

Legislative Assembly of Alberta

Title: **Wednesday, May 7, 2003**

8:00 p.m.

Date: 2003/05/07

head: **Committee of Supply**

[Mr. Tannas in the chair]

The Chair: I'd call the Committee of Supply to order.

head: **Main Estimates 2003-04**

International and Intergovernmental Relations

The Chair: Are there any questions or comments to be offered with respect to these estimates? We would call on the Minister of International and Intergovernmental Relations.

Mr. Jonson: Thank you, Mr. Chairman. I am pleased to discuss the estimates for the Ministry of International and Intergovernmental Relations and the 2003 business plan. First of all, though, I would like to introduce some people from my ministry who are with us this evening. If they might stand when I go through the list: Gerry Bourdeau, Deputy Minister of International and Intergovernmental Relations; Garry Pocock, assistant deputy minister, Canadian intergovernmental relations; Wayne Clifford, assistant deputy minister, international relations section; someone that is not yet here this evening but is here in spirit, I'm sure, Helmut Mach, Alberta trade representative in our trade policy section; Susan Cribbs, director with the Canadian intergovernmental relations section; Lori Sajjad, director of corporate services; Kathryn Wieggers, communications director; and Douglas Mills, my executive assistant.

I think, Mr. Chairman, it's worth noting that I have just introduced more than 10 percent of the staff in my ministry. I think it is safe to say that we are a small organization with the capability of doing good things. Examples are the important role my ministry played and continues to play in security, Kyoto, softwood lumber, and international travel. The mandate of the ministry is to provide leadership in the management of Alberta's international and intergovernmental relations. Much of our work is policy related and strategic, not program delivery. IIR works closely with frontline ministries to negotiate important agreements. We also plan conferences and missions for the Premier and other ministers.

IIR is a source of information and advice to departments on managing the relationships with key players. We take the lead departmentwise in trade negotiations, on national unity issues, and discussions at first ministers' meetings and Premiers' conferences. The ministry also leads the development of governmentwide strategies and policies for Alberta relations with other international governments, organizations such as the World Trade Organization, and federal, provincial, and territorial governments.

There are three goals, Mr. Chairman, in our overall business plan. The first goal focuses on relations within Canada by "promoting the interests of, and securing benefits for, Alberta as an equal partner in a revitalized, united Canada." We see Alberta effectively participating in a Canadian federal system that better serves the needs of Albertans. We believe that Alberta can provide effective leadership that supports a strong, united, and secure Canada.

The ministry's second goal focuses on "promoting the interests of, and securing benefits for, Alberta from strengthened international relations." IIR works on intergovernmental relationships that facilitate the two-way flow of goods, services, people, and investment between Alberta, the United States, and other trade partners. We also take a strategic approach to Alberta's international relations

to effectively promote the province's interests and priorities to foreign governmental decision-makers.

The third goal of this ministry is "promoting the interests of, and securing benefits for, Alberta from greater trade and investment liberalization, domestically and internationally." Mr. Chairman, we do this by working to expand trade liberalization and foreign market access for Albertans through international trade and investment agreements. We also support expanded Canadian internal trade liberalization to promote the free flow of goods, services, capital, and labour across the nation of Canada.

IIR's three goals support goals in the government of Alberta's business plan that state that Alberta will have a prosperous economy and Alberta will have . . .

An Hon. Member: They can't hear you.

Mr. Jonson: They can't hear me?

The Chair: Hon. members, apparently we're having some difficulty hearing. With this wonderful, marvelous technological ear aid I'm able to hear the hon. minister, but apparently no one else is. So we would invite those who wish to converse very softly to do so and those who can't to go out to the outer parts of the Chamber.

We're sorry for this interruption, hon. minister. If our technology is failing us, you could speak louder.

Mr. Jonson: Thank you, Mr. Chairman. I've lost my touch since being a high school principal, so I'll have to crank it up a bit.

Mr. Chairman, part of our work is ensuring that Alberta will have a financially stable, open, and accountable government and a strong intergovernmental position in Canada.

My ministry is divided into three sections: Canadian intergovernmental relations, international relations, and trade policy. I will now take a few minutes to discuss the key initiatives in the year ahead for each of these sections.

The Canadian intergovernmental relations section works with other government ministries to co-ordinate relations between the province and the federal government to ensure that Alberta's interests are promoted and protected as an equal partner within Canada. The section takes seriously its responsibility for ensuring that federal initiatives respect Alberta's constitutional roles and responsibilities, including federal activities in key areas such as health, environment, and social programming. This section will continue to work with other government departments to develop strategies in place on a range of federal/provincial issues, issues such as the fiscal imbalance, Senate reform, and the three initiatives identified recently by the Premier. These are regularly scheduled annual first ministers' meetings, a guaranteed provincial role in international agreements in areas of provincial responsibility, and Senators appointed from a list of provincial nominees. Implementation of these suggestions by the federal government would begin to address the concerns not only of Albertans but of western Canadians as well.

The climate change issue also remains at the forefront. After winning important concessions from the federal government to mitigate the economic impact of the Kyoto protocol, we will hold Ottawa's feet to the fire, at least figuratively, to ensure that they live up to their promises. Canadian intergovernmental relations will continue to provide support to the Ministerial Task Force on Security. As well, this section will continue to provide strategic support to the Premier at first ministers' meetings, Premiers' conferences, and other federal/provincial meetings.

In the year ahead we will work hard to ensure that Americans

understand that Alberta values their friendship and will continue to welcome them warmly. Continued emphasis will be placed on our membership in organizations such as the Alberta-Alaska Bilateral Council, the Montana-Alberta Bilateral Advisory Council, the Council of State Governments – West, the Alberta-Idaho Task Force, and the Pacific Northwest Economic Region. We will enhance Alberta's profile in key international markets by developing mutual relations, including further developing Alberta's nine twinning relationships and revitalizing our relationship with the Mexican state of Jalisco. The section will also work to renew international governance projects in Ukraine, South Africa, and Mexico to help them establish effective management systems in their governments.

The trade policy section also works with a variety of Alberta ministries and with other Canadian governments. It helps develop provincial policies on Canadian international trade agreements such as the agreement on internal trade and the various agreements that are dealt with at the World Trade Organization. The section coordinates the province's involvement in national or international trade disputes. They advance trade opportunities for Albertans by working to remove barriers to trade. As well, the trade policy section provides analysis on trade figures and the economic factors that affect trade.

Our trade experts will continue working with their provincial and federal government colleagues to find a long-term, durable solution with the United States on the softwood lumber dispute. As you know, the Alberta government is very concerned about the impact of the U.S. trade actions on the Alberta forest industry. The Alberta forests section has been kept up to date on the process and continues to support our approach to this issue. While progress has been made, significant differences remain, Mr. Chairman. The same can be said about the wheat dispute between Canada and the United States. While we work in co-operation with the federal government and the other provinces in developing agreements, let me be clear that the province actively represents and promotes our own provincial interests.

8:10

Staff will also continue to work to ensure that Alberta's interests and priorities are clearly represented during the newest round of World Trade Organization negotiations this fall in Mexico, especially in the areas of agriculture, trade remedies, and services. At upcoming international trade negotiations the trade policy section will work to ensure the free flow of goods, services, capital, and labour within Canada.

I will now, Mr. Chairman, move on to the topic of the ministry's budget and staffing levels. We are a small ministry in terms of budget and staff. The 2003-2004 budget of \$6.468 million has increased by \$384,000, or just over 6 percent, from last year. This is the first increase in several years. The increase allows us to respond to three main financial pressures: first, the 2 percent governmentwide salary increase for staff; two, continued support for the Canadian Intergovernmental Conference Secretariat, based out of Ottawa; three, increased travel costs for international business missions.

I would like to take a moment to touch on these increased travel costs. If you've taken an airplane anyplace in the past little while, you certainly know how ticket prices have gone up because of increased security, fuel costs, and a number of other factors. Travel by the Premier, cabinet ministers, and Alberta government officials is vital to expanding trade and bringing foreign investment to Alberta. Alberta is a global player, with 40 percent of our jobs coming from exports. It is important for Alberta and the Alberta government to be an active player in the world economy in support

of our private sector. Expanding international trade is only one benefit of international travel. Relationships that Alberta builds with other jurisdictions around the world through international travel allow the Alberta government as well as Alberta's public and private sectors to share and learn best practices. They also result in stronger and more enriching cultural and educational ties.

As for staffing in my ministry, IIR has 53 staff, and that, Mr. Chairman, is unchanged from the previous year.

Finally, a brief outline of how we measure the ministry's performance. Since the ministry outcomes are often long term or depend on external factors, they are quite frankly difficult to present as quantitative data. We solicit input from a variety of government ministries and other sources to help us measure how we're doing and to identify areas in which we can improve. We measure our performance through client surveys, secondary economic and sociodemographic indicators, and polling results. The ministry takes all of these measures and provides a detailed narrative record of our achievements, activities, and documents such as our annual report. We also do assessments on key initiatives after major conferences, trade negotiations, or international missions. These documents help us track our progress in meeting our goals in both an effective and efficient manner.

Mr. Chairman, that concludes my remarks on the estimates for International and Intergovernmental Relations. Our new business plan and budget lay out how we will meet these priorities for the province in the year ahead. I would be happy to answer any questions or hear comments from my Legislature colleagues. In advance, I would like to commit to answering any of the questions in written form that I'm not able to address tonight.

Thank you, Mr. Chairman.

The Chair: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Chairman. Happy to be able to participate in the debate tonight on International and Intergovernmental Relations. I, too, would like to welcome all the minister's staff that are here this evening and thank them and those who aren't here tonight for the work that they do. Over the years I have had some opportunity to work with some of them and some staff from other departments who have been attached to IIR on various trips and events that they were organizing, and they've always been very friendly, very easy to work with, and certainly very good at their work. So thanks to all of you and to those from the department that aren't here.

Most of my remarks tonight will focus on issues as opposed to the budgetary amounts because as the minister says, it is a small department in terms of dollars. Mostly I'm happy to see that there's a bit of an increase there because I think it's been squeezed a little bit over the last couple of years. Nevertheless, they need to be accountable as all other ministries are, and we will be asking some financial questions.

My first comments tonight are going to be about PNWER, the Pacific Northwest Economic Region. Mr. Chairman, it's been my honour over the years, for many years, to have gone as the opposition representative. I've been here for 10 years. I think I've gone there for nine years, attended nearly every conference, and have been quite supportive of the mandate of PNWER and Alberta's leadership role in that organization over the years. I'm sorry to say that I won't actually be participating any longer. [interjection] Well, there's been a real change in direction in terms of how that all-party committee has been organized and presented.

In the past, particularly under the leadership of the Member for Livingstone-Macleod, opposition members have been warmly

welcomed and encouraged to become involved. In fact, in those days it was not unusual for opposition members to chair committees and to take a really active participating role in a variety of functions. When I go to conferences or am a part of any kind of a committee, I go to work. I go to bring something to the table, not just to warm a seat and not just to be the token opposition representative. Especially when I've been involved with an organization for years, I believe that I have something to offer, to bring to the table, and I have always worked in a very co-operative fashion and tried to meet the goals of what the Alberta mandate is and work to that end. Even in the early days of PNWER, when there was sometimes a question about whether or not it was supportable, I certainly held the line on the government position and gave it some time, and I think that it was proven to be an accurate assessment of what was going on.

But this last time at PNWER proved to be not quite such an interesting experience. I certainly experienced what it's like to become a token opposition member. At the conference I was very interested in getting actively involved in the committee that was dealing with invasive species. I participated in those discussions, talked to our PNWER chair, and I believed at that time was given some direction that I would take a part in meeting the role for Alberta on the invasive species discussions over the winter and getting ready for the next summer session. In fact, I mistakenly believed that I would be the Alberta chair for that. Subsequently, I had some correspondence and discussions with the departments and people who are from Agriculture who are working in that field who I have worked with for many years on invasive species, getting ready to pull some information together, only to find out that meetings had been called and a chair from Alberta had been appointed, and of course I was conveniently left out of any discussions or any information. [interjections]

Now, I can hear a lot of members groaning about that, but you know it's very important, I think, if you're going to say that you support all-party committees on a national level or an international level, that in fact you put your money where your mouth is and do something more than just straight token representation. So I figure that my time is better spent other places where I can actually make a difference and make a contribution. So I will no longer be supporting any activities with PNWER, and I do that regretfully because I think that it was an interesting experience. Even though it was time away from my family and at a time of the year when there are many other things that you could be doing, I found those experiences. . . [interjection] I don't care where it is. It's abysmal that people could be invited to participate and then completely left out of the loop when the discussions are had.

So, at any rate, I won't be participating. Given the small numbers we have on this side and the lack of interest that the government has shown, I doubt very much if we will in the future have opposition members participating at that level. I will be quite happy to tell anyone who's interested why I'm no longer involved.

Mr. Lund: Because Liberals are an endangered species.

The Chair: Minister, you'll get a chance to speak later.

8:20

Ms Carlson: Yes. The Minister of Infrastructure is correct. In this province there is no doubt that Liberals are an endangered species, and I have some knowledge with regard to them being both an endangered species and the kind of invasive species that the government members might represent and so really had an opportunity to bring something to the table there. [interjection] He agrees with that statement, Mr. Chairman, and I'm happy to see that after all

these years we finally find something that we can agree on. Nevertheless, that's the end of that role for me, so I'll share that information with the minister and his department, and they can do whatever they want with it, which is probably nothing.

My first question for the minister is in terms of lawyers' expenses and involvement in international disputes. Can you tell us how much you budget in a year for legal fees, a percentage, or how you decide what the projections might be for what the expenses can be on international disputes – and particularly I'm thinking of things like softwood lumber or countervailing duties – and then also how you choose the legal firms that represent you? Is it on a historical basis? Do you choose by tendering? Do you choose by area of expertise? Do you bring in more than one law firm sometimes to be able to expand the knowledge? Do you choose from the north and the south or alternate or both? Whatever information you can share with how you make those decisions. So if you could answer that question first for me.

Mr. Jonson: Mr. Chairman, first of all I would just comment briefly on the member's first topic. Certainly, as far as PNWER is concerned, we have valued the opposition members' – and I'm talking about plural over the years – participation in that particular organization. Perhaps, as it is noted, it is not the place tonight to go into the specifics of your concern, but I did want to put on record that if there are certain approaches that have to be corrected in this regard, I will certainly undertake to look into it.

With respect to lawyers, Mr. Chairman, this is an item that I think will be best answered with a written reply, which I undertake to give to you. Three different directions that we have with respect to lawyers. With respect to major, long-term assignments such as that which Claire Reed has with respect to the softwood lumber file, as I understand, she is on retainer, and then according to the amount and intensity of the actual product which she's expected to perform, there would be additional compensation.

