

Legislative Assembly of Alberta

Title: **Tuesday, October 25, 1994**

8:00 p.m.

Date: 94/10/25

[Mr. Deputy Speaker in the Chair]

MR. DEPUTY SPEAKER: Please be seated.

head: **Government Bills and Orders**
head: **Second Reading**

Bill 41
Government Organization Act

[Adjourned debate October 25: Mr. Beniuk]

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Centre. [applause]

MR. HENRY: I don't dare assume the applause on the other side is for me, Mr. Speaker.

AN HON. MEMBER: You're right.

MR. HENRY: Thank you. [interjections] Here they go again, Mr. Speaker. I do hope we hear from the backbench over there occasionally.

Mr. Speaker, I'd like to take this opportunity to speak on second reading of Bill 41. In summary, it's my view after reading Bill 41 several times that what the intent or the principle of this Bill is is to remove functions that have been traditionally carried on in this Legislature and put them behind closed doors and make those functions the purview of Executive Council, the Lieutenant Governor in Council, or the particular ministers.

DR. WEST: Hogwash.

MR. HENRY: The Minister of Municipal Affairs says, "Hogwash." He's fond of entering into debate. I hope he stands up after I sit down and enters into the debate in a more formal way.

MRS. FORSYTH: Oh, he will.

MR. HENRY: I have no doubt, Member for Calgary-Fish Creek, that he will.

Mr. Speaker, I had to ask myself the question: why would a government with a majority of its size, representing 44 percent of the population choose to move functions out of the public eye and put them behind closed doors where they don't have to be debated, where they don't have the public scrutiny, and where they don't have an opportunity for Her Majesty's Loyal Opposition to critique, offer suggestions, and represent views of the 55 percent of Albertans who did not vote for this government? I can only say that something's changed in the last 15 months, and I've come to the conclusion that the government is not used to dealing with an effective opposition. This government is not prepared . . . [interjections]

AN HON. MEMBER: Well, you're not effective.

MR. HENRY: I daresay, Mr. Speaker, that if there's one thing I'm effective at, it is getting a reaction from some members on the other side.

MR. SAPERS: Especially the former New Democrat; right?

MR. HENRY: Especially the former New Democrat, and I invite him to join in the debate after I take my seat as well.

Mr. Speaker, we've had a history in this province of very lopsided representation in this Legislature, and I think the history books would show that what we have experienced in this Legislature is a situation where usually more than three-quarters of the seats have belonged to members of the governing party. However, on June 15, 1993, as the result of a gerrymandered electorate, the government with 44 percent of the popular vote formed a government with 51 members.

AN HON. MEMBER: We won.

MR. SAPERS: Alberta lost.

MR. HENRY: You won, and Alberta lost. I agree.

Mr. Speaker, the reality after June 15, 1993, was that there was an opposition and a government that in terms of numbers had more balance than has been customary in this House. Her Majesty's Loyal Opposition – as a member of that I speak from experience – in the last 17 months has tried to provide alternatives to government, has tried to provide constructive criticism, has tried to fulfill its role of representing those individuals who at a particular time or on a particular issue do not feel that they are represented by the government of the day. We've tried to offer again alternatives, and when we have agreed with the government in principle, we've tried to offer suggestions to make their legislation or their actions more effective. However, this government can't deal with that. This government cannot deal with an opposition that brings public scrutiny to its actions.

It has to deal with a one-party opposition that is united, that shares a common philosophy that says that government has a role and has a responsibility with regard to governing this province. It also says and I believe very strongly that a government has a responsibility to be accountable to the members of the public. Her Majesty's Loyal Opposition is one of the mechanisms that the public uses to hold that government accountable.

I see the seats on the other side emptying. I hope it's not the quality of debate.

Mr. Speaker, I'd like to speak to some specific generalities, if I may, on second reading of the Bill. I note that under the section on acting ministers there's reference made that "two or more ministers may be" responsible for one particular Act. [interjections] The natives are restless today.

When the Act refers to two or more ministers being responsible for the same piece of legislation, one of the things that we're going to see is what we've seen repeatedly in this government: a shell game of shuffling of who's responsible and who's not and who's going to take the heat. We've just seen a cabinet shuffle that was ostensibly because one cabinet minister resigned but was really to move people around so the heat wouldn't be focused on the same place and people would have different responsibilities and therefore be subject to different questions.

I have to raise an issue. Perhaps in debate the Minister of Justice could read *Hansard* and get back. Section 64 deals with the whole issue of Queen's Counsel. The question that has to be raised – and I don't expect unanimity on this issue – is: if we're now going to deal with it in legislation, should we be continuing the practice in this province? Other provinces have chosen not to. I recognize that generally in the last couple of years under the

previous Justice minister the QC designation has been given to prominent and outstanding members of the legal community, but aside from that there is a question in the public about what QC means in terms of the consumer and what it means in terms of government guaranteeing a particular service. So I just question why we would want to continue that practice if we are going to review it at all.

The government would have us believe that what we're doing is simply some housekeeping here and kind of meshing everything together and then allowing the government to play its shell game whenever it wants to in terms of moving around responsibility for Acts and for programs and for delegation of certain responsibilities. Unfortunately, what we actually have here is the government making some pretty substantive changes in the role of the various ministers regardless of who's responsible for a particular Act.

I move to section 9, that generally talks about any minister having the power to "delegate any power, duty or function," et cetera, "to any person." Prior to that the minister of the environment, for instance, was only able to delegate certain functions to employees of the department. Changing from delegating to an employee of the department to delegating to any person is a substantive change, and I suggest to you, Mr. Speaker, is not housekeeping and is not simply merging but an attempt to try to slide in a little change here, just a little, little change here, that then allows the government to take any of its functions outside of making regulations and delegating it to anybody.

Now, if you want to be absurd, you might think that this government might want to delegate, for instance, the monitoring of day care regulations to commercial day care operators or perhaps monitoring oil spills to the *Exxon Valdez* or suggesting that the energy sector should be responsible for all the environmental monitoring or that restaurants can be delegated to do their own health inspections. Again, the point I'm trying to make, Mr. Speaker, is that there is a substantive difference, I believe, between what the government has said they're doing in this particular Act and in fact what they plan to do.

8:10

I'm also aware that in the department of environment there's substantive change, and I'll go into it in more detail when we get into committee stage. The government can certainly expect an amendment from myself or one of my colleagues. The minister, under this Act, gains a power that the Department of the Environment Act did not give him, and that is the power to sell off Crown land without order in council, which means without immediate public record and without debate in this Legislature. How do we know that the government is not planning to take all the current grazing leases and sell off a lot of that land? How do I know that the government is not going to sell off one of my beloved provincial parks and instead . . . [interjections] I know that the new minister . . . [interjections] With all of the extra comments . . . [interjections]

Speaker's Ruling Decorum

MR. DEPUTY SPEAKER: Hon. members, it will be some hours before the pizza arrives. I wonder if we could have some kind of Italian silence for a period of time so the hon. Member for Edmonton-Centre can finish his talk. And that's both sides of the House; isn't it?

MR. HENRY: Thank you, Mr. Speaker. I'm always wary when somebody stands up in front of me and asks for a moment of silence. I wonder if I'm still going to be here afterwards.

Debate Continued

MR. HENRY: Mr. Speaker, the point is that there are substantive changes in what was in previous Acts and what the government has put in this current Act.

I also want to bring the members' attention to a section dealing with records management, under Public Works, Supply and Services. It says, basically, that

the Lieutenant Governor in Council may make regulations

(a) respecting the management of records . . .

et cetera, and I won't go into the detail, but also

(c) prohibiting or restricting or governing the prohibition or restriction of access to records.

Mr. Speaker, I have to raise the issue of freedom of information. Given that we do not yet have proclaimed freedom of information legislation in this province, I have to ask why that is in this piece of legislation. Why is it that the government, why is it that this Legislature, why is it that the people of Alberta would want to give the 17 plus a few extra members of cabinet, or maybe not quite so, the power to determine what the public shall or shall not get access to with regards to records and other information?

It seems to me that if we're talking about ensuring privacy of an individual's medical records or social welfare records or education records, then I think there'd be agreement on both sides of the House that that's not information that should be generally accessible to the public. What I will be looking for in Committee of the Whole is some reference to the freedom of information and protection of privacy legislation that was sponsored by the current Minister of Environmental Protection in this House. I would want to see some reference to this Bill, in this current piece of legislation, that the freedom of information and protection of privacy legislation supersedes any provision of this legislation. Although I see the minister nodding and saying that it does, I would feel much more comfortable and I believe Albertans would feel much more comfortable, given the record over the last eight or 10 years, if that were actually written in the Act so that . . .

MR. LUND: Just trust us.

MR. HENRY: Yeah. "Just trust us," the minister of the environment says. I'd like to have a whole other debate on "Just trust us" and this government, but we won't get into that at this point.

I think it needs to be in the Act, because the minister of environmental protection and enhancement will know, as we all know, that we're all mortal here, and 10 or 20 years from now I daresay there'll be other members sitting in these seats. I dare hope there'll be other members sitting in these seats, Mr. Speaker, and also on our benches and in our courts and in our public institutions. I wouldn't want a future court, a future bureaucrat, a future government, or a future set of legislators to interpret this to mean that a government has the power to ignore its own freedom of information and protection of privacy legislation.

The government seems to want to take out of this Legislature the whole area of what some of them call outsourcing, what some of them call privatization, but basically what was referred to as DROs, delegated regulatory organizations. I have some major concern, and I've had some major concern expressed by my constituents. What I would say to the government that would make this part of the legislation much more acceptable is to be clear that we're focusing on the issue of conflict of interest with regard to enforcing regulations and the issue of being at arm's length.

The issue here is not whether the private sector or the public sector. We're not inhabited by a number of socialists on either side of the House, and we don't automatically think or believe on either side of the House that government has to do everything. There are some functions that are better done by the private sector or done as well as government can do in the private sector. But what this legislation does omit is any sort of guidelines or parameters that would say the government can or may delegate certain regulatory functions but under certain parameters. The "under certain parameters" is what's missing. There's nothing here saying that the government can't put the fox in charge of the henhouse, so to speak, in any particular area. This would be the DROs again.

The principle here that I want to be clear is not whether it should or should not be government but whose responsibility and whose accountability it is. It's the government's responsibility to ensure a minimum level of regulation, whether you're talking about you and me walking into a restaurant and expecting a certain minimum level of healthy environment in the restaurant or whether you and I walk on the street or we're in this building and we expect certain kinds of standards to be upheld so the building doesn't come crashing down upon us. There are days, Mr. Speaker, I have to admit, that I believe this building will come crashing down upon us, but we hope that we have standards in place. The issue here is who enforces those, and what's their role vis-à-vis setting those standards and benefiting from that and government's role of ensuring there are adequate standards and that the standards for the agencies, the individuals enforcing those standards or regulations are doing so for the benefit of the public through the government and not for the benefit of themselves, their industry, their own profession, or their friends. I think that's the issue, and that's the issue that's gotten lost in terms of the debate on DROs.

There are a number of other issues that I'd like to raise in Bill 41, and I'm just checking the time from the Table officers. I see I have two minutes. Mr. Speaker, rather than try to cram more in at this point, I'd like to reiterate here that I believe what the government is doing here is fundamentally running away from the people of Alberta and running away from being accountable in this Legislature for its actions, number one. Number two, this government is letting down Albertans and avoiding its responsibility to ensure a minimum level of standards are maintained and are maintained without conflict of interest and without risk to Albertans.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Mayfield.

8:20

MR. WHITE: Thank you, Mr. Speaker. This piece of legislation is sly, and it sort of sneaks up on you at first. When you first read it, you think: "Gee whiz. This looks like a really good piece of legislation. It does a lot of things. It standardizes a lot of things in a lot of different areas, and it streamlines."

Unfortunately once you get past the first reading of it, it streamlines it to the extent that it is unbelievable a government and all government members would put themselves in a position of being basically run by a very, very few select ministers. I mean, you read this legislation, and you've delegated authority without repercussions to anyone, certainly without reporting to the Legislature and therefore to the people of the province. Certainly it can be streamlined. We could streamline this really easily and

just say: "Okay. One person, you take care of business. We'll be out of here." That gives an entirely new meaning to being out from underneath the dome. We just let one person do it, and hey, we're out of here. In effect that's what you've halfway done here now. You've abdicated the responsibility. The two back rows there have said: "Hey, go ahead, ministers. You can do anything." You read some of the sections, and it's just unbelievable what they can do.

