Legislative Assembly of Alberta

Title: Monday, May 26, 1997 8:00 p.m.
Date: 97/05/26
[The Speaker in the Chair]

Speaker's Ruling
Omnibus Bills

THE SPEAKER: Hon. members, before proceeding, the Chair would like to take this opportunity before the House starts its deliberations this evening to rule on the point of order that was raised by the Opposition House Leader this afternoon concerning Bills 11, 16, and 17. The Opposition House Leader's point of order is that the Bills offend parliamentary practice by including amendments to more than one Act which are not related or guided by a common thread. In support of his point of order the Opposition House Leader cited various sections from *Beauchesne*, sixth edition, including paragraphs 626, 627, 634, and 557(1).

In reviewing this matter since this afternoon, the Chair notes that this is certainly not the first time that a Bill in this Legislative Assembly has amended more than one Act without a connecting theme. For instance, the Municipal Affairs Statutes Amendment and Repeal Act, 1996, amended or repealed some 13 Acts, and there does not appear to have been a so-called connecting theme. The Registries Statutes Amendment Act, 1996, amended some eight Acts to the Chair's count. The Energy Statutes Amendment Act, 1995, amended five Acts without a discernible common thread. The point is that this is not the first time that omnibus Bills have been presented in this House.

Of course, the most common omnibus Bill is the miscellaneous statutes amendment Acts that are invariably introduced every year. As the Chair indicated this afternoon, these Bills differ from other omnibus Bills as they are usually agreed to by the opposition prior to their introduction in the House.

With respect to the authorities, as the Chair indicated this afternoon, *Beauchesne*'s paragraph 634 seems most directly on point. It is interesting to note that the paragraph concludes by saying that "the Speaker will not intervene to divide the bill." The Opposition House Leader placed some emphasis on Speaker Schumacher's decision to divide a motion in February 1995, but that was not a Bill. Technically speaking, the motion in this case would be that Bills 11, 16, or 17 be read a second time.

Other jurisdictions have faced this problem. Members may recall a large omnibus Bill in Ontario that was the subject of a similar point of order. In that case, the Speaker delivered a ruling on December 5, 1995, that there were no rules or precedents in that House or other Canadian jurisdictions to rule the respective Bill out of order. In that ruling he quoted a 1982 ruling by Speaker Sauvé of the House of Commons where she stated:

> It may be that the House should accept rules or guidelines as to the form and content of omnibus bills, but in that case the House, and not the Speaker, must make those rules.

While the Chair is aware of and appreciates the genuine concerns of the Opposition House Leader about the sweeping nature of omnibus Bills, it certainly is not the first time that this has happened in the Legislative Assembly of Alberta. Accordingly, the Chair rules that the Bills can proceed. The Chair wants to point out that given the broad scope of these Bills, it may be very difficult for the Chair or the Chair of committees to determine what matters are relevant to the respective debates.

In conclusion, the Chair wants to note that there is nothing preventing the House from developing guidelines as to the acceptable form and content of omnibus legislation. The Chair encourages members to break new ground in this area.

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

Bill 16
Justice Statutes Amendment Act, 1997

THE SPEAKER: The Minister of Federal and Intergovernmental Affairs.

MR. HANCOCK: Thank you, Mr. Speaker. At this time I would like on behalf of the hon. Minister of Justice to move second reading of Bill 16, the Justice Statutes Amendment Act, 1997.

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

MS OLSEN: Thank you, Mr. Speaker. I apologize. I was just digesting some of your comments. I guess I'd like to start off my debate on Bill 16 by adding that I really look at the compilation of this Bill and the five different Acts – I just want to note that it does limit the debate on each matter. Should any one of these particular Bills have been of a large, substantive nature, then it would have limited the debate on that to the usual 120 minutes at second reading, 120 minutes at Committee of the Whole, and then 60 minutes at third reading, which is a collective five hours. By placing each one of these Bills as an independent amendment, we then would have been able to look at 20 hours of debate on the matter. I think my concern with approaching this Bill and any other Bills in this manner is that if we don't agree with one particular section or one particular Act but, however, can speak strongly for other parts of it, then we have no vehicle to actually reject the Bill, any portions of it. It has to be accepted as a whole and cannot be amended, and we cannot delete any portion of it.

I guess my concern is, yes, we do need to break new ground on these Bills – I quite agree with the Speaker – but I believe that just because the Justice minister is sponsoring this Bill doesn't necessarily mean that they should all be lumped into one particular amendment Act called the Justice Statutes Amendment Act and then go forward with what appears to be an omnibus Bill.

To get on to the issues on Bill 16, I have just a few questions in relation to the surcharge under the victims of crime section of this Bill. That is: can a surcharge be worked off under the fine options program? Then my next question – and I can't recall from my own previous experience. Maybe the sponsor of the Bill can enlighten me as to whether or not, should a fine be levied and a surcharge be applied and then the fine not paid off and the matter gone to warrant, time is then set in default on the surcharge as well as the initial charge laid against the accused? I'm just concerned that we don't end up with more people in our institutions that are in there for nonpayment of fines as opposed to the actual charges themselves. I think there is a high number of offenders already lodged in our correctional institutes for the nonpayment of fines, and I don't think that works as a complementary addition to the restorative justice program.

My second question would be in relation to the small claims limit set out in that statute under the Provincial Court Act. Just a note that it might have been preferable to see these limits set by statute, but now they're not. They're left to regulations, and that's a concern. Again, we go back to the whole issue of how we have this Standing Committee on Law and Regulations that never seems to meet. You know, if the Standing Committee on Law and Regulations were to meet, we maybe would have been able to work out some of the issues surrounding the Bill itself in relation to the fact that there are five amendments to different Acts.

The other issue I have is in terms of the Provincial Offences Procedure Act. I'm just wanting to know from the sponsor of this Bill what groups he met with in relation to this. I know that in many of the sexual assault centres and those agencies we're concerned about the surcharge. That surcharge now goes to the fund for the victims of crime, and I'm just wondering if these particular groups were contacted in relation to their knowledge of or satisfaction with this amendment. I think it would be incumbent upon the sponsor of this Bill to do that, considering it was the constituents that spoke to this issue.

In principle I can support all of these amendments. I think they are generally housekeeping concerns and they do deal with issues that needed to be dealt with, but I still would like to relate to this House my concern about the approach that this Bill has taken. I'm hoping that both House leaders and both sides of this House will make some attempt to resolve this issue because certainly in the future if something like this comes forward again, I would like to raise a point of order on it as well. I think that we do need to break some ground.

Thank you.

8:10

THE SPEAKER: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. I'm pleased to rise and speak to Bill 16, the Justice Statutes Amendment Act, 1997. The part about it that I'm not pleased to speak to is the way that all of these issues here have been jammed together in one Bill. [interjections] You laugh, but it isn't funny. There are five completely unrelated issues addressed in this Bill. Each one has enough merit on its own to be brought forward into this House to speak to it.

MR. DUNFORD: The Speaker already made a ruling, Debby. Why don't you just accept it and get on with it?

MS CARLSON: Get up and speak to it yourself and justify to us why these five issues have to be jammed together in one Bill. Speak to your own member, through the Chair here, if you don't mind.

There's more than enough justification, Mr. Speaker, in each one of these amendments that are being brought forward to speak to them in separate Bills. There have been many instances in this House . . .

MS OLSEN: It's called democracy.

MS CARLSON: It is called democracy. That's exactly right. Clue him in there to what he is supposed to be paying attention to in this House.

There's been many instances in the time . . .

DR. TAYLOR: Calm down, Debby. Calm down.

MS CARLSON: You get your members to settle down, then, and get up and speak to debate in the proper format in this House.

There have been many instances in this House when there's been a Bill brought forward to change one line or one word in the Bill or to delete one word or one line. Yet in this instance they find some sort of justification to bring forward a Bill that includes the Domestic Relations Act, the Judicature Act to talk about bringing weapons in, the Limitations Act, the Provincial Court Act, and the Provincial Offences Procedure Act. Well, I see absolutely no justification for doing that. Each one of these can stand on its own merit, and the real problem with jamming them all together is that if you find one particular issue that isn't something your constituents want you to support or which is poorly written – which has happened time and time again when the Bills are written on that side of the House, and many of them have to be brought back a second and third time until they can be passed in such a format that they're acceptable to both sides of the House. Yet they have to jam them all together and bring them forward at this time. I want to know what the hurry is. We're quite happy to stay here until September or October and debate these Bills at length as necessary.

So I don't know what the big rush is to get them through counsel and into the Chamber here for debate, because there's lots of time. We're not going anywhere – that's for sure – and we're happy to take a look at these in scrutiny, to bring them forward to the constituents so that everybody has a chance to review them and has a chance to give their input on them as required on an individual basis. Then we can debate the merits, the pros and cons of each Bill on an individual basis in here, and the Speaker won't have any trouble at all then deciding whether or not the nature of the speech was in context with the Bill under discussion because it will be very clear cut. But, no, for some reason government members are not prepared to do that. They have to jump the gun time and time again. Do you know what's going to happen? You're going to get it wrong, and the next time we come back in here, you're going to have to amend it again, just like we are now. We're going to have to go through this whole debate again. We're going to have to waste all the taxpayers' money again going through it, because you didn't do it right in the first place. [interjections] The Minister of Environmental Protection is saying: isn't that awful? I agree with him for once. I agree with him completely in terms of what he is saying.