With respect to much of the ongoing activity of this department, however, we do have the Department of Justice. As far as I know, they're not billing us directly yet, and that is our major source of expertise. Then it is quite true that on specific items – for instance, with respect to the analysis that was done on the Kyoto issue – lawyers who were deemed to be expert in that field and the law that surrounds that issue of international agreements were retained. That's as far as I think it would be useful to go tonight, and I'll provide a more detailed reply to you.

The Chair: Before I recognize the hon. member, I wonder if we might as a committee agree to a brief reversion to Introduction of Guests.

[Unanimous consent granted]

head: **Introduction of Guests**

The Chair: The hon. Member for Edmonton-Castle Downs.

Mr. Lukaszuk: Thank you, Mr. Chairman. Many members in this Assembly may be of the opinion that I am the expert on issues of low-income benefits such as AISH and SFI. It's time to come on the record because the man who actually did most of the thinking for the low-income review committee is today with us in the members' gallery. I would like to introduce to you and through you to the members of this House Mr. Vasant Chotai, who is an employee with the Human Resources and Employment department and indeed one of our utmost authorities on issues of low-income benefits. I would ask him to rise and accept the warm welcome of this Assembly.

head: **Main Estimates 2003-04**

International and Intergovernmental Relations *(continued)*

The Chair: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Chairman. Before I start my comments again, because the minister has a soft voice and because lots of people are talking, we're having a really hard time hearing him. I mean, I'm only sitting 10 feet away, but also some of our other members, the Member for Edmonton-Glengarry, can't hear him either.

An Hon. Member: Earpieces.

Ms Carlson: Yeah. You know, there are no more. They're ordering one now, but in the meantime we can't hear the responses to half the questions. Just to put that on the record.

Okay. So thank you very much for that, and I look forward to your written answer in a little bit more detail.

Now I'd like to talk a little bit about the countervailing duties on durum wheat. What's the Alberta government's position on this? I think that it would be my understanding that you take a slightly different position than the Wheat Board, so can you tell me what your position is and what you plan to do over the next year with that dispute?

The Chair: The hon. minister, who is going to practically shout into the microphone.

Mr. Jonson: Well, Mr. Chairman, with respect to the trade dispute regarding wheat, this is a matter that rests with the Canadian Wheat Board in terms of the preliminary decisions that have been made with respect to an alleged subsidy in the marketing of wheat. Our role provincially, which is very, very minor, is that in the preliminary determination it was stated that there may be some subsidy involved in the historic ownership of grain cars through the heritage savings trust fund by the government. I think the calculation of the damage or the hurt that was alleged to be experienced was something in the neighbourhood of .3 percent or something, and that is something that we will oppose as this case works its way through. We do not feel that the determination really is justified, but that is something that we will have to carry forward on behalf of government and work on that part of it. But I'd just like to emphasize that the major case is one with the Canadian Wheat Board, and the Canadian Wheat Board is in a formal sense a creature of the federal government.

The Chair: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Chairman, and thank you, Mr. Minister, for that answer. Can you explain to us in a little more detail the mystery of how you actually work with the other departments in the government? We know that your mandate is to provide strategic direction, but it's hard to actually follow the process through to know when you take the lead on it and when other departments would take the lead on it. So generally do you have attached specific people to specific departments? Is there a kind of benchmark when you withdraw from an issue and just let the department handle it? We don't really understand the process.

I think it's good what you do. I think strategic direction is very needed, but I don't really understand how you decide to lead an issue or to work on an issue and when to withdraw and how people are assigned.

Mr. Jonson: The simple answer is that we did it a number of different ways depending upon the circumstances. First of all, one model would be that that was shown with respect to the creation of our security task force. In that case, I served as chair of that particular interdepartmental initiative. The people of our staff who were most familiar with that area served as support to the ministerial task force. Very key, of course, was Municipal Affairs and their people in that area. The Solicitor General was extremely important as well, and a number of other departments were involved. We led or co-ordinated the overall effort, worked on making sure the goals were there and they were pursued, but a great deal of co-operative effort took place and the staff were assigned accordingly.

8:30

With respect to the G-8 – this is another example – again it was a multidepartment effort, particularly involving ourselves and the Solicitor General's department, and of course there we worked with the officials, particularly the city of Calgary but also the surrounding jurisdictions, in terms of bringing that to fruition. A major part of that was the area that Mr. Clifford was involved in in terms of intergovernmental relations, and he did a great deal of work co-ordinating, organizing, identifying problems or gaps in the overall plan that evolved between ourselves and the federal government.

That is a general description of two different cases that I can provide for you this evening.

Just one other thing. We'll take the whole area of trade in which we work very closely with the Hon. Mark Norris's department. We have on staff an individual such as Helmut Mach, extremely well versed in the whole area of international trade, and he works with that particular department on the various issues that come up in the whole area of trades disputes, whether it's softwood lumber or whether it's some aspect of promoting Alberta. If he's called upon, he's there as probably one of our best people in that particular field.

The Chair: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Chairman. So if I understand it, it's like identifying a consulting project, sending a team out to work with the other organizations and pulling together the targets and meeting the objectives. Okay. That's good. Thank you.

Can you tell us, Mr. Minister, how many dollars you've got tied up in your budget with the feds for the next year working on joint projects or subjects? One that comes to mind might be any work that you're doing with the U.S. Department of Commerce. Could you list what they are and tell us how much money you've got involved?

Mr. Jonson: I would have to indicate, Mr. Chairman, that I will provide that to the member. I cannot pull together a figure in my mind this evening to answer that properly.

The Chair: Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Chairman. I look forward to that. It's a more detailed answer, anyway, that you could give in writing than this evening, and that would be helpful.

In this spring session, I think it has been, we heard the Energy minister musing about joining OPEC. Are you doing anything on that? Would you lead that charge, and how would you move forward? Who would pay in that case?

Mr. Jonson: Am I am correct that you said OPEC? Well, I do not recall that remark, and if the Minister of Energy said it, he can answer the question.

Mr. Smith: Well, Mr. Chairman, reluctant as I am to speak on another minister's estimates, I do feel compelled to correct the record. At no time had the Ministry of Energy nor the government of Alberta ever contemplated joining OPEC. What simply occurred, through the courtesy of the minister of energy for the state of Venezuela, was to express interest in us attending as an observer. This is not unusual, unique, nor would it be a first time for the province of Alberta. So to ensure distinct clarity, no musing was ever done by this minister with respect to joining OPEC.

The Chair: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Chairman. Well, unfortunately, I didn't bring the specific reference with me this evening, but the Minister of Energy can be sure that I will, and he can answer that question in the House, then, at some future date.

I'd like to talk about Kyoto now just a little bit. I think, first of all, some general information. How is it progressing from your perspective, and what happened to lead you to the decisions where the provincial government has somewhat softened their stance? Now, you briefly talked about some concessions that you had negotiated with the federal government. If you could give us more detail on that and anything else that may be relevant to that particular discussion.

Mr. Jonson: Mr. Chairman, with respect to the overall Kyoto initiative or Kyoto topic I'd like to emphasize that we still have on record as a government the overall approach that the government felt was the responsible way to go; that is, we said that we would develop an Alberta plan. The Premier made this statement very clearly, but a very, very important statement that was made by our Premier was that we want to sit down with the federal government. We have the Alberta plan. We want to work step by step with the other provinces and territories and the federal government to come up with a reasonable, workable, practical approach to environmental protection generally and the whole area of greenhouse gases in particular. So that is the overall position and still remains, as far as I know, the position of the government.

However, the federal government did move ahead with what we regarded as a very tight timetable. They insisted upon ratifying it. We're all familiar with the efforts that were made in Parliament, particularly by Mr. Mills, the Member of Parliament for Red Deer, to try and bring some sense to this overall debate in the rush for ratification. The federal cabinet did ratify the accord, and we are faced with having to deal with the reality that the accord is going to go ahead in some form or other. It was only reasonable that the government, particularly led by the Minister of Environment, would be involved in working hard to make sure that when the accord began to be implemented, we were having our input, having our say, and I think it is fair to say here this evening that we do feel that we have influenced some of the decisions that the federal government appears to be moving ahead with in a favourable manner.

So our overall concern is still out there. There are still problems with respect to it, but the interests of Alberta have to be taken into consideration as ratification moves ahead, and as the Minister of Environment has indicated, we are moving ahead with legislation on a thoughtful, measured basis, and this legislation will be necessary for our ability to protect Alberta's interests and to have the least possible negative impact on Alberta.

8:40

The Chair: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thanks. I'll just finish up with one more question and

then give someone else a chance. Thanks, Mr. Minister, for that broad overview. I know we have more detailed questions on Kyoto, but I'll let someone else ask them.

My last issue is on Kyoto, but it's in reference to an article that was in today's *Globe and Mail*. I'll just give you a little background on it. It was about "Insurers turn up Kyoto heat," and it was about what's happening in Europe.

Big Europe-based insurance companies are considering denying some coverage to companies that aren't doing enough to reduce output of the gases believed to be contributing to global warming.

Amid fears of shareholder lawsuits against emitters of so-called greenhouse gases [some insurance companies plan to start mailing out questionnaires that] will ask customers of directors-and-officers insurance what they are doing to prepare for imminent government restrictions.

So, then, depending on what the answers to the questionnaires are, they're going to decide whether or not in fact they're going to cover them. They say that if "a client isn't doing enough, it may consider refusing the company directors-and-officers liability coverage when, in a few years, [some] countries begin implementing those rules." It's an interesting article. Maybe I'll photocopy it and send it to you.

My question from this is that I think this is something you're going to have to put into the process for decision-making. So, then, what process will you co-ordinate with the federal legislation and your legislation so that shareholders or directors or owners of companies won't get caught between two sets of legislation or . . .

The Chair: I interrupt this to let you know that there is a problem with the PA system. In a few moments some loud noise will occur, and then we wait for a minute, and they're going to retry it. Just don't be alarmed at whatever noise is made and know that ultimately it will be in our best hearing interests.

Anyway, in the meantime, Edmonton-Ellerslie, please continue.

Ms Carlson: Thank you. Really my question is that perhaps you haven't considered this as a possibility at all, but it seems like what's happening there may be considered at sometime here in the future, so could you give any initial comments on it, and will you build it into your process? When I take a break here, I'll take a photocopy and send it to you.

Mr. Jonson: Well, I would invite the member, certainly, to send me a copy of the article, and I must indicate that the first that I'd heard of this specific activity of the insurance industry in the EU was brought to my attention today at the luncheon that we had with our guest that was introduced here in the Assembly. We will undertake to follow up on what may be going on there, but that's as much as I know about it.

The Chair: The hon. Member for Edmonton-Mill Woods.

Dr. Massey: Thank you, Mr. Chairman. I'm pleased to have an opportunity to speak to the International and Intergovernmental Relations estimates this evening and to ask a few questions of the minister. I'd like to ask some questions, if I might, about Kyoto. The minister has made some comments about the Kyoto protocol, but I'd like to ask: what was the role of the department vis-à-vis other departments? Did they provide logistical support? Just exactly what other departments were involved with the Kyoto protocol reaction?

What steps, I guess, is the department taking to address Kyoto down the road? What are the plans for the future with respect to the agreement? Is the department involved in helping Alberta meet the

targets under the Kyoto agreement? If that's the case, what strategies has the department developed to deal with the federal government with respect to the protocol now that it's been passed? What options were developed by this department regarding negotiations between Alberta and the federal government in putting together a plan on Kyoto? Were there economic impact studies relative to Kyoto? Were they done by this department, or were they done elsewhere, does the minister know? Is information from those studies available for the general public? So those are some questions about the Kyoto protocol.

I'd like to also ask the minister about the task force that is headed up by former Premier Peter Lougheed with respect to advising the government on the Kyoto protocol. Could we have some information with respect to the cost of that committee to operate? What is the status of the committee right now? What's it doing? Could we have, I guess, a bit of a report on the activities of the committee, the number of people involved, and the kinds of resources that are being put at their disposal and the kinds of outcomes that the government is looking for from that committee? Again, is there a time line for tabling the information from that committee? What is going to be done with respect to letting Albertans know about the work of the committee and the kind of progress that they might hope that that committee would be able to report?

There have been a number of international trips by various MLAs in a variety of government departments over the last year or two.

Maybe if the minister is willing, I would stop, Mr. Chairman, and see if there is some reaction to the first two topics, the Kyoto protocol and the Lougheed committee.

The Chair: Before we call upon the hon. minister to respond to those questions, I wonder if we might just take a momentary break while the audio engineer does whatever magic he or she may do. So if we could just wait for a moment, please.

I think we're now ready to operate, so we'll call upon the hon. minister to respond.

Mr. Jonson: Mr. Speaker, first of all with respect to the question about the funds involved, I do not have those dollars and cents before me, but certainly we would be prepared to provide you with answers in that regard.

8:50

Secondly, I think it's important to just think back to the time that this whole Kyoto issue, to put it politely, blossomed forth as one of the major issues before the nation of Canada but also specifically Alberta, and we felt that it was important to look at the whole situation regarding the possibility of implementation and to bring together a cross section of people very knowledgeable in the various aspects of dealing with industries that emit greenhouse gases. So we had an individual on the committee from labour, we had people who were directly involved in the oil and gas industry, we had people involved in some of the organizations of petroleum and industrial business, and if I recall, it was about a 12-person committee. It was chaired by Premier Lougheed, and I attended, and normally the Minister of Environment was there as well, and we just went through what were going to be the implications of Kyoto and how we could best constructively but forcefully respond to what was happening at the federal level with respect to its implementation.

The current status of the committee is I think you'd say – "on hold" is probably not the best term. It's still there. We still will look to it for advice if there are additional issues that come forward with respect to the whole matter of Kyoto implementation. Another area in which they provided advice was with respect to the structuring of

Bill 37, I believe it is, which is before the Legislature but not planned for passage until the fall.

The Chair: The hon. Member for Edmonton-Mill Woods.

Dr. Massey: Thank you, Mr. Chairman. I'd started on some questions about international trips by various MLAs and cabinet ministers who go abroad with the legitimate purpose of promoting the interests of the province. Sometimes I don't think that we're fully informed or even fully appreciate the value of those trips and what has been gained by the members being involved in them, so I wonder if the minister could tell me if there is any sort of overall co-ordination governmentwise of international trips, or is each department responsible for their own plan? Is there sort of a standard expectation?

For instance, I know that when we go on parliamentary trips outside the province, when we come back we're expected to submit a report of some kind, not usually extensive, but some sort of report to indicate what was learned or what the benefits of the trip were, particularly to taxpayers. Is there any such requirement, and is that requirement standard across departments? Is there ever any follow-up in terms of the efficacy of the trips and whether we're really getting good value? Are we going to the right places? Is there, as I said, a co-ordinated approach? Is there any co-ordination between International and Intergovernmental Relations and the Public Affairs Bureau?

In terms of the trips themselves, who is the one that ends up deciding that they should be undertaken? Is there ever a comprehensive reporting of the trips in one place, or are they sprinkled throughout the departments?