This is a simple case of making this Legislature almost redundant. I mean, you don't really need any more than one person, reading this, to be called "the minister." You substitute one person for everywhere it says "the Minister," and the Premier can be that minister, presumably. He can run everything. He doesn't need the rest of us. That sounds strangely like some other form of government.

MR. HENRY: Democracy?

MR. WHITE: It would not be a democracy. It would never, never be a democracy. It could not be called democracy because that would indicate that there's some kind of accountability. Accountability: a tough word for the other side, obviously, because it doesn't seem to mean much to them.

This is simply a case of government getting out of the business of being in government. You're just abdicating. You're just throwing it up against the wall. You can't honestly believe that anyone would even consider a piece of legislation such as this. Our research staff and I can't find any other government body that would pass all this regulation to leave the authority to those in power.

This is analogous to perhaps the way the government of Thailand operates. It certainly isn't the way the government of Alberta . . . [interjection] Obviously the member opposite has never been in Thailand. I happen to have spent a good deal of time in it. He doesn't seem to understand how it operates and the civil liberties that have been and can be drawn away. You take away public accountability, allow governments to do things. Things get misplaced. The private sector, doing what the private sector does the best, in fact moves in where there is a profit, if government doesn't regulate against it. I mean, private business is not in business to be nice guys; they're in it to make bucks. That's simple, straightforward, and understandable. Government has to be the one that says: "Here is the line. This is the line that cannot be crossed. This is how we have structured things such that we can get the best possible out of you, the private sector, to run the business of government."

This piece of legislation abdicates all that responsibility to a very select few and doesn't report a whole lot. There are a number of examples. There's regulation that can be passed holus-bolus in an area that I happen to know a little bit about. I studied it for some time. It's public works. The minister knows – not that he would ever do such thing. But he certainly could, with this legislation, take it on himself to initiate pieces of capital work to be done. He could have the design work done – unbeknownst to virtually any other department, let alone any of his cabinet colleagues, let alone the people in this Assembly – pay for it, have construction completed, and have no knowledge of it save and except there's an edifice there.

We had a very good example of this, actually, at the change of government after the election, the shuffle. We had a little thing called a hospital that was built. That hospital was not planned in the normal sense; if it had any, a rushed planning. That was done

under that legislation. Just think of what the minister can do under this. We had the former minister of public works in his seat – unfortunately he's not here today to hear this, but had he been here, I'm sure he would agree that he had a great deal of power to do a lot of those things because at that particular time nobody was looking. Well, this piece of legislation allows no one to have the right to look.

Now if one wants to get out of the business of being in government, then there are other ways to do it. I mean, resignations can and have been accepted, and it's not that difficult to do it. If you feel like you want to depart, then it's easy to walk through the door and never come back, but that is certainly not accountable and certainly not responsible.

If one goes through this piece of legislation, the front end of it is relatively short but really very powerful, very powerful indeed when you look at the right to transfer programs. That's transfer funding, passing a budget in this Legislature, which is the government's responsibility, and then changing it entirely. When you move programs and you assign funds to programs, presumably they can be transferred between departments, between branches of the department, presumably with the right to invent programs, split programs, move resources around, and fundamentally alter a great deal of what a government is expected to do.

I quite frankly don't see the need to streamline to that extent. I do see how one would want to be able to have each department operate . . . I hate to interrupt conversations, but maybe they have something better to talk about on the record. They don't seem to notice us anyway. Perhaps we should just continue on. Thank you for your indulgence, Mr. Speaker.

Transferring these programs, sections 16, 17, and 18 are relatively an easy read. It's quick to get through it, but it really jumps out at one: where is it printed in any one of these sections that a minister must tell the public what in fact he intends to do and why? There isn't anything, not one little sentence in it. Now take the situation we've just heard today, some announcements which are greeted by this side with a certain amount of glee in that we've been pushing for it for a long time and thank goodness it came about. It's fortunate for some and unfortunate for others that it took the departure of a cabinet minister to get it to come about. It must have had similar feeling on that side of the House as this side because this was an item that needed to be rectified long, long ago, and that is again accountability. It's not a hard concept to understand. It's a little easier to understand it from this side of the House in that we have to deal with it all the time to understand what the government's intention is because it's certainly kept a secret from us as it is kept a secret from the members of the press who are the conveyors of information to the public. They don't seem to think it's necessary to tell anybody. Well, lo and behold, this particular piece of legislation is about to change somewhere. Now, that's the lotteries somewhere. The new minister in charge of it says that's what's going to occur.

Under Bill 41 he can change all the things he wants to do in a piece of legislation, pass that legislation through the necessary readings in this House, have the Crown assent to it, and still move things about in the program, do all the dastardly deeds that we saw being done under the guise of equity, as the minister would say, in trying to deliver to those people in the province of Alberta that earned these funds. It just so happened that it had to be his personal signature that was required to pass any of these. It can be done quite easily.

Section 12 relates to fees. Fees by another name. We've heard many, many, many times on that side of the House that there is

only one taxpayer and it's just a matter of which pocket you take the funds from. The provincial government takes a great deal of funds from that taxpayer's pocket in different ways. Fees are simply another one. It happens to be generally attached to a good or service that is provided by the province, but it's still another tax. It may have an effect of deterring overuse of that, but that being the case, this is a case where we have allowed and will allow each department to continue to try and balance their budget on the basis of fees.

8:30

There are some things from another level of government that deals with policing in this province where every time you allow a department in policing to raise their own funds, you see an increase in catching a number of people speeding. Now, that may or may not be the right thing to do, but the fact is that here's a bureaucracy that has the right to control and balance their budget, so in their own budget they're able to spend more if in fact they can raise more money. If you don't think that isn't giving that department the right to raise funds and raise taxes by raising the fees ‡ but in effect raising taxes, as the pocket is in fact taxed ‡ then something is drastically wrong with the view of that side of the House as to what in fact occurs in government.

Dealing with the fees as taxes and allowing them to slide up, when is it that one has to blow the whistle? When is it that the government has to say, no, we – the government speaking, not wanting ever to speak for the government, certainly suggesting some of the things that they might say. You have to have some control on a government and its programs, and certainly that is the responsibility of a budget. Perhaps the proponents – hopefully there is more than one – could enlighten me. Where in this piece of legislation do budget expenditures override the minister's right to raise fees or lower fees, as the case may be, or to transfer programs, to transfer weight of programs? It does not show that anywhere. It does not say, to the best of my knowledge, that any other piece of legislation takes precedence over this piece of legislation. Perhaps I stand to be corrected, and I dearly would love to be corrected, and I hope that the proponent of the Bill will do just that, in his proper turn of course.

There is a section, section 14, that deals with land transfers and the like and allows ministers of departments to acquire land. It appears that the Department of Public Works, Supply and Services must in fact keep a record of those properties, but only after the fact. Where is it and how is it in legislation that a government can tell the public that there is not land being held for speculative purposes, that there isn't land being held for some favourite project, that there isn't some land being held off the private market when it in fact should be in the public domain in order to have it put to its maximum utility? Where is that? Here it gives the opportunity again to do it. It certainly doesn't say anywhere that that has to be reported. In fact, it says that the reverse is true. In the aid of streamlining we have streamlined it into abdicating responsibility. I can't see that that aids and abets anything that this House should be doing.

There's a section on further delegation of authority, presumably to public or private sectors. It doesn't really specify. Presumably that section in combination with some other sections, initiation of programs, canceling programs, and moving budgets about, could allow a department, presumably only, hopefully – although there doesn't seem to be anything restricted within their department – to delegate almost entirely the authority from top to bottom, from the minister to the janitor. It does not say anything that I'm

aware of about competence, other than in the minister's opinion another can in fact be competent.

I would like to be enlightened as to why we would even see a portion in this piece of legislation that says that two ministers can manage the same ministry. Now, I don't know. I've ridden more than one bicycle in my life, but it takes only one so that you can run in a straight line. Presumably, if you're looking for some streamlining and looking to effect efficiency of a government in the deliverance of public services, you'd want to make sure that there was a very, very, very straight line of authority, such that any wrongdoing or any error in judgment or anything can be traced to its source and dealt with immediately. This obscures that route.

We had a classic example of this sort of thing in the last week. This side was going after the Bovar issue and in fact wanted the resignation of a minister. Well, we happen to have a resignation of a minister by a different form. It wasn't quite the same one. But the effect was that one ministry was then moved to the responsibility of another. Now, if you have two ministers, then how is the one to say that there is any ministerial responsibility? Who's to blame? Who made the decisions? How is the public, which is the ultimate test of a politician, to say, "That person versus that person is the one that should in fact be removed"? You can't tell. This sort of muddies it there rather nicely. The classic case, the real classic case, is here we are asking one minister now, because of his ministry change, to investigate his own wrongdoings in another ministry.

MR. HENRY: Say that again.

MR. WHITE: Now, this is a classic case. We all know that we asked the former minister of the environment for his resignation for some involvement and knowledge of some alleged wrongdoings and for not reporting it, and then a quick shuffle, and we have to go through the Minister of Justice in order to call the inquiry to ask the questions of whether he in fact made an error in judgment. Well, that's exactly the kind of thing they have now. If you double that by ministries and changing of ministries, you really get some absurd situations. I mean, presumably we will not see another change in cabinet order for another three and a half years the same as we saw in the last year and a half. You kind of collapsed that three years in a little short order there with the Premier not making good on that particular promise, but that's one of the lesser ones.

I'm going to move to an area that's near and dear to the government side, loan guarantees. Now, loan guarantees, as we have seen in past – there's one substantial loan guarantee, that being Bovar, that was signed without the backbench even knowing and, our guess is, some of the front bench also not knowing that it was signed. Here's a hundred million dollars, over a hundred million dollars of guarantees. This is ridiculous that that kind of thing can happen. Now, under the provisions of this particular legislation all of that can occur. It may in fact be in small, measured amounts. It could be in any number of areas, but it certainly is allowable under this piece of legislation. This member certainly can't see why there wouldn't be a great deal of consideration being given to putting in some very, very, very stringent rules. In order to put rules on them, that is a piece of legislation, and this piece of legislation simply does not do any of that.

Thank you for your time, Mr. Speaker.

8:40

MR. DEPUTY SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. Unlike the Member for Edmonton-Centre I can't admit to reading this Bill in fine detail, so I won't speak to it in fine detail either. I would say that in my cursory view and from the comments I've heard here this evening and as I quickly read through the *Hansard* of previous comments made, the intention of this Bill really was to amalgamate departments in a search for some efficiencies, to eliminate some duplication, and I think centralize some of the powers of government. However, in its pursuit of this objective, it would appear in my view that it steps beyond that and it delegates tremendous authority and decision-making to nonelected officials. Now, we may not have seen a classic case yet, but certainly the door's open to achieve this. By doing that, I would suggest that what we're doing is taking the business of this Legislative Assembly outside the Assembly. It would remove it, in my view, from public scrutiny, and I believe that regardless of whether you sit in the opposition benches or in the government benches, that is a large part of our mandate. We should not set it aside and we should not circumvent it.

If we follow it in a more formal example that we have come to see in this House or that we have experienced in this House, I would suggest that this is a similar move to the appointment of school board officials and health board officials. These people were appointed. In doing such, I would have to ask: what option does the public have if they're not satisfied with their boards? How do they demand that accountability? I can see that as this Bill unfolds, in my view, we're going to take that particular example and we're going to apply it, and I would suggest that we'll apply it in business and we'll apply it in many other areas.

I alluded in my opening comments, Mr. Speaker, to that superficially, this apparent attempt to centralize, as I see it. From my reading of it, it consolidates power. For example, I'm thinking of the comment that the hon. Member for Edmonton-Whitemud made, and that was: it consolidates power of the Provincial Treasurer in loan guarantees. But when we look at it a little further and we compare it to the Financial Administration Act, the Provincial Treasurer gets to grant those loans and those loan guarantees through a Treasury Board minute and a Treasury Board directive. Of course, that is beyond the public perusal and very difficult to follow. I would suggest that – and I use that as an example to try to illustrate that – if that was an attempt to consolidate the power, it fell short. If it falls short in that particular aspect, I have some concerns it's falling short in others. I would like to stand here and tell you that I have done such an analysis that I could point out others, but unfortunately that is not the case.

I'll speak more in broad, general terms because I take this duty of mine as an elected MLA very seriously. When we look at this Bill and we look at I believe the term that is used is DROs, it grants a tremendous amount of power and responsibility to agencies that the minister can bestow with powers to make these decisions or decisions that normally would be made within the House. So I would suggest that it's abdicating the duty of the elected officials. In my case I think that abdication comes with protest. I should like to think that some of the members on the side opposite would also protest that in fact their powers are being usurped or diminished. When we're selecting or designating or off-loading our duties as elected officials, I would suggest that in fact we denigrate the very honour and intent of this Legislative Assembly.

