were responsive to the request, you may be wondering just how many were exempted. How many were considered to be cabinet confidences? How many were considered to be so sensitive to the government of Alberta that they could not be shared with the people of Alberta?

Now, was it 10 pages? Was it even 10 percent, which would be 32 pages? Was it 50 pages? Was it even 50 percent, 162 pages? Madam Speaker, do you know how many pages were eventually released? Nine pages. Of the 325 pages of information that are held by the government, all but nine are being kept secret from the people of Alberta. They're being kept secret because the Treasurer simply does not want to make them available, and he's relying on section 23 and section 4 of the Freedom of Information and Protection of Privacy Act.

Madam Speaker, I am very, very disappointed with the government response to these legitimate information requests, and I am particularly disappointed because we have heard in this Assembly as recently as this sitting – and we've only been here a few days. We've heard three times in this sitting already the Premier, when we're asking about health care contracts, saying: just pick up the phone and ask. He's been even suggesting that because we're so familiar with freedom of information procedure, why don't we just FOIP the information.

Well, you know that when you pick up the phone and you ask, you get no answer. When you write letters, you get no answer. And when you do FOIP the government, you get FOIPed right back. What you get is nothing, Madam Speaker. You get back 314 pages of exemptions, a stack of blank pages about two inches high, and then cover sheets and half pages of information filling it out.

This is not in keeping with the Premier's claims of being open and accountable, the Premier's invitation to just ask, the Treasurer's invitation to just pick up the phone, or even the recommendation that the Official Opposition use freedom of information and privacy. This is a shocking display on the part of the government. It's highly hypocritical to stand in question period and answer questions by saying, "Well, why don't you just ask?" and then when we do ask, get provided absolutely no information in return.

Of course, Madam Speaker, it's predetermined that the amended motion will carry. The people of Alberta will be none the wiser, and the government can chuckle in its smugness that they got away with keeping yet another secret.

[Written Question 226 as amended carried]

Provincial Income Tax Cut

Q227. Mr. Sapers moved that the following question be accepted. How much of the revenue recovery or economic offset projected in year 5 as cited on page 163 of Budget '99, government of Alberta fiscal plan, is accounted for by the elimination of the 8 percent surtax, the elimination of the 0.5 percent flat tax, the increase in the personal and spousal exemptions to \$11,620, the increase in the personal and spousal exemptions in the 1999 federal budget, and the introduction of the 11 percent single rate?

THE ACTING SPEAKER: The hon. Deputy Government House Leader.

MR. HAVELOCK: Yes. Thank you, Madam Speaker. I'd like to move on behalf of the hon. Provincial Treasurer that Written Question 227 be amended by striking out "How much" and substituting "What information has been prepared by or for Alberta Treasury on how much." As was the case with the previous amendment, I assume that we don't have to read out the entire question as amended. I think the amendment is quite clear.

Thank you.

THE ACTING SPEAKER: On the amendment, the hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you. We are amending Written Question 227 by exactly the same semantic device that's been used to amend all of the other motions. It's sad that more creativity didn't go into this. What we're stuck with is exactly the same response to the same legitimate questions. I will incorporate by reference my earlier comments on the other proposed amendments. I will invite my colleagues to speak to the amendment in this case as well, because I know that in their own constituencies they have been asked precisely the same questions I've been asked about the relative impact of provincial tax policy and federal tax policy on their take-home pay.

You know, there's a political party in this country that's trying to make some hay right now by having people submit their pay stubs to see who gets dinged the hardest. While I don't really cotton to that kind of political stunting, Madam Speaker, what I will say is that it is on the minds of every working man and woman how much money they actually get to put in their pockets at the end of the workweek. I would think that this government, if they have something to take credit for, would do exactly that. They would stand up and take credit for providing a tax break to Albertans. Of course, they could demonstrate that by answering this question.

Yesterday, Madam Speaker, I was at an auction that was a fund-raising event that was in support of the CFRN Good Neighbour organization. They had the poor boys luncheon and auction. It was a great event. It's a wonderful organization. They carry on very good work in this city. The Provincial Treasurer was there as well, and the Provincial Treasurer played a very key part in the success of that event. He dusted off his skills as an auctioneer. I know that he will have a career after politics – and I hope that he rushes to it – because he's a very competent auctioneer.

4:00

What's relevant to this particular debate about that, Madam Speaker, is the following. When the Treasurer went to the podium and very graciously made some comments about the Good Neighbour fund, he indicated that it's nothing that the government could take credit for. Here he was being a politician, and he was in the circumstances of addressing a group that was doing good work, and it had nothing to do with the government. Well, he was absolutely right. It has nothing to do with the government, but he mentioned how awkward that was, to be the Provincial Treasurer and not be able to take credit for something.

Now, I am giving him a gold-plated opportunity to take credit, a gold-plated opportunity to take credit for something. If in fact his tax plan is going to provide a benefit to Albertans, particularly a significant one to all Albertans, then let him stand up on a platter and scream at the top of his lungs – I meant to say pedestal; I said pedestal; *Hansard* had it right – and take credit for it. I was

distracted, Madam Speaker. So I would encourage him to do that.

Now, if he can't do that, if he can't stand on that pedestal and take credit, then the least he should do is be able to give credit where credit is due, and that would be the federal government, who of course is the only government that has provided Albertans with a significant tax benefit this tax year.

Madam Speaker, I hope that we'll get the information, and I hope that we'll be able to provide the Treasurer that opportunity he so richly deserves.

THE ACTING SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Madam Speaker. I just love the name of my constituency. It makes everybody across the way think twice as they try to comment.

You know, the opposition often gets criticized for being critical. Here we are being helpful, very helpful. We are giving the Treasurer and his department, in fact the entire government, the opportunity to actually do an analysis. Our question assumes that they had, but maybe we assume too much, as is often the case. If we ask a question, we expect an answer. We don't get one. We've assumed that they would know the answer. We don't get it. So we gave them a chance in a written form to say: how much is this going to put back in my pocket as a taxpayer?

The average person reading this question is going to say: "Oh, surtax and then flat tax and then spousal exemptions. I really don't get it. Tell me how much money is going to end up back in my pocket at the end of the day." That's really all people want to know. Most of us don't talk in terms of surtax, flat tax, income tax. We just want to know what's going to be left over on our paycheque at the end of the day. So here we have asked the Treasurer how much. Tell people, and if it's really so good, then you've got a chance to stand up and crow. But no. What we get in this amendment is, "What information has been prepared." Well, you know, that's like a trick question. What if nothing has been prepared? Kind of like a four-point policy with nothing else. "We don't know what the bill is going to look like. We don't know if it's going to cost more, but we've got a four-point policy. We'll show you about it."

