

## Legislative Assembly of Alberta

Title: **Tuesday, March 14, 2000**

**8:00 p.m.**

Date: 00/03/14

### head: Committee of Supply

[Mrs. Gordon in the chair]

THE DEPUTY CHAIRMAN: The chair is going to call the meeting to order. Thank you.

head: Main Estimates 2000-2001

### Agriculture, Food and Rural Development

THE DEPUTY CHAIRMAN: I would ask the hon. minister to start off the discussion and debate.

MR. LUND: Well, thank you, Madam Chairman. To start off with this evening, I thought I would respond to the questions that I didn't get answered in the first round of our estimates.

The hon. Member for Lethbridge-East had asked what we were doing regarding the transportation system, specifically as related to the Estey/Kroeger recommendations. I can report that I was in Ottawa around the first week of February and met with eight federal ministers, the Prime Minister's office, the Privy Council, and people from Treasury to talk about how important it was that we move forward with an approval of the Estey/Kroeger report. Also, the next week, the week of the 14th, two of my department staff were in Ottawa as a follow-up to that. In terms of the resources, we don't have any specific number allocated to this particular file, but of course staff continue to work on it and I continue to raise the issue when I'm in Ottawa and talking to the federal people.

As a matter of fact, when I was there just two weeks ago dealing with the farm income crisis, we raised the issue again and how important it is that the federal government move forward on this report, because the fact is that there are studies that indicate there are anywhere from 50 million to 300 million of producer dollars that are on the table if in fact the system is changed and becomes more efficient. Now, I don't care if it's only the \$50 million. The point is that there's a major amount of money sitting there, and it would be an annual injection into the farm economy if in fact we could move forward on it.

The hon. member also asked what sectors are being influenced by the industrial wastewater infrastructure program for agricultural process and what municipalities are involved. This program was announced in 1998 by the Premier. There was \$35 million allocated to it over a three-year period, and of course we've now completed the second year. In 1998-99 there were the two major projects, and they amounted to some \$12.6 million. Both of these were related to the potato industry. There was a grant of \$6.5 million approved to the county of Lethbridge and \$6.1 million to the MD of Taber. It's interesting how those all multiply. In fact, the development that occurred from this injection amounted to about \$40 million for new water and wastewater infrastructure, and that led to \$200 million in new investment in value-added agrifood processing. Now in '99-2000 there are two applications currently before us, and these relate to some investment in the grain processing and meat processing sectors.

He also asked how the ministry is progressing with the development of measures that provide more specific information on the achievement of goals and key results. As you know, we've got the seven industry macromeasures in the department, and there are also five goal measures listed with the eight ministry goals which appear

in the 2000-2003 ministry's plan. The purpose of the goal measures is to provide data and information to show progress in achieving these eight goals. Now, since these goal measures were first selected, progress in developing the necessary data and information for the measures has actually been a slower process than we thought it would be. The 1999-2000 annual report will be the next step in reporting on the ministry's accomplishments toward meeting these goals. Where possible, data shown for each of the measures will be in a format similar to that shown in the 2000-2003 business plan.

As you know, we are having the ag summit, a major project that will give the ministry direction, and out of that we will be looking at all our goals and measures and seeing if they're appropriate to meet the expectations coming up in the summit.

Now, the hon. Member for Edmonton-Centre asked: what action has the minister taken in response to the Auditor General's recommendations that the ministry set quantifiable measures and targets to evaluate the performance of the farm income disaster program? I can inform you that there was a ministry steering committee assigned responsibility for developing performance measures for this very program, and they've met with the Auditor General's staff. The committee is now finalizing the measures and will be meeting once again with the Auditor General's staff before the performance measures are implemented. We expect to have the plan in place by June of this year. [interjection] Yeah. Well, that answers your question.

The hon. Member for Edmonton-Centre also asked: how do changes in policy and legislation help the ministry measure its progress in achieving the goals to improve the industry's capacity to respond to opportunities for growth? Well, the changes to policy and legislation I believe improve the industry's capacity to respond to opportunities when the policy or legislation restricts the ability of producers and processors to respond to market opportunities. An example of such a restriction is the monopoly control exercised by the Canadian Wheat Board. Of course that's out of our jurisdiction but is one of the reasons we're trying to move that file forward. The regulatory regime imposed on transportation and handling of grains: that's where the difficulty is with the involvement of the Canadian Wheat Board.

Further, the ability of producers and processors to respond to growth opportunities is enhanced by the removal of trade barriers and the implementation of a transparent, effective, and timely dispute settlement regime. There are several desirable changes to Canada, Alberta, and international policies in the legislation that the department is working towards. Our success in bringing about these changes is the measure of our success in achieving the goal to improve the industry's capacity to respond to the opportunities for growth.

The hon. Member for Spruce Grove-Sturgeon-St. Albert was asking: why is the administration expense budget for Agriculture Financial Services Corporation showing an increase over last year's budget? The answer to that is that the selling commissions were reduced in last year's administrative budget. In this year's budget they are shown as a separate line item. Taking this change into account, the 2000-2001 budget for administrative expenses is showing an increase of \$4.9 million over the 1999-2000 budget. This increase is primarily a result of extra costs associated with the processing of the higher volume of farm income disaster program claims due to the introduction of the retroactivity of the program that we announced back on October 14. Higher lending and insurance claim volumes and a provision for salary increases also are contributing to those increases.

The hon. Member for West Yellowhead asked about the budget for farm income support. His question was: why is the 2000-2001

budget for farm income support lower than the 1999-2000 forecast?

The budget is \$201.6 million, and the forecast is \$299 million. Now, the forecast is higher than the budget for two reasons. First, the 1999-2000 costs of the farm income disaster program are \$71.8 million higher than next year's budget because enhancements to the program that were announced back in October 1999 were retroactive to the 1998 tax year. Therefore, the forecast includes the retroactive costs for 1998 as well as the costs for 1999, whereas the budget for 2000-2001 is for the 2000 tax year only. The 2000-2001 budget is \$165 million compared to last year's budget of \$74 million.

The second reason for this year's forecast expenses being higher than next year's budget is that the forecast includes \$25.6 million for industrial development grants. These are onetime grants, and therefore there is no budget for industrial development grants in the year 2000-2001.

Madam Chairman, this completes I think all of the questions that weren't answered when we were first before the committee.

8:10

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

DR. NICOL: Thank you, Madam Chairman. Just a few final comments before we move on with the vote on the Agriculture, Food and Rural Development allocations for the year.

The minister spoke a little while ago about the role the ag summit was going to have in reviewing goals and measures. I guess the question that still remained when he finished that explanation was the role that that's going to play in redirecting potential activities within the department and how department programs get delivered to the front line, to the agriculture community, and what the objectives are or the vision is for the agriculture community as much as for the minister's department in itself.

I think when we reviewed the comments that were made by all of the members the other day, we covered a lot of the issues that were relevant to the budget of the agriculture department. I guess the question that arises now, with the announcement today, was where that fits into the budget. Should we now possibly be looking at an amendment to this budget before we vote on it? This budget now is going to have some new allocations. I know the minister has the authority to move money within the line items and within the programs of the budget; that's permitted now with the new Financial Administration Act. But I was under the impression from the discussion during the news conference that there will be about 40 million or 45 million new dollars actually added to Alberta Agriculture's budget. We need to find out where those dollars are going to be coming from. Is it out of the potential surplus that the government showed, or is it going to be out of some other program in connection with that? So on that basis, Madam Chairman, I think we should be looking at how that fits in as we move to finalize our vote on Agriculture, Food and Rural Development.

The issue that I'd like to see the minister really address as well, through the ag summit process, I guess, more than as a direct request here, is that when we start to look at the department summary, now we're spending about \$250 million to \$251 million according to the data here. If we add the extra \$40 million or \$45 million onto that, we're going to be almost pushing the very high . . .

THE DEPUTY CHAIRMAN: Hon. members, would it be all right with the Assembly if we revert to the Introduction of Guests?

HON. MEMBERS: Agreed.

head: Introduction of Guests

THE DEPUTY CHAIRMAN: The hon. Minister of Government Services.

MRS. NELSON: Thank you very much, Madam Chairman. We're absolutely honoured this evening to have visitors that have come from across Canada, actually from Sudbury, Ontario, to witness the proceedings of our committee work in this Legislature. They are seated in the members' gallery. We have 66 members from the Royal Canadian Sea Cadet Corps, Admiral Mountbatten's area, and they are accompanied by their commanding officer, Lieutenant Roger Szydziak. They're all from Sudbury, Ontario. We welcome you to Alberta and to our Legislature this evening, and we'd ask you to all rise and receive a warm welcome from our Assembly.

