

Legislative Assembly of Alberta

Title: Tuesday, May 16, 2006

1:30 p.m.

Date: 06/05/16

[Mr. Shariff in the chair]

head:

Prayers

The Acting Speaker: Let us pray. O source of all wisdom, care, and understanding, bless this province of ours and its people to be the guardians of the trust given unto them. Bring forth from this Assembly guidance to benefit all those who live within its borders and outside. Amen.

Please be seated.

head:

Introduction of Guests

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

Mrs. Forsyth: Thank you, Mr. Speaker. It's a great pleasure and an honour for me to rise today and introduce to you and through you to all members of the Legislature 10 outstanding individuals who work in the child development branch of Alberta Children's Services. This team was instrumental in conducting the public consultation that Alberta had with families to determine how best to invest in the future of Alberta's five-point child care plan. These individuals are here with us today, and I'll ask each of them to stand as I call out their name and receive the warm welcome of the Assembly, starting with Lynn Jerchel, director of the child development branch; Judy Erickson; Ann Jordan-Mills; Murray Kleiter; Laurie Mosier; Diane MacLeod; Lorna Rogers; Bernie Trudell; Leann Wagner; and Linda Yurdiga.

The Acting Speaker: The hon. Minister of Human Resources and Employment.

Mr. Cardinal: Thank you very much, Mr. Speaker. I have three introductions today. It's my pleasure to introduce to you and through you to members of Assembly seven co-op students from my department who are seated in the members' gallery this afternoon. They are accompanied by Human Resources and Employment staff. I would like to ask them to rise and receive the traditional warm welcome of the Assembly.

Mr. Speaker, my second introduction is 13 staff members from the personnel administration office. They are located in the members' gallery, and I would like them also to rise and receive the traditional warm welcome of the Assembly.

My final introduction, Mr. Speaker, is 25 seniors, pioneers of this beautiful country, from my constituency. They are with the Smoky Lake Legion. They are seated in the members' gallery. I would also like to ask them to rise and receive the traditional warm welcome of the Assembly.

The Acting Speaker: The hon. Minister of Restructuring and Government Efficiency.

Mr. Ouellette: Thank you, Mr. Speaker. It gives me great pleasure to rise and introduce to you and through you to all members of the Assembly six staff members from my Department of Restructuring and Government Efficiency. All of them work at the Alberta Records Centre, which I had the pleasure of touring last year. We have with us this afternoon Ruben Balanda, Sarah Kuster, Diane Lynas, Jennifer de Boer, Maurice Lafleche, and Tim Burgess. The work that they do is critical to the operations of government. As you

know, Mr. Speaker, it's important to keep records safe and secure, and for that I would like to thank them all for their hard work and dedication to my department. I would ask that my guests rise and receive the traditional warm welcome of the Assembly.

The Acting Speaker: The hon. Deputy Speaker.

Mr. Marz: Thank you, Mr. Speaker. It's a real honour and a pleasure for me today to introduce to you and through you to all the members of the Assembly a very good friend and a very strong supporter of mine from the Olds-Didsbury-Three Hills constituency, one who has operated my campaign office in Olds for the last three elections and has been my campaign manager for the last two and a very tireless worker, Linda Bell. She's seated in the Speaker's gallery today along with another person who's been a supporter of mine for over 40 years – and, yes, I still remember our anniversary date – my wife, Janis. I'd ask them both to rise and receive the warm welcome of the Assembly.

The Acting Speaker: The hon. Member for Grande Prairie-Smoky.

Mr. Knight: Thank you, Mr. Speaker. Today it is indeed a pleasure to introduce to you and through you to all members of the Assembly some faces that are quite familiar to most of us. They are the staff of government members' caucus. This group of capable and dedicated employees provides our caucus with quality legislative assistance and research work. I am delighted that our staff of 25, led by director of caucus Jason Zwarg, are able to join us in both the members' and public galleries today. I would ask our staff to rise when I'm done calling their names. The leg. assistants are Jan Aldous, Darlene Beckstrand, Jon Buck, Jordon Copping, Vera Fedor, Carmen Frebrowski, Nicole Guenette, Matt Hebert, Cheryl Lees, Barb Letendre, Theresa Lightfoot, Jeff Trynchy, Lanny Westersund, and Hannah Zacharias. Our research officers, led by senior researcher Mike Simpson, are Sean Day, Elizabeth Jeffray, Tyler Lawrason, Brock Mulligan, Brad Rabiey, and Eric Taylor. Our caucus is delighted to have Andrée Morier join our team for the summer months as a STEP student. Finally, I wish to introduce the staff members of my office: Stacey Leighton, Jeff Kasbrick, and the director of caucus, Jason Zwarg. If they would all stand, I would ask all hon. members to join with me in recognizing these hardworking individuals.

Thank you.

The Acting Speaker: The hon. Member for Calgary-Nose Hill.

Dr. Brown: Thank you, Mr. Speaker. It's my great pleasure to introduce to you and through you to all members of the Assembly four outstanding Calgarians. Mr. Jim Arthurs is a retired Calgary businessman who also served his country for five years in the Royal Canadian Navy. Accompanying Jim today are three outstanding volunteers who serve on the Calgary-Nose Hill Progressive Conservative Association board. Mr. Ken McIvor is an administrator with a large law firm operating in Calgary. Mr. Earl Rose is a semiretired community volunteer and is known as the éminence grise of the Thorncliffe-Greenview Community Association. Mr. Doug Jeffery is a resident of the Beddington Heights community, and he is a retired bank manager and the president of our constituency association. All four guests are seated in the public gallery today, and I would ask these four gentlemen to please rise and receive the traditional warm welcome of the House.

The Acting Speaker: The hon. Member for Strathcona.

Mr. Lougheed: Thank you, Mr. Speaker. I'm pleased today to rise to introduce to you and through you to members of this Assembly a group of 48 folks from the Sherwood Park and Strathcona constituencies. They are true pillars of our community. They're members of the Sherwood Park Alliance Church Pillars seniors' club. The tour was organized by Mrs. Hope Tupper and Pastor Leighton Gust. They're seated in the members' gallery. I'd ask them to please rise and receive the traditional warm welcome of the Assembly.

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

Mr. Agnihotri: Thank you, Mr. Speaker. It's my great honour to rise and introduce to you and through you to all members of the Assembly four very special people: my younger brother, Sukhdev Agnihotri, former president of the Bhartiya Cultural Society; his wife, Vijay Agnihotri; his father-in-law, Gian chand Ghandha from B.C.; and his mother-in-law, Asha rani Ghandha from B.C. They are here this afternoon to tour the Legislature. I want to thank them for coming. They are seated in the members' gallery. I request them to please rise and receive the traditional warm welcome of the Assembly.

Thank you.

The Acting Speaker: The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you, Mr. Speaker. I don't believe my guest has arrived yet. I don't see him here, so I'll wait.

1:40

The Acting Speaker: Any others? The hon. Member for Edmonton-Glenora.

Dr. B. Miller: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to all members of the House the mother of one of our pages. The page is Stacy Schell, who is a first-year student at the University of Alberta. Her mother is Jody Schell, and she lives in my constituency. I would ask her to stand and receive the warm welcome of the House.

The Acting Speaker: The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Speaker. I'm very delighted today to introduce to you and through you to all members of the Assembly Marieke Dubé. Marieke has been working for the NDP caucus since February as our sessional researcher. Her work has been invaluable to us, and we greatly appreciate the long hours and dedication Marieke has shown over these past few months. Marieke has a masters in political science from the University of Alberta specializing in political theory. Her thesis was very interestingly called *Manufacturing the Enemy: The Discourse of Fear in Democratic Societies*. I would now ask her to rise and receive the traditional warm welcome of the Assembly.

head:

Oral Question Period

The Acting Speaker: First Official Opposition question. The hon. Member for Calgary-Currie.

Government Contracting Policies

Mr. Taylor: Thank you, Mr. Speaker. This year Albertans were

disturbed to learn that Rod Love was receiving very generous contracts from various government ministries with no documentation to justify his paycheque. The 2004-2005 Auditor General's report states, "Treasury Board asked the Office of the Chief Internal Auditor . . . to conduct a detailed review of contracting practices at all departments." To the Minister of Finance: can the minister tell this Assembly when she anticipates this particular review to be completed?

Mrs. McClellan: Well, Mr. Speaker, I did indicate that we had done an intensive review of our contracting processes and indeed implemented that about a year ago. So we've done that.

On the other matter I will certainly get that information for the hon. member.

The Acting Speaker: First supplemental.

Mr. Taylor: Thank you, Mr. Speaker, and thank you to the minister. To the same minister: does the minister support Albertans' right to be informed of these contracting practices given that these contracts are paid with taxpayer dollars?

Mrs. McClellan: Well, Mr. Speaker, it's very clear and open when we contract. Our contract policy is certainly available. I think every ministry's is. I tabled the contracting policy of Alberta Finance. That policy will be audited by the Auditor General on an annual basis as he does the audit to ensure that we are meeting our contract obligations. That is, indeed, part of the work that the Auditor General does. So I'm confident that the contracting policies that have been set out are being followed.

The Acting Speaker: The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you, Mr. Speaker. To the Minister of Government Services: given the public anger over these contracts and I think the minister's admission that the public has the right to know about this, why is this government proposing legislation to hide it from Albertans until 2021?

Mr. VanderBurg: Well, Mr. Speaker, I mean, clearly another way to get at Bill 20, that we're dealing with this afternoon in Committee of the Whole. You know, all kinds of questions can be raised on this at that time, and we'll give you an insight into what Committee of the Whole answers will be.

I think the Premier wants to supplement this.

Mr. Klein: Mr. Speaker, I'm sort of curious why the hon. member hasn't picked up the telephone – I'll provide him with the number, or phone information – and talked to Jack Davis or Rod Love to get the information. He hasn't phoned.

The Acting Speaker: Second Official Opposition question. The hon. Member for St. Albert.

Education Funding

Mr. Flaherty: Thank you, Mr. Speaker. More budget woes for our local school boards under the vise of this Conservative government's hold-the-line budget. Talk amongst parents is: how much bigger will my child's class be next year? My question to the Minister of Education. Parents want to know, Mr. Minister: will their children be in larger classes next year?

Mr. Zwozdesky: Mr. Speaker, we've had a very successful class-size reduction initiative over the past two years, and we're going to phase in the third year of it. It might take two years, in fact, to accomplish it. What I want the hon. member and the parents that he alludes to to know is that as a result of this government's funding, which is around the \$200 million mark in total so far for the class-size reduction initiative, we have hired over 1,600 new, additional teachers, and because of that significant investment, we have seen class sizes lowered at all grade levels from 4 to 12 across the province on a jurisdiction-wide basis. That's why we are targeting this year's funding toward the kindergarten to grade 3, because that's where we haven't seen that kind of significant reduction in class sizes for all the school boards. It seems to me that 38 have accomplished it, but there are a few that have not yet, and that's where our monies are being targeted.

The Acting Speaker: The hon. Member for St. Albert.

Mr. Flaherty: Thank you, Mr. Speaker. How many teacher positions will be cut, resulting in larger classes, because the school districts will not be able to pay their salaries next year, Mr. Minister?

Mr. Zwozdesky: Mr. Speaker, the school boards are all going through some preliminary budget discussions right now. By the end of May, as I've indicated in this House before, the school boards, who are comprised of locally elected, good, sound-thinking individuals, just like the MLAs are, will then look at which teachers are retiring, which teachers are continuing on, where their pressure points are, and so on. By June 30 they will submit to me as Minister of Education their requests for the coming September school year, and once we have all of that information, then we'll be dealing with more of the facts rather than just some preliminary projections, be they right or wrong at this stage.

The Acting Speaker: The hon. Member for St. Albert.

Mr. Flaherty: Thank you, Mr. Speaker. To the Minister of Education: how many more districts will be in debt next year because you haven't provided them with expected class-size initiative funding in the '06-07 year, particularly for grades 4 to 12?

Mr. Zwozdesky: Mr. Speaker, I wish I could be given about five or 10 minutes here to explain how this works because I've tried so hard to explain this honestly and straightforwardly for the hon. member to understand. We had a recommendation from the Learning Commission to meet certain targeted guidelines for average class sizes in the K to 12 system. In kindergarten to grade 3 it was supposed to be 17. In grades 4, 5, and 6 it was supposed to be 23. In grades 7, 8, and 9 it was supposed to be 25. In grades 10, 11, and 12 it was supposed to be 27.

Now, we have met those targets in terms of our two-year benchmark in all grade levels from grade 4 to grade 12, but we haven't yet seen the benchmarks met in kindergarten to grade 3. So we're working on that now, and we are taking the money and channelling it into that area to help out. As a result of that, we are still going to be hiring between 100 and 200 new teachers over and above the 1,680-some that were hired last September and the September before. So I'd be very surprised if the allegations that the hon. member is alleging are in fact going to be true come September.

The Acting Speaker: Third Official Opposition question. The hon. Member for Edmonton-McClung.

School Fundraising

Mr. Elsalhy: Thank you, Mr. Speaker. In a recent survey commissioned by the Edmonton public school board, 90 per cent of the 154 parent groups who responded said that they did participate in fundraising activities. When asked if the level of fundraising they had to do was appropriate, 29 per cent of them either disagreed or strongly disagreed. Some went on in their submissions to indicate that it is frustrating that a province this rich forces or expects parents to engage in fundraising activities. My questions are all to the Minister of Education. Given that parents now find themselves having to fund raise not only for extras or options but for basics, including computers and learning resources, what does the minister consider appropriate in terms of fundraising, and what are the basics that his government commits to providing?

1:50

Mr. Zwozdesky: Mr. Speaker, the Edmonton public school board will be receiving about \$577 million this year, and that is an increase from \$560 million last year. Those are the anticipated numbers notwithstanding any changes or fluctuations in class sizes.

Now, what I want to clarify for the hon. member, however, is this. We have a policy in this province where we as a government and we as a Ministry of Education provide the funds necessary for the essentials in K to 12 education, for the basics. Anything over and above that which is determined to be nonessential or extra they are allowed to fund raise for. That would include things like yearbooks or band uniforms or athletic uniforms or perhaps other things that are outside the normal envelope, Mr. Speaker. In that respect, we have a lot of community organizations who want to contribute. We have a lot of parents who don't want to be disenfranchised from augmenting their child's educational opportunities. So we work together with a number of partners to provide the best education system anywhere in Canada.

Mr. Elsalhy: Given that there is growing concern, Mr. Speaker, that fundraising expectations will constantly increase as school buildings and equipment get older over time, is it this minister's position that school councils and parent groups should be prepared to fund raise even more come next year?

Mr. Zwozdesky: Mr. Speaker, we had quite a chat about this with the Alberta School Boards Association. They made it very clear that they have a policy that they would like us to adhere to, and that is to not prohibit parents and parent council groups from fund raising should they find it necessary in their community to do so. That formula has worked extremely well. You know what? In terms of the public education dollars that we put in, did you know that Alberta provides the most money per student in K to 12 education anywhere in Canada, and Alberta provides the most money per capita as well, per student and per capita, and \$5.3 billion will be going into K to 12 education this year. We're very proud of that, but we don't say no to those who want to augment some special nonessentials or extras for their children.

The Acting Speaker: The hon. Member for Edmonton-McClung.

Mr. Elsalhy: Thank you, Mr. Speaker. Given that 44 per cent of those who responded said that the funds they raise are predominantly spent on maintenance and upgrades of playground equipment, does the minister agree that this is an area of responsibility that is more appropriately picked up by his department rather than off-loading it onto the backs of parents who are (a) exhausted from too much

fundraising already and (b) may not have the expertise or knowledge necessary to properly look after school playgrounds?

Mr. Zwozdesky: Mr. Speaker, there are other programs that can be accessed through the government website other than Education. There are other websites such as the community facility enhancement program or the community initiatives program where playgrounds can in fact be jointly sponsored for funding through our lottery program. That program works extremely well, and we're very proud of it. It provides millions of dollars for community-use playgrounds. The playgrounds that are being referred to are shared by the municipality, by the community, by the neighbourhoods, and by Education. We all have a share in it, and we're very proud of those partnerships. That's why we have such successful students, and that's why our results, be they provincially, nationally, or internationally, are always right at the top because we do care.

The Acting Speaker: The leader of the third party.

Confidentiality of Ministerial Briefing Notes

Mr. Mason: Thank you very much, Mr. Speaker. The secrecy of this Conservative government has given the province global notoriety. The NDP opposition has asked Toby Mendel, a leading international authority, to review the proposed changes to Alberta's FOIP law. Mr. Mendel is the law program director of Article 19, which is a London-based organization which defends and promotes freedom of expression and access to information all over the world. My questions are to the Premier. Given that an international expert on access to information states that blanket exemptions from disclosure violate international standards on public openness, how can the Premier justify using closure to ram through a blanket exemption for ministerial briefing notes in this Assembly?

The Acting Speaker: Hon. Premier, you are aware that we will be dealing with this bill in debate.

Mr. Klein: Yes.

The Acting Speaker: You may proceed.

Mr. Klein: Thank you. I would reiterate, Mr. Speaker, that this bill is on the Order Paper, and indeed the New Democrats have promised to make Bill 20 the number one issue until the end of the session.

Relative to the preamble, this is a very narrow point. This isn't a widespread point. This is a very narrow point. Now, the NDP opposition and the Liberals want this briefing book. In the briefing book is advice to the minister; for instance, government appointments to boards and agencies. I've never referred to it, but you're giving me the opportunity now. The opposition says that it will raise the issue of patronage appointments to boards, agencies during the session, and they did. So I have some recommended responses here. I have some recommended responses, which were given to me by my deputy. My deputy.

Mr. Martin: It's not your deputy.