That's much the way this amendment sits. "What information has been prepared." Well, what if it is nothing? Nothing has been prepared. An assignment handed in with nothing will get nothing. Nothing comes from nothing; eh? So I'm disappointed in this amendment, because what it says is: well, if we haven't really got anything prepared, we don't really have to show them anything.

Really all it is is a little statement about how they're going to save you from taxes, put more money in your wallet, and then you go away. Then the minister isn't in the limelight anymore. He's had front page for a day, every little TV camera shining on him, and he says: we're going to do this. Then when you get behind the scenes or here, we say: "Well, how much? Show us the analysis. Show us how much so that I can go out to my constituents and say, 'Do you know what? This is really good or this is not good or this won't save you a dime.'" So we're asking how much. Instead, the answer we get back is: "What information has been prepared." Well, maybe it's nothing. This is a devious amendment. It's devious because it looks like it's an answer and it isn't.

Madam Speaker, I'm very disappointed in the amendment. I think we could well receive nothing for an answer, and that isn't an answer for Edmonton-Glenora personally. This is an answer for people in Alberta. I don't think we as MLAs back in our communities – if somebody asks you the question "How much is that really going to save?" you're not going to say, "Well, I don't know."

Hopefully you'd say, "I'll find out for you." Or maybe some of you who deal in finances in another part of your life would say, "Oh, I can tell you right now that it's going to save this much off your paycheque if you're in this income range." That's all we're asking for, a decent answer for the people of Alberta.

Thank you.

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

MS OLSEN: Thank you. Being invited into the debate by my colleague is always a pleasure. I see a bit of a divergence between what was asked for in the written question and how the amendment is now worded. What the government and the Treasurer are having difficulty with are the words "how much," and simple words usually can have a simple answer. This is kind of like the health care debate, Madam Speaker, because when you ask for the records and you ask for information, the government is not really forthcoming.

I would suspect the question as worded, "How much of the . . . recovery or economic offset projected in year 5" as cited in Budget '99 is accounted for by the elimination of these taxes? – I think that's just a pretty basic question. You would think that before anybody embarked on a tax reduction scheme, they would know what that scheme was going to cost and how much of it has been accounted for. It's pretty basic.

I would suspect that this government is back to not knowing and not caring to give that information to Albertans and that this is just another one of those fly-by-the-seat-of-your-pants policies and hope to heck that we can do it. I think this isn't asking too much. The question as stated is asking how much. If the Treasurer can't provide that, then I'm at a loss as to why he might be sitting in that chair. It's arithmetic. It's adding and maybe doing a little multiplication and some percentages, and I think the Treasurer ought to be able to do that. I think Albertans deserve to know how much it's going to be worth to them. Otherwise, why bother?

With that, Madam Speaker, I'll take my seat and hope that the government comes to its senses and accepts the question as it is. Thank you.

[Motion on amendment carried]

THE ACTING SPEAKER: The hon. Member for Edmonton-Glenora to close debate on the motion as amended?

Okay. The hon. Member for Lethbridge-East.

4:10

DR. NICOL: Thank you, Madam Speaker. Again it's a privilege to get to rise and speak to this written question. It's one of the issues that we debate quite regularly in terms of how we convey information back to our constituents in terms of what the impacts are from changes in the provincial budget and the provincial fiscal plan. It's really important. As we talk to them about the different impacts and who is going to get the benefit or who is not going to get the benefit from a change in that fiscal plan, we have to be able to talk about the impacts of the different changes on them in the context of their specific circumstance in terms of the relationship they have to the taxpaying function they carry out on behalf of Alberta.

If we don't have the breakdown that allows us to look at how we're going to be able to discuss the change in each of these different taxes, whether it's the 8 percent surtax, the .5 percent flat tax, or the impact of the personal exemption – it's quite easy, I think, in that one particular area to talk about, gee, this is something that's either going to give you an exemption from taxation or not. That's

what they want to know: how it's going to affect them. Unless we know how these relate at the provincial level, it's very difficult for us to give the people at the constituency level specific examples without sitting down with them and going through their whole income tax situation. They want to know, then, what can be done in terms of their request or their initiative to make the system function better on their behalf.

So if we're going to talk about where the impact lies, how different groups in the province are going to be sharing or impacted by the change in the tax, this is the kind of information that we have to know in terms of what percentage of the taxes come from each of those different areas, kind of the characteristics of the population that are being impacted by those particular taxes and that, so that we can deal with them in the context of talking about the fairness, the equity, and the relative benefits of the income tax changes.

It also gives us a chance to talk about how much the income tax situation, either under the new or the old construction, impacts on them relative to some of the other taxes that they're paying. When it comes right down to it, it's the amount of dollars that are at the bottom of your paycheque that determines whether or not you get a break when taxes are changed. If they're moved here or moved there, whether they moved it the one level – I think the real example we've seen of that lately is when the federal government talked about changing taxes, yet they were also doing that at the same time as they were changing employment insurance and some of the Canada pension plan deductions. The net effect was basically no change in the deduction paid by Albertans to the federal government. So what you have to look at is, you know, who are the winners and losers in that kind of a situation. We need this information to be able to deal with that when we talk to our constituents and to the people in our area that want to know who's going to gain and who's going to have to pay more when we have these changes in the income tax system.

The ultimate expectation would be that some day, somewhere, somehow there may actually be a tax break where everybody gets a win on it, but it's quite obvious from the proposal and the shift to the 11 percent single rate that we're not going to have everybody getting the same kind of treatment from it. This is what we need to be able to go to them and tell them that this is how it's going to impact them. If they move to the 11 percent single rate and they're at a bottom level, how is it going to impact them? If they're at a higher level, how is it going to impact them? Each one of them has to look at it in the context of how their taxpaying group is contributing to the end result of the total provincial tax revenue.

I would encourage the government to follow through and provide us with the information that we can then use as we approach our constituents. They really want to be able to look at this, to be able to say: yeah, I fall in that group; I can see that it's going to change my tax by that amount. So with that, Madam Speaker, I would just like to encourage the government to provide us with the information in a way that it can be used, not necessarily disguised by some little amendment so that they can get around it.

Thank you.

THE ACTING SPEAKER: Does the hon. Member for Edmonton-Glenora wish to close debate?

MR. SAPERS: Madam Speaker, I wouldn't be closing debate on the amendment.

THE ACTING SPEAKER: If there are no other speakers, yes, you would be closing debate. Do you wish to close debate?

MR. SAPERS: I'm sorry. I misheard you. I thought you said on the amendment.

THE ACTING SPEAKER: Before I put the question to the Assembly, do you wish to close debate?

MR. SAPERS: Right. I just misheard you. I thought you said: do I wish to close debate on the amendment. My apologies.

THE ACTING SPEAKER: We've already voted on it.

MR. SAPERS: I knew that, Madam Speaker.