THE DEPUTY CHAIRMAN: Thank you very much, hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Madam Chairman. It's a real honour to give my space on the floor to introduce the next generation of leaders in Canada.

## Main Estimates 2000-2001

### Agriculture, Food and Rural Development (*continued*)

DR. NICOL: As I was saying, there's an issue that comes out in the context of how the agriculture budget is now becoming prioritized, and I was saying that we are getting now to where well over half of the almost \$500 million is going into agriculture insurance and lending assistance programs: the crop insurance, the interest programs, the farm income disaster program, the new program announced today. I guess what we need to do is come out of that ag summit with a concept of when and how it's best to provide public support to the agriculture community. How do we target those dollars so that they get directed to the individuals in the agriculture community that truly have a short-term income shortfall?

Madam Chairman, I don't mean here that we should be putting money into supporting agriculture enterprises, farmers that are effectively on their way out of the agricultural community, but if we have a farm enterprise that has been effectively supporting the family, supporting the community, building the community over a period of years and has gone into a two- or three-year drought-price-caused cash flow problem, that's the kind of decision we need to be making here. How do we step in and provide assistance to those kinds of farmers rather than to the farmers that are either not in real need or who effectively would become dependant on the public dollar? What we need to do is look at that kind of an issue to be addressed by the ag summit.

I guess maybe I'm stepping a little bit out of bounds in the context of debate on the budget when I'm asking for input to the ag summit as opposed to input to the determination of the budget, but so much of what we're dealing with right now in the business plan, in the budget is going to be almost a builder into how we approach the ag community out of the recommendations that come from that ag summit. So it's reasonable, I think, to tie the two of them together in a way that we try to make sure that what comes out of that summit is a strong recommendation back to us in the government, back to us as representatives of our communities on how to provide the support that is necessary for agriculture.

This is especially critical when we deal with the kinds of changes and transitions that have gone on in so much of our society. You know, people are now being asked to deal with and look after their

own interests, and the agriculture community needs to develop that kind of relationship with the public purse as well in the sense that they come forward and they're given dollars only when it's critical to the survival of that enterprise and not in terms of a supplement when it's not necessarily needed by each of those enterprise operators.

I think the thing that we want to also look at is how the mix of different programs that we put out under program 6 fit together. Our new program today saw us giving a credit to the farmers who are going to be buying crop insurance. How does that work out? How effective is the crop insurance program in terms of its relationship to our farm income disaster programs? Is it important maybe that we should be tying the two together? If a farmer is not willing to begin the year by making a commitment to risk management, should we be stepping in at the end of the year when the elements have turned against him?

8:20

You know, these are the kinds of questions that I hope the minister takes to that ag summit and comes back with real input from the agriculture community on how they see us tying together these programs and making sure that we do have a set of programs that are fair, that are equitable to those farmers, to the farm community and fair and equitable also, Madam Chairman, to the other members of the Alberta community that are sharing in the burden and the costs and in the benefits of having a strong rural community. That balance has to be developed.

You know, the relationship between some of our programs now is reasonably open. Regarding the new program, I think one of the first things that was asked after the minister finished his press conference today was: well, Ken, is this going to be neutral under the WTO? And I said: as long as it's a one-year, onetime payment that can't be built into farmer expectations, I would assume that it probably is going to be neutral, that it wouldn't be a countervailable action.

I would ask the minister, when he's discussing these kinds of programs in the future, that maybe some reference to that would help, a kind of reference to an argument that has been given already before the WTO or in the context of countervail neutrality. He could bring that out as he talks about it. It's important that we make sure that the agriculture community realizes and senses that when we step in as a public to help them in a time when they're having trouble, we're not going to be creating problems for a different sector in the agriculture community or for Canada as a whole in the context of challenges under the WTO.

I hope that my interpretation was correct on this one and that it won't be challengeable. It is a onetime program. It's not commodity specific. It won't influence export potential. I think we get to look at those kinds of things and say: this program probably would stand a challenge. It's a question that comes up, and it would be nice if when these programs are announced, some reference to that is made as it goes.

I guess on that basis, Madam Chairman, I'd suggest that my comments on the budget now are finished, but I would also ask the minister to consider bringing forward the amendments to allow us to look at how today's announcement fits into this before we do put a final vote on this budget so that we can see how it fits into the overall aspects of our financial planning for the next year.

So on that basis, I hope that we vote to delay the movement of this until we see those amendments.

MR. LUND: Thank you, Madam Chairman. To the hon. member regarding the goals and measures and the vision of the community: after the summit we're going to be looking at all of these goals and

measures. You're absolutely right. It's very important that they tie into the agricultural community and then back so that we make sure that what we are doing is serving the whole agricultural industry. But, of course, the primary producer is the main building block in that whole industry.

Now, you've asked a number of questions about the financing of today's announcement, so I'll try once again to run through the explanation. It gets a little bit complicated because of the retroactivity of the program, going back into 1998, and we had to account for it in 1999.

What happened is that when we made those changes back on October 14, we weren't able with any certainty to predict within a very narrow range what exactly the cost was going to be. We could do it for the applications that had been approved, but it was very difficult to know how many new applications we were going to pick up and what that cost was going to be. So we went forward to Treasury with a range of what the cost would be, and really what it amounted to was getting approval for an additional \$232 million, because we went up to the \$200 million for both 1998 and '99.

As it turns out, if you look in the third-quarter report, you will see that in fact we are estimating that we will be lapsing about \$68 million. It's been approved, but I must point out that we weren't at the bottom of our range. We weren't at the top. We were pretty much in the middle there.

So we had that \$68 million that has already been approved in this year's budget. We also have coming out of the all-risk crop insurance some \$40 million that was not used. Actually the late frost caused the yield to go up, and the quality was good, so the indemnities for the all-risk were lower than actually averaged. So we had the \$40 million there. That takes us up to the \$108.5.

In the hail and crop reinsurance we have an investment. There's actually about \$300 million in that account. That investment money can be used for a number of things. Actually it's interesting when you read the agreement with the federal government and actually the legislation that the federal government works under under hail and crop insurance. It's pretty silent on what that money can be used for. So that's where the \$20 million for the reduction in premiums for the hail and crop insurance will come from.

Now, if you add those all up, you still see a bit of an overage. If you look in the budget, the one we're discussing, you will see that we did not include any money from the federal government. We did include some for the hail and crop insurance but not out of the disaster area. We know that we will be getting something. As a matter of fact, it will likely be even more than we got this year. If there is an overage in the acreage payment, that's where those extra dollars will come from. It will be that money that comes from the federal government. It doesn't show in this budget, but that's where the dollars will come from.

If you've got any more questions on it, I would be happy to try and answer those.

SOME HON. MEMBERS: Question.

MR. LUND: Real quick. I'll just answer a couple more questions.

You talked about risk management and how we target dollars. We really are looking at it in two categories. We have risk management, which includes crop insurance and NISA, and then the disaster, which includes FIDP and the companion programs over there.

Yes, one of the things that we will be doing is continuing with the crop insurance review. Could these be joined? Should they be joined? Is that the way we should be moving forward? That whole thing will be looked at. One of the questions that's in the whole summit review is this whole issue about risk management. What

does the producer think he needs? It will tie in with the crop review. I think that covered them all.

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

DR. NICOL: Thank you, Madam Chairman. Just two follow-ups. I thank the minister for explaining that there are actually no new dollars in this program announced today. It's all rearrangement within the budget. That's the way I understood it.

Now, you also spoke about the review that's going on for crop insurance. There's a committee in the communities of farm organizations that is dealing with a review of crop insurance. How are you tying in there? Is there any opportunity or any place in the budget where they would be getting some financial support to finish their review in the context of alternative programs, alternative ways of funding, alternative ways of structuring crop insurance so that it might be more reasonable? With that I'll end my conversation.

8:30

MR. LUND: Actually, do you remember in this year's budget the \$25.6 million that was for reinvestment? We kept \$500,000 out to run the hail and crop review. If there are additional dollars that need to be found to complete that review, then we'll find it within the department, but there will not be a line targeted just for that specific exercise.

THE DEPUTY CHAIRMAN: After considering the business plan and proposed estimates for the Department of Agriculture, Food and Rural Development, are you ready for the vote?

HON. MEMBERS: Agreed.