DR. TAYLOR: You sound like my mother.

MS CARLSON: I sound like your mother? Obviously I should change my tactics. It didn't work very well.

So having said that, Mr. Speaker, I'll go on to discuss some of the concerns and some of the things that I think are a good idea in this Bill. It's very tough to support even what you find are good ideas when you find the overall principle under discussion here completely flawed.

Definitely, when you jam all these together and then without any consultation on this side of the House, Mr. Speaker – you said it yourself that in previous situations when miscellaneous statutes have been brought into this Legislature or other omnibus kinds of Bills, there has been discussion on both sides of the House before they hit the floor. There is some sense of general agreement in doing that, and that is the way that true democracy should work. People should have a chance for some input. We should know what's going to be hitting the floor so that the pros and the cons can be debated and we don't waste a lot of the time of the people in here. Then if you've got a Bill that has a particularly contentious issue for one side of the House, you can work it out to the best of your abilities before you get in there, and then just deal with the one issue that's contentious. Everything else can be solved beforehand; everything else can be amended before it gets to legislation.

Gee, wouldn't that be the kind of process that we could look forward to in this House? Obviously this current administration doesn't believe that's the way to operate, and it's really too bad

because it would not only save a lot of money but take a lot of the confrontation out of the nature of the debate here in the Legislature and move us forward to truly being able to serve the constituents of this province.

Having said that, I'll move on to the first of the five amendments, and that's the Domestic Relations Act. I have a few questions here that I'm hoping the minister in charge of this will be able to address. Also, if he could really address why he had to put all five together and couldn't treat them separately: that's a serious question that I expect him to spend some time in terms of justification.

It talks about in section (4) here a provincial judge varying a maintenance order when the means of the parties have changed under circumstances authorized in the child support guidelines, but in doing so, the judge must follow the child support guidelines. Well, in theory, there's no doubt that I absolutely agree that every single time circumstances change, that should be addressed and the maintenance orders should be adapted to address those situations, but I'm wondering why, once again, we have to go back to provincial judges to do this. It seems to me that when situations change like this and the well-being of the child is what we're talking about, then these matters should be addressed in a very timely fashion. I've seen nothing in the past few years that would indicate that having to bring it before a judge will address it in a timely fashion and will also address it in a cost-effective fashion and also in a fashion that is nonintrusive on anybody's lifestyle, the custodial or the noncustodial parent or the child for that matter.

I'm wondering why this couldn't have been addressed in the family law Bill that my colleague from Calgary-Buffalo brought forward before – certainly there was some information in there that had talked about this – and why we can't take it out of the courtroom and into some sort of mediative circumstances. If in fact what the judge is going to use as a guideline is the federal guideline, then that doesn't take a judge's ruling. It's a matter of assessing income and matching that to the federal guideline that they fall into, and then issuing the order in that amount of money. It doesn't seem to me that there's any need there to put that before a judge. It's more of a matter that could be handled in an administrative fashion certainly by someone in the mediator facility or someone who has the kind of training that would be required to do that.

[The Deputy Speaker in the Chair]

So if there is some other reason here where they could justify needing a judge, then I would say: go ahead. But if we were truly in a strong family court situation, which is, I think, where both sides of the House want to move towards in terms of meeting the needs of families and children that are under stress, then it wouldn't be a judge handling this aspect of it. It's just matching the guidelines with the income. Income is sometimes hard to determine but most of the time is relatively easy to do. If there were any dispute about the income part of it, then certainly that's something that would need to be brought forward to some higher body to discuss and arbitrate, but just in terms of applying income to guidelines, I see no reason why you need to go to the expense and the length of time that you'd be tied up in terms of bringing that before a judge.

8:20

Then down in section (6) it talks about allowing the court to not apply parts of the child support guidelines if the financial requirements of the child have been taken care of in a different way which places the child in as good a position as if the guidelines had been applied. It sounds really good in theory, and I'm sure there are good reasons for doing this and that the Minister of Justice would have some examples he could trot forward for us to take a look at in terms of what he would think would constitute the care being provided in a different way, which it talks about here.

I'm sure this is an amendment that's been brought forward because there has been a requirement from constituents or something of that nature, but it doesn't specify that there. Because we were not in discussions with the minister about this particular Bill beforehand, which would have been customary, then we don't have any examples to fall back on and we don't know where the minister's line of thinking is going in this regard. So I would hope that he would stand and explain that reasoning.

The other amendments that I would like to talk to are the ones for small claims actions under the Provincial Court Act, which I guess is the fourth amendment in this particular Bill. What it does, then, is allow the Lieutenant Governor to make regulations setting the limit for small claims actions in the provincial court at a sum "not to exceed $10 000." Clearly there has been a need for this for many, many years, and I think that many legislators have been lobbied to make this change, to raise the limit. Right now the kinds of limits that they have in place often don't justify having to take a day off work and then perhaps a second one if the other claimant in the situation doesn't show up and wastes the time of the court to get a settlement. It is tough to justify the cost to then collect on at the kinds of limits that we're talking about right now. So taking the limit up to $10,000 is certainly justifiable.

I wonder if the minister entertained setting the limits at any other amounts and what kind of research he had to back up limiting it to a $10,000 amount. If you think about it, in today's world if you've got an outstanding debt of anything less than $10,000, you're still going to have to really weigh in the balance whether it's going to be worth while making this case, perhaps retaining a lawyer to help you with the process, and then moving forward to try and claim it with the costs associated afterwards in terms of trying to collect the money, which is not easy. It's all well and good to have a small claim action put forward and then be successful, but it's quite another thing to actually collect the money or in some instances to repossess goods or vehicles if the money isn't forthcoming. Then you have to pay for sheriff's fees, and there are filing fees, and there's time again missed from work. So I'm wondering, then, if the Justice minister will address those issues for me and talk about how he came to that amount, who he consulted on it, what the break-even cost is in terms of how much money you really need to be out of pocket in order to justify making a small claims claim and the ensuing costs of actually collecting the amounts.

I haven't had a chance to look at the rest of the Bill, all five parts of it, in detail yet. I've only had a chance to look at two of them. So, Mr. Speaker, the way the system goes, I'm going to have to wait until committee to address the three remaining parts and would hope that at that point if there is anything in here that becomes contentious for us, the Minister of Justice would entertain an amendment that would take the contentious part out of this Justice Statutes Amendment Act, 1997, and bring it forward at a later date under a Bill of its own name.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Riverview.

MRS. SLOAN: Thank you, Mr. Speaker. I would like to begin my debate with respect to this omnibus Bill in terms of also raising some concerns with respect to amendments to five Acts – the Domestic Relations Act, Limitations Act, Provincial Court Act, Provincial Offences Procedure Act, and Judicature Act – all being lumped in one. It's made it extremely challenging to analyze the implications of the amendments that are proposed by the government on all aspects of these Acts.

It also is particularly challenging when the sponsor of the Bill does not extend the courtesy to all members of the House, including the opposition, to identify what consultations have been undertaken that have resulted in these amendments. I cannot say as an individual member of the Assembly that I have any knowledge or have received any information as to why amendments were required with respect to any of these Acts, regardless of whether those amendments are viewed to be supported or opposed.

In my analysis it seems to be a repetitive habit that particularly the government has with respect to the introduction of Bills and amendments, and that is that they do not share, do not table in this Assembly any records, any minutes, any reports of any consultations or discussions that occurred that led to the amendments or the Bill proposed. With respect to efforts that might be undertaken to strengthen the democratic process, I think, Mr. Speaker, that actions taken in that regard, the ability to share that information with all members would be of value and would more than likely contribute to more informed debate and possibly more limited debate.

So in the absence of that material when I look at sections of the Act, I find the Act amendments as they are proposed and the components that are incorporated of the current Act somewhat confusing. I recognize this is not an opportunity to propose amendments, but I think it's of merit to identify two particular areas where I see that to be the case.

One is with respect to the amendments in the Limitations Act where it says that we're going to amend section 2 by renumbering subsection (1) as (1.2). What it fails to say is what happens to the current 2(1). It's significant in the context that that current section says that the

> Act is applicable to any claim, including a claim to which this Act can apply arising under any law that is subject to the legislative jurisdiction of the Parliament of Canada.

So my question with respect to that, just as one example, is: what happens to that, and is it the intent of the amendment to say that legislative jurisdiction of the Parliament of Canada no longer applies with respect to this Act? Unfortunately I am not in a position to answer that. I hope the hon. Minister of Justice will be in a position to answer that at some point in the immediate future.

I raise another example, then, moving along in the Limitations Act. We have a proposed amendment repealing one section and substituting the following. The section that is to be repealed speaks about an action being brought by a claimant against a parent, the cause of action arising when the claimant was a minor. "The operation of the limitation periods provided by this Act is suspended during the period of time that the person was a minor." That's the section that's proposed to be repealed. What is substituted is a section that calls for a complainant bringing an action against another "person for a cause of action based on conduct of a sexual nature including, without limitation, sexual assault." I don't understand the relevance of that amendment in the context and in the section in which it's being proposed. It doesn't seem to have a relationship. Again, there is no justification provided by the government with respect to why that is relevant. So we're left to wonder.