The points just made by my colleague from Lethbridge-East I think stand on their own merit. I guess it's now been around an hour, maybe a little bit more or a little bit less, that we've been talking about these written questions having to do with the government's tax plan and the fiscal and economic impacts of that tax plan, the impact on taxpayers in this province of their proposals, and what effect the federal government initiatives will have on the people of Alberta. What we've seen so far produced as a result of that hour or so of debate is nothing. We have seen nothing happen. There has been no information exchanged. There's been nothing forthcoming from the government. There's been no defence of their refusal to agree with the questions as originally proposed, and we've seen this rather obscuring series of amendments which the government is trying to portray as being helpful. Of course, the proof will be in the pudding, as they say, Madam Speaker. We'll see. We'll find out. We'll see just how quickly we get the response. I wonder whether we'll get the response now as quickly as I got the response to my letters.

Something disturbs me quite a bit, Madam Speaker. When the Treasurer invites myself and other members to simply pick up the phone or when the Premier says to just ask or when we're invited to just simply write a letter, what disturbs me is that the Treasurer is now not responding to the letters as he receives them. He seems to be waiting and keeping them all in a pile, and then I get a single, brief, curt response to a whole series of questions and of course with very little substance in those responses.

It's important for the taxpayers of the province of Alberta to know that a government that is priding itself and bragging about receiving awards for being open, accountable, transparent, for having good public accounts, a government that is bragging about being forthright regarding the finances of this province – that government seems to do everything in its power to keep the information from elected members of this Assembly, who have the responsibility to provide that very same information to their constituents, the taxpayers of the province. Nothing for the government to be proud of. In fact, it's worse than that. It is an abdication of responsibility on the part of the province to live up to its own ideals.

They shouldn't be doing these things because they can get plaques and awards and letters that the Premier can then come into the Chamber and brag about. They should be doing these things because it's the right thing to do. Wouldn't the Premier rather get some thank-you letters from the taxpayers of this province for being honest about the tax plan than some recognition from some organization that exists outside this province?

4:20

I would ask, even as amended, that the government and the Treasurer live up to the spirit and the stated intent of the amendments. The stated intent was put by the minister of International and Intergovernmental Relations. The stated intent was to be even broader, to be more forthcoming, to even provide greater detail and

more information. Well, Madam Speaker, I've said it before, my colleague has said it, and I'll say it again. If I'm wrong, I'll be the first to stand in this House and say so and apologize. My prediction is this: we will get absolutely no, zero, zip, information as a result of these amended motions. We will get nothing, and I believe that to be true for a number of reasons.

The Treasurer in one of his letters said that all of the information on these topics is available in Budget '99. So all of the information that this government wants to make available to taxpayers is already between the covers of that one thin document, and any other information, whether it be legitimate or not, is just going to be withheld. That's my prediction, that we'll get nothing as a result of this. That's an abuse of the time that is used in the House to debate these issues, and it will be a very negative reflection on the comments that the Minister of International and Intergovernmental Relations made regarding the intent of the government's amendments. So I guess I say to the Treasurer: prove me wrong. But I don't think I'll have to worry about losing that bet.

[Written Question 227 as amended carried]

head: Motions for Returns

THE ACTING SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Madam Speaker. I rise with proper notice having been given yesterday, of course, to move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of motions for returns 221, 222, 223, 224, 225, 228, 229, 230, 235, 236, 238, 239, 240, and 241.

[Motion carried]

West Edmonton Mall Refinancing

M221. Mr. Sapers moved that an order of the Assembly do issue for a return showing a copy of the February 10, 1994, letter from a third party to the Executive Council/office of the Premier relating to the refinancing of West Edmonton Mall.

MR. SAPERS: Madam Speaker, the government is engaged through the Alberta Treasury Branches in a number of lawsuits to do with West Edmonton Mall, and the Premier has said on many, many occasions, both inside the Chamber and outside, that all information will be made public, that the public inquiry that Albertans have been demanding for over a year into the fiasco surrounding the West Edmonton Mall refinancing will take place in the various court proceedings, and that we should just be patient and all will be known and all will be revealed.

Well, Madam Speaker, that doesn't appear to be the case, because what we have is a several page list of letters and documents – the list has previously been tabled in this Assembly – listing documents that are responsive to freedom of information requests, listing dozens and dozens of pages of documents, yet they won't reveal them.

This seems to stand in stark contradiction of the Premier's words. Why keep them locked in the back closet now? If these matters are public and are before the courts, what's the problem? So what Motion for a Return 221 asks for is one letter, February 10, 1994, from somebody to Executive Council regarding the refinancing of West Edmonton Mall. If the government in fact did nothing to be ashamed of, then why don't they open up the file? So I would urge the acceptance of this motion for a return.

THE ACTING SPEAKER: The hon. Deputy Government House Leader.

MR. HAVELOCK: Yes. Thank you, Madam Speaker. I regret to advise that I will be rejecting this motion. In fact, this Motion for a Return 221 relates to a letter "from a third party to the Executive Council/office of the Premier relating to the refinancing of the West Edmonton Mall." This record will not be disclosed because it involves a third party's personal and/or commercial information that requires third-party consent.

I'd also like to add, Madam Speaker, that the issue of the West Edmonton Mall refinancing has been before the Ethics Commissioner, the Auditor General, and now several cases with the courts. The courts are open and transparent, and the entire issue will be dealt with in a fair and impartial way.

Thank you.

THE ACTING SPEAKER: The hon. Member for Spruce Grove-St. Albert.

MRS. SOETAERT: Thank you very much, Madam Speaker. I'm disappointed but not surprised. We ask for information about West Edmonton Mall, and we don't get it. We collectively are the people of Alberta, and you know what? All we want is your copy of the letter from a third party. Who's involved in this? Who's making money on this? Because it's not the taxpayers. We're not making money. In fact, we've lost money on West Edmonton Mall. So do we have to wait five, 10 years for this scandal to really come out so people really know what happened, just like Bovar, MagCan, NovAtel? The list goes on and on, and now we add West Edmonton Mall to this. Obviously, we will.

It may take till this government is punted to find the truth about this, which may be sooner than a lot of people like but certainly not soon enough for me. So if we're going to hear all afternoon, "Sorry; we're not going to tell you about West Edmonton Mall," and mumbling under their breath because they really don't want us to know all the answers, fine, but that's not acceptable.

Thank you.

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

MR. DICKSON: Thanks very much, Madam Speaker. I just want to make a couple of observations. When I listened carefully to the minister referencing third-party business interests, it strikes me we're in this perverse situation in Alberta where the Freedom of Information and Protection of Privacy Act is cited so frequently to be able to withhold the disclosure of documents that Albertans want to see. It's often been said that this is something the Liberals support or supported. I just said that it might be useful to say that when the Freedom of Information and Protection of Privacy Act was being reviewed, the statutorily mandated three-year review, we had again examples where this Liberal opposition has consistently been pressing to reduce the scope of section 15 for exactly the reason propounded by the Member for Edmonton-Glenora.