Agreed to:  
Operating and capital expenditure \$449,553,000

THE DEPUTY CHAIRMAN: Shall the vote be reported?

SOME HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Carried.  
Hon. Government House Leader.

MR. HANCOCK: Thank you, Madam Chairman. I would move that the committee rise and report the estimates of Agriculture, Food and Rural Development.

[Motion carried]

[Mrs. Gordon in the chair]

MR. COUTTS: Madam Speaker, the Committee of Supply has had under consideration certain resolutions of the Department of Agriculture, Food and Rural Development for the fiscal year ending March 31, 2001, reports the approval of the following estimates and requests leave to sit again: operating expenses and capital investments, \$449,553,000.

Madam Speaker, I wish to table copies of a resolution agreed to in Committee of Supply on this date for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? So ordered.

head: Government Bills and Orders  
head: Second Reading

### Bill 3 Statute Revision Act

THE ACTING SPEAKER: The hon. Minister of Justice.

MR. HANCOCK: Thank you, Madam Speaker. It's my pleasure to rise tonight to introduce and move for second reading Bill 3, Statute Revision Act.

The Statute Revision Act has been introduced to simplify and streamline the process of revising and consolidating our public statutes. Provincial statutes are revised periodically to consolidate amendments made since the previous revision, make editorial changes that do not alter the meaning, and generally to clean up a statute following years of amendment. For example, a revision allows statutes to be renumbered, and obsolete cross-references can be updated and spent provisions removed.

In past years these kinds of changes were made under the *Revised Statutes of Alberta 1980*, *Revised Statutes of Alberta 1970*, *Revised Statutes of Alberta 1955*, *Revised Statutes of Alberta 1942*, *Revised Statutes of Alberta 1922*. Currently, *Revised Statutes of Alberta 2000* are being prepared. *Revised Statutes of Alberta 2000* will revise all Alberta public statutes as of December 31, 2000, provided that Bill 3 is endorsed by this Legislature.

As in past years, *Revised Statutes of Alberta 2000* will encompass every public statute of Alberta, and all of them will be revised at the same time. However, in the past every revision to public statutes was authorized by its own statute. Once the revision was completed, the authority of the statute was spent. For example, the previous two revisions were authorized by the Revised Statutes 1980 Act and the Revised Statutes 1970 Act. Bill 3 differs from the past in that it is designed to be an ongoing source of authority not only for the *Revised Statutes 2000* but for all subsequent revisions in the years ahead. Moreover, it will not only authorize the preparation of revisions for all public statutes in a given year, such as *Revised Statutes of Alberta 2000*, but it will also authorize the preparation of a more limited revision of one or more statutes at any given time when appropriate. This will allow frequently amended statutes to be periodically consolidated and revised, making them easier to use. Some other provinces, such as British Columbia and Ontario, have also adopted this more flexible method of preparing revisions.

Bill 3 continues Alberta's traditional procedure for preparing revisions by authorizing Alberta's Chief Legislative Counsel to prepare a revision under the general supervision of the minister. In addition, Bill 3 provides comprehensive powers necessary for an effective revision. These powers, Madam Speaker, while comprehensive, are similar to those in past Alberta statute revision legislation and revision legislation in other provinces.

It's important to note that none of these powers authorizes making changes to the law. They are all editorial or cosmetic in nature. They include the power to consolidate amendments; to renumber and rearrange statute sections, parts of a statute, et cetera; to revise and alter language for gender neutrality; to alter language and punctuation to achieve a uniform mode of expression; to make minor amendments to clarify the intention of the Legislature, an example of which would be the updating of obsolete cross-references; to

correct clerical, grammatical, or typographical errors; and finally, to include information in schedules that the Chief Legislative Counsel considers appropriate to show the changes made by revision.

Madam Speaker, it's important to go through those powers and assure the public of Alberta and assure members of the Assembly that the Statute Revision Act has absolutely no intention of changing the law of the province. It's a consolidation and a revision of the law in order to provide an up-to-date, consolidated reference act for the public to use in understanding and dealing with the laws of the province.

For example, section 3(a) provides the power to "consolidate in the revision all amendments made to an enactment since the date of its enactment or last revision, as the case may be." That provision was also in *RSA 1970*. It was in the 1955 version. It was in the 1942 version. It was implicit in the 1922 version. It's implicit but not explicitly included in Ontario's and B.C.'s revised statutes acts. It is explicit in the federal revision act. The reason I point that out, Madam Speaker, is because there has been some suggestion publicly that by bringing in Bill 3, this government is in some way attempting to bring lawmaking powers under executive authority, and that is simply not the case.

This is an ordinary revision in the same context as the revisions made in 1980, 1970, 1955, 1942, and 1922. There is no suggestion that the law of Alberta will be revised in any substantive manner by this act. It's important for the public to understand that that's the case and that we're operating in the same manner with the exception of the provision of an ongoing power to revise individual statutes, which is a modernization of the process but not a change in the substantive ability to make law.

Section 3(b), again, has been included in every act prior to this in Alberta with the exception of 1922. Similar provisions are found in Ontario's and B.C.'s acts.

Section 3(c) has been brought forward from each of the earlier revision acts in Alberta and is also a similar provision to those in Ontario's, B.C.'s, and the federal government's acts.

Section 3(d), again, was included in 1980, 1970, and 1955 and is included in the B.C. act.

8:40

The one new provision to the Alberta act is 3(e), which allows to "revise and alter language to achieve gender-neutral terminology." That's a new provision in this act, that hasn't been in previous Alberta acts, but I think all members of the House would agree that it's an appropriate revision power for the Chief Legislative Counsel to have.

Section 3(f) provides that the people doing the revision can "revise and alter language so as to give better expression to the meaning of the law but not so as to change the sense of any enactment." That provision was also in the statute in 1980. It was in the statute in 1955. It was in the statute in 1942.

Section 3(g), "make any alterations in language and punctuation that are desirable." Again, those are provisions, powers that were brought forward from earlier acts.

Section 3(h), "make minor amendments to clarify what is considered to be the intention of the Legislature." Madam Speaker, that's not a new power. That's not an excessive power that's being given to Legislative Counsel. That's exactly the same power as was provided in 1980, 1970, 1955, and 1942, the same power as is provided in Ontario and in B.C., the same power as provided in the federal act, although the federal act takes the additional precaution of adding: without changing the substance of any enactment. That is, I think, implicit in the issue.

The point that I'm making, Madam Speaker, at some length –

some would say ad nauseam – is that while there are broad general revision powers incorporated into section 3 of this bill, there is no intention or ability for Legislative Counsel to change the law of Alberta in any substantive manner. This is simply providing them with the tools to make an appropriate update and revision of the law. I dwell on that because there has been some discussion in the public media about this bill, which I quite frankly thought was housekeeping and not one that would provide any controversy whatsoever.

Bill 3 also specifies the procedure for bringing a revision into force. First, the Lieutenant Governor in Council will direct that a completed revision is to be deposited with the Clerk of the Legislative Assembly as the official copy of the revision. The official copy will be signed by the Lieutenant Governor and countersigned by the minister.

Secondly, the Lieutenant Governor in Council will specify by proclamation when the deposited revision is to come into force. This procedure, again, continues Alberta's traditional procedure in this area.

Thirdly, the bill obliges the Queen's Printer to print each revision in a printed form. For a limited revision of one act or just a few acts, the Queen's Printer has the option of publishing the revision in the appropriate annual volume of the *Statutes of Alberta*.

Fourthly, Bill 3 sets out the legal effects of a revision and provisions designed to provide a smooth transition from one revision to the next. These provisions cover the following: repeal of the replaced revision or enactment, how the revision is to be interpreted, and technical rules governing its legal effectiveness. A revision does not operate as a new law but simply as a consolidation of the law that it replaced.

Madam Speaker, Bill 3 is essentially housekeeping that will enable this Legislature to ensure that our public statutes are up to date, consistent, and easier to interpret than many of them have been after years of updating and amendment without consolidation. Consequently, this bill will also improve public access to the laws of this province. It's a bill whose time has come. In fact, I'm only surprised that we haven't had an earlier statute revision.

The coming into force provisions of this bill have also been questioned in the public media because we have followed the tradition that has been outlined, that has happened in Alberta and happens in quite a number of other jurisdictions across this country, in that the revisions are prepared by the senior bureaucrat, in this case the Chief Legislative Counsel, are deposited with the Clerk of the Legislative Assembly, and countersigned by the Lieutenant Governor and the minister. In some jurisdictions, including the federal jurisdiction, the revisions are brought into a committee of the Legislature for review, and some would suggest that that's the appropriate process in our Legislature.