Mr. Klein: Yes, it's my deputy. It's not your deputy; it's my deputy. We are the government. You are not the government. You are the opposition. Your only justification, your only reason for living is to criticize and to seek information provided in this briefing book so they can use it. They are too lazy – too lazy – to do their own research. They want us to do it for them.

Mr. Mason: I'm actually going to miss this, Mr. Speaker.

Now, I want to ask the Premier: why is he ignoring the Legislative Assembly's own Privacy Commissioner, who says that we should not be exempting these briefing books, if not because it's the outgoing government's plan to securely padlock the Tory skeletons in the closet to ensure a trouble-free retirement?

Mr. Klein: There are no skeletons in the closet, Mr. Speaker. This is advice, and it is considered as advice when we develop policy or legislation, or we may ignore the advice altogether. But I'll tell you what these guys would do. [interjections] Are you listening? If they're listening, I'll tell you what they'd do. They would use this advice as a matter of fact. They would say: this is what the government is planning to do. In other words, I say that yes means yes, maybe means yes, and no means maybe. To them everything is yes: yes, this is what the government will do. So we would wind up defending advice that never may see the light of day, that never will become policy. We would end up defending this advice. That's what they want.

Mr. Mason: Mr. Speaker, if this government has no skeletons in the closet, then why does it classify more information than the CIA?

Mr. Klein: I have no idea what the CIA classifies.

The Acting Speaker: Hon. Premier, the CIA is not within the purview of this Assembly, but if you'd like to respond, go ahead.

The hon. Member for Lac La Biche-St. Paul.

Forest Industry Sustainability

Mr. Danyluk: Thank you very much, Mr. Speaker. My question is to the Minister of Sustainable Resource Development in regard to the competitiveness of the forest industry. The increased cost of production, the shortage of employable staff, the transportation to markets, and the rising cost of the Canadian dollar have caused some challenges for the forest industry in regard to competitiveness. Can the minister please tell us what his department is doing in this regard?

The Acting Speaker: The hon. Minister of Sustainable Resource Development.

Mr. Coutts: Thank you very much, Mr. Speaker. The forest industry competitiveness is becoming an increasing challenge for the industry. Certainly, because the industry is so predominant in Alberta, it's a problem for today's economy as well. To answer the hon. member's question directly, we are engaged with the Alberta forest industry to address the whole question of competitiveness in a global marketplace. A competitiveness review has been undertaken by my department and the Alberta Forest Products Association, and it will consider a full range of possibilities that have been outlined by the hon. member.

Certainly, the hon. member has mentioned some pressures that are very real today, and we want to do a thorough examination of those pressures and identify them so that we can have a go-forward plan. The softwood lumber framework will affect each of our producers in different ways, so we must do an entire analysis that takes in all parts of our industry. We are discussing that with the industry. We will continue to discuss the impact as it applies to each member of the industry and try to provide the solutions that they need to remain competitive.

2:00

The Acting Speaker: The hon. member.

Mr. Danyluk: Thank you very much, Mr. Speaker. To the same minister. In regard to adding value to product, our government and your department have been very cognizant of adding value, yet in the industry we have people that are closing down their businesses. Could you please tell me which way the government is looking at this?

Mr. Coutts: Certainly, Mr. Speaker, that's a part of our next steps. We'll do the competitive review. We'll look at costs. We'll look at revenue. We'll look at the costs for operations. Then we'll take a look at the marketplace to see how the products that we're producing today might fit that marketplace. As a reverse, we're working with the Department of Economic Development to look at potential for markets elsewhere. If we have the kind of product at our forest floor that can suit that marketplace and then we can adapt our processes here so that that product can be made to fit that market, that will certainly help our situation. This is a joint initiative between industry and the government to go forward so that the competitiveness can be minimized here in Alberta.

Mr. Danyluk: Mr. Speaker, to the Minister of International and Intergovernmental Relations: through our negotiations with the United States, could he please tell us how the forest industry is going to become more competitive?

The Speaker: The hon. minister.

Mr. Coutts: Mr. Speaker, I'm sorry. I wasn't listening to which minister he was asking.

Certainly, Mr. Speaker, as we go forward, the information that we get from this competitiveness panel that has been set up and our association in working with the industry in terms of that pressure, the softwood lumber issue, and the framework that has been set out – the framework provides certainty. That's something that the industry has been looking forward to for a long time. We'll take all of that into consideration as we move forward, but our first premise has got to be to work very, very closely with the industry, which we have promised to do. We will also work with our rural MLAs as a go-forward program to make sure that they're in tune with what the industry wants and needs and what we can deliver together as a government for the future of a very important industry in Alberta.

The Acting Speaker: Did the Minister of International and Intergovernmental Relations want to supplement?

Mr. Mar: No, sir.

The Acting Speaker: The hon. Member for Edmonton-Glenora.

Education Funding (continued)

Dr. B. Miller: Thank you, Mr. Speaker. Last night I met with teachers and parents from schools in my constituency that are in the midst of preparing their budgets for the next school year. Their major concern is that as they set aside a big chunk of the money in their budget for teaching, as they should, almost 90 per cent, that leaves only about 10 per cent for services, supplies, and equipment, squeezing that part of their budget. Of course, parents will have to get involved in fundraising to make up the shortfall. My questions

are to the Minister of Education. Can the minister explain what percentage of a school's budget should be raised through fees and fundraising?

Mr. Zwozdesky: Mr. Speaker, the School Act certainly allows school boards to work with their local schools, presumably through their superintendents, to assess any sort of fees that they feel are necessary, and they want that flexibility at the local level. They want to be able to do that kind of fee levying if they so wish. Now, there's a wide range of application of that particular policy throughout the province of Alberta. I think you would probably see tens or twenties of millions of dollars being raised in that way.

Now, for example, let me just take the issue of fees for school textbooks. It used to be the case years ago where we might have provided those textbooks for free. You know, Mr. Speaker, they went missing. They went mutilated. They went underappreciated in many cases. As a result, a policy came in and said: "Why don't we try and rent those books to students and charge a deposit? Maybe the students and whoever else has them will take better care of them." That has been very successful. In fact, that issue of raising monies is secondary, in my opinion, to the appreciation of the value, if you will, that students are garnering for materials put into their charge. So there's a wide range of application of this policy throughout this province. The act allows it, and school boards appreciate the flexibility.

The Acting Speaker: The hon. member.

Dr. B. Miller: Thank you, Mr. Speaker. Well, given that schools in wealthier communities may have the resources to do what the minister is saying that they have the opportunity to do, what happens to schools in areas that are poorer, with fewer resources? What about the inequality within the system?

Mr. Zwozdesky: Mr. Speaker, that's a very good question. That's exactly why we moved to the system of education we have now, where every student is funded to the same basic level no matter where in the province they live, no matter how much money comes or doesn't come from the education property tax base for that particular area.

What I would like to do is just direct the member and all members to this wonderful pamphlet called the Renewed Funding Framework, which, by the way, is under review as we speak. In it you will find all of the different examples of equitable funding, whether it's additional funding for the daily physical activity program; for mild, moderate, special needs or gifted; for ESL; for enrolment declines; for enrolment growth; for First Nations, Métis, Inuit learners; for francophone equivalency; for francization; for Hutterite colonies; for interjurisdictional. It goes on and on, and it's equal across the board for all.

The Acting Speaker: The hon. Member for Edmonton-Glenora.

Dr. B. Miller: Thank you, Mr. Speaker. I would just like to ask the hon. minister, given his background as a teacher, whether he's ever been involved in a school's budget process and experienced the pain of having to cut back programs and personnel because of government underfunding.

Mr. Zwozdesky: Mr. Speaker, when you teach courses like languages – French and Ukrainian – which I taught, when you teach courses like English, when you teach courses like music and drama, you learn very quickly how to fight for dollars in the school system.

At the time that I taught, many of those courses were optional, absolutely optional, which meant that you had to not only struggle to get some of your budget dollars in those days; you also had to struggle to get student enrolments in some cases. We worked very hard at that. But look at where we are today, with the best education system anywhere in Canada and one of the best education systems in the world, with consistently improving results. Our high school completion rates are on the way up, and our teacher level of appreciation and our student and parent levels of appreciation are all on the way up. There is so much good news in education. I acknowledge that there are a few problem areas, and we are working on those.

The Acting Speaker: The hon. Member for Lacombe-Ponoka.

Alternative Highway through the Rockies

Mr. Prins: Thank you very much, Mr. Speaker. This past weekend a rock slide closed the Trans-Canada highway between the Alberta-B.C. border and Golden. This caused significant delays, long detours, and added a lot of costs for motorists using the Trans-Canada highway. It's the only highway through the mountains in this area. My question is to the Minister of Infrastructure and Transportation. Are alternate highway routes being looked at so that motorists don't have to be stranded during these rock slides and avalanches?

Mr. Lund: Mr. Speaker, there is an alternate route that has been looked at for a number of years. As a matter of fact, if you go back and look at the history of the CPR, when they sent the people out from Ottawa to survey, to look at where the best place is to go through the mountains to the west coast, the Howse Pass was identified as the prime route because it's a shorter distance to the coast than going around the way they do through Golden. Also, it is the lowest pass in the mountains to get through. When you think about the grade and the cost of going up and over, it's quite substantial. Not only that, but it is a very easy route to build. Quite frankly, when the federal government announced some years back that they were going to twin highway 1, spending millions of dollars per kilometre because that is an extremely expensive road to build through, we talked to the federal government at that time about looking at the Howse Pass because the cost is considerably less. It would alleviate the problem with rock slides. There would be no rock slides if, in fact, this route was built. I've been through there about three times, and I can assure you that it's not a difficult route to build. So, yes, there are other routes being looked at, and we will continue to look at them.

2:10

Mr. Prins: My next question to the same minister: how is the latest set of discussions among these other levels of politicians going to be any different than the ones we've had for the last 50 years?

Mr. Lund: Well, Mr. Speaker, the most recent study by municipalities in the central area plus the provincial government did do a fair assessment of the cost-benefit analysis. It was determined that for every dollar spent, there would be a return of about \$2.14. That is a very good return. I believe that this would be an excellent candidate for a toll road because when you look at the distances, that saves some 75 kilometres, a saving in distance rather than going around through Calgary and through the number 1. So you've got that distance.

Anybody that's really, really concerned about the environment would be supporting this because the fact is that the amount of fuel that is used to go this route is considerably less than going the other routes, where you have to elevate considerably no matter which way you're going. You've got to climb the hills, and that costs a lot of money if you're driving a truck. This route is one that would be good for the environment. When I've been through there, the amount of wildlife is minimal. Of course, there would have to be environmental assessments done before it could be done.

The Acting Speaker: The hon. member.

Mr. Prins: Thank you, Mr. Speaker. My last question to the same minister: do you really believe that the federal government and the B.C. government would be willing to spend money for a project that would benefit Albertans?

Mr. Lund: Mr. Speaker, I shared the information, the study, with the B.C. government when we had the joint cabinet meeting. We've also shared it with the federal government. But I believe that neither government has to invest any money. I believe that this would be just an excellent toll road. We are prepared to assist. If some investor came along, we would be prepared to assist in getting the necessary permits. Of course, there has to be a lot of work done with the federal government because a portion of it goes through the park.

Like I said, if people are really interested in the environment and reducing the CO₂ emissions, they would support this, Mr. Speaker.

The Acting Speaker: The hon. Member for Edmonton-Centre.

Blood-borne and Sexually Transmitted Diseases

Ms Blakeman: Thank you, Mr. Speaker. At the same time that this government complains about spiralling health care costs, they ignore many opportunities to drive costs down by improving and promoting public health. Part of this government's health strategy from last fall, for example, involved launching a strategy to tackle HIV, hepatitis, and sexually transmitted diseases, but community groups are still waiting for the strategy and a funding decision. My questions are to the Minister of Health and Wellness. Given that the major sexually transmitted diseases and HIV are on the rise – and in some cases the rates are doubling – why is the minister waiting so long to implement the blood-borne pathogen and sexually transmitted infection strategy?

The Acting Speaker: The hon. Minister of Health and Wellness.

Ms Evans: Thank you very much, Mr. Speaker. The member quite properly identifies the alarming escalation in not only STDs but in all the various things that have been associated. Sexually transmitted diseases are a critical concern. We have been examining not only how we tackle that issue from an administrative perspective with the regions but also looking at some of the other associated issues with mental health and with addictions. In all of these areas we're going to make sure that the programs that we target will have the broadest impact.

I'm going to give a comparator. When we passed Bill 1, the cancer legacy project, we identified that chronic disease management, wellness management between cancer, diabetes, heart and stroke should be packaged in a way that we could maximize the benefit of targeting wellness initiatives so that many of those who

would be benefactors of wellness initiatives would be collaborative in their approach. So here once again is an opportunity on STDs to be collaborative because of the target audience.

Mr. Speaker, I'd just make another observation. I think it's really important that we clarify that the kinds of ads, the kinds of initiatives that will target and improve, hopefully, the wellness of those people that might be engaged in risky practices, risky sexual behaviour have not only got the right opportunity to educate and make aware but that we make sure they are contiguous with the morals and values that Albertans hold; in other words, they must be appropriate types of advertisements. I was not satisfied that we were quite ready for that type of exposure yet.

Ms Blakeman: A lot of talk.

When is the government going to validate its commitment to HIV and increase funding for community-based HIV prevention and support? When?

Ms Evans: Mr. Speaker, I think I've indicated that we will be able to come forward with a program. We've got a lot of work that has been done by our medical officers of health, but in terms of making further announcements, it's premature still at this point. I'd like to say, though, that although we haven't increased or made any overtures on the program in recent weeks, there's been a lot of work that's been done. It does not mean that they are less valid as issues. It means that we must be ready to make sure that the program in place is the one that maximizes the benefit of the dollars spent.

Ms Blakeman: Again to the minister: what assurance can the minister give that the Alberta community HIV fund will remain in place and be community driven rather than taken over by the RHAs?

Ms Evans: Well, Mr. Speaker, the tone of the question somewhat puzzles me because regional health authorities have been not only legally obligated but, I think, charged with the responsibility of delivering health care in Alberta. To the greatest extent possible I think that they're doing an admirable job. Co-ordination of these activities is an important thing at the local level so that we focus on the priorities that are most important to the people within a region, and regional priority setting is one of the very best reasons to have regional health authorities. So I'm somewhat puzzled that the question infers that there should not be involvement of regional health authorities. I think, rather, it has to be complementary with Alberta Health and Wellness, those people that are advocacy groups, the regional health authorities, and we're looking to broaden the impact of how we provide these kinds of dollars and advance the policies with all of the partners in place.

The Acting Speaker: The hon. Member for West Yellowhead.

Softwood Lumber Trade Dispute

Mr. Strang: Thank you very much, Mr. Speaker. The federal minister responsible for the softwood lumber industry gave the impression that the new deal with the U.S. is less than perfect. The Minister of International and Intergovernmental Relations is on record as saying that he is cautiously optimistic. My first question is to the minister. Does the minister still feel that a deal can be moved forward by June in light of the federal minister's comments?

Mr. Mar: I remain cautiously optimistic on this file, Mr. Speaker. But the federal minister is correct. This is not an ideal framework

that we have for the settlement of the softwood lumber dispute. It is a compromise. It is not free trade, which would be an ideal framework for Alberta and the Canadian lumber industry, but it is managed trade. Under this framework Canada will get back 80 per cent of the duties that have been paid thus far, and the United States' commitment is that they will not bring forward any more trade actions for the seven- to nine-year period that this framework is set in place. But we still have the possibility of facing potential limits on our access to the U.S. market. We do need to have an end to this dispute. The framework agreement will give us one, and we're working through the details to ensure that our Alberta industry's concerns are expressed as best as we can make them to ensure that the industry continues to be strong in this province.

The Acting Speaker: The hon. member.

Mr. Strang: Thank you very much, Mr. Speaker. My first supplementary question is to the same minister. Is there a role for the Alberta industry as our provincial government and federal government work together to a final agreement?

2:20

Mr. Mar: Mr. Speaker, Alberta's forest industry has certainly been kept well apprised of our conduct of this file. Both the Minister of Sustainable Resource Development and I have made a commitment to the industry to keep them informed. We are working closely with our industry representatives to develop Alberta's input to federal officials as they continue to work on finalizing the deal with the United States. The Alberta government will advocate to the best of its ability on behalf of the industry to ensure that the industry is not unduly disadvantaged. Certainly, the industry in this province has not been shy about sharing with the Minister of Sustainable Resource Development and myself what their concerns are. We will carry those forward on their behalf. There has been very close co-operation between government and industry on this file, and they can continue to expect that kind of co-operation from the government of Alberta.

The Acting Speaker: The hon. member.

Mr. Strang: Thank you very much, Mr. Speaker. My second supplementary question is to the Minister of Sustainable Resource Development. Can the minister explain how your department is working with the Alberta Forest Products Association re the softwood lumber deal?

Mr. Coumts: Mr. Speaker, the Alberta Forest Products Association is representative of a \$12 billion industry in this province. The representatives that sit on the board of directors along with their executive director have worked very, very closely with the Minister of International and Intergovernmental Relations and our own department to make sure that the vision that the industry has to expand on that \$12 billion industry will continue to thrive even through working out the details on the softwood lumber.

The industry itself has met with us on two occasions, and they will continue to meet with us as these details progress. I can guarantee the hon. member, as I have guaranteed the Alberta Forest Products Association, that we will continue that dialogue because it's so important because of the small operators, medium-sized operators, and the big operators that represent this viable industry in Alberta.

The Acting Speaker: The hon. Member for Edmonton-Manning.