In fact, the problem has been identified by Professor Alasdair Roberts of Queen's University, who did a wonderful study of freedom of information laws right across the country. It's called Limited Access: Assessing the Health of Canada's Freedom of Information Laws. What he said was:

Strong rules to protect the business interest may be appropriate when the information held by government has been collected involuntarily as part of a regulatory function. However, the case for strong rules is weakened when information has been provided voluntarily during the negotiation or execution of a contract.

That's exactly what we're dealing with here. This is not an

involuntary disclosure. This is a corporation that stands to enhance a commercial interest by getting a contract with the government or a public agency. It's one of the reasons why the Alberta Liberal caucus made this submission to the three-year FOIP review: "Section 15 of the Act is overly broad. It has been used by the Government to deny access to many important records." We went on to say: "We think that this is especially true when the contract involves large expenditures of public money, or when the contract is for the delivery of public services." The same concern was echoed by the Consumers' Association of Canada, who were concerned about access to RHA contracts.

4:30

What we've got is a long history. In fact, I'm disappointed to report that on December 14, 1998, I had moved a motion to restrict section 15. Section 15, you may be interested to know, Madam Speaker, in the last year was used 54 times by public bodies to deny information. Fifty-four times. That's the third most frequently cited exception of the 13 exceptions in the FOIP act. What we see with that is that it's being used in ways that were never intended when the Minister of Economic Development was a key member of the initial all-party panel of the Premier back in the fall of 1993. He certainly was very interested then in terms of trying to make government more transparent, and I'm disappointed that we're in this situation now.

It seems to me that there are compelling reasons why this information should be available, but let's be really clear. We have to change section 15 so that government cannot be allowed to hide behind it, to use it as a shield. In fact, the government's refusal to narrow the scope of section 15 suggests that they're very comfortable to have this information off the table, to have this information withheld from public disclosure and public scrutiny.

I just wanted to make those observations, Madam Speaker, while we're dealing with this particular motion for a return, because I think it's important to have that contextual background in front of us.

Thanks very much.

THE ACTING SPEAKER: The chair would ask for unanimous consent of the House to revert to Introduction of Guests.

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Thank you.

head: Introduction of Guests

(*reversion*)

THE ACTING SPEAKER: The hon. Member for Calgary-Mountain View.

MR. HLADY: Thank you, Madam Speaker. It gives me great pleasure to introduce to you and through you to members of the House a former member of the House. At times we certainly missed his positive, proactive, reasoned debate in this House, and we would appreciate hearing that in another time. Anyway, if Peter Sekulic would please stand and receive the warm welcome of the House.

Thank you.

head: Motions for Returns

(*continued*)

THE ACTING SPEAKER: Hon. Member for Edmonton-Glenora, do you wish to conclude debate?

MR. SAPERS: Yeah. I want to say hi to Peter too. It's good to see

him again here, Madam Speaker. I miss his reasoned debate from time to time myself, and today would've been one of those moments. I know that Peter and his family are joined with all Albertans in wanting to know what really happened with the financing of West Edmonton Mall.

Anyway, what we have here is a refusal on the part of the government to produce a document that is entirely one hundred percent at odds with the Premier's statements that there will be full disclosure, so I can't embellish that. It can't be any better from an opposition politician's point of view to have the Premier saying one thing and then doing something different. It just doesn't get any better than that. We'll simply have to assess what else will be at variance when we listen to the Premier's words and then watch his actions. Where else will the mismatch be? Because we're certainly seeing a variance in this matter.

[Motion for a Return 221 lost]

West Edmonton Mall Refinancing

M222. Mr. Sapers moved that an order of the Assembly do issue for a return showing a copy of the January 18, 1994, letter from a third party to the Executive Council/office of the Premier relating to the refinancing of West Edmonton Mall.

MR. SAPERS: Madam Speaker, I'm going to be repeating some of these words over and over again this afternoon: third-party letters, exchange of correspondence, pattern of behaviour. Obviously lots of interest and activity around the Executive Council table with the refinancing of West Edmonton Mall, all kinds of things said in writing but being kept secret, all of it talking about or concerning nearly a half billion dollars of taxpayer money. Clearly there's a public interest, and clearly the government has an obligation to meet that public interest by releasing the documents.

THE ACTING SPEAKER: The hon. Deputy Government House Leader.

MR. HAVELOCK: Thank you, Madam Speaker. Again we'll be rejecting this request based on reasons given pertaining to the previous motion for a return.

THE ACTING SPEAKER: Does anyone else wish to speak? The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Madam Speaker. It's the same thing . . .

AN HON. MEMBER: You can always say ditto.

MRS. SOETAERT: I'd like to say ditto, but that's just not me.

Now here we go once again. You know, I've really been listening to my colleague here from Edmonton-Glenora today, and in the most sincere fashion and well intentioned for the people of Alberta he's been asking questions about information on this West Edmonton Mall financial boondoggle that this government likes to hide behind. We can't get information on it. Now, isn't that a pity? Has the information been shredded? Is it missing? Is it hiding? Is it away under lock and key?

You know, when your constituents say, "What about that West Edmonton Mall loan?" what do you say? How do you answer? I say: "We can't get all the information on it. Wouldn't it be nice to know?" Is that what the government members here say? Or do they say, "Oh, that'll never happen again"? Well, we heard that before.

We have heard that one a thousand and one times in this province. So you know what? I've often said: "You know, they say it won't happen again. Give me a couple of years; I'll show you something else they loaned out, a few million dollars here or there that they lost on behalf of Albertans." So, Madam Speaker, once again, show us the money. Give out the information, because I'm sure people in the galleries would like to know the information about West Edmonton Mall.

I know there were times when Mr. Sekulic asked those questions. I know he did. In fact, before I leave, I should really have a chat with him. He would probably give me more questions to ask, because he's a taxpayer like the rest of us and he wants to know about that.

So you know what, Madam Speaker? I'm disappointed. Sometimes we think Wednesday afternoon is just a game back and forth. "Let them ask their questions, let them go on forever, and don't give them anything." That is the wrong attitude. That is not the idea behind written motions. We've figured it out. I know the Deputy Government House Leader thinks it's funny. "Oh, you've figured it out? What do you mean? We didn't think you guys would figure that out." Well, we have. We're pretty bright over here. It just took us six years. It hasn't changed the agenda. But you know what? We're ever optimistic and ever determined to get to the bottom of this stinky mess, this stinky loan and who's getting what and where the money is.

Madam Speaker, I hope I don't have to continue giving this speech again and again this afternoon, because I'm a hopeful person that maybe we'll get just one answer today. Just one answer would be a real concept from this government.