However, what we've proposed in this bill is exactly the same process as has been used in the province of Alberta in each of the earlier revisions of our statutes and has served Albertans extremely well. In fact, I don't know of any challenges to the *Revised Statutes of Alberta* or their legal efficacy. I don't know of any question that's been raised in the past about the quality of the revisions. In fact, the process has worked extremely well for Albertans, and I believe that when we pass this bill, if this Legislature does as I urge them to do and passes it quickly, we'll be able to get on with providing Albertans with better access to their public laws.

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

MS OLSEN: I have some questions, Madam Speaker. You know, I understand what the minister is trying to do, and I understand that

this is a process that has occurred over time, from 1922 up to 1980, which was the last time there was a revision. In that 20 years, however, from 1980 to now we have seen a tremendous amount of – I guess I heard the word “tradition” used by the hon. Justice minister. Well, there has been an erosion of that tradition of passing law and this law being scrutinized by members of the Legislature.

We now are into an era where we have lawmaking by regulations. You know, we have delegated it to administrative organizations. We have all sorts of different functions where the actual role of the Legislature has been diminished. So when we talk about tradition, I have some difficulty with that, because we don’t operate in the same way we did in 1980, and we don’t operate in the same way that parliamentarians or legislators did in 1922. So we have seen a dramatic change, and that, of course, then brings some skepticism, skepticism certainly from myself and others. Obviously I notice some editorial comments in the paper, and I think some questions need to be asked, you know. Is it right to continue with the same process?

As I see the bill, I see that this bill gives the Chief Legislative Counsel sweeping power to revise the *Statutes of Alberta* under the direction of the Minister of Justice. Is it another power grab? You know, the hon. minister says: no, this is not. We have some very contentious issues in other pieces of legislation where we are giving ministerial discretion for a lot of things we ought not to be giving ministers discretion for. It does continue the trend of this government to have the Legislative Assembly pass, you know, shells of bills. The real bills, according to the government, are made in regulations. Well, this is where it ought to happen. We don’t need to see the regulations set by the minister coming out in an order in council.

I guess when we talk about language, we have to accept that language is the building blocks of thought. At least I would accept that. In legislation the entire effect of a provision or enactment can be radically altered with the addition, subtraction, or substitution of a single word. My concern, and I think it’s a real concern, is that in the past we’ve seen a lot of changes. In the act the minister outlined them here under section 3. “Alterations in language” can be made under this act.

What he is saying is that this is not different than anything else in the past. That may be so, Madam Speaker. That may be so. But you know what’s different? It’s the erosion of the role of the Legislature that’s different. That has occurred since 1992, and that is what raises concerns about this little piece of paper, this bill, that may not have been a concern in 1980. I think it’s tremendously important to draw that analogy and bring that to the attention of other members in the Legislature.

I’m very concerned, and I’ll give a little bit of background here. Right now we see the Government Organization Act allow for whole departments to appear and disappear at the whim of the executive. Previously the creation and dissolution of departments were the responsibility of the people, and that’s all those people out there, elected representatives. That’s us in this Assembly.

We don’t see that anymore. The scrutiny of estimates has become a travesty, with the elected representatives of the people unable to scrutinize each department’s budget, with a complicated and inflexible committee structure, which again strips the legislative branch of its oversight functions with respect to its traditional power of the purse.

8:50

Madam Speaker, we have unprecedented and what I believe is reckless and undemocratic use of closure to ram controversial legislation through this Assembly. I am waiting to see what happens

on Bill 11, because I believe that’ll be another one of those opportunities for this government to use that very undemocratic legislative hammer.

The other issue that concerns me is the use of public funds, Madam Speaker, for one-party standing policy committees, for which those chairs get an extra \$15,000 or \$20,000. All elected members are not allowed to go and speak at those meetings. Not every single elected member in this Legislature can do that. So that’s some concern for me as well.

I want to also draw the attention of the Assembly to the House of Commons and what the House of Commons does in relation to this particular issue. They have a Statute Revision Commission. They lay out what that commission is to do. They have parliamentary examination, and if I can, Madam Speaker, I’ll just outline some of what the examination is.

During the progress of the preparation of a revision or on the conclusion thereof, or both during the progress and on the conclusion thereof, the Minister shall cause drafts of the statutes so revised to be laid for examination and approval before such Committee of the House of Commons and such Committee of the Senate, or such Committee of both Houses of Parliament, as may be designated for the purpose of the examination and approval.

That’s of the revised statutes.

There’s absolutely nothing wrong with that, and that’s what we should be doing. We should be having an all-party – hey, I know; the Law and Regulations Committee comes to mind here. The hon. Member for Banff-Cochrane is the chairman, and we have yet to see her chair this committee. If I have ever seen an opportunity for the minister to sway his caucus on the use of that committee, it would be with this document, with this bill.

MS BLAKEMAN: You mean show leadership?

MS OLSEN: Show leadership is really what I mean.

I do have a great deal of respect for the Minister of Justice, and that’s why I urge him to do the right thing and use that process.

I also want to draw the attention of the House to the British Columbia process, and the minister has alluded to that process here in his document. What I might say is that the Chief Legislative Counsel in British Columbia must give a revision to the Clerk of the Legislative Assembly for presentation to a select standing committee of the Legislative Assembly designated by the Legislative Assembly to examine the revision. What, pray tell, might that committee be in this Legislature? That would be the Law and Regulations Committee, and that would be a very useful committee, I believe. I sit on that committee, and I would love to see how it operates. I think it would be outstanding.

We do have, Madam Speaker, examples of where, yes, the revisions are made; yes, we have the revisions brought forward, and they’re brought forward to us like a standing committee; and then they are ratified somewhere. They are ratified in the Assembly, and that’s where that should happen, Mr. Minister.

Let’s wake up to what’s happened in the world of politics, in this Assembly especially. I can’t speak for every other Assembly, but I can darn well speak for this one, and what I have seen over the years, the erosion of the role of the legislators in this particular building, is significant. It’s significant when you bring a bill like this forward, which shouldn’t be a controversial bill, but because of the process that exists now in the Legislature, it is a controversial bill.

MRS. SOETAERT: It’s an issue of trust.

MS OLSEN: Well, my colleague says it’s an issue of trust.

You know what? That's exactly what it is. I think the sweeping powers are given to Legislative Counsel and then from that day forward – and that's the change in this bill – they will be forever allowed to be the ongoing source of authority. I have a lot of difficulty with that, because that means that we would never see another one of these. It would just happen. We would never know if the rules were changed. We would never know what particular pieces of legislation were being changed.

What comes to mind, Madam Speaker, is Bill 1 from last year, Bill 1 in the spring session. That was the Premier's bill, the financial responsibility act; "Boy, oh boy, you know, I'm going to stand up and bring this bill in." Not six months later that bill was brought back for an amendment. There wasn't a great deal of change to that particular bill, and I'm just wondering, Madam Speaker, if that's the kind of change that we are going to see cropping up.

I know the Minister of Justice would say: no, that's not what I want, and that's not what I meant when I brought forward this bill. But he doesn't have the final say in his caucus, so somebody could slip things by him. I know he's very smart, but some people still could slip things by him without even talking to him. I mean, you know, other things have been slipped by him, unfortunately, and sometimes you pay the price for that. But you know what? It's a matter of trust, Madam Speaker, and that concerns me. Was that such a minor amendment to Bill 1, the Premier's flagship bill from last year? It was amended not four months later, in the fall session, because he broke his own law.

THE ACTING SPEAKER: The hon. Government House Leader.

#### Point of Order Questioning a Member

MR. HANCOCK: I rise under the appropriate rule of *Beauchesne's* to ask whether the hon. member would entertain a question.

THE ACTING SPEAKER: Would the hon. member entertain a question?

MS OLSEN: No. No. I can't. I'm sorry. I've got to get my debate finished, but I will meet the hon. minister outside for a cup of coffee, and we can maybe have a chat.

#### Debate Continued

MS OLSEN: That's one of the issues I have.

We also saw, if you would think about it, Madam Speaker, last year in the fall the Miscellaneous Statutes Amendment Act come forward. The Miscellaneous Statutes Amendment Act in fact had a lot of changes in it that should have been and are now being brought through the bill process. There was an effort to use miscellaneous statutes as a vehicle to make some significant changes to some bills. They weren't just inconsequential amendments and changes. They were significant. When we see those kinds of things, we again say: why is that happening?