8:30

The other section closely related to that, also within the context of the Limitations Act, is a section that is being proposed to be repealed, and that section speaks to there being a subject-to section, "this Act applies where a claimant seeks a remedial order in a proceeding commenced after" the date of the Act coming into force and the defendant not being entitled to immunity from liability. Again, I would ask the question: what consultations, what rationale is this being based upon? The amendment proposes that the complete section be repealed and that no substitution amendment take its place. It seems that in the context of what the current section reads, there is significant reason, but what the rationale is with respect to the government is not clear.

The Provincial Offences Procedure Act, which is yet another Act being amended, also proposes to add a surcharge – I believe that is the intent to some degree – with respect to any fine. I would just point out – again, I'm not sure if it's an oversight – that with respect to the amendments proposed, it says that the government wishes to amend by including that the conviction continues but the fine "and any applicable surcharge remain." But it seems, then, that to some degree the action forthwith is not clear, and what the intent is with respect to the endorsement of that is not clear. I certainly don't profess to be by any means an expert with respect to the law, but I think that it behooves us in this Legislature, as has been mentioned by my honoured colleagues of the opposition, to look at the Acts in their entirety, and when addressing specific amendments to one Act, let alone five Acts, they need to be taken in the context of the entire Act. I do not see the process this evening, the process that has been followed with respect to Bill 16, encompassing that democratic privilege.

Perhaps it is the intent of the government to have to repetitively amend Bills. Quite frankly, I think it's a waste of taxpayers' money to be bringing forward legislation that is not complete. I think it would be more prudent to keep it on the drafting board, ensure that you have all your sections finalized, and then once that consultation and the process of drafting is complete, bring them to the Legislative Assembly. That has not been the case and has certainly not been the experience we have had with the current or previous governments.

On that note I will propose to conclude my remarks on Bill 16 and look forward to the opportunity to debate it again in committee. Thank you.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Calder.

MR. WHITE: Thank you, Mr. Speaker. I do rise to speak to Bill 16 as proposed. It's a bit difficult dealing with a Bill that includes so many areas, five to be exact, all minor adjustments here and there. It sure would make it a lot easier for this member to understand what the amendments are well in advance, as is normally the case, as the Speaker so aptly put it in a ruling earlier, with an omnibus Bill that includes the areas. It would behoove the government, if some amendments were in order, to display those amendments in normal course.

Speaker's Ruling
Decorum

THE DEPUTY SPEAKER: Hon. member, we seem to have a

two-way debate going on between your seatmate and the hon. minister of research and other things. That was not meant as a slight; I just don't have the exact title here. I wonder if we could just let the hon. Member for Edmonton-Calder speak, and by that time I'll be able to look up your ministry.

MR. WHITE: Thank you, Mr. Speaker. The ministry probably doesn't matter a whole lot. As long as he gets the stipend, he doesn't really care what it is. It doesn't seem to matter to him in any event. [interjections]

MRS. SLOAN: They're awake.

MR. WHITE: Oh, good. Just checking, just checking.

Debate Continued

MR. WHITE: Now, Mr. Speaker, as I was saying earlier, before I was so gently interrupted by yourself, sir, in this particular Bill, Bill 16, particularly on a few items I have some experience with – the amendments to the Provincial Court Act and small claims certainly – as a relatively small practitioner in the engineering business, I've many times had to go that route. The limit was always too low, in my estimation, for my own purposes, but dealing with others it wasn't. The point here is not that particular piece of legislation, but if that had been proposed reasonably well in advance, we could have talked about it and could have sought some outside advice. As we see it here, there isn't any advice sought or given anywhere. I don't know whether the Edmonton Construction Association or those people in the construction business, the business that I know, have been consulted at all.

That's one of the areas I would have liked to have talked to them about and said: look; what do you people feel about this? They of course would in turn take it to their membership and put it out in a newsletter and get a little feedback to see how the smaller contractors feel about it. My guess is that they would prefer to perhaps have this limit raised, but that doesn't mean to say that's exactly the way it would come back. It's been a while since I've been at the business, and although a relatively small-time practice, I dealt with some pretty big numbers. A lot of other practitioners, particularly small contractors, had a great deal of difficulty with the smaller numbers. Now, I had some experience in dealing with the court, so I was able to at least once in a while represent myself in these cases. But that's not the point. The fact is that here's a piece of legislation that without any kind of notice at all is thrown on the floor of this Legislature.

This particular one, under the guise of the Justice Statutes Amendment Act – the construction industry certainly doesn't know this is coming upon them. They have no way of knowing of this legislation. Part of the reason there is debate in this Legislature over a period of days and weeks is that we talk about the items and the drafters hear these speeches and understand that there perhaps is an area they didn't examine earlier and that perhaps there's some need for amendment. As well, people on the outside away from the hallowed halls, away from under the dome here, whom these laws actually affect, do have some interest in them, if it's brought to their attention. Part of the reason for debate is to do just that.

When you bring in a Bill to amend, in this particular case, five items, one of them being a small claims limitation, there are a number of people out there who would like to know what the rationale is for the changes. Now, it appears to me that one reasonable rationale for implementing the changes was the court time. Court time is expensive. Certainly it costs the province of Alberta and therefore the people of Alberta a great deal of money, but there is no justification at all from the government side to say: "That is a reasonable judgment. There should be some consideration given to the expense it costs all of us to run a court system; therefore the limit should be raised." But there isn't any talk about that at all. There's no paper to substantiate that. In fact, there isn't anything that would present an argument on one side or another on this item.

8:40

Now, I have a great deal of difficulty with being asked to holus-bolus pass a piece of legislation when there aren't any backup arguments. Any municipal councillor would read this and say: "Okay, administration, you've brought this forward. Where's the justification? Who was asking? Where's the impetus to go through a debate in the Legislature to say that there should be some changes here?" Well, I haven't heard any and certainly not from that side.

If they did want some honest input from various industries, I'm sure laying it over for a while so that one could understand it and get back to their sources – I would personally take it on myself to talk to my local construction association here in the city and in Calgary, and there's one in Lethbridge and the Hat too. They would all like to have some input, and certainly the people in the oil patch would like to have some input too. Because of the nature of the business there are always concerns and always differences of opinion as to who is owed what, and in taking something to court, you always want to know where the limitations are there. Certainly I would have thought it would behoove the government to lay this over for a while to hear from those people. Likewise, in the action.

I have no expertise at all in the area of child welfare, but the amendments to the Limitations Act – well, all I remember from the Limitations Act is that it limits the time in which court action can be brought in different matters. On this particular one it seems that we haven't heard – at least certainly I haven't heard – of any judgments cited from the family court to say that this is a particularly difficult position, that it puts families in general and parents and guardians and children in some kind of jeopardy or leaves their liability open for a long time, longer than it should. Where is the consultation? Where is that one single practitioner of law in this particular area of business who would say that this is needed? There is no justification provided.

There isn't any justification from the department directly affected – I'm talking about children's services – not the Justice department either. The minister happens to have some major changes in this area. Did she or her committee hear of any changes recommended in this area? It's silent. There's no justification for it. Taking the Bill and putting it to the practitioners in the business, we'd hear a much different story. I'm sure we would hear some honest and good debate from both sides of the issue, from those outside this House that practise on a daily basis in this particular area of the law. But we haven't heard that.

If the Bill was brought forward as a numbered Bill and was specifically aimed at amendments to the Limitations Act and was advertised as such with a long title, the amendments in these particular areas, it would elicit at least some debate in public. After all, these are laws for and about the public; they're not simply contained in these four walls.

I for one have some difficulty and some questions on the general intent of the Domestic Relations Act. I have no idea what the intent of the Bill is. It doesn't seem to spell it out easily in its

support guidelines. For what? For maintenance orders? I mean, we've had those drafted and redrafted for a number of years, and I don't see any justification for putting them in legislation when perhaps where they should be, more to the case, is in some ongoing review of regulation with those that practise in the field and those that are and have been affected by these laws and changes in the laws. Now, I would think that once you've put support guidelines in legislation, they're not changed then for quite some time. When that occurs, presumably before they're amended again in the Legislature over some debate, they'll be way, way out of date, as opposed to putting them into the regulations that could be reviewed by the House on a regular basis, probably by a committee that is set up but does not and has not ever, ever sat, to my knowledge, to review these support guidelines so as to allow an ongoing target so that it can be amended on an annual and a semiannual basis so that some relationship to the real needs in society and the support guidelines in fact have some similarity addressed to them.

Now, Mr. Speaker, the last area that concerns me specifically with these Bills, not having a great deal of knowledge in the area, is the application of the surcharge. I understood there was to be a surcharge and there has been a surcharge on traffic violations for some time. Is this piece of legislation now to justify the imposition of these? I mean, I don't know. If that be the case, then the current application of the law is in error. Is that the case? If that be the case, then perhaps the opposition could have been told that in private and confidence, and we probably would have agreed that, yes, it's a reasonable position to take and could have passed the legislation through without asking any embarrassing questions. But we have no idea what's happening here.

Also, I've read through the application of all the amendments to the Provincial Offences Procedure Act. What happens in a case where a mailing notice goes awry? It's simply not deliverable. Well, it appears to me that the party then is assumed to be guilty, and the surcharge is applied automatically. I would have liked to have a little debate with the criminal lawyers on this particular item because they have a great deal to say about how fees and fines are applied to those that either don't have fixed addresses or a fixed address where another resident receives the mail and sometimes disposes of it. It puts that particular person in a great deal of jeopardy.