Thank you.

[Motion for a Return 222 lost]

4:40 West Edmonton Mall Refinancing

M223. Mr. Sapers moved that an order of the Assembly do issue for a return showing a copy of the January 11, 1994, letter from a third party to the Executive Council/office of the Premier relating to the refinancing of West Edmonton Mall.

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

MR. SAPERS: Thank you, Madam Speaker. Those votes are beginning to strain my voice, so pardon me.

Madam Speaker, a February 10, 1994, letter; a January 18, 1994, letter; a January 11, 1994, letter. What else was the government receiving correspondence on during this time period? A whole flurry of an exchange of correspondence either from principals involved with the mall, from bankers, from other interested parties, from stakeholders, from goodness knows who, but to the government. You have to believe that there were responses as well, that these letters didn't just fall on deaf ears. You know, the Premier said today that – well, Madam Speaker, in fact I think you would be familiar with a question earlier on today that petitioned the government to reveal what kind of correspondence it had received on a matter of public interest and what some of the content of that correspondence was. Clearly the government takes its correspondence seriously and responds to it and catalogues it, so it's about time they revealed it, and not just, as the Premier alluded to, the letters from the government's friends and the letters that support government policy but some of the letters and correspondence that question or challenge the government. Wouldn't that be refreshing?

I would urge the Deputy Government House Leader to take a bold step, do the right thing. Extend this government's goodwill into the

realm of full disclosure and provide this record. I know he is a man of some mettle and internal fortitude. I know that he can do this. I know that the Deputy Government House Leader has the wherewithal to stand in this place and commit the government to disclosing this document.

MR. HAVELOCK: You know, Madam Speaker, I was really moved by those words. I'm just about this close to doing what's being requested but not quite there, hon. member. For that reason we will also be rejecting this motion for a return.

I'd like to very briefly respond to the comments made by hon. Member for Spruce Grove-Sturgeon-St. Albert. I, like her, have sat in this House for in excess of six years, but I recall things a little differently. I can recall on numerous occasions members of this government providing answers to written questions, providing answers to motions for returns. In fact, when I was Minister of Justice and Attorney General, I know that on numerous occasions I provided information to the Member for Edmonton-Norwood. It just so happens that with respect to this particular motion for a return and many of the other motions for returns which the hon. member has put forward, there are legitimate reasons for not disclosing the information. I outlined those reasons in my response to Motion for a Return 221. Again, for the reasons I enunciated at that point in time, Madam Speaker, we will be rejecting this motion for a return.

THE ACTING SPEAKER: Hon. Member for Edmonton-Glenora, do you wish to close debate?

MR. SAPERS: Yes, I do. Thank you, Madam Speaker. I appreciate very much that the Deputy Government House Leader was moved within inches of complying with the request. I will continue to work on his good character and good instincts to do the right thing. I know that if each and every member on the government side was let free – was untethered, was unfettered – they would in fact be the first to not only request this information, but they would be the first to disclose it. They would honour the commitment of openness that was made. So I give them my sympathy. I share with them, I feel their pain, Madam Speaker, that they are being kept from doing what they know is the right thing. I hope that because the Government House Leader just wasn't quite there yet, his colleagues will help buoy him up and will not support the rejection but will in fact help bring him along and will support the request for the document.

[Motion for a Return 223 lost]

West Edmonton Mall Refinancing

M224. Mr. Sapers moved that an order of the Assembly do issue for a return showing a copy of the January 31, 1994, letter from a third party to the Executive Council/office of the Premier relating to the refinancing of West Edmonton Mall.

MR. SAPERS: Madam Speaker, February 10, a letter; January 18, a letter; January 11, a letter; January 31, a letter. Quite a body of documents that the Premier is sitting on.

THE ACTING SPEAKER: The hon. Deputy Government House Leader.

MR. HAVELOCK: Thank you, Madam Speaker. Again, for the reasons previously enunciated, the government will be rejecting this motion for a return.

[Motion for a Return 224 lost]

West Edmonton Mall Refinancing

M225. Mr. Sapers moved that an order of the Assembly do issue for a return showing a copy of the January 17, 1994, letter from a third party to the Executive Council/office of the Premier relating to the refinancing of West Edmonton Mall.

MR. SAPERS: Madam Speaker, I move Motion for a Return 225 standing on the Order Paper in my name now be accepted by this government.

THE ACTING SPEAKER: Before I call on the Deputy Government House Leader, it is getting a little noisy in here.

MR. SAPERS: I wasn't finished yet. I just couldn't even hear myself.

THE ACTING SPEAKER: Well, maybe if you just turn around and signal the person behind you there.

Carry on, Edmonton-Glenora.

MR. SAPERS: Thank you, Madam Speaker. The downside, through you, Madam Speaker, is that I may have to start right from the very beginning, and that would probably not serve anybody's purposes.

You know, Madam Speaker, this issue of the refinancing of West Edmonton Mall is not a trivial issue. The role of the government is not a trivial issue. In fact, it's been the subject of a special audit investigation by the Auditor General of this province. So this is not a trivial issue. This is a very significant matter.

Now, the Auditor General of the province, in summary in his report, found that he could not find evidence of government wrongdoing. He didn't say that the government didn't do anything wrong, and he didn't say that there wasn't any evidence of government wrongdoing. What the Auditor General found was very specific. What he said in his report is that the government was significantly involved in the refinancing of West Edmonton Mall and that there was no evidence that the government was engaged in wrongdoing.

He went on to say and to discuss the limitations of the investigation, the standard of proof and it being different from that which might be present in a criminal trial. He also, of course, went on to explain that his investigation could not be complete because some of the principals involved did not provide statutory declarations, did not provide evidence or input into his review. So the review can only be seen as preliminary. At the stage of completion that the Auditor General's report is at, he found no evidence, but we know that the matter is far from dead. We know that it's the subject of many lawsuits. We know that it's before the courts. We know that Albertans still have many questions on their minds.

One of those questions is: who the heck was the government exchanging correspondence with in that critical period in the fall of 1993 and the winter of 1994 regarding the refinancing of West Edmonton Mall? What was going on? What was being said? What promises were being made? What undertakings were given on behalf of the government, to whom and for what reasons, and who benefited? These are key questions, Madam Speaker, and the answers may be revealed in this correspondence that's being suppressed by the government. I would hope that this pattern of denying information requests will end and that the Deputy Government House Leader will surprise me and move acceptance of Motion for a Return 224.

4:50

THE ACTING SPEAKER: The hon. Deputy Government House Leader. The motion is 225.

MR. HAVELOCK: Yes. I was just going to ask, Madam Speaker. Thank you.