So any information about the trips and the co-ordination and the reporting that comes from them. I know that particularly when ministers are going, there's usually a press release saying that this is where the minister and his staff or the entourage are going, this is their itinerary, and this is what we expect to accomplish. Again, is that standard across government? Is that something that we can expect for every trip? When the Premier travels – for instance, when he was in New York in the latter part of last year – it gets reported that the Premier is there, usually in the media. Again, in terms of the outcomes of the trip we often aren't privy to the longer range goals that have been achieved, so I wonder if that's dealt with in any way by the department or within government as a whole?

I'd like to talk just briefly about the Senate. I wondered if steps have been taken to advance the elected Senate? Now, the minister made some comments about it, but just where are we? I think they're poised to appoint a new Senator for the province. Is intergovernmental affairs involved in that appointment in trying to influence the actions of the federal government? Just what is the state of discussions with the government over that?

Just one, maybe two, areas and then I'll leave the questioning for a few minutes, Mr. Chairman. In terms of exporting water, which department is being consulted on this issue? Again, it's an interest of several departments, so what is the role of International and Intergovernmental Relations in the export, and what background work has been done examining the issue? Is there a policy that's being developed? We hear statements every once in a while, but is there a comprehensive rationale for the position that the government is going to take or has taken on water export?

The last topic for now that I'd like to ask some questions about is the whole business of counterterrorism. Can the minister give us some idea of who the department is consulting with and the kind of crisis management plans that are in place should something untoward happen? The border was closed in southern Alberta for a

while. When that happens, what kind of protocol is in place to assure that that's done orderly and the interests of Albertans and Canadians are protected?

Thanks, Mr. Chairman.

Mr. Jonson: If the member doesn't mind, I'll go backwards in answering the questions. With respect to counterterrorism and the role that we have through our overall security task force, as I believe the Solicitor General has indicated a number of times in this Assembly and at other locations, we do depend upon the Canadian intelligence service, CSIS, and the RCMP for advice and updates and the provision of information as needed in their judgment.

Of course, in terms of the overall counterterrorism plan, as you call it, we are also organized in such a way through the security task force that we call upon all of the law enforcement agencies in the province to fulfill their roles as provided for in the plan. I think, however, it's important to appreciate that the counterterrorism effort has to be something that is well planned, well organized, only used when necessary, and otherwise out of sight, out of mind, not becoming a subject for the reporting of details sort of day by day. That's the nature of this type of an initiative.

9:00

With respect to water export, Mr. Chairman, perhaps the member has some specific concern here. I'm quite sure – and I was just reviewing it a short time ago – that the policy of Alberta is no bulk water sale, transfer, et cetera. I know that particularly in time of water shortage this always starts coming up, sometimes in a positive light and sometimes in a negative one, but the policy is still there in terms of out-of-country bulk water transfer.

Travel. We have a process in government whereby travel is coordinated through the Premier's office. Our department is very much involved in commenting and helping and facilitating where needed or where requested. We do, as you've indicated, provide usually a preliminary news release as to what the purpose of the trip is, where it's going, what the objectives are. Then, in all the cases that I'm familiar with, any major type of trip is reported on in terms of its results or what was accomplished through a news release as well. I would not say that that is true in 100 percent of the cases because there are trips that occur every year. Perhaps there's nothing significant to report. It's just business as usual, and on we go. But, yes, we do report on our travel. It's not secret in terms of where we're going. If there was an inquiry as to what the specific cost of a given trip was, we could provide that. We don't normally go into those details, but it's not something that we're in any way hiding.

Dr. Massey: Just one follow-up, Mr. Chairman. I understand the crisis management. I mean, for the plan to be effective, parts of it have to be private. I guess the trick is: how do you assure the opposition and Albertans that the plan is there, that if there are problems, there is a good plan in place to react to that? I'm not sure there's an easy answer, but at some point there has to be some accountability to people just to make them feel secure.

Mr. Jonson: Well, I take the member's comments seriously, and I'll see if there's a better way of us being able to try and give that assurance without in a negative way affecting the potential effectiveness of the overall plan.

The Chair: The hon. Member for Edmonton-Glenarry.

Mr. Bonner: Thank you very much, Mr. Chairman. I have just a

few questions for the minister, and these are in regard to the business plan. I'm referring first to page 271, your key result 1.3 strategy. This goes on to say: "Develop policy recommendations and strategies on national unity and other related issues as they emerge." My first question in regard to this strategy is: what policy recommendations has International and Intergovernmental Relations developed on national unity? Along the same theme, given the recent strain in relations between Alberta and the federal government, what steps is International and Intergovernmental Relations prepared to take to alleviate this current strain?

I think we all realize that we have to have a good working relationship with the federal government, and the animosity that certainly appears to occur has to be diminished. We're certainly not pointing at one side or the other here, as in the majority of disputes it's rarely totally on one side or the other. So if the minister could please inform us about these relations. Also, has extra funding been provided to International and Intergovernmental Relations to deal with this current strain in federal/Alberta relations?

Continuing with the business plan on page 271, again with key result 1.3 strategies, I'm looking at the bullet:

Work with the federal government, other provinces, the private sector and other key stakeholders to update and strengthen coordinated policy responses to issues relating to the security of the province and people of Alberta.

If the minister could please inform us: which stakeholders is the department working with? Who in the private sector has been assisting International and Intergovernmental Relations on matters of security? Again, just to reinforce the issue that the Member for Edmonton-Mill Woods had brought up, I think that Albertans certainly are more aware and certainly more concerned about safety since the events over the last two years have occurred.

[Ms Graham in the chair]

As well, on page 272 of the business plan – and I'm looking at key result 2.1 strategies – it goes on to say: "Take a leadership role on issues of Canada/U.S. integration (including harmonization of standards, common perimeter, border crossing)." If the minister could please tell us if his ministry has consulted with any outside business groups or industry stakeholders on the issue of Canada/U.S. integration. If there have been some consultations, if he would please provide us with a list of those who have been consulted.

On the same key result 2.1 strategy, what strategies have International and Intergovernmental Relations employed to take a leadership role? In other words, is there any proof the minister can provide that we have taken a leadership role as the bullet indicates that we would do? As well, how has International and Intergovernmental Relations helped to keep goods and services as well as people flowing across our border during the past year? We certainly know that because of international events security at the borders has tightened up and the flow of traffic certainly has slowed.

Continuing with the business plan, again under the key result 2.1 strategies, it goes on to say that we will "provide intelligence and policy advice to Alberta stakeholders on U.S. issues and developments." If the minister could please tell us: who is this advice provided to? How does one access this advice? Do you have to be in big business, small business, or what? Who has the availability to this information? If he could also tell us: what form does this advice take?

So with those few questions, I'll take my seat and listen to some responses. Thank you.

9:10

Mr. Jonson: Well, Madam Chairman, first of all with respect to the

matter of the provision of advice the question is: do we offer and provide advice to the private sector? Yes, we do if they're looking for advice as to how to make contacts with respect to a certain type of business in a country where they would like to have the doors opened in terms of opening up business. We're not the only department, however, that works in that particular area. Economic Development, the Hon. Mark Norris's department, is very much involved when it comes to providing or facilitating business connections and agreements and trade back and forth between our province and other parts of North America and the world.

You mentioned the whole issue of cross-border activity. We have participated as a province through our department in the CanAm cross-border alliance, I think it's called. I guess you'd have to say that it's a formal organization which involves representation from the United States and from Canada. There have been a number of meetings held. One was a major conference in Calgary, that I remember attending, where we had very, very good representation from the United States. There has been back-and-forth discussion about the various security issues that exist at the border. Also, it's been very, very useful because the emphasis there on both sides of the border is that we want to keep trade going, that we want to see tourism keep going, that we want to see individuals reasonably treated, but on the other hand that cannot be done in a manner which jeopardizes the safety of, you might say, the countries involved. So that particular initiative is still going forward.

You raised a question with respect to our partners in terms of developing our overall security plan, and they are industry, local governments. Local governments, of course, have always been very, very key to our overall disaster preparedness program, and they are linked into the overall security initiative in the province. The energy industry was early identified as one which could possibly be a target of terrorism, and the energy industry has been, I think, very co-operative in terms of working towards a good plan in this province. I can go down the list. There are certain things with respect to other industries such as agriculture that have to be looked at as well. Of course, Alberta Health and Wellness is very much one of the players that potentially would be needed in having a good security and disaster response program.

Now, what did I miss here? I think I missed one topic in the middle there, Madam Chairman.

Mr. Bonner: I do have an additional question just on the security and disaster services. Obviously, when we look at this whole area, there has to be some co-ordination with the military, whether it be security or disaster services. They do play an important role, particularly when we look at these events of a larger, major disaster. If the minister could please tell us how his ministry works with either the military or with the reserve, whoever it may be, and just expand a little on what our role is in working with those two organizations.

Mr. Jonson: I think, Madam Chairman, all members realize that the command of the armed forces and the command of the reserves is under the auspices of the federal government. I think the best way to describe the relationship is that if in the course of some development it is identified that there is a threat so significant that it would require, in the judgment of our overall leadership in our security plan, the help of the federal government through the RCMP or through the armed forces, then we would have to make that case. But I think that what you're asking, you know, is: is the plan the type of plan where it's a given that they'll be involved in whatever potential threat is identified? They're not under our command; that's what I'm trying to say. We have to identify through the protocol that's involved in the overall plan the justification for their use.

The Acting Chair: The hon. Minister of Economic Development.

Mr. Norris: Thank you very much, Madam Chair. I wanted to rise to talk for a moment to the minister about the effectiveness of his department. As some of the hon. members opposite alluded to, our departments do a lot of work together, and it's an honour to work with them. I see several of them sitting up there who I've traveled with, and for the amount of work that goes into arranging those trade missions, which I think are vital to Alberta's future in exports, they should be commended, and the minister should be commended for the work that he does in that regard.

To that end, I did have a couple of questions for the minister regarding plans for the future. We talked about . . .

Ms Carlson: Point of order, Madam Chairman.

The Acting Chair: Yes. Would you like to elaborate?

Point of Order Questions by a Minister

Ms Carlson: This is a question of explanation. I'm not sure what the citation is. Traditionally in this House ministers have not asked questions of ministers during budgetary debate. The time is restricted for all private members, and there have been former rulings in this House.

Mr. Norris: No.

Ms Carlson: Yes. And there have been some discussions with the House leaders about this. So I want a ruling on this, please. I think we need Parliamentary Counsel involved.

The Acting Chair: Are your remarks just about concluded?

Mr. Norris: They are, but I think that as a member of this Assembly I have every right to talk to the minister on any case. We're allotted specific time, and I'd like to use it to ask the minister some questions. But in the essence of goodwill, Madam Chair, I will get to my questions, as you have discussed. [interjection] Well, you're just wasting time.

The Acting Chair: Hon. Member for Edmonton-Ellerslie, unless you can quote some authority for why the hon. minister can't make a comment – I don't know if he has any questions – I don't think you've made a meritorious point of order. After the first hour in estimates there is no restriction on government members speaking, so I don't find that you've made a point of order.

Ms Carlson: Thank you, Madam Chairman. Could I just make a comment then? We'll take this under advisement, and I'll follow this up at a future date.

The Acting Chair: Very good.

Hon. Minister of Economic Development, continue.

Debate Continued

Mr. Norris: Thank you, Madam Chairman, and to the House. I appreciate the indulgence in hearing my comments. As I was saying, the hon. minister is responsible for the international trade portion and the office representation, and our department, as I said, has worked closely in the trade aspect. We have seen recently a number of events federally that have caused us to think that we might need

a position in Washington, D.C., or Ottawa, Ontario, for more intergovernmental and less trade, and we recognize that the expertise that your department has is really where that should lie. So I'd like to get some sense from the minister as to if there are any plans to open some form of office in Ottawa or Washington or both. If so, how will that be staffed, and what role would IIR play in that?

The other question that I had is with regard to the ongoing trade negotiations that we have in the United States. Would an office in Washington, D.C., with somebody from your department facilitate quicker responses to those concerns?

9:20

Mr. Jonson: Madam Chairman, first of all I'd like to emphasize that our relationship with respect to the United States has always been one of IRR's and the Alberta government's priorities in terms of making sure that it is a positive one and that we continue to be supportive of our great neighbour to the south and hopefully work to make that be a reciprocal arrangement as well.

In direct answer to the minister's question, right now we're working hard at building on existing multilateral and sectoral relationships and arrangements that exist between the two countries. We're looking at a number of trips or missions to the United States dealing with various topics of mutual interest, and as a long-term initiative we're giving consideration to more formal representation in Washington, D.C., than we currently have. So the initiative that the minister has asked about is one that is in the thinking and probably before too long the formal planning stage.

The Acting Chair: The hon. Member for Edmonton-Glenarry.

Mr. Bonner: Thank you very much, Madam Chair. I have a few more questions on the business plan for the minister. I'm referring to page 272, key result 2.2, and the statement goes on to say:

Provide information and advice to clients and partners (Alberta offices, Canadian posts, foreign embassies and consulates) so they can help promote Alberta's economic, political and social strengths internationally.

So if the minister could please provide us with a list of which Canadian posts, foreign embassies, and consulates the department has been in contact with and how the department interacts with these various agencies abroad. As well, if the minister could also provide us with what type of information is usually provided to these Canadian posts abroad, whether it's economic information on Alberta, tourism, whatever else.

I have one last question for the minister, and this would be from the business plan on page 275, Approval Ratings: Intergovernmental Relations. According to the graph the approval rating for intergovernmental relations dropped from 73 percent in 2001 to 64 percent in 2002. Can the minister explain this drastic drop in the approval rating?

Thank you.

Mr. Jonson: Well, first of all with respect to the approval rating, Madam Chairman, I'm pleased to report that it's gone up again. So I think that probably with a number of the troubling issues in the world during that particular year along with the dispute over Kyoto implementation and so forth and perhaps what might have been judged as less than ideal progress with respect to dealing with some of those issues, the measures may have dropped a bit, but they have certainly rebounded. I think that that is an indication that the department and all sides of government have been working effectively to deal with those issues that were current in that particular year.

The member has asked for what amounts to quite detailed information

on – I expect what is required is the various missions that we've taken and what the goals of the missions and so forth were, and we would undertake to provide a written answer with respect to that, Madam Chairman.

The Acting Chair: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Madam Chairman. I think I just have one more question left, and that's on the issue that we hear the Premier occasionally muse on, and that's the separation issue. How does your department deal with this situation when it comes up, and have you taken any steps to address the issue from any perspective?

Mr. Jonson: Well, Madam Chairman, certainly this particular term, separation or separatism, comes up periodically in the history of Canada. It seems to have been a recurring phrase; it's not just the province of Alberta that is sometimes thought to be the originator of such comments. I'd like to state very, very strongly that Alberta wants to be a participant, a province, a very significant part of this great nation of Canada, and we are not involved in considering separation. The Premier has very clearly articulated that we want to be a province. We want to be a participant in a renewed and strengthened Canada where there is a better balance in terms of the allocation of the funds that are collected from the nation, in terms of its application to the provinces. We want to certainly see the whole area of the Senate discussed and hopefully a plan for improvement developed there. We have as a province a number of initiatives that we feel strongly about.