We only want to see minor corrections come through miscellaneous statutes, that we can agree on, and that's also another process that we've been able to work out. Bring in miscellaneous statutes, and if it's an issue of language or grammar, renumbering, adding or changing or omitting a heading, bringing things in line with how the document or the act speaks, that's done in miscellaneous statutes. You know, add that process to the already limited ability now for us to really see and debate what's going on in the Legislature, then it does raise some real concerns.

9:00

You know, I'm cognizant of what the minister is trying to achieve. I understand, but I guess I don't feel comfortable that this bill bestows a fair amount of discretionary power on the Chief Legislative Counsel. Fine; I think they do a good job. I think: do the document, bring it forward to a committee, and let us look at it. Let's deal with it, and then let us ratify it here. It doesn't have to be a big, klutzy process. But, certainly, giving that power to the Legislative Counsel on an ongoing basis is not something that I feel is going to serve the best interests of this province.

I do want to bring up one issue that I'm very happy the minister dealt with, and that's the issue of gender-neutral language. You know, even from 1980 we've come a long way, because there has not been an accommodation ever, ever in the history of the Statute Revision Act to put statutes into gender-neutral language. But you know what? It's not just this that it should come through. There should be a critical analysis, a gender analysis applied to each and every piece of legislation that comes through. For every policy the government decides they're going to adopt, there should be a gender lens applied to that. Sometimes we miss things going through the process, and if we don't ask the question, "Is this good for everybody, all Albertans," then sometimes we miss the boat, Madam Speaker.

I do want to commend the minister for seeing to it. That particular section I think in this bill is 3(e). I really think he's done this piece of legislation justice by saying: yeah, we're going to revise all those statutes and put them into gender-neutral language. That's a big step for the other side.

MS BLAKEMAN: Well, it was at least from the Paleolithic era to today.

MS OLSEN: The hon. Member for Edmonton-Centre has got some really fine things to say about that gender-neutral language.

With that, Madam Speaker, I think my time is closing here. I could run my time out. However, I would like to hear the rest of the debate on this particular piece of legislation. Thank you.

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

MR. DICKSON: Thank you, Madam Speaker. I certainly would never be able to match my colleague from Edmonton-Norwood for either the breadth of her debate or for the colour of her debate, but I'd like to offer a couple of additional observations. The cynics among us, when they hear my observations, may be inclined to share their perspectives.

The definition of opposition at least to one Canadian was as follows:

A viewing gallery from which to ridicule the party in power for mistakes similar if not identical to those that the opposition can be relied upon to commit should it take power.

Madam Speaker, when you're part of a party that's been in opposition for 76 years, you develop an amazing facility to be able to study legislation and to turn it upside down and to look through the minutiae of the legislation. There may be many who say: goodness; how can MLAs get exercised over Bill 3? We heard a wonderful presentation from the Minister of Justice that should allow all of us to sleep better at night. I meant after we leave this Chamber, Madam Speaker. I didn't want to accuse the Minister of Justice and Government House Leader of putting any of his colleagues to sleep in the course of the debate on Bill 3.

My observation, Madam Speaker, is simply this. Our job – and we take it seriously, and certainly my colleague from Edmonton-

Norwood spoke well to this – is not necessarily to take government at its word when it says: we only intend to do this, this, and this with a bill. Our job is to look at the bill, to scrutinize the bill, and see if in fact it would allow other things to be done, other powers to be exercised, powers to be exercised in a different way and in a different fashion from that outlined by the Minister of Justice as the chief proponent of Bill 3.

I'm going to offer a broader analysis to the bill, but first, Madam Speaker, if everybody would take their bill out of their briefing file, I'd refer all members to page 2, section 3. In committee stage we're going to be able to do a subsection review, but I simply wanted to draw the attention of all members, the Minister of Justice and other members, to three provisions that cause me to ask questions about whether this is a measured and appropriate response to deal with the need to have *Revised Statutes*.

Let me say this and just get it off the table right now. Madam Speaker, I love *Revised Statutes*. It's a great invention. It's a wonderful, wonderful device. It simplifies things for the pages in the Assembly in terms of being able to bring statutes to the attention of MLAs in debate. It makes it easier for lawyers in the course of doing their work to be able to access a statute law of their province. It makes it easier for Albertans that want to find out what the law of the land is, to be able to access a revised statute. I agree completely with the Minister of Justice. I'm disappointed also that we haven't had one since 1980.

In any event, Madam Speaker, now that members have got their bills out and are looking at page 2, I refer members to section 3 and three provisions that I think are problematic, using whatever sort of criteria you might want to apply, especially 3(h). This is what the Chief Legislative Counsel may do, section 3(h), "make minor amendments to clarify what is considered to be the intention of the Legislature."

Now, is there a definition of what is minor? No. There is not a definition of what is minor. Is there a definition that tells us what would be the intention of the Legislature in any given bill? Well, Madam Speaker, I sit in this Chamber probably just about as much as any other one of the 82 MLAs. I may be a much slower student than other members in the Assembly, but sometimes I'm a bit puzzled and a bit confused in terms of precisely what is the intention of the Legislature.

You see, I hear the Minister of Justice make one of his typically compelling and persuasive arguments. I hear an equally persuasive and compelling argument from my colleague from Edmonton-Norwood, and I may hear the Member for Rocky Mountain House, that esteemed minister of agriculture, make an observation, and I may think that that is persuasive too. We have a vote, and then if you were to ask me: so what's the intention of the Legislature? I know what we've passed, but the Chief Legislative Counsel also has access to the text of the bill, but the question is: does he know what was intended?

9:10

Well, Madam Speaker, on some bills I think I get it, and then there are some other bills where there's always a sense I have to stand up for the next one, because it's just gone right over me. Sometimes I don't quite get what the purpose of the bill was, what the intention was. Now, the Chief Legislative Counsel is clearly much more astute than this member, and I have every confidence in the current Chief Legislative Counsel, but we're talking about a forum and a model and a system that isn't dependent on a particular personality or a particular individual. It's the office. So I'm a bit troubled with the breadth of section 3(h).

Next I'd ask members to look at section 3(i). This is page 2,

Member for Calgary-Bow. "Make changes to reconcile apparently inconsistent provisions." Now, Madam Speaker, this is one of my favorites. I had never realized before I came to this Assembly the extent to which elected people can deal in the areas of contradiction, inconsistency, and confusion. It's becoming almost a stock-in-trade. We find statutes that are contradictory. We find sometimes provisions within the same bill that seem contradictory. Nonetheless, some of these things get passed. There's no definition that says what's an apparently inconsistent provision. Is this only in terms of form? Is this not treading, however timidly, on that bigger issue of substantive law? So I ask that question. It seems to me a power that is capable of abuse, and I think that's part of what our job as an opposition is, to query whether there's potential here for these sections to be used in a way that's perhaps not intended by the Minister of Justice tonight but could be misused by others for different purposes.

The third provision that troubles me and that I'd encourage members to look at is section 3(n):

Make minor amendments to other enactments not being revised that are required to reconcile them with a revised enactment as if the minor amendments were amendments consequential to the revised enactment.

Now, once again there's no definition of what a minor amendment is. We have seen numerous statutes before brought into this Assembly, and they're presented solemnly, I'm sure sincerely, by the sponsoring proponent with the comment: this is housekeeping. Madam Speaker, how many times have you heard those words? This is a housekeeping bill. When those bills get first reading, often that's the comment.

Then when we get to second reading, Madam Speaker, if the opposition is on their toes or maybe a government private member, somebody stands up and asks a question – and sometimes those questions are penetrating, and sometimes those questions are incisive – about: is this really housekeeping, could this be used for other purposes, and so on?

Well, we're not going to have the chance here, because there's a direct line between the Chief Legislative Counsel over here and the Lieutenant Governor over there, and these things go like one of those Japanese bullet trains. The decision is made, and it shoots down the line and out the other side before Albertans know what's hit them.

I make this respectful suggestion, that I'm most interested in working with the Minister of Justice or anybody in his department to take 3(h), (i), and (n) and see if there isn't a way that reasonable men and women could agree to modify (h), (i), and (n) to remove the ambiguity, to make it clear that in fact the bill does exactly what the Minister of Justice had said he wants it do.