Actually, it's interesting, Madam Speaker. The hon. member across the way raised a couple of the arguments as to why there really is no need to be releasing this information. That is based again on the Auditor General's finding that while the government was significantly involved in the refinancing, the Auditor General did state that such involvement was not inappropriate, that there was no evidence of wrongdoing. Again, to emphasize, the matter is before the courts. The courts will provide a very transparent process. All documentation will be fully disclosed. So, in addition to the reasons I've given previously, we will be rejecting this motion for a return.

[Motion for a Return 225 lost]

West Edmonton Mall Refinancing

M228. Mr. Sapers moved that an order of the Assembly do issue for a return showing a copy of the March 2, 1994, letters from a third party to the Executive Council/office of the Premier relating to refinancing of West Edmonton Mall.

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

MR. SAPERS: Madam Speaker, thank you. Not that I want to overstate the case, but we started off on January 11, we went to January 17, January 18, January 31, then February 10, and now we're at March 2. The paper flurry continued. What could have been contained in these pages and pages of correspondence? What was going on? Who was saying what to whom? What promises were given? These are the questions that must be answered, and the answers would become very obvious if the government would simply unlock its safe and release the documents. Let Albertans judge for themselves. This is the government that wants to put human rights matters to a referendum. Surely they can put the government's involvement in West Edmonton Mall to a public test and public scrutiny.

MR. HAVELOCK: Well, I hate to sound like I'm repeating myself, Madam Speaker, but of course the hon. member across the way is repeating himself too. We will be rejecting this motion for a return.

THE ACTING SPEAKER: Does the hon. Member for Edmonton-Glenora wish to close debate?

MR. SAPERS: Yes. Thank you, Madam Speaker. The motion for a return relates to a document that is about two-thirds of the way through this list of suppressed records that we received from the government. You know, it's not just letters from third parties. It's letters between MLAs, letters between members of Executive Council and MLAs, cover sheets of briefing documents, documents sent to and from third parties – so not just correspondence but other documents – the agenda and priorities committee agendas and minutes. It's a fascinating list, and taken all together, it must just be one heck of a thick file that somebody is sitting on.

We know that some records were in a civil servant's home under his bed. I wonder if maybe the reason why we're not going to get this letter is not because the government is afraid to release it. You know what? Maybe they lost it. Maybe they're just that sloppy. Maybe they can't figure out whose bed they hid this one under, like that other stack of documents that was under somebody's bed. Or maybe it will be like the Premier's office when we initially asked,

through freedom of information, for records and documents held by the Premier's office relating to the West Edmonton Mall refinancing. Do you know what we were told then, Madam Speaker? We were told that they couldn't release any records because – guess what? – they didn't have any. They didn't have any. Now, of course, that bit of history has been rewritten, because the government now says: oh, yeah, we've got lots of records; we're just not going to share them.

And there's that little matter of not complying properly with the information request. "Well, yeah, it was a breach of the act. Yes, that's right. We broke the law. But it was just a little law, it was just a little breach, so it must be okay." Well, it's not okay. It's not okay at all. It's not okay to keep on suppressing these records from the taxpayers of Alberta who are footing the bill for the government's largesse in this regard.

[Motion for a Return 228 lost]

MRS. SOETAERT: It's not a very happy birthday; is it, Howard?

West Edmonton Mall Refinancing

M229. Mr. Sapers moved that an order of the Assembly do issue for a return showing a copy of the January 28, 1994, letter from a third party to the Executive Council/office of the Premier relating to refinancing of West Edmonton Mall.

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

MR. SAPERS: Thanks, Madam Speaker. You know, my colleague was saying that it's not a happy birthday. I have to tell you that I really appreciate the trouble everybody's going to make this just a fun and memorable day for me. Of course, it's the people of Alberta that are suffering today, because they're no closer to the truth than they were before we started.

This makes one, two, three, four, five, six – this is the seventh letter in that short time frame that we're now asking for, Madam Speaker, and I think the previous comments will serve as justification and argument in support of this motion for a return. I know one of these times somebody from the government is going to stand up and say: yeah, you're right; the truth should out; we'll release the documents. I just hope it's right now.

THE ACTING SPEAKER: The Deputy Government House Leader.

MR. HAVELOCK: Well, before I indicate that we'll be rejecting this motion, I do want to respond to the issue regarding the alleged suppression of evidence. We need to remind ourselves in this House, Madam Speaker, that this Legislature, this government and all members in this Legislature, are subject to the freedom of information and protection of privacy legislation. The documents that are being requested relate to a third party's personal and/or commercial information, which requires the consent of those third parties for such documents to be disclosed. That's the reason why they aren't being disclosed. Again, the other reason is that the matter is before the courts. The courts are open and transparent, and this issue will be dealt with fully before the courts.

I believe that we need to make clear to all Albertans that this government is not suppressing evidence but rather is complying with legislation which was passed in this Legislature. It was actually passed after very thorough debate by an all-party committee, and I do feel that that legislation is good legislation. That's what we're complying with with respect to our rejecting this motion for a return

and many of the other motions for returns which the hon. member has put forward this afternoon.

[Motion for a Return 229 lost]

5:00 West Edmonton Mall Refinancing

M230. Mr. Sapers moved that an order of the Assembly do issue for a return showing a copy of the minutes and agenda from the June 27, 1995, meeting of the provincial cabinet in the possession of the Executive Council/office of the Premier relating to the discussion on the refinancing of West Edmonton Mall.

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

MR. SAPERS: Thanks, Madam Speaker. I would hope that this particular document will be released, because it's not from a third party. In fact, it's from the provincial government, and I must say that it would give tremendous insight into the thinking. In fact, if the government at that meeting took the position that they weren't going to provide a taxpayer backing to West Edmonton Mall, then release the minutes to prove it. It's a simple request, and it would certainly be in the government's best interest if, in fact, the evidence is of benefit to them.

So if they're going to suppress it, we can only conclude that the evidence, the contents of the minutes would be damaging to them. I look forward to the Deputy Government House Leader's response.

THE ACTING SPEAKER: The Deputy Government House Leader.

MR. HAVELOCK: Thank you, Madam Speaker. Despite the fact that this is not relating to correspondence from third parties, it nevertheless pertains to correspondence and matters relating to third parties, and for the reasons I gave with respect to Motion for a Return 229, again, we will be rejecting this motion.

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

MR. SAPERS: Boy, you know, Madam Speaker, I give them every opportunity to do the right thing. Just time after time after time I invite them to step up to the plate and just do the right thing, and I don't know why they don't just take the invitation.

Madam Speaker, the provincial cabinet meeting which took place on June 27, 1995, occurred exactly 24 hours after the Liberal opposition in the province of Alberta, after reading the financial statements of the Alberta Treasury Branches, suggested that the increase in contingent liabilities in those financial statements was due to the financing of West Edmonton Mall and the Alberta Treasury Branch. So one day after we raised the spectre of the contingent liabilities being backstopped by taxpayers in this province and of the increase in those liabilities to the tune of almost \$400 million being because of Alberta Treasury Branch involvement in West Edmonton Mall, a cabinet meeting was held. During that cabinet meeting the members of that cabinet discussed behind closed doors, in camera, the government's involvement in West Edmonton Mall.