Apprenticeship Training

Mr. Backs: Thank you, Mr. Speaker. There are about 50,000 apprentices in our apprenticeship system in Alberta right now. Only about 4,500 will graduate this year. The dropout rate is appalling, and the government would not release statistics on first-year leavers in Public Accounts a few weeks ago. In many workplaces apprentices are being hired to work without journeymen, are not getting proper training, and are let go after a few months even though the contractor is charging top rate for their work. My question is to the Minister of Advanced Education. What will the minister do to enforce journeyman-apprentice ratios, that are being ignored on so many construction job sites?

The Acting Speaker: The hon. Minister of Advanced Education.

Mr. Herard: Well, thank you very much, Mr. Speaker. First of all, the sky is not falling. In fact, this morning there were people that were up pretty much as early as I was to line up to fill our institutions to take apprenticeships.

In relation to enforcing those particular regulations, what we're trying to do is work with industry to find ways of being able to have more apprentices in the system. As you well know, we have shortages of technical folks throughout the province, and we're working with industry to create more spots for these people.

The Acting Speaker: The hon. member.

Mr. Backs: Thank you. A supplementary to the same minister, Mr. Speaker: what measures will the minister put in place to end the abuses and ensure that apprentices get well-rounded, varied apprenticeship training on all job sites?

Mr. Herard: Well, Mr. Speaker, if the hon. member has information that there are jobs sites where people are not getting good, solid training, then I wish he would bring them forward instead of making allegations that are essentially unfounded. So please bring it forward because I think our apprenticeship system is the first and leading apprenticeship system in Canada.

Mr. Backs: A supplementary to the same minister, Mr. Speaker: what will the minister do to ensure that temporary foreign contractors that utilize tradespeople on oil sands jobs actually participate in our apprenticeship training system?

Mr. Herard: Well, Mr. Speaker, I think the hon. member wants to look at the way that these temporary workers are brought in. First of all, they have to all be qualified under the 20 trades that are compulsory trades in this province.

You know, it's interesting. When I found out about this particular issue several months ago, I decided to find out for myself what it was really all about, so I asked some trade union folks to come and meet with me, and I couldn't believe what they were telling me. They were telling me that in the case of one particular trade, they had over a thousand people on the spare board, and in the case of another trade there were 1,200 people on the spare board. I said: well what's wrong with this picture? Well, the problem is that they're only available for closed-shop environments.

The Acting Speaker: The hon. Member for Edmonton-Strathcona.

Arts Funding

Dr. Pannu: Thank you, Mr. Speaker. This government's only sense

of culture is one of entitlement and secrecy. Under the previous Community Development minister the arts community was assured a province-wide arts and culture policy, and there was a legitimate expectation that it would be attached to a sustainable funding model. Instead, what the government has offered are one-off centennial infrastructure projects cast as arts funding. My questions are to the Deputy Premier and Minister of Finance. Given that Statistics Canada ranks Alberta last for per capita public funding for the arts and given that the entire budget for the Alberta Foundation for the Arts is a third of what the horse-racing industry is getting, will the minister explain why a single industry or enterprise gets three times what an entire sector gets?

Mrs. McClellan: Mr. Speaker, the Alberta arts and culture community is a recipient of lottery dollars. It comes in a direct grant and is distributed through that. I'm very proud of the arts community in this province. I represent personally a very rural community, all rural communities, and in fact we have cultural experience there that would not be available to us were it not for the Alberta Foundation for the Arts. I'm talking about the travelling programs and performers that come to our very fine albeit small cultural facilities. I see every community that puts on a play, whether it's a musical or anything else, across the breadth of this province being supported by the Alberta Foundation for the Arts.

Mr. Speaker, I want to make one thing very clear. The Minister of Gaming has said this, but obviously the member missed it: if you don't put a quarter in a slot machine, if you don't lay a wager on a horse in this province, the horse-racing industry will get nothing.

The Acting Speaker: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. Pride, yes, but where is the change?

To the same minister: given that the Department of Community Development's own business plan states that hundreds of millions of dollars and thousands of full-time jobs are added to Alberta's economy through funding the arts and culture community, how can the minister justify the government's indifference to the arts with bare-bones, short-term funding?

Mrs. McClellan: Well, Mr. Speaker, first of all, I don't accept that there's any indifference to the arts and cultural community in this province by this government. As a previous minister responsible for that I could speak with some authority in that area. I can also speak to the fact that about every person in this province would attend about four cultural events, so over 13 million, 14 million in participation. That's phenomenal. But I'm also proud of the private sector and the corporate sector and the volunteer sector in this province, that also contribute to the arts in a big way in all of our communities.

2:30

Mr. Speaker, we have a thriving arts community. It will be seen by millions at the Smithsonian in Washington at the end of June and the first week in July. There's not another province in Canada that has had this opportunity. In fact, I don't believe the Canadian government has had this opportunity. That's a pure recognition of the arts community and the value that this government places on that community.

The Acting Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. I'm afraid the minister's answers confirm the fears of the arts community here.

Last question to the same minister: given the skyrocketing utility and maintenance costs of theatres and art facilities, why is this government failing to protect smaller theatres and arts venues from possible bankruptcies or, worse still, having to close down and mothball these vital facilities?

Mrs. McClellan: Well, Mr. Speaker, again, as I indicated, we have an Alberta Foundation for the Arts that has a long history of supporting the arts in this province. I don't know of another province in Canada that has a similar foundation that is operated by a volunteer board of directors, and they provide funding to a number in our arts community.

Again, I can't stand here and listen to members opposite criticize the arts and cultural community in this province. Go to Washington at the end of June, the first part of July. Try to understand why this province is being recognized at one of the largest festivals in North America for sure. It's because of a wonderful and vibrant arts community.

Vignettes from the Assembly's History

The Acting Speaker: Hon. members, before I recognize the first of six speakers for Members' Statements, today's vignette is on the Speakers of the province of Alberta. There have been only 11 Speakers of the Legislative Assembly of Alberta over our first 100 years.

Charles Wellington Fisher, a Liberal Member for Banff, was elected as the first Speaker of the Legislative Assembly of Alberta on March 15, 1906. Fisher served for 13 years and is the second longest serving Speaker in Alberta history. He died in 1919, a victim of the Spanish flu epidemic.

Our second Speaker was Charles Steuart Pingle, a Liberal Member for Redcliff, first elected to the Assembly in 1913. He was elected Speaker in 1920 and served as the Speaker for only 499 days. He is the second shortest serving Speaker in the Legislative Assembly history.

Oran "Tony" McPherson, our third Speaker, was elected to the Assembly in 1921 as the Member for Little Bow and represented the United Farmers of Alberta. He was elected Speaker in 1922 and served in that capacity until 1926. He was the first Speaker to have attended university and the first to exercise the casting vote. To date, he is the youngest person, at age 35, to hold the position of Speaker in Alberta.

George Norman Johnston, the Member for Coronation, was first elected to the Assembly in 1921 and served as Speaker from 1927 to 1935. Our fourth Speaker was the last member of the United Farmers of Alberta to occupy the role. His rulings declaring certain language unparliamentary were the first to be reported in our parliamentary records.

Nathan Eldon Tanner, the Member for Cardston and representing the Social Credit Party, became the fifth Speaker of the Legislative Assembly in 1936. He presided over only 46 sitting days and 333 calendar days, the shortest tenure of any Speaker, before being appointed as minister of lands and mines. He is thought to be the first member of the Mormon faith to serve as Speaker in the British Commonwealth.

Peter Dawson, the Member for Little Bow representing the Social Credit Party, was elected speaker in 1937, becoming the sixth Speaker of the Assembly. He is the longest-serving Speaker of the Assembly, with a tenure of 26 years, or 9,523 calendar days. He died in office in 1963 while the House was in session and was the first Speaker to lie in state in the Legislature Building.

Arthur Johnson Dixon, first elected as the Member for Calgary in

1952, served in the role of Speaker from 1963 to 1972. He was the seventh Speaker of the Legislative Assembly and the first to have previously held the position of Deputy Speaker. He was the last Social Credit member to hold the office. Mr. Dixon was appointed as a Member of the Order of Canada in 1979.

Gerard Joseph Amerongen, the Member for Edmonton-Meadow-lark, was first elected to the Legislative Assembly in 1971 representing the Progressive Conservative Party. He was elected the eighth Speaker of the Assembly in 1972 and served until 1986, the only member to have served his entire term of office as Speaker. In 1972 he presided over the introduction of both *Alberta Hansard* and the televising of Assembly proceedings.

David John Carter, the Member for Calgary-Egmont, was first elected to the Legislative Assembly in 1979, representing the Progressive Conservative Party. He became Alberta's ninth Speaker in 1986 and served in that capacity until 1993. He oversaw the Assembly taking responsibility for visitor and educational programs and the publication of the book *The Alberta Legislature: A Celebration* in commemoration of the 75th anniversary of the opening of the Legislature Building.

Alberta's 10th Speaker, Stanley Stanford Schumacher, was elected as the Member for Drumheller in 1986 and was the first Speaker elected by secret ballot in the Legislative Assembly of Alberta in 1993. The first Alberta-born Speaker, he was also the first with previous experience as a Member of Parliament. He served in the role until 1997.

Our current Speaker was first elected as the Member for Barrhead in a by-election in 1979. He was the first Speaker in Alberta whose term was preceded by service as a cabinet minister. He also served as Deputy Premier from December 1992 to October 1994. He was elected Speaker on April 14, 1997, in the first contested secret ballot election for the role. He is the 11th Speaker of the Legislative Assembly of Alberta and the longest serving member of all those serving in the 26th Legislature. As of today, hon. members, he has served 3,319 calendar days, making him the fourth longest serving Speaker of the Legislative Assembly of Alberta. Of current Speakers in Canada he is the longest serving Speaker, with over eight years of service, and has the longest continuous service as a member, approaching almost 27 years. He is the only Speaker in Alberta history during whose tenure the reigning monarch and the Governor General have spoken in the Legislative Assembly of Alberta.

The Acting Speaker: The hon. Member for Highwood.

head:

Members' Statements

Prevention of Domestic Violence

Mr. Groeneveld: Thank you, Mr. Speaker. It is my great pleasure to rise today in this Chamber to recognize the spirit, the dedication, and the tenacity of five individuals who live in my constituency. Domestic violence is a problem which knows no boundaries. People from all walks of life who live in large cities and small towns have been subject to domestic violence.

In order to do something about domestic violence in our province, five ladies from the constituency of Highwood decided to enter one of the most gruelling overland races in the world, the Canadian Death Race. During the August long weekend this five-person team called SLAP, Stop Letting Abuse Prevail, will each be running a leg of this very challenging race. To quote the race organizers themselves, the Canadian Death Race "consists of 125 kms, three mountain summits and over 17,000 ft of elevation change as well as

the crossing of a major river at our spectacular Hell's Gate canyon at the confluence of the Smoky and Sulphur Rivers."

2:40

Heather Boyd, Jessie Anderson, Kim Anderson, Lynne Mason, and Cathy Vickery will be running for two reasons. Firstly, they are hoping that having a team in the Death Race where only one member has had any prior experience in extreme racing will raise awareness of the problem of domestic violence. Secondly, SLAP is using their entrance into the race as a way to raise funds for the Eagle Women's Emergency Shelter, located in the foothills area. This shelter is a short-term facility designed to provide support and lodging to women and children who have been victims of violence.

I would ask that all members give their support to this team and recognize the importance of their goals. Thank you.

The Acting Speaker: The hon. Member for Calgary-Bow.

Alberta Book Awards

Ms DeLong: Thank you very much, Mr. Speaker. I rise today to recognize Alberta's amazing authors and publishers. Over the weekend I had the privilege to attend the 2006 Alberta book awards. The awards ceremony, which was attended by over 200 members of Alberta's literary community, honoured and celebrated the achievements of our writers and publishers throughout the year. Awards were given in 16 categories, including awards for writers, publishers, and designers.

The evening also featured the presentation of the Alberta government's Grant MacEwan literary awards, which gives \$25,000 to an Alberta author and four \$2,500 scholarships to Alberta students. The awards were created to honour the legacy of Dr. MacEwan and his legendary love for our province and for the written word. This year's winner of the \$25,000 Grant MacEwan author's award was Birk Sproxton of Red Deer. The young writers' scholarships were awarded to Rachelle Delaney of Edmonton, Carley Okamura of Edmonton, Lena Schuck of Calgary, and Jackie Tan of Calgary.

I would like to thank the Writers Guild of Alberta and the Book Publishers Association of Alberta for organizing such an enchanting evening. These two organizations both receive annual operating support from the Alberta Foundation for the Arts.

The nominees and winners for this year's awards are just a sample of the incredible talent of our literary community, publishers and writers alike, and are deserving of our appreciation and support.

Mr. Speaker, I'd ask the members of the House to join me in congratulating the winners and nominees from this year's Alberta book awards. Thank you.

The Acting Speaker: The hon. Member for Calgary-Fort.

211 Telephone Help Line

Mr. Cao: Well, thank you very much, Mr. Speaker. Today I rise to speak about an important service that is hidden from the limelight. This year, 2006, is the first anniversary of the 211 telephone line for information and referral services connecting callers to human services they need.

Just simply dial 211, and a caller gets connected to the complete network of care in Calgary, including more than 4,000 community, social, and government-related services. The line 211 is free, confidential, and multilingual, offering assistance in more than 150 languages 24 hours a day, seven days a week. In its first year it provided assistance for 30,000 callers.

Calgary is a fast daily growing community, reaching a million and beyond. Newcomers do not know where to turn for help before a

situation becomes a crisis. It can be very difficult even for long-time residents of Calgary to access the wide range of resources that exist. Sometimes it's hard to know where to start looking or even what's available. Talking to a trained specialist makes it easier to find information, discover options, and deal with problems.

The 211 operation handles an average of 580 callers per week of all ages, backgrounds, and needs. Everyone benefits from 211 from individuals, families, professionals to community agencies and people facing barriers due to lack of knowledge, language, poverty, and personal difficulty. The 211 operation has assisted callers in personal situations.

I would like to ask our hon. members to join me in congratulating those individuals who work in the 211 operation and the organization leaders who initiated it and contribute to the services.

Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Edmonton-Manning.

Inspirational Poem

Mr. Backs: Thank you, Mr. Speaker. The Edmonton Oilers of the past few weeks have been an expression of pure poetry on ice: the grit, the emotion, the pure fluid movement of released feelings in people that are often not expressed. Last Friday I passed on two periods of a great Oilers game, that I later watched, to witness the poetry, acting, light, dance, and a fine meal at John Bracco junior high school. It is a school with an outstanding and inspiring arts program in northeast Edmonton. Pure delight beamed from the broad and happy smiles on the faces of both the performers and the audience when they gave a standing ovation at the end of the performance of *Feeling Groovy*.

One of the young actors in *Feeling Groovy* is a talented young poet who gave me a poem to read. It is called *Change*, and this is how it goes:

I stared back at what I once was,
 focused on few
 now has grew
 from little to more
 spread out to a median
 nearly the same,
 good at all, best at none
 one away from allowed
 so close in all
 no longer alone
 the distinct feeling of my soul
 lay rest to endurance
 with time increased
 speed diminished
 and a push to retreat
 I continue forth
 training to the end
 Pushing,
 Fighting . . .
 Changing.

Alexander John Paul Pacan Pezzutto, grade 9, John Bracco junior high school.

Thank you, Mr. Pezzutto, for your poem, which will be published in *Hansard*, the official record of our Legislature. Poetry can be inspiring. I will send this statement to the Edmonton Oilers for their inspiring playoff run. I hope the Oilers this week will be pushing forward, fighting in the corners, and constantly changing their game as they work for victory.

Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Leduc-Beaumont-Devon.

Alberta Dental Association and College Centennial

Mr. Rogers: Thank you, Mr. Speaker. I would take this opportunity to acknowledge the Alberta Dental Association and College's centennial, which marks for this great organization 100 years of providing dentistry to the public of Alberta. On May 9, 1906, the Alberta Legislature voted its approval of the Alberta Dental Association, which later became the Alberta Dental Association and College in 2001.

However, the 1906 approval was not the beginning of dentistry in this great land, Mr. Speaker. The first dentist on record in the area that we now call Alberta was Dr. Frederick Shaw, who was born in Kentville, Nova Scotia, in 1856 and graduated from the New York Dental College in 1878. After joining the North West Mounted Police in 1879, Sergeant Shaw served at Fort Walsh in the Cypress Hills, located today on the border between southern Alberta and Saskatchewan. Likely the most notable patient he attended to was the famous Chief Sitting Bull, who required two teeth to be extracted to relieve pain. This was after the 1876 Battle of the Little Bighorn, which Chief Sitting Bull is often remembered for.

In part to commemorate their centennial, Mr. Speaker, the Alberta Dental Association and College is donating \$3 million to finance the lifetime endowment for a chair in geriatric oral health and a chair in clinical dentistry research, both at the University of Alberta. The chair in geriatric oral health has been complemented by the recent approval by Alberta Seniors and Community Supports for a pilot program for mobile dental clinics to be used at senior centres. The association has stated that access to quality dentistry care for all Albertans is a prime motivator of this gift. As such, this generous donation of funds will be considered for matching through the Alberta access to the future endowment program.

Mr. Speaker, dentists play an important role in our society, and with representation through the Alberta Dental Association and College and measures such as the recent endowment, it is clear that they are making this province a much better place. I invite all members to join me in commending Alberta's dentists for 100 years of service to this great province.

The Acting Speaker: The hon. Member for Edmonton-Highlands-Norwood.

2:50 Oil Sands Development

Mr. Mason: Thank you, Mr. Speaker. This government's lack of a coherent long-term plan for oil sands development is causing uncertainty about how important environmental, social, and economic questions will be resolved and how problems in each of those areas ought to be addressed.