I have nothing wonderful to say about this particular Bill. I may have been able to say a great deal of good things about it and, if I'd had some reading on it, may have had nothing to say about it at all in this House and just simply moved it along and passed it, had it not been presented in the manner that it was and is and with absolutely no discussion paper, no justification for it. Quite frankly, I'm very, very disappointed in this particular government. Nowhere else in Canada does this kind of thing occur except most recently in Ontario, where I understand this kind of thing is starting to occur.

We have dealt, to my knowledge, with three omnibus Bills, miscellaneous Acts that dealt with a myriad of small amendments to a number of Acts. With some justification we questioned some but very, very few, painfully few. A matter of less than 10 percent of them did we ever question, and I think less than 2 percent did we ever actually oppose. If that had been the case with this particular Bill, I thought it would have been much easier and much more expedient in this House. With the time and the energy that we have to put into debating these items in this House, it would have been much wiser to consult with the opposition and deal with it in a manner which would be most conducive to good laws and the good management of this province.

Mr. Speaker, I want to thank the Legislature and yourself for the time. Thank you.

8:50

THE DEPUTY SPEAKER: The Hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. I'd like to move that we adjourn debate on this Bill at this time.

THE DEPUTY SPEAKER: The hon. Member for Medicine Hat has moved that we adjourn debate on Bill 16, Justice Statutes Amendment Act, 1997. All those in favour of adjourning, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

Bill 17
Municipal Affairs Statutes Amendment Act, 1997

THE DEPUTY SPEAKER: The hon. Minister of Municipal Affairs.

MS EVANS: Mr. Speaker, thank you. I'd like to introduce to you and through you Frances Cruden, who is here this evening from the Department of Municipal Affairs, who has been most vigilant in working on the legislation that I present this evening.

There's been considerable reference by the opposition in the House this evening to the omnibus nature of certain Bills. While I will not review it, I'd like to say in moving second reading of Bill 17, the Municipal Affairs Statutes Amendment Act, 1997, that we are very hopeful that this will be seen as a positive way of dealing with legislation, that will clarify delivery systems that are contained therein.

This Bill, Mr. Speaker, amends five Acts for which the Department of Municipal Affairs is responsible. The intent of the Bill complements the government's direction of working with stakeholders to simplify and clarify legislation and procedural requirements. I might add that in the consultation process there were literally hundreds of people that were canvassed for their views and opinions on various sections that we present in this Bill. The Bill also includes changes that will allow for improvements in the delivery of important services to Albertans.

If you will allow me, Mr. Speaker, I will outline the main changes to each Act. First, the Charitable Fund-raising Act is being amended. This Act came into effect in May 1995, and shortly after a committee consisting of representatives from charitable organizations and from the cities of Edmonton and Calgary was set up to monitor the way the Act was working and to suggest improvements. The proposed amendments, most of which result from these recommendations, will clarify two definitions and reduce the bureaucratic burden on small charities, fund-raising businesses, and non-Alberta organizations. Donor privacy is protected by the amendment that specifies that donor information belongs to the charity and not to the fund-raiser. At the same time, it is proposed to give the minister the power to establish standards of practice that must be followed by both

charities and fund-raising businesses when they approach the public for donations. Just on this point, there has been significant change in the number of private entrepreneurs that have been engaged in the fund-raising business, and I think that the amendments to the Act will clarify quite clearly those standards of behaviour that are required as well as their accountability.

Another Act we're proposing to fine tune, Mr. Speaker, is the Real Estate Act. This Act provided a framework for industry self-regulation through the creation of the Real Estate Council of Alberta, which sets and enforces standards of conduct for the real estate industry. The council's been in place for about a year and has identified minor changes to the Act that are required to increase its effectiveness. These changes will clarify the executive director's ability to impose an administrative penalty if an industry member breaches the Act. They will also clarify the authority of hearing or appeal panels to impose fines or penalties and make some minor technical changes to the Act.

Mr. Speaker, the Banff Housing Corporation provides, develops, and manages housing in the town of Banff. As a result of its unique situation in a national park, the corporation requires an exemption from a small part of the Residential Tenancies Act so that it can continue to maintain affordable housing for people who live and work in the town. This Act needs to be amended in order for the residents of Banff who require this accommodation to legally be so entitled.

Amendments to the Municipal Government Act are being proposed. A new section will require municipalities to carry fidelity bonds or equivalent insurance as protection against employee dishonesty when handling a municipality's money or security. Mr. Speaker, it is a change that I referenced when I delivered the expenditure estimates for the department some weeks ago.

Another change would limit a municipality's liability protection for goods that are seized in the course of a tax recovery procedure. The present legislation gives blanket protection. The amendment would provide that a municipality would not be liable for wrongful seizures or loss or damage to the goods while they were in the possession of the owner's bailee. This liability protection would then be similar to that which existed previously in the former Municipal Taxation Act. Mr. Speaker, it was pointed out to us that the previous Act contained too much latitude, and it was not fair in due process for the individual who may have property that was inadvertently or wrongfully appropriated and then damaged.

We're also proposing minor clarifying and editorial amendments to the Act.

Finally, Mr. Speaker, the Debtors' Assistance Act came into force in 1943, and what has happened, while we've talked about Credit Counselling Services of Alberta Ltd. in the House during question period, may well be sufficient amplification on what we're proposing. If I may, the Debtors' Assistance Board is appointed by the Lieutenant Governor in Council with the authority to assist debtors to make voluntary debt repayment arrangements with their creditors. Until May of this year the arrangements were negotiated through Municipal Affairs staff. Payments that were received from the debtor were then distributed to the creditors via the department, which administered six programs under the Act. Starting May 1, 1997, a not-for-profit organization, as I've just previously referenced, made up of some stakeholders in the province who have been duly selected by those stakeholders themselves, in fact has come forward to provide their assistance in a volunteer fashion.

Proposed amendments to the Act will increase the size and composition of the Debtors' Assistance Board. The amendments will allow the complete outsourcing of the debt repayment function to the new board with considerable savings to the taxpayer. At the same time, strong financial and business controls will protect any government funds that may be involved.

Mr. Speaker, I've briefly outlined to you some of the changes and modifications in the five Acts that are affected by this Bill. Finally, I would like to thank all of those in the province who did take the time to become involved in the stakeholder consultation process and those newly developing agencies that have also taken their time to suggest ways that we might sharpen our delivery focus.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. I rise to speak to Bill 17, Municipal Affairs Statutes Amendment Act, 1997. Once again, here we go, five Bills lumped into one that would have been much better addressed on an individual basis.

However, there is a difference in this particular Bill from the one previously presented by the Justice Minister, and that is that this minister did come to us and ask us for some feedback on this Bill. Although that happened today prior to the Bill having been drafted, which is a little late in the game, we will recognize that she is a new minister and was following the process that the rest of the ministers have been following, and she took their advice. We hope that with the next conglomerative Bills that she wants to bring forward in the House she will act on her own behalf and bring them forward individually, concisely, so that they can be quickly dealt with by both sides of the House in a manner that is more appropriate.

MR. SMITH: Send a video.

MS CARLSON: What did he say?

THE DEPUTY SPEAKER: Order.

MS CARLSON: Send a video. Well, for those ministers who can't read, that would be very appropriate. However, for us on this side of the House, we have no problem reading through the Bills. Just to prove that to that particular minister, I will go through this Bill line by line and ensure that there is nothing that is missed here. [interjection] Well, if we had your budget, Mr. Minister, we perhaps could prepare a video for you too, which would make it a lot easier for you to accommodate us, but unfortunately we do not have the kind of expense accounts or access to funds within the departments that you do.

MR. LUND: Take some from your leader. He's got lots.

MS CARLSON: I think you must have mistaken him for the leader of the other party that's here in this House. [interjections]

Speaker's Ruling
Decorum

THE DEPUTY SPEAKER: Order. [interjections] Let's get on with the Bill. [interjection] Talk through the Chair, hon. member. [interjections] Hon. Minister of Labour, hon. Leader of the Opposition, you're invited to go outside and discuss this

matter or join in debate when your turn comes.

Meanwhile, we have Edmonton-Ellerslie speaking to the Bill, please.

9:00 **Debate Continued**

MS CARLSON: Mr. Speaker, I do believe that my comments were confined to the Bill. If we need to draw a picture or send a video in order to represent those comments properly, then I am very happy to do so.

In terms of my concerns here, I would like to once again address the nature of this Bill in principle in terms of it amending too many sections. Here we're dealing with changes to the Charitable Fund-raising Act with regard to which charities fall under the jurisdiction of the Act as well as which charities and fund-raising businesses can get licensed and registered. There are actually quite a few extensive changes here, so I think that is something that will require some length of debate.

Then we're dealing next with the changes to the Debtors' Assistance Act with regards to the appointment to and the powers of the Debtors' Assistance Board, something that needed reviewing. I don't disagree with that, but why it would be encompassed in this Bill is a question.

Changes to the Municipal Government Act with regards to fidelity bonds for municipal administrators and employees that handle money is certainly something that I think should have been enshrined in legislation a long time ago. I think it is a good idea. Once again I think it's a stand-alone Bill issue.

Changes to the Real Estate Act with regards to the power of the Real Estate Council of Alberta to impose sanctions on an industry member. Given the kinds of changes that are happening in the real estate field now and the number of people employed and the kinds of cost-sharing agreements there are between employees and owners of agencies, I think this is timely as well but once again could stand alone on its own merits in terms of a Bill.