I look at clause 9, and clause 9 is particularly a large concern to me. It says:

A Minister may in writing delegate any power, duty or function conferred or imposed on him by this Act or any other Act or regulation to any person.

Now, certainly in opposition one has to have a bit of a suspicious mind, but that strikes me as being very plain, and the English that I'm reading there is that the minister really can appoint anybody he so desires.

If in fact we're doing that and we're making decisions that are impacting on the general public of Alberta, then it tells me that we're moving beyond this Legislative Assembly for our decision-making process. Now, we all arrived here with a certain amount of intelligence and ability to carry out the wants and the wishes of the people, and I certainly don't think that's what my constituents were telling me when I was running for election, nor are they telling me that today.

Maybe I could use an example here, Mr. Speaker. If we were to explore this to the extreme – and this would be conjecture to some degree I guess. If we were to delegate the powers, as we seem to be doing to one Art Smith – my terminology may be incorrect here, but the new Economic Development Authority that was recently created by the minister I would have to assume would open the door to have considerable powers bestowed upon Mr. Smith. Now, as I understand it – and the Assembly will forgive me, I'm sure, if I don't identify this member, because I forget who it is, quite frankly. There has been a secretariat associated with that economic development association, and I see that secretariat as being a funnel of information from the Premier to the new head of that Economic Development Authority. However, if we look at clause 9, a fair amount of power is delegated to Mr. Art Smith. Then we reverse that process and we have happening in that situation a nonelected official using the secretariat to bring information back to the Premier. I see that reversal of roles and I see that reversal of power and that reversal of accountability as being very real in my mind.

Again I express that concern that we're moving the legislative powers of this Assembly beyond our doors, which removes it from the scrutiny that all actions by government should receive. I would suggest that it in fact does not speak well of the confidence the ministers may have, or ultimately may illustrate they do not have, in some of their members. I would submit that section 9 very clearly empowers any minister or the Premier to delegate a tremendous amount of authority, and I find that very disturbing.

As I looked at the Bill and as I tried to get a grasp of it here, it struck me that even though it's put forth on the pretence of finding efficiencies within government or consolidating to capture those efficiencies, the downside of that particular move, because I do not think it has been well thought out, is the fact that it does move a tremendous amount of the decision-making process beyond this Assembly. As an elected official, Mr. Speaker, I take great exception to that, and as I indicated earlier, I would like to think all members would. We have a mandate and a duty that we should fulfill, and it should be fulfilled in this House.

I myself would be offended – and I'm sure that this may occur and may happen – if powers are so bestowed upon the nonelected. We will find ourselves at this particular juncture in a Legislative Assembly that has been privatized totally and completely. Maybe that some days is not so bad. I think of the Bill the hon. Member for Fort McMurray put forth reducing MLAs, and the Conservative members voted that down. I would suggest that if we take this to the extreme, we will in fact eliminate a good percentage of them or remove the need for them to exist. Either that or we'll certainly be figureheads in this particular aspect, with no duty or no jobs.

Mr. Speaker, I concede that I have not analyzed the Bill to the degree I would have liked to before I started my speech here. I will conclude by indicating that I think it certainly, in my mind, abdicates this House from scrutinizing a good number of activities that should be scrutinized in this House. Now, maybe that is a new form of secrecy this government is employing, and maybe once these people are so appointed and have their new powers bestowed upon them, we will finally have a freedom of information sworn. At that particular stage maybe it'll be as useless as our ability to monitor and criticize some of the activities that are conducted and carried on by nonelected officials in the province of Alberta. Those officials of course, as I've indicated, would have received their power from the minister, who can so delegate to anybody he wants.

So with those concerns, Mr. Speaker, I will conclude my comments on Bill 41. I would ask all members on side opposite to have a very close look at the Bill. It's not just a couple of pages. It takes some time, but I certainly think it's worth their study, and I would certainly like to hear some very forthright and honest comment coming from them as well.

8:50

MR. DEPUTY SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. What a treat it is again to speak on such a small Bill. It seems that when the government brings in two-page Bills, we're wont to criticize. When the government brings in 87-page Bills, we're wont to criticize, and one might ask whether we just simply want to criticize. In fact, what we want to do is move in some direction that makes sense. We want to move in some direction that allows the people who voted for the 83 Members of this Legislative Assembly to feel that they voted for some individuals who have sensitivity and intellect and are prepared to consider each and every piece of legislation with an open mind. Yet here again tonight I find myself criticizing this particular 87-page Bill, and I frankly think that the hon. Member for Calgary-Varsity must be in some respects troubled by the fact that his name has been lent to this particular Bill, disjointed as it is, dysfunctional as it is, and nonsensical as it is. As I've tried to digest this Bill, it seems to me that it deals with the three major philosophical issues that we have debated in this Legislature time and time again, at least in the short time that I have been here.

It deals, first of all, with the issue of privatization. It deals with a philosophy of privatization that goes beyond balanced, responsible delegation of authority for the purpose of saving costs and providing better service to the public in Alberta. So, first of all, we have to wrestle with the concept of this Bill that relates to privatization.

The next concept that this Bill presents us with in numerous examples, again disjointed examples drawn from numerous areas, is government by regulation. We have had in this Legislative Assembly numerous philosophical debates in the last year or so as to how far the government can go in its regulatory delegation, in many cases not even requiring that those regulations be published or described anywhere in the Regulations Act, to take full force and effect. So we have examples of government by regulation and ambushing regulation when we even prevent the publication of those regulations pursuant to the Regulations Act.

The third issue that we have is the removal of items that should be logically and clearly debated in the Legislative Assembly, the removal of those matters from the Legislative Assembly. I want to suggest to the Members of this Legislative Assembly that if we

don't want to be here and if we don't want to provide realistic debate on legislation, then why don't we just do what many Albertans want us to do, and that is to start cutting at home by reducing the size of this Legislative Assembly. Now, that would take real courage, because it's been my experience that people often seem to lack real courage when it appears that their job might go or that their job might be on the line. If we really do not want to be here debating legislation, then why don't we just say that? We can reduce the size of this Legislative Assembly to 40 or 50 people and then have less people here to do less debating and perhaps have some rationalization for taking every bit of business out of this Legislative Assembly.

Against those three themes you may well appreciate that we have time and time again in this Legislature, Mr. Speaker, stood up and spoken for the things that people expect us to be doing in this House; that is, making constructive criticism on legislation. I must tell you that last year the government tried to present to the Alberta people very small Bills, and they said that the small Bills were so small they wouldn't hurt you. Like taking just a small needle or taking just a small dose of narcotic, it's so small that it will hardly hurt you. Now the tack appears to be that the Bill is so large it won't hurt you either, because you see it and you couldn't be surprised by anything so large, and it won't hurt you. So we again find ourselves now in the large Bill model, and we find ourselves criticizing it the same.

Now, let me give you some examples of trouble, and this should be troubling to all Members of the Legislative Assembly because all of us have to go back to our constituencies. The hon. members that come from Calgary ridings have to go back to Calgary. The hon. members that come from northern ridings have to go back to northern Alberta. The Member for Grande Prairie-Wapiti has to go back to Grande Prairie-Wapiti. All of us have to go back to our ridings. Someone in our riding might well say to us, "What does it mean in section 7 of this legislation, philosophically, where a minister can establish boards, committees, or councils?" Members of this Assembly, does that sound like small government? Does that sound like less government? Or does that sound like a proliferation of what Albertans have told us all? They've told the members opposite that they don't want a proliferation of boards and councils; they want small government. Well, section 7 doesn't sound like small government. Now, why is it that only members of the opposition in the province of Alberta are concerned enough about the taxpayers' dough that we stand up and speak up against big government by pointing out that section 7 allows for the proliferation of government? All members of this Assembly should be concerned about that.

We then move on to another interesting aspect of it, and that is intergovernmental agreements. Now, do intergovernmental agreements also oblige and provide for the creation of loan agreements between various departments where interest rates can be booked at high rates or low rates depending on what department wants to look good? Does it cover an agreement of funds from the heritage trust fund to various government ministries? It doesn't make it clear in this particular legislation. All of you, all of us in this Assembly, should be concerned about legislation that permits the government to make intergovernmental agreements that are sometimes binding, sometimes not, and don't indicate what the parameters of those intergovernmental agreements are.

Now the transportation branch. We move on to the transportation branch. It has been the belief in the province of Alberta from time to time, the present protestations of the minister of transportation to the contrary, that it would be nice to have a transporta-

tion authority that would monitor the trucking industry, monitor the vehicle transportation industry, and ensure that dangerous vehicles are not permitted to go on the road. In fact, the minister of transportation last year indicated that he might be able to use that expedient to slow down the flow of our natural resources into British Columbia, to slow down the flow of trucks leaving the province with logs, at least so that maybe the transportation branch could skim off a little of the bark from the trees so we would be left in Alberta at least with the bark.

Now, that transportation legislation that's set out in here does not permit people to discharge their function properly, Mr. Speaker, because they cannot reveal. They are sworn to an oath of secrecy that prevents them from revealing wherever they have a situation where the minister or his high-ranking officials prevent and block them from doing the work of law enforcement and police safety. All we have to do is look at the oath of secrecy that is put forward in this particular section of the legislation to know that what we have here is not only anti whistle-blower legislation; it is a specific prohibition against the dedicated men and women of the transportation safety board to come forward and indicate when things are amiss in their department from an administrative point of view. Frankly speaking, as one member of this Legislative Assembly it would be of interest to me from time to time to know whether some of the minister's directives, such as letting trucks go or not pulling them over and weighing them by the axle, are being followed or not being followed out in the field.

9:00

I want to also draw the Members of the Legislative Assembly's attention to section 25.2 of this legislation. It is only but one example of how . . . Let me just find that for you. I don't want to get any of the wording wrong on this because I know that some of the members will want to follow this wording with me. In section 25.1 on page 27 we see that there is now the ability of the government to inquire into those boards and organizations that they previously, less than a year ago, were saying were operating independently of government control and regulation.

What I find particularly odious in that section, which relates to the School Act and to official inquiries, is the small wording found in section 75.1 of this legislation where the government can have spot regulations aimed directly at one teacher or one staff member of the school boards that they find offensive. Now, what a chill. What a chill in the academic world. What a chill in the administration of school boards if you would be faced with this regulation: "A regulation made under subsection (1) may be specific or general in its application." "Specific" means that the minister could make a single spot regulation affecting the certification of a teacher in this province. How far do we have to slide down the pole of integrity before somebody in this Legislative Assembly other than the opposition stands up and says: "That can't be intended. That can't be what we intend to do." The minister could make a specific regulation aimed at one specific teacher that would deal with his certification and suspension of that certificate. Who will it be? Will it be the teacher teaching social studies in the classroom that speaks out against harsh and cruel government? Will it be the teacher in administration who comes forward publicly and says: "They can no longer fund the school boards. They can no longer fund the schools." What happens when the superintendents of schools from Fort McMurray come forward and point out that they have taken and will take next year a \$7 million cut? A \$7 million, 14 and a half percent specific cut in a community like Fort McMurray. Will they be subjected to a minister's regulation specific in its intent that elects

to remove their teaching certificates? I urge all Members of this Legislative Assembly to look at that.

[Mr. Clegg in the Chair]

Now we move beyond the general of the Act to the specific schedules of the Act. There is nothing in these specific schedules that we haven't seen before. I remember being here, and I know that many of the members here – the Member for Calgary-Currie was here, and I know that the Member for Calgary-Fish Creek was here on the night of the great filibuster. You know, it will be like when they ask you where you were when John Kennedy was shot. People for all time will say, "Where were you, Mr. Minister of Justice, in the great filibuster?" and "Where were you, Mr. Minister of environment, when the line dance was going on and people were away watching the Three Stooges when other Members of the Legislative Assembly were speaking for good government?" They will ask that question for years, you know, in Alberta. They will ask that for years.

MR. LUND: I probably won't even remember when you're phoning the maritimes to vote.

MR. GERMAIN: You know, you can get to heckle in question period tomorrow, Mr. Minister of environment, when you're dancing around some of the issues of tank sludge and stuff like that. The Minister of Justice will brief you, incidentally. I digress, Mr. Speaker, but I've again been encouraged to do that like I always am. When we're talking about whether you will have the courage to take a glass of tank sludge and drink it because it is not hazardous in this province, the Minister of Justice will be able to coach you, Mr. Minister.