The Alberta NDP is suggesting the establishment of a royal commission on oil sands development. The commission would be composed of distinguished Albertans from diverse backgrounds and would undertake broad, public consultation and educational efforts. The primary focus of the commission's work would be to ensure that the oil sands development serves the interests of Albertans, including future generations, ahead of any other considerations. As such, a review of the current royalty regime would be an important part of the commission's work.

Albertans are concerned that the current pace of development is socially, economically, and environmentally unsustainable. Skyrocketing housing prices in Fort McMurray, labour shortages across the province, and the re-emergence of inflation are but a few indications of an overheated economy.

We must also be conscious of the environmental cost of oil sands development and find ways to develop this resource without

jeopardizing the value of a clean and well-protected environment. Every barrel of oil taken from oil sands requires at least two barrels of water and a large volume of natural gas. The current gold-rush mentality must be replaced with clear answers for the significant environmental, social, and economic questions facing oil sands development.

A royal commission on the oil sands would be ideal for combining expert advice and popular input to develop a long-term development strategy for the oil sands, which would ensure long-term prosperity and environmental sustainability for future generations of Albertans.

Thank you, Mr. Speaker.

head: Presenting Petitions

The Acting Speaker: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Martin: Thank you, Mr. Speaker. I would like to table a petition sponsored by the Friends of Medicare. This one has 5,113 signatures. It was signed by people eager to see the end of the so-called third-way health care reforms and for the Assembly to defeat any legislation that would allow the expansion of private hospitals or insurance, to not allow doctors to work in both the private and public system, and to oppose any action by the government of Alberta to contravene the Canada Health Act. The NDP opposition has now tabled 14,751 signatures on this petition.

Thank you.

head: Tabling Returns and Reports

The Acting Speaker: The hon. Minister of Aboriginal Affairs and Northern Development.

Ms Calahasen: Thank you, Mr. Speaker. Today I table the appropriate number of copies of the Northern Alberta Development Council Annual Report for 2004-2005. The NADC is involved with numerous projects on transportation, value-added agriculture, tourism, educational initiatives, and interjurisdictional projects. The work of the council is extremely important as it advocates on behalf of northerners and works with other government ministries to develop and implement strategies to take advantage of economic, business, and social opportunities in the north.

The Acting Speaker: The hon. Minister of Seniors and Community Supports.

Mrs. Fritz: Thank you, Mr. Speaker. Last month during Committee of Supply I made a commitment to respond more fully to the questions that were raised, and today I'm pleased to table the appropriate number of copies of that response. Also, for your information, I have circulated this to the appropriate members as well.

The Acting Speaker: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I am tabling a document on behalf of the leader of the NDP opposition. It's a statement, Nine Principles Underpinning Freedom of Information Legislation, prepared by Toby Mendel, the law program director of Article 19, a London-based NGO that defends and promotes freedom of expression and access to information all over the world.

Thank you, Mr. Speaker.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I have one tabling today. It's a letter dated May 15, 2006, from myself to Mr. Dunn, the Auditor General. In this letter I am requesting that the Auditor General under section 20 of the Auditor General Act investigate the purchase and subsequent sale of surplus ring road lands in both Edmonton and Calgary.

The Acting Speaker: The hon. Member for Edmonton-McClung.

Mr. Elsalhy: Thank you, Mr. Speaker. I rise today to table a letter that was written to me dated May 14, 2006, from an Edmonton-McClung constituent, Cheryl Torgalson, who draws our attention to the situation which arises when a student, like her daughter Dana, lives just outside the school intake zone cut-off and gets entered in a lottery even though the school does have space. She also comments that the waiting list mechanism has been cancelled. Her letter raises a few good points, one of which is when people use other people's addresses to cheat the system, and asks: what are we really teaching our kids here?

Thank you, Mr. Speaker.

The Acting Speaker: Any others? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you, Mr. Speaker. I'm tabling five copies of Alberta's Provincial Parks and Protected Areas Economic Impact Report 2002. This FOIPed report clearly shows a significant economic return for a relatively small investment. I would urge the new Minister of Community Development for the sake of transparency, accountability, and efficiency to post future reports on his ministry's website.

Thank you.

head: **Tablings to the Clerk**

The Clerk: On behalf of the hon. Ms Evans, Minister of Health and Wellness, pursuant to the Dental Disciplines Act the Alberta Dental Hygienists' Association 2005 Annual Report, pursuant to the Health Professions Act the Alberta Association of Registered Nurses 2004-05 annual report with attached financial statements for the year ended September 30, 2005, and the College of Licensed Practical Nurses of Alberta 2005 Annual Report.

The Acting Speaker: Hon. members, before we proceed with Orders of the Day, may we briefly revert to Introduction of Guests?

[Unanimous consent granted]

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

The Acting Speaker: The hon. Member for Lacombe-Ponoka.

Mr. Prins: Thank you, Mr. Speaker. It's a privilege for me to introduce to you and through you to the members of this Assembly today a young man, Ian Van Haren. He is working with me this summer as one of my constituency assistants in the Lacombe-Ponoka office in Lacombe. He was born and raised in Lacombe and currently attends university in New Brunswick. I have known this young man for most of my life and look forward to working with him this summer. He's seated in the members' gallery, and I'd like to ask him to rise and receive the warm welcome of this Assembly.

The Acting Speaker: Any others? The hon. Member for Cardston-Taber-Warner.

Mr. Hinman: Thank you, Mr. Speaker. It's truly an honour and a privilege to introduce to you and through you to the members of this Assembly Joseph Pitt. He's a decorated veteran who served our country for 27 years, including some time at Normandy. Mr. Pitt is here today to bring attention to the broken promises he has experienced as a result of land expropriation and flooding. I would ask Mr. Joseph Pitt to please rise and receive the traditional warm welcome of this Assembly.

Mr. Speaker, it's also my pleasure to introduce to you and through you to this Assembly an entrepreneur and a keen observer of all levels of government. My guest today, Mr. Merle Schnee, is from this fine hockey city of Edmonton. Mr. Schnee has served as the president of the firefighters, where he brought their concerns to the attention of the government of the day. I would ask my guest, Mr. Merle Schnee, to please rise and receive the traditional warm welcome of this Assembly.

head: **Orders of the Day**

head: **Government Motions**

The Acting Speaker: The hon. Government House Leader.

Mr. Zwozdesky: Thank you very much, Mr. Speaker. I have four government motions that I would like to deal with this afternoon. With your permission I'll do them one at a time, starting with Government Motion 21, oral notice having been given yesterday with respect to the revised Standing Orders from the Speaker's office.

Revised Standing Orders

21. Mr. Zwozdesky moved:

Be it resolved that the Standing Orders of the Legislative Assembly of Alberta, denoted as being effective April 11, 2005, be repealed in their entirety and the Standing Orders tabled in the Assembly on May 15, 2006, and distributed to members be substituted in their place. The revised Standing Orders come into force on the first day of the next sitting of the Assembly following the adjournment of the 2006 spring sitting.

[The Speaker in the chair]

3:00

The Speaker: The hon. Opposition House Leader.

Ms Blakeman: Thanks very much for the opportunity to speak to Government Motion 21, which is to update the Standing Orders. We have been referring unofficially to these, with your permission, as the Speaker's revisions because a great deal of work was done by the table officers and I think the staff of the Speaker's office to go through and really clean up the Standing Orders, to capitalize things that should be capitalized, to watch for any typos or type case changes, to correct for name changes, et cetera.

We did get an opportunity to review these back last fall and I think again in the early winter. I did in fact go through every single change that was in here, and our caucus did agree to this. Our concern, of course, is always that what we looked at back then is exactly what we have before us at this time, but I'm comfortable if the Speaker is bringing these forward, well, not officially bringing them forward, that what we looked at is what is in front of us.

In context, Mr. Speaker, these Standing Orders are important to every member of this Assembly because they allow us to conduct our business in an orderly fashion. The parliamentary process rules are always slanted to the advantage of government, which allows the

business of the day to move forward, but that is always balanced with provisions that make sure of and protect and uphold the ability of the minority and minorities in this Assembly to have procedures that support their ability to have their voices heard.

We know that not all things are equal. As I mentioned, the procedural orders do favour the government. It does favour the majority vote. The majority vote wins, and that's the setup that we work with. Therefore, the government is always going to win on those kinds of motions. Obviously, government bills are treated with preference over the way, for example, private members' bills work, which have a much longer timeline. The private members in this Assembly have to have their bill ideas in back in September, which is a disadvantage if you're trying to deal with current affairs. You had to have submitted your idea a substantial number of months ago. You're not always current. But the Standing Orders, again, give you a way of bringing urgent, current issues before the Assembly; for example, the use of Standing Orders 30 and 40, which give you an occasion to ask the Assembly for consent to set aside the ordinary or scheduled order of business to discuss an urgent matter.

That's what's important in a democratic process, that we have rules that we all know and understand that allow us to move the business forward. At the same time, we protect the minorities that are here and give them provision to have a voice and to be able to bring their business before the House in a timely fashion. Sometimes that means in an urgent fashion. There are rules under our Standing Orders that allow us to insist that respect is shown in the House and to call members to order if they feel that has been violated. We all agree to abide by and work under these rules.

I haven't been directly involved in negotiations to change the Standing Orders. I know from my predecessor that that can be somewhat stressful because, again, we have a majority vote, and even if opposition is not keen on some of the provisions, a majority government can vote and pass the Standing Orders without our acquiescence on this. Sometimes that's a difficult situation, and it's hard to accept, especially if things have been put in place that make it more difficult for us to do our job. For example, Mr. Speaker, prior to when I started, there was unlimited speaking time for members when they were participating in debate. Then there was the 30-minute rule. Then when I first started, there was a 20-minute rule. Now we're down to a 15-minute rule plus a new innovation that was added in that allows for an extra five minutes for a sort of Q and A, a bit of a rebuttal session, at the end of a member's 15 minutes.

Speaking to private members' bills, that time has also been reduced from when I started. This is now my 10th spring sitting. We've gone from 15 minutes, I think, and now we're down to 10 minutes. That was not something that we agreed to, obviously, because that restricts our speaking time in the Assembly and our ability to bring forward the points of view of the people that we represent. So we obviously didn't agree to that, but the majority ruled in this case, and the Standing Orders reflected the changes that the government sought.

Overall, as a House leader I appreciate that the rules are there. I think that in most cases they are done for the best of intentions, although they may not appear to work that way. I am not happy with some of the changes that have come forward in the last couple of years that do restrict the members more, but that is not what is before us in the package contained and which we are asked to approve under Motion 21. Those are strictly what we would call typos and grammatical adjustments, and I appreciate the work that many people put into this. I think it does give us, if I may say so, a more professional looking set of Standing Orders. My compliments to those that worked long and hard on it. It can be I think quite a

t tedious business going back and forth. Nonetheless, I think it was worth it. My thanks to those that worked hard to present this.

I'm happy to support those changes in the package that has been set before us. As a House leader I have brought some issues before this House occasionally, most recently, I think, within the last week or so in which in the end result I was asking that changes be made to the Standing Orders in the way we work with certain things, in particular in this instance with private members' public bills. I was asking that rather than it being a decision of the Speaker for early consideration of private members' public bills in Committee of the Whole and third, that those in fact come to the floor for a decision of unanimous consent to proceed. When the House leaders meet again, that's something else that I would be looking at.

The other issues that I had started to explore with the previous House leader – I'm not talking out of school here because this is what I think we should be looking at. We know that we are struggling in attracting women members to run for political office. They don't always see this Assembly or a number of other political institutions as particularly family friendly. I don't think that family friendly should be a matter of men or women. I would look forward to the day when more men are equally involved in child rearing and those kinds of decisions. I would welcome that and look forward to it. But there are choices that we have made in the way we conduct our business that I think ultimately prevent people from considering this as an option.

I would like to be exploring, for example, some of the timing. Could we be looking at sitting for three weeks and taking a week out or recessing for a week out of the Assembly to allow those that travel here on a weekly basis and are away from their constituencies and their families to be back in their constituencies for a longer period of time? We are also one of the few jurisdictions that sits at night. That I think is often considered a hardship. It can also be a tool that is used by the opposition to try and get the government to be more willing to work with what's before us, but perhaps that's also preventing some people from considering running for political office.

I think there are some positive changes that we could work toward in Standing Orders. I look forward to that, but at this time I'm happy to accept the package of grammatical and administrative changes that have been proposed by the Speaker. I will support Government Motion 21. Thank you for the opportunity to speak to it.

3:10

The Speaker: The hon. Member for Edmonton-Beverly-Clareview and then the hon. Member for Edmonton-Gold Bar.

Mr. Martin: Well, thank you, Mr. Speaker. I'm not going to go on long because it's my understanding – we had these sent to us earlier on – that there's nothing significant here. They are administrative changes. It probably took a lot of work to go through and wordsmith it, I'm sure. We have no objections to that.

I expect at some point, like everything else, that the House leaders should get together and look and see if there are changes that we can make. I believe, Mr. Speaker, you were involved with this the last time. It was '93 that we reviewed, my recollection. I wasn't here then, of course, but that's the last time it changed. I know that the Speaker has suggested from time to time that we look at changes, but there are perhaps changes that we'd all like to make. The House leader of the Official Opposition has suggested some things. I might suggest some other things, but I think that for what we're dealing with right now, we certainly have no problems with Motion 21. Anything that can make it easier to understand and grammatically correct and administratively correct we would support.

There may be a time at some point down the way that the House leaders get together and look and see if there is any review that we can do to perhaps change things for the better in the future. That's time down the way. Certainly, we support Motion 21. Thank you.

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

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. It's a pleasure to participate in the debate on Motion 21 this afternoon. Certainly, I would like to remind all House leaders from each respective party of the new Standing Order 53, which is the public accounts referred. Fifty-three states: "Public accounts, when tabled, stand referred to the Public Accounts Committee."

My remarks are certainly not reflective, Mr. Speaker, of the committee. I'm speaking not as chair but as a member of this House. My views are not to be considered a reflection of the committee. However, after the last election in the middle of February I circulated a letter to the Government House Leader, the Official Opposition House Leader, and the House leader of the third party, and I was urging that there be some significant changes made. At that time it was Standing Order 50, but now it is, of course, Standing Order 53.

I think it is time. We may have missed it with this rewrite of the public accounts. We may have missed the opportunity of redrafting our Standing Orders, but I would urge the House leaders to sit down and consider the following. First, I think the Standing Committee on Public Accounts should be empowered to examine and inquire into the public accounts, all reports of the Auditor General of Alberta, and all such matters as may be referred to it by the House; to report from time to time and to print a brief appendix to any report after the signature of the chairperson containing such opinions or recommendations dissenting from the report or supplementary to it as may be proposed by committee members; and except when the House otherwise orders, to send for persons, papers, and records; to sit while the House is sitting; to sit during periods when the House stands adjourned; to sit jointly with other standing committees; to print from day to day such papers and evidence as may be ordered by them; and to delegate to subcommittees all or any of their powers except the power to report directly to the House. This suggestion could simply be Standing Order 53(2).

Now, if I could talk about another idea, we could call it 53(3). The Standing Committee on Public Accounts shall in addition to the powers granted to it pursuant to section 53(2) of the new Standing Order be empowered to study and report on all matters related to the mandate, management, and operation of all departments of government; the committee shall be empowered to review and report on it; also to report on the statute law relating to the departments in question; the program and policy objectives of the departments in question and its effectiveness in the implementation of the same; the immediate, medium, and long-term expenditure plans and effectiveness of implementation of the same by the departments in question; and any and all other matters relating to the mandate, management, organization, or operation of the departments as the committee deems fit. Now, certainly this has been discussed at the Public Accounts Committee meetings.

I think it would be advantageous for another addition to the Standing Orders on Public Accounts, and this one would be, Mr. Speaker, that within 150 days of the presentation of a report from the Standing Committee on Public Accounts, the government shall upon the request of the committee table a comprehensive response. Also, the Standing Committee on Public Accounts shall be empowered to retain the services of expert, professional, technical, and clerical staff as it may deem necessary.

The Special Standing Committee on Members' Services shall provide all the funds necessary for the effective exercise of the new Standing Order 53.

It is of the utmost importance, Mr. Speaker, that a review of government operations be conducted by a committee of the Legislative Assembly as opposed to a committee of the government caucus. This is because only committees of the Legislative Assembly, such as the Standing Committee on Public Accounts, can provide witnesses such as ministers of the Crown and senior government officials with the parliamentary privilege of immunity from civil action for defamation arising from blunt and controversial statements made by such witnesses. Only if witnesses enjoy the ability to give their full views to the committees of the Legislative Assembly can public policy be fully considered in this province. This is even more important with the changes we're making with Bill 20 and making the government even more secretive. So if we're going to limit the amount of information that can be provided through the Freedom of Information and Protection of Privacy Act, maybe it's time to give the Standing Committee on Public Accounts the power to look at past expenditures of this government and present policy.

Now, we all know that government SPCs don't have parliamentary privilege, and people who come before that committee don't have parliamentary privilege. Perhaps that's why so many of those meetings have to take place behind closed doors. I would urge hon. members of this Assembly to once again consider the Public Accounts Committee and the improvements that we can make to it, and we can start having a much more open and transparent system. We see the size of government increasing, the amount of money that we are spending increasing. We see over the course of time an average of between 10 and 12 ministries coming to the Public Accounts Committee. So these changes would certainly be better. They would be advantageous. I would urge that the next time we are going to examine and change our Standing Orders of the Legislative Assembly to consider what we are now going to call the new Standing Order 53 and implement at least some, if not all, of the recommendations that we have talked about this afternoon.

Thank you.

The Speaker: The hon. Government House Leader to close the debate? The question then?

Mr. Zwozdesky: Question.

[Government Motion 21 carried]

The Speaker: The hon. Government House Leader.

