

Legislative Assembly of AlbertaTitle: **Monday, June 3, 1991**

8:00 p.m.

Date: 91/06/03

[Mr. Jonson in the Chair]

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

MR. DEPUTY CHAIRMAN: Good evening. I'd like to ask the Committee of the Whole to please come to order.

**Bill 10
Powers of Attorney Act**

MR. DEPUTY CHAIRMAN: Order please. This evening we are dealing, first of all, with Bill 10, Powers of Attorney Act. Are there any comments, questions, or amendments?

The hon. Member for Drumheller.

MR. SCHUMACHER: Mr. Chairman, it's a pleasure to reach this stage. I guess what I'm concerned about is that I don't know whether the Table has received any proposed government amendments. I do have some amendments I'd like to propose to this Bill. I wasn't anticipating it being called first.

MR. DEPUTY CHAIRMAN: Hon. member, the House has not received the amendments. Do you have them in adequate quantities, or will that take a moment?

MR. SCHUMACHER: It would take a moment to get those, but perhaps I could send them out for copying and explain the nature of these amendments while we're waiting.

MR. DEPUTY CHAIRMAN: Please do.

MR. SCHUMACHER: Mr. Chairman, the enduring Powers of Attorney Act, Bill 10, was received at second reading with favour on all sides of the House. Since that time I have been contacted by members of the Canadian Bar Association and received recommendations from Cecilia Johnstone, the president of the Alberta branch of the Canadian Bar Association, with a presentation which requested that consideration be given to some amendments. These proposed amendments were the result of meetings in Calgary. There was a committee there as well as in Edmonton. The two groups agreed that certain changes should be made to the Bill so it could be more useful and practical to the citizens of Alberta and to make it more workable amongst members of the profession.

In the original draft of the Bill practitioners were pretty well almost required to certify the competency of the donor of the power of attorney. The lawyers of the province don't feel that they are qualified to make that judgment. We all recognize that in order to determine whether a person has the mental capacity to do such a thing is really in the purview of the medical profession. So this Bill does require a certificate from a practitioner saying that the person granting the power of attorney was competent to do so. That is quite a burden to put on somebody who really doesn't have the medical background or the means of determining that to be the case.

So an amendment is going to be proposed to change that certificate to say that the practitioner certifies that the person appeared to . . .

MR. DEPUTY CHAIRMAN: Pardon me. Order please, hon. member. Could we have order in the committee please? It's becoming difficult for many people to hear.

MR. SCHUMACHER: So the person granting the power of attorney should appear to the lawyer preparing the document to understand the contents of the document as well as the explanatory notes.

The second area of concern relates to the definition section of the Bill and has reference to the word "spouse." The way the Bill is before the committee at the present time, a spouse would include a common-law spouse, somebody not married to the donor. It is felt that if that definition is left in the Bill, the attorney could be under the obligation of maintaining and supporting the common-law spouse. As far as I'm concerned, I don't think that is correct. That's putting a common-law spouse on the same ground as what we all believe a spouse to be: someone who is part of a marriage.

I know that as far as I'm concerned personally as a supporter of a government that is supportive of the family, I don't think we should be doing anything to chip away at the marriage situation and its relationship to the family. This doesn't mean that a person granting an enduring power of attorney can't make provision for his or her common-law partner. That can be done directly in the document, but it doesn't give any automatic rights to somebody who is not married to the donor.

The third area of concern to the Canadian Bar Association has to do with the age of a donor or an attorney. The way the Bill is presently drafted, somebody 12 or 13 years of age could, first of all, grant a power of attorney to somebody else. As well, somebody over the age of majority could appoint somebody under the age of 18 to be an attorney. While neither would be effective until either the donor or the attorney, as the case may be, attained the age of 18, it is felt that the whole tenor of our law is that somebody under the age of 18 has no capacity to make legal documents until they've attained the age of majority. So it is felt that we should not be encouraging people under the age of majority either to grant these powers or to be the attorneys under such powers. Certainly the law of this province doesn't allow a person under the age of 18 to make a will, and if the amendment proposed would carry, this would only be consistent with the way we have approached these matters up to now.

I think there may be one other amendment there, but I see that the amendments are in the process of being distributed. Perhaps somebody else may wish to comment on the general tone of these amendments before they're actually moved. In order to get them on the floor, I would, Mr. Chairman, move the amendments proposed as they are presently being circulated to members.

MR. DEPUTY CHAIRMAN: There are government amendments before the committee. Speaking to the amendments, the Member for Edmonton-Strathcona.

MR. CHIVERS: Thank you, Mr. Chairman. On a rather humorous note, I note that my learned friend opposite spoke of lawyers not feeling competent to comment on the mental capacity of persons who may want to enter into enduring powers of attorney. However, I've never noted that in my practice. They've been quite prepared to comment on the mental capacity of clients, opposition lawyers, and a host of people in the

courtroom, not the least being the judges that the cases are being decided by.

8:10

However, I certainly agree that the amendment is a wise amendment. We should not be putting lawyers in a situation where they're required to certify the mental capacity of people who are seeking to enter into an enduring power of attorney, and few of my colleagues would want to be in that position. I think the legislation as it was framed did create that problem.

I have some difficulty with the other amendments, just having received them. If I might just speak briefly to the amendment deleting the definition of spouse, I'm not sure how the word "spouse" is used in the Act. Just perusing it briefly, I see that it's used in section 2(3)(c), where it speaks of a donor who is physically incapable of signing it:

May be signed on the donor's behalf, in the presence of the donor and a lawyer and under the direction of the donor, by a person other than . . .

(c) the spouse of the attorney or of the lawyer.

It seems to me that in that context that definition of spouse would not be inappropriate.

Now, there may be other areas in the legislation where the word "spouse" is used, but I haven't had an opportunity to examine the legislation to see if there is any other location. It seems to me that that definition of "spouse," excluding a party there in that context, would exclude a party to a common-law relationship who is the spouse of an attorney in that sense. It seems to me that that would not be an inappropriate use of the definition in that section. Now, there may be other examples of the use of the word in the legislation.

With respect to the third amendment, dealing with the age of the donor, I'm sorry that I just haven't had an opportunity to review it, so I can't comment on it at this point in time.

Those are some opening comments, and perhaps somebody else will have some observations while I review the legislation.

MR. DEPUTY CHAIRMAN: The Member for Westlock-Sturgeon on the amendments.

MR. TAYLOR: Yes. In commenting on the amendments, I think they're in general okay, although I have a little problem with the very first one, 1(f), where common-law spouse is to be struck out. Although the hon. Member for Drumheller pointed out the traditional marriage setup, because of the change in the pension system where two pensioners with different names qualify for a couple of hundred dollars more a month than two pensioners with the same name, I think there is an ever increasing number of senior citizens maybe living common-law. I don't think it's living in sin. I think, as a matter of fact, that it's their choice.

I think that if the hon. member researches his Bible or history – I know the Member for Red Deer-North could probably bring him up to date – it will tell him that the marriage sacrament is something that's a contract performed between two people. The state didn't even come into it until many centuries ago. As a matter of fact, there are countries yet where marriage takes place between people and the state doesn't come in to recognize it or not recognize it. Living common-law is, I think, relatively common, if you'll pardon the pun.

More than that, the other factor, the reason for marriage and the reason for recognition of marriage by the state – there again I will appeal to my biblical friend from Red Deer-North – was to recognize inheritance for children. Well, the chances are that most of these people entering into the enduring power of

attorney are past the childbearing age. So there again the reason for marriage that would normally come about in days of yore is not necessary. The third reason, of course, is that marriage is a way of recognizing lineage or of passing on the estate to the next generation.

So I think maybe we're being retrograde or are looking backwards here when we knock out the common-law spouse. I'd rather see it in there. I think it was drafted correctly the first time, and it may be that just a little touch of overscrupulosity and misplaced Christian ethic has got in here to knock out the common law. I think it was okay the first time, and I would like to recommend to the House that they not support A. I would support B, C, and D, but I'd recommend to the House that they not support A, which rules out common law.

MR. DEPUTY CHAIRMAN: The Member for Drumheller.

MR. SCHUMACHER: Mr. Chairman, I certainly hear what the hon. members for Edmonton-Strathcona and Westlock-Sturgeon have said about this reference to the spouse, but I'd also point out, as my hon. friend from Westlock-Sturgeon said, that this could apply to a lot of older people. I would suggest that in those situations probably both of them could well have been married before and lost their original spouses, and this time they're not going to formalize it. I would suggest to him that that's one reason why I personally feel we should be having the amendment proposed. In most of those cases each of these partners probably has children from the first marriage, and if you're going to allow this relationship by the fact that they're just living together to creep in and put pressure on the attorney to do something about the other person, it could well interfere with the relationship that each had with regard to their own separate estates and their children.

I think the hon. member should consider that. After all, if the donor specifically wants the attorney to look after his or her common-law spouse, it's a simple matter to put it in the document, but it means that the person who is granting the power has to direct his or her mind to it. If they want it, they can put it in. I think they should be required to do that. They shouldn't just automatically be put in this way, legislatively speaking, because it could well interfere with what their intentions are with regard to their own children.

MR. DEPUTY CHAIRMAN: Further discussion?

Did the Member for Edmonton-Strathcona wish to speak again?

MR. CHIVERS: I'm just a bit concerned, Mr. Chairman, because this has sort of taken us by surprise. Thus far I've got to section 7, and it's been pointed out that spouse is also used there. Of course, the definition cannot be a problem except in the context of these substantive provisions in the legislation. To see what impact the removal of that definition is going to have on the legislation, one has to examine the places where the word is used in the legislation, and it's only in that context that you can meaningfully discuss what the implications of removing that definition may be.

I share the Member of Westlock-Sturgeon's concerns about this, because ordinarily this is an expansive definition; it's not a contractive definition. It doesn't mean that it doesn't relate to what is commonly understood to be a spouse in legal terminology. It expands the meaning of the word to include "parties to a relationship between a man and a woman who are living together on a domestic basis." As I pointed out, the first place

where I came across the use of the word "spouse" is in section 2(3)(c), and in that context the removal of that definition would actually have an adverse impact on what was intended, I think, in that section.

The next section where I see that the word "spouse" is used is in section 7(b). In that sense, I think the definition should be applied on the expansive meaning, the inclusive meaning that's set out in the definition in section 1(f); that is, to include persons living in a man and woman relationship who are living together on a domestic basis. Obviously there would be circumstances there where the person who is entering into the enduring power of attorney may well want to benefit the advancement of children of that relationship. It seems to me that it's only fitting that in that context he should be able to do so. If you delete the definition of spouse from the definitions section, section 1(f), it would then have the more restrictive meaning of the words "at common law" which would not include a common-law relationship. So I have some concerns that it perhaps is unwise to delete that more expansive definition from the Bill.