There's another way of trying to remedy this bill, Madam Speaker, and it is to do what the federal government does and some other provinces do, which is to have some kind of an oversight mechanism of this Assembly. That would typically be a standing committee of the Legislative Assembly with representation from the government party, the Official Opposition, the third party, and maybe we'd have an independent member on there. What this allows us to do is that the Chief Legislative Counsel comes and makes a bit of a report. He plunks down on the table and he says: Madam Speaker, I've reviewed these statutes, and here are the changes that I'm proposing to do this modification. You would find that the committee would quickly zero in on those items that are contentious, discount and move over those that are not, and in jig time what you'd have is attention drawn to those things that require some amplification, some qualification, some additional provisos to make sure that it simply does what the Legislature thinks it should do.

In fact, Madam Speaker, there's a bit of a process that purports to



do that now. We have the Member for Peace River and his never-ending regulatory review committee. I don't remember the appropriate name of the task force, but I think all members know what I'm talking about.

MR. CLEGG: Gone.

MR. DICKSON: Has that been sunsetted?

MR. CLEGG: Yes. Well, no. It's changed.

MR. DICKSON: Madam Speaker, I don't want the Member for Peace River to come in and on a point of order say tomorrow that I've somehow tarred his good name by suggesting that he's still involved with dealing regulations and he's responsible for the 700 or 800 regulations that are whipped through this provincial government on an annual basis.

MRS. SOETAERT: Well, it's Grande Prairie-Wapiti that does it now.

MR. DICKSON: I understand that a new member now has the responsibility, so I want to correct myself on that. Grande Prairie-Wapiti. I understand that there's another process, too, that the government has. It's the government's legislative review committee. I'm not sure I've got the right name.

There are very capable people on both of those processes. But do you know something, Madam Speaker? They're invisible to the rest of us. It's an internal caucus function. It's not a function of this Legislative Assembly. So unless our friend from Calgary-Glenmore is going to come in and sort of table the minutes and the workings of his legislative review committee or the Member for Grande Prairie-Wapiti is prepared to come in and report and answer questions about his regulatory review responsibility, you know, the rest of us are sort of left in the dark once again. I don't think that's good lawmaking, and I don't think that's the best that the very intelligent men and women in this Assembly can come up with in terms of dealing with that.

It seems to me we do one of two things with this bill. If we want as eagerly as I do to get that new 2000 set of *Revised Statutes* – it's sort of like when the national mint issues a new set of coins and you run out to get one for your grandkids, or when Canada Post brings out a new stamp. I mean, some of us stand in line. Pick me for that first copy of the *Revised Statutes of Alberta 2000*. I can see there will probably be a stampede to the Queen's Printer when that happens. In the meantime, Madam Speaker, I think we can either improve on the oversight process and/or we can deal with some of the problematic parts in section 3. So my intention was simply to highlight those concerns. The Official Opposition understands the importance of revised statutes, but let us recognize that there's a context.

I thought the Member for Edmonton-Norwood spoke eloquently to the undermining of the supremacy of the Legislature as we see more and more delegated lawmaking, subordinate legislation it's called, whether it's regulations, ministerial orders, other kinds of departmental orders. So much of that stuff is the things that affect the men and women of this province, affect their families and affect their businesses, but it's not done in this place, and it's not done by these folks. It's done outside this room in some dark, cloistered corner somewhere by who knows who.

9:20

Maybe we get let in on the secret of the distillate after the process, but that's not good enough, Madam Speaker. I know it's not good

enough for the people in Lacombe. I know it's not good enough for you, it's not good enough for me, and I think we can find a better way of doing it. I think we can do that without having to scrap the entire bill, and we'll make sure that those *Revised Statutes of Alberta 2000* are there in their mint, pristine condition waiting for the first eager batch of purchasers lining up now, probably, at Queen's Printer. It'll be like going to a rock concert. You know, you've got to get down and stand in line first to get your ticket to be able to then go and stand in line for the main event.

Thanks very much, Madam Speaker.

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

MS BLAKEMAN: Thank you very much, Madam Speaker. I'm pleased to have an opportunity to be able to comment on this Bill 3, Statute Revision Act.

I listened very carefully to what the Minister of Justice was saying in introducing this bill, and I agree with much of what's been said previously in that I think we do need something that is going to allow us a comprehensive update of the laws of the province. My colleague from Calgary-Buffalo has spoken on the need. I mean, it's been 20 years since the last time we had one of these revised statutes acts, and I think we do need it. I've had people point out to me the number of inconsistencies that we have in language even over the 20 years. For instance, in some cases I know we're referring to a spouse; in others places in the acts we refer to a wife or a husband. There's a whole variety of different names that are put upon essentially the same people, and that kind of thing needs to be made more consistent, for example.

But I think despite the best intentions – and I know this is an honourable member that has proposed this – what I see is an erosion of the powers of this Chamber. Essentially we're being asked: well, trust us; just trust us. And I am not willing to trust this government or to relinquish my responsibility in the preparation and supervision of legislation that's created in this Chamber. I'm not willing to relinquish that with a "just trust me." I think there are a number of examples, even in my short time in this Chamber, where I have – and it's sad to see one so young become so cynical so quickly. It is a sad thing, but truly . . .

MRS. SOETAERT: So young. So very young.

MS BLAKEMAN: Thank you.

. . . in my short experience here I've had good reason to become cynical, and the "just trust me" doesn't work for me.

Miscellaneous statutes bill: there's a perfect example. When I first started in this Chamber, miscellaneous statutes was, you know, four or five pages long. We're now getting the 10-volume set. It's coming out and it's like 30, 40 pages long. It's amending dozens of acts. This is not minor administrative housekeeping. I mean, for heaven's sake, the great controversy of last year around riding in the back of pickup trucks and laws to either prohibit or allow that ended up coming through under miscellaneous statutes. That's not small stuff. That affected and was of great interest to a number of Albertans. It wasn't administrative in any way.

MRS. SOETAERT: No, it wasn't. That would be a good example.

MS BLAKEMAN: When I look at the crafting of bills . . .

THE ACTING SPEAKER: Excuse me, hon. member. I just was wondering whether Spruce Grove-Sturgeon-St. Albert really wanted to go on the speaking list, because she seems to be in tandem with you.

MRS. SOETAERT: She's inspired me. Absolutely.

THE ACTING SPEAKER: Well, hon. member, may I remind you that there's only one person who has the floor at a time. Edmonton-Centre has the floor.

MS BLAKEMAN: Thank you very much for your wise assistance. Always appreciated, Madam Speaker.

MRS. SOETAERT: Don't you appreciate me?

MS BLAKEMAN: Not at the moment, no.

So when we talk about the crafting of bills in this Legislature – and I've spoken about this before – we can make mistakes and we have made mistakes, but generally we're relying on the skills of the legislators, aided by staff experts. I look at what I think is one of the best pieces of legislation, and that's our Constitution. When you look at how long ago that was created and how well it has stood up, how carefully it was crafted, even they made mistakes. For instance, they couldn't at the time have anticipated the advent of television or the use of satellites for communication, but it was crafted in a well enough way that you could look at it and figure out where to put it, where it was logical.

There's always interpretation that goes on, but I think that interpretation which goes on around legislation needs to be done by the legislators, not by staff. You need to be able to go back and look at the remarks in the debate when the bill was first coming up. It even helps if you're able to talk to the people that are here, and I know my colleague from Calgary-Buffalo spoke about this. What is the intention? How are we supposed to find that intention?

I think there's something else that's being called into play here with this Bill 3, and that's the concept of ministerial responsibility. We have operated under that process for some time, and that is that as the legislators, we do the deed and we take the heat. The government has staff advisers who prepare the ministers. They give them good advice and background material, and the minister accepts the responsibility for what's going on and protects the staff from the scrutiny of the public or exposure to the public; the media, for instance. What happens to that when the Chief Legislative Counsel is now the person that's responsible for this? I think that opens up and skews that whole concept of ministerial responsibility, and I don't think we want to go there, because in the end, who is responsible for the mistakes, then, if there are any mistakes? I think as legislators we're willing to accept the responsibility for that, but can we be putting that on a staff person? I don't know.

So I think there's a great possibility for erosion of powers here, and we're back to the trust idea. I think, well, you know, where else have I seen examples of this that have caused me to not trust what the government's doing? Well, there are things like the standing policy committee. Now, those are committees which are chosen by the government, funded out of the taxpayer dollars, funded out of the budget that we pass, but the information that goes on there and the decisions that are made there are not open to all of the legislators in this Chamber. It's very specific to government. We don't have entry to that, those of us on this side.