3:20 Select Special Personal Information Protection Act Review Committee

22. Mr. Zwozdesky moved:

Be it resolved that:

- (1) A Select Special Personal Information Protection Act Review Committee of the Legislative Assembly of Alberta be appointed to review the Personal Information Protection Act as provided in section 63(1) of that act consisting of the following members, namely Mrs. Ady, chair; Mr. Goudreau, deputy chair; Mr. Backs; Mr. Johnston; Mr. Liepert; Mr. Lindsay; Mr. Lougheed; Mr. MacDonald; Mr. Martin; Mr. Rodney; and Mr. Snelgrove.
- (2) The chair and members of the committee shall be paid in accordance with the schedule of category A committees provided in the most recent Members' Services Committee allowances order.

- (3) Reasonable disbursements by the committee for advertising, staff assistance, equipment and supplies, rent, travel, and other expenditures necessary for the effective conduct of its responsibilities shall be paid subject to the approval of the chair.
- (4) In carrying out its duties, the committee may travel throughout Alberta and undertake a process of consultation with all interested Albertans.
- (5) In carrying out its responsibilities, the committee may with the concurrence of the head of the department utilize the services of the public service employed in that department or the staff employed by the Assembly or the office of the Information and Privacy Commissioner.
- (6) The committee may without leave of the Assembly sit during a period when the Assembly is adjourned.
- (7) The committee must submit its report, including any proposed amendments to the act, within 18 months after beginning its review.
- (8) When its work has been completed, the committee must report to the Assembly if it is sitting. During a period when the Assembly is adjourned, the committee may release its report by depositing a copy with the Clerk and forwarding a copy to each member of the Assembly.

Mr. Zwozdesky: Thank you, Mr. Speaker. May I ask if you would like me to read the motion aloud in its entirety at this time as I did yesterday, or can the record simply show it as noted?

The Speaker: I think, hon. Government House Leader and hon. members, the motion was read in its entirety yesterday. We did check to make sure that the wording in Motion 22 as it is in Orders of the Day is identical, and it is. Unless there's an objection from anyone, we will proceed.

[Government Motion 22 carried]

Appointment of Chief Electoral Officer

23. Mr. Zwozdesky moved:

Be it resolved that the Legislative Assembly concur in the report of the Select Special Chief Electoral Officer Search Committee and recommend that Lorne R. Gibson be appointed as Chief Electoral Officer for the province of Alberta.

The Speaker: The hon. Opposition House Leader.

Ms Blakeman: Thank you, Mr. Speaker. I'm pleased to support this. I sit on the Legislative Offices Committee and participated in the special committee to recruit and interview and recommend an individual for this position. It was a fairly thorough process, so we did advertise in each electoral office across Canada and in the major newspapers and through the Internet, had quite a few interested parties respond. We did interview several of them, and I'm pleased with Mr. Gibson's track record on working with new technology and his openness to move into the future with the new challenges that we may well be looking at. So I'm pleased to support this government motion.

The Speaker: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I'll be very brief. I was also on that select committee that made a decision at the end of a very thorough process of inviting applicants, looking at their applications, and interviewing three candidates, I think. Was it? Yeah, that's

right. The committee came to a unanimous agreement and decision to recommend to the Assembly the appointment of Mr. Lorne Gibson as the most outstanding candidate for the position. I'm very pleased that the committee's deliberations were thorough, they were amicable, and we all were on the same page with respect to this recommendation before the House. So I certainly would ask the House to support this recommendation coming from the committee.

Thank you.

The Speaker: The hon. Member for West Yellowhead.

Mr. Strang: Thank you very much, Mr. Speaker. I also sat on this committee, and I just want to say that we've picked a very good candidate. I also want to state that with the all-party committee we were very thorough doing the interviews, and I feel that we've got a very good person to be our Chief Electoral Officer.

Thank you.

The Speaker: Others? Shall we call the question?

Hon. Members: Question.

[Government Motion 23 carried]

The Speaker: The hon. Government House Leader.

Time Allocation on Bill 20

19. Mr. Zwozdesky moved:

Be it resolved that when further consideration of Bill 20, Freedom of Information and Protection of Privacy Amendment Act, 2006, is resumed, not more than two hours shall be allotted to any further consideration of the bill at Committee of the Whole, at which time every question necessary for the disposal of this stage of the bill shall be put forthwith.

Mr. Zwozdesky: Thank you, Mr. Speaker. I wonder if I could exercise now my five minutes as allowed by Standing Order 21. Thank you. We know that this particular standing order allows the government side up to five minutes to explain the need for time allocation, and I would like to start by saying that we have not had to use time allocation in this House since 2003. In fact, during the past five years our government has used time allocation only six times in total.

Also, I think it is valuable to repeat what I said when oral notice of this motion was given Thursday last, at which time I reminded the House that we have already had about six hours of debate on Bill 20 thus far, and we have debated at some considerable length multiple amendments proposed by opposition members.

Bill 20 was in fact introduced on March 7, and since that time it has been debated on nine different occasions so far: on March 14, March 23, April 3, April 10, April 26, May 1, May 8, May 9, and May 10. Mr. Speaker, on these occasions the opposition spoke 30 times. All the New Democrats have spoken. All the Liberals have spoken, I think, with the exception of their leader perhaps, and one other member has spoken, and several of our members have also spoken. Everyone who wanted to speak up until now was afforded multiple opportunities to speak. In fact, according to the records I reviewed, three Liberal members have spoken twice, two Liberals have spoken three times each, and one Liberal has spoken four times, so I think that's pretty significant.

It's always a judgment call for a government of any House to use the time allocation or not. But all reasonable people I would hope would agree that there comes a point when a decision has to be made

after a considerable and reasonable amount of time and effort has been expended on debating any issue and in this case Bill 20.

After today's two additional hours of debate at the committee stage and I would anticipate a further one hour of debate sometime later with respect to third reading stage, anyone reading *Hansard* will know that about nine or 10 hours of so-called debate will have occurred on Bill 20. They will also note the repetitive and/or perhaps redundant nature of many of the comments now being offered.

In conclusion, Mr. Speaker, I would hope that they, too, would then better understand the need to conclude this discussion on Bill 20 and to see it move forward. Thank you.

The Speaker: Hon. members, under our Standing Orders 21(1) and 21(3) five minutes is provided to a member of Executive Council and a member of the opposition to participate. I take it the hon. Member for Edmonton-McClung is the member, right?

Mr. Elsalhy: Yes, sir.

The Speaker: Proceed.

Mr. Elsalhy: Thank you, Mr. Speaker. I, too, rise to respond to this Government Motion 19 for invoking closure or time allocation on Bill 20. Let me start by talking a little bit about this notice that was shared with us by the office of the Government House Leader, talking about the total number of times closure or time allocation was used over the past five years. The hon. minister indicated that it was only used a certain number of times, five or six times, if I remember correctly. I argue that it should never be used at all. So for the hon. Government House Leader to be proud of the fact that it was only used so few times is something I take issue with.

Now, further to this, I am also very proud that two of those six times or two of those five times are on a bill that I'm the critic for, so that tells me that I have done my work as an opposition member who was elected to represent a certain number of voters, and it also shows that the opposition in general, albeit from the Liberal opposition or from the third party, has mounted some formidable resistance to a piece of legislation that we find very offensive. I can tell you, Mr. Speaker, that the government side of the House did not anticipate that it would be met with such fierce opposition. They've actually called it minor housekeeping and, you know, minor amendments to facilitate things when, in fact, it's basically there to restrict access to information.

Today the government is suggesting that we should only allow two more hours in committee, and there's another motion to allow one hour in third reading. I must confess, Mr. Speaker, I'm both extremely disappointed and disgusted that I am here witnessing this. I ask: is the government tired of hearing our arguments? The hon. House leader from the government says that some of the arguments were repetitive in nature. I would have to say then that, yes, they were because the government doesn't listen. We keep telling them that there are sections in this bill that are offensive and undemocratic and regressive, but they keep ignoring us. I note on the record that sometimes they vote down the amendments that we introduce without even participating in debate. So it's really something for them to just say no, and they don't even tell us why they're saying no.

3:30

Now, are they agitated that the opposition succeeded in bringing this to the forefront? I think they are. Are they concerned that the longer this takes and the more debate it receives, more people would

notice the regressive nature of this government and its dangerous turn to more secrecy and opacity? I think yes. Are they impatient to rise and adjourn? We all know they are. I think that part of my disappointment arises from the fact that when I joined this House, you know, I naively thought that some progressive elements of this government caucus would be reasonable and would listen to the voice of reason.

Plus the fact that this is not a government bill; Bill 20 is a private member's bill. Traditionally private members vote their conscience on private members' bills, but instead we see that all members from this government caucus, the ones I thought were progressive and the ones I know for sure are regressive, are all rowing in the same direction, and they're all toeing the same party line. That tells me that they're trained to say no to any idea that the opposition presents. They're trained to say no, and they have been restrained and restricted from speaking their minds. That is a bad day for democracy, Mr. Speaker.

We speak in this House. We tell our stories, and we tell the stories of the people who got us here. This government is not interested in listening. They think they're above the law, they think they're above scrutiny, and there is no explanation why they would cut debate and invoke closure. If they're proud that they only did it six times, I see it happening more often in the future because you will not get an easy ride from this side of the House. I apologize; this is not going to happen.

You know, Mr. Speaker, two more hours: we are going to use them to the fullest. One hour in third reading: we're going to use it to the fullest. Even when the House adjourns, this is far from over. The next battle in this province is going to be a battle fought over democratic renewal, and this is a battle that the Tories have already lost.

Thank you.

[The voice vote indicated that Government Motion 19 carried]

[Several members rose calling for a division. The division bell was rung at 3:33 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abbott	Horner	Ouellette
Coutts	Liepert	Rodney
Danyluk	Lindsay	Rogers
DeLong	Lund	Stelmach
Doerksen	Marz	Stevens
Evans	McFarland	Strang
Forsyth	Melchin	VanderBurg
Griffiths	Mitzel	Webber
Haley	Oberle	Zwozdesky
Herard		

Against the motion:

Backs	MacDonald	Pannu
Blakeman	Martin	Pastoor
Chase	Mason	Swann
Elsalhy	Mather	Tougas
Hinman	Miller, R.	

Totals:	For – 28	Against – 14
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[Government Motion 19 carried]

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

[Mr. Marz in the chair]

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

Bill 20
Freedom of Information and
Protection of Privacy Amendment Act, 2006

The Chair: Are there any amendments, comments, or questions with respect to this bill? The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much, Mr. Chairman. I'm pleased to have an opportunity to speak more at length to Bill 20 than I've had the opportunity to do before. I think I'll note, first of all, that we are under a time allocation now according to Government Motion 19, which just passed. So at this point the members in this Assembly are restricted to 120 minutes, two hours, of further debate on the freedom of information bill, Bill 20, before the time allocation has elapsed and the vote will be called, which I think is an ironic statement. Here we have a freedom of information bill that is restricted in how much people can participate in the debate.

To me this casts into relief the larger issues that are at play overall from this government. We're all aware that the public does not view politicians with a great deal of credibility at this point in history. As a matter of fact, I think that a recent poll showed that politicians are ranked above used-car salesmen, with the belief that they are liars and cheats if I'm following on the correct analogy that was made. This was a national poll, I think, that was done and then reported. But I think that when we see activities like we're seeing from this government now, that's what plays into that perception that politicians are taking advantage of the public and doing things that the public doesn't approve of. A big part of that is the public being able to participate in the process and see the government participate in the process. When we talk about transparency, that's what we mean.

Accountability is the ability of the government to account for its actions. If it makes a decision, passes a regulation, implements a policy, starts a program, cancels a program, we should be able to ask the government what its reasons were for doing that and get a comprehensive answer on it. We're not able to do that in this day and age, and particularly in Alberta there's a great deal of difficulty with that.

It's also an irony to me that we set out to establish legislation that was about providing information. It's about freedom of information and protection of privacy, and the privacy to be protected, really, was of individual Albertans, not the government's intentions. That's not what was supposed to be protected here or hidden away. To me it's a perversion of our system and of the democratic process that we come to a point where this is about hiding everything that the government is doing or almost everything that the government is doing.

When we talk about the credibility that a Legislature or a government has with the public and they look at things like time allocation – I mean, I've been out talking to my constituents, and they laugh at the idea that six hours is considered too much discussion on a bill that will now, when passed, limit my ability, the media's ability, and their ability to get information from the government that holds them accountable, that shows why they made certain decisions or why certain information is available or not available. This is not the only example of this that we see from this government. What else challenges credibility with the public than the increasing habits of what we see before us?

3:50

We have the whole budget process, where every single year that I've been elected, Mr. Chairman, the government has been off by millions and millions and often billions of dollars in their budget planning. What does that tell me about their ability to actually have control of their finances? Either they're deliberately highballing their expenses and lowballing their revenues to be creating these immense surpluses at the end of it, or they have absolutely no control over how their financial accounting system is working. Neither one of those makes the government look particularly good because one is an incompetence, and the other is a perversion of a system that's in place.

Then we have things like off-budget spending, where, for example, last year we hadn't even completed the budget process and already we had ministers out there on the barbeque circuit talking about how they were going to spend the surplus. Well, there wasn't even a surplus at that point, and they were already talking about spending it. So that strains credibility with the public.

Certainly, the public is aware of the number of sitting days that we have in this province. I think that if you actually consider the number of days, we are one of the least sitting assemblies in the country. Again, people go, "Well, you're all on holidays," or come the end of this weekend we will all be on holidays. Well, I know that I'm still out there working, but for most people that see this as the work that we're to be doing, yeah, we're out of here. We've worked, whatever, 14 weeks out of 52, and that strains the credibility.

We have other systems that this government has become renowned for, like the consultation and the summits; you know, the growth summit and the future summit, the health round-tables, and a number of others. Remember those from back in the early '90s, where groups of sort of hand-picked people are brought together? They're fed a certain formula, and they come out with the expected and anticipated results that the government wanted to see in place to support whatever they'd already decided to do. Same thing with the mail-outs that the Provincial Treasurer who is now a sitting member in Ottawa made famous, all of these very restrictive and coercive questions about how we wanted our money spent. Of course, the answers all came back the way they wanted it, and Bob's your uncle, and they go off and do what they wanted to do anyway. But all of these things start to mount up and create a huge credibility gap with the public.

To me, what I see is that an honourable legacy, a legacy that should be respected from the early days of this administration, never mind the very early days of when this particular government took power, is being overshadowed by these increasingly antidemocratic measures or actions that this government is putting into place. You know, we have the refusal to put a lobbyist registry in place. We have the Wednesday night wine-and-dines in which it is so orchestrated now that you can phone up and find out who's the sponsor for Wednesday night that's going to be taking the government caucus out, feeding them dinner, and plying them with beverages to get their access to the lobbyists so that they can influence government policy. That's integrated now. That's part of what this government does and expects to happen. To them it's normal, but to people out there that's not normal at all, and they expected to see other things put in place to balance that and prevent what they see as something that's undemocratic.

Certainly, more recently the government's refusal to plan on how to save has been another issue. Rather, there's just been this rampant wild spending and sort of announcements off the cuff about: okay, let's give everybody \$400 and see how that works out. What we end up with is a public that feels increasingly distant from their

elected representatives and particularly from what government is doing, and at what point do the people refuse to co-operate, refuse to play their part in this democracy because we have no credibility with them anymore? I think that we are not approaching that; I think we're right at the cusp of that believability.

When you look at voter turnout, it's dropping every single time. When you look at a younger generation that has no interest in voting, is protesting it, and is not learning to vote as they establish themselves as more mature adults and get married and buy houses, they're still not voting. That's when you usually capture them, when they have something that they now value and want to see the representation about how that's being managed for them. So we have a government that has pushed, I think, the public to the point where they don't have credibility anymore, and those are the signals: when we look at that voter turnout, when we look at younger voters. I think that's going to cause us a real problem.

One of the other issues that occurs to me around this freedom of information and protection of privacy legislation is that if the government has nothing to hide, then why is it going to such extreme measures and working so hard to hide it? What on earth is in that briefing book that makes it so precious? You know, if this is all so above board and everybody is so innocent over there and everybody is so transparent and accountable, then what on earth do you have to hide? Yet there is so much effort and energy being put into making sure that things are hidden not for a little while but for a long while, for either five years or 15 years. That's an indication to me as well. We've entered a culture of entitlement from people that are elected on the government side, and they believe that they're entitled to carry on the business as they see fit, not subject to other rules or even subject to the scrutiny of the public that put them there. So there's one rule for them and a different rule for everybody else, and I think that's problematic as well.

There are a number of tests that I run when I look at legislation. Is there a problem? Do we need legislation to fix the problem? Is this the legislation that will fix the problem? Is what's being proposed the least intrusive amount of legislation required? I would argue that in most sections that are being proposed in this bill, this bill fails that test.

Mr. MacDonald: *Pirates of the Caribbean*. Do you think that's their favourite movie?

Ms Blakeman: Maybe *Pirates of the Caribbean* is their favourite movie, yes.

So those are the four test questions, and I argue that this legislation fails on all of them. Is there a problem that needs correction by being able to hide things like a briefing book or the work of the internal auditor for a period of five or 15 years? I would argue that there's no problem that needs that.

Does it need legislation to do it? No, because I don't think the problem exists in the first place, and legislation is not the way to be fixing it. This legislation, again, is punitive, and it goes far beyond what's actually needed. We've even got our own Privacy Commissioner saying that anything that the government wanted to protect right now, in the arguments it's putting forward – you know, internal briefing documents, for example – is already protected and available for the government to use. They don't need to put another dedicated law in place to help them do this.