8:20

Now, there likely are other areas in the statute where the word spouse is used, and again in order to judge whether or not it would be beneficial to remove the definition from the Act, one would have to examine the specific wording in context to see what implications it would have. So at this point I'm not convinced of the merits of that amendment.

MR. DEPUTY CHAIRMAN: Are there further speakers to the amendments?

Are you ready for the question? As Chairman I would propose to vote on A and then on B, C, and D as a package, in that they have, to date at least, not attracted a great deal of concern.

[Motion on amendment A carried]

MR. DEPUTY CHAIRMAN: I would propose that we vote on amendments B, C, and D as a package.

[Motion on amendments B, C, and D carried]

MR. DEPUTY CHAIRMAN: Are there any further amendments, questions, comments on the Bill as amended?

The Member for Westlock-Sturgeon.

MR. TAYLOR: I don't have an amendment, but I'm bothered a little bit by one or two items, the main one being how often the naming of the attorney is reviewed. Now, I can't find it. I may have missed it in there.

I'd like a point of order, Mr. Chairman. If I'm addressing whoever's presenting a Bill, I hate to be fighting a card game or whatever it is. [interjections]

MR. DEPUTY CHAIRMAN: Order please.

MR. TAYLOR: I'm not trying to be snarky, but I think whoever presents a Bill should give their full attention to whoever is asking or speaking to him.

MR. DEPUTY CHAIRMAN: Hon. member, the Chair sympathizes with your point of view. However, that is not one

of the required rules as long as the House is in order. Please proceed.

MR. TAYLOR: I know, Mr. Chairman, it's not required that any member be all there, but it helps if they are partly there.

I wanted to ask the hon. Member for Drumheller, pushing the Bill here: is there anything in the Bill about automatic review of the attorney, say, every five years or something like that? The second also would be that I'm not sure just how the accounting works. Are we getting a minimum value, or should we have a mandatory periodic accounting? In other words, the Bill, at my quick glance through it, gives the impression that there's an accounting but nothing mandatory or no set period.

So I feel that possibly renaming or bringing up-to-date the name of the attorney and also a mandatory accounting period should be in the Bill, probably an accounting every year and I would say affirming the attorney every five years. After all, the attorney might have a good chance of becoming even less compos mentis than the people he's looking after in that time.

MR. SCHUMACHER: The Bill does provide for reviews by the court, but there's certainly not any automatic requirement for reviews. Someone is going to have to go to court and ask for a review for some good reason. The whole reason for Bill 10 is to try to get around the burdensome application of the Dependent Adults Act, in which when a trustee is appointed, that trustee's performance has to be looked at every two years, and after every six years he has to be reappointed by the court. Every time you go to court, it costs money.

I think there have been a lot of second thoughts about the efficacy of what this Legislature did back in 1983 or '84 when the Dependent Adults Act was passed. One of the main reasons for Bill 10 is to have something between what we've got now regarding powers of attorney and the Dependent Adults Act so that during the person's capacity years he or she can appoint somebody they've got confidence in who will handle things that will endure past their competency. Then people aren't obliged to go to court to have a trustee appointed.

Nevertheless, there are safeguards in the Bill. If somebody interested in the whole thing thinks something is not going correctly as it's being carried out by the attorney and that person has an interest in it, that person can certainly go to court and get the matter reviewed. There's no intention of having to go to court every so many years. That's the system we have under the Dependent Adults Act, which a lot of people don't like. So if there's a need for it, there's going to be access to the courts, but certainly nothing in this Bill is going to require people to go to court to enrich lawyers.

MR. CHIVERS: Mr. Chairman, if I might just briefly address that point, that was a concern that was raised with me. I agree with the hon. member's explanation as to the operation of the legislation. Of course, the whole point of the enduring power of attorney is to enable a person who sees the onset of a mental incapacity and has not reached that stage to enter into a power of attorney that's going to carry on after the onset of the mental incapacity. The idea is to ensure a fixed ability for him to govern his financial affairs through his attorney.

I believe, having looked at that issue, that section 13 provides for circumstances in which an enduring power of attorney can terminate or will terminate, and one of those provisions is the section 11 procedure, which enables the court to grant a termination order. I agree with the sponsor of the Bill that, in fact, that probably is the preferable arrangement, rather than

having an automatic periodic review. I think that would be too financially burdensome.

MR. DEPUTY CHAIRMAN: Are you ready for the question?

MR. TAYLOR: Sorry. There's just one final point. I bow to the superior wisdom of the members for Edmonton-Strathcona and Drumheller on that, but there is the other question of a mandatory accounting period. Maybe the hon. member could tell me. My understanding of the Bill is that there's really no set accounting period.

8:30

MR. SCHUMACHER: Is the hon. member asking why there isn't a provision for – if the hon. Member for Westlock-Sturgeon wants to continue on with the way the Dependent Adults Act is, he should say so. This is trying to get away from all that business. When you've got simple, straightforward matters, why do you want to encumber it and encrust it with things that are going to cost people a lot of money? That's the question I would ask.

MR. TAYLOR: Well, probably the point is well taken. I think there's one thing about going to court and changing lawyers, and I can see the point there, but it seems to me that when there's an estate being administered, there should be a minimum period that they could go on without giving some form of accounting: maybe two years, maybe four years, maybe five years. We could have somebody appointed here, and it would be 20 years without any idea of what goes on. I'm not a lawyer, thank God, but is it possible that somebody who's associated with the family thing could request that an accounting be made under this Act if they're willing to pay the legal costs?

MR. SCHUMACHER: I would suggest to the hon. member that the same rule that we talked about before, allowing people access to the court, would solve that problem. The thing about this is: why would we want to put in a specific time for such an accounting? I can tell the hon. member that when the Dependent Adults Act started, there was a fairly simple, straightforward way of doing the accounting. Now the judges of the Court of Queen's Bench require a chartered accountant and an audit, and it gets very, very expensive. So I still don't see why you won't leave well enough alone. If the family is happy and everybody's happy, why would he want to drag them into court? There is a provision that if they are unhappy, they can go to court, but if everybody's happy, why do you want to say that ipso facto, after so many years you've got to go into court and spend a whole bundle of money for no good reason?

MR. DEPUTY CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 10 as amended agreed to]

MR. SCHUMACHER: Mr. Chairman, I move that the Bill be reported as amended.

[Motion carried]

**Bill 8
Livestock and Livestock Products
Amendment Act, 1991**

MR. ISLEY: Mr. Chairman, I can be very brief. Bill 8, the Livestock and Livestock Products Amendment Act, 1991, simply sets up a mandatory refundable checkoff that will protect the seller of livestock in the event of default of payment. The livestock or livestock products to be covered will be covered in regulation. The amount of the checkoff is covered in regulation.

I think that with those comments I'd await any questions.

MR. DEPUTY CHAIRMAN: The Member for Westlock-Sturgeon.

MR. TAYLOR: Okay. Thank you, Mr. Chairman. I think in general that I compliment the minister: it's a good Bill, and one that's long overdue.

I've sent it out to a number of my mafia just to see what they could find. There seems to be a general agreement that there should be some way of notifying the owners of livestock that the company or whatever is going into bankruptcy or is in trouble so they can make a move to collect or file for money. Apparently, one of the worries, the concerns seems to be here in the way the Bill is set out. If a farmer or a livestock raiser was not on their toes and nobody notified the Department of Agriculture that the organization was going broke, they were maybe not keeping track of business as well as they could, time enough would elapse where they could not get damages or their money. In other words, I think it might be an idea – it was a suggestion I've had from a couple of sources – that the minister consider putting a clause in that the Department of Agriculture would notify the people who had cattle or livestock in this operation that had gone under. Then the clock would tick from that time on. What is it? Thirty days or 60 days that they have to pick it up here?

I think the idea of checkoff and so on, everything in general, the whole Bill is a good one, but the cutoff time when patrons could get recourse seems to me to be very loosey-goosey, and there's no way the public can learn in time about the organization getting into trouble.

MR. ISLEY: Just in response to that, Mr. Chairman, the hon. Member for Westlock-Sturgeon raised that same point in second reading. It seems to me that notification in the event of default is immediate: I sell my livestock; I take my cheque to the bank; the cheque bounces. Now, I immediately know that company is in trouble. I then have 60 days in which to submit my claim. I would say the awareness of the protection fund under this Bill is going to be much more obvious to the average producer than the previous one was, because every time he sells his animal he's going to see a checkoff that goes into the livestock indemnification fund. So I don't think notification is going to be an issue. The first person that will know in many cases that the buyer is in default is the seller, even before the Department of Agriculture or any of the regulators will.

MR. DEPUTY CHAIRMAN: The Member for Vegreville.

MR. FOX: Thank you, Mr. Chairman. I must say that I haven't received any representations from groups that find objection to the minister's Bill. In fact, a lot of people are anxiously awaiting its passage, feeling that some of the changes proposed in here

that will be made once this Bill is passed are somewhat overdue.

I'm a little concerned about the way section 10(1) will read after it's amended. If you note in this Bill, Bill 8, section 5 proposes amending section 10(1) by striking out the word "finds" and substituting "is satisfied." It would then read, "If the minister is satisfied." Now, that's quite a question for us to ponder, Mr. Chairman: "If the minister is satisfied." I'm just wondering: what would it take to satisfy the minister?

MR. DEPUTY CHAIRMAN: Further comments, questions, amendments?

The Member for Westlock-Sturgeon.

MR. TAYLOR: Thank you. The hon. minister is quite correct: if you take a cheque into the bank and it bounces, you know the company that you're getting the cheque from is not in too good shape. However, my understanding is that a number of these sales don't involve a cheque right away, and if the seller goes back, say, a few days later or a week later and gets a cock-and-bull story or a long, involved story to maybe come back in another week and another week, he can be delayed and put off and maybe not realize that the company is in as bad a problem as a bounced cheque would do, and therefore he does not make a move in that period when the banks would go after it. That's one of the complaints, I understand.

Now, I know the real sharpies of the NDP and all the rest would never even think of delivering a cow without getting the cash or a cheque right away, but some people do deal through agencies, and maybe they're a little slow in paying. If that slowness is in there and they're jacked around a little bit – and this happens often with liens, too. There's a similar type of thing. A second or third contractor is out there building, and if he gets a story and the runaround from the first contractor, before he knows it, it's too late to put the lien on it. I'm not saying these are liens on cattle, but I'm just wondering if there isn't a better way or some way of notifying the seller of the cattle, for all those that haven't received a cheque, that the institution is in trouble. Naturally, for the ones that have received a bounced cheque, there's no worry.