The fifth item dealt with in this Bill is changes to the Residential Tenancies Act with regard to the ability of the Banff Housing Corporation to refuse a sublease agreement. Now, clearly this is a very good example, I think, of where a Bill can stand alone, by itself, when you're dealing with something that specific and with a particular corporation under the tenancy Act. It has no relation to the other things issued here, could have quickly been dealt with in this Assembly in a very, very timely fashion and I think probably with a lot of consensus before it even got to the floor of the House if the minister were so inclined to discuss it with the appropriate critic beforehand.

Okay. First of all to the Charitable Fund-raising Act. I have some concerns in the principle of this Bill in terms of points of clarification and questions, so I will be going through it nearly line by line. When you get to section 1 where it's amended under point (a), business, I was surprised to see this definition in the Act. I'm sure the minister will be happy to clarify for me why we are now defining businesses and defining them in terms of what a charitable organization means. They're talking about business in the sense of a business that I know of. That would be

> (i) an entity, including an individual carrying on business as a sole proprietorship or a partnership or corporation, that is formed to make a profit for its owners, members or shareholders, or
>
> (ii) a corporation that is allowed under the law that applies to its formation to distribute any profits to its owners, members or shareholders during its existence.

The Bill under discussion is the Charitable Fund-raising Act. Normally in the history of this province businesses that were looking to make a profit for their owners or shareholders were restricted from this kind of fund-raising activity. First of all, I thought that what they must mean here is when they're talking to the fund-raisers, the fund-raising business that would be associated with the charities, but it isn't clear to me that's the intent of it under section 1, where is reads in (1), "In this Act, (a) `charitable organization' means," and then it's adding a definition of business to that purpose. So if the minister could clarify for me that particular point I would greatly appreciate it, because to me it is contrary to the intent of the Charitable Fund-raising Act. I would wonder, then, who asked for this amendment to be put in and what kind of input they had in terms of adding it?

It also seems to be contradictory to part (iii) there, under section 2(a)(iii), where it says

> in clause (b) by striking out "cultural or artistic purpose" and substituting "cultural, artistic or recreational purpose, so long as the purpose is not part of a business".

So maybe it's just confusing and perhaps an amendment will clarify it better, but it looks to me like in section 2(a)(ii) you're defining business as a charitable organization, and in 2(a)(iii) you're specifically saying that the purpose cannot be a part of business. I don't understand that. I'll need some clarification.

Then we go to clause 4, "striking out `professional fund-raiser' and substituting `fund-raising business'." I guess that must be in light of the kinds of changes that are happening in charitable organizations these days where many of the fund-raising portions of it are actually contracted out to businesses to raise the funds as opposed to in past cases where a particular person had been hired. With the previous clarifications made, I probably won't have a problem with that.

Then going down to, I think, part (3): "Section 4 is amended" in subsection (a)(ii) "in clause (c) by striking out `$10 000' and substituting `$25 000'," and then in (3)(b) again "by striking out `$10 000' wherever it occurs and substituting `$25 000'." I'm wondering what the minister has for an explanation in terms of raising the ceiling to $25,000. I have some concerns about raising the ceiling. The concern that has been discussed about this particular issue in the past is that a ceiling of $10,000 was arbitrary, so I'm wondering if there's some basis in logic for now raising the ceiling to $25,000. What's occurred differently that would see that that needed to happen?

Raising that ceiling brings forward a few other questions for me, but I think it's also addressed later on in the Bill, so I'll just continue to go line by line until I get to that part, but I will point out this one specific potential problem there I think. When you raise the ceiling to $25,000, that means that nobody with the intent to collect less than that money in the short term has to follow the filing and reporting procedures. Well, what happens in the case of a charity who has traditionally had to report the dollars and follow the process and then is in the process of winding down? So in a year where you would be winding down, if you're only operating for part of a year, your operations are significantly smaller than they were previously, and you may have raised less than the $25,000 but have had a history of needing to report. Would there be some sort of clause addressing that particularly as an issue? It could very likely be that the nature of the business would be that you would want it to report during its wind-down stage too. So I'm wondering if the minister has considered that, and if she could address that in her comments for me.

9:10

Section 1(5), section 7. Now I'm on page 3. The wording of

this section is being changed to make it clearer. I don't have any problem with that, but it says that charities still must retain records of solicitations made in Alberta for at least three years after that request for funds is made. I don't have a problem with that. I think that's probably a good idea, but the way this reads here, it isn't really clear whether or not they've got to keep the records of the solicitation made regardless of whether or not money was actually collected or regardless of whether money was promised and then not collected. So I'm wondering if the minister could clarify this and how it was handled previously and how she expects it to be handled in the future.

Okay. Section 1(7)(a). This is one of several sections in the Bill that changes the wording from the "fund-raiser" to the "fund-raising business." Given that all the regulations were originally in the term "professional fund-raiser," are you going to change all of the regs? Like, I don't think you cover all of them in this particular Act. There are some more. If you go back to the original Act, that term is used more often, so somehow you're going to have to amend that to make it consistent throughout. So maybe the minister has addressed that, and she could just share that information with us, because I think that would be important to do.

Section 1(9)(b), subsection (5)(a), (b), and (c). Okay. So here you're talking about striking out the $10,000, raising it to $25,000, and then adding some new subsections. One of them is that

> this section does not apply to a charitable organization if, throughout its financial year
> (a) the charitable organization is not incorporated.

So are you talking about incorporated under the charities Act? I'm wondering how it can be called a charitable organization if it isn't incorporated under that Act. That's just a point of clarification. If you could address that for me, that would be great.

That money limit doesn't apply if "the charitable organization is affiliated in some manner with another charitable organization." What you're talking about, then, is if we have a satellite organization here in Edmonton or in Alberta that reports to a parent company in some other jurisdiction, then in this province there would be no requirement? Or are you talking more about chapters of things like Boy Scout groups or something of that nature which would have one entity reporting with the head office somewhere in Alberta and small outlying branches. If you could clarify that for me I would appreciate it.

> The affiliated organization controls the distribution of any contributions the charitable organization receives during the year as a result of solicitations.

Yeah. So one reporting, but is that an Alberta reporting entity or couldn't it also be someone from out of the province? That's a concern.

What charities are we encompassing? I wonder if there's a list that you've got that wouldn't be a lot of work to put together. It could be Scouts, could be 4-H, could be the local hockey club. How encompassing does it get to be?

Section 10, subsection 4, and I'm still on page 4 here. It gives the minister the discretion to not register or renew a registration of a charitable organization if in the minister's opinion the people working on behalf of the charity violate some of the sections. I'm wondering if it's appropriate that the standards and practices for charitable fund-raisers are written by the same person who will act as a judge of whether or not a charity can be registered. Now, that's a minor point, but I think it's something that's important to address. How is it handled in other jurisdictions, and have you thought about this? I'm very sure that the minister will clear up the reasons for doing this in her remarks. It really doesn't make it that much different from how the original Act was written, so I'm wondering why you wouldn't want to just clarify that a little further.

Okay. Section 1(11), still on the same page. It makes changes to the heading of the part of the Act from professional fund-raisers – but I don't see anywhere where there was some sort of a limitation brought in in terms of how much professional fund-raising corporations could actually collect as a percentage of their take on the money received on behalf of the charity. We actually thought this was going to be brought forward in this Act. It seems to me that most people expect, when they give money to charities in this province, that the greater portion of that money goes to the actual charity and is not eaten up in administration costs or paid out to high-priced consultants or to large entities out there that are collecting the money. This to me would have been a great opportunity to introduce a cap on the amount of the fees, percentage of fees, that those professional fund-raisers could claim on behalf of the charity, and that should be a published amount. It should be on the record so that people in the province know how much of their hard-earned dollars that they're passing out to the charities is actually going to the cause that they are expecting it to.

Now, I know that for the most part you can get that information from the annual returns, and if you phone up the charity, no doubt they will be prepared to tell you that amount of money, but I think that professional fund-raisers have an obligation to the people in whose province they're working to disclose that. I think the charities also have an obligation to disclose how much that money is. We've had some instances of problems in that area of what people felt were to be excessive fees charged, and that's a concern for me.

That then raises another concern, and that is the arm's-length nature of professional fund-raisers who are raising money on behalf of charities. This hasn't been addressed here anywhere. I would think it would be in the best interests of everybody involved if any company or individual who is contracted out to raise money on behalf of a charity would be in an arm's-length position so that we wouldn't see the board of directors also having first rights to forming a company to raise funds for that charity. I think that is something that should be taken a look at. I'm wondering if the minister can address that, or if she has good arguments and good reasons for not addressing that, then I'm sure she'll make those known to us.

It seems to me that when we're talking about the kinds of dollars that are raised in charitable organizations these days, we're talking about millions of dollars, and even a 1 percent or a 3 percent commission on that is a substantial sum of money. I think it's incumbent upon all of us to make sure that charitable organizations achieve the highest degree of integrity and that those fund-raising companies associated with them also have the same high degree of integrity and therefore, then, will keep the high regard of the people who are donating the money to them. Certainly it can be a real problem. There have been instances where up to 80 percent of the money has actually gone back to a business, and I'm hoping you'll address that. [Ms Carlson's speaking time expired] Well, lots more remarks. I guess I'll have to get back to it in committee.