I want to talk to the schedules. I'm on the Bill; you bring me back to the Bill, Mr. Speaker, rightly so. [interjections]

MRS. BURGNER: Peter, Peter, Peter, Peter.

MR. GERMAIN: What's that reference to Peter? Is that Peter the Great?

I want to move on to this Bill, and I can only say that what we could do is we could all get those great filibuster speeches on the registries and we could all look at the schedule of the Bill that deals with registries. It's section . . . no, section 11 deals with loans and guarantees. We won't forget that, will we? The registries must be section 12. Here it is, schedule 13, registries administration, Mr. Speaker. We saw this entire legislation in the great registries Act that provoked this Legislative Assembly to stay in this Legislative Assembly and debate for some 27 continuous hours as to whether Albertans wanted to completely abdicate all of the registry services in the province to a fee-for-service model. We spent 27 hours debating that. We urged the minister in charge to go back and ask Albertans if that's what they really wanted. Albertans said they didn't want that, and now we find the same thing. All we do is tart the legislation up by calling it a schedule instead of a Bill, and people are expected to ignore it and roll over and pretend that it doesn't exist, pretend that the mischief of that piece of legislation has gone away simply because it has been described in a schedule.

I want to urge all members of this Legislative Assembly to make the Herculean effort to actually read this Bill. I want to even suggest, with respect, the sponsor of this Bill, because I'm sure the sponsor of the Bill has at least read it before he spon-

sored it. I'm positive he has read it. I would like him to read it again, and as he reads it, it is not like a friend. A friend, Mr. Speaker, you know, that sometimes you don't like at first but he grows on you with the passage of time. This Bill will never grow on anybody that reads it, and if you read it a second time, and if the minister of environment and the Minister of Community Development read it – it will not grow on him either. When he reads it, he will go back and will have a hard time answering the question: "What am I doing in the Legislative Assembly? I have delegated, I have transferred power, I have delegated power, and I have allowed legislation to be created by regulation." And he won't like that. A sensitive and caring minister of the Crown, you won't like that. You'll come back and say: "Thank you, Member for Fort McMurray. Thank you for bringing to my attention what evil lurks in the covers of this 68-page legislation." And I know, minister of environment, you've got a plateful of oil sludge right now, I know you do, but take a moment, read the legislation. It will not grow on you either.

The Minister of Justice: I know that it has already not grown on him because he isn't going to stand up and speak in favour of this Bill. I'm satisfied of it. He won't stand up and speak in favour of it because he already knows it won't grow on him. On that happy note, Mr. Speaker, I always enjoy spending two hours and 20 minutes here in the Legislative Assembly, and I'll conclude my comments tonight.

MR. ACTING SPEAKER: The hon. Member for Edmonton-Highlands-Beverly.

MR. HENRY: Offer to give him a tour. We'll take you down and show you where it is.

MR. ACTING SPEAKER: If I'm hesitant, I apologize, but I have to go over the list and make sure that members haven't spoken twice.

MS HANSON: Thank you. I'd just like to speak briefly tonight about the delegated regulatory organizations. This is one part of the Bill that I do find worrisome because you don't explain what sorts of regulations are going to be – how do they say it here: the Bill creates a labour statutes delegation schedule that allows for the delegation of administrative authority for program and service delivery to external agencies.

9:10

I would like to know just what external agencies we are going to delegate regulatory powers to. For example, are we going to give regulatory powers to day care associations or restaurant associations? What about home care or child protection? What about the babysitting services that the Minister of Family and Social Services deregulated this week and said, in Bill 53 I think it is, that they will not need to be licensed? I think the issue is that privatization is fine. There are a lot of things that the community can regulate and should regulate, and there are a lot of things that can be privatized. I don't believe in big government, but there are certain things, certain services that should be provided by and regulated by the public institutions. There should be public institutions in many instances. Those things include the care of children, police services, education, health care, all of those things. If you start to privatize those to too big an extent, if you let them self-regulate, there's one danger in some areas where the self-regulation is done in a way that their profit is the bottom line, but then on the other side where they perhaps are

nonprofit organizations. Still, the regulations are important enough that we simply can't leave it up to the whim of a group out there that has, of course, its own organization and perpetuation at heart.

So that's one of the things I really feel strongly about. I don't think I need to go on any more, but I would hope that you would think about that in the final draft of the Bill.

Thank you.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I have to say that Bill 41 saddens me, and I know that's rare for me because I'm usually such a bright and chipper person, sometimes a little louder than others. But I really try to be a positive person. But you know what? This Bill . . . [interjections] He's trying to get a grant for musical ability, and sorry, it won't fly, Minister of Community Development.

I want to urge all members to have a real good look at this Bill because I don't think you have. Mr. Deputy Whip, you're one of the people there who might have a chance to look at this, and if you understood . . . That's why you're lobbying to get into cabinet, because you know what? This means cabinet has more power than ever before, and so you'd better work really hard at getting into cabinet because you won't have any say if this kind of Bill continues to go through. All it is is a bunch of regulations typical of cart before the horse.

I was talking with the Minister of Municipal Affairs one evening while we were all debating in here, and he said, "You know, Colleen, I think the reason we have the Legislative Assembly is because it stops fighting in the streets, and we bring the debate in here, and we duke it out with words." Although there are probably very few things that the Minister of Municipal Affairs and I agree upon . . .

AN HON. MEMBER: That's pretty philosophical.

MRS. SOETAERT: That's very philosophical, and when you really think about it, it's quite profound, but the point is . . . [interjections] They're heckling me.

He had a point. Go figure. If we fight it out in here, if we can argue out Bills and regulations and procedures and things that affect all Albertans in here, we will eventually come up with the best things possible for Alberta. But this Bill will take the fighting away from in here, and then it will lie within cabinet. You know, if that continues too much, there might be eject buttons on every one of those front rows, because we're slowly but surely getting rid of them.

AN HON. MEMBER: There's at least two seats triggered.

MRS. SOETAERT: At least two seats are triggered. All right.

AN HON. MEMBER: Rod Love.

MRS. SOETAERT: And Rod Love's. Sorry, that's a little off topic. But I want people to really consider that if we take debate out of this Legislature, what's going to happen? We won't have a democracy, and if power starts being controlled by 12 people in the front or 13 and a couple secretariats, that are certainly getting paid a little more money, then what's left for the backbenchers and the members opposite? What are we going to debate? Why

have we developed this procedure if nothing is going to be discussed in here? In fact, if we would discuss more things in here, this government mightn't have got this whole province into such trouble with all their loan guarantees, which regretfully they continue to do. [interjection] You caught that. I'm glad.

You know what, Mr. Speaker, the other thing is: maybe the reason why this Bill is going through the other side and they're not even looking at it is because they never do debate a Bill. They never do have an opinion. They're like little puppy dogs that follow along, and I resent that. They should stand up on their own hind feet and have an opinion about something. Hopefully you argue within caucus. Otherwise you're nothing but lapdogs in the House, and I think that's a poor representation for the people who elected you.

This Bill gives the ministers the authority to establish or operate any programs and any services that they consider desirable in order to carry out matters under their administration. Now, what would happen then to the Minister of Family and Social Services if, for example – and it's not included in Bill 41. It does not include an attached schedule for the Department of Family and Social Services. So in other words, under the existing Department of Family and Social Services the minister is responsible for establishing boards and councils and different things to assess standards. Well, under this one he may privatize himself right out of a ministry, which I guess wouldn't be all that – well, it wouldn't be good because there is, believe it or not, a role for government. We can be out of the business of being in business, but you know what? Government should be in the business of getting into government. There are things that we should do as a government. We should make sure our children are protected. We should make sure that they get a good education. We should make sure that we have good health care and that our people are protected. There is a role for government, and this government's missing the boat.

So I would encourage members opposite to have a look at this. Please have a look at it. You know what? Take it to a friend of yours who's outside of this House who may be objective. Take it away from the bureaucrats and say: "Would you scan this and give me an honest opinion of what you think this means? Am I really losing more power as a Member of the Legislative Assembly to debate issues because it all goes to Cabinet and to regulations that they can put in it at any whim of theirs?" I urge you to look at this. I am very concerned about this Bill.

I want to encourage, in fact, all of you to read the hon. Member for Redwater's talk last night, a wise man, who has very deep concerns about this Bill, and one I respect.

I want to also talk about if we're going to give regulations out to the people who run a certain area; for example, the regulations for truckers or farming vehicles on a highway. If we gave over those regulations to the farmers or to the truckers, well maybe there would be a lot more hazards on our roads. For example, last fall a friend of ours brought a load of round bales to our place, and he tied it with a rope instead of chains. Well, he got caught, and I must say that hay got a bit expensive. That's the truth too. [interjections] I was wondering if you guys were awake. If we gave those regulations over to the people who use them, if we give all the regulations over to the people who use them the most, they're going to do it to suit their needs and not what is best for most Albertans.

I live in an area where there are several gravel pits. Are we going to let, then, the gravel pit owners decide how to reclaim the soil? Minister of environment, I hope you don't allow that to

happen. There is a role for government, and by doing this, we're giving away the power of this House to debate what's important. So I urge members to really have a look at this.

In fact, Mr. Speaker, our caucus has looked at this Bill, and our concern is such that we have grave, grave reservations about it. We're urging the government to have a look at it, and that is why I'd like to present this reasoned amendment. I'll pass out the 83 copies. [interjection] Eighty-two and a half. Yeah, I've written on one. Do I read the reasoned amendment now?

9:20

MR. ACTING SPEAKER: If the hon. Member for Spruce Grove-Sturgeon-St. Albert would just wait a minute until this amendment – or has everybody got them? I've never seen them. [interjection] Okay. If you don't mind just waiting a minute, then we'll have them distributed.

I think the hon. Member for Spruce Grove-Sturgeon-St. Albert can continue to discuss the amendment.

MRS. SOETAERT: Thank you, Mr. Speaker. This reasoned amendment states:

that Bill 41, the Government Organization Act, be not now read a second time because the Assembly feels that the Bill does not recognize the need for the Legislature to approve the creation and establishment of government departments and the delegation of powers, duties, or functions to any person.

Mr. Speaker, we on this side of the House and I'm hoping that several members on that side will consider this reasoned amendment as a chance to rethink what this Bill means to every Albertan. What it means is that they lose power to govern over themselves. When they elect a Member of the Legislative Assembly, they have no voice because only 10 people in cabinet will have that voice, or however many to streamline the government.

The other thing that people better realize is that this reasoned amendment is very important because they won't be embarrassed by any more loan guarantees if this Bill doesn't go through, because this virtually allows the cabinet to continue loaning out money. Then when a question is asked in question period and the jaws of everyone drop on that side of the House, except for a few elite in cabinet, because they didn't have a clue there was another loan given out to Bovar, maybe they'll have a chance to know more. Maybe within their caucus they'll be able to debate more because they know these issues are going to come to this House and every MLA is going to discuss them, because that's what democracy is. This Bill is not going towards democracy; it's going to a totalitarian government. Is that a word?

AN HON. MEMBER: Totalitarianism.

MRS. SOETAERT: Totalitarianism. Social. Forgot it. Maybe it's closer to fascism. That's what the Member for Redwater was alluding to.

But it certainly is not a move to democracy. That's why I encourage every member of this House to support this amendment, to have a serious look at it, to take this Bill to an outsider, to have someone else look at it. Please don't accept this Bill as something handed from cabinet to you as part of something that you just rah-rah along with.

So I would encourage all members to support this reasoned amendment. Let's get rid of this Bill. Let's redraft it. Let's have a look at it. Don't just crumple it up and throw it away. Have a serious look at it.

Thank you, Mr. Speaker.

MR. ACTING SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I hesitated, as you may have noticed, in rising hoping that someone from the opposite side would speak to the reasoned amendment. But seeing that's not the case, I thought I would not want to disappoint the hon. members opposite from . . . [interjection] It is worthy of comment. Yes. I agree with you a hundred percent, so that's why I thought I'd speak to it.

Mr. Speaker, the Bill identifies the concern that we have on this side that it does not recognize the need for the Legislature to approve legislation. An issue that I've raised in the past – and in fact that's what this reasoned amendment speaks to, of course – is exactly the issue of delegation of authority. When I spoke to the Bill at second reading, one of the concerns that I raised at that time was the fact that because we would be creating all these delegated authorities that are referred to, particularly if we combine what is in Bill 41 before us now with another Bill that we anticipate is coming forward that the government has referred to that delegates authorities even more, what will end up happening in fact is it will make the role of private members in this Legislative Assembly in a sense almost obsolete because private members will have little knowledge about what the government is doing and where the government is going with respect to their activities and actions on boards and so on.