8:40

MR. ISLEY: I get a feeling the Member for Westlock-Sturgeon has a poor understanding of how livestock are traded in the province. Normally I take my cattle to the auction barn, I'm issued a cheque, and if I'm a good businessman, that cheque is in my account the next day. If the bank calls me and says, "Hey, that cheque is no good," then I'm the first one that's going to know this company is in trouble. Now, if I'm prepared to sell the livestock to someone that says, "Don't cash my cheque for a couple of weeks because I won't be able to cover it," and I'm prepared to sit on that cheque for two weeks and go back and say, "Can you cover it?" and I agree to sit for another two weeks and another 30 days, then it's impossible, in my judgment, to write legislation to protect someone against themselves. I mean, it's not very astute business practice to sit on a cheque for 60 days because somebody says they can't honour it.

In answer to the question as I understand it from the Member for Vegreville, what it would take to satisfy the minister is a defaulted cheque.

AN HON. MEMBER: Question.

MR. DEPUTY CHAIRMAN: I hear the call for the question.

[Title and preamble agreed to]

[The sections of Bill 8 agreed to]

MR. ISLEY: I move that Bill 8 be reported.

[Motion carried]

Bill 14

Historical Resources Amendment Act, 1991

MR. DEPUTY CHAIRMAN: Are there any comments, questions, or amendments?

The hon. Minister of Culture and Multiculturalism.

MR. MAIN: Thank you, Mr. Chairman. When last we met, which was on April 22, we were discussing this Bill and the good things it was going to do, which was to provide the opportunity for people who enjoy our historic resources in the Royal Tyrrell museum, Head-Smashed-In Buffalo Jump, and other similar facilities to participate in the maintenance, upkeep, and the continued outstanding experience that we have at these facilities through the introduction of a small entrance fee ranging from \$5 for adults at the two aforementioned facilities down to a couple of bucks at some of the smaller facilities. We expect to raise from this something in the order of \$1.7 million, \$1.8 million net annually in the first couple of years, increasing when two new facilities come on stream in Wetaskiwin and in Cardston. This Bill will establish a regulated fund into which those fees will be deposited, and then specific museum related activities – the support of friends organizations, for example – the things that will continue to maintain that outstanding experience in the facilities, will be charged to that fund.

Mr. Chairman, it was critical to me as minister that those dollars that are raised stay on site, and that's what this Bill does. It creates a regulated fund that will collect the fees and then will provide the revolving fund type of activity to allow for the payment of certain activities at those various museums.

This is a progressive Bill. It will allow people to continue to enjoy an outstanding experience by placing some but not all of the public expenses – in other words, expenses incurred by and as a result of the public being in these facilities – in the wallets of those people who are enjoying experiences while at the same time allowing us to maintain our outstanding facilities.

MR. DAY: Sounds good.

MR. MAIN: Sounds good?

MR. DAY: You bet.

MR. MAIN: Great. Let's do it then.

MR. DEPUTY CHAIRMAN: The Member for Edmonton-Belmont.

MR. SIGURDSON: Well, thank you, Mr. Chairman. I've gone to a number of historical sites not only in Alberta but in other jurisdictions in Canada and the United States. Some of them I've not had to pay to get into. Certainly in Alberta, until whenever this Bill takes place in fact, I've never had to pay to get in to appreciate some of the history of my province. When I've gone into other jurisdictions, those jurisdictions are proud to show off the kind of historical data they may have that's

indigenous to their state or that they just want to show off. Part of it is a tourist attraction. You invite people into the community; this is one of the highlights of the area that you can take in for free.

Now, the minister talks about maybe charging \$5 for an adult to go into the Tyrrell museum in Drumheller. At \$5 for an adult, all of a sudden it's \$10 for a couple. You add a couple of children that are going along, and you've got an expensive outing for a family.

This is going to go into a fund, a fund that is purportedly there to be reinvested. I can just imagine that in a couple of years if sufficient funds are not being generated by an entrance fee, gosh, you know, maybe we could have some advertising going on in the inside. Maybe what we could do is perhaps have the dinosaur display kick over a couple of Pepsi or Coke cans so that people can get thirsty and Pepsi and Coca-Cola can put in some of their sponsorship. We certainly see that in a number of other industries, where the large corporations pay to have their product utilized in a public way. I wouldn't be too terribly surprised to see that this fund might be opened up to allow for that inclusion. And wouldn't that be sad? It would take away from the experience you're trying to offer in the historical sites.

I've seen at some of the sites we've got throughout the province that we have donation boxes but no charge to get in, and I would be curious to know from the minister how much those donation boxes have generated in terms of revenue to those sites. How much is the cost of collection going to be? If you propose to raise \$1.7 million or \$1.8 million in the collection of fees, I'd like to know what it's going to cost to collect those fees.

I also have a worry that I'm sure is shared by a few members of the Legislative Assembly. If we can start turning these historical sites into profit-generating sites, I wouldn't be surprised if in due course we find this government try and privatize the facility we have invested in out to people who think they can do a better job than the government.

MR. FOX: Well, anybody can do a better job than this government.

MR. SIGURDSON: Well, that's quite true that anybody can. Well, no, let's not say that. My goodness, the minister said that you don't necessarily have to have a Tory card to appreciate the largess of this government. Well, then again, you know, he said he didn't make that statement.

AN HON. MEMBER: Helps to be smart.

MR. SIGURDSON: Helps to be.

MR. FOX: Misquoted on the radio.

MR. SIGURDSON: Misquoted on the radio.

Mr. Chairman, I do have those questions, and I would hope the minister would at least be able to respond to a few of them.

8:50

MR. BRUSEKER: Mr. Chairman, I too want to enter into debate on Bill 14, the Historical Resources Amendment Act. The minister in his talk suggested that this fund to be created will help to pay for the ongoing activities at these particular establishments: the Tyrrell museum, the Head-Smashed-In Buffalo Jump, and the soon to be created money pit at the

western heritage centre in Cochrane that will be generating funds into this historical resources fund.

Mr. Chairman, we really don't have any problem with the idea of having a small fee. I think one of the things that should be considered is a family fee that gives a bit of a break.

The nature of this fund leaves a little bit of a question and concern in our minds. In particular, at first glance it looks like all of the dollars that are going to be created by this fund are going to be going back into the operation of this particular fund and these particular facilities, but when we look at section 10.5(2), it says:

The part of the Fund that represents admission fees to a designated facility may be used only for a payment . . .

(b) to the General Revenue Fund in repayment of any accountable advance to the Historic Resources Fund, and

(c) to the General Revenue Fund, if required by the Lieutenant Governor in Council under section 10.6.

Then we look at section 10.6, and it says:

The Lieutenant Governor in Council may order that a portion of the admission fees to designated facilities that have been deposited into the Fund be paid into the General Revenue Fund.

In other words, there's a possibility under this section I just read that the dollars can be raided from this fund that's going to be created and put into the General Revenue Fund and in fact not used to support the particular facility.

While the concept of balancing the budget and making these facilities pay their own way is, I suppose, a laudable suggestion, we have some concerns, and I have some amendments for the House to consider. I have 90 copies that are coming around shortly, and I'll pause while they're coming to you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: It might be a short time, hon. member. I'd ask you to proceed with any comments you might have.

MR. BRUSEKER: Certainly. Mr. Chairman, the purpose of the amendment – and it will be clear, I think, once hon. members receive a copy of it – is simply to ensure that any funds, any dollars, any capital amount that is sitting there that is collected as a result of these admission fees be specified as having to go back to the historical resources. In other words, we don't want these dollars going off to pay for who knows what; we want them designated. I think the Member for Edmonton-Belmont spoke about the quality of some of the establishments we've got. The Tyrrell museum, an outstanding facility: we want that continued. Now, if dollars are being collected from patrons that attend that particular facility, then we feel in the Liberal caucus that the dollars should go back to if not that particular facility at least similar facilities instead of simply allowing the cabinet, as it were, to take the dollars and siphon them out of there and perhaps put them into NovAtel or Gainers. Those may be examples of where they want to put the dollars. Mr. Chairman, we feel that's inappropriate. What we're saying is: if the dollars are generated by historical resources, then they should remain in that area.

To that effect, the amendment, and I think all members have a copy now, proposes that sections 10.5(2)(b) and (c) – and we can consider both of these amendments in one because they really do tie together – be struck out and section 10.6 be replaced with:

The Lieutenant Governor in Council shall order that the admission fees to designated facilities that have been deposited into the fund be used exclusively for the fulfillment of the purposes of the Act.

In other words, Mr. Chairman, the purpose of this amendment is simply to ensure that those funds that are raised from those quality facilities we have now, which will soon be raising funds once this Act is passed, go back into those facilities to ensure and enhance the quality that we already have, which I think we can be proud of. We don't want to see those diminished in any way, so what we're suggesting here is that this be made a sacred trust, as it were. That's the purpose of the amendment.

MR. DEPUTY CHAIRMAN: The Chair just has a point of clarification, hon. member. Is the Member for Calgary-North West moving this on his behalf or on behalf of the Member for Calgary-McKnight?

MR. BRUSEKER: On behalf of the Member for Calgary-McKnight.

MR. DEPUTY CHAIRMAN: Thank you.
Hon. minister.

MR. MAIN: Thank you, Mr. Chairman. I appreciate the intent of this amendment. As a matter of fact, the intent as described here is exactly the intent of this Bill: that the dollars collected at the historic sites will be placed in the regulated fund and a list of approved program expenses will be charged against that fund. The provision that dollars can be transferred into the General Revenue Fund is a standard practice to maintain cost controls. It's conceivable under certain scenarios that large amounts of money would be generated into this regulated fund and there would be, after a certain number of programs are charged, a small portion of dollars left over. If these dollars were to accumulate over a period of time and were not charged against specific programs, then the need to transfer those dollars into the General Revenue Fund exists not only to provide a mechanism for those dollars to go to the General Revenue Fund in excess of approved programs but also to make it fair for other such facilities in the government who cannot charge fees, so that the same rules and regulations that apply on staffing levels, on wage increases, on a whole range of cost-control programs – the ability to have the General Revenue Fund there provides cost control. But the general thrust of what this amendment says is exactly what the Bill wants to do, exactly what I want to do, and exactly what the government wants to do, which is to make sure those dollars stay on site, to make sure those dollars that are spent by tourists viewing the good things we do are there so the next tourist through has something good to look at as well.

So, Mr. Chairman, while I agree with the general intent of what this amendment proposes, in fact the Bill looks after that and I don't see the need for the amendment.

MR. DEPUTY CHAIRMAN: Speakers on the amendment?
The Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. You know, I've got a lapel pin that says "Liberals are Tories too." I should have worn it tonight, because I see that the Member for Calgary-North West has no problem with the Bill; I see that the minister has no problem with the amendment because he believes the amendment is sufficiently contained in the Bill as it currently exists. Well, I guess that's the difference between our position and the position of that Liberal/Conservative coalition. Mr. Chairman, what you've got is that these folk are prepared to charge people to go and enjoy that which is naturally ours. All of us should be able to share in that whether or not we have

the ability to pay for it. I've known a number of families that have saved up an awful lot of money for them to be able to travel in the summer and go down to some of the facilities. If you come into my constituency I can show you some of the folk that would love to be able to get away. To put this extra burden on them means they don't go. There is the difference. They won't have the opportunity to enjoy the historical resources . . .