This is also open to abuse in that I believe you take documents that you don't want out there and that wouldn't be covered under other FOIP provisions, slap them in the back of that briefing book or put a memo on top saying, "This is an internal briefing document to my minister," and that's it. They're covered under this new

legislation and unavailable for five years. Is that appropriate? Well, when have we seen reports, for example, that we were waiting for in this Assembly that the taxpayer paid for, and we don't see them? We wait and wait and wait, and we start to make inquiries, written questions, motions for returns, even FOIPs to try and get them. We can't get them.

Well, for most of the ones I can give you examples of, we did get them faster than five years, Mr. Chairman. The Police Act review: yeah, they hung onto it for two and a half, I think getting close to three years, but we did get it after three years. We got a first draft, and then a year later we got a second draft. But at least that was under five years. With the Corrections Act review it was also a couple of years that they managed to tuck that one away. The victims of crime study that was done under the Solicitor General was tucked away for quite a while, and I had to press very hard to get that study to see the light of day. But, again, it was faster than five years.

4:00

What they've done is gone through and looked at any report, any study, any material at all that they don't want out there for five years. They just tuck it into the back of that briefing book, and it's covered. That's a perversion of what we expected the FOIP legislation to be, and it is unnecessary legislation. So my fourth question: is this the least intrusive legislation that achieves the aims that they were trying to achieve? Absolutely not. This is going far beyond what was necessary to accomplish what they were looking at. They could already do what they were doing, but we've seen that before.

We ended up with the PCHIP bill. You could already do everything that they brought that bill in to do. And we've just done another one with PCHAD, which was the kids being locked up for crystal meth and detox for crystal meth. You could already do all of that. You didn't need the additional law to do it. In those cases I accused the government of grandstanding around it.

This is much more serious because if you're not doing anything wrong, what is it that you're worried about people seeing? I understand when you're inside your own caucus and want to kind of work stuff out and try some ideas before you have to get them out in the light of day and have everybody take their shot at it, but this is going far beyond that level of privacy to discuss things and to try out a few things. This is seriously restricting the ability of the opposition, of the media, and of the public to see what the government is doing.

Now, this government likes to talk about how nasty the federal Liberals were and how corrupt they were and how much they didn't like them. But you know what? Here in Alberta you would never have been able to dig out that federal Liberal scandal of the Gomery with the FOIP legislation that's in place here.

Mr. MacDonald: Even now?

Ms Blakeman: Even now. And worse. Worse.

That really piques my interest, and I start to think: "Isn't that interesting? What the heck are they hiding over there? It must be a lot, and it must be big." What's being created out there in the public's mind is: "Whoa. How bad is it? Where are the scandals?" We had a former member of that caucus who was asked to leave their caucus, and as he left, he said, "Well, I know where all the skeletons are." Aha. Well, I think that a lot of us felt that there were skeletons over there, but they were very hard to detect, and it was kind of nice to have that confirmed by somebody leaving that caucus, that there were skeletons. Now you start to think: "Okay. Where are they?"

I would argue that some of them, obviously, are probably around land use and the sale of public land. We're still waiting for a land-use policy. It's not coming. That's interesting. Why? What skeletons are rattling over there around that? Electricity deregulation: what skeletons are rattling around over there behind that? Really, just about any subject that this government covers is going to be in those briefing books, so in addition to the commonly used FOIP excuses that the government uses to get out of giving us any information, which was "third party" or "policy advice" or "advice to cabinet members," now we're going to have the briefing book policy on top of all of that. It's really quite unforgeable.

Just in closing, we have this government creating a situation that I think is only going to imperil itself. As we move into a leadership campaign on their side, I hope that people do question those leaders on what their particular viewpoint is around this more inclusive legislation which shields even more from the public view. I'm assuming that following that, we'll be into an election, and I hope that the people press hard. I would be very interested to see the voter turnout on that.

Mr. MacDonald: Do you think the people will ask about the closure motion today in the public debates during the election?

Ms Blakeman: Oh, I think the time allocation motions matter to people. They pay attention, and again it raises the same questions. What are they worried about that they have to use such draconian methods to keep everybody in line? What are they trying to hide that they have to bring that kind of thing into play? It signals exactly the opposite of what this government likes to have everybody believe of them.

You know, the proof of the pudding is in the eating, Mr. Chairman, and what we are eating here is rotten, and I hope it makes them all very sick. Thank you very much.

The Chair: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Martin: Thank you, Mr. Chairman. You know, it's rather interesting that in Harper's Ottawa the conversation is all about openness and transparency and ethics and all the things that people were upset about with the federal Liberals. Here in Alberta their cousins seem to be going the opposite way. I see the opposite over here, that people don't seem to care. I expect that if they were Conservative Members of Parliament in Ottawa, they'd be up on their hind feet saying that we've got to do this, that politics is an honourable business, and that we've got to bring back respect to the Parliament of Canada. Here we sit in this Legislature under a one-party rule going in exactly the opposite direction that they are in Ottawa and, I would suggest, the opposite direction that they're going in most other parts of Canada. I mean, this government is known as the most secretive government in Canada, maybe in the world or the universe, as they like to say. Certainly, I would probably agree with them in this particular case.

Now we even go further. I mean, the FOIP Act that we had was a difficult one to navigate to find what you wanted. Even when you got them to okay it, often the departments didn't get the information there quickly or on time. There are no penalties. So it's not that we're the most open. I mean, we've been voted the most secretive government, Mr. Chairman. Now we're going to take this FOIP Act – and it's interesting; they were going to say that it was to deal with the PATRIOT Act. Well, that was just a by-product to probably put a better spin on it, and we're making it even worse. I think it's part of what we face in this province of a one-party rule. You've been in power so long that you figure that you can do whatever you want

whenever you want and the people will just say, "Okay, that's the way it is," and it'll be business as usual.

I mean, why we would go to these levels, Mr. Chairman, when we see across the world international experts now saying that this is unbelievable, that this is Third World country material when we're dealing with the freedom of information acts. No other place anywhere is going in the direction that this government is going. Overkill, for example. You know, I quote here from a University of Lethbridge political scientist, Peter McCormick. I thought he put it very well: this sounds like every secretive government's dream. He's talking about Bill 20. He goes on to say: this is a government that always likes to say it is in favour of freedom of information, but freedom of information is always a risk for a government, so what they want to do is look as transparent as they can while being as untransparent as they can, and that way they don't get burned.

Well, it seems to me that that's what this is all about. We bring in Bill 20. It's to do with the PATRIOT Act. They hope that people fall asleep or the opposition falls asleep, and then they bring in all these other amendments that make it totally undemocratic.

Mr. Chairman, we've talked a bit about the briefing notes, but there are so many things wrong with this bill that it's hard to know where to start. You know, the Premier goes on, and I heard him say today: well, don't want our briefing book because there may be some information that we didn't accept in there. Well, you know, that would be fairly easy to see. If the government policy didn't follow those briefing books, we'd know that. It wouldn't take a genius to figure that out. The point is that theoretically the Premier indicates, as he's sitting here with the briefing book, that the answers that they're giving seem to be coming from those briefing books, and that's out in the public. So what is there to hide? What is there to hide?

4:10

In an interview Alberta's Information and Privacy Commissioner said, as we know, that he opposes this proposal to exclude briefing notes because he points out that they already fall under a section of the Freedom of Information and Protection of Privacy Act. Section 24(1) allows the government to withhold any records that might contain "advice, proposals, recommendations, analyses or policy options developed by or for a public body or a member of the Executive Council." So they already have protection there. That's the point the Privacy Commissioner said. He said that they've had nine cases that he's had to deal with, and in seven of the nine cases that this issue has arisen, the Privacy Commissioner has ruled for the government. So why are we going through this particular proposal?

You know, the Premier often says – and I heard him – that if something happened in Alberta like what happened in Quebec, Adscam and the rest of it and the Gomery commission and the announcements after – well, I can't remember the exact words, but he sort of indicated that he'd be tarred and feathered or thrown out of town or whatever. Well, the question remains, Mr. Chairman: how would we ever know? And now it will be even harder to find out. It would be impossible – well, with my luck I suppose I shouldn't say impossible; anything's possible. But it would be extremely difficult to find any particular scandal here because we're covering it up. It was hard enough in FOIP; now it will be almost impossible. Briefing notes: five years. Other parts, internal auditor: 15 years. I mean, this is a total and absolute cover-up for this government.

How would we ever have a commission to find out? The last commission we had embarrassed the government. It was the Principal Group back when. We've never had a commission set up to do anything since then. My point is that with this most secretive government in Canada, in North America, the world, the universe,

wherever you want to stop, Mr. Chairman, it's very difficult. The government likes it this way, and they don't think that people care. But people are starting to care, they're starting to take notice, and they're going to demand better from this government. They're not there by divine right. Some of them believe that they are, that they don't have to be accountable to anybody. The reality is that they've had nothing but one-party rule in this province for so long that they forget that these things are important in a functioning democracy.

Now, I point out, Mr. Chairman, that five years is an interesting time for the briefing notes. We can't look at those briefing notes for five years, even though we're told that there's not that much in them. That's what we're told. Now, that's an interesting length of time, isn't it? That takes you into the next government. Anything that comes out then is ancient history. We hear that in this Legislature: well, that was then, and this is now; we're much better now.

Mr. Elsalhy: There might be a new minister.

Mr. Martin: Yeah, it's a new minister: we can't go back on that; if that happened, well, there's nothing we can do; it's ancient history.

Mr. Chairman, there are a lot of cabinet ministers that are going to be retiring. We know that the Premier is going to be retiring. But even the new ministers that come in in those five years or those that stay with the government will be in different portfolios and all the rest of it. So it's a deliberate – deliberate – attempt by this government to keep hidden anything that's there.

I don't know if there's anything in those briefing notes that would cause them to be embarrassed. But the Member for Edmonton-Centre was correct: because of this fight bringing in a bill like this, one certainly has to wonder what's in there. You know, if you didn't wonder before, you have to wonder now. Does the Premier not want to be embarrassed or the cabinet ministers? Some of them that will retire after or before the next election don't want to be embarrassed. The people that stay on don't want to be embarrassed. There has to be a reason for this, Mr. Chairman.

The government, I know, says: well, we'll listen to the opposition yak away, and we'll bring in closure, and everybody will go to sleep, and nobody will care. That's what they're counting on. I guess that's the record. They've been elected no matter what they do for so long that they think this will go away.

I suggest, Mr. Chairman, that people are starting to take notice of what's happening here. There was a culture of entitlement that they talked about with the federal Liberals. Now, as I said, when we see a new government, Harper and the new people coming in, their cousins, saying that accountability and openness are really what we have to shoot for and we see this government going opposite to the way their federal cousins are, then something doesn't ring right, whether we agree with everything they're doing or not.

When governments start to act this way, Mr. Chairman, even in Alberta they eventually get kicked around a little bit. The last time even the city of Edmonton told them that they were not happy with the way they were acting. I would suggest that with more bills like this and some of the things we're doing, other parts of the province are going to send them the same message. You can hide from these sorts of bills, you can bring in lack of freedom of information acts, you can tie it together with a little red ribbon called the PATRIOT Act, but people in Alberta know what this is all about.

You know, I think there are some good people opposite there, and I don't understand why they would put up with this. Hopefully, with a new leader coming out at some point in December, whenever the case may be, surely they're going to see that this is not good policy on their part. I think you are going to see changes here one way or the other.

Mr. Chairman, this is just too convenient for the government to hide information, and it's not democratic. There are all sorts of democratic deficits in this province, but this makes it even worse. The government will get away with this because they have the majority. It's the tyranny of the majority. They'll get away with it because they can, because they have the numbers now. Is it the right thing to do? No. Will they pay a price down the way? One can only hope. Hope springs eternal that some of them might see that this is wrong but obviously not by the vote that I've seen so far. We will certainly make sure on the opposition side that people do remember what this government is doing with this particular act.

Thank you, Mr. Chairman.

The Chair: The hon. Minister of Government Services.

Mr. VanderBurg: Thank you, Mr. Chair, for the opportunity to speak today. However, before I begin my remarks, let me first thank the Member for Red Deer-North, who sponsored the introduction of this important piece of legislation, and also the previous minister for introducing this legislation to her. I really thank him for that. As the newly minted Minister of Government Services I have relied on her commitment and enthusiasm to steer this bill through the Assembly to this point and will no doubt benefit from her wise counsel as it proceeds.

This bill proposes a number of amendments to the FOIP Act. Perhaps the most important amendment sets higher penalties for disclosing the personal information of Albertans to a foreign court. But, Mr. Chairman, we don't hear about those comments, do we? If an individual or a corporation discloses personal information pursuant to a subpoena, a warrant, or a court order when a court does not have jurisdiction in Alberta or pursuant to a court order that's not binding in Alberta, that person would be guilty of an offence and would be subject to a fine. The proposed fine for corporations could be up to \$500,000 to deter such disclosures.

Let's not forget that the FOIP Act itself contains provisions for fines up to \$10,000 for anyone convicted of trying to thwart the intention of the legislation. Despite what the leader of the third party said in this Chamber the other day, this legislation is anything but toothless. I can assure you of that. Protecting people's private information is one of this government's top priorities.

We are also exploring other solutions to address the potential for American authorities to view the private information of Albertans without proper authorization. Our goal is to ensure that the personal information of Albertans is protected from unauthorized access. The USA PATRIOT Act – which many of you probably don't know, and I didn't know until I was advised, stands for Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism – is of particular concern to this government, but the legislation will apply to any foreign government that seeks to obtain that personal information of Albertans without permission. This is a concern nation-wide, and we continue to work with other jurisdictions on a common approach to ensure that the issue is raised at the national level.

4:20

A related amendment would further enhance the security of Albertans' personal information. Currently, the act allows a public body to disclose personal information to comply with a subpoena, warrant, or order of a court. However, it's not clear which court this provision refers to. This amendment clarifies that a public body may disclose personal information only if ordered to do so by a court with jurisdiction in Alberta or in accordance with a rule of a court binding in Alberta. This will make Albertans' personal information less vulnerable to the collection of foreign agencies, Mr. Chair.

Another amendment clarifies the existing limits on access to ministerial briefing materials. The FOIP Act already allows ministers to refuse disclosure of advice to ministers, as was previously stated. This amendment will clarify that briefing books prepared for a new minister and session briefing books prepared for ministers will not be disclosed for five years. Mr. Chair, most of this information is confidential background material on issues that might be raised during the course of the Legislature sitting. You know, we're not going to do the opposition's job for them by sharing the information that might be of interest to them any more than they plan to share their confidential background briefings with this side of the House. The Premier has said: they didn't get this information before these amendments were introduced, and they're not going to get it now.

This is the only change to a time period of limitation, and it only applies to ministerial briefing books. This will ensure that ministers receive candid advice from senior officials. Applicants may request other briefings for a minister and any briefing materials in a briefing book not created solely for one of these purposes. The five-year period was chosen to coincide with the life of a Legislature, which is five years at most.

The third most important amendment limits access to working papers related to an audit by the newly created office of the chief internal auditor of Alberta for 15 years. This will encourage ministers to seek the chief internal auditor's advice on how to improve the quality of government programs. An individual can still make access requests for records about a program or service of a ministry but not for records about the audit. The Auditor General continues to have access to all records of the chief internal auditor.

Another proposal would suspend the processing of an access request while the Information and Privacy Commissioner consults on the application, on how a public body is handling the FOIP request. Mr. Chair, the amendment is purely administrative. Since the commissioner's consultation takes time, typically a decision comes after the legislated 30-day deadline for the response has expired. This amendment would allow the 30-day processing timeline for a FOIP request to stop while the commissioner makes a decision. These requests are rare, reflecting this government's commitment to the openness and transparency of access to information.

Of 3,168 FOIP requests received in '04-05, 94 per cent were completed by government public bodies within 60 days or less. You ask me to repeat that? Ninety-four per cent were completed by the government public bodies within 60 days or less. Mr. Chair, that confirms that Albertans have effective and timely access to information. This represents a significant achievement given that the complexity and number of requests received by the government continue to increase annually. The number of FOIP requests received in '04-05 increased by 27 per cent over the previous year. Preliminary figures suggest that the experience during '05-06 will be similar.

Of the 3,168 FOIP requests received in '04-05, 95 per cent were handled without complaint to the Information and Privacy Commissioner. You ask me again: how many?

Some Hon. Members: How many?

Mr. VanderBurg: Ninety-five per cent were handled without complaint to the Information and Privacy Commissioner. This demonstrates the success of Alberta Government Services' efforts to support FOIP staff throughout government public bodies. The Information and Privacy Commissioner has said that he would take a dim view if the number of requests for extensions suddenly spiked.

The commissioner has the ability to order the public body to resume processing of the request immediately.

Mr. Chair, another amendment will allow newly created government boards and committees to be brought under the FOIP Act more quickly.

There are a couple of other amendments, but I think that I've touched upon the most significant proposals in the legislation. As I mentioned earlier, protecting Albertans' personal information entrusted to the government and public bodies under the Freedom of Information and Protection of Privacy Act is a key priority for us in government.

To address another comment made by the opposition last week, costs are not a barrier to access to government information. Since FOIP legislation was first introduced in 1995, we have collected \$535,000 in fees.

Some Hon. Members: How much?

Mr. VanderBurg: Since 1995 we've collected \$535,000 in fees. That's less than \$50,000 in fees in any given year.

An Hon. Member: How much did we spend?

Mr. VanderBurg: You ask: how much did we spend? Well, during the same time we spent \$59 million. That's more than \$5 million a year. Do the math.

An Hon. Member: Spend, spend, spend.

Mr. VanderBurg: Yes. You're right.

Administering the act, Mr. Chair, will continue to be an important function of the Ministry of Government Services. I'm proud to have this opportunity to speak to this important legislation.

With that, I close my remarks and specifically invite the previous Minister of Government Services and the Minister of Justice to make comments on this as well.