In fact, if it weren't for the fact that he has recently absented the House, I would almost call this the Ken Kowalski Bill or maybe the Dick Johnston Bill because this seems to me to be a Bill to perpetuate what the government has been proud of in the past. I recall my learned and unfortunately now departed colleague Sheldon Chumir speaking of Dick Johnston as the most secretive minister in the most secretive government in the province. It seems to me that that's exactly the purpose of this Bill.

Now, you may say to yourself: well, where would that come from? Where would that hon. member get that? Well, I draw members' attention to page 79 of the Bill. This is under the section that deals with Public Works, Supply and Services, which of course is a government department we have in the Legislature today. One of the issues that we on this side of the house have dealt with since I've been in the Legislature, since 1989, has been an issue that's been introduced by the Member for Edmonton-Glenarry dealing with freedom of information and protecting of personal privacy.

In fact, ultimately, after that hon. member introduced that Bill four times, after we had other hon. members join in an all-party panel that traveled around the province to deal with the issue of freedom of information and protection of personal privacy, we ended up finally with a piece of legislation that was passed in this House. We are still waiting for the appointment of a privacy commissioner to protect what happens to government expenditure, what happens to government documents. Can the Alberta taxpayer who pays for what happens in this Chamber and what happens in many of the offices outside of these doors, Mr. Speaker, get access to that? So we passed that Bill, and we said: eventually this is going to come into being. We still haven't seen anything along the line of where that's going to go.

Now, my understanding when you're dealing with a piece of legislation is that if there are two pieces of legislation that deal with the same or similar kinds of topics, then the most recent one tends to take precedence. When I look at page 79 that deals with the issue of the Department of Public Works, Supply and Ser-

vices, it says once again, "The Lieutenant Governor in Council may make regulations." There's that famous word "regulations." How many times have we heard and how many times have we seen the phrase, "Lieutenant Governor in Council may make regulations."? So that part was no big surprise. That's a phrase we've seen before. I'm sure we'll see it time and time again as the government moves to privatize government. Eventually they're going to, I think, legislate themselves out of a job. Given the way they've been performing in the past, that may not be bad.

Where it really gets serious, Mr. Speaker:

The Lieutenant Governor in Council may make regulations

- (a) respecting the management of records in the custody or under the control of a department, including their creation,

et cetera, et cetera, et cetera. In other words, the piece of legislation that we passed in this House that deals with the issue of personal privacy and freedom of information may in fact be superseded by this Bill that we have before us today. In fact, the regulations that may end up getting passed by order in council or by the Lieutenant Governor in Council may in fact say: well, gee, we've got that other piece of legislation, but now we've got this brand-new one that's going to get passed perhaps in October of 1994 or perhaps in November. I don't know. It may take till December before we get this one through, before the government imposes closure and everything else, you know, before they get this one through.

Eventually, if the government really, really is determined to be hardheaded – and Lord knows they've done that in the past. If they've really decided they're going to pass this Bill regardless of public outcry – and Lord knows they've done that in the past too – then this will come into force, and we will have in legislation something that says: regulations can determine what's going to happen to all of the information that people want to get about their records in Family and Social Services, what are their records with the Workers' Compensation Board, what are their records with the Provincial Treasury in terms of provincial income tax that has been collected.

9:30

All of sudden the government can pass a regulation under this particular section that deals with records management, and I want to point out that there's quite an extensive section here. It covers all of the page. In fact, they can even define and classify records. They can say which ones you can have regulations apply to, which ones are going to be released, which ones are not going to be released. Then the government can apply whatever regulations they wish. The end result is that all of the work of that all-party panel, all of the work that members have put in to ensure that freedom of information in fact will come to pass can be defeated by this particular Bill that says: we can hide it all in regulation; we don't have to bring it back to the Legislature.

They don't have to nullify or repeal the Freedom of Information and Protection of Privacy Act. They don't have to repeal that. They can say: "Oh, yeah. We've got this great piece of legislation, and everything's available. We're open and accountable government." But, you know, the fact of the matter is that the government in the past – and we've seen it as recently as last Wednesday when again we had motions for returns before the Legislature saying that, gee, we'd like this bit of information or that bit of information and the government stands up and says: well, we could do that but we've decided not to. What about the NovAtel information? I mean, all of that could all be defined and classified presumably because regulations can do that under this piece of legislation. They can define and classify that all back in

their caucus office someplace or in the Executive Council office just down the hallway here, and they can say: "No. We decided that we're going to pass a regulation that says that we don't have to release any of that sort of stuff."

So all of our work, all of the efforts, and all of the concerns, not just of members on this side of the Legislative Assembly, Mr. Speaker, but in fact all of the concerns of all of the people that have raised the issue about freedom of information under this one section, this one piece of this Bill, can all be nullified.

You know, members opposite say: well, give us a reason why we should be concerned about this Bill. That's one section, and earlier today, when I spoke at second reading, I talked about other sections that I had concerns about.

When we look at the kinds of things that can be excluded and deleted, it raises all kinds of flags for me at least, Mr. Speaker, and that's why I think the reasoned amendment is good because it deals exactly with the issue. The point that I made is just an exactly clear example of what this Bill will do if in fact it's passed. That's why the reasoned amendment is so clear. It says that

the Bill does not recognize the need for the Legislature and those are the key words, the need for the Legislature to approve the creation and establishment of government departments and the delegation of powers, duties . . . to any [other] person.

If we pass this Bill, if this Bill is accepted as it is right now on second reading and goes through committee stage and goes through third reading stage, what will end up happening in fact is that many of these responsibilities, many of the checks and balances that we have in our system today that require this government or any government for that matter, whether it's this government now or another government that may come to pass after the next election – all those checks and balances will be pushed aside and pushed out of this Chamber into other rooms where the public doesn't necessarily have access. That, Mr. Speaker, should be a cause for concern, because what ends up happening when the public is denied the information is you get discontent, you get people wondering: why is it that the government is being secretive; what is it that they are trying to hide?

Let's take the NovAtel example again. If under that section that I referred to on page 79 papers are classified as being inappropriate or they'll negatively impact on the business concerns of whomever – and I don't know how that could work, but let's assume that would be an argument that would come forth from the government, because it has been an argument that indeed has come forth from the government before – then we'll never get the full accounting on the NovAtel story. We'll never perhaps get the full accounting on MagCan, and Lord knows again that was another one that we tried to get information on and the former minister of economic development said: no, I've decided that's not going to happen. So if we don't get openness and accountability in this Chamber, imagine what it will be like, Mr. Speaker, if we pass a law, Bill 41, that says in fact that we don't even have to put on the pretence of having openness and accountability in here.

There's another section within schedule 12, the Department of Public Works, Supply and Services, and it says that a department means – and it gives a definition. It includes "a board, commission." Let me just pick it up and read it here.

"Department" means a department of the Government and, except in sections 2 and 3, includes

- (i) a board, commission or organizational unit that forms part of the public service . . . but is not part of a department of the Government.

So again they can create these little quasi-judicial boards or these boards that'll have authority, but the minister, if we start to question a minister, will say: "Wait a minute. According to the

definition, 'is not part of a department of the Government.'" [interjection] I heard one say that he's motivated to speak.

MR. WOLOSHTYN: Yeah. Frank, you're working on me.

MR. BRUSEKER: Oh, excellent, excellent. I'm looking forward to that, Mr. Speaker.

If indeed we can create under this Bill, provided it's passed – I hope it's not, but if it's passed the way it is – and we can form these different bodies that are not part of the government, then the question is: where does the accountability come back in? Because one of the things we heard from the Auditor General's report, Mr. Speaker, is that there's a need for increased accountability. In fact, using his report, because it gives some interesting concepts in here, on page 10 he lists a whole series of guidelines that should be – and this is a quote from the Auditor General's report: "We propose the following guidelines as a basis for developing a practical accountability framework." Then he lists a whole bunch of them. I'm not going to read them all because I know all hon. members have received a copy of this same report that I have myself.

The point that I'm making here is: what this list suggests – and I haven't even counted them. I guess there are about 15 or so of them here, 15 points. It talks about increasing accountability and how in fact it can be achieved. Then in other sections of the report the Auditor General highlights areas where in fact accountability has not been achieved or in fact, as pointed out earlier today with respect to lotteries, has been hidden by the failure of the production of three-year business plans.

So, Mr. Speaker, if we have a section like this that says, "Wait a minute; this is not part of a department of the government," if that becomes part of a piece of legislation and the minister, then, is not accountable for that – or maybe he is or she is; I'm not sure how that would work – the question is: if it's not part of a department of the government, how do we ensure accountability to the taxpayer of the province of Alberta who's paying the shot for that delegated body, wherever that is?

So, Mr. Speaker, those are a couple of examples from this Bill that raise concerns with me. Again that's what the reasoned amendment speaks with: that we need to keep all of the public debate public. This is a public forum. The public can come in and watch in the galleries. The TV cameras are in here on a daily basis. If we pass this Bill, what'll end up happening is that the decisions that should be made public that will impact on the taxpayer of the province of Alberta will in fact not be public. They will happen in the back room. Some people, perhaps those who are interested will follow one or two decisions here or there, but the end result is that a lot of them – and again I point out how many times we're going to see the words "made by regulation," "made by regulation."

Regulations are never passed in this Chamber. We have had many pieces of legislation that have come forward that have had somewhere in them a clause that says something along the line of: so and so minister may make regulations. And I must say, Mr. Speaker, that if that's the way the government is going to operate and that's their management style, I suppose that is their prerogative. But if indeed it is the intent of government to make all those regulations – and they allude to them in so many places in this piece of legislation – then they must somewhere presumably have some idea, some inkling, some direction of what those regulations are or might be.

So the question that I put to the government, to any minister on the front bench is: if you're going to come forward with a Bill that says that the minister may make regulations, why are the

regulations not tabled in this House with the Bill? So that when they stand up and say, "We're going to have regulations; this is half of the package here, this is the framework, and to that we're going to flesh it out with regulations," why not present the regulations in a public forum which is this legislative Chamber?

There is an obligation on behalf of the government to be forthright and to put forward all of their concerns, put forward their regulations, put forward their direction, but in fact this Bill has no regulations with it. I've not seen any of them come out yet. I've not seen anything that says: "For the Minister of Public Works, Supply and Services. Here is a list of the regulations which apply to that particular portfolio." We have the Minister of Education here, and I pointed out earlier on the very short section that deals with education. What regulations is the Minister of Education going to be responsible for? There are so many areas where reference is made to regulation, and the regulations don't come with the Bill.

So the point that this reasoned amendment addresses that I am attempting to address this evening is: all of the direction of public policy, whether it be through legislation or whether it be through regulation, impacts the Alberta public, the 2.7 million souls that reside inside the boundaries of this province we call Alberta, who have a right to know in a public forum what that is that government is doing. Bill 41 and, by allusion, any other Bill that has "Minister may make regulations" prevents that public disclosure. For that reason, Mr. Speaker, I would encourage all members to support the reasoned amendment put forward by the Member for Spruce Grove-Sturgeon-St. Albert and hold off on this Bill until it can be reconsidered for another time.

Thank you, Mr. Speaker.

9:40

MR. ACTING SPEAKER: The hon. Member for Edmonton-Meadowlark.

MS LEBOVICI: Thank you, Mr. Speaker. It doesn't give me great pleasure to be back up here this evening to discuss this particular Bill.

DR. L. TAYLOR: Then sit down.

MS LEBOVICI: What I'd like to start off by asking the members is: what's happened to democracy? That's why I won't sit down, because we don't have an answer to that question in this province. When we look at what is happening in this province at this particular point in time, democracy has flown out these doors. There is no democracy left in Alberta.

I just need to think about some of the things that have happened over the past few months. I need to look at some of the examples that we've had alone here in Edmonton – and I'm sure in Calgary and various parts of Alberta you've had those examples as well – where people who felt that this was a government that would care and would listen are now finding out that that's no longer the case. So you have 15,000 people marching in the streets of Edmonton, not once but twice, to try and show that this is still a democratic society that we live in, yet what does the Premier say? He says: I don't care, and I don't listen. We've had numerous, numerous petitions put forward in this Legislative Assembly, whether it's on health care, whether it's on ECS, on numbers of issues, and what does the Premier and his cabinet say? They don't care.