MR. DEPUTY CHAIRMAN: Excuse me, hon. member. Order please. We are dealing with an amendment. It deals with the specific matter of what fund it goes into.

MR. SIGURDSON: Yes. Thank you, Mr. Chairman. I appreciate you pointing that out to me because . . . Well, you're absolutely right. With that, we'll get back into this once this amendment is defeated. Frank, if you want a standing vote, good luck.

MR. DEPUTY CHAIRMAN: Are you ready for the question on the amendment?

The Member for Calgary-North West.

MR. BRUSEKER: Mr. Chairman, just in closing on it. I appreciate the minister's comments that the amendment proposed is in fact the intent of the government, but with all due respect, section 10.6 allows an out for the government. I guess what I am proposing here on behalf of my colleague from Calgary-McKnight is a mechanism to close that loophole as it were. That's the purpose for this particular amendment.

Thank you.

[Motion on amendment lost]

MR. DEPUTY CHAIRMAN: Are there further comments on the Bill?

The Minister of Culture and Multiculturalism.

MR. MAIN: Thank you very much, Mr. Chairman. I've got a list of questions that were asked already. I'll answer those, and then we can get into some more if you want. A couple of issues have been raised, and I guess there are two schools of thought here. Number one, you charge money to get into museums, and then you make sure you make the best possible use of those funds. That's our position. The other position, of the New Democrats, is that you don't charge for anything; you just tax everybody to death to make sure it's a great experience.

9:00

Mr. Chairman, let's put this whole thing in perspective, and let's make sure we know what the facts to some of these arguments are before we go off half-cocked and make some wild assumptions. The assumption that there's a secret agenda that we're going to somehow privatize this and the fees collected are going to make this a big profit centre for somebody: let's just put that to bed right away. The total operating budget for one of these facilities, one institution, the Tyrrell museum, for all the things that go on there – the research, the field work, all the things the Tyrrell museum does – is in excess of \$2.8 million. The dollars raised through fees at the Tyrrell will be something in the order of \$1.1 million annually. We're either going to have to triple the visitation or triple the entrance fee to make that even the least bit attractive for privatization. So, Mr. Chairman, that's just a nonstarter.

What we want to do is use the dollars that are raised there for public programming, the things that people see: to make sure the computers that allow kids to pretend they're putting together dinosaurs are all working, so we can add new things like that. The research scientists, the heat, light, water, all that stuff, is paid for out of the general revenue. The Member for Edmonton-Belmont is quite right: it is a responsibility of government to make sure that is done. But the Historical Resources Act clearly points out the responsibility of the government is to collect, to scientifically manage, and to store that material. It's not necessarily to display it and do a big world tourism display. Quite happily, as it happens when you put the material together, people come from all over and want to see it. That does incur some costs in wear and tear and maintaining the exhibits, and that's what we're trying to do.

The gross revenue from all sites in the first year we expect will be \$2.1 million; the net revenue, \$1.7; cost of collections, all in salaries, cash registers, and so on and so forth, roughly \$400,000. Those are rough numbers, but that gives you a general picture of what it is we're attempting to do.

A question on donations: what happens to the donations? Well, the donations were the fuel that sparked the engine of the Friends societies that we're operating at all the historic sites. Mr. Chairman, the first thing that's going to come out of this revolving fund, or regulated fund, is the money to operate the Friends societies to allow them to continue to do their good work in the community, to continue to offer programming, to continue to be able to hire people in some instances to do that volunteer work. So we're going to pay that, and we're going to allow them to then do some of the other work in the community: go on fund-raising efforts with businesses and other sponsors, as was mentioned.

Mr. Chairman, the donation system is a good idea. But while it's a nice thing to see that bucket of two- and five-dollar bills at the front of the museum, in actual fact what we've been doing, generally speaking over the last few years, is not enough to keep the things going there. At the Tyrrell museum – and I use the Royal Tyrrell as an example because most people are familiar with it – in '88-89 roughly half a million people went through there; total donations just a shade over \$200,000. What it boils down to is 42 cents a person, and that's well above the average. The average at all historic sites is about 33 cents per person. We hope to do considerably better than that, about a dollar and a half net, when all is said and done on our fees.

I sympathize with those people who won't be able to afford or will find that somehow a five dollar bill is too much to fold into their holiday. But, Mr. Chairman, if they're on holidays and are spending money and want to see the Tyrrell or Head-Smashed-In, Tuesdays are free. I don't see that as a barrier to anybody. Now, it may be that people will have to adjust their holiday schedule, but Tuesdays are free. When you look around this country, national museums and national art galleries charge. Ontario charges; British Columbia charges. Saskatchewan and Manitoba do not. Alberta will, because we believe the opportunity to collect \$1.7 million net in our facilities per year is going to make the experience better for that family from Edmonton-Belmont that wants to go to Head-Smashed-In or Tyrrell on a free Tuesday.

REV. ROBERTS: Well, Mr. Chairman, the minister addressed some of the debate I wanted to pursue a bit more, and I guess it has to do with just how much we've looked around and researched this question and gotten examples of how this conundrum is dealt with in other places. It's interesting to hear

what the minister's view is of the same issue in other provinces and the rest. What came to my mind was an issue that's often arisen in the great cathedrals and churches of Europe and Britain and even here in North America. Again, these are historical, ecclesiastical sites of great worth, of great architectural and cultural value, at least on a par with the Royal Tyrrell, and yet I don't recall going into any cathedral in any part of the world and having to pay a \$5 or \$10 fee or any kind of fee to get in. Now, if Holy Mother Church out of its resources can have itself as a public resource, a resource for the treasures of the people who built it and laboured over getting it open and together, then why in the world can't the government of Alberta with – what? – the \$10 billion, \$11 billion reported in the Heritage Savings Trust Fund and this balanced budget that's purported to be out there say, "By the way, let's take the view that these historical resources have been built up by the people of this province as a treasure, an investment, and open and free access to all people, at least on a par with the great cathedrals of Europe, should be the way we proceed."

Now, certainly it's an easy out to say, like any other kind of entrepreneurial approach, we'll charge a fee. But to get back to the point, it says two things about this government. Firstly, it says we really don't care about that family from Belmont or whoever else is going to find this as a deterrent. Now, it might not be the case for some of the people that vote for the minister in Edmonton-Parkallen, but there are a lot of people in this province for whom this fee will serve as a deterrent. Why? I mean, why set that impediment in their way?

The second part is that this government is hell-bent on saying, "We're going to have our places, and everything's going to be on a pay-as-you-go, user fee, pay-as-you-play kind of basis," which clearly is a monetary way of looking at the world and looking at resources and doesn't take into full account the value these have, the value we've invested in them. That value should be open, accessible, as has been the tradition, as I said, of hundreds of cathedrals and churches throughout the world. In this resource-rich province of ours, why can't generosity of spirit be such that the same thinking is brought to bear on our historical resources.

So I know it's not going to change the minister's mind or view – the point has been made enough – but certainly there is another way of looking at this, and it's a very legitimate way of looking at it. There are those of us on this side of the House who will not be diminished by this minister's narrow thinking.

MR. DEPUTY CHAIRMAN: Hon. minister.

MR. MAIN: Thank you, Mr. Chairman. I guess what we have here is a classic philosophical argument, an ideological clash of the titans. [interjection] Well, except in the case of the Member for Edmonton-Kingsway, where having a battle of wits is like dueling with an unarmed man. However, this Bill does say two things about this government. It says we want to see the burden on the taxpayer of Alberta eased as much as possible, and it also says we subscribe to the idea that if you enjoy a service of government, you may be willing to pay a little bit for it. We see user fees on all kinds of valuable public services. We pay a user fee to ride the bus. We pay a user fee to go to university. We pay a user fee in terms of health care by paying a premium. We pay user fees for virtually everything out there that's worth doing, seeing, having, or enjoying.

I subscribe to the notion that a minimal charge at a fine facility, with school groups allowed in for free, with a free Tuesday, with discounts globally for every facility for those who are members of Friends organizations and who value and

support the facilities . . . There are all manner of discounts available. For example, a Friends membership in one of the many facilities, whether it's the Provincial Museum here in Edmonton or the Reynolds Museum in Wetaskiwin or Head-Smashed-In. A membership in a Friends society for that family that is really dedicated and really finds it crucial to go and see these things can be had for what works out to mere pennies a visit, a tiny amount of money per year. You can have a pass for every facility all year long for your whole family for next to nothing.

All these things are available, Mr. Chairman. What we want to do is maximize the dollars available to make sure that experience that everybody has spoken about so glowingly is maintained not only for the current generation but for future generations, and I would move that we do that.

9:10

MR. FOX: I hesitate getting involved in a clash of the titans, Mr. Chairman, but this clearly is a philosophical debate about the role user fees should play in the financing of things in the province, and the minister raised a number of very controversial points. He talks about the traveling public surely being able to afford five bucks to go here, five bucks to go there. We should think for a minute about the number of impediments to travel within the province of Alberta that this government has deliberately brought in over the last five years. While bragging constantly about having the lowest taxes in Canada, no sales tax, they've brought in a whole array of user fees and consumption-based taxes that hit people in the province of Alberta. I'm quite offended by it. We can talk about the fuel tax; we'll have a chance to debate whether or not that becomes law in the province of Alberta. It used to be nothing, then it was 5 cents a litre, then it was another 2 cents a litre to make it 7 cents, and now it's going to be 9 cents a litre. That's a tax that everyone in the province of Alberta pays to drive from wherever they are to wherever they're going. Then there's the hotel taxes the government brought in in an effort to pretend they weren't raising taxes as per the facetious election promise of the Premier. They brought in all these user fees, hidden taxes, consumption taxes on a wide range of things that hit the traveling public.

Now, this mean-spirited attempt by the Minister of Culture and Multiculturalism to help the Treasurer balance the books on the backs of the poor people of the province of Alberta is just unacceptable to the Official Opposition caucus. It's not unlike a move made by his benchmate, the Minister of Recreation and Parks, who introduced not only user fees for a variety of parks and campgrounds in the province of Alberta but a sliding scale kind of system with much of the increase this year borne by seniors during a time when the government's increasing so many fees for seniors.