I can only imagine the discussion, Madam Speaker. Turn your mind back to June 27, 1995. We were in the midst in this province of seeing 8,000 nurses being put out of work. We were fighting for the right to send five year olds in this province to early childhood education and to see that be fully funded. We were looking at

welfare reforms that ripped the social safety net out from under the needy in this province.

This is what was happening in 1995, and at the very same time that all of that was happening in 1995 – at the very same time – the government was trying to hide the reality that taxpayers' money was being used to backstop a commercial operation. In spite of all of the promises of being out of the business of being in business, in spite of all of the posturing about tightening our belts and cutting back in the core areas of business and, you know, what should our focus be, in spite of all of that government rhetoric, in spite of all the suffering that government policy created, they were meeting in cabinet to conspire as to ways in which to keep the truth from Albertans about government involvement in using taxpayers' money to be involved with West Edmonton Mall.

Madam Speaker, I cannot accept this rejection because it somehow involves a third party. We all know it involves a third party. It involves the principles involved with the West Edmonton Mall. That's not the issue, and that's not a secret. What is a secret is what the government said, did, and promised. That's the secret. It's about time the secrets were revealed.

[Motion for a Return 230 lost]

West Edmonton Mall Refinancing

M235. Mr. Sapers moved that an order of the Assembly do issue for a return showing a copy of the agenda and minutes from the March 21, 1994, meeting of the agenda and priorities committee in the possession of the Executive Council/office of the Premier relating to the discussion on the refinancing of West Edmonton Mall.

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

MR. SAPERS: Thank you, Madam Speaker. I'll remind the House that this document is one of those documents that at first didn't exist and then, abracadabra, did exist, but they just couldn't find it, and it was the subject of that Privacy Commissioner's report which condemned the Premier's office for violating his very own flagship bill, the Freedom of Information and Protection of Privacy Act.

Anyway, the fact is the document does exist. The government has it. It reflects comments that would indicate the government's thinking and direction at the time. It's a critical date in the whole saga involving the refinancing of West Edmonton Mall, and I would urge the government to release it to the public.

MR. HAVELOCK: Well, Madam Speaker, I can appreciate that the hon. member across the way is probably becoming quite frustrated at this point in time. I hope that's the case because the language which he has just reverted to regarding condemnation of the Premier's office is inappropriate. That did not occur. In the previous arguing he referred to a conspiracy. There is no conspiracy, hon. member. So again I think I'm going to take your comments in light of the fact that you probably are frustrated with respect to the fact that the government does have a legitimate and very good reason for not disclosing this information. Aside from that, because of all the reasons given previously, in fact all the reasons given for the last hour, we will be rejecting this motion for a return.

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

MR. SAPERS: Thanks, Madam Speaker. You bet I'm frustrated.

Even if I wasn't, I would say that in the absence of any evidence to the contrary, how can we not believe that some conspiracy is afoot? First of all, not simply to have the government involved in backstopping this private enterprise but then to withhold information from Albertans about that involvement. So that is not a comment that is borne of frustration; that is a statement of fact.

Now, Madam Speaker, I listened very carefully. The Deputy Government House Leader has said that they're going to reject this. He didn't necessarily say why. He talked about all the other reasons that have been enunciated so far during this debate. I hope that the Deputy Government House Leader is paying close, close attention at this point, because this may not be something that he's aware of, and I wouldn't want him to embarrass himself or his government as we proceed further in this debate.

On November 9, 1999 – maybe I'll just wait until I have his attention, Madam Speaker.

THE ACTING SPEAKER: Hon. member, turn to the chair, please.

MR. SAPERS: On November 9, 1999, in the Court of Queen's Bench of Alberta, in the Judicial District of Calgary, in a matter between Alberta Treasury Branches and Elmer Leahy and Nader Ghermezian, Raphael Ghermezian, Bahman Ghermezian, Eskander Ghermezian, 273905 Alberta Ltd., Howard Anson, Mavis Halliday, 218703 Alberta Ltd., 579511 Alberta Ltd., 298936 Alberta Ltd., West Edmonton Mall Property Inc., WEM Holdings Inc., WEM Management Inc., Avista Financial Corporation, 298926 Alberta Ltd., ABNR Equities Corp., and Devcor Investment Corporation, the Hon. Justice Mason provided reasons for judgment in an application for the provision of documents, coincidentally the very same documents which we're applying for in these motions for returns.

5:10

Quoting from the Hon. Justice Mason's reasons for judgment, I will draw the Speaker's attention and the Deputy Government House Leader's attention to paragraph 19. Paragraph 19 reads:

Further, the Crown asserts no Crown privilege or public interest immunity. The Crown acknowledges, in this case, that the court does have inherent jurisdiction to order that the Crown provide testimony by the issuance of a subpoena . . . Such a step is not necessary here in light of the Crown's stated position. However, the Crown takes the position that this application should be refused.

And then the judgment goes on.

The critical part of this quote, Madam Speaker, is the statement that "the Crown asserts no Crown privilege or public interest immunity." In other words, in the court proceedings, the very same court proceedings in which the Premier declared that all will be revealed, the truth will come out, all the documents will be made public . . .

Speaker's Ruling Relevance

THE ACTING SPEAKER: Hon. member, I would ask that you focus your comments on Motion for a Return 235. We're getting into an area here that could be very, very touchy. I would ask you to consider that this possibly could be involved in pending litigation, and I would ask that you focus on Motion for a Return 235.

MR. SAPERS: Thanks, Madam Speaker. This is on the motion for a return. It's the same document, and it's not touchy at all. It's a public document. It's a reason for judgment. The judgment says and the Crown's arguments are that they claim no public interest immunity. This is precisely on point.

Debate Continued

MR. SAPERS: The fact is that in the one matter, the matter on which the Premier stood in this Chamber and said that Albertans would get to the truth because the best public inquiry will be the public inquiry that happens in the courts of this province, in that very same action, in that matter the Crown has argued that there is no public interest immunity. In other words, we're not arguing that these records should be suppressed because of a public interest concern. Now we have the Deputy Government House Leader saying: well, we're going to hide behind these exemptions in the act because there must be some public interest exemption, because we don't have to release these documents.

Well, which is it? How can the Crown argue in court that there's no public interest concern, yet in this Chamber they stand and say: well, it's a matter of the exemptions that allow us to withhold these because we think that the public interest wouldn't be well served? They can't have it both ways, Madam Speaker, and that's the point, and that's, I think, critical to understanding what's going on here.