I expect that we'll be into a time right now with the new government of Quebec where there have been indications that the newly elected Premier, Mr. Charest, has some ideas about how to strengthen the nation of Canada to develop a better balance in terms of powers and access to revenues within Canada to make sure that the jurisdiction over programs and responsibilities within the nation of Canada that are clearly the responsibility of the provinces is respected by the federal government. So we are taking the initiative under the leadership of our Premier of looking for a renewal and an improvement in the overall relationship between the provinces, particularly the western provinces, and the federal government.

Ms Carlson: Madam Chairman, we thank the minister for his questions tonight and look forward to the more detailed written responses. That concludes our questions on this department.

The Acting Chair: Thank you.

After considering the business plan and proposed estimates for the Department of International and Intergovernmental Relations for the fiscal year ending March 31, 2004, are you ready for the vote?

Hon. Members: Agreed.

Agreed to:

Operating expense

\$6,468,000

The Acting Chair: Shall the vote now be reported?

Hon. Members: Agreed.

9:30

The Acting Chair: Any opposed? Carried.

The hon. House leader.

Mr. Hancock: Thank you, Madam Chair. I'd move that the Committee of Supply rise and report and beg leave to sit again.

[Motion carried]

[Ms Graham in the chair]

The Acting Speaker: I'd like to recognize the hon. Member for Medicine Hat.

Mr. Renner: Thank you, Madam Speaker. The Committee of Supply has had under consideration certain resolutions, reports as follows, and requests leave to sit again.

Resolved that a sum not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 2004, for the following department.

International and Intergovernmental Relations: operating expense, \$6,468,000.

The Acting Speaker: Thank you. Does the Assembly concur in this report?

Hon. Members: Agreed.

The Acting Speaker: Any opposed? So ordered.

head: **Government Bills and Orders**

head: **Committee of the Whole**

[Mr. Tannas in the chair]

The Chair: I wish to call the Committee of the Whole to order.

Bill 28
Freedom of Information and Protection of
Privacy Amendment Act, 2003

The Chair: Are there any comments, questions, or amendments to be offered with respect to this bill?

Mr. Lukaszuk: Mr. Chairman, I would like to move an amendment to Bill 28, the Freedom of Information and Protection of Privacy Amendment Act, 2003. The House amendment that is being circulated to Bill 28, the FOIP Amendment Act, is necessary to clarify the powers of the Privacy Commissioner in reviewing the decisions of the motor vehicle registrar to release information from the motor vehicle registry. Section 16 of the FOIP Amendment Act requires . . .

The Chair: Thank you for moving it. We will call this amendment A1, and we'll now await copies to arrive at the desks of hon. members.

The hon. Member for Edmonton-Castle Downs.

Mr. Lukaszuk: Thank you, Mr. Chairman. I'll just make a few comments relevant to the amendment that has just been circulated in the House. The amendments are minor in nature; however, section 16 of the FOIP Amendment Act requires a change so that the request for the commissioner to review a decision of the registrar can only take place on the initial decision of the registrar for a specified purpose. Also, the amendment for section 24(b) is just for clarification. Section 25 is amended to have section 24(b) come into force on royal assent so that the necessary regulations could first be put in place. And last, the net effect of the amendment is to make it clear that people can only appeal the decisions of the registrar that are set out in the notices.

Thank you, Mr. Chairman. That should summarize the amendments.

The Chair: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Chairman. This amendment strikes me as being quite typical of the whole problem involved with this committee and how the bill evolved. This should have been something that was figured out before the bill was submitted to the Assembly.

Mr. Smith: Agreed.

Ms Carlson: Well, I see that the Minister of Energy agrees with me.

There are enough staff and resources, and there was enough time for this committee to bring forward a good, quality bill. This specific concern around the disclosure of information from personal driving and motor vehicle information was a key concern that was heard from times prior to this committee having even met, so it's amazing that the government couldn't get it right.

I have a question about this amendment that I'm hoping the Member for Edmonton-Castle Downs can answer before we have further debate, and that's in A(b) where it talks about: in the proposed section 74.3(2) by striking out "person asking for the review was given notice of the decision" and substituting "date the notification of the decision was published." Could he give us some information on what the expected publication process is? Where? How often? Who is going to see it? Could he clarify that for me, please?

Mr. Lukaszuk: Certainly. Mr. Chairman, the parameters would be outlined in the regulations, and part of this amendment is to allow the cabinet and the council to develop regulations for it. So the parameters for that particular question, in answer to the question of the member, would be contained within the regulations, so it would be premature for me at this point to comment on the parameters as they will be set forth by the cabinet in the forthcoming regulations.

Ms Carlson: Well, Mr. Chairman, that makes me hate this amendment even more. Why does everything have to be done by regulation behind closed doors? Why can't we just have a process where the decisions are made and set out and people reading this amendment and seeing it will know what the process is? We just want to know where the information is going to be published. Maybe the minister could add some light on this particular issue.

Mr. Lukaszuk: I am sad to hear that the Member for Edmonton-Ellerslie is not pleased with the bill. However, I must assure you, Mr. Chairman, that our primary concern was to satisfy Albertans and not the Member for Edmonton-Ellerslie. However, the reason that some of the decisions are being put into the regulations and not into the act itself is to allow the legislation more flexibility. The Member for Edmonton-Ellerslie will appreciate that this is a rather fluid piece of legislation. She will appreciate that this particular act is not reviewed every half year or so but rather in much longer periods of time, so there is a requirement to have flexibility built into the act. Now, having parameters for such things as notification in regulation will allow the minister and the department more flexibility, and they will be able to adjust them to satisfy those who actually utilize the act, which may very well be, quite often, members of the Official Opposition.

Thank you.

9:40

The Chair: The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Chairman. I would like to ask the hon. Member for Edmonton-Castle Downs what . . .

Mr. Smith: Is that the guy who called me Baghdad Bob?

Mr. Mason: The Minister of Energy asks about question period today, and I can tell him that I sat bolt right up in bed last night at 4 a.m. with that brain wave. I had a hard time getting back to sleep. I was so excited, Mr. Chairman, just that I woke up in the middle of the night with an idea. Who hasn't had that happen to them before?

The Chair: Hon. member.

Mr. Mason: The chairman quite rightly calls me back to the subject at hand.

I'd like to ask the hon. Member for Edmonton-Castle Downs what happens in the interim before this section is proclaimed and the regulations developed? What happens then? Perhaps he could answer that or maybe the minister responsible could.

Mr. Lukaszuk: Mr. Chairman, we're not talking here about a long period of time. We anticipate that this piece of legislation will be proclaimed sometime around the 20th of this month, and the regulations will be developed prior to that. So there is not a long gap of time that we're looking at.

Mr. Mason: What happens in the meantime? Does it mean that people have no protection against their information being transferred for commercial purposes in the interim?

Mr. Lukaszuk: Mr. Chairman, the Member for Edmonton-Highlands is aware of the fact that we are not now in a situation where we don't have an act that's in effect. We have FOIP legislation that's in effect and in power right now, so the powers entrenched in that act will prevail up until such time that the new legislation is proclaimed and regulations developed.

The Chair: Edmonton-Highlands.

Mr. Mason: Thank you very much for your flexibility, Mr. Chairman, on this point. My concern is this – and I think the hon. Member for Edmonton-Castle Downs picked up on a good idea in the committee – and that is that people give their information for motor vehicle purposes for specific reasons: for the registration of their vehicle and that it can be insured and all of the legal aspects that go with the regulation of motor vehicles. Yet what happens is that this information is provided to commercial operators that have no relation to those functions, specifically parking lot companies, insurance companies, and so on. They use this information for commercial purposes, but the information was not collected from people for that purpose.

They are not informed that this information will be used for those purposes, and quite rightly the hon. Member for Edmonton-Castle Downs along with some others of us in the committee thought that this was a problem, but of course it steps on the toes of some pretty big interests who are used to getting this information so that they can operate their businesses. So the committee brought forward the reports.

Now, what my concern is here – and if somebody can lay this to rest, I would very much appreciate it – is that there's no necessity on the part of the government to ever proclaim this section. My concern here – and I could be wrong, and I'd be happy to be corrected – is that this particular section might not ever be proclaimed and

therefore just not be in the bill. That way the Member for Edmonton-Castle Downs, who made this motion in committee, looks good, doesn't lose any face, but the government doesn't have to step on the toes of commercial operations that have come to depend on this information, and that's what my fear is about this amendment, Mr. Chairman. If somebody can set my concerns to rest so that I can sleep soundly through the night, then I would be very happy.

Thank you.

Mr. Coutts: Mr. Chairman, let me answer this question so that the hon. Member for Edmonton-Highlands can have a restful sleep with both eyes closed and not one eye open. The provisions in the act itself that are unrelated to this particular amendment that the hon. Member for Edmonton-Castle Downs is bringing forward on the amendment – the select committee of the Legislature put into the report that criteria should be developed for developing access standards, and we are developing those access standards at this point in time through a steering committee between Transportation and Government Services. Those access standards will be put in the form of regulations that the very legislation we're discussing here tonight is enabling to happen. So I will have to proclaim the act to make sure that the regulations are abided by. Let me reassure you, hon. Member for Edmonton-Highlands, that that is going to be proclaimed just as soon as we possibly can. The transport safety act is going to be proclaimed on May 20 of this year, so it's going to have to be done before then. Basically, that's the same answer to Edmonton-Ellerslie's question earlier.

Ms Carlson: Mr. Chairman, I just want the Member for Edmonton-Castle Downs to confirm that what he really intended to say here tonight was that this is a fluid piece of legislation.

Mr. Lukaszuk: Mr. Chairman, I'm not sure what connotations or denotations the Member for Edmonton-Ellerslie is trying to derive from the term "fluid." What I'm saying is that this piece of legislation is enabling legislation allowing the minister and the cabinet to develop the parameters and the scope of the regulations which will be attached to the act. So, in that sense, indeed, it is fluid because it is an enabling piece of legislation allowing for regulations.

[Motion on amendment A1 carried]

The Chair: The hon. Member for Edmonton-Gold Bar on the bill.

Mr. MacDonald: Thank you very much, Mr. Chairman. It is certainly interesting to see Bill 28, the Freedom of Information and Protection of Privacy Amendment Act, 2003, work its way through the Legislative Assembly. It was a learning experience for this hon. member to be a part of the same committee that the hon. Member for Edmonton-Castle Downs served on that led to Bill 28. There were certainly a lot of issues brought forward by various groups from across the province, and some of those issues were reflected in the report that came before the Assembly and some were not. There were many matters discussed, and there were many opinions expressed.

Certainly, when one looks at this legislation, we are going to respond to the request of Mr. Cliff Chatterton of the War Amps, and we are making clarification regarding financial information, whether it's bank accounts, credit card information that should not be disclosed without the individual's consent, and we are establishing criteria for bringing public bodies under FOIP in regulation, not policy, and allowing the Information and Privacy Commissioner to refuse to conduct an inquiry under some circumstances.

9:50

Now, when we look at FOIP and the FOIP laws in this province and how they have developed in the last 10 years, I think certainly it has been unsuccessful in bringing open, transparent government to the public. We have seen a continuous narrowing of the disclosure requirements. We see excessive fees being charged. Information is unaffordable, and I think that is very, very unfortunate.

Now, Mr. Chairman, there are some very good things about this legislation, but there are also some issues that have to be addressed before this bill can be supported. The number one concern from this member is, of course, fees, and if we look at section 93 and the whole issue of fees and who is to pay and what, high fees should never be a barrier to citizens receiving information from their government.

There is an ongoing historic case between myself as the Member for Edmonton-Gold Bar, the *Globe and Mail*, and the Department of Justice. This is an important case because it is one of the very few times that the Privacy Commissioner has had to have been excluded for one reason or another, and an adjudication inquiry pursuant to section 75 occurred, and in this case the Hon. Mr. Justice T.F. McMahon became the adjudicator, a Court of Queen's Bench justice from Calgary. It is interesting to note not only what the hon. justice has had to say about FOIP but what other individuals have had to say about FOIP as well.

Mr. Justice McMahon in a decision that was made public last spring states among other things:

(26) In decision No. 96-002, the Commissioner in Alberta described two principles to be considered when determining whether a record relates to a matter of public interest under the Alberta Act. The first is that it was intended to foster open and transparent government, subject to the limits provided. To that I would add accountability. The right of the people to require that government account to them is fundamental to a strong democracy. It is with our consent that we are governed by others; that consent is given conditionally upon good government. The decision to continue or withdraw that consent requires that the people have the information required to make an informed decision. Access to information legislation is a means by which people get that information from sometimes reluctant government hands.

(27) The second principle identified by the Commissioner is that the user should pay. Whether this is a "principle" of access to information legislation is doubtful. In any event, it begs the question of who the "user" really is. As well, this Act expressly provides for several exceptions to that "principle", one of which is central to this review.

That expresses a lot, Mr. Chairman.

Also, one must consider the Supreme Court of Canada. Now, in the decision by Justice McMahon:

(25) The Supreme Court of Canada in *Dagg v. Canada (Minister of Finance)* . . . considered the federal Access to Information Act . . . [Justice] La Forest . . . although dissenting in the result in that case, described the legislation's purpose in these terms at para. 61:

The overarching purpose of access to information legislation, then, is to facilitate democracy. It does so in two related ways. It helps to ensure first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry. As Professor Donald C. Rowat explains in his classic article, "How Much Administrative Secrecy?" (1965) . . .

Canadian Journal of Economy and Political Science at page 480, . . . Parliament and the public cannot hope to call the Government to account without an adequate knowledge of what is going on; nor can they hope to participate in the decision-making process and contribute their talents to the formation of policy and legislation if that process is hidden from view.

Now, Mr. Chairman, when we consider this case and the fact that there was a substantial reduction in FOIP fees, in one case from roughly \$60,000 to \$2,500 for the national newspaper the *Globe and Mail* and \$500 for the Member for Edmonton-Gold Bar, that is a significant change, and I'm very anxious to see that this case replaces the commissioner's ruling that we have been using since 1996 in decision No. 96-002. Certainly, that indicates that the second principle as identified by the commissioner, "that the user should pay," is not really that accurate. It is described by the hon. justice as a doubtful principle.

So in the course of debate on this bill, hopefully we will get the answer. The hon. Minister of Government Services could perhaps provide that. This decision is a clear case, an indication that all is not well with our current FOIP legislation, and citizens, whether they're Official Opposition members, whether they're citizens from any region of the province, should feel comfortable approaching their government to seek information, and fees should not be a barrier to that information.