What we have now in front of us is a Bill that once again says: we don't care, but you should trust us. Now, you know that famous phrase "trust me," and the next thing you know the girl

is pregnant. So what we're seeing right now is a rape of democracy in this particular province. I learned long ago not to believe those words "trust me." [interjections]

You may think it's a laughing matter, but unfortunately I don't think it is. I don't think it is. I look at some of the items. I look at the fact that with the new regional health authorities there's no genuine appeal process, yet it's still: trust me; we'll take care of you. When I look at the fact, in terms of democracy, that one of our MLAs, the MLA for Bonnyville, was disinvited from attending a public function because the Premier and former minister Mr. Isley decided that it wasn't appropriate, then I wonder about openness in government, and I wonder where "trust me" comes into play. I see things such as a reverend, Rev. Leadbeater from Edmonton, saying: throughout my long ministry, I have never met so many discouraged and anxious people, especially seniors – remember that seniors' Bill? That was a trust me Bill, too, that you passed; wasn't it? – as I do at present, and the try and see if it works policy of the government exacerbates the situation, especially with regards to health care and education. Not only are we seeing the face of our country being changed but also the soul, and I wonder how you can say trust me.

I see Mr. Wagner saying: I chair a committee of people who have been given the job of restructuring the Alberta health system. This is not the government, this is a committee of people, nonelected, without authority, and we do this as total outsiders, not through the department. It's a new way of doing government and one worth watching. Again, it's trust me, trust me that this will work, trust me that it'll work, that we're deregulating, that we're saying it's okay, trust me.

Then I read with anxiousness our Premier, who says: there are interesting things happening in this province – I wonder if he knows what those things are – and more industries are going to be responsible for policing themselves. Well, we've seen in the past what happens when industries police themselves. They generally don't do a very good job. He doesn't see why, as long as they operate within government approved guidelines and they're carefully monitored, and that's where the trust me issue comes in, because there will be no careful monitoring, because that function is being privatized as well through the DROs.

So the question is: why should anyone trust? The question is: why is this government taking the easy way out? Have the government members forgotten their lessons of history? Have the government members forgotten their role and their purpose for being in this Legislative Assembly? Have the government members forgotten that the reason that there are two sides to an Assembly and that there is a space between those sides was because in the past it was swords and guns that settled disputes? Have the members on the opposite side forgotten that in our country it is a system such as this that prevents the kinds of atrocities that we see in other nations across the world? I'd like you to think about that, because that's what a trust me attitude, a nonlistening attitude can lead to, and that's what dictatorship is all about. It's not listening. It's not caring. It's trust me; I will do this for your good. That's not what democracy is about. It's not what democracy is about.

We haven't heard the answers to the questions: who will benefit from this Bill, and who will lose from the Bill? We haven't seen the full effects because the DAO, which is I think Bill 57 on the Order Paper, which will work in conjunction, as far as I can figure out, with Bill 41, is still being written. So how can we pass the Bill? How in good conscience can we pass a Bill that is probably hinging on another Bill that has not even been

written? Has any one of you sat back and thought about that? Are those questions that bother you? Are those questions that perhaps bother your conscience?

We look at the kinds of things that could potentially happen: truckers to police themselves. In the last go-around what happened was that in one inspection what we saw was that only 2.6 percent of the truckers had a problem, but that was because only 114 vehicles were inspected. When you looked at over 2,000 vehicles inspected in Ontario, that number went up to about 40-odd percent. We look at firms that might be allowed to monitor their own pollution, and we see there that – well, the former minister of the environment wasn't quite sure how that would work, yet nothing is off that famous table. Nothing.

We get back to our issue: who will benefit and who will lose and is it an easy way out for the members, especially the backbenchers of this government, to say we don't want to be bothered?

Point of Order Relevance

MR. ACTING SPEAKER: Hon. member, on your point of order.

MRS. BURGNER: Yes, Mr. Speaker. I'd like to cite citation 459 and inquire from the hon. member what the relevance of this debate is. I believe we have in front of us an amendment, and I have yet to hear one reference to the amendment. If we're debating the Bill, we could set aside the amendment and continue the debate on the Bill.

9:50

MR. ACTING SPEAKER: Would the hon. Member for Edmonton-Meadowlark like to comment on the point of order? I will comment on it then. If you read that amendment carefully, it does give a lot of latitude to bring debate back into the Bill. I do hope the hon. Member for Edmonton-Meadowlark will try and stick to that amendment. I'm not a solicitor, but certainly I read the amendment to be that you're able to speak on everything. You're bringing that point out, hon. Member for Edmonton-Meadowlark.

Debate Continued

MS LEIBOVICI: Thank you, Mr. Speaker. Indeed what the amendment says is that

the Bill does not recognize the need for the Legislature to approve the creation and establishment of government departments and the delegation of powers, duties, or functions to any person.

That's exactly the point to which I am referring. The government can be accused in a sense of trying to sneak through changes in the way that it does business without the subsequent requirement to introduce separate legislation, and in fact, prior to this particular government, departments were created through legislation in the Legislative Assembly. Now departments are only going to be created through orders in council.

One of the items that we need to look at in terms of this Bill is that ministers are going to be given the authority to operate services that they consider desirable. What does that mean? Again it takes me to the trust me issue. What it means is that the government will have an opportunity to devolve essential programs and services to the private sector without subsequent legislative approval.

Again it gets away from: what is our role? It allows for departments, especially when we look at the omissions with regards to the Department of Family and Social Services Act, to establish boards, committees, and councils and to privatize most

of its function. But most importantly with regards to this Act, which supposedly is an Act that will avoid duplication, that will avoid the kinds of horrors that we've seen in the past, especially with regards to loan guarantees and the business of government being in business, what we're seeing is that government is not just getting out of the business of being in business – and that's what the election was about – but that government is getting out of the business of being in government.

When we look at in particular section 74(1) of the Act under Bill 41, what it doesn't preclude is the ability to give loans, and one would think that the government would have learned that this is an issue that is near and dear to the hearts of Albertans. The Treasurer himself has said that the cabinet is the one who called the shots on loans of any kind in the past, but given that we are not in the business of business anymore, we may – may – not need that provision. But it's still in the Act, and he of course thinks it's a grand idea that all the power will be centralized within his control.

[Mr. Deputy Speaker in the Chair]

What should happen – and this is one of the things that I would have thought we would see in the Act – is that there should be no loan guarantees. No: a big fat capital no. Instead, what we're seeing is that the Treasurer still has it within his authority to do that. You would have thought that the \$100 million Bovar loan guarantee and the \$4.25 million export loan guarantee that were recently agreed to would have been enough. You would have thought that the past record with regards to NovAtel, \$646 million; General Systems Research, \$31 million lost; Myrias Research Corporation, \$13 million, Alberta-Pacific, \$10.8 million; Peace River Fertilizer, \$7.6 million – the litany goes on. I'm only halfway through the list in terms of loan guarantees that this government should not have been involved in. As a result, all of a sudden there's this revelation that we're going to be out of the business of being in business but we'll still keep it there just in case we need to, but what we will do is we will look at making sure that everything is through regulation, because then we don't need to be accountable. Then we can say, "Trust me." The government can say: "Trust me. We will do what's right." These are the issues that are of concern to us.

I guess what's even of more concern is the need for this public forum. It's not only for the opposition, but it's also for the backbenchers on the government side that I speak for. I look at some of the quotes. I look at the hon. Member for Calgary-Varsity who says:

I'd like to . . . reaffirm that this government is against the use of loan guarantees and indemnities as a means to encourage economic development in the province of Alberta.

I look at the Member for Cypress-Medicine Hat who says:

First and foremost, it has been the position of this government to reduce or eliminate financial assistance to business . . . In fact, it's one of the promises that I personally campaigned on.

It's quite obvious that the members of the back rows do not know what the cabinet is doing. Just consider what happens when it's all in regulation.

Point of Order

Questioning a Member

MR. DEPUTY SPEAKER: The hon. Minister of Municipal Affairs is rising on a point of order.

DR. WEST: Would the member entertain a question in debate in good faith?

MS LEIBOVICI: What I would prefer, hon. Minister of Municipal Affairs, is that you can have 20 minutes and respond and ask those questions, and I will get up again at that point in time. I think that's quite fair. It will probably take about 20 minutes to just make a point, I'm sure, on your side.

Debate Continued

MS LEIBOVICI: It seems strange in a sense that a government with a record such as the one that I've just outlined still wants to leave the door ajar to permit more loan guarantees behind the closed doors of cabinet and even stranger that those members who campaigned on that – who campaigned on a campaign of trust me; we will listen; we will care – would accede to a Bill such as Bill 41.

With those comments, I'd like to allow for the hon. Minister of Municipal Affairs, perhaps, to enlighten us on some of his views on this particular subject. Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Manning.

MR. SEKULIC: Thank you, Mr. Speaker. I stand in support of this reasoned amendment because, as I mentioned when I spoke to the Bill in the second reading, this Bill essentially strips me of some of my powers as a now legislator. I think my honoured colleague from Calgary-Varsity, who generally practises safe legislation, has acted in a moment of political passion and overlooked the use of protection. My colleague has contracted Bill 41, and I believe that Albertans are, as a result, at risk.

I'd just like to put forward an adage of Gaebler and Osborne: business does some things better than government, but government does some things better than business. I'd go one up on this, and I'd say that business does most things better than government, and government does fewer things better than business. However, there is a category, programs and services, that I think government must retain, not only in the delivery but also in the legislation. I feel that this Bill threatens that.

We were all elected to be accountable and responsible. None of us were elected to be appointing someone or hiring someone to take on the role of the Legislature, and I feel that this Bill is seriously flawed towards that very issue of hiring or appointing someone to take over our responsibilities. If the government is inclined to move or wishes to govern through regulation, then maybe in the next provincial election we should look to elect regulators and hire legislators, because this is what this Bill appears to me. I just want to get into the Bill here. Section 6(2), refers to services of experts, and if anything is to be changed, I wish this component or this particular clause would have been reviewed and changed because it says:

A person whose services are engaged under this section may be paid the remuneration and expenses determined by the Minister.

Well, you know, that's something we end up debating and bringing up in question period so often, because it appears that ministers have appointed someone, and . . .

10:00

MR. DEPUTY SPEAKER: Hon. member, just so the Chair understands and follows your line here, we are in fact on a reasoned amendment to the Bill, and you're dealing with a specific clause. Is that so?

MR. SEKULIC: Thank you, Mr. Speaker. I believe I am speaking to the reasoned amendment, and that reasoned amend-

ment speaks to that clause, and it speaks to the entire Bill. In fact, there's a precedent ruling but moments ago. It's this particular clause that brings about the need for this reasoned amendment. So if we change this clause, and former ministers can't be appointed and paid remuneration at the minister's whim, then we have an improvement on this Bill. Instead of what remuneration and expenses the minister deems appropriate, what about market value? Where are all those free enterprisers? Market value is something that I think should set remuneration levels. What about being chosen via open competition, putting an application in and permitting other Albertans to participate? Then I think that would be an improvement. Those are changes. That's the direction this government needs to go, and I just don't see that being addressed in this Bill.

Mr. Speaker, the issue of loan guarantees. Once again it's something that's come before this Assembly all too often. Why? Because government was, and as recently as last week the hon. Treasurer admitted, still is in the business of business. They're providing loan guarantees to the tune of \$100 million. The \$100 million that was provided in a loan guarantee to Bovar, the opposition put forward some potential alternative expenditures or other forms or methods by which that \$100 million could have been spent. You know, we were talking about spending the money, spending it on Albertans, spending it on taxpayers, providing programs and services to those people who pay for them. But, no, the Treasurer insisted that it was better that we take \$100 million and just throw it away, and it's gone. Albertans get no benefit from it, or at least not the majority of Albertans. So this Bill needs to take away the ability of the government to regulate in the manner that they have set out and also just to hand out the loan guarantees. If there is to be a loan guarantee – and I don't there's cause for loan guarantees – then it should be before this Assembly. This is the ultimate authority.

Mr. Speaker, with those few comments, I'll pass the floor on to one of my colleagues, who I'm sure is eager to speak to the Bill.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Mayfield on the reasoned amendment.

MR. WHITE: Thank you, Mr. Speaker. On the reasoned amendment, sir. Yes, sir. Of course, I would be foolish to try anything upon you, sir, at this hour. It would be foolhardy to expect you to rule any other way, than that that I'd be out of order should I not speak to the members' powers of delegation and duties and functions, which is perhaps best that way for you.

These powers of delegation, which this amendment speaks to, don't deal with section 8, which is the joint board of practice. I'd like to compliment the government for that particular section. It happens to be an area formerly employed, and it cleans up some of the areas. Of course I couldn't speak to that because complimenting the government would be an error to begin with, of course, from this side. It would be an error in the delegation of authority.