So there's a wide range of things, the cumulative effects of which have to be considered, Mr. Chairman, on the traveling public, because it's our view, I guess, that this is eventually going to become an impediment to travel within the province of Alberta. While admittedly we're working very hard through a number of programs administered by this minister to try and build the infrastructure to develop Alberta's historic natural and recreational resources and encourage people to come to Alberta and spend their money, at the same time, by these sorts of moves we're going to discourage people within the province of Alberta from being able to partake of our province's wonders. I think that's really unacceptable. The people of the province of Alberta, whether they're rich or poor, have contributed to the

development of these facilities through our birthright or through our general tax base. Everyone has contributed to help build the Tyrrell Museum, Head-Smashed-In-Tory-Cabinet-Minister Jump; all these facilities around the province have been built by the people of the province of Alberta. Now this minister and his cronies are saying they want to make sure they're not available to all Albertans because they're introducing punitive user fees. I don't think it's a healthy trend, and it's difficult for this government to defend.

The minister hasn't really told us what sort of studies he's done to determine the impact on intraprovincial travel or tourism. We may hope to generate income from certain people in the province or certain travelers as they come through the province. We ding them once; they never come back again. What's it going to take from the people of the province of Alberta? What's the impact going to be on average folk in the province of Alberta who might want to take a holiday and travel? Maybe they're going to find they can't afford it because they're having to pay all these extra things like fees at the campgrounds that used to be free, fees at the museums and historic sites that used to be free, 9 cents additional per litre on the fuel tax to satisfy the thirst of the Provincial Treasurer, and the hotel tax. I mean, there's just a barrage of these user fees, these hidden taxes this government has brought in, all the while trying to pretend we have the lowest taxes in Canada, we have a balanced budget, even though the Treasurer tried to introduce a Bill through the back door that seeks permission to borrow an additional \$2 billion today. So I think we've exposed this minister. We've told the people of Alberta exactly what this Bill proposes to do. We've exposed the Liberal coalition on this initiative. I imagine this Bill received about as much debate in the Liberal caucus as their recently announced support for free trade with Mexico.

We're against this Bill, and the minister has failed to satisfy the questions we've asked.

MR. DEPUTY CHAIRMAN: Are you ready for the question?

SOME HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: Before I recognize the Member for Banff-Cochrane, I'd just like to observe that we are in Committee of the Whole and should be dealing with clause-by-clause study of the Bill, not repeating second reading debate.

MR. EVANS: Then, Mr. Chairman, I'll make this very short. The minister certainly doesn't need my assistance to justify the premise of Bill 14, but I want to make a couple of points that I think my constituents would want to hear me making.

The first, Mr. Chairman, is that this government attempts to promote independence, self-reliance, and all those virtues that make people want to live in this province. Pay your own way for service that you obtain is part of that philosophy. When I first visited the Tyrrell Museum and saw the magnificence of that facility and discovered that there was no charge to myself, my family, and all those who were there with me, I felt there was something wrong with the process. Here was a tremendous expense all Albertans had contributed to and no way to contribute back except for the voluntariness of a contribution to the Tyrrell Museum. It just doesn't make sense. It's incongruous with the world we live in. We go and buy groceries; it costs us money. We have any kind of entertainment in the private sector; we pay money for it. The spurious argument that people who are traveling will not have the ability to travel if they have

to pay a family admission charge of \$12, for example – the current charge at the Head-Smashed-In museum that I paid this week for my family – is utterly ridiculous. It costs now almost \$3 a gallon to drive down the highway. Take a look at the cost of spending a night out whether you're camping, moteling, or hoteling. A family costs . . . Mr. Chairman, \$12 is an absolute gem to be able to participate in a facility like Head-Smashed-In, like the Royal Tyrrell Museum.

I know the people of this province share that view, not only in my constituency, not only in the minister's constituency, but in this city, in the constituencies represented by these members across. They'd better wake up, smell the coffee, because their constituents want to contribute so we can continue to have the highest rate facilities anywhere in this country.

Thank you, Mr. Chairman.

MR. SIGURDSON: One of the concerns I have, Mr. Chairman, is dealing with what the minister remarked earlier. That was that funds that are collected are going to go back into a fund that will be disbursed at a later point to make sure the facility is properly maintained and upgraded so future generations can enjoy that facility. I would just ask the minister, in a number of those areas – given what this government has done in the past, where some paleontologists have been terminated because of this government's commitment to downsize, I'm curious to know if in the event you have declining admission, the numbers go down, what kind of commitment the people that work at the museums can hope to have from this government. Are they going to be downsized, privatized, tossed out as well, as a number of scientists at Drumheller were? Or is this fund going to be responsible for providing all the dollars eventually to make sure that the facility maintains its current level and the next levels of service to Albertans?

9:20

MR. DEPUTY CHAIRMAN: Hon. minister.

MR. MAIN: Thank you, Mr. Chairman. I appreciate the help and encouragement and the words from the Member for Banff-Cochrane.

In terms of the questions just raised by Edmonton-Belmont, I believe I addressed that earlier. I'll try again to explain it.

The Royal Tyrrell Museum's annual operating budget is something in the order of \$2.8 million. We expect that a portion of the funds raised through admissions will be used to continue to maintain the experience in the public area and in public programming at that facility, but it's nowhere near \$2.8 million. We may see about a million dollars come out of the cash registers at Tyrrell. So the remaining \$1.8 million is spent on the salaries of the scientists, the paleontologists, all the workers who work in the back area preparing specimens, who do all the scientific work, the research, the artwork, writing the papers. All of that work is funded by the Alberta taxpayer through the General Revenue Fund. That work is going to continue to be done. There is a great mass of scientific work that is being done at Tyrrell, there's a mass of research that's been going on at Head-Smashed-In Buffalo Jump for decades, and that work will continue to go on. We continue to do all that kind of paleontological, ethnographical, archaeological, anthropological, all the scientific work that goes on at the Provincial Museum. All of that work goes on and will continue to go on, all fully, completely, and generously supported by the taxpayers of Alberta through the Department of Culture and Multiculturalism.

What this Bill is doing is setting up a regulated fund so a small portion of the cost of displaying the results of all that work to the public can be borne by the people who are enjoying it. Pure and simple.

Mr. Chairman, this Bill makes sense. The provisions are laid out very simply in Bill 14. It's a good Bill. It makes sense for the '90s. It's something that people want to do. What we want to do is make sure that all those many thousands, tens of thousands of people who walk up the front stairs of Head-Smashed-In, who walk up to the entrance to the Tyrrell museum and reach in their pocket ready to put down 10 or 15 or 20 bucks for their family, have the opportunity to do that and that those dollars can help all the other people enjoy what we do.

[Title and preamble agreed to]

[The sections of Bill 14 agreed to]

MR. DEPUTY CHAIRMAN: The hon. minister.

MR. MAIN: Thank you, Mr. Chairman. I move that Bill 14 be reported.

[Motion carried]

Bill 15

Alberta Foundation for the Arts Act

MR. DEPUTY CHAIRMAN: Are there any comments, questions, or amendments?

The hon. minister.

MR. MAIN: Thank you, Mr. Chairman. If I could just say a few words – it's me again – on the Alberta foundation for the arts.

Mr. Chairman, this has been a good year for the Department of Culture and Multiculturalism. We've done good work. We've just debated in committee the Bill that will allow us to have a few extra dollars to enhance and to maintain our great experience at our various historical sites. Now we're discussing the Alberta Foundation for the Arts Act. This is a landmark piece of legislation for the arts in this province.

What we've done, Mr. Chairman, just to review and give a little bit of background, is take all the dollars that are spent on arts granting that previously were resident in the Alberta Foundation for the Literary Arts, the Alberta Foundation for the Performing Arts, the Alberta Art Foundation, the Department of Culture and Multiculturalism, and in the Lottery Fund, and put them under one roof: a new Alberta foundation for the arts. Nearly \$16 million will be administered, will be sent out to individuals, organizations, and other arts operations in this province by this new foundation. It consolidates that funding decision-making, allows a global look at everything that's going on. It puts the decisions on grants in the hands of the citizens, in the hands of peer juries. It allows for administrative savings of something in excess of \$400,000 that, in turn, instead of going back to the General Revenue Fund or back to the Lottery Fund or to something else, will in fact go right out the door into the hands of grants recipients.

Mr. Chairman, I'm proud of this Bill. It was one thing that I saw very early when I got into this job: that there was an opportunity to create some efficiencies, save some money, and do a better job of arts granting. We're here tonight, and we're going to be able to do it.

MR. CHIVERS: Mr. Chairman, I'd like to focus on section 7 of the Act. I have a few questions of the minister. Section 7 provides that "the Foundation consists of members appointed by the Lieutenant Governor in Council," but it doesn't provide for any number of members. I'm wondering about the wisdom of leaving that open ended in that manner.

As the minister has pointed out, this legislation also repeals or discontinues as corporations the Alberta Art Foundation, the Alberta Foundation for the Performing Arts, and the Alberta Foundation for the Literary Arts. It seems to me that it might have been wise in this legislation to make some provision for those bodies' nominating members of the new foundation that's being created, and I question the wisdom of leaving it entirely within the discretion of the provincial cabinet in terms of the numbers of members and in terms of who the membership of this foundation would be. It seems to me that it would be a wise precaution to allow for some sort of participation by the stakeholder groups to be able to at least nominate some of the members to the foundation and also that it would be wise to include in the legislation a provision for a fixed and certain number of members of the foundation.

MR. DEPUTY CHAIRMAN: The Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Chairman. I, too, would like to make a few comments on Bill 15, in particular a few sections. First of all, let me begin by stating quite clearly and unequivocally that the Liberal caucus does not support this Bill. There are some particular reasons that I would like to highlight for the minister's information why it is that we have difficulty supporting this Bill.

[Mr. Schumacher in the Chair]

One of the biggest problems starts right in the definitions. It says, "arts' means . . . anything prescribed by the regulations." Yet we have here half a sandwich, as it were: we don't have the regulations. It becomes very difficult to support a Bill that says that a good chunk of what is important is going to be ensconced in regulations that, unfortunately, we cannot see, we cannot debate, we cannot discuss, we can neither agree nor disagree with because we simply don't have them. It makes it very difficult to support something when the other half is going to be coming at some point down the road. So without having those before us, it makes it very difficult to support that piece of legislation. Unfortunately, Mr. Chairman, it seems to be the trend of this government in a number of pieces of legislation to put more things in regulation and less in legislation. Unfortunately, those are not presented hand in hand, and this is one of those examples.

9:30

Further, Mr. Chairman, looking at "Directions by Minister," section 6(a):

The Minister may give directions to the Foundation for the purposes of

(a) providing priorities and guidelines.

It seems that one of the things we've been hearing is the idea of empowering. We keep hearing, for example, the Minister of Advanced Education saying how he wants all these independent governing bodies at the different institutions, yet right here in the heading it says very clearly "Directions by Minister." The minister's going to tell these people what it is he wants them to

do. It's not going to be an arm's-length organization out there that is created and the minister says: "Here you go, guys. Here's your mandate. Go ahead and do your thing." No. Instead the minister's going to stand up and he's going to say: "Here's what I want you to do. Here's your priority. Number one, number two, number three," however many he wants to dictate. He's even going to talk about "the exercise of its powers and the performance of its duties" that are referred to in section 6(a). Well, Mr. Chairman, you can't on one hand say we want all these independent bodies and then in the legislation say, "But I'm going to tell you what to do, and you're going to be independent in doing it." That just doesn't make a whole lot of sense.