Now, when we look at Bill 28, section 2 is generally positive by expanding the definition of personal information to include biometric information. Section 3(a), as I understand it and as I recall, is housekeeping, and section 3(b) is more significant since it clarifies what is meant by a registry. A registry henceforth will only be one authorized or recognized by an Alberta statute or regulation. If the hon. Member for Edmonton-Castle Downs could table a list in the Assembly for all the registries that would be captured by this amendment, I think that would be beneficial. Otherwise, Albertans would be put to reviewing thousands of regulations and hundreds of statutes looking for provisions creating or enabling a registry. Now, I believe that the hon. member may have been attempting that with the amendment. If the hon. member could clarify that, I would be very grateful.

10:00

Section 3(c) deserves some explanation. While we know what happened to the regional health authority elections, the future of regional health authority elections is still unclear. It is hard to think of an objection to this change, although it is not clear what election means. Now, if the members of a board of an agency hold an election and the board members elect an executive of one or more officers, is that not an election? Does it mean an election under the Local Authorities Election Act? One can only assume that they are talking about an election by citizens in a community, but this is not clear.

Section 4 certainly has merit since it reduces marginally one of the broadest and most cited exemptions to disclosure, namely section 16.

Now, section 5 invites the question: what is the "prescribed manner?" Prescribed by regulation or by government policy? Will the sponsor particularize now or at least commit that the regulation, if that is the means of subscription, will be shared with the Assembly before it becomes law?

In section 5(a) the wording is changed to more generally provide that the notice must be "given to." Now, does this mean that you have to prove that the third party must have received the written notice? Will that impede giving notice in compelling circumstances where time is of the essence? Not likely, since if you refer to section 83, there is a definition of what is meant by "given to a person." It sets out four different ways that notice may be given to a person. You must cross-reference section 17 of Bill 28 here since that amends section 83. The explanation has not been given that I'm aware of, Mr. Chairman, of why section 17(2)(d) is being deleted. Now, presumably the deletion of section 17(2) is due to the Health Information Act, and if that could be clarified before we proceed, I would be grateful.

Now, the new section 29(1) seems innocuous although one may be able to make the point that there is no qualification in section 29 that the fees be reasonable. There continues to be concern that if a public body announces that it will sell, for example, hospital utilization rates but at a high cost, say \$10,000, they can refuse to honour an access request under part 1 of the FOIP Act.

The amendment to section 30 makes some sense and reduces some burden on public bodies, I believe, without compromising the purposes of the act.

Now, section 10 of the bill and the proposed change to section 37 clarifies what was always intended with the FOIP Act. It is individuals who may request correction.

Section 11 of the bill is a positive change. It mirrors an exclusion from the definition of personal information in the federal Personal Information Protection and Electronic Documents Act, PIPEDA. It does not, however, allow the disclosure of e-mail addresses, but this is seen as more of an oversight in that statute.

Section 11(b) clarifies the intention of the provision and warrants support.

Section 12 of the bill would allow the release of personal information for any purpose if the other qualifications are met. You will note that the existing provision in section 43(2), that requires a postsecondary body to have a written agreement with certain elements, will be eliminated. What explanation does the province have for removing these privacy safeguards? How does it justify them? Can the government provide particulars of concrete problems posed by the existing provision for postsecondary educational bodies?

Now, section 13, Mr. Chairman, could be problematic. If you appoint an independent officer of the Legislature, you want that person to have a term sufficiently long that they are not under pressure to worry or fret about reappointment. If the term is, say, only two years, is the commissioner not likely to feel less secure than with a five-year term? We certainly don't need a commissioner who is constantly fretting about whether his decisions will irritate government and possibly jeopardize his reappointment. A longer term at least reduces that type of distraction.

Section 14 clarifies that the powers under the Public Inquiries Act are available to the commissioner for any of his adjudicative functions.

Section 15 is significant. It dramatically expands the power to refuse to hold an inquiry. It does not detail the kinds of conditions or circumstances that should be addressed in making such a decision. As a result, this decision is at the sole, unfettered discretion of the commissioner. It would be more appropriate to have the legislation indicate the conditions that should be assessed by the commissioner in making such a decision. After all, there is no right of appeal from the commissioner.

Now, in light of that, I believe this is as good a time as any, Mr. Chairman, and at this time I would like to propose an amendment to section 15 of Bill 28. I'm going to provide the chair with the signed copy and an additional 89 copies, I believe. I will take my seat until the amendments are distributed. Or can I read it into the record now, please?

10:10

The Chair: This amendment will be known as amendment A2. In the 42 seconds remaining, hon. Member for Edmonton-Gold Bar, you'll move it and explain.

Mr. MacDonald: Thank you very much, Mr. Chairman. I move that Bill 28, Freedom of Information and Protection of Privacy Amendment Act, 2003, be amended in section 15 in the proposed section 70

by striking out clause (b). That would certainly alleviate the concern that I just expressed, Mr. Chairman. It would reduce the expansion of the powers to refuse to hold an inquiry. This legislation as it currently exists does not detail the kinds of conditions or circumstances that should be addressed in making such a decision by the commissioner. I don't think that the commissioner needs those powers at this time.

Thank you.

The Chair: The hon. Member for Edmonton-Castle Downs on amendment A2.

Mr. Lukaszuk: Thank you, Mr. Chairman. The Member for Edmonton-Gold Bar in his amendment is requesting that section (b) be struck out, a section that allows the commissioner to refuse an inquiry if in the mind or opinion of the commissioner the circumstances warrant refusal to conduct an inquiry.

Mr. Chairman, I must point out for the record that the commissioner is an independent body. His office is independent of the government. He is an officer of this Legislature and therefore nonpartisan, and he has been appointed as a watchdog, as a steward of the independence of this particular piece of legislation.

Now, we have chosen to have this office present and to have an individual with this capacity to hold this independent office. It would be very difficult to understand why we wouldn't then trust the individual to make a decision on whether circumstances warrant or do not warrant conducting an inquiry. If we trust in his learned judgment to make a decision, a decision that is final on matters of inquiry, why would we not then trust him to make an equally sound and educated decision on the matter of whether circumstances warrant or do not warrant an inquiry? Removal of this particular subsection of the act would create a situation where the commissioner would be forced, compelled to conduct an inquiry in the most frivolous of requests and have no opportunity to use his own judgment.

Thank you.

The Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you, Mr. Chairman. I'll certainly be brief because the hon. Member for Edmonton-Ellerslie has expressed an interest in participating in debate as well on amendment A2. However, I would like to point out to the hon. Member for Edmonton-Castle Downs that section 70 in the current act is adequate. I don't think we need to dramatically expand to the commissioner the power to refuse to hold an inquiry. The commissioner may refuse to conduct an inquiry pursuant to section 69 as it is now. My research indicates that section 70, the current section 70, refusal to conduct an inquiry, has only been used twice in seven years. So why do we need to expand the power of the commissioner any further?

Thank you.

The Chair: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Chairman. I am going to support this amendment. I think it's well done. I respectfully disagree with the Member for Edmonton-Castle Downs in his interpretation. There is no doubt that the commissioner has been given the mandate to make these decisions, but as my colleague from Edmonton-Gold Bar said, it has been very seldom used in the past. So we certainly wonder why those powers would be required to be expanded at this particular date.

I don't recall in the meetings that we've had hearing any strong argument to increase the circumstances where the commissioner would have the ability to refuse to conduct an inquiry. If we take a look at the legislation before the amendment, it seemed to be quite comprehensive. The commissioner could

refuse to conduct an inquiry pursuant to section 69 if in the opinion of the Commissioner the subject-matter of a request for a review under section 65 has been dealt with in an order or investigation report of the Commissioner.

So that's a pretty wide latitude as it is now. To add any more latitude in that particular regard begs the question of what kind of circumstances they're anticipating. We should have heard that debate through the committee at the time when the committee held its hearings or in some sort of submission, and I really don't remember seeing anything in that regard.

I would urge all members in this Assembly to support this particular amendment put forward by Edmonton-Gold Bar.

Mr. Lukaszuk: Mr. Speaker, for the reasons previously stated, I would urge all members to vote against this amendment, and I would call for the question.

[Motion on amendment A2 lost]

The Chair: The hon. Deputy Government House Leader.

Mr. Stevens: Yes. Mr. Chairman, I move that we adjourn debate on this matter.

[Motion to adjourn debate carried]

Mr. Hancock: Mr. Chairman, I'd move that the committee rise and report progress.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Medicine Hat.

Mr. Renner: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration and reports progress on Bill 28. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Deputy Speaker: Does the Assembly concur in this report?

Hon. Members: Agreed.

The Deputy Speaker: Opposed? So ordered.

head: **Government Bills and Orders**

head: **Third Reading**

Bill 23

Family Support for Children with Disabilities Act

The Deputy Speaker: The hon. Member for Red Deer-North.

Mrs. Jablonski: Thank you, Mr. Speaker. I'm pleased to rise and move third reading of Bill 23, the Family Support for Children with Disabilities Act.

The bill will result in historic legislation for this province. The Children's Services ministry responded to families of children with

disabilities and other key stakeholders who expressed concern that the unique needs of children with disabilities were not being sufficiently addressed within the provisions of the child protection legislation. Through this bill the ministry will provide distinct and separate legislation for children with disabilities and their families. The Family Support for Children with Disabilities Act will provide a spectrum of proactive and family-centred services and supports that will preserve, strengthen, and empower families of children with disabilities.

Bill 23 reflects the recommendations of two committees the ministry established to develop the new legislation. Under the new act the resources for children with disabilities program will focus on early intervention, family-centred supports, as well as better co-ordination and integration of services. As soon as the bill is passed, regulations stemming from the new legislation will be developed in consultation with parents and other key stakeholders.

10:20

Mr. Speaker, I'm very proud of the proposed Family Support for Children with Disabilities Act. The new legislation will ensure greater consistency in services for children and families and will also ensure that families and children receive appropriate services based on their assessed needs. A family's capacity to promote their children's healthy growth and development will be preserved and strengthened through this new act.

I urge all members to vote in favour of Bill 23.

The Deputy Speaker: The hon. Member for Edmonton-Mill Woods.

Dr. Massey: Thank you, Mr. Speaker. I'm pleased to have an opportunity to make some comments this evening about Bill 23, the Family Support for Children with Disabilities Act. I think we'd be remiss, Mr. Speaker, if we didn't put on the record the opposing views on this bill. There are those individuals and parents who enthusiastically support the legislation and are happy to see it here at third reading this evening, but we also heard some concerns raised about the bill. Those concerns were raised when we were in the committee stage of examination.

Just briefly, there was a concern that the bill might medicalize disabilities and that in that way it might be a step backwards. There was a concern that the definition of disabilities was extremely narrow and another concern that there were provisions in the bill for income testing. Now, those were, I think, the three major concerns that were raised with us. As I said, the supporters of the bill were very pleased, and we consulted with a number of the interest groups and, again, found only one of those groups opposed to the legislation.

We supported it all the way through, Mr. Speaker, and are pleased to support it this evening. Thank you.

The Deputy Speaker: The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Speaker. I'm pleased to rise to speak to Bill 23, Family Support for Children with Disabilities Act. This will replace provisions in the Child Welfare Act for handicapped children's services, and it will provide a framework by which service plans are developed in consultation with the family and agreed upon.

The Alberta Association for Community Living is strongly supportive of this act and have made a number of good points as far as the types of improvement that it represents. They indicate that this legislation recognizes the inherent capacity of families and that many families only want and need limited assistance in order to ensure their children with disabilities have the opportunities for a life comparable to children without disabilities. In addition,

families and children with disabilities who require greater assistance will also have access to the supports they require.

Mr. Uditsky, the executive director of the AACL, says:

Not a single child with disabilities should be left without the support he or she needs to be sustained within a family. Too many children with disabilities end up in the child welfare system because their families did not receive the support they required.

He believes the legislation

will help to ensure children with disabilities can look forward to a future where their inherent need to grow up as part of a loving family is sustained.

So on balance, Mr. Speaker, the New Democrat opposition is prepared to support this act. However, there are some reservations. Of course, in this act as in many others the devil will be in the details. The content of service plans and agreements regarding support and therapeutic care will be entirely determined by regulation. Well, what else is new? There is a role for regulation, but it is still, I think, a flag of caution that we should be aware of. It may be necessary in order to cover a wide range of possibilities, but there is very little in the act itself which describes in any detail whatsoever what services a family may expect.

I think it's useful in terms of appeals that there will be an appeal committee, people appointed by the minister. The major concern that we foresee from some parents of children with disabilities is that therapeutic service plans, support agreements, and so on, do not provide sufficient funding, and these are likely to be the most common basis for appeal. So much will depend on not only the regulations but the programs, policies set by the minister, and who in fact the minister appoints to the appeal body. If they're not favourable to these types of appeals, then we may again find a significant buildup of people who are not receiving all the support they need.

Similarly, Mr. Speaker, the concern again arises that these types of programs and levels of support under these types of programs have in the past been set according to factors that are not entirely related to the appropriate level of service that people should be receiving but can be affected, of course, by the government's fiscal planning or lack thereof. So I hope that we will see these programs designed first and foremost and funded to a level that is dependent on the needs of those children and their families that are required.

So all in all, Mr. Speaker, I'm not going to speak long on this bill but indicate that with those reservations we think that it is a positive bill and commend the minister for bringing it to this Assembly, and we are pleased to support it.

Thank you.

The Deputy Speaker: The hon. Member for Red Deer-North to close debate.

Mrs. Jablonski: Thank you, Mr. Speaker. Helen Keller, due to a severe illness before the age of two, was deprived of sight, hearing, and the ability to speak. Her courage, faith, and optimism in the face of such overwhelming disabilities had a profound effect on all she touched. The accomplishments of Helen Keller stand as a symbol of the potential in all of us. Helen Keller said: "I thank God for my handicaps for, through them, I have found myself, my work, and my God." Perhaps with the help and support that Bill 23 proposes for families of children with disabilities, they too will accomplish all they are meant to accomplish in this life.

I'm pleased to close debate on Bill 23, the Family Support for Children with Disabilities Act.

[Motion carried; Bill 23 read a third time]

The Deputy Speaker: I wonder if we might have agreement from the Assembly to briefly revert to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**

(*reversion*)

The Deputy Speaker: The hon. Member for Red Deer-North.

Mrs. Jablonski: Mr. Speaker, it is my honour to introduce to you and through you to members of this Assembly two people who have traveled at length in time to arrive at this moment. They have waited for over 25 years for the legislation that we will pass tonight in Bill 24, the Child Welfare Amendment Act, 2003. They are among the 44,000 adoptees, siblings, and birth parents who signed a petition in 1992 urging the Alberta government to open adoption records. Thanks to the Minister of Children's Services, the Member for Calgary-Buffalo, and their very competent team, adoption records in Alberta are very close to being opened.

My constituent from Red Deer-North, Mrs. Sandra Ladwig, has been working for 25 years on behalf of adoptees and birth parents to help them find their birth families and to have adoption records opened, and Mrs. Marg Wood has been searching for 22 years for her birth mother. They are here tonight, even though the roads are closed between Calgary and Lacombe, to witness the passing of third reading of Bill 24, a very momentous event in their lives and the lives of many. I would ask Sandra Ladwig and Marg Wood to rise and receive the traditional warm welcome of this Assembly.