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

MS OLSEN: Thank you, Mr. Speaker. I just really feel I need to open this debate with the same discussion I had on the previous Bill, regarding the omnibus nature of this Bill. Just for the members of the House, out of *Black's Law Dictionary*: an omnibus Bill is a legislative Bill

> including in one act various separate and distinct matters, and [frequently] one joining a number of different subjects in one measure in such a way as to compel the executive authority to accept provisions which he does not approve or else defeat the whole enactment.

I think that clearly states some of the concerns I have with putting forward this type of Bill.

Here we have again a Bill that identifies – and only as a result of all of these areas falling under the role of the Municipal Affairs minister do we now have the Municipal Affairs Statutes Amendment Act. In fact, all of these five different Acts should be split out and the appropriate debate given for each one of those amendments. Again I can only note that it's very important. Although precedent has been set, that precedent needs to be looked at and changes made.

9:20

To get on to my points in the Bill. One of the big concerns certainly, because of the number of different amendments to the five different Acts, is that it's really unclear what the principle of this Bill is. There's no one principle that you could apply to all five different Acts. Given that, it's very difficult to vote in favour of the principle of this Bill.

My concern with the Charitable Fund-raising Act lies in that in 1994 the Alberta Court of Appeal ruling struck down sections 3, 5, and 6 of the Public Contributions Act. The court at that time had ruled that those sections violated the Charter of Rights under section 2(b), freedom of expression, in a case that was Epilepsy Canada versus the Attorney General of Alberta. The court's concern at that time was with the discretionary power that the province and the municipalities had in determining what charities would receive licences and conduct campaigns and which ones would not. Under this particular Act as it's been rewritten and the amendments addressed, it appears to give at least in appearance those same discretionary powers that the court ruled were unconstitutional. So I need the minister to address that. I think that's very important that she look at those aspects of that particular court decision and just readdress these concerns.

Although not the result of a court decision, the Debtors' Assistance Board, with regards to that, the minister again is being given a tremendous amount of discretionary power.

But first under the Charitable Fund-raising Act I just want to quickly support some of my colleague's concerns, one in relation to the threshold, the change from $10,000 to $25,000. Why was this change needed? Who were the constituents that you spoke to, the stakeholders? Who brought the issue forward, very simply?

Questions about a professional fund-raiser and the changing of that terminology. Why would you not in fact deal with that in one amendment under the Act to change the entire terminology in relation to a fund-raising business?

[Mr. Clegg in the Chair]

In section 1(10)(4), if you go to page 4, again it looks like we're dealing with a section that gives the minister the discretion not to register or renew a charitable organization and if, in the minister's opinion, the people working on behalf of the charity violate another section of this Act, 29.2(1) or 29.2(2). That sets out the responsibility of the minister to establish the practices and standards that people under this Act are going to abide by. My concern again relates to the concern of having too much discretion given to the government in relation to who's going to solicit funds and if it is appropriate to have the minister who's going to be reviewing the registration of the charitable organizations be the same person who sets out the guidelines and standards.

Again, under section 1(14), 27.1(1) and (2), page 5. This section is being added to the Act. My concern here is around privacy. Certainly I think that'll be of great concern to all Albertans, especially considering that we're all compelled through our children and their schools, through hospitals and any other number of organizations to continually raise money for them.

I'm concerned about the donors lists. This new section appears to be a section that will help protect the donors lists from being widely distributed without the donors' permission. However, it doesn't protect the privacy of people who appear on the donation list. It doesn't appear to do that. It doesn't prevent a charitable organization from selling a copy of the donors lists for fund-raising business or future use.

I guess when I look back at the privacy issues, certainly there seems to be more than this one issue in many of the Bills that the government puts forward, in many of its policies. I have some great concern about that. I think it's incumbent upon the government that if you're going to put out this Bill to outline in this Bill the ability to protect those people who choose to donate. If I choose to donate to one specific charitable organization, I don't want my name and my address to be given out or sold to somebody else for their charitable purposes. I think that's a decision I have to make, who I'm going to give that to.

To carry on to section 1(17) on page 6. This outlines the power of the minister to establish, as we talked about before, standards of practices by which the charitable organizations must abide. Again my question is: who's involved with the minister? Obviously somebody has to be working in conjunction with the minister to determine what guidelines and standards should be set out. I'm hoping at least that some contact has been made with constituency groups, the stakeholders, that there hasn't been some sort of unilateral decision made on what the guidelines and standards will be without community consultation. I can assure you that there are a number of different groups out there that would love to consult with the minister on standards.

I'm going to move on to the Residential Tenancies Act. We move to page 22. Section 5(2) and (3) of this particular Act appears to allow for the Banff Housing Corporation to refuse to give consent to a sublease. My question is: the grounds on which the corporation may do this are set out in regulations. I don't see that tabled at all in this House, in this legislation. So I just want to know: how can we reasonably vote on an amendment to this Act and this clause when we don't know what the grounds are for the corporation to refuse consent on a sublease agreement? You know, we need the information to make the decisions, and I think it's incumbent upon you as the minister to give us that information. Why is this being done now? What's the urgency of this? Why is the Banff Housing Corporation asking for the change at this time? I'd like some answers to those questions.

9:30

Maybe we could just move back to the Debtors' Assistance Act. If you move to page 10, section 2(3)(2.1)(1), there is just a concern here that this allows for various organizations to appoint members to the Debtors' Assistance Board. Right now the board is appointed by the Lieutenant Governor in Council, and just a

point for the minister to note, there's no representative appointed from groups such as the Consumers' Association of Canada. I'm just wondering why that hasn't occurred. If you go to page 11, section 2(4), it appears that some board members will have terms of two years, that some will have terms of three years. I'm not quite sure why there's a discrepancy in the term limits for these boards. Maybe the minister could answer that in relation to this Bill.

The other questions I have in relation to this are on page 12. It's just interesting that under this section we have the board members being allowed a two- or three-year period, and then under section 2(3)(2.5) this clause limits the number of terms that a board member can sit, and that's to only two terms. However, if you go further, there's another section that allows for that particular section to be overridden. It just seems kind of odd that you would have an Act that overrules itself, that sets out one standard and then says: but if that doesn't fit, then the minister can do this. I mean, you either are or you're not going to set these guidelines. What conditions would apply to this? At what point would you determine that the minister might want one person on the board to continue in a term or that somebody not be selected to continue? What are the guidelines there? What are the standards? I think that's very important and, again, something that I would like to see answered. I don't know why you would need that clause.

Again, given that, I just want to close my debate with some comment on the omnibus nature of this Bill. It is in fact very clearly an omnibus Bill and not one that I can support in principle. I certainly hope that the government doesn't make a practice of the ministries putting out numbers of amendments under one new Bill. Very clearly, I think if you're going to talk plain language, as this side of the House does, if that's what you're choosing to do, then you need to use plain language, set things out very clearly for those folks who are going to use the legislation.

Thank you.

THE ACTING SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Yes, Mr. Speaker. I would like to move that we adjourn debate on Bill 17.

THE ACTING SPEAKER: All those in favour of adjourning debate on Bill 17, please say aye.

SOME HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any.

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: Carried.

Bill 18
Natural Resources Conservation Board Amendment Act, 1997

THE ACTING SPEAKER: The hon. Member for St. Albert.

MRS. O'NEILL: Thank you, Mr. Speaker. On behalf of the Minister of Environmental Protection I request leave to present for second reading Bill 18, the Natural Resources Conservation Board Amendment Act.

The intention of this Bill, Mr. Speaker, is to consolidate a small but important piece of legislation with some straightforward refinements. I first need to put into perspective the important position of the Natural Resources Conservation Board within the environmental management system of this province. This board contributes to the sustainable development of Alberta's natural resources by providing an open, impartial, and fair public review process for nonenergy developments.

The NRCB Act, proclaimed in 1991, is part of a complex of legislation that is in place in this province to ensure that natural resources are managed wisely and that the environment on which we all depend for our very existence continues to be healthy and life-supporting. Among this legislation I refer, of course, to the Environmental Protection and Enhancement Act, which works towards safeguarding the environment as well as being an example of sound regulatory reform through its consolidation of numerous environmentally related Acts. I refer also to our provincial Wildlife Act, which underwent some significant enhancements not so long ago, and finally to our recently assented to Water Resources Act, which was the culmination of an extensive and far-reaching policy review and public consultation process.

Bill 18, which is before you today, is not nearly as comprehensive as these other Acts, but it is an important component nonetheless because it is interrelated with these pieces of legislation. Bill 18 may not be large, but it reinforces this government's commitment to the NRCB as an effective and independent body with a mandate to review through a structured legal framework whether proposed nonenergy projects are in the public interest.

As indicated during the introduction to first reading of this Bill, this Bill's purpose is to give the NRCB the same powers as the Alberta Energy and Utilities Board: to consider amendments to board approvals. Such a capacity, to consider amendments, is important because the reviewable projects under the NRCB Act are complex in nature and often cover a very large time span from approval to actual construction and operation. In the interim circumstances can change, new technology can develop, or new information may arise that is not available at the initial time of a board review and decision, and any of these changes may affect the public interest determination. An additional purpose of the Bill is to provide a number of minor amendments to ensure consistency with other legislation.

For the purposes of this introduction to second reading my task is to convey the principles behind these various amendments, and I shall do so first by reviewing the consistency amendments, then clarifying the major definition change for water management projects, and finishing with the NRCB's authority to make amendments as well as changes to the board's membership structure.