When I look at section 6(b), "co-ordinating the work of the Foundation with the programs, policies and work of the Government," basically again what it says is that the minister is going to decide what priorities there are, what the role will be of this foundation. I like the part where it says, "to avoid duplication of effort and expense". That makes sense. I don't think we want to have duplication of effort and expense, but I think it should be the foundation itself that is creating it, not the minister who is determining what the priorities are. Clearly, in this particular case the people that should be involved are the people who are involved in the different arts communities.

Now, section 16(1) at the back says that three foundations: The Alberta Art Foundation, The Alberta Foundation for the Performing Arts and the Alberta Foundation for the Literary Arts are discontinued,

and really in effect they're being rolled together in this particular piece of legislation that is proposed. Yet when I look at section 7, it says: "The Foundation consists of members appointed by the Lieutenant Governor in Council." It doesn't tell us how many members. It could be one; it could be a hundred. I don't know. It doesn't tell us. It's very vague, and it doesn't have any requirement in here as to who those members shall be. Are they people that represent those three groups that are referred to in the foundations that are going to be discontinued? Is there going to be one member from each of those, are there going to be two, or are there going to be 10? You know, it's not very clear.

In fact, further on down in section 8 it says, "The Foundation shall pay its members . . . remuneration." Well, that's great. Where are they going to get the money from? There's no indication in here whether this is going to be funded out of the General Revenue Fund. Maybe it's going to be funded out of the million dollars that he plans to raise from the Tyrrell museum. I don't know. Because that money could just go straight into the General Revenue Fund, he can haul that out of the General Revenue Fund, and he can put it into the Alberta foundation for the arts. You can take money from one area, fund another area, and we're creating something new that – boy, it's pretty unclear what's going to be happening in here.

It talks about paying the members' "travelling, living and other expenses incurred in the course of their duties as members." Well, there's nothing wrong with reimbursing somebody for their expenses, but where do these people have to travel to? Are these people going to be traveling on junkets to Europe to purchase some of these assets that are being considered for purchase in here? I mean, one of the purposes of the foundation is "to collect, preserve and display works of art by Alberta artists." Well, some Alberta art doesn't just stay in Alberta. It may be elsewhere. So are these guys going to try and scour the world to go and buy artworks and track these things down? I mean, we know that this government likes to send people on

junkets. We know they look at supporting their friends and sending them hither, thither, and yon. It looks to me like this foundation that's going to be created is going to do exactly that. What we've got here is something that is pretty loosey-goosey.

Again, we look at sections – and these two really go hand in hand. Section 9(2) says, "A by-law does not become effective until it is approved by the Minister;" and further "Regulations," section 15, "The Minister may make regulations . . . restricting and regulating the powers and duties of the Foundation." Well, here again we want to create this supposedly independent autonomous body, yet the minister is going to be at the helm steering the direction of where they're going, what they can and cannot do, how much money they can be paid, what their duties are, where they're going to travel, et cetera, et cetera, et cetera.

As I read this piece of legislation, there's nothing in here, Mr. Chairman, that says that this body is in fact going to be autonomous. There's nothing in here to say that they're really going to be working in the best interests of the Alberta arts foundation, despite I'm sure the protest that we'll hear from the minister. Quite frankly, I think what we've got is a piece of legislation that is quite flawed. We've got no regulations that go with it, and therefore I cannot support Bill 15.

REV. ROBERTS: Mr. Chairman, I share in the concerns as expressed and want to join the voice of our caucus in the disapproval of the direction of this Bill. I've seen in so many places what can only be described as the kind of politicization of the arts in Alberta when in fact everyone in this day and age should really know that arts should be free of politics and political interference and political judgments and all of that nasty business; that if the arts are truly to thrive and survive as art, any kind of political interference, political judgments about it, really can amount to forms of censorship and ultimately become kinds of forms of propaganda. Certainly, as the member pointed out, section 6 clearly says:

The Minister may give directions to the Foundation for the purposes of . . . providing priorities and guidelines for it to follow in the exercise of its powers.

Mr. Chairman and members of the Assembly, this is very dangerous wording, language, and intent here.

Again, if anything, we've heard time and time again from this government: "Oh, let the local boards make the decision. Let the hospital boards. Make the universities – we need to have that arm's length." If there's any place we want to preserve that, it's particularly with the arts and the arts community. Now, it's not gone unnoticed, in fact, that over the last several years the funding for the various foundations has been dwindling and diminishing.

MR. MAIN: What?

REV. ROBERTS: Certainly it has. There's been the whole business of transfer from general revenue to lottery revenues, that there's been less and less of a commitment from the General Revenue Fund to these foundations. Now, you might say that there's lottery money going into it and the rest, but the stability just hasn't been there. Now we're saying, "Okay, let's just roll it all into one." It's not a divide and conquer; it's a collapse and conquer sort of approach.

Really what it comes down to, in my mind, is this great claim of the minister that, well, we're going to save a lot in administrative fees and use that for direct grant money. What that also can be read to mean is that those who are closest to the arts community themselves, who know how best to make the grants,

are the ones, if I hear the minister correctly, who are going to soon be out the window. Who among this foundation or its board or its members, other than the minister – I mean, there's a real kind of authority grab here – is going to, as in section 9(1)(b), "make by-laws governing . . . the making of grants"? Because it seems to me it's only people who come up through the arts community, whether it's the writers themselves who can best adjudicate what money should go to other writers, or in the performing arts – that is, people from the performing arts community themselves – that can make those kinds of determinations and judgments.

If there's this amalgamated administration, very politicized administration, full of bureaucrats who might have some appreciation for culture and the arts and the rest but don't have that on-the-ground, in-the-community kind of feel, if in fact it's getting to be more and more an elite, politically appointed kind of people who make decisions about the grants, then that's where the whole process is badly, badly flawed. If anything, we needed the various foundations and the people running them to be as close as they possibly could to the people in the various communities to which they were offering the grants in the direct instance.

I don't see any way in which this collapse into this one nice arts foundation – as the member says, we don't even know what "arts" means because it's prescribed in the regulations: another big hole there. To collapse it altogether and just say, "Well, this sort of consolidated approach is going to help in any way the artists in their various forms out there in their struggling world" – I again submit that it has been my impression from those I've spoken to that there is a dwindling number of resources and dollars going to what they can apply for and how that money is used, particularly in terms of any solid approach from the General Revenue Fund. Not only that, but who is going to be on the front lines making decisions about the grants?

Those are key questions which aren't addressed in this. It can be a consolidated approach to sort of grab away both the authority and the closeness to those in the arts community, and I think for those reasons and others this is a real travesty.

9:40

MR. CHAIRMAN: The hon. Member for Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Chairman. I want to go a little step farther than my colleagues who've spoken on this and say that I think the minister purposely decided to secretly amalgamate the three councils into one so he could take over control again in a much more detailed way than what he was able to in the past or than what he did in the past. The Alberta Art Foundation is no more, the Alberta Foundation for the Performing Arts no longer exists, and the Alberta Foundation for the Literary Arts also is discontinued. The minister has set up one foundation, which he calls the Alberta foundation for the arts, so he could reassert his specific control over exactly what goes on in the arts.

Now, the minister purported to be upset when my colleague for Edmonton-Centre suggested that there'd been a cutback in funding in the arts, so I dug into the government estimates, and what do we find? In the visual arts, guess what? In 1990-91 the visual arts received \$1,262,483. They were cut back 17.6 percent to \$1,040,700 in this year's budget. Performing arts in '90-91, \$3,931,865; cut back 70 percent to \$1,181,400. The film and literary arts in 1990-91 got \$828,043. They were cut back 50 percent in this year's budget to \$413,200.

Point of Order**Relevance**

MR. FOX: A point of order, Mr. Chairman.

MR. CHAIRMAN: The Member for Vegreville on a point of order.

MR. FOX: The Member for Edmonton-Kingsway seems to insist on introducing facts and figures into the discussion here. I'm worried that it's going to distort the minister's perception of what reality is.

MR. CHAIRMAN: The hon. Member for Edmonton-Kingsway.

Debate Continued

MR. McEACHERN: Thanks a lot, Derek.

The library services: ah, they got an increase of 2.4 percent. It didn't keep up to inflation, but at least they got a little increase, from \$13,469,038 to \$13,794,800. So a modest increase but less than the rate of inflation, so in effect a cut as well.

Now, Mr. Chairman, the minister obviously was getting unhappy that he was spending a lot of money in the arts but less and less in each of the last few years. This government did put a lot of money into the arts. In the late '70s and early '80s they were very generous to the arts, and in Alberta the arts have flourished because of that. I commend the government for that, but the program has changed and the agenda has changed. The arts people have become too independent minded. They have started to go about their own business doing their own things with these dollars and have developed a flourishing culture of art in this city and in this province.

In fact, the arts community is one of the really important communities, not only from the point of view of culture and defining our society and helping us to understand what we are and who we are, but they're also a major economic contributor to this province. The few dollars that this government puts in are well spent and are spent over and over again. Probably the return in the arts community for government expenditures is greater than any other particular industry that we can think of in this province.

So for the minister to sort of rein everybody in and take them back under his thumb is not correct. It is not a good move. I have met with a number of arts people, and they are very upset. What they are upset about in the first place is lack of consultation. I mean, I cannot believe that the minister had the gall to stand up in this House in second reading and say that the consultation will start now. You decimate the arts. You dismiss people. You say, "You're no longer wanted or needed; we're going to find our own people," handpick a few friends to run your foundation, and then wonder why these people are upset. "Oh well, we'll consult them now," he says. They've been dismissed. You will not be consulting most of them; you have dismissed them. I don't know; maybe they had a different political philosophy than you or something. Well, what is the problem with the minister? Why should the minister decide that he has to rein everybody in and take over control again? I certainly know a number of arts people that are not happy with the way the minister has proceeded, and why anybody in a democracy would want to be consulted after the fact I'd like to know. I think it's quite ridiculous.

Of course, as some of my colleagues on this side of the House have already pointed out, the minister has taken all power unto himself. Somebody mentioned section 6: "The Minister may give directions to the Foundation for the purposes of (a) providing priorities and guidelines." You know, in other words, do what

I say, the minister is saying. There are a number of areas where he does that. Section 6 is bad, but the bylaws . . . There's no point in the foundation coming up with bylaws if the minister has to approve them all. You talked about working hard for 18 months to set this thing up. Why didn't you do the bylaws while you were at it? You're going to have to approve them all anyway. I mean, what kind of democracy is that? You set up a foundation, they come up with some bylaws, and you say, well, unless you approve them, they're not going to be of any consequence.