10:30 head: **Government Bills and Orders**

head: **Third Reading**

(*continued*)

Bill 24

Child Welfare Amendment Act, 2003

The Deputy Speaker: The hon. Member for Calgary-Buffalo.

Mr. Cernaiko: Thank you, Mr. Speaker. I'm pleased to rise and move third reading of Bill 24, the Child Welfare Amendment Act, 2003.

I am proud and honoured to support this bill. It has come about as a result of a lot of hard work and consultation with Albertans.

During Committee of the Whole a concern was expressed by the hon. Member for Edmonton-Mill Woods about the change in terminology from "protection" to "intervention." The change in terminology from "protection" to "intervention" does not change the fundamental test for determining whether child welfare involvement is warranted. Intervention services as defined in the bill include both protective services, the services provided in situations where children are removed from parental care, and family enhancement services, the services provided to support and preserve families.

Before either form of intervention service is legally authorized, the child's survival, security, or development must be in danger. There was a suggestion that the definition of neglect and specifically the reference to the guardian's failure to provide essential medical, surgical, or other remedial treatment should be based on information from a medical professional. The director of child welfare cannot simply make a determination regarding a parent's failure to provide essential medical or surgical treatment without information from or a recommendation by a medical professional. All interventions based on a parent's failure to provide necessary medical or surgical treatment require the involvement of the medical professional, and

indeed most if not all of these cases are brought to the director's attention by medical professionals.

A clause authorizing intervention when the condition or behaviour of a child prevents his or her guardian from caring for the child is being repealed. The repeal is being done because the grounds for intervention on this basis have been inappropriately used by parents to relinquish responsibility for their children in situations where there is parent/teen conflict. This approach is not consistent with the fundamental philosophy underlying the act that parents and families are responsible and accountable for their children. Under the Alberta response model support can be provided to families experiencing these difficulties.

The hon. member was concerned with the wording in section 2.1 that states, "A director, when it is appropriate, must inform a child of the child's procedural rights under this Act." Inclusion of the words "when it is appropriate" is necessary for two reasons: one, to inform a child of their rights that pertain to their particular situation; and two, to provide flexibility for the director of child welfare to provide only such information as is appropriate in the circumstances. This flexibility is necessary when dealing with young children who may lack the capacity to understand their rights.

Regarding the elimination of the role of the Children's Advocate to investigate complaints, removal of the investigatory role of the Children's Advocate reflects the concept of advocacy in a collaborative and supportive manner. Systemic issues identified by the advocate will continue to be referred to the Children's Services department and addressed through enhanced quality assurance processes.

Concern was raised over the removal of a parent's ability to apply directly to the court for a permanent guardianship order. One of the fundamental principles underlying this legislation is parental accountability and responsibility. Allowing a parent to abdicate their guardianship responsibilities is inconsistent with this principle. If a parent is experiencing difficulties in dealing with a child, supports to the parent may be available through the Alberta response model. If the child is in need of intervention and permanent guardianship is the appropriate response to the child's needs, the director of child welfare will make the application to the court for a permanent guardianship order.

The confidentiality provisions in this act are as stringent as ever. They have been redrafted to align with the Freedom of Information and Protection of Privacy Act and continue to protect the privacy of families while at the same time enabling the director of child welfare to share information in an appropriate way when disclosure is in the best interest of the child.

An issue was raised that provisions for shortened cumulative time in care will simply process children into the adoptive stream sooner and lessen the government's financial obligation for these children. Mr. Speaker, one of the goals of this act is to achieve earlier permanency for children who are under the guardianship of the child welfare director. The purpose of legislating cumulative time in care is to ensure that a child does not languish in the child welfare system.

The need for early permanency was a major theme that emerged from the public consultation process. Research shows that the accelerated pace of development for young children increases the need for stability and the opportunity to form a permanent bond in the early years. The shortened cumulative time in care will be facilitated and supported by other changes in the act. In particular, concurrent planning will strongly emphasize early efforts to reunify the child and the family.

Changes to the secure services provisions reflect a conceptual shift in the purpose for confinement. The basis for placing a child in a

secure services facility will be crisis intervention. Child welfare workers have experienced some success in stabilizing the behaviours of a child. However, they do not have the necessary expertise to perform mental health interventions. If a child requires treatment for a mental health issue, they are best referred for treatment within the mental health system.

In regard to changes in the private guardianship provisions, we must remember that private guardianship is an important permanency option for children in the care of the child welfare director. The private guardianship provisions have in fact been strengthened to ensure that only those individuals who are capable of providing proper care to a specific child can obtain private guardianship status with respect to that child. Support will certainly be available to families who choose to take on this important responsibility.

In regard to the issue of adoption the move toward open adoption records, as reflected in the proposed amendments, is responsive to stakeholder feedback on this issue. With respect to existing adoption records the legislation strikes a reasonable balance between the rights of an adopted person to access their information and the interests of birth parents who may wish to maintain confidentiality.

In conclusion, Mr. Speaker, Bill 24 reflects what was heard from Albertans during the lengthy review of the Child Welfare Act. The amendments in the bill not only preserve the rights of parents and children but also enhance them. The government's obligation toward older children who are transitioning to adulthood has been enhanced in the new part of the act dealing specifically with youth. I am confident that Bill 24 will amend Alberta's child welfare legislation to better the lives of children, youth, and families and will also strengthen the way Alberta Children's Services is able to support our most precious and vulnerable citizens.

Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Member for Edmonton-Mill Woods.

Dr. Massey: Thank you, Mr. Speaker. It's been a long journey through a very long bill with a lot of changes to where we are this evening, ready to approve it in third reading. I do take exception to the comments about the Children's Advocate. It's a bunch of poppycock. What's happened to the Children's Advocate in this bill is that he's been emasculated. To say that the advocate cannot investigate and now must be in a supportive role is a disservice to the children in this province. I'm upset that that's the view that's been taken. The Children's Advocate should be an independent officer of this Legislature, and this bill I think takes away some of the powers that the advocate now enjoys.

A further comment I have is the fact that we won't see the regulations, and I still feel that it's the obligation of the government to put those draft regulations in place before we pass bills in this Legislature. We've had the example where that was done by the Department of Energy, and I think it served all of us well. As the Minister of Children's Services has said: the devil's in the small print; what the large print giveth, the small print taketh away.

Those regulations with respect to this bill are particularly important. I think we'd be remiss if we didn't, before the bill is approved finally this evening, hear from the minister maybe once again about the amendments that we passed last week, amendments that I supported with respect to adoption. Since we passed those amendments, there's been some concern raised, not just locally but from a network of individuals across the country and internationally. I think it might be appropriate for the minister to make some comments with respect, again, to those amendments.

With that, I conclude my comments. Thank you.

10:40

The Deputy Speaker: The hon. Minister of Children's Services.

Ms Evans: Thank you, Mr. Speaker. I'm pleased to rise and speak to a couple of the issues that the hon. member opposite requested, and in doing so I'd like to just pay a huge tribute to the efforts of my colleague from Calgary-Buffalo, who has gone through extensive consultation on this bill. It's been a pleasure to work with him in that regard as it was a pleasure to work as well with the hon. Member for Red Deer-North on the previous bill.

Mr. Speaker, one of the comments that has been made this evening and has been made twice on bills 23 and 24 is the concern about regulation and the development of that regulation and to make sure that in the interval following the passage of these bills, there's proper and due consultation relative to the formulation of regulation on absolutely every aspect of both bills. There will be consultations continuing as they did before the bills on the regulation and the framework for that regulation. It's been very clear to me that that's the only way that we will get the right product, and I can assure the hon. members opposite that we will do a very thorough and meaningful consultation. We've already spoken to a number of people that will be involved, that were heavily involved in their commitment to the bills in their present form.

In terms of the amendments that were passed last week relative to adoption, I would like to put it this way. While the adoption records have been concealed, a very scant few, a very few exceptional circumstances have come across the minister's desk for release. Those have been predominantly those situations where medical information on ancestors was necessary to save lives. It was a very excruciating and a very narrow window of opportunity for anybody to be passed out, if you will, to have their adoption records released.

The amendments that have been passed by this Legislature, I'd like to comment, would in fact assure that almost no records but an exceptional few would ever be held back. Those would be held back predominantly if the adoptive family knew of some particularly excruciating and extenuating circumstance that would necessitate a sober second look by the minister prior to any release of those records. We could identify incest, date rape, or some other particularly heinous situation that may well cause that adjudication by the minister to be determined to be in the child's best interest to retain and enclose that record until such time – and the amendment goes still further – that if the adult adoptee chooses to ask for release of those records because they have determined that they were adopted, have found another circumstance that alerted them to that fact, then they would be able to make that choice themselves. It's a window of opportunity for the minister to judge that some circumstances could be completely held private, but the vast majority of all of those records prior to the proclamation of this bill would be available and would be transparent and would be released as per the intent that we discussed in the original draft of this bill in this House. So I give that to the hon. member opposite.

One final concluding comment on the Children's Advocate. Although I hear the hon. member, I have a much broader view of what the advocate is doing, particularly on the natural advocate side. We're still looking at some of the opportunities for the advocate's expanded role in terms of delivery of service, and I do hope that in the final disposition of this there will be some satisfaction that the words from the hon. member opposite have been heard relative to the importance of the independent adjudication of Children's Services by the advocate.

With that, Mr. Speaker, I would stand down but with the hope that this Assembly will acknowledge the very strong and positive work that's been undergone at some considerable length on this bill.

The Deputy Speaker: The hon. Member for Calgary-Buffalo to conclude debate.

Mr. Cenaiko: Thank you, Mr. Speaker. I'm pleased to now close debate on Bill 24, the Child Welfare Amendment Act, 2003.

[Motion carried unanimously; Bill 24 read a third time]

Bill 32

Income and Employment Supports Act

The Deputy Speaker: The hon. Member for Edmonton-Castle Downs on behalf.

Mr. Lukaszuk: Thank you, Mr. Speaker. I rise and move that Bill 32 be now read for a third time.

Too often people are skeptical about consultations and reports and wonder if any actions will come out of it. As chair of the MLA Committee to Review Low-income Programs I know that Bill 32 indeed is the proof that the process works. Government listened to the voices of hundreds of people who participated in the review process. We have listened to stakeholders and people who work on the front lines with clients, and we are also taking action, action that also stems from numerous hours of consultation with hundreds of clients.

The MLA committee proposes a new integrated income support program with the flexibility to meet people's unique needs and circumstances. The Income and Employment Supports Act responds to this key recommendation by bringing three income support programs – those being supports for independence, otherwise known as SFI, widows' pension, and skills development program – and living allowances together into a single integrated income support program.

[Ms Graham in the chair]

Bill 32 also enables a new benefit structure that will help people meet their basic needs such as food, clothing, and shelter and will provide additional building blocks to support and respond to people's unique circumstances, whatever they may be. That might mean access to short-term or part-time training programs to upgrade and expand people's skills. It might mean providing health benefits to some people who leave the program and find employment, and it might mean help getting child support.

With Bill 32, Mr. Speaker, we make a direct link in legislation between income support and employment support. Instead of having two parallel tracks, we will integrate them into a new approach that focuses squarely on people and helping them have the skills they need to contribute to Alberta's growing economy and meet some shortages in the labour market and support themselves and their families. There will also be building blocks of support for people who are unable to work. We must not lose sight of the fact that even with Alberta's strong economy there are some people who are not expected to move into the workforce. They simply have barriers to employment that cannot easily or at all be overcome.

Mr. Speaker, with the approval of Bill 32 in this Assembly our plans are to proclaim the act in early 2004. Our goal has been to continue to be a new income and employment support program that will help Albertans lead more independent and productive lives, and Bill 32 is a major step forward to achieving this goal.

Thank you.

10:50

The Acting Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Madam Speaker. Bill 32, the Income and Employment Supports Act, certainly on the surface may look like an improvement, but one has to be very cautious because this bill could be used to further privatize the delivery of social benefits in this province.

Now, it's very difficult to support this bill, Madam Speaker, because it is attempting to expand an already flawed system without fully addressing its shortcomings. Alberta's Auditor General in the annual report from 1999-2000 stated that "there have been problems with the controls over funds spent on training and employment support programs." Going back to the 1996-97 annual report from the Auditor General, it also identified that problems existed with the integrated training pilot, the ITP program, administered by the former Alberta Advanced Education and Career Development, that can result from inadequate program development, contract definition, and contract managements and that there have been public allegations of inappropriate practices relating to services provided by a certain company, Career Designs Inc., under the ITP program.

In the same report the Auditor General also identified deficiencies in performance measurements in two training and employment support programs; namely, the ITP and the skills development programs. In his 1997-97 annual report the Auditor General commented on considerable progress made by AAECD in addressing previous concerns, but the following year he identified instances of inadequate monitoring by AAECD which resulted in a risk that external providers of employment training under certain programs receive payment for services not fully rendered. There have been many examples of this recently. Now, the Auditor General wrote that risks associated with the administration of training and employment support programs where reliance is placed on external service providers are significant and require careful management.

So I think we should proceed very cautiously with this bill. I think the first thing to do and the right thing to do would be to increase benefits, the benefits that we discussed at committee. The benefit rate of \$20 a month that's coming in June for some of the clients or the recipients is certainly not adequate.

Madam Speaker, in the Auditor General's 2001-2002 report he again recommended that "Human Resources and Employment improve the procedures to monitor compliance by training providers with the terms of the Skills Development Program," a recommendation he had made the previous year.

Now, again, "during the 2001-2002 year, the Department spent \$132 million on the SDP, \$30 million of which was reimbursed by the Government of Canada under a cost-sharing agreement." The Auditor General advised that "the Department should have a plan, based on a risk assessment of the training providers, to review training providers' compliance with the terms" of skills development programs.

There are many other examples, as I mentioned before, why one would proceed with caution to initiate the further privatization of program delivery, but there are other questions that I would like to certainly get on the record, Madam Speaker, at third reading. I'm still waiting for a response from committee.

When we're discussing Bill 32, will those who are able to receive training and employment have access to a telephone so that a future employer may reach them, or will there be certain criteria that have to be met before telephone service is available? Hon. members should consider this and attend a few public meetings. This is a big issue with Albertans who are receiving social benefits. A telephone is a basic necessity these days, and some cannot afford it, certainly, on the rates that they're getting. What justifies an individual having a telephone? Would it be children, or would it be an illness? Would it be a specific condition? What about a single man who has fallen

on hard times or is in seasonal labour and cannot afford a stable residence or is moving to where the jobs are? Telephone and service costs don't seem to figure into any available information when we talk about Bill 32 and the market-basket measurement. Now, I believe that we are all aware that the friendly next-door neighbour in some situations is no longer available.