There is, however, a most offensive section that's titled municipal and consumer matters, how one gets to that. The column title, which is not part of the law, in fact reads loans and guarantees and delegation of this authority. This particular section doesn't deal with the delegation, but if you read other sections, notably sections 16 to 18, titled transfer of responsibilities, now that is delegation of authority. Now, read those two in combination. We have a loans and guarantees section, and this is particularly for housing purposes and the cost of acquiring and

preparing properties and improvement of those properties and providing sewer, water, and the like, basically being a developer, for lack of a better term. It goes on with, "any other purpose" to prepare the land. That authority can be actually delegated.

Now, one must read these proposed pieces of legislation and read the worst possible scenario. Granted, it's probably not these good people on the other side that would act upon the allowances of the Act in a manner detrimental to the public. Certainly they would not consider doing that. However, there may be one of subsequent members of this Legislature that may make some errors in judgment and act upon these. This allows those to delegate that responsibility of being a land developer, dealing with a land developer, dealing as a land developer, being in partnership or acting on one's own. This authority can be delegated. Now, I can't think of one area that has, in the public's eye certainly, the grandest possibility of wrongdoing, and here you are allowing that to occur. I would hope that someone from the other side can provide a little flesh to the rubbish that I keep hearing from the member opposite who is in charge of municipal affairs. It clearly says the minister, presumably the Minister of Municipal Affairs, is able to make these loans for these purposes.

If we can think of another piece of legislation that has passed in this House that has more delegation of authority and power to keep from the public the use and potential misuse of properties, this has to be it. I mean, I don't know. I spent a fair bit of time in municipal government where you went out of your way to assure yourselves that the developers were in fact going to provide and regulated them to the extent that allowed their competition, made sure that they were competing on the up and up, which would mean that they have to go out and borrow their funds and take the risk. No one but no one that I know of, other than perhaps the acquisition of Mill Woods, which was a Tory government at the time – I believe a couple of people went to jail over the matter because of some improprieties. It was exactly what we have here: acquiring properties, acquiring developable lands for housing, sewer, water, and the like. I can't believe that one would want these kinds of powers delegated to one person, however honourable that person may be at the moment, in order to bring in whomever. Now, it may be that the minister, being so busy and having so many things on the plate, with that delegated authority signs a document. It comes across the desk, this innocuous little document, and that civil servant goes off to develop his little patch of the province.

10:10

Now, without the check and balance of a minister having to come before the Legislature and say this is the plan, this is the program, how does one prevent that? There is no remedy that I can see in this piece of legislation. This is a piece of legislation that goes so far beyond what a reasonable person would like to expect of their government that you can't possibly believe that they would do this.

The minister's power insofar as consumer affairs. It's not my area, but it does seem to be beyond a reasonable limit.

In order to keep government from making errors, it takes members in a caucus to question and diligently question, without fear of any reprisals from the minister, that minister on every single piece of legislation. I don't know how this piece of legislation could possibly come through all of the checks and balances that are supposed to be in a caucus and get to this stage and have, as one member on this side called, those lapdogs of the government pass over this piece without really going through it. To my knowledge there are some very bright people on the other

side that I would think, having all of this time on their hands, would in fact read the Bill and think of the possibilities, particularly those that have had to pore over documents beforehand in law, in accounting, or in some business in order to understand that there is some potential advantage to be taken from one side or the other.

Certainly I cannot see how one could conceivably pass this piece of legislation to go beyond to the delegation of powers to any person. Presumably that's a person of competence, but it doesn't say that at all. It's just totally and completely discretionary. This is the absolute worst case that I have seen. This particular piece of legislation does concern me to the extent that I would not like to be part of a government that had the power to do away with the power and put it into very, very, very few hands. I would think that, yes, in aid of streamlining, there are certainly a number of areas that I would like to speak in favour of in this kind of Act, but the front section and some of the schedules absolutely appalled me, and I cannot conceive of a government becoming less of a government in this manner. This is clearly – and I'll say it again – a case of government getting out of the business of being a government. Therefore, anything, any amendment, anything it takes to slow up and hopefully have some of the other side consider the possibilities of this piece of legislation – I ask them to review it, even a small section of it, to understand what we think can be the outcome of this, or the potential outcome in a worst case scenario. If that's not to be the case, please, please rise in this House and show me precisely how this piece of legislation is not going to harm the persons in the province of Alberta.

MR. SAPERS: It is really quite a pleasure to speak in favour of this reasoned amendment because it's the only reasonable thing about this Bill in this debate so far. This government has been doing government wrong for so long, they've been bad government for so long that they actually think this is going to help, is an improvement. This Bill 41 is one of the most dangerous pieces of legislation I've ever seen, a danger to democracy. Of course, it might be a good thing if this Bill passed, and the only good thing about this Bill: it might mean that we'd be able to go to an election all that much faster. [interjection] I am speaking on the reasoned amendment, and thank you for reminding me, Mr. Speaker.

The reason why we need this reasoned amendment to pass is because without it we would be convinced that really the motto for this government is that the only good government is no government. Because clearly what they want to do is get the business of government out of the Legislature entirely and behind closed doors, where we know Conservatives are all that much happier.

Mr. Speaker, I was elected by the constituents in Edmonton-Glenora to represent their views in this Legislature. I was elected by them and given their faith to do the best I could on behalf of all Albertans and to bring a particular perspective into these Chambers and to engage in debate, to share that perspective with my colleagues on both sides of the House. Certainly within our caucus there is a free exchange of ideas. I know that the government members would have us believe the same takes place in their caucus, but you sure wouldn't know it by their lack of participation in this Bill.

Now, my colleague earlier referred to the backbenchers on the government side as lapdogs, and that was really an unkind comment. I don't think that that was fair at all to the kind, warm, cuddly creatures that lapdogs are.

MR. WHITE: Wouldn't you say that insults the lapdogs?

MR. SAPERS: That's my point.

I would say that this reasoned amendment needs to pass because this Assembly would be brought into such disrepute if this Bill ever proceeded further. If this Bill becomes law, then the people of this province would say: "We can't support a government of secrecy. We can't support a government behind closed doors. We can't support a government that wants to totally delegate its responsibility. We can't support a government that doesn't want to be accountable to the electors. We can't support a government that doesn't want to be accountable to the taxpayers."

Mr. Speaker, this is just a bad Bill. We have a responsibility to protect the parliamentary process. We have a sworn responsibility, and I would remind every member of the oath that they took when they were sworn in to uphold the tradition and the process. Without the reasoned amendment passing, to which I am speaking, we would find ourselves redundant. We would find ourselves in a position as members of this Legislature where we would have no ability to question what the ruling cabal does. We would find ourselves in the position where the 14 or 15 or 16 or 19 cabinet members and quasi-cabinet members amongst themselves just divide up the spoils.

We've already seen lots of examples of how this government does that, how they send each other notes saying: my cousin will get this job, and your brother-in-law will get that job. We've already seen evidence of that. We certainly need to see more openness and more debate and less of that kind of secrecy and pork barrel politics.

Mr. Speaker, I believe that a government has a responsibility to the people that elect them, and this Bill would diminish that responsibility. I happen to believe in the process and believe in parliamentary democracy. I think it's incumbent upon all of us to take our place and defend it. We know that this government is in the middle of a headlong rush to privatize absolutely everything. We know that the speed with which this government privatized ALCB has led to one fiasco after another after another lawsuit. We know that this government is in a headlong rush to commercialize medicine. We know that this government's in a headlong rush to commercialize advanced education, to commercialize adoptions, child welfare. This government seems to not hold anything sacred. This government sees no role for government. This government does not seem to appreciate that there is a special social contract between the electorate and those who are elected to serve it.

10:20

Mr. Speaker, the people of this province contribute many, many tax dollars so that the government can establish priorities and spend those tax dollars wisely on programs and services that Albertans depend on, that we require. Albertans expect the government to be held accountable for those decisions. If Bill 41 was to pass, government would no longer be responsible. Almost everything of substance, everything important, everything critical would be delegated to some other organization, some other level of decision-makers, some other star chamber that operates outside the purview of this Chamber of debate and of accountability.

Mr. Speaker, this Bill is not even very well drafted, and when you look at the schedule, you see references in schedule 7 to health boards that will no longer exist. You see confusion about what a government health care facility is and what a government health care facility isn't. While every regional health authority is in the midst of drawing up business plans and talking about transition plans and seeking legal advice on how assets will be transferred from the Crown to the new regional health authority,

you see a Bill here that talks instead about how the Crown in right of Alberta will be able to take control of assets, will be able to have title to land and buildings and property. Mr. Speaker, there is no agreement between this Bill and what we see happening as a result of Bill 20, which is the Regional Health Authorities Act, and what we see proposed in other legislation, such as Bill 46.

Mr. Speaker, this reasoned amendment is perhaps one of the most important items we're going to debate in this particular session of the Legislative Assembly. This reasoned amendment will save the Assembly from making a tremendous mistake, and that mistake would be allowing this Bill to proceed any further than it already has.

I think the government has an obligation to take back this legislation, to review their intent, to make public their plans for the future of this government and government service, and then only after that kind of public debate and consultation should they dare reintroduce this kind of a Bill to this Assembly. Then I would of course welcome debate from members on both sides of the House.

Unfortunately, one more time the opposition has been presented with a Bill of staggering proportions and our debate is being met with nothing but silence on the government side. Mr. Speaker, I hope that somebody speaking on behalf of the government will say something to rescue this situation.

MR. DEPUTY SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. I rise to speak in favour of the reasoned amendment. Just to refresh the Assembly's minds, that reasoned amendment indicates:

that Bill 41, the Government Organization Act, be not now read a second time because the Assembly feels that the Bill does not recognize the need for the Legislature to approve the creation and establishment of government departments and the delegation of powers, duties, or functions to any person.

In doing so and attempting to make my point, Mr. Speaker, I will refer to the Act, and I will refer to some specific clauses in that Act to try to illustrate exactly why I'm in the position of standing to speak to that particular reasoned amendment.

Now, I quickly went through the Bill here while the other speakers were putting forth their very articulate positions. If I could capsulize what I'm looking at, certainly it is a collection of power to the ministers' desks. I would say that that's a contradiction, Mr. Speaker, of what I've heard this government indicate time and time again, that they would like to downsize, they would like to become efficient. As I see the delegation and the collection of power here, it clearly will increase the size of bureaucracy, not decrease it.

When I look at clause 9 – and I indicated that I had a large concern – in essence that's just a *carte blanche* opportunity for the minister to delegate to anybody he wants to and hand those powers over. I would suggest that probably borders on a constitutional challenge, Mr. Speaker. When we go a little further and we go on to page 6, for example, it talks about:

A minister may charge fees in connection with the provision of any service, material or program, the performance of any function or the doing of any thing

(b) by any board, commission, council or other agency for which the Minister is responsible.

Mr. Speaker, as I interpret that particular aspect, what we're saying here is that the appointed health boards, for example, will be designated as an extension of government and they can set the fees that they want. That causes me some concern, of course, because undoubtedly we will end up with some different fees

across this province, and they'd do it within their authority as delegated by the minister. So it causes a concern.

Carrying on, as I read through, page 6 very clearly states that "A Minister may make grants." Now, in my initial and opening comments I had suggested to this Assembly that from a cursory look at this Bill, it looked like they were attempting to consolidate those grants to the Provincial Treasurer. Well, I would have to stand here and contradict myself, because pages 6 and 7, as I look a little more closely, Mr. Speaker, indicate that the minister "may" make grants. It gives him very much an opportunity to make those grants under whatever conditions he wants. I would draw the members' attention to subsection (4) on page 8, which says:

Despite subsection (2)(g), the Minister may impose further conditions not prescribed in the regulations on the making of a particular grant.

So we're opening it up a little wider yet as far as the grants are concerned. I would suggest that that, of course, takes us outside the Legislative Assembly one more time when we look at those things and thereby would tie back into the reasoned amendment.

I moved along through the Bill to the transportation safety branch. This particular aspect will create a new department, I guess, that will be called the transportation safety branch. As I read through that and looked at subsections (3) and (4), in essence what they're saying is that this department will have employees that will have great powers, that can actually requisition or demand copies from insurance companies. To read it and be specific:

Copies of reports made by insurance company investigators into the cause of the accident and the conclusion of the insurance company on the liability of the persons involved.

When I read that, I would suggest that we're taking, in some cases, an objective report from an insurance company. This government has given the powers to do such by creating this new branch, and in doing so, as I'm trying to put this Bill together and trying to indicate why it is falling outside the Legislative Assembly, as the amendment has indicated, it must fit with the Hospitals Amendment Act whereby the government now can sue. I can see a difficulty here because in fact the objectivity of a report by an insurance company looks like it may have an impact on whether the government is going to sue me. I'm not convinced that that is a very *bona fide* or a secure way to end up in a lawsuit.