Of course, the regulations are typical of this government. There will be more details in the regulations and more important facts and more important guidelines running the arts in this province out of the regulations than there are in this piece of paper. The Bill has very little in it, quite frankly. What it does have is section 7; it's the section that says what the council will look like. Well, it doesn't say what it will look like. There's very little description, as a member in the Liberal caucus pointed out, but whoever is on the council, it will be the minister that decides.

AN HON. MEMBER: Great.

MR. McEACHERN: Yeah. Well, that is ridiculous. There are many organizations out there that are perfectly competent and capable of picking their own representatives for an arts foundation, and there's no reason in the world why the minister should be the only one to do the choosing. If he were going to set up a democratic foundation, he would allow some of the major arts organizations in this province to choose their representatives, and in fact he should specify a whole set of criteria by which organizations qualify to choose somebody for the foundation.

Mr. Chairman, the minister has badly and sadly erred in bringing this Bill forward. For one thing, the funding of the foundation is not clear. It doesn't look like it's going to be funded out of general revenues. The section that refers to funding, section 11, just says, "Money received by the Foundation from any source constitutes the funds of the Foundation." Now, isn't that specific? Why don't you ask the Treasurer for some guidelines? I mean, he knows how to bring in \$2 billion borrowing power to show how well his budget is balanced. He'd be a great adviser to you.

Mr. Chairman, the minister seems to indicate from what he said in second reading that the foundation will have to rely on lottery funds, again another scandalous approach to funding anything in this province. If you're going to have a lottery, as everybody seems to have to have these days, then the least you could do is put the lottery funds into the general budget and have it spent through the budgetary process. But no, not this government. They've got to set it up as a separate fiefdom for the Minister of Public Works, Supply and Services, and I guess he's going to give a little bit to the minister of culture. The minister of culture is going to pass on a little less than he passed on last year and probably a little less the year after.

MR. MAIN: Not true.

MR. McEACHERN: Well, that's what your estimates say.

MR. MAIN: The estimates aren't . . .

9:50

MR. McEACHERN: No, that's right. That's right; the estimates are for grants that the minister's going to make out of the regular budget. Why isn't the funding for this foundation also going to come out of the general estimates? It would make

a lot more sense than taking it out of lottery funds. [interjections] Well, all the dollars that the government spends should be spent through the budgetary process. It should not be done outside of that by the cabinet in secret, or in whatever manner it is they choose to spend them, and then sort of account for them later or send out little orders in council or little lists of: "Gosh, aren't we good guys? We gave money to this, this, and this." That's not the way the revenue of this province should be spent.

Mr. Chairman, it's very clear that this is an ill-thought-out Bill. It's very clear that the minister did not consult with anybody in the arts community. Why anybody would trust the minister now that he has already dismissed from the three foundations and now come and work with him to set up this new foundation, I can't imagine. So I think the minister is going to have a hard time. Well, what he'll do, of course, is pick his friends, and they will be remunerated. You know, there's a little section here that says they can be remunerated, and they can be covered for travel and living expenses. So then he will have a little group that he has handpicked to control the arts in this province, and everybody else will be on the outside looking in. It's a shame, and it's ridiculous that the minister can't deal up front with the arts community in this province.

AN HON. MEMBER: Tommy Banks for minister.

MR. McEACHERN: Yeah. Well, he couldn't do worse.

So it seems to me that the minister should just let this Bill die on the Order Paper and start that consultation process with the arts community and bring in another Bill next year if they want some changes. But I'm not too sure that they want changes other than maybe a change of minister and a reasonable assurance of funding out of a regular budgetary process.

MR. CHAIRMAN: The hon. Minister of Culture and Multiculturalism.

MR. MAIN: Thank you for the opportunity to address those sage remarks from various members of the opposition, Mr. Chairman.

First of all, I'll just describe what we have here. We've got one, two, three, four, four and a half pages of Bill that merely set up a new foundation that replicates work that's already being done. The Bill is very, very simple. The Bill merely establishes an organization that in essence mirrors the work that's being done. It takes the work done by three foundations, the Lottery Fund, and the General Revenue Fund, and puts it into one small, tight, efficiently operated organization. We go from having 37 or 38 members of boards of foundations appointed by ministers who spend lottery dollars to a dozen. We go from having dozens of employees to having four or five.

Mr. Chairman, those dollars now can be spent on the arts; not on board members, not on travel, not on remuneration, not on stamps, not on phones, but on the arts, which is the object of the exercise for this government, to generously fund the arts.

Now, we didn't put in this legislation the specifics about how many and all the rest of it, because things change over time. But I will give assurances to the House and to those members who raised the questions exactly how this is going to be done.

There will be a chairman appointed. That chairman I will recommend will be the current chairman of the Alberta Art Foundation. There will be two vice-chairmen. Those chairmen I will recommend will be the current chairman of the Alberta Foundation for the Performing Arts and the chairman of the

Alberta Foundation for the Literary Arts. Therefore, the three existing foundation chairmen will have spots as the chairman and the two vice-chairs of the new foundation. I further recommend that two more members from each of those foundations sit on this new board. I further recommend that three more members at large who are not now on any foundations come to the board: a total of 12, nine from the existing foundations. That's the commitment I've made publicly in news conferences. I make it here again to the members of the opposition. The need to put that in legislation does not exist.

MR. FOX: What if you're not the minister next week?

MR. MAIN: The commitment has been made as to the way the structure is going to be done. There's no need to put it in legislation.

Calgary-North West indicated that his caucus will not support it. Fine, but I thoroughly enjoyed the substance of his debate on this issue. On one hand, he seemed to be arguing that there's too much ministerial control, that somehow a minister of the Crown will in fact use government funds through the Lottery Fund and a government-created organization to further government policy on the arts. He had difficulty with that concept, yet he talks about who's going to control these guys: they're going to travel all over the world and buy art; they're going to travel all over the place and stay in hotels; somebody needs to control these guys. Yet he says that the minister is going to control these guys, so he's arguing both sides of the argument, which of course we've come to expect not only from this member but from his entire caucus.

Let me go to some of the clauses that were raised here, Mr. Chairman, because they do require some discussion. Definitions, section 1: "In this Act, 'arts' means the literary, performing, visual and media arts." That pretty much includes everything that we do now and can include just about anything. Then section 1(a)(ii): "anything prescribed by the regulations." In my mind, and I think in most reasonable people's minds, that second clause is expansionary, inclusionary, so it can only add more things to the things that this foundation can do in terms of supporting the arts. If the foundation had said "except for those things that are not prescribed in the regulations," then I'd agree. I would agree. But this is expansionary; this will allow more things to be done.

Who knows next week? The Member for Vegreville says what if I'm not the minister? What if somebody develops a new art form next week? The way this legislation was written will allow it to become part of the things that are funded under this Bill and by this organization.

The member also looked for guidelines. He wanted independent decisions. Mr. Chairman, I have made the commitment, and it has always been this way under the existing foundations and with the existing funding. That's the way it is. Boards make decisions on budgets with broad guidelines from the minister. The boards make the decision on who gets the dollars. The individual decisions on whether violinist A or dancer B or theatre company C gets dollars: those decisions aren't mine; those aren't made by the minister. As a matter of fact, it's been my objective with this Bill to get all of those decisions out of the minister's office and into the hands of a citizen-appointed board who will then hire peer juries, juries of peers to review the individual applications.

This is something that the arts community has said all along should be done. I agree. This is something we want to have happen, that whether it's a publication, a theatre group, an arts

thing, a musical score, peer juries would say: "Yes, this is worthy of support. The budget is for X number of dollars. Therefore, we believe these 10 people, for example, should get money under that fund." Juries will make the decisions on individual grants. The minister will offer the foundation broad directions. We are encouraging the activity to happen here in, for example, music recording, in film and video. I will say to the new foundation, "You know, it's important that we allocate a good chunk of dough to film and video so that we can keep the strong talent that's growing here in this province."

I want to also give direction to the board to maintain the general, broad guidelines that are in place now in terms of how many dollars are allocated, the dollars proportionately allocated by the literary arts foundation, the visual arts foundation, the performing arts foundation: grants to facilities, grants to smaller professional organizations, grants to large professional organizations. Those proportions are going to be maintained because the minister says that's the way it's going to be because those are the broad guidelines the minister is giving to the foundation. But it will be the foundation that will then set the budget, will then design the programs in consultation with the communities, and will then hire juries to decide which applicants under those programs are worthy of money. How better a system could there be? General, broad guidelines from the minister reflecting the wishes of the people of Alberta, a foundation appointed by the government of good people with broad experience to set budgets and set programs, to work with the communities and work with the arts organizations to develop programs, and then juries of peers to decide individual applications.

Mr. Chairman, we've got here the exact model that the arts community is looking for. I believe there needs to be consultation now on some of those exact programs. We've got for the first time in this province a broad, global look at arts funding. We've now got an organization that can look at everything, can look at how theatre folds into film, how film fold into music, music folds into publishing, publishing folds into facilities, and the whole range of everything that we do. We finally, for the first time, with this Bill will have a body that can do that. We've never had it before. We've had a foundation here, a foundation there; we've had department grants over here and something else over there. There's never been an opportunity for everybody to get together and look at that. Now with this Bill we've got it, and that is a good thing.

10:00

In terms of that remuneration that I mentioned, and the Member for Calgary-North West wondered about it, that's going to come from the foundation, from its allocation of dollars. That's where it's always come from, but by reducing three foundations – 35, 36 members – to one – 12 – we're going to save money. We're going to save all kinds of dough, and that money is going to go out the door to arts groups just like we've always said it should.

Now we get to the Member for Edmonton-Centre, who now is the reborn culture critic for the New Democrats, talking about the politicization of the arts. This is a thing that this caucus drags out from time to time and says: "You've got to depoliticize the arts; you've got to depoliticize the hospital boards, depoliticize university boards. Let's elect them." Well, isn't that brilliant? Let's depoliticize the system by electing them all. Holy crow. Mr. Chairman, how do you depoliticize something by having the people get elected? To me it's beyond common sense, but of course we've come to expect that.

I agree that there should not be political decisions on specific arts granting. I agree with that. That's why we've got Bill 15 here: so we can get these decisions out of the office of the minister and into the hands of the juries, the peer juries, to make those decisions. That's what we want to do. He calls it dangerous. What danger? We've been doing exactly this kind of thing, ministerial appointed boards dispensing lottery funds, for years. What danger? Who's cowering in their basement because we've had three foundations? Now we've got one foundation with fewer members and more money to spend. What's dangerous about that? If I had one example from the Member for Edmonton-Centre of how this foundation has somehow been interfered with by a minister who said, "No, don't give money to that organization; give it to this organization or don't spend it at all" . . . Well, there are no such examples; they don't exist. There are no such examples.