Also, Madam Speaker, when we consider transportation in all of this, is the hon. minister prepared to negotiate reasonable bus fees for low-income families and also make sure that the busing services are readily available to ensure that employees can look for work or get to a new job on time? There are many examples in this province where busing services are totally inappropriate for accessing employment. In those cases, will the minister be providing vehicle allowances to ensure the hand-up system will be a hand up and not a smack down by the employer because the worker can't get to work on time?

Again in regard to these measurements, will the minister ensure that individual incomes are sufficient to access reasonable, easily accessible, and safe child care so that these employees can concentrate on either their education or their new job and not on the problems of dealing with poor child care situations?

Now, there are other items that need to be discussed in regard to these proposals. We heard from the hon. minister the other night on some of those federal child tax credits, but presently if a parent files an income tax form and files for the child tax credit, the provincial tax claws these funds back and puts the money in general programs for children. At this time I have to ask: does this provide assistance to the individuals to achieve a hand up? The federal government is subsidizing the province, and consequently no individual in need gets ahead. Child maintenance support programs fall under the same practice. Dollar for dollar these funds are clawed back to feed the general coffers. Again, the very people who were to benefit end up subsidizing our social assistance system.

Is Bill 32 going to provide social programs that work for people? Can we expect people to take personal responsibility when it appears they are punished? How will the people that participate in this study really know that what the government heard is not being amended behind closed doors to some unrecognizable form that continues to keep poor people poor? How does the average Albertan gain ongoing knowledge of these changes in the system so that they can be monitored for effectiveness?

Again with Bill 32 who will be ensuring that benefit levels support the smooth transition into the workforce, and what about the benefits continuing when the small to average business employer does not provide health plans but expects each employee to carry their own?

11:00

Now, the whole issue of accountability here, Madam Speaker, is an issue that I feel we should address as well in the time that we have. Will there be opportunities for an ombudsman system to ensure that what was heard from the individuals themselves and those who work with the families and the individuals in need has been listened to, heard, and acted upon beyond the infrequent reviews? What was heard? Fairness, an integrated income support program, access to information. Who interprets? What policies tie the hands of those most able to assist clients, social workers in that case, and who has the authority? The government uses the big-stick method because they think the people who end up on social assistance are lazy, selfish, or stupid, and these are stereotypes that I think we need to eliminate. Who are they to judge or who are we to judge until we walk in someone else's shoes?

Will this government also acknowledge that they are continuing to create low-income families and perpetuate the circle of social

assistance or welfare by their own government policies? They expect all family members to contribute, yet they also want students to do well in school and achieve to get an education. When will the government scratch its “take a job, any job” policy and its “go on student loans” policy?

Now, the average debt load for a student is often \$25,000 and up, and there’s often no job relating to training or education. This has been referred to as the fast-food syndrome. If the youth members of a family have to contribute to the family income and not through an educational fund, how does this policy stop the welfare or the social assistance loop from continuing and continuing and continuing?

When, Madam Speaker, will the government concentrate on job-generating industries so there will be jobs for the newly educated and debt-ridden Albertans? Now, we know there are jobs certainly being created, and I hope that continues. I really hope that continues. But there have to be jobs for the individuals that are leaving the training-on-the-job programs, and this just can’t be a circle where you go from one training program to the next training program, from one private little school to the next private little school set up to provide the perpetual training programs with no positive results at the other end.

When will the government produce widely available labour market information in regard to how successful past programs have been? I don’t have to use FOIP to see how things are working out, but if I have to, I will, and I’ll be patient. Hopefully, I will get at least some information from Human Resources and Employment because these are tax dollars either from the federal level or from the provincial government, and taxpayers have every right to know how their money is being spent.

In conclusion, in regard to Bill 32 I would again caution this House and its hon. members that if we’re going to further privatize the delivery of these services through this bill, I do not think that is a step in the right direction.

Thank you, Madam Speaker.

The Acting Speaker: The hon. Member for Edmonton-Castle Downs.

Mr. Lukaszuk: Thank you, Madam Speaker. I urge all members to give Bill 32 their full support, and I move third reading of the Income and Employment Supports Act.

Thank you.

The Acting Speaker: You’ve closed debate, hon. member?

Mr. Lukaszuk: Indeed. Thank you, Madam Speaker.

[Motion carried; Bill 32 read a third time]

head: **Government Bills and Orders**

head: **Committee of the Whole**

(continued)

[Mr. Tannas in the chair]

The Chair: The Committee of the Whole is called to order.

Bill 28

Freedom of Information and Protection of Privacy Amendment Act, 2003

The Chair: The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Chairman. I’d like to make

a few comments in connection with the bill. As members know, I participated in the all-party committee that considered this particular piece of legislation, and I think that despite a number of difficulties in the operation of the committee it made some small progress on the bill. I think the report reflected some things that were positive, but I want to just indicate to you and to members of the Assembly some of the difficulties that exist in obtaining information under the system that will not be affected by the changes we have here.

I’d like to talk about our experience recently in seeking to obtain information with respect to the arrangements that were made between the Alberta Treasury Branch and West Edmonton Mall and the Triple Five Corporation in connection with settlement of the financial issues that were there. Just by way of background, what we had in this case was the Alberta Treasury Branch officials claiming that one of their former officials had been bribed by Triple Five officials in order to give a very, very favourable financing arrangement on the refinancing of West Edmonton Mall. Now, this is a most serious situation, and in fact there was and I understand still is an ongoing police investigation in connection with this matter. So as the Treasury Branch is essentially the public’s bank and as the Assembly is responsible for oversight of the Treasury Branches, we naturally think that it’s a very important matter for us and for the public to try and find out what happened.

Now, just by way of background, the suggestions of bribery surrounding this company and public officials go way back to the mid-1970s when an alderman on Edmonton city council claimed that he had been offered a bribe. The result was that there was a judicial inquiry that was called. It was the Morrow inquiry, Mr. Chairman. I have read that report and have copies of that report, and I can make it available for anybody that would like to read it. It was a very interesting report. Of course, the justice studied the matter in some detail but was unable to show any conclusive proof that anyone had been bribed, but he did not say either that there was clear evidence that no one had been bribed. He was just unable to show that this had occurred or to make any substantive case that this had occurred.

11:10

Now, there have been subsequent to this a number of allegations made from time to time, and in fact in at least two civil cases that have been brought before the courts suggestions were made that this sort of activity was continuing. However, the courts have been very, very liberal, not in the capital L sense, hon. Member for Edmonton-Ellerslie, in the granting of actions to seal evidence and to impose gag orders on people who have something to say on the matter. So there is a long history of this issue percolating around this province, and for a number of reasons all of the facts relative to this situation have never come out, Mr. Chairman, but many people in our society have some degree of knowledge of these events. Nothing, however, has ever been proven in a court of law.

However, we have the situation where officials of the Treasury Branch, in trying to settle the matter of the refinancing provisions for West Edmonton Mall, made the claim that their previous superintendent had been bribed in order to make these things. Those are all on the public record. Then when that person was tracked down, because he disappeared and was tracked down somewhere in the United States I believe, he indicated that he would be suggesting that there was political interference in the matter by people in the Alberta government. In fact, Mr. Bray, I believe, also indicated similar sentiments. It was at that point, Mr. Chairman, that suddenly a deal was made. A deal was made on the question of the lawsuit, and the lawsuit was settled. Of course, there are confidentiality provisions in that agreement, so we may never know what actually transpired and what the deal was, and of course the bribery allegations have disappeared along with everything else.

We as the New Democrat opposition have made a sustained effort to try and bring this to light. We think that's our job, we think that's the job of the Assembly, and we have been pursuing this through the FOIP legislation. It is, in fact, very difficult. We made our first application under FOIP on January 3, 2003. In early February the public body, in this case the Alberta Finance department, asked for an additional 30-day extension, which we granted. Then in early March the Finance ministry asked for a second 30-day extension. The second extension has to be approved under the legislation by the information and privacy office, which did grant the extension without explanation to us. We did ask for clarification from the information and privacy office, and that was then provided to us. Finally, we received a response to the original request on April 9. The response made no specific reference to the financial and settlement agreements that we had originally applied for other than that they were being denied on the grounds that they constituted privileged information or policy advice from officials.

As it turned out, they claimed that there were only 209 pages of records responsive to the request. So, Mr. Chairman, the question we ask, one of many, is why did it take 90 days to find 209 pages worth of records? Second, of those 209 pages of responsive records, we received copies of the release agreements with the Ghermezians and with Elmer Leahy which we had not even requested in the first place. So it looks like we're going to appeal, but the appeal will likely not be heard for several months. There we have it: a real-life experience with the legislation that we now have dealing with information and privacy and clearly something which is a major issue.

However, the broad categories, which are advice from officials and anything that the government cares to sign of a legal nature that has a nondisclosure element to it, cannot be disclosed automatically even if they should be, Mr. Chairman. This is the inherent weakness of this because it puts the government firmly in the driver's seat with respect to the release of information. In this particular case, the government apparently has signed an agreement with nondisclosure clauses which suppresses information related to allegations of bribery by a former senior official of the Treasury Branches, which is an organization responsible to this Assembly. So members of the Assembly cannot find out what happened, the public cannot find out what happened, and this in my view is the fatal flaw in the legislation that we have.

The amendment act proposed by the hon. Member for Edmonton-Castle Downs does not affect this fundamental power of the government to essentially hide anything of substance that they wish. They have these abilities to do it, and fundamentally the legislation both before and after this act will still reserve those powers to the government. So if you want to find wrongdoing, if you believe there's wrongdoing, the interesting thing is you can't use the FOIP Act to find it.

Thank you, Mr. Chairman.

The Chair: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Chairman. I would like to follow up a little bit on something that the Member for Edmonton-Highlands talked about, and that's to finish my comments on the difficulties of the operation of the committee.

I went into that committee expecting that we would see the kind of decorum that we had seen with regard to the FOIP Act by a former member of this Assembly, and that was Calgary-Buffalo, Gary Dickson. Gary Dickson was the proudest man in this Assembly when the FOIP Act was passed. He had worked for years to try and bring freedom of information and protection of privacy into this

province. While he wasn't completely satisfied with the way the government brought it in, it was in his estimation, as I understand it, a step in the right direction.

He put a huge focus on the balance of the committee that both were equally important: freedom of information so that we could find out what was happening with the balance of the protection of individuals' rights and privacy. He always pursued any issues on this particular act from that perspective, always maintaining the highest of ethics and holding everybody accountable to those same kinds of ethical standards.

11:20

That was the kind of behaviour I was expecting on the committee, and from the members we got it, Mr. Chairman. The chairman of that committee was a different kettle of fish though. I had thought that because he was a lawyer, we would see some hugely ethical behaviour as a chair. Imagine thinking that, but I did because that's what I had seen from Gary Dickson and had expected the same to happen. Instead, we had a chair who somehow didn't really know how to chair, and when he got called on the record on it got very offensive, very defensive, and derogatory whenever possible. [interjection] It's on the bill, Mr. Chairman, with regard to how important it is as we bring in pieces of legislation that people on that committee had a fair chance to speak and represent their views and that we see them represented in this bill.

I would put it before the Assembly that that is not the case, in fact to such a point that I attempted to bring up a point of privilege against the chair of that committee and put it on the record and then wrote a letter to the Speaker. Well, of course, it turns out you can't do points of privilege when committees are struck. It's certainly in the Standing Orders. But it was very important to put the kind of information that happened there and the kind of deliberate manipulation by the chair to not have people bring forward their views that would then be incorporated into this act that we see before us.

The Chair: We have a voice over here that's being heard, and it's from a place that they ought not to be if they wish to raise their voice.

Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Chairman. I hear the comments too, wondering about the relevance of this, but I would put it to you that it's extremely relevant when we talk about the process of being able to bring in information on bills and we talk about all-party committees where the members from those parties other than government parties actually come with the intent to get some serious work done and to have a fair and equal voice. That didn't happen in this situation.

As a result, we had some disruption in the committee and the subsequent results. We see some of the consequences of those results being talked about here this evening when the government has to bring in amendments to clean up their legislation, and we see my colleague from Edmonton-Gold Bar, who was also a member of that committee, bring in amendments to try and clean up areas that hadn't been, we don't feel, properly dealt with because of the stifling effect that the chair tried to have on the committee and the kind of language that he used, including things like saying "a deliberate attempt by certain members to hijack the chair's agenda," "a deliberate attempt to overtake that agenda," "attempts at chicanery," "attempted coup," that kind of language. I will table the required numbers of copies of the information we have here in terms of my concerns about this chair's conduct in that assembly.

The good news, Mr. Chairman, is that I'm not afraid to persevere

on issues that I find are important not just to myself but to members of this province who otherwise might not be heard. However, it does have a debilitating effect on committee members and on the progress that they can make in any situation. As a consequence, we see here, Mr. Chairman, a bill that is not the best that it could possibly have been. The Member for Edmonton-Highlands referred to that when he said that some success was had in the committee but perhaps not as much as we might have otherwise seen.

I wanted to ensure that we had those particular points on the record because what I see as an outcome in this particular bill is a heavier focus on the protection of privacy than on the balancing of freedom of information. Edmonton-Highlands I think made a very eloquent speech just prior to my speaking about that particular problem with regard to Alberta Treasury Branches. We see that the Member for Edmonton-Gold Bar has recently experienced this same situation when trying to access information on the risk management fund and other former dealings with Stockwell Day and the huge amount of money that taxpayers ended up paying out there.

We see more examples like that than we do see freedom of information examples. The protection of privacy seems to have been given a higher degree of balance, and that's disturbing particularly because of the length of time it will be before this particular legislation gets reviewed again. Now, I know that members of the committee were generally in favour of lengthening rather than shortening the review time process for this particular bill primarily, I believe, because of the unpleasant experience of being on that particular committee with that particular chair, but I think that that's a mistake, Mr. Chairman.

I'm looking forward to the Member for Edmonton-Gold Bar, that hopefully has an amendment coming forward that will speak to shortening the time period that we will see between reviews of the Freedom of Information and Protection of Privacy Act because I am hoping that we do not have legislation coming forward that is fluid, as the Member for Edmonton-Castle Downs said. I don't think that that was ever the intent of the legislation. That more should be done outside of regulations and within the legislation than what happens within the regulations hasn't been the practice of this government, but we would hope that that's what we would see as we proceed. So I look forward to seeing what other amendments come forward on this piece of legislation this evening.

The Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Chairman. Certainly, I listened to the comments from the hon. Member for Edmonton-Ellerslie with a great deal of interest and would concur with her view.

Now, Mr. Chairman, unfortunately, the first amendment, amendment A2, that was presented to the Assembly this evening was defeated, but I would like at this time to propose another amendment. I would ask if it could be presented to the table.

The Chair: Go ahead.

11:30

Mr. MacDonald: Thank you, Mr. Chairman. Is it appropriate to label this amendment A3, please?

The Chair: Yes. This amendment will be referred to as A3. You would like to move it, hon. member?

Mr. MacDonald: Yes. Mr. Chairman, for the record I would like to move that Bill 28, Freedom of Information and Protection of Privacy

Amendment Act, 2003, be amended in section 16 in the proposed section 74.6 by striking out clause (b).