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

Mr. Elsalhy: Thank you, Mr. Chair. A very interesting afternoon indeed. Part of my response would be in response to the hon. Minister of Government Services, but before I start, I want to say that there is a real appetite out there for a stronger democracy. People want clear government and improved transparency and accountability, but unfortunately there is a group of government MLAs that do not want to satisfy this desire and are okay with further famishing the same people who voted them in and entrusted them to represent them fairly and openly.

The minister on a previous occasion, when challenged about a time allocation and invoking closure, said that the time spent already on Bill 20 was enough. I take issue with this. Today he was talking about the opposition not talking about the good things in the bill, and again I beg to differ because at the very beginning, at the outset, we actually stood in this House and commended them on the 50 per cent of this bill that we found very favourable. We said that we are truly in support of the good elements in this bill, but then I remind you, Mr. Chairman, and I remind my hon. colleagues that I also mentioned that packaging bad legislation with good legislation doesn't make the entire package good. I said that it was like sugar-coating rat poison, and I know that this comment was picked up.

I feel that this is intentional, to actually give us the carrot basically, if you will, Mr. Chairman, and tell us, "Here is some good stuff that you asked for and that you support," but then also to show

us the stick, where they actually put us in a situation where you either accept it all or reject it all. I think that we're inclined to reject it now because our amendments keep being defeated in this Assembly.

The minister mentioned that 94 per cent of applications were completed within 60 days. Now, that's a good figure. But he fails to mention: is it 94 per cent of all applications, or is it 94 per cent of the ones that were accepted? It is no secret, Mr. Chairman, that many of the applications are rejected right there at the source, and they don't progress. They don't go forward unless the person challenges the body and goes to the Privacy Commissioner, and indeed sometimes they go to court to seek the information they were after. So 94 per cent of what? Is it 94 per cent of the ones that were allowed, or is it 94 per cent of the total? Even so, of that 94 per cent how much information is blacked out or omitted or severed?

4:30

You know, since I became an MLA I started learning about the language that is used. Sometimes when they reject an application for access to information, they call it nonresponsive. So you're asking for a certain thing, and you get a package of 100 pages, 90 of which are blacked out. They're totally white. There's nothing on them because it is deemed nonresponsive.

Sometimes you're asking for information on a government contract or a grant. You get the information, and two-thirds of it is not there, and they say it's because it's information on a third party. Well, yeah, it is information on a third party. You're giving them money. I need to know why. They say: well, it's nonresponsive, it's third party, and we need to maintain that third party's confidentiality. I find that very objectionable.

I'm going to use a quote that I received, Mr. Chairman. It was a quote by a person by the name of Dag Hammarskjöld. Talking to the government, the quote reads:

You are the lens in the beam. You can only receive, give, and possess the light as the lens does. If you seek yourself, you rob the lens of its transparency. You will know life and be acknowledged by it according to your degree of transparency, your capacity, that is, to vanish as an end, and remain purely as a means.

This is the definition of government. Government is a means for the people. It's a tool for the people to use. It is not the end result, and it is not the target or the goal.

This government, however, has lost that definition and has deviated from it. Now they have turned from a lens that passes light through to a black hole that sucks light out of everything that gets close to it, and things enter to be lost forever or, more accurately, hidden forever. This information that the government is trying to withhold or seal forever is not theirs. It is information that is owned by the public that got them there in the first place.

Now, it was mentioned by members of the third party that this government is hypocritical. They don't borrow a page from their federal cousins. Stephen Harper came, and his flagship bill was the Federal Accountability Act. Some of the elements of that Federal Accountability Act would be very useful in this province, Mr. Chairman, some of which are to end the influence of money in politics, toughen the Lobbyists Registration Act, make qualified government appointments, ban secret donations to political candidates, clean up government polling and advertising, clean up the procurement of government contracts, provide real protection for whistle blowers, ensure truth in budgeting with a parliamentary budget office, strengthen the power of the Auditor General, strengthen the role of the Ethics Commissioner, and strengthen access to information legislation. Novel ideas. What wonderful ideas. But we don't see this government adopting any of them. In fact, they're moving in the opposite direction.

I have to tell you, Mr. Chairman, that democracy is ill in this province. By that, I mean that we have all these areas, and they're not separate or individual – they're all together – where we see a government that is totally disinterested. They're totally not interested in allowing the Legislature to do what it does. They're not interested in answering to the people or answering questions posed to them by the media, and this is only bound to get worse.

Today somebody e-mailed me, and they said: ask your colleagues on the government side what would happen to the statute of limitation if things are sealed away from public scrutiny for five or, indeed, 15 years? What will happen if somebody wants to take this government to court? The statute of limitation in most cases is two years. I don't have a law background, but I know some members of the government side have a law background. How would they answer this question? If this government commits a crime, and some citizen, some Albertan, wants to seek legal remedy, what recourse would they have then, after five or, indeed, 15 years have passed?

What's in those ministerial briefing notes, for example, that the Premier vows to keep secret and off limits to opposition members? He accuses opposition members of wanting to use the "sensitive information" contained in such briefing documents for political gains. Isn't that what he and his cabinet are doing? Isn't it political or partisan that they want to seal public documents and prevent legitimate access to information? Are they not interested in protecting their own seats, Mr. Chairman? That is the question.

Who does this government think it is? Who do the Tories think they are, Mr. Chairman? Are they above the law? Are they above scrutiny? Do they not answer to anyone? That is the question today. Being accountable to the House and to the people is something that we need right now, today, and right here, not many years from now, when governments have changed and ministers have either left or died or moved on or vanished somewhere. They have to give those answers right now and answer to the people.

As I mentioned earlier, the next battle in this province will be waged over democracy and the need to restore openness and transparency. People do remember, and again I emphasize that this is a battle that the Tories have lost.

Now, before I go on any further, Mr. Chairman, I beg leave to introduce yet another amendment to Bill 20. I will first ask the pages to distribute it, and then I'll talk some more.

Thank you.

The Chair: We'll refer to this amendment as amendment A5. The hon. Member for Edmonton-McClung may proceed.

Mr. Elsalhy: Thank you, Mr. Chairman. So basically this amendment that I'm moving, amendment A5, proposes that Bill 20, the Freedom of Information and Protection of Privacy Amendment Act, 2006, be amended in section 9 as follows: one, in clause (a) in the proposed section 94(2) by striking out "or the Minister"; two, by striking out clause (b) in the same section.

Now, what am I trying to do here, Mr. Chairman? Basically, in light of all the arguments about how this government is becoming more secretive and less transparent – for example, they're restricting access to the ministerial briefing notes, they're restricting access to findings of the chief internal auditor, they are allowing an indefinite period of time for applications to be considered for dismissal, and all that stuff. Here, this section 9 proposes to give a lot of, to some extent, new powers to the minister in charge, and in this case it's the Minister of Government Services.

So the difference between this amendment that is before us, Bill 20, and the existing legislation is adding the words "or the Minister,"

basically allowing the minister and/or the Lieutenant Governor in Council to delete a body designated under the act only if the commissioner is satisfied. So now you have this new tool at the minister's disposal to remove bodies at his or her whim, basically. Yes, the commissioner has to be satisfied, but what are the chances that the commissioner will not be? That is the question here. I think that in light of all this regressive direction that this bill is taking us, the minister does not need nor, to be blunt, deserve to have this extra power at his disposal. This amendment basically offers that balance to take this extra and new power away from the minister.

4:40

Now, there is no justified reason to extend it, and the minister did not provide any adequate explanation why. As a matter of fact, this is a private member's bill, and the sponsor of the bill did not tell us why the minister needs all this extra power. It's really alarming, and we find it very objectionable. On the one hand you give him a lot more discretion, and on the other hand you deny outside groups like the opposition, like members of the public, like members of the media access to the information that he has control over now. It's basically contradictory and hypocritical.

I wanted to speak a little bit on this whole issue of skeletons. People want government to be transparent and open. People expect it. I think that contrary to what this government believes, it's almost like a pressure cooker. You know, Mr. Chairman, you've got one of those pressure cookers, and pressure inside it builds up, but all of them have a little hole or a safety valve or a pressure release vent that allows this pressure, when it reaches a critical point, to vent out and basically prevent it from exploding. I think that people are starting to pay attention, and they're approaching this boiling point if you will. What this government is proposing now is removing or sealing that little hole that vents that pressure out. We are actually approaching a critical moment in this province's history where people are going to revolt, and they will say: "Enough is enough. We don't like the direction this government is going."

In terms of the skeletons, knowing my pharmacy background, Mr. Chairman, I was thinking about bone density scans. I thought that if we were going to perform a bone density scan on this House, and notwithstanding the fact that we have 62 government members versus 21 opposition members – you can factor that into the formula – you would notice that the bone density measurement from the opposition is a lot lighter than the bone density scan from the government side. That doesn't mean that the opposition is prone to developing osteoporosis, but I think what it means is that those skeletons are buried really deep in those closets and in those graves, and it's not funny. It sounds funny, but it isn't really.

Again, I mention that it's also disheartening that even some of the progressive members of the government caucus do not seem to appreciate the seriousness of this issue and do not feel the urge to speak their conscience even though this is, again, technically a private member's bill.

So I don't think there is a lot to lose by removing this extra power from the minister's hands. If the government side found some of the arguments before repetitive or if they didn't want to just vote yes to an opposition amendment, at least this one here is the least contentious, and I would hope that most of them would find it easy to swallow. It's a challenge to them, and it's a challenge to the few of them who are seeking the Tory leadership because they keep bragging about wanting to be more transparent and accountable, and it's a new way of doing things, and "Vote us in because we will clean up the act," and so on and so forth. But it is hypocritical when we introduce amendments in this House that would actually take them that way, and they vote against it.

So this is a challenge not only to the backbenchers from the government but also to those of them that are seeking the Tory leadership and, actually, the couple or three of them that are on the outside now. I'm counting Mr. Preston Manning as well. That would be very interesting.

Back to the Federal Accountability Act. In terms of improving access to information, the federal Tories wanted to implement some reforms to the Access to Information Act. They wanted to "give the Information Commissioner the power to order the release of information." Not the power to sit on his hands indefinitely and not the power to agree to dismiss applications but the power to invoke the release, to force the release of information.

"Expand the coverage of the act to all Crown corporations, Officers of Parliament, foundations and organizations that spend taxpayers' money or perform public functions." Now this is a big net. They're trying to capture everything under this net. This government, however, is trying to eliminate things. One of the tools that they're going to use is for the minister to be able to delete public bodies from the register at his own discretion, and I totally disagree.

"Subject the exclusion of Cabinet confidences to review by the Information Commissioner." We're not talking about briefing notes here; we're talking about people. So people who are giving advice that the Premier finds too sensitive to share: two cabinet ministers will now be forced to co-operate and to release the information. What great ideas.

"Oblige public officials to create the records necessary to document their actions and decisions." Again, this government is doing things verbally now. They're paying people for verbal advice. We seek information from them, and they say: we don't have written records, and sometimes it's verbal communications. They pick up the phone and talk to each other. Employees have been instructed to try to do things verbally, or if they absolutely have to put it on paper, they're very careful about the language they choose. The federal government is trying to tell people to keep a paper trail, which is the right thing to do. This government, however, doesn't think it's interesting or important.

"Provide a general public interest override for all exemptions, so that the public interest is put before the secrecy of the government." This is great. I mean, I wish some of those MPs would pick up the phone and talk to some of those MLAs here and give them a piece of their mind.

"Ensure that disclosure requirements of the Access to Information Act cannot be circumvented by secrecy provisions in other federal acts." So access to information is paramount, not restriction of access as seems to be this government's direction.

Mr. Chairman, I can go on and on. Yes, they'll find some of the arguments repetitive. Well, that's the way it has to be because you don't seem to be listening to us, and you basically don't get it. I think we'll just keep going on and on until some of you see the light.

I'm going to end with a quote again, Mr. Chairman. This one is from Otto von Bismarck, and we all know who Bismarck was. He says: "Laws are like sausages. It's better not to see them being made." This is exactly what we're trying to do here. We're trying to ascertain what's inside that sausage that the government is trying to shove down our throats. This is the least that we can expect, and this is the bare minimum that the public expects from their government.

Thank you, Mr. Chairman.

The Chair: The hon. Member for Calgary-Bow on amendment A5.

Ms DeLong: Thank you very much, Mr. Chairman. I will try to be brief because I know that the opposition members would like to

speaking further on these issues. I was on the last FOIP review. By the way, FOIP does get reviewed every five years, and there were opposition members on that latest FOIP review. I was very interested in that legislation because what we were trying to do with that legislation from the beginning and again – we've reviewed it twice – is to try to get that balance between privacy and access, and I know that that's sort of generally what we've been doing. So when this legislation came through, that was one of the things that I looked at with it.

I do believe, Mr. Chairman, that it is obvious that we have been talking about this too long, or at least the opposition has been talking about it too long. They have stopped looking at the actual legislation and are just referring back to the rhetoric. So instead of actually dealing with what we have in front of us at any one time, they seem to have forgotten entirely what it is that we're talking about.

I would like to say a little bit about this amendment. This, again, is very typical of what's been happening here, and that is that they've looked at one clause here that says that "the Minister may delete a body designated under subsection," et cetera, et cetera. Well, the et cetera, et cetera has all the controls in it. Okay? That's the part that says that the body can only be deleted if it

(i) has been discontinued or no longer exists.

I mean, there are really strong controls put on this whole thing.

(ii) has been amalgamated with another body, and use of the name under which it was designated has been discontinued.

I mean, this stuff is really clear and simple. There is no need to remove the words "or the Minister" because "or the Minister" is controlled not only by all of these clauses but also by the commissioner.

4:50

I would also like to say a few words about the briefing books. There's been all this concern, and it was actually stated flat out: oh, well, you could take another document and slip it into the briefing book, and because it would be put in the briefing book, we wouldn't be able to see it. Yet if you actually read the legislation before us, which I encourage the opposition to please do, under (4) it says that these are the rights of access, and it does not extend

- (a) to a record created solely for the purpose of briefing a member of the Executive Council in respect of assuming responsibility for a ministry, or
- (b) to a record created solely for the purpose of briefing a member of the Executive Council in preparation for a sitting of the Legislative Assembly.

So could you please try to remember what it is we are talking about and that we are in committee and that we are supposed to be dealing with the actual legislation rather than rhetoric that has been said before and spinned and spinned until you have pretty well forgotten what this bill is all about?

The Chair: Hon. member, could you keep your comments pertaining to the amendment? You were talking about the briefing book, and I don't see that in here.

Ms DeLong: Oh, sorry. Yes, I was referring to the actual clauses that were suggested in the amendment, but I do also want to mention the circular arguments that I've heard today. When you say that the Privacy Commissioner has looked at this bill and said that it simply clarifies the situation that is already there – in other words, this doesn't change it – then you can't say at the same time that this legislation makes things more secretive. Sorry, it just does not follow. I really would appreciate in this House if people would try to be logical in their thoughts every now and again.

Those are my comments, but again I've got to say that in terms of

this possible amendment, you have to read the whole clause. You can't just take one word out and think that that's what they're trying to express here. It isn't: the minister decides this. The minister with the commissioner and guided by this, this, this, and this, four specific things – okay? – can remove a company from the list. So please read the whole legislation.

Thank you.

The Chair: The hon. Member for Edmonton-Gold Bar, followed by the hon. Minister of Justice on amendment A5.

Mr. MacDonald: Thank you very much. It's a pleasure to get an opportunity to speak on amendment A5. Listening to the comments from the hon. Member for Calgary-Bow, I too served on this committee. In the summer of 2004, when I introduced a solution to the problems surrounding the PATRIOT Act, the government members on that committee wanted no part of that. We've since had ample opportunity to deal with the issue of the PATRIOT Act and our Freedom of Information and Protection of Privacy Act. This government at the time had their heads in the sand, and they did nothing and now throw the PATRIOT Act into this legislation when you are trying to make everyone comply to bad legislation.

Now, the Member for Edmonton-McClung with amendment A5 is trying to do some repair work to this very, very bad bill. This bill is all about the protection of an old, tired government. It has nothing to do with freedom of information. It is a bill to hide the many skeletons of this government.

What will A5 do? Again, it's a modest attempt at a repair job, but when you look at this and you look at the briefing notes, how this would affect the briefing notes, the hon. Government Services minister is inaccurate, to say the least, when he states that briefing notes now are exempt. I received briefing notes in an access to information request in regard to Enron, and I did receive notes that the minister had access to. The hon. Minister of Government Services may be very interested to know that the Sundance B power purchase arrangements are among some of the lowest cost power purchase arrangements with all-in costs of less than 2.5 cents per kilowatt hour for electricity. Deregulation and the cost of electricity is a big issue in his constituency. Mr. Chairman, we would not receive this information now if this legislation was to pass without dealing with amendment A5. Amendment A5 will at least improve it, but it will not repair it to the extent that I could support it. No way.

We look at the entire history of Enron and their involvement with this provincial government, and the hon. government members put their heads down, and they work at their keyboards, or they themselves read their own briefing notes.

Chair's Ruling Relevance

The Chair: Hon. member.

Mr. MacDonald: Yes.

The Chair: We're speaking on amendment A5, and there's more to speaking on the amendment than just mentioning it by title every so often.

Mr. MacDonald: Yes.

The Chair: Comments should be about the amendment, not just mentioning it by title while you're speaking about something else.

Mr. MacDonald: I'm sorry, Mr. Chairman. I can't hear you with the conversation in the background.

The Chair: Comments should be restricted to the amendment, not just talking about something else and then referring to the amendment by title occasionally. We're debating the amendment.

Mr. MacDonald: Yes. Okay. Certainly. Thank you for that guidance, Mr. Chairman. It's interesting to note that the Minister of Energy is the loudest one over there when we're talking about electricity prices and Enron's involvement with this government.