What I see here is a creation, as I indicated earlier, of a very large department with new powers. This actually can subpoena drivers to be interviewed. This organization can take your car away and hold it for 21 days. Again, if we are looking at where we are going, we're taking it outside, in some cases, the perusal of this particular Legislative Assembly. This extensive power I see created here causes me to ask the question, Mr. Speaker: is this not the forerunner to an Alberta provincial police department that I see unfolding before my eyes in this particular section? Now, that in fact may not be a bad approach as long as it is not controlled by a minister and as long as it is not tainted by political interference. But as I try to tie it together and try to unfold it, it looks like that will be the case. Again, it looks like it's an extension of power outside this Assembly, which causes me some concern.

As I moved along through the Bill here, I was particularly alarmed in looking at pages 18 and 19. There are miniclauses there, but in essence what the clauses are referring to and specifying is that they are really substituting "Attorney General" or "Solicitor General" for the words "Minister responsible for this Act." We can see that that clearly is another collection of power at the minister's desk. There is no one in this Assembly that doesn't realize that that means the bureaucracy gets larger. It would be my suggestion the bureaucracy has control at this

particular point, and I don't think these ministers want to actually expand that. It also, I would suggest, takes it outside this Assembly here and the decision-making powers that this Assembly had bestowed upon it by Constitution, legislation, and regulation over the years.

10:30

I stop briefly at the education sector here, and again I see that in fact what we're doing in a lot of cases is taking the power of the Assembly away. When I say that, Mr. Speaker, what we're doing here is that the minister may appoint somebody who, again outside this Legislative Assembly, can go and investigate a school, whether it's properly run or the likes of that, make reports, and in fact if the school isn't co-operative, the minister dissolves the board or the likes of that. So those are not decisions that are ever discussed in this particular Legislative Assembly. Again it diminishes the power of this Assembly.

Hand in hand with this, and I think it's been spoken to at length, Mr. Speaker, are the many, many regulations that we're led to believe are going to clarify and bring these Acts into a sound, sane implementation mode. Now, we have heard the comment mentioned here time and time again that this really amounts to a trust me, trust me approach. Well, we've been asked that question for many years in this province, and it hasn't worked.

At a quick perusal of section 7 in the Act, which deals with the health aspect, I was most alarmed to see – and again this is a power that the minister has – that the minister may in fact

enter into an agreement providing for any or all of the following:

- (a) the disposition, by sale, lease or otherwise, of any Government health care facility to a health board.

Now, that is a very large decision that has to be made. It would be a precedent-setting decision in this province, and I would suggest this is the proper venue or stage to discuss it. Unfortunately, in this case it wouldn't necessarily have to come before the Legislature.

I would take you on in that particular section just to illustrate again that this is not going to work for the benefit of Albertans. When we look at disposition of not only health care facilities and/or the property of those, a clause that I found particularly alarming is:

A disposition, by sale, lease or otherwise, of a Government health care facility or of personal property pursuant to an agreement under this section may be made for a nominal consideration or for a price less than its market value.

I think we all have reason to be concerned there. What exactly is intended here? Is this one of those little trust me, trust me clauses that I have to buy into? I would suggest that when we look at that and compare it to section 10 on schedule 12 here where we're outlining the disposition of other assets, and this falls more into the public works aspect, that particular clause indicates that we must receive two appraisals and the land in question must not be sold below market value. Someone in this House is going to have to explain to me why we can give something away as a hospital but in fact we have to have fair market value for land. So with the comment that was made earlier, Mr. Speaker, about this Bill being poorly drafted, I see some inconsistencies here that have to be addressed. Clearly they should have to be addressed.

Mr. Speaker, there are many aspects of this particular Bill that take the decision-making process away from the duly elected in the province. I think that's very unfortunate, as I say. I'm honoured to have been selected to be here to discuss Alberta and the implementation of its policies and also hope to bring a good, sound, and I would say frugal approach to government, to be a

good steward of that particular dollar that the taxpayer gives to this government. What is unfolding here before us deprives me of that opportunity, and as the amendment indicates, it takes it outside the purveyance of this particular Legislature. That I think is very critical to one and all.

Unfortunately, I think there is also a more insidious side to this whereby the ministers themselves have the opportunity of collecting the power, and the power they're collecting here, I think, goes far beyond what any Albertan ever expected to collect. They also delegate a good percentage of their responsibility or have the ability to, according to this Bill, to people that are not elected. So their regulations that come from their department are outside the perusal of this particular Assembly. They then select bodies to implement probably some of those regulations that also don't have the accountability to this Alberta Legislature. I think that's very unfortunate. Clearly we have not seen a government in history that the collection of power did not corrupt or did not cause some difficulties, and as well all know, Mr. Speaker, there is only truly one aphrodisiac, and that is power. I see the collection of this power as being the aphrodisiac that is probably going to sodomize a lot of Albertans, and I have some concern with that.

So with those comments, Mr. Speaker, I will conclude my discussion tonight.

MR. DEPUTY SPEAKER: Hon. members, the hon. Member for Edmonton-Meadowlark is reminded that this is not committee stage, although at times it may appear to be so.

The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: On the reasoned amendment.

DR. NICOL: Yes, Mr. Speaker.

AN HON. MEMBER: That's impossible.

DR. NICOL: No reasoned amendment? Well, I think this is a lot more reasoned than the whole Bill that we're trying to debate when we read it in its first reasoning.

Basically, Mr. Speaker, what I want to deal with is the process that this Bill does in terms of its relationship to the legislative process. I find that I have to start looking at it in terms of, first of all, how we deal with the development of departments, the development of organizational responsibilities within the government to deal with the idea of mandating or carrying out mandated programs for the legislative body. When we deal with giving policy, when we deal with that determining process, the normal aspects that we have to deal with are bringing it generally to the public, having their input, and that's what the elected MLAs are here for, and to turn this power over to the Lieutenant Governor in Council basically takes this kind of process away from the Legislative body and removes it from the relationship that the community has to the legislative process through their elected representatives.

Basically, what we have is a greater ability of the government to collect input in terms of the focus that department should take, the mandate that it should have, the direction that it should have, the type of programs that it should have, if we can have input from a broad spectrum of the MLAs who are involved in representing the communities. The smaller number of views that are available through the Executive Council doesn't provide the input

to get the broad scope and need of the kind of department that we want, so that by dealing with the creation of a department through any means other than the legislative power to approve does away with that kind of input.

Basically, the other aspects that we need or fall short on in this kind of context are the setting of the goals for the department, the process or function the department goes through in carrying out its mandate, how they deal with the relationship between their mandate and the client that they are there to provide for or to serve. So by taking it out of the legislative process, what we're doing is shortchanging the whole definition of the department and the process of getting the department established in terms of getting good input. By doing it outside of the legislative power, we're moving away from the basic concept of a democracy where we deal with the process of creating direction for government, the process of decision-making, the process of mandating a program and carrying out that program to a democratically elected group of representatives of the people of Alberta. By doing it through the Executive Council, we're essentially disenfranchising the people of Alberta who are not represented within the context of that Executive Council. So this is basically a second reason that I think we basically have to watch how we deal with this kind of program and how I feel the Executive Council authority to establish departments violates the legislative and the democratic process.

10:40

Another aspect, Mr. Speaker, that I'd like to address deals with the process of accountability that MLAs have through the democratic process. Each of us is elected to carry the views of our constituents into the process of creating the government structure that we have to deal with. By having the small group of people in the Lieutenant Governor in Council creating our government structure, we end up with a process where the MLAs cannot go back to their constituents, cannot report back and say that, yes, you can feel confident that this process, that this department will serve your needs, because the MLAs have been disenfranchised from that part of the process.

Further on in the mandates here in terms of setting up the departments under Bill 41, we see that the departments are also authorized through this process to set fees. They're allowed to allocate grants on behalf of the people of Alberta. This, Mr. Speaker, I see as a real separation of the right for the people of Alberta to have an expression of their views in terms of how they are asked to pay for services, whether it be through taxes or a collection of fees and also the process through which those fees are distributed to put in place a process or a program. This way when MLAs return to their constituencies, they do not have the information and the mandate or the feeling that they were participants in the creation of the programs, and it makes it very difficult for them to report back to their constituents and justify the taxes, the fees, the grant programs that are put in place through departments that they had no input into. So again this is another reason why we feel that if we deal with this kind of structure and process for organizing government, we end up with a system where MLAs cannot go back to their constituents and feel that they have been accountable.

The next point I'd like to speak to, Mr. Speaker, deals with the process that what this effectively does is remove all of the programs, the structure of making government, one step away from the people of Alberta. We've seen in the past as governments get to the feeling where they are removed from the people of Alberta, there's less accountability for their actions. There's

less basic feeling that they owe an explanation to the voters of Alberta, the people who participate in the democratic process. What we end up with, then, is governments that become callous and irresponsible because they don't have the accountability back to the legislative process. So what we have to have here is a very direct link between the elected representatives, the legislative process in Alberta, and the government, both in terms of the structure and the process that it's mandated to carry out. So again this brings us back to the need to have the Legislature involved in the creation of departments.

The next point I'd like to bring out is that as the Act is written and this power that it gives to the Executive Council to create departments, this also allows the department or the minister in charge of that department extreme powers in establishing subsections or subunits within that department such as boards, committees, and councils. Some of these boards, committees, or councils can be designed to provide input, or they can be designed to actually implement or execute programs that are approved by the department or the minister. This essentially creates a second step removal from the legislative process, and we end up now with basically a group of appointed members serving to implement programs without any direct feedback to the legislative process, no justification back to the legislative process. So once we remove that mandate for creating departments from the legislative process, we end up with small groups that aren't even involved in the elected process being the ones that are actually setting the program, setting the mandate, and developing the programs for a particular department. It's also interesting that as this kind of approach and this kind of removal of accountability occurs, we'll end up, then, with the governments being run more by the councils than they are by the elected representatives. This, in my view of a democracy, is not the proper process for government.

We also end up with the minister under such a structure having a basic free rein on the kinds of programs and policies that are implemented through the department. They don't have commitment back to the legislative process, so what we then end up with is the government basically acting on a separate basis. Mr. Speaker, I feel really uncomfortable about this, because when you put it into that kind of a context, the elected representatives serving in the Legislature are here to serve the people of Alberta, to serve their electorate, and to make the government accountable, especially in the area of government expenditures.

When we look at this basic free rein that the minister and the councils, boards, and committees that are set up under this department have to implement programs and we look at this in combination with the move under the Financial Administration Act to do block budgeting or to do net budgeting, what we're going to have is a serious accountability problem created by these departments and no responsibility to get back to the legislative process. A net budgeting account basically means that ministers, their committees, their boards, and their councils have a free rein to spend any money they collect without dealing through the legislative process, because they don't need to approve any dollars that aren't net contributions from the general revenue. So what we have, basically, is free rein on departments to deal with programs and expenditures, and this makes it very difficult for elected representatives to go back to their constituents and have any degree of credibility and accountability in terms of the efficiency and the effectiveness with which their dollars are being spent, whether they're collected through tax revenue into general revenue funds or through fees and charges represented by program recoveries.

Mr. Speaker, I find that this is not a good direction for the government to be taking at this time, and I question whether the mandate that they received in their election on June 15 included

any kind of a voice by the people of Alberta that would allow them to move the structure and the reformulation of government out of the legislative process. I see their mandate as of June 15 dealing with fiscal accountability, fiscal responsibility, a new approach to openness in government. I feel that they have made good steps in that direction, but I think in terms of still serving the best interests of democracy and the people of Alberta, this Bill goes too far. It's gone to the point where we're really taking this out of the real – that's why I think that when we deal with the amendment, we have to look at it from the perspective that any kind of a Bill that takes the power away from the Legislature can't be supported by the members of this Legislature.

MR. DEPUTY SPEAKER: The hon. Minister of Justice and Attorney General.

MR. EVANS: Thank you very much, Mr. Speaker. I would now move that we adjourn debate on Bill 41.

10:50

MR. DEPUTY SPEAKER: The hon. Minister of Justice and Attorney General has moved that we adjourn debate on Bill 41, the Government Organization Act. All those in favour of adjourning debate, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: Carried.

The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Speaker. I now move that the Assembly adjourn until 1:30 o'clock tomorrow afternoon.

MR. DEPUTY SPEAKER: The hon. Deputy Government House Leader . . . [interjections] Order. The hon. Deputy Government House Leader . . . [interjections]

The hon. member who silently moved is receiving the admiration of the House for ignoring the charge of the Speaker to come to order.

[At 10:52 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]