He talks about no stability. He talks about the lottery funds. "Oh, isn't this terrible?" Mr. Chairman, I can tell you right now, today, that were this foundation funded in General Revenue Fund dollars, we wouldn't be here tonight talking about a new operation with \$16 million in it, because that squeeze on the tax base . . . Albertans have said, "We don't want to pay any more taxes." We're fortunate to have Albertans who like to play the lotteries. We have a profitable Lottery Fund, and we are fortunate to have \$16 million in lottery funds in this foundation. Those lottery dollars have been increasing steadily. Steadily? They've been increasing enormously in the few years that I've been here. In 1988 we paid off the deficits of the big eight operating organizations and increased their grant levels enormously. Attendant with that was a budgetary increase in General Revenue Fund dollars for the smaller 35 arts organizations. Everybody got a big increase. The allocations to these foundations have been going up, and now this year when most other areas have been cut back, we've been able to maintain stability in the dollar allocations, plus we've been able to add to it by all the efficiencies that this Bill brings about.

Edmonton-Kingsway enters the debate, bringing a sense of wisdom, sagacity, and a perspective that only he can bring by drawing into the debate facts that are completely irrelevant. He read from the budget book. It was interesting to hear him read numbers from the budget book. He's saying: you've been cutting back grants to the arts; here they are, 17 percent, 70 percent. Mr. Chairman, he's reading costs paid from the General Revenue Fund to fund salaries of people who work in the department, bureaucrats. That's what he's talking about. There are no arts grants in there. The only arts grants that were in there have been moved into the foundation. If you look around, you'll see \$3.1 million gone into the Art Foundation, replaced by lottery dollars.

All those administrative cuts: that's all ancient history. We have reduced the size of government, reduced the call on the General Revenue Fund to do the work that we do. We have streamlined the funding that we give out, and that's the result here tonight. But Edmonton-Kingsway there is reading off numbers and saying, "See; you've reduced your support to the arts." Well, we've reduced the size of government, yeah, but we've increased support to the arts. It's unbelievable, Mr. Chairman, absolutely unbelievable. He's confusing arts support with arts administration. It's not difficult to understand that that happens.

He complains about section 11(1) here, about an ill-defined notion about money. We want to make this as broad as possible, Mr. Chairman. It is possible, and I hope that without in any way impinging upon the fund-raising abilities of arts

dollars recipients to allow for the possibility, however remote, that there may be dollars given to this foundation. It may be that someone will see this foundation and say: "Ah, now there's something I can support, broad global support to the arts across Alberta. Why don't I make an adjustment in my will and drop a couple of hundred thousand or a million or who knows however many dollars into that foundation. That's a good thing. I like that." Well, we want to make sure that the legislation, without having to come back and go through this kind of a harangue, makes for that kind of provision. That's why section 11(1) simply reads, "Money received by the Foundation from any source constitutes the funds of the Foundation." We're going to have \$16 million in lottery funds in this foundation right now. It's going to be spent efficiently. My commitment is to make sure that it's spent well, that the precious dollars granted, the precious dollars that are available are not spent on administration but are spent where they're supposed to be spent, where they need to be spent to do the good things that we're doing for the arts in this province.

REV. ROBERTS: All right; let's hear from this minister in terms of cutting down on administration. What is going to happen to the executive directors of the three existing foundations? Are they going to be all in chief administrative positions with this new foundation? What about the executive director of the Foundation for the Literary Arts, the Foundation for the Performing Arts, and the executive director of the Art Foundation? What is going to become of them? Are you saying that in this rationalization there's going to be one executive director of this whole foundation and the other three are dismissed? I'd like to know that.

You want some examples. Now, I won't give you specific examples. I want you to respond to this issue which came to my attention awhile ago. The board of the Alberta Foundation for the Performing Arts had two of the finest people, for my money, in terms of being able to adjudicate arts grants, one being Tommy Banks, the other being Sandra Munn. Yet somehow when their terms expired, who was put on that board but a bunch of political appointees whose expertise in this area was far less than the notable ones of Tommy Banks and Sandra Munn. How are we to guarantee with this minister and this government, with whom many of us are having a very difficult time having any levels of trust, that good, solid people from the arts community, like the Tommy Banks and Sandra Munns of this world, are going to be put on this foundation board and not somebody who happened to give a lot to who knows whose political campaign in Parkallen or somebody who has to be rewarded because of their extra work for that Treasurer who's running for his seat down in Lethbridge? How are we to have some guarantee that the people on these boards are going to be of the trustworthy and true variety who will then be able to adjudicate fairly these grant moneys? These are two of my concerns, and if the minister wants to answer those specifically, some of my anxieties may be placated, but there are more to come.

MR. MAIN: Mr. Chairman, I've described \$400,000 in savings on the administrative side. We have gone from three foundations to one foundation. Obviously, we don't need three executive directors. The executive directors and some of the staff jobs have been eliminated. People have been settled with. Generous severance packages far beyond what are available elsewhere in the government have been made to most of these

people. Those people are gone, and they're probably working elsewhere.

In terms of Tommy Banks, I've known Tommy Banks for years. He's an outstanding individual. He's now representing Alberta on the Canada Council. I see Tommy Banks around. He's working on the Edmonton Concert Hall Foundation. When people's terms expire after serving a length of time, they come off and they go on to other duties, and new people come on to keep the flow going. I'm hearing this Member for Edmonton-Centre trying to say that those people who are on the foundations now are unworthy of those positions, that somehow there's something wrong with them. I'll name you one: Tom Peacocke, a well-known, internationally known actor, a professor over here at the university. He's on the foundation. Somehow there's something wrong with him? There are other people: good, solid citizens from right across this province dedicating their time and their efforts and the best part of their lives to making this foundation work. All of a sudden this member doesn't like it. He doesn't like these people, and he's saying bad things about them, Mr. Chairman. These people are dedicated, and they're doing the work that we're asking them to do. Shame on you.

10:10

REV. ROBERTS: Imputing motive or what? I'm asking what guarantees there are that people of the calibre of Tommy Banks and Sandra Munn are going to continue to be on this much more reduced, this much more powerful board. With example after example coming of saying, "We'll have political appointments on there," I . . . Peacocke's a great guy. Others are great people, men and women, who can serve this province in this way. I want to know what guarantees there are going to be. What I've heard is that when some of these people's terms expire, there are others who may not be of that calibre who could be on there. I just want to know, given the intensity of this situation, how that kind of guarantee can be there. The fact that you can stand up in the House and willingly admit that good, solid people in these administrative positions, who had experience and knowledge and the skills to be able to run these foundations, have now been let go and have good severance packages: to me that's another great shame, another reason why I'm not going to support this Bill.

MR. MAIN: Well, Mr. Chairman, just in conclusion, I've enjoyed hearing the Member for Edmonton-Centre paint himself into a corner on the Tom Peacocke question. Nevertheless, the fact remains that this is an outstanding Bill, an outstanding effort to consolidate, provide efficiencies and more money for the arts.

MR. McEACHERN: Mr. Chairman, I don't know what makes the minister think that we should trust anything he says about who he appoints for what or who gets what grants after what he said about Mel Hurtig the other day. I don't think anybody trusts this minister. I still think that he took over the arts. He dismissed three councils and took over and set up one council so he could take over personal control again of what's going on in the arts. He's absolutely untrustworthy in terms of who gets the grants.

As to complaining that I read some numbers about indicating the cutback in administration, they did illustrate the point that he said himself, that he cut back on administration. Is he trying to say, then, that those people he dismissed were not doing anything valuable for the arts community? What has his department been doing if he's been hiring people, paying them

taxpayers' good money, and now can dismiss them and not affect the arts? I mean, the guy's got to be kidding. If he hired people that were worth hiring, and I'm sure that most of them were, and if they were doing the job to help the arts thrive in this province, and I'm sure most of them were, then he cannot dismiss quite large numbers of them or people hired by these other foundations and not affect the performing arts or any of the arts in this province.

He's very glib, and he's got all these nice lines, and he says that everything is going to be wonderful, but he would have done better to have consulted the people in the arts first before he imposed his version of how it should be done on anybody else. It can only leave everybody with the impression that he intends to control it, because otherwise he wouldn't have moved in that manner; he would have consulted the people first. I'm sure that most of them don't trust him very much now. They will probably still co-operate with him to try to salvage something from it, but I'll bet you that most of them don't trust him very far. I know I certainly don't.

MR. CHAIRMAN: The hon. Member for Edmonton-Strathcona.

MR. CHIVERS: Thank you, Mr. Chairman. The discussion has come full circle, and we're focusing again on section 7. I raise again my concerns with respect to the wisdom of passing legislation that does not include a limitation or a specification as to the number, or a range of numbers, of members of the foundation. The minister may well be sincere in his protestations that he is going to be appointing representatives of the existing foundations. That may well be his present intention, but there is no reason why the structure that he's outlined in the Legislature tonight should not be in the legislation so that we would know exactly who the members of this foundation are going to be, who is going to be nominating them, and how many of the members of the foundation, in the final analysis, are going to be appointed by the provincial cabinet.

The problem is that even if he carries forward with the assurances that he has given the Assembly tonight, there's nothing to stop him from turning around in the near future if he doesn't like the decisions taken by this foundation and stacking it. That is why it is wise to have the restrictions spelled out in the legislation itself as to how many members there will be, or a range of members between nine and 15, for example. I note again in passing that the bottom line here is that the minister can even appoint an employee of the government as the secretary of the foundation. If the position of the government is that they don't want control of the foundation, let them spell it out in the legislation.

MR. MAIN: Mr. Chairman, the situation that the Member for Edmonton-Strathcona just described is the situation that exists tonight. It's the situation that existed last Friday, last year, two years ago, five years ago when the other foundations were created. It's exactly the situation. The minister of the day can appoint or unappoint members of the board at will. The minister of the day can do whatever he wants on those boards, but has it happened? No. Have the foundations operated correctly? Yes. Have good things happened in the arts across this province over the last many years? You bet. Will good things continue to happen more efficiently and with more money under this new Bill? You bet.

MR. CHAIRMAN: Is the committee ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 15 agreed to]

MR. MAIN: Mr. Chairman, I move, before they get their act together, that the Bill be reported.

[Motion carried]

MR. STEWART: Mr. Chairman, I move that the committee rise and report progress.

[Motion carried]

[Mr. Deputy Speaker in the Chair]

MR. JONSON: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills and reports the following: Bills 8, 14, and 15. Further, the committee reports the following with some amendments: Bill 10. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

MR. DEPUTY SPEAKER: Does the Assembly concur in the report?

HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: Opposed? So ordered.

[At 10:18 p.m. the Assembly adjourned to Tuesday at 2:30 p.m.]