The Law and Regulations Committee. Never been called. I don't think it has been called in a dozen years. It's certainly never been called during my time here, and the whole purpose of that committee has been to review that legislation and those recommendations that support that legislation. Is it given an opportunity to act here with the all-party participation? No, it is not. It's never called, and that, I think, is an erosion of democracy.

Let me give you an example. We've heard the talk about how the

Queen's Printer will be printing these changes. The Minister of Justice said that if it isn't a very big change, well, they can just publish something in the *Statutes of Alberta*. Well, I've spoken before about how difficult it is for a member of the public to actually find out exactly what it is that's gone on in this Chamber or that's happened with the government. I mean, has anybody here ever really tried to understand and glean information from an order in council. It's a few words long, you know, regarding some sale of land. That's all you get from it. To be able to plow backwards and know the right people to call and be able to find out exactly what that meant is very difficult. So for the public the idea of being able to follow what's been changed here – and it can be a substantial change as the Member for Calgary-Buffalo pointed out. Very difficult.

9:30

The whole idea of what I've seen here with this government essentially creating shell legislation is the way I heard another member refer to it, in which the legislation is really just the shell, and then all the regulations are where the meat of the thing is. Well, I had a friend that was working on a committee for a city, something to do with reviewing the regulations under the MGA. It was about the property tax, and they were on some kind of appeals committee. They had a case come before them. I don't know what the case was. They reported back to me and said: we were totally confused about why this case would come before us; it seemed to fit all the criteria. Then they found out that the regulations had been changed.

Well, here was a group of people volunteering for the city, under the auspices of the city, who weren't even aware that there had been a change in regulations. That backs up my point. It's very difficult for the public to find out what's going on. So to have even more done, not even under regulations but under some sort of Chief Legislative Counsel and then put out through the *Statutes of Alberta* – impossible, almost impossible for people to find out what's going on.

The Public Accounts Committee, which I am very pleased to sit on, is another one that's meant to be an all-party committee, but the members of the committee that have the majority on it, which of course is the government side, consistently refuses to adopt the Canadian public accounts committees' rules and processes. So that committee is very narrow in its focus and what it's able to do.

Let's look at another thing: the whole budget process. Now, that to me is truly an erosion of what has happened here. We have supposedly 20 days of debate that are now split in two, and we're debating two a night and sometimes even three departments a night. That's an erosion of the powers of this Legislative Assembly. Do we see more of that under this bill?

Increasing use of closure. Increasing use of the privative clause. There's another one. I had a lawyer friend chatting to me the other day. He reviews legislation for his company. He said: you know, it's really interesting; in the last seven years or so we increasingly see the use of the privative clause in new legislation that's coming out. That is part of what is creating these pieces of shell legislation. The privative clause is the one that says that, you know, the minister is God, that nobody can challenge him in court or anything, any decisions that are made. I mean, to me it's an extreme example of hubris. Nonetheless, we've got more and more and more of these showing up in the last seven years. Very interesting. [interjections] There has been increasing use of the privative clause in legislation here in the last seven years. Go back and look. I went downstairs to the library, and I asked and looked. I did.

We know that regulations are difficult enough to get hold of, certainly to be aware of any changes that are happening. I've talked

about how difficult it is to decipher or find out what the real information is behind orders in council. This bill is talking about taking what this Chamber does a step further beyond all the things I've just detailed that already pull away from the powers of this Chamber and this Assembly, all those things I listed. The standing policy committees, not calling the all-party committees to sit at all, like Law and Regulations has never been called, the budget process, the use of closure, the increasing use of the privative clause: all those things are taking away from what this Chamber does. This legislation can take us one step further away again.

Now, happily I notice something in here I like besides the concept of being able to update the legislation. It is to "revise and alter language to achieve gender-neutral terminology." Well, you know, Madam Speaker, it's a heck of a long way from the paleolithic age to today, but I'm very pleased to see that some members of this government have made that giant leap across that chasm of time. They have moved into the 21st century. I am proud of you for that, and I thank you for that. We should be able to achieve gender-neutral language in our legislation in this day and age.

MRS. SOETAERT: Oh, that would be something.

MS BLAKEMAN: Yeah. So I do congratulate the minister and the government for being able to put that forward in the legislation. I'm very pleased to see that. It doesn't counteract fully all my other hesitations about what's possible if this bill gets passed.

One of the other things that leapt out at me was the thing about "making minor amendments to other enactments" that are revised in order to reconcile everything. Now, that's really interesting. There's been a bill introduced, Bill 16, the condo amendment act, and that's a good example, because we have a previous condo amendment act from 1996 which has never been proclaimed. We're now amending the condo act again, I guess the Condominium Property Amendment Act, 2000. If this goes through, do we end up with amendments or with – how are they putting it? "Minor amendments to other enactments" which haven't been enacted yet? Can the original bill from 1996 be changed when it hasn't ever been proclaimed? Again, what kind of scrutiny is available there? What kind of information is available to the public there?

So I have great hesitation with what is in this bill, and I think that in the worst case scenario it is a huge step towards further erosion of the powers of this Assembly, which I think is wrong, very wrong. But, as I've said, there are a few good things in there.

I am going to ask that we adjourn debate on Bill 3, because I am looking forward to being able to return later at another time to be able to further debate this bill. I know there's disappointment from others who didn't get to speak, but I would ask that we adjourn, Madam Speaker.

[Motion to adjourn debate carried]

9:40

head: Government Bills and Orders

head: Committee of the Whole

[Mrs. Gordon in the chair]

THE DEPUTY CHAIRMAN: I'd call the Committee of the Whole to order, please.

### **Bill 6 Special Payment Act**

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

MR. BONNER: Thank you very much, Madam Chairman. It's an honour and a pleasure this evening to rise to speak to Bill 6, the Special Payment Act, in Committee of the Whole. I just have a few comments and questions that I'll pose to the minister tonight in hopes that he will be able to alleviate some of the fears the widows expressed to me when they had an opportunity to read this bill.

The first thing they noticed in the bill was that there was no provision for the WCB to identify or notify individuals whose spouses were killed in a job-related accident. They did note, however, that a web site has been set up and that if they contact that web site, they will be able to have a kit sent out to them which will inform them how they go about applying for this special payment. They are very concerned that some of the people who should be receiving this special payment will not.

Now, they made a concerted effort as well earlier on in this process where they made a freedom of information request to the WCB so they could get a list of the names of those widows or widowers who were or would be affected by this, but they were denied. So they went at it from a little different angle, and they made another request that the WCB contact on their behalf those people who would be surviving spouses, but again this request was denied. So they do have some concerns in this regard, Mr. Minister.

Their next major concern with this particular bill is how the WCB arrived at the figure of \$80,000. In talking with a number of the surviving spouses, they indicated that if indeed this figure is \$80,000, this would be less than a three-year payment by today's rates that widows would receive if their spouses were killed in a job-related accident or how their pensions would have been increased over the years.

The actuaries on one of these widow's pensions at today's rates indicate that this pension would be in the neighbourhood of \$1,100 per month. When she had actuaries done looking at retroactive pay with the increments that would have occurred over the time since her husband died, with interest and retroactive to 1985 \$80,000 is \$120,00 shy of what she should be getting. So she certainly is concerned that she isn't receiving the amount of money that she feels she's entitled to.

As well, in the bill itself in section 2(3): "No interest is payable on the special payment." So that was another question: why would there not be any interest payable to them?

They were quite concerned that the only input their group had with the WCB occurred at a meeting when they were asked what they wanted as a settlement. Now, they indicated at that time that they would like a settlement very similar to those that occurred in British Columbia and Ontario. In both of those, pensions were reinstated with interest back to 1985 when section 15 of the Charter of Rights and Freedoms came into force. Looking at this, again this is one of the major reasons that widows in other provinces were successful and why these widows felt they were entitled to their pensions. Under section 15(1) in the Charter, and this is under the section entitled Equality Rights,

every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

So in this particular case they definitely felt they had been discriminated against because some widows post 1982 were treated differently than they were.

As well, it is interesting to note that in Nova Scotia and New Brunswick widows are awaiting pending decisions from the courts in regards to their settlement. In Nova Scotia, Madam Chairman, I do have a copy of the summary of Bill 90 benefits, which was An

Act to Amend the Workers' Compensation Act. This was passed in the Nova Scotia Legislature on April 13, 1999. It received royal assent on April 16, 1999, and was fully proclaimed on April 28, 1999.