Debate Continued

Mr. MacDonald: Now, in regard to A5 we look at what's being attempted here by the hon. Member for Edmonton-McClung, and we look at the information that he's trying to administer and whether it would be subject to another act of Alberta or of Canada that provides for access to information or protection of privacy or, in this case, both.

Certainly, when we look at this and we look at the information that's provided in the briefing notes or the information that may or may not be provided in an internal audit, provided by our own version of the CIA, the chief internal auditor, what information may be excluded? What information may be included? What information may be hidden from public view? We all know the importance that this government is now putting on this office of the chief internal auditor.

Some Hon. Members: Lots.

Mr. MacDonald: A lot. You bet.

I would say that the office of the chief internal auditor should be eliminated and more resources and more scope, more authority be given to our Auditor General.

Now, it's not so long since we talked in this Assembly, Mr. Chairman, about the role of the chief internal auditor and some of the individuals that are on it and the fact that some time ago a group of individuals, including one Gary Campbell – I don't know if it's the same Gary Campbell that is involved in the Internal Audit Committee or not – speculated on land. They purchased a property for around \$400,000. Six or seven years later, even though all of it was not designated as land needed for the ring road, this government paid \$6.2 million for it, and then these individuals counted their money, their significant profit. What did the government do? Well, as time went by – almost 20 years went by – they sold that land at a significant loss to the taxpayers. Land that they paid \$6.2 million for they sold to Lehigh Inland Cement for \$1.8 million. Now, will the chief internal auditor look at that?

5:00

An Hon. Member: Relevance.

Mr. MacDonald: This is quite relevant. I'm sorry, hon. member, but this has a lot to do with amendment A5 because we will not see that information.

If the chief internal auditor was to audit this deal, the same party that was involved in the money, in the profit is now not only sitting on the Internal Audit Committee but sitting on the fundraising committee, as I understand it, for the Progressive Conservative Party. That's not a family compact; that's a Conservative compact. That's what that is. That's symptomatic of a government that has been in power too long, 35 going on 36 years. Now you need this

Bill 20 to work as a simple form of political protection because you don't want the public to know.

Chair's Ruling Relevance

The Chair: Hon. member, I've been reading amendment A5, that pertains to section 94 and to section 9 both by deleting the word "minister" and section (b), by deleting clause (b). I see nothing in there that refers to the auditor. If you want to restrict your comments to the amendment, that would be very, very helpful.

Debate Continued

Mr. MacDonald: Yes. Thank you, Mr. Chair. Certainly, when we look at (2)(a)(iv), this information would be subject to another act. I would be referencing the government services act, which is used to give the chief internal audit office autonomy and authority through Executive Council. Now, we need to have a good look at this. I know that that's a sensitive topic for government members, but this is the reality. If we don't remove this section through this amendment, audits can be just swept under the carpet with this section.

Mr. Lund: You're so far off base.

Mr. MacDonald: Hon. member, I am not far off base. It is this government that is way, way off base with this entire legislation. No, I'm sorry. I cannot accept that.

Let's have a look at the Energy department and how this legislation and this amendment will affect the Energy department. It certainly will, and I know that government members are not going to want to hear about this. Let's say, Mr. Chairman, that we have a request this time on TransAlta Corporation and their involvement with electricity deregulation. Now, we know that we have a leadership race going on there, and one of the leading candidates was a former executive of TransAlta after he left this House. The minister says: oh, no, the Member for Edmonton-Gold Bar has made an application for the same information on TransAlta that we received on Enron. But, again, TransAlta's role in all of this may be sensitive to the leadership aspirations of some politicians, some former members of this House, some current members of this House who may be supporting that candidate. I don't know. I don't know what kind of support that candidate has. I know it's a race between that candidate and Preston Manning, and I would have to put my money on Preston Manning.

Anyway, the minister wants to have a look at this FOIP request that is initiated by this member. Now, I can tell all members of this Assembly that I got about 1,400 pages on Enron. There were over 5,000 pages on Enron. I'm sure there would be boxes and boxes of documents on TransAlta's involvement with electricity deregulation because certainly they've come out of this deal with a very solid bottom line.

Mr. Chairman, that's an example of why we have to support the hon. member's amendment A5: because the minister has no right to even toy with any part of the application. I know that with the legislation now they certainly can. There are many, many different exemptions that can be used, and that should be good enough. Whether it's section 24 or whatever section they want to use, there are enough loopholes in the legislation already.

Now, in conclusion, I would like to urge all members to support amendment A5.

Mr. Chairman, I would also request to seek unanimous consent to waive Standing Order 32(2), whereby should a division be triggered this afternoon, we would shorten the duration of time from 10

minutes to just two minutes. There are many people on both sides of the House who have expressed an interest in not only debating this amendment but perhaps other amendments or perhaps the bill itself. It is quite odd that in a democracy we would put a time limit on free speech, but this is exactly what we've done with these closure motions. I must say, in conclusion, that I'm very, very disappointed in the government at this time.

Chair's Ruling Relevance

The Chair: Before I recognize the Minister of Justice to rise on A5, I'd like to remind everyone of Standing Order 23, which says:

- (b) speaks to matters other than
 - (i) the question under discussion, or . . .
- (c) persists in needless repetition.

If we could keep our comments on the subject of the amendment if you wish to speak to the amendment. Otherwise, maybe keep your comments until we get back to the bill.

Debate Continued

The Chair: I suppose the Minister of Justice wants to speak on the amendment. The Minister of Justice, followed by the Member for Cardston-Taber-Warner.

Mr. Stevens: Thank you, Mr. Chairman. I do appreciate the admonition with respect to relevance, but I am hoping that it's as a result of what has just transpired as opposed to what you anticipate to come in the next few minutes.

I want to start out by, of course, commenting on amendment A5 to Bill 20.

The Chair: I hesitate to interrupt the hon. minister. I apologize. On the motion by the hon. Member for Edmonton-Gold Bar for unanimous consent for shortening the division bells, is there anyone opposed to that?

[Unanimous consent denied]

The Chair: The hon. minister.

Mr. Stevens: Yes. Thank you, Mr. Chairman. The hon. Member for Edmonton-McClung was commenting on a lot of different things, and I think that the hon. Member for Calgary-Bow was absolutely correct when she said that it's important that when one looks at the amendment, they have to read the section being amended in order to make accurate and relevant comments with respect to the amendment. I know that the hon. Government House Leader, in making some comment regarding the necessity for time allocation earlier today, talked in terms of repetition and redundancy and was charitable in not mentioning irrelevance, which certainly could have been mentioned then and now.

5:10

What I want to do, Mr. Chairman, essentially is go through the purpose of the section of the amendment that is proposed because it is important to recognize that the hon. member who put forward amendment A5 ignored salient points in the section, and for the people who, I'm sure, will be reading the record at a later date, it would be unfair, in fact it would be unfortunate if they read the hon. member's speech and were left with the impression that he was accurate in his description of what this particular section does as amended.

As the Member for Calgary-Bow accurately indicated, this is a

situation where any deletion that is proposed either by the Lieutenant Governor in Council or the minister can occur only if the commissioner is satisfied that the deletion "is not contrary to the public interest." I believe that the hon. Member for Edmonton-McClung completely missed that particular point.

Deleting a body from the list does not necessarily mean that it is no longer under the FOIP Act. If the body operates as part of a ministry or as part of a local public body, that act still applies. A body can only be deleted from the list if all of the conditions outlined in this particular section apply. They are that the government of Alberta does not appoint a majority of members to the body, that the government of Alberta does not provide most of the funding, that the government of Alberta is not the controlling shareholder, or that one of these circumstances exist: (1) the body has been discontinued; (2) the body has been amalgamated; (3) the body is a local public body, not a government public body; and (4) there is a more appropriate act that should apply to the body, for example the Personal Information Protection Act or the Personal Information Protection and Electronic Documents Act.

Also, Mr. Chairman, the minister will be able to delete public bodies from the list under the same conditions in between updates of the Lieutenant Governor in Council regulation.

Those are the circumstances of this particular provision of the bill. The comments of the proponent of amendment A5 I think need to be read in light of the reality of the provision.

The Chair: The hon. Member for Cardston-Taber-Warner on amendment A5.

Mr. Hinman: Thank you, Mr. Chairman, but I wanted to speak on Bill 20, not on the amendment.

The Chair: Okay.

The hon. Minister of Infrastructure and Transportation on the amendment.

Mr. Lund: Thanks, Mr. Chairman. I don't have a lot more to add because the Member for Calgary-Bow and the Attorney General just made the comments that I wanted to have on the record: the fact that some members have been very selective in what they've read and how they interpret what is in the bill, what is the law, and what exactly the amendment is doing.

To suggest that there's going to be a wholesale exodus of public bodies and/or bodies that would fall under the act if we don't amend the section as was proposed in amendment A5 – the fact is that that is just not going to happen. There are all of these conditions that have to be met. The commissioner has to approve it. Mr. Chairman, the commissioner is not an employee of the government; it's of this Legislature. As far as having influence on the commissioner, that would be totally inappropriate, and that is not something that happens. In many cases when people have taken a decision to the commissioner, the commissioner has overruled the head of the public body. That's why the commissioner is totally independent, and that's the way it has to stay. It says that the commissioner has to agree. I don't know what all the fuss is about because the commissioner is the person who has to agree. Quite frankly, why would you want to have a body that has been discontinued? Why would you want to have them still listed? Why would you want to have a body that's covered more appropriately by some other section or some other identity?

For example, we had a corporate body that was in fact looking at gaming. It was really housed at the University of Alberta. Why would we have that identity as opposed to under the secondary

institution that it was housed at? So the information that anybody wanted to get from it, they go through that process. They don't go through this process.

I think there's been a whole bunch of to-do for nothing with this amendment, and I would highly recommend that we do not support it.

The Chair: The hon. Member for Lethbridge-East on the amendment.

Ms Pastoor: Yes and I will be brief. I'm not sure that the word "selective" is properly being used. What we're trying to do here is take the words "or the Minister" out because I'm not sure that on this side of the House we totally understand the rationale of why the minister was being put in in the first place. So, in fact, what we're trying to do is keep it at the status quo.

With that, I'll sit down.

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

Dr. Pannu: Thank you, Mr. Chairman. I'll be brief speaking to amendment A5. A5 deals with one of the nine different amendments this bill attempts to make in the existing piece of legislation. It's the last of the nine amendments proposed here.

Looking at the text on both sides dealing with that section, it's right, as the Member for Lethbridge-East has indicated, that the change from the language of the legislation as it presently exists to the one that's being proposed in the amendment is the addition of "the Minister" in the language. The Lieutenant Governor in Council already has that right. Now that right is being given to the minister as well.

That I think is an important point. No satisfactory explanation has been given here as to why this double check, another check where the ministry has, in fact, to justify to the Lieutenant Governor in Council that some organizations should be deleted and should now be dropped from the act. It is true in both cases. The commissioner's satisfaction that it is not contrary to the public interest, that condition remains the same in both pieces of the legislation, the existing legislation and the amendment proposed. So I don't think that should be used. That is not therefore a justifiable explanation for why the minister now is given the same authority as the Lieutenant Governor in Council already has. I think it should be obligatory for the minister to go to the Lieutenant Governor in Council to seek endorsement of whatever he or she proposes to delete.

The other change that the amendment proposes is adding in section 94(2)(a)(iii) and (iv). That changes the situation. The first two subs, (i) and (ii), are exactly the same as in the existing legislation. So there are some changes. Some additional entities have been added to the list which can be deleted while they exist. Now, they haven't become nonexistent. These entities do in fact exist and operate, and the minister is being given the authority to delete them from the obligations that the existing piece of legislation imposes on the Lieutenant Governor in Council. Given that, I think the proposed amendment, Mr. Chairman, is entirely appropriate. It deserves the support of the House. I certainly support it.

5:20

The last point I want to make, Mr. Chairman, has to do with the provision which is (2)(a)(iv), that "would more appropriately be subject to another Act of Alberta or Canada that provides for access to information and protection of privacy or both." It's a matter of which piece of legislation should take precedence. That's the real issue here.

I think that any law on freedom of information should require that other legislation be interpreted as far as possible in a manner consistent with the provisions of the freedom of information legislation. Only where that's not possible should other legislation dealing with publicly held information be subject to the principles underlying the freedom of information legislation. So the regime of exceptions to the freedom of information legislation should be comprehensive and other laws should not be permitted to extend it. That's the key here. In particular, secrecy laws should not make it illegal for officials to divulge information which they are required to disclose under the freedom of information laws.

Mr. Chairman, I think amendment A5 speaks to the very fundamental principles underlying any good, sound piece of legislation which deals with freedom of information. I fail to understand why there is a whole series of objections raised from the government side to this amendment by making reference to those elements that already exist in the other piece of legislation that's in existence. So unless some relevant new information is provided as to why the minister should now have the same powers as the Lieutenant Governor in Council heretofore has, this amendment should stand and should be supported by all members of this House. I certainly do.

Thank you.

The Chair: The hon. Member for Red Deer-North.

Mrs. Jablonski: Thank you, Mr. Chairman. I believe the Member for Edmonton-McClung may have had very good intentions in putting amendment A5 forward; however, I believe that he may not have fully comprehended the purpose of this section.

The FOIP Act applies to public bodies, and under this section a body can only be removed if the commissioner is satisfied that deleting it is not contrary to the public interest. Deleting this body from the list does not necessarily mean that it's no longer under the FOIP Act. If the body operates as part of a ministry or as part of a local public body, the FOIP Act will still then apply.

A body can be deleted from the list if all of the following apply – the government of Alberta does not appoint a majority of members to the body, the government of Alberta does not provide most of the funding, and the government of Alberta is not the controlling shareholder – or if one of these circumstances apply, and I think that these are important circumstances: the body has been discontinued.

I can't understand why anybody would argue about a minister or the Lieutenant Governor in Council deleting a body from the list if it has been discontinued or if the body has amalgamated – so in other words, instead of having it listed twice, it will only be listed once under the new amalgamation – or if the body is a local public body and not a government public body. So a local body. There is a more appropriate act that should apply to these bodies, and that's the PIPA act, the Personal Information Protection Act, or the PIPEDA act, which is the Personal Information Protection and Electronic Documents Act. So it could apply under both of those acts.

Also, the minister will be able to delete bodies from the list under the same conditions in between updates of the list of the Lieutenant Governor in Council regulation.

Because I think that's pretty straightforward and I think that those are very good reasons for deleting a body from the list, I don't think that amendment A5 is appropriate.

The Chair: The Member for Edmonton-McClung.

Mr. Elsalhy: Thank you, Mr. Chairman. I, too, promise to be brief to stand and conclude debate on amendment A5, but I have to note

two things. One, earlier this afternoon this government and this House passed a motion to invoke closure and bring a time limit on debate on Bill 20. If they had this much to say about Bill 20, why did they invoke closure? They could have actually extended the debate, allowed the debate to progress on its own and as per the usual and customary rules of this House. Now we see at least three or four members from the government side, two of which are cabinet ministers, standing up and speaking on this amendment, which is a good thing. It's actually a positive and welcome change from the typical routine where they just vote us down every time without debating, but if they had so much to say on Bill 20 and if they feel so strongly that it should progress the way it's proposed, then maybe they shouldn't have invoked time closure and time allocation.

I'm going to end, Mr. Chairman, with a quote again, so this will be my third quote for this afternoon. This one comes from George Washington. "Government is not reason, it is not eloquence, it is force; like fire, a troublesome servant and a fearful master. Never for a moment should it be left to irresponsible action." I think that giving more powers to a minister and to his close entourage of advisers is not the right way to go, and that is why I think amendment A5 should be accepted by this House.

Thank you, Mr. Chairman.

The Chair: Are you ready for the question?

Hon. Members: Question.

[Motion on amendment A5 lost]

The Chair: On the bill the hon. Member for Cardston-Taber-Warner.

Mr. Hinman: Thank you, Mr. Chairman. It's quite a challenge to be able to be heard, and I guess that I, too, would like to start off my comments that I'm disappointed that time allocation has been moved on this with Motion 19. My question to the minister on that would be that perhaps this government has another solution for the democratic process because what I understand is that there are only

two ways that a government can and should be stopped. The one is by the opposition being able to filibuster and to speak on something that is not understood by the people and, according to this government, not understood by the opposition. Perhaps, then, the debate should go on.

This afternoon Calgary-Bow, the Minister of Justice, and the hon. Member for Red Deer-North all put forth some good points that we could listen to, which is to me what the debate should be about in this House, that we want to study it, the science of good government, and be able to come to a solution. But we haven't been able to do that, Mr. Chairman, so why would one want to invoke closure on such an important issue?

I'd also like to make mention that because the debate hasn't been centred around the protection of privacy information, the government should realize – and it's been stated many times, and I'll state it again – that we understand that part, and we're very much in favour of protecting the information of private people in this county. But we have to also realize that we're living in a time when the government is probing more and more into the private lives of individuals in the province and in the country, and that's very concerning because that information can and probably is being used against many citizens in the province. So we're very much in favour on that side of the FOIP legislation, and that isn't what this debate has been going on about. It's about the freedom of information for the people of Alberta.

I can't help but think – and I believe I mentioned this the other day – that we had a Prime Minister who said that Canadians weren't smart enough to understand the issues and to trust us and not worry about it, and that was the demise of the Progressive Conservative Party federally down to two seats. I think that what we have happening here is that we have higher walls being built. They become thicker walls . . .

The Chair: I hesitate to interrupt the hon. Member for Cardston-Taber-Warner, but pursuant to Standing Order 4(4) the committee stands recessed until 8 this evening.

[The committee adjourned at 5:30 p.m.]