It's very similar to amendment A2, and I thought earlier that A2 would be accepted by the Legislative Assembly. It was a mistake on my part. But, also, in regard to section 74.6 I don't think that the commissioner needs this dramatic expansion of his powers – or his or her powers; who's to say? – in the future. I don't think this is warranted nor is it needed. I think sections 70 and 70(a) are sufficient. I don't think we need and I would urge all members of this Assembly to again reconsider and repeal or remove the section (b) from this act because certainly we do not know the details nor the kinds of conditions or circumstances that would be addressed in making such a decision to not conduct an inquiry. In light of the fact, as I said before, that there has been very, very limited use of section 70 to start with, I don't really think that this is necessary, and it is giving in my view too much discretion to the commissioner.

Thank you.

Mr. Lukaszuk: Mr. Chairman, similar to my comments to the previous amendment this is the second amendment in a row that is aimed at stripping from the commissioner his ability to independently decide whether indeed there are bonafide reasons to conduct an inquiry or not. Again, I don't see any reason why the Member for Edmonton-Gold Bar would have so little regard or trust for the independence of the commissioner's office, and I would urge all members to vote against this amendment.

Mr. Mason: Well, Mr. Chairman, you know, I can't let that pass. The idea that removing discretion from the commissioner's office to refuse outright a circumstance has been portrayed by the hon. Member for Edmonton-Castle Downs as almost an insult to the commissioner's office or a lack of respect or regard for that office, and that characterization is most unfair. We're debating policy here, and the hon. member has put forward a policy position that says that this particular clause is not in the best interest. That's his view, and I would point out that under the current legislation the commissioner's office does not have this jurisdiction and must initiate an inquiry if one is requested. So, you know, to suggest that wanting to make this change is a slap in the face in some way to the commissioner is just wrong and is not a good argument against the amendment.

[Motion on amendment A3 lost]

The Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Chairman. Certainly before I continue with debate in committee on Bill 28 I must say that in this Legislative Assembly the price of natural gas certainly is not a concern, because the heat is turned up in this Assembly at the moment. If there's a thermostat here . . . Wow. It's warm.

However, Mr. Chairman, with regard to Bill 28 and with specific regard to section 18 and the proposed amendment to section 87 of the FOIP Act, the current section 87(7)(b) imposed an obligation on the minister to "publish and distribute, at intervals of 2 years or less, supplements or replacements to keep the directory up to date." The Alberta directory was published in 1995, and our research indicates nothing since. I have to note at this time that it is my view that the government is in violation of this provision. If someone should try to suggest that some kind of supplement has in fact been produced but it's just not been widely circulated, I'd have to point out section 87(8) and ask why they're not being sent out to respective MLAs' offices, public libraries, and provincial public buildings and offices. That's contemplated and required by law.

Now, if you look at section 18 of the proposed bill here and the proposed section 87(1), that is a positive development and mirrors an obligation of the privacy act. If we go through to section 19, it looks and appears to be housekeeping only, but section 20 is particularly important from the opposition perspective since it addresses the single most formidable obstacle to public accountability and transparency in government, and this is fees for access. This proposed amendment is not itself objectionable, but it provides yet another example of the negative impact of high fees. Now, we're going to get to that a little later, Mr. Chairman.

Section 21(a) is housekeeping, and 21(b) is interesting. I would like to know and to ask at this time exactly how many bodies have been deleted since 1995 when the FOIP Act went into force. Will the sponsor, in this case the hon. Member for Edmonton-Castle Downs, or minister provide such a list in regard to section 21(b)? Certainly, whenever we consider FOIP legislation, we always have to consider and take into account the wise words by the former Member for Calgary-Buffalo, Mr. Gary Dickson. Mr. Dickson was very interested in FOIP legislation and was very enthusiastic and knowledgeable in questioning the government. The number one rule, of course, of FOIP is to provide an openness and an accountability to the citizens for their actions.

Now, Mr. Chairman, at this time I think it is very important that we consider section 22. We are here taking an amendment to section 97 of the current act. If you look at the current act, we're talking about a review of the act, and I was not satisfied with the review last summer. I attended every meeting, but I certainly wasn't satisfied with the process. It was the first time I had an opportunity to sit on an all-party parliamentary committee, and to say that I was disappointed is being polite.

11:40

Now, if we look at a review of the act, section 97 says:

A special committee of the Legislative Assembly must begin a comprehensive review of this Act by May 18, 2002 and must submit to the Legislative Assembly, within one year after beginning the review, a report that includes any amendments recommended by the committee.

In light of the age of this legislation, in light of the fact, Mr. Chairman, that the FOIP legislation is relatively new to Alberta – it is a work in progress, so to speak. But when we consider that the current act came into force on June 1, 1994, and now with this amendment, Bill 28, we are contemplating going eight years without a review, I think that is far too long a time, particularly with privacy issues relating to federal legislation and privacy issues relating to personal information. This is changing all the time, and I think it is wrong to have in my view an inadequate – and this is my view – review last summer and then to go eight years before we're going to have another review. I think this is a mistake, and I am going to try to correct that mistake now with another proposed amendment. I would ask again that these amendments be taken to the chairman's table.

Mr. Chairman, I will take my seat until these amendments are distributed. Thank you.

The Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Chairman. In regard to amendment A4 I move that Bill 28, Freedom of Information and Protection of Privacy Amendment Act, 2003, be amended in section 22 by striking out "July 1, 2010" and substituting "July 1, 2006."

Now, again, I think it would be advisable to this House in light of the changes that are going on with FOIP legislation and issues of privacy, issues of electronic transactions, biometric information –

eight years is too long a time period before we review this act. I think it should be incorporated into the statute that we strike another committee to look at issues surrounding FOIP and FOIP legislation and that that committee be struck no later than July 1, 2006. When we consider the principles of FOIP legislation, it is very, very important that this act be reviewed. We have a government that has been in power for 34 years, and it is very important that everyone in this province have an opportunity . . .

Mr. Mason: Next to Cuba it's the longest running regime in the world.

Mr. MacDonald: Now, the hon. member has stated that next to Cuba this is the longest running government in the world. I don't know if that is fact, but it certainly is very interesting.

Mr. Chairman, I would urge all members to consider this amendment. We certainly will need to review this legislation before eight years. I think four years is a suitable time frame, maybe at some time in the future. When you consider that this legislation is only nine years old and has only been applied for nine years, I think that at this point in our history to eliminate the need for a review every four years would be improper and inadequate when you consider the importance of this legislation for all citizens to utilize to keep the government accountable.

With those remarks, I would urge all members to please support amendment A4. Thank you.

The Chair: The hon. Member for Edmonton-Mill Woods.

Dr. Massey: Thank you, Mr. Chairman. Just a couple of comments. First, I think it's an unusual provision in an act to have the date specified as to when a review must be undertaken. Secondly, I think that the choice of the time period in the act has not been adequately defended. Thirdly, I think the amendment itself, if this provision is going to be part of the act, is really a minimum in terms of what we might expect. So I think that for those reasons, as I said, if there's going to be this provision kept in the act and the provision isn't going to be removed, the minimum time requirement that my colleague has proposed makes sense.

Thank you, Mr. Chairman.

[Motion on amendment A4 lost]

The Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Chairman. Now, as we proceed through with this analysis of this bill, we briefly spoke a little earlier about fees and how high fees have become a barrier for citizens in acquiring information from their government. Fees are excessive. Earlier we talked about Justice McMahon, the decision on reducing fees from somewhere around \$60,000 to \$500. I can't imagine how many Albertans are just turning away in frustration after they get a letter from a government department that indicates that they want \$15,000, \$20,000, \$25,000 for these documents. Now, Justice T.F. McMahon said that "the second principle identified by the [FOIP] Commissioner is that the user should pay" and then went on to say that this principle of access is "doubtful" and that it "begs the question of who the 'user' really is."

11:50

If we look at FOIP photocopying fees that are charged, you're always charged the maximum by the government, the charge of 25 cents. FOIP photocopying fees are higher only in Quebec, at 33

cents, and the province of New Brunswick has the lowest, at 10 cents. Speaking of 10 cents, the public pays 10 cents a copy at the Legislature Library, one floor below us. It's quite interesting to note, Mr. Chairman. It just shows the contradiction of this government's FOIP laws and fee schedules when you look at rates for copies down in the Legislature Library. There are no charges to the MLAs, MLA staff, Assembly staff, or Alberta public servants for work-related copying. All other copies charged are according to these rates: 10 cents; double-sided, 15 cents. This is for an eight and a half by 11 inch sheet of paper. Now, that is in direct contradiction to what is always charged the Official Opposition. The maximum is charged. We're always paying search fees, and it's not fair.

Justice McMahon certainly has made a definitive statement in regard to this, and I'm not going to go any further into that at this time, but in 2001-2002 the Alberta government collected around \$54,000 in FOIP fees for 2,200 and some odd requests, and only a thousand and fifty dollars in fees was waived. Now, this is a government that has taken a defensive position with high FOIP fees, and it has to stop. This has to be made accountable for all the citizens.

I could go on at some length, Mr. Chairman, but I'm not going to suggest for a moment that there's a conspiracy here and that that thermostat is turned up to make people sleepy.

When you look at general information requests, whether they're from business, the general public, elected officials, media, interest groups, academic researchers, we need to ensure that everyone can afford to have access to information, and fees should not be a barrier.

Now, Mr. Chairman, at this time I would like to propose another amendment, amendment A5, to Bill 28, and this is one, I'm sure, that will be passed by the Legislative Assembly. I'm quite confident. But I will take my seat until it is circulated.

The Chair: The hon. Member for Edmonton-Gold Bar to move amendment A5.

Mr. MacDonald: Thank you, Mr. Chairman. In regard to amendment A5, I would like to move that Bill 28, Freedom of Information and Protection of Privacy Amendment Act, 2003, be amended in section 20 by adding the following after clause (c):

- (d) by repealing subsection (6) and substituting the following:
 - (6) The fees referred to in subsection (1) must not exceed the lesser of
 - (a) the actual costs of the services, or
 - (b) \$25.

Now, the hon. Member for Edmonton-Castle Downs is laughing, but this is certainly not a laughing matter. High fees are preventing citizens from having access to government information. What has the government to hide behind high access fees? This is not a laughing matter. It's a sign of a government that does not want to have a two-way communication with the citizens. There are enough discretionary and mandatory exemptions if the government has information that they consider to be . . . [interjections]

The Chair: Hon. members, we do have one person who is recognized. The rest of you may be recognized in a way that you don't anticipate.

The hon. Member for Edmonton-Gold Bar on your amendment A5.

Mr. MacDonald: Thank you, Mr. Chairman. There are enough exemptions or probably too many exemptions already in the act, but we need to ensure that in a solid, comfortable democracy . . . Now, there may be another member there clumping paper, getting ready to

throw it this way, but that's fine. If it's going to be 25 cents a sheet for that piece of paper, then the government could claim cost recovery on that.

This issue of excessive fees has to be addressed, and \$25 is a solid figure no matter the size of the request. Many people are quite willing to co-operate, and now their request doesn't seem to matter. Fees are seldom waived, and in a comfortable democracy the government should be willing to communicate with the citizens. Why does this government persist in always charging the maximum, 25 cents, a sheet for FOIP photocopying? Why is this done? No one seems to have the answer. It outlines, in my view, that this is just a money grab by the government, and it wants to hide the truth by the use of sky-high fees.

Now, when you look at some other provinces and the federal government, the federal government charges \$5, and you look at search and preparation fees in this province, they are \$27. The federal government is \$10. Newfoundland is \$15. Manitoba is a little bit more; it's \$30. Photocopying charges are much less in some provinces – much less – but what we have here is the consistent use of high fees to discourage citizens from accessing information, and I want it to stop. That's why at this time I would urge all hon. members of this Assembly to support this amendment. Let's make information as readily available to the citizens as is possible. In conclusion, Mr. Chairman, I would urge all members to have a good look at this and support A5.

Thank you.

12:00

The Chair: The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you, Mr. Chairman. I think that the response by some hon. members across the way to the comments of the hon. Member for Edmonton-Gold Bar shows that we have some way to go in terms of getting a benevolent understanding of some of the elements of freedom of information, so I will therefore avail myself of the opportunity in this Assembly to speak further to the amendment.

You know, Mr. Chairman, there is a real concern here with cost. The purpose of the act has always been to give the citizens access to information of their government. It is their government, and what the government does is done in their name and with their money. They have a right, and this has been recognized in this legislation at least on the surface, at least in the stated intent of the legislation. So there's nothing that's particularly radical. In fact, I think it's clearly the kind of principle that would appeal to true Conservatives. True Conservatives philosophically would believe in the right of the individual to have information with respect to the government as a tool against oppression by the state. I'm sure that that is not misrepresenting some of the Conservative principles.

The act falls considerably short in practice of that theory, and as I outlined earlier in my comments about why in fact the bill did not work in key areas such as the serious allegations in the Alberta Treasury Branches case versus West Edmonton Mall and other cases, the practical application of the act is of the utmost importance. So it's not good enough just to have high-sounding egalitarian principles and then not have an act that works to implement those effectively in practice.

In my view, if you're going to charge for photocopying, Mr. Chairman, first of all you ought to photocopy it in the cheapest possible way, and that means using up-to-date technology. The costs, as I personally know, of even the kind of photocopier that is routinely used, is well below 25 cents a page. All government departments have or ought to have photocopiers that can produce

copies at well below that cost. So why is the government, then, supporting legislation that will allow it to charge a lot more than the actual costs of photocopying? So that's a very minimal position that I think everybody should accept. Further, this can in fact be a serious impediment.

There are ways to reduce costs, but I'm not sure that the real intention here is to reduce costs. Mr. Chairman, I hate to say it, but I think that the real intention here is to provide barriers against people that want to dig into the operation of the government, to actually limit the practice so that it does not conform with the high-sounding principles that most of us in this Assembly would ascribe to.

So in this case I believe that the amendment is probably a good one and is consistent, as the hon. Member for Edmonton-Gold Bar has said, with the practice in other jurisdictions. So, again, it's not a dangerous precedent or anything, and it's actually something that's practical. If there are costs that are borne by the taxpayer in the pursuit of freedom of information for its citizens, Mr. Chairman, I would say that it is money well spent.

Thank you.

[Motion on amendment A5 lost]

[The clauses of Bill 28 as amended agreed to]

[Title and preamble agreed to]

The Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Chair: Opposed? Carried.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I'd move that the committee rise and report Bill 28.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Calgary-Lougheed.

Ms Graham: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration and reports with some amendments Bill 28. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Deputy Speaker: Does the Assembly concur in this report?

Hon. Members: Agreed.

The Deputy Speaker: Opposed? The motion is carried.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. Despite good advice – I believe we've suffered enough tonight – I would move that we adjourn until 1:30 p.m. today.

[Motion carried; at 12:08 a.m. on Thursday the Assembly adjourned to 1:30 p.m.]