I would like to point out highlights of two particular sections in here. These are under the new benefits sections 4 and 6. Under section 4: "Reinstatement of pensions retroactively to January 1, 1999 to survivors who remarried and had their benefits terminated before April 17, 1985." As well, section 3: "Pensions become payable for life (instead of age 65) to survivors where the worker was injured pre-February 1, 1996 and died on or after February 1, 1996." This benefit will be proclaimed on April 28, 1999. Again, a very different type of settlement than what we have here. I look under section 5: "Reinstatement of pensions retroactively to the date benefits ended to survivors who remarried on or after April 17, 1985 and before October 1, 1992." Madam Chairman, with your permission I would like to table the appropriate number of copies of this article that I was referring to.

Another major concern that a number of these widows have – and these are people that today are living on provincial assistance, whether it be AISH or whether it be social services or whatever – is how this lump sum payment, this special payment will affect those people that are now receiving those benefits. So they did have some concerns about how these members' assistance would be affected by a lump sum payment.

Another thing they saw in the bill but were not in favour of is why there are no death benefits to the surviving family members. I was pleased today, Madam Chairman, to see in the announcement regarding the farmers in need that they will receive a speedy payment. Has the minister any time lines on how quickly after they have applied the surviving spouses will be paid the moneys which are due?

I guess one last point I would like to make for the minister is that I don't see any provision in this particular bill as to when it will come into force. Would the minister be able to tell me if an amendment is required to have this bill put into force upon royal assent or not?

9:50

With those comments, Madam Chairman, I will conclude my comments on Bill 6 in the Committee of the Whole, and I thank you for this opportunity.

[Mrs. Laing in the chair]

THE ACTING CHAIRMAN: Edmonton-Centre.

MS BLAKEMAN: Thank you very much, Madam Chairman. Nice to see you in the chair. Just a couple of points that I want to make on this bill before us, that being Bill 6, the Special Payment Act. First of all, congratulations to the government for listening and for doing something. It's not often that I see that happen with this government, and I have to put it on the record and say "congratulations" when I do see it happen.

I think the history behind the creation of this particular piece of legislation is a really good example of advocacy from individuals. I often hear people say: "Well, you know, what's the point? What difference could I possibly make to influence legislation or to advocate for myself to make a change? There's no use. They never listen. You can't fight city hall." All that sort of attitude. I always say: "No, you have to make your voice heard. Use every avenue that's open to you. Whatever form of advocacy or ways to raise the issue that you feel comfortable with, use them. If that's being in a

march and carrying a placard, do it. If it's writing letters or phoning someone's office, do it."

This group, the Disenfranchised Widows Action Group, did exactly that. They did all those things. They contacted members of the government. Each member of the group contacted their own MLAs. They contacted a number of us in the opposition, and I had an opportunity to work with the group for some time as well. I first met them when they came to us in the spring of '97, shortly after I was elected. They laid out what their concerns were, and I could agree that there was an injustice here. There was an unfairness; there's no question. I commend the Member for Edmonton-Glenarry for following through with this group and staying with them and advising them, coaching them, and following through on giving advice and guidance to this group. I know there are others out there who deserve credit for assisting them.

I think the credit really goes to the women themselves, who did follow through. They did keep at it. You know, they phoned one MLA and didn't get enough action, so they phoned two and three and four. At one point I think they had about four of us in the opposition all arranging different meetings for them and doing research for them and giving advice. That's fine. That's good. That's exactly what they should be doing. That's exactly how you do advocate for yourself to influence policy and to get legislation changed to get inequities addressed.

I'm going to be able to talk about this bill for a long time and use it as an example for other people, because the truth is that there was no legislation. There was no sort of legal avenue this group could use to force the government to deal with them. They kept at it, and they have been able to advocate for themselves and end up with a piece of legislation before this Assembly.

Now, having said all of that, there are just a couple of points I want to raise. Time is of the essence with this bill. Others have spoken to that, so I won't go on at length, but time is of the essence with this bill. Sometimes at the end of a bill you'll get instructions on when it's proclaimed. Sometimes it's a specific date, or sometimes it's proclaimed on royal assent or when something else happens. I'm not seeing that in this bill. When time is of the essence, as it is here – we have some elderly and some very frail and some very ill members of this group, terminally ill even – it is critical that this legislation be proclaimed as soon as possible. So if an amendment were going to happen here, that's the amendment I would like to see, that there be a specific date put in here, ASAP, to be able to process the claims and to be able to get the money into the hands of these women as quickly as possible. That's what I'd like to see.

Secondly, how was the figure that was quoted in the bill, I believe . . .

[Mrs. Gordon in the chair]

MR. BONNER: It's not quoted.

MS BLAKEMAN: It's not quoted in the bill.

MR. BONNER: It's by WCB.

MS BLAKEMAN: Okay. We know that the amount that's under consideration as a settlement for each individual as a result of the passage of this bill is a figure set, I believe, at \$80,000. I haven't heard how that was arrived at. I know that some of the women feel: "Well, why that amount? It should have been more for various and sundry other reasons." So I'm wondering what the criteria were to calculate that particular figure. How was it arrived at? I think if we

went back and looked at the amounts of money these individuals would have had had the program stayed as it was, it would amount to a heck of a lot more than \$80,000. But I'm interested in how it was arrived at.

The third point is the take-it-or-leave-it sort of proviso that's in the legislation. There's no further room for discussion about this. They either take the whole thing and everything that goes with it or they're completely out in the cold. That's a bit draconian, given the circumstances these women have come through to get to this point. This government often tends to the draconian in legislation, so I'm not surprised; I'm just wondering why it happened in this particular piece of legislation, which I would have to say falls under the kinder, gentler pieces of legislation I've seen come forward here.

The last point is: what happened to these women and what is unfair about what happened to these women is that WCB widows in this province were treated differently. In the same circumstances they were treated differently based on an arbitrary date. That's what's unfair about it, and that's what has allowed other provinces to do a Charter challenge. It was the same group of people with exactly the same circumstances that got them into a particular place, and they are being treated differently. But this legislation does address that wrong. I'm very pleased to see that.

I would hope this newfound understanding of equity carries through into other pieces of legislation and into other regulations and into the budget process and a number of other processes that are available to this government. We certainly need to see more of that, particularly from my point of view as the opposition critic for women's issues. I see a lot of this inequity. This is a first step along what I hope is going to be a long road of better understanding about how inequity is created and how it should be dealt with and treated fairly to address the wrong that was caused.

With those few points, I'm very pleased to be supporting this bill, wholeheartedly I might add. I don't want to delay passage of this bill by any means. As I say, there is a need here for a very quick passage and a quick settlement. I wish I could see a date in here. Perhaps I can get the minister to do a government amendment to it or to enable very fast passage of the bill.

With those few remarks, Madam Chairman, I will give the floor to someone else.

THE DEPUTY CHAIRMAN: The hon. Minister of Human Resources and Employment.

10:00

MR. DUNFORD: Thank you, Madam Chairman. Just for the purpose of clarification for all the members of the Legislature. When a bill comes before us without a date for proclamation, such as Bill 6, it's then inferred that the date will be at royal assent. I use as my authority the Interpretation Act, under section 4(1):

The date of the commencement of an Act or of any portion of an Act for which no other date of commencement is provided in the Act is the date of assent to the Act.

I think, then, that the request for expediency will be handled, because upon final reading and upon royal assent the act is in place.

In conclusion to my remarks here at the committee level, I want to again just make it clear that the role of the government in bringing this bill forward is simply to provide an avenue for settlement to be reached. The government is not responsible to nor does it have the authority to in fact effect what that settlement would be. Certainly I have compassion and sensitivity toward the widows and their plight, but I think we also have to think for a moment of current-day employers, who after all are going to be the ones to have to pay for whatever settlements are made.

Once again, I would remind all members of the House that Bill 6 provides an avenue. If someone feels that the settlement that's offered is not appropriate, is not the proper amount, they still have of course, as they should have, access through the court.

So with those comments, Madam Chairman, I would like to move that this bill be reported when we rise and report.

[The clauses of Bill 6 agreed to]

[Title and preamble agreed to]

THE DEPUTY CHAIRMAN: Shall the bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed? Carried.

The hon. Government House Leader.

MR. HANCOCK: Thank you, Madam Chairman. I would move that the committee rise and report progress on Bill 6.

[Motion to report progress on Bill 6 carried]

[Mrs. Gordon in the chair]

MR. COUTTS: Madam Speaker, the Committee of the Whole has had under consideration and reports the following: Bill 6. I would also like to table copies of the documents tabled during Committee of the Whole this day for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? So ordered.

[At 10:06 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]