In this Bill the definition of a forest industry project that is reviewable by the NRCB is brought into line with the other definitions of reviewable projects through the addition of the clause "for which an environmental impact assessment report has been ordered."

9:40

As for consistency's sake, the Bill replaces "quarriable mineral" in the NRCB Act with "industrial mineral," which thus brings the definition into line with the Mines and Minerals Act.

The definition of what constitutes a "water management project" has undergone a substantial change through the repealing of the earlier definition and is now a more inclusive definition with less reference to awkward regulations or to the structural features of the water management structure itself. Now there's a clearer reference of what the water management project is

intended to do. A water management project which will be reviewable is either

(i) a project to construct a dam, reservoir or barrier to store water or water containing any other substance for which an environmental impact assessment report has been ordered, or

(ii) a project to construct a water diversion structure or canal capable of conducting . . . any other substance for which an environmental impact assessment report has been ordered.

In all cases it is important to note that the requirement for an environmental impact assessment is what deems the project to be reviewable by the NRCB. The authority or the ability to amend an approval is a key addition to the capability of the NRCB to effectively respond to situations which may change over time perhaps how the public interest is determined with respect to individual reviewable projects. Not only is this amendment fairly straightforward, Mr. Speaker, but it has ample precedent within the Alberta Energy and Utilities Board and that board's predecessor, the Energy Resources Conservation Board. Clearly the NRCB should be on a par with the Energy and Utilities Board in this matter of capacity.

The remaining sections of Bill 18 refer to matters of membership structure within the NRCB, and it is appropriate to set in place an effective system for flexible handling of applications for the future. The requirement in the current NRCB Act for the designation by the Lieutenant Governor in Council of a vice-chairman as well as a chairman results in unnecessary complexity of the board operation, especially when the applications that come under review are best handled as each situation demands.

Mr. Speaker, when the NRCB Act was first introduced in 1990, this government made a bold move to establish this independent body that considers social, economic, and environmental effects of proposed natural resource projects. Since then, the NRCB has undertaken 10 major application reviews and in so doing has reinforced with Albertans the commitment of this government to be open and accessible on matters relating to the use of public natural resources. We believe that the NRCB provides an enduring model for such reviews, much like the Energy and Utilities Board. Bill 18 resolves some minor inconsistencies within the original Act, and it empowers the NRCB with the same authority as the Energy and Utilities Board with respect to amendment to approvals.

With these comments, Mr. Speaker, I conclude my remarks, and I encourage the members of this Assembly to support the second reading of Bill 18.

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

MS CARLSON: Thank you, Mr. Speaker. I rise tonight to speak to Bill 18, the Natural Resources Conservation Board Amendment Act, 1997. The clear difference between this Bill and the other Bills that have been presented tonight is that this Bill deals with one issue, a specific issue. In it it addresses a few concerns that need to be amended to clean up this Act in the eyes of the government. All of the amendments brought in, the parts of the changes here, are very applicable to the Bill under consideration and then, therefore, can be cleanly dealt with by both sides of the House, and we can move forward on this in, I'm sure, a much speedier fashion than the previous two Bills can be.

[The Deputy Speaker in the Chair]

In addition, with the kind of description the member has given about this Bill, some of my questions have been answered, which will also shorten debate in this House. So I would suggest that her colleagues take a look at how this has been presented and definitely take some pointers from her.

MR. PHAM: Question.

MS CARLSON: I know you guys are sick and tired of listening to me tonight, but it's too bad, because we've got lots of stuff to say on all of these Bills, and it's very important that the people in this province hear what is said about it, that we do not rush through these in an unseemly fashion and that all of the outstanding issues be addressed in as much detail and in as much length as is required. [interjections] If they want to speak, Mr. Speaker, I'm sure you'll acknowledge them if they'll just rise when their turn comes.

To deal with this amendment Act, I think we need, particularly for the new members in this House, to have a little background on what's happened previously to this Bill and give some discussion to the kinds of proposed changes that have happened in the past few years.

When we go back to this, the NRCB Act was originally passed in 1990 to provide the board which would review the environmental impact of major projects. That's very well and good, and I think the board has served a purpose. Certainly there needs to be some amendments, and some of those are addressed here today.

This board was required to review forest industry projects, recreation or tourism projects, metallic or quarriable minerals projects, and water management projects, as defined in the legislation, and also projects referred to them by cabinet. They were reviewed by the board, and they included things like the Alberta Special Waste Treatment Centre at Swan Hills, the Kan-Alta golf course, the Three Sisters recreation and tourism project, the Consumers Paper waste recycling facility, the Vacation Alberta recreation and tourism development near Westcastle, and the Pine Coulee water management project. This year they're going to be reviewing the Little Bow water diversion project and are expected to review the Daishowa pulp and paper mill expansion. All of these projects have come under considerable review and question here in the House. Clearly, it's been in the best interest of not only the government but the people of this province to have had a board dealing with those issues, the most contentious of the issues, and to find some way of resolving them, not always satisfactorily to our way of thinking. Nevertheless there was a process in place, and it was helpful to have that.

Some of these amendments change slightly the nature of that Bill. Two of them, I would say, we don't have a lot of problems with. One we have a great deal of concern about. In 1994 we brought forward a proposal to amend this Act, and one of those proposals has been taken up by the government now so that the board would have the discretion to review projects and other activities where an EIA is required. That's really good. That part of it I think is something that we contributed to and certainly as an opposition can take some credit for. It's too bad the government wouldn't acknowledge that, but certainly we can recognize our contribution to that.

9:50

There are some highlights in this Bill, I think, if we go to section 2, section 1(a). In the future here it says that that board will not be required to review all facilities that manufacture pulp, paper, newsprint, and recycled fibre but only those for which an EIA has been required. Under the Environmental Protection and

Enhancement Act an EIA is mandatory for pulp, paper, newsprint, or recycled fibre with a capacity of more than 100 tonnes a day. Therefore only a very small project in terms of this size of a business would not require this approval and then would not require an NRCB review. I think that when you're talking about the kinds of industry standards that there are out there now, the kinds of costs and time associated with both an EIA and an NRCB review, this seems to be a reasonable request. I don't really find a problem with that. Even when we're talking about nonmandatory activities, an EIA may be required at the discretion of the director. That's fair. If that's required, then also it would have to go to the board. I think that would take care of any possible exceptions under the rule here, and I would support that.

The member answered my question about why the name change from "metallic or quarriable mineral" to "industrial mineral." I think that's good. It goes with the federal legislation. No problems with that, but I do have a question. I'm sure that this will be answered in debate. For quarries now that are producing less than 45,000 tonnes a year, an EIA review is not mandatory, so then what would happen? Would they get an NRCB review? I think that's a question that we should have answered.

Section 2(c) talks about the definition of "water management project," and it's changed. As I understand this, it doesn't sound too bad to me, but I have a couple of points of clarification. Right now an EIA is mandatory for dams more than 15 metres high or water diversions and canals with a capacity greater than 15 cubic metres per second. So I hope that this amendment will not change which projects are reviewed. [interjection] You're saying no? Okay. That's good. That answers that question. But then they will be reviewed if the directors request an EIA; right? [interjection] Great. That's good. That would be an excellent goal. She tells me that's the case, so that answers that question.

Section 3. I think this change is important in terms of definition 2(b), so I'm wondering – yeah, that's what you talked about before in terms of the federal government. So that's good.

Section 4. The board will be able to amend an approval that is granted. This could be necessary due to new information that becomes available. Certainly in light of the view, I think on both sides of the House, of streamlining where necessary, there's no doubt that I absolutely support that as it stands. Also in section 4 it gives discretion to the minister in terms of things that used to have to go to cabinet. So if both he and the board think the amendment is of a minor nature, then cabinet authorization will no longer be required. Would that be true then? [interjection] Yeah, you think so. Okay. If it's different than yes, and if you could clarify that at a later date, that would be important.

I think there are some times that when you're dealing with these issues and when you've got the resources of the rest of the people sitting around that table, it may be important to have cabinet approval. Streamlining and becoming efficient is an excellent goal, but if you become overly efficient or streamline too far, then you're narrowing the focus in some instances. So I think that this is important.

I think it becomes crucial, then, when you're talking about the number of board members that there are. If there's no minimum size to a board, then rightly or wrongly or by accident even they may take too narrow of a focus and not really have a balanced approach. That could happen unintentionally. I'm not making any allegations there. Clearly, when you have one or two people sitting, as opposed to three or more, then there is a potential for a problem.

That brings me to the part of the Bill that talks about the board not requiring a minimum size of three members. That to me is the only contentious issue in this Bill. Even if you said that it required only three members . . .

MR. LUND: It's covered in another part of the Act.

MS CARLSON: You say it's covered in another part of the Act? Okay. Clearly I didn't see that. It seems to me that there are all kinds of problems with only two members. I know that the member talked about that you don't need assistance, in terms of the board members for help, vice-chairs and so on. I agree with that. If the board is small enough, then you don't need a vice-chair. Someone can be appointed to do the job if a chairman is not necessary. It is redundant and too costly, I think, to do that. I can't find that portion.

MR. LUND: It's in the body of the Act, the other Act.

MS CARLSON: Oh, in the other Act. Okay. So you're saying what? That there are going to be three members at least on the board? [interjection] Sorry, Mr. Speaker, but this is very helpful.