Speaker's Ruling Sub Judice Rule

THE ACTING SPEAKER: Hon. member, for clarification, you are referring to a litigation that's still ongoing, and under 23(g) of our Standing Orders I'd ask that you take a look at that.

Do you want me to read it to you?

MR. SAPERS: No. I'm quite familiar with the Standing Order, and I'm also familiar with the case, that there's a distinction to be made between those matters which are presently before the courts and those which have not been set down for trial or, in fact, that may have been scheduled but haven't been initiated yet. So I don't think sub judice applies.

THE ACTING SPEAKER: I certainly hope you're not arguing with the chair on this matter.

MR. SAPERS: No. No, I'm . . .

THE ACTING SPEAKER: I said the litigation could possibly be still ongoing. Please sit down, hon. member, and we're going to deal with the question. I'm just going to ask him exactly where we are at here.

The hon. member has just closed debate. I will bring forward the question.

[Motion for a Return 235 lost]

West Edmonton Mall Refinancing

M236. Mr. Sapers moved that an order of the Assembly do issue for a return showing a copy of the February 9, 1993, letter from a third party to the Executive Council office of the Premier relating to the refinancing of West Edmonton Mall.

MR. SAPERS: Yet another piece of correspondence in the whole series. I hope, Madam Speaker, that this will not attract a sub judice intervention from the chair. All of these matters, of course, pertain to the various court proceedings, and it would be very, very convenient indeed if this Assembly were prohibited from discussing these matters given the Premier's invitation that once these matters are before the court, the whole truth will out.

Now, there are many, many tests involved in sub judice, includ-

ing, of course, the readiness to proceed, and you did ask me to refer to section 23.

THE ACTING SPEAKER: The hon. Deputy Government House Leader on a point of order.

Point of Order Clarification

MR. HAVELOCK: Madam Speaker, I don't believe, at least with respect to Motion for a Return 236, that you've indicated it is a matter of sub judice. Therefore, I would suggest that the hon. member should perhaps argue the motion for a return as opposed to raising that particular issue. If you do raise it, then it would be appropriate to argue it at that time.

THE ACTING SPEAKER: Hon. member, on the point of order.

MR. SAPERS: Oh. I didn't realize it was a point of order.

THE ACTING SPEAKER: The chair will recognize that it is a point of clarification, and let's proceed on the motion for a return as printed on the Order Paper.

MR. SAPERS: Well, I'm simply trying to insulate myself, Madam Speaker, because it was the chair that raised the issue of sub judice. I just want to make sure that the chair fully understands and appreciates the direction that my debate is going so there can be no confusion.

THE ACTING SPEAKER: The chair can only judge by what the chair hears, hon. member.

MR. SAPERS: Of course, I know you're also mindful of Speaker Kowalski's ruling on matters of sub judice, where on April 28, 1998, on page 1515 of *Hansard* he said that the Speaker "must rely on the judgment of the Minister of Justice" and the questioner, and they must exercise their judgment carefully. Madam Speaker, that is exactly what I'm doing. I have to assure you – and I know you'll take me at my word – that I'm familiar with the sub judice rules of the House, and I would dare not tread upon them. I am certain that I am not doing that, and of course I am subject to your rulings on this matter.

Let me go on to say that . . .

MR. HAVELOCK: Madam Speaker, I guess the simple point with respect to this motion for a return is that you have not raised the matter of sub judice. [interjection] Not with respect to this motion for a return, hon. member. It was raised with respect to the previous one. So may I humbly suggest that you simply argue your motion for a return as opposed to arguing an issue that's not even before the House.

THE ACTING SPEAKER: A point very well taken, hon. member. We're dealing with, as far as where I am, Motion 236. You are beginning the debate on this. It is written on the Order Paper, and I would ask that you deal with it as printed.

MR. SAPERS: Madam Speaker, then I take it that your comments about sub judice relate . . .

THE ACTING SPEAKER: Sit down, please. My comments were relevant to Motion for a Return 235.

MR. SAPERS: All right. Thank you. I don't want to offend the Speaker, and I wanted to make sure that the issue of sub judice was not relevant to any other motion for a return.

THE ACTING SPEAKER: You're trying the Speaker's patience, hon. member. Now, let us debate Motion 236.

MR. SAPERS: Well, I'm working up to that. Thank you, Madam Speaker.

5:20

Debate Continued

MR. SAPERS: The issue of 236 is another matter that is part of a series of documents that have not just been the subject of freedom of information requests but have also been subject to requests made to various parties involved in lawsuits. We either have to rely on the Premier's undertaking that when these matters come before the courts, we'll get all the information, or we have to rely on the government to comply with information requests in this Chamber through the motion for a return process.

I'm happy to hear that your caution about treading on matters before the courts only applies to the specific instance, because it would be of course inappropriate, and it would be somewhat contradictory to what the Premier has said in this Chamber about the release of information.

So now that we're absolutely crystal clear, I would ask that this particular February 9 letter from a third party to Executive Council relating to West Edmonton Mall refinancing be produced so that we can evaluate its contents.

THE ACTING SPEAKER: The Deputy Government House Leader.

MR. HAVELOCK: Thank you, Madam Speaker. It's been an interesting afternoon. We've heard about "hiding behind." We've heard conspiracy. I'm beginning to wonder if the hon. member actually was with Mel Gibson and Julia Roberts in *Conspiracy Theory*, which reminds me of another little saying someone once relayed to me, and that is that politics is show business for ugly people. I sometimes use that during speeches. I'm not suggesting, of course, that it refers to the hon. member across the way, but he may want to use that in the future.

Madam Speaker, I do appreciate the patience you've demonstrated this afternoon. I have, despite the fact that the hon. member may not believe it, been attempting to help him through this with respect to

at least the arguments we just heard regarding sub judice.

In any event, I regret to advise that we will be rejecting this motion for a return for the reasons previously given and given and given.

Thank you.

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

MR. SAPERS: Thanks, Madam Speaker. I appreciate the Deputy Government House Leader's assistance. I also, of course, accept him at his word, and I also take right on the chin the shots. It has been said that one of the most exhilarating things is to be shot at and then missed. I want to thank the Deputy Government House Leader for trying his best.

I would simply ask that the motion for a return . . .

MR. HAVELOCK: Howard, who said that? Winston Churchill?

MR. SAPERS: No, actually it was Knowlton Nash coming back from a foreign assignment, but that's not really germane to the debate, Madam Speaker. I would hope that this motion for a return will be accepted.

[Motion for a Return 236 lost]

THE ACTING SPEAKER: The hon. Deputy Government House Leader.

MR. HAVELOCK: Thank you, Madam Speaker. In light of the hour I would like to move that we call it 5:30 and that the House do reconvene in Committee of the Whole at 8 p.m.

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

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? Carried.

[The Assembly adjourned at 5:23 p.m.]