THE DEPUTY SPEAKER: It's highly irregular, although it may be very purposeful. I wonder if you could ask the questions, and then we'd ask the hon. sponsor or the hon. minister to address them. The hon. minister, since he isn't the mover of the Bill, can stand up at any time and answer all of those questions. When you get into going back and forth in the Assembly, that really is not . . .

MS CARLSON: Thank you, Mr. Speaker. But certainly in this particular instance, when it's been nonconfrontational, the questions are answered in a very fast fashion, so it's been helpful to me.

The minister states that in the original Act it states that at least three board members need to be present. I'm wondering, then, if it couldn't be a point of clarification for us in terms of reviewing this. It would have helped us to know that. Certainly we support downsizing if we think that there's been a good track record and if three people or fewer people than before can accomplish the task. It would seem here that that isn't a really big problem. If there are only three people, then I'm wondering what the regulations are in terms of ensuring that there is a full quorum every time a decision needs to be made. Issues like those, for me, need to be addressed then, because I do have a big outstanding problem if there are two or fewer people making the decision. [interjection] You're saying that's covered too. Okay. That's good. Then I'll have to go back to that Act and read up on that. When we're now consolidating power to such an extent that it's only a three-member board, and where the minister has the authority to make the changes without taking it back to his cabinet, it would not be good news if there were less than three. You now have very few people reviewing the process. [interjection] Okay. So you're saying that's addressed there too. Good.

Well, then in committee I am sure that the member is going to stand up and address these issues to my satisfaction.

So with that, Mr. Speaker, I'll conclude my remarks.

MR. HANCOCK: Mr. Speaker, I would move that we now adjourn debate on Bill 18.

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader has moved that we now adjourn debate on Bill 18. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

head: Government Bills and Orders
head: **Committee of the Whole**
10:00
[Mr. Tannas in the Chair]

Bill 1
Freedom of Information and
Protection of Privacy Amendment Act, 1997

THE CHAIRMAN: We're looking for comments, questions, et cetera, on the amendment known as A2, as proposed by the hon. Member for Calgary-Buffalo. I see he's standing, so I presume he's going to make some comments.

Calgary-Buffalo.

MR. DICKSON: Thanks very much, Mr. Chairman. I'm delighted to be back on such an interesting topic and such a provocative Bill. Just to refresh members' memory, the amendment we're dealing with, A2, was the amendment that was going to import an outside drop-dead date for freedom of information to apply to all local government bodies, and the drop-dead date was going to be July 1, 1998. That's what we're dealing with.

Now, we've had the benefit – the Minister of Labour, the minister responsible for freedom of information, shared with us on May 22 his views on amendment A2. Mr. Chairman, it was fascinating to see the response to what has been seen by Albertans outside this Assembly as a very positive amendment. On May 22 we witnessed the Minister of Labour suggesting that the government was proceeding in an "orderly consultation . . . [with] specific sectors," then proceeding to pat himself on the back by asserting:

> So it's very clear that this government is taking the right move by leaving the date open-ended and in effect asking the customer what they want.

If I haven't got the quote quite right, I'm counting on the minister to correct me.

I'd say that I was disappointed that the minister mocked public interest by noting "the four or five people in the public domain who care very deeply about this issue" and went on to say some other things. Well, has this minister forgotten, Mr. Chairman, that just two months ago his department was the co-sponsor of a conference on freedom of information and protection of privacy held at the Edmonton Convention Centre with close to 300 registrants? These were people from every regional health authority and municipality and major school board and university and college. They were all there, and the minister was there to greet people on Monday morning and welcome them to the conference. Yet he would say and tell Albertans on May 22 that we have "four or five people in the public domain who care very deeply about this issue." Well, if he had talked to any of the people that attended the conference, he would have found that there's a very large number of people who are actively engaged in preparing for freedom of information.

Now, the hon. minister may have forgotten that in the province of Ontario, where they've had 23,000 freedom of information access requests – that's for both municipal and provincial records – 45 percent of those requests related to provincial government departments or agencies, and 55 percent related to municipal records or local government bodies. In other words, more than 50 percent of the access requests received in the province of Ontario were to find out what's going on with the local police commission or the library board or a city council or a health authority. That's where the majority of requests came from.

[Mr. Zwozdesky in the Chair]

The minister asserted that his government was "listening to Albertans." He went further. In *Hansard* on page 725 he said, "Good government consults, listens, responds, and ensures that there's agreement." Now, that commentary from the minister invites two obvious questions. The first one is the one that I find most intriguing. Was that view of good government apparent when this government arbitrarily axed kindergarten funding? Was that view of good government apparent when the provincial government gave regional health authorities an incredibly compressed time period to slash local health care funding? That was a time when people were saying: "Give us some time. Involve physicians." The government's response was: "No. No time to talk to physicians. We've got a plan, and we've got to get to the target as quickly as possible." Now when the government is confronted with a constructive suggestion to impose the discipline of an outside date, in this case July 1, 1998, the minister suddenly discovers a model of good government which involves listening, negotiation, responding. I guess I can only say that this wasn't apparent before, a fact confirmed by the Provincial Health Council in this province. I think it's just very interesting that the government is very selective in terms of which standard they're going to apply.

The second obvious question invited by the commentary by the minister – and I can only think that the minister was distracted, because I know that as a former member of the Tuxis and Older Boys Parliament he would have learned some good parliamentary processes as a youth, which may have abandoned him last Thursday afternoon. The second obvious question that came from his commentary would be this: is further delay beyond the one year in the amendment I put forward, that's on the table, really what Albertans want? Now, it may be what some vested interests want. It may be that some administrators at a local government body want more time, but it's clearly not a monolith of public opinion, which is what would be intimated by the minister.

One of the best examples – well, two things come to mind. The first one is that I had occasion to attend a conference in April of 1996 again sponsored by the hon. Minister of Labour on freedom of information issues. At the conference there was a fellow named Warren Hart, who came from St. Paul's hospital in Vancouver. Mr. Hart was the FOIP co-ordinator for St. Paul's hospital, one of the largest hospitals in western Canada. In the course of his presentation he had an overhead. To aficionados of Far Side cartoons I can only describe the cartoon this way. What we see is a group of people standing around and a large, oversized baseball – you can see the stitching on the ball – and some fellow who looks a little like Alfred E. Neuman is lying flat on the floor with this enormous ball on his chest. A police officer is there taking direction from an elderly woman who's looking at this fellow who's been hit by the ball, and she tells the officer: and then, wham; this thing just came right out of left field.

Now, Mr. Chairman, what's interesting is that it may well be

that an administrator at St. Paul's hospital in Vancouver, Mr. Hart, could feel that freedom of information when it applied to local government bodies there came incredibly quickly, and it may well have felt to him that the thing came right out of left field, but that can't be said to be the case here.

In fact, if we look at what happened in British Columbia – and members may be interested in this. How long did the local government bodies have to get ready there? What happened in British Columbia history was this. In the summer of 1992 Bill 50, which was the forerunner of the Bill that ultimately was passed, received Royal Assent. In the summer of '93 Bill 62 then was brought in to cover local public bodies. In October 1993 Bill 50 covered the provincial government only. In November 1994 the Act applied to local public bodies. In the spring of 1995 it then extended to self-governing professions. So what you had at the outside was a two-year period in the province of British Columbia, two years from the time that the first Bill was introduced in the Legislative Assembly until local government bodies were included. Two years.

In the province of Alberta we've had since 1993. That was four years ago, and we still have no outside date. So the province of British Columbia and the universities and colleges and hospitals were able to ready themselves and to do so within two years. In Alberta four years and still no outside date, and even under the amendment that I put forward, local public bodies would still have more than one whole year to ready themselves.

10:10

Now, the other thing I found interesting, Mr. Chairman, looking at the hon. Minister of Labour's comments, was to contrast what the minister said with the April 1997 issue of the newsletter from the Provincial Mental Health Advisory Board. Now, this is a body that produces the *Connexion* newsletter. The April 1997 newsletter, which just crossed my desk late last week, has got a whole feature – in fact, the headline is "Getting Ready for FOIPPA", and what we see in this newsletter issued by an agency of the provincial government appointed by the Minister of Health: "An important message is that we will help staff prepare for the expected implementation of the act on Oct. 1, 1997." It goes on to say that "according to current plans, this access" – and I say, parenthetically, means freedom of information

> will expand to regional health authorities, the Alberta Cancer Board and the [Provincial Mental Health Advisory Board] on Oct. 1, 1997.

Mr. Chairman, that's eight months before our amendment would require regional health authorities to be subject to the Act. So the government by its own publication, the *Connexion* newsletter published by the Provincial Mental Health Advisory Board, is saying that they're going to be ready, the regional health authorities are going to be ready by October 1, 1997. How can we possibly have the minister come into the Assembly and say that July 1, 1998, is too early? How can it be too early? Who's right? The Minister of Labour or the agent of the Minister of Health? We've got a conflict here in terms of the state of readiness, and it's a bit scary.

The minister went on to say on the 22nd:

> We want to ensure that as this process rolls out, it rolls out in an economic fashion, it rolls out in an expeditious fashion, and it rolls out efficiently. In order to do that wisely and with suitable deportment, you have to pilot one, then pilot the next, then the next, and you learn from each experience so that when you do a subsequent rollout, you have something that is effective, efficient, and works from day one.

The comments from the hon. minister are fascinating and frightening. He thinks, Mr. Chairman, that his constituency, his responsibility is owed to regional health authorities, to libraries, to municipalities.

I say with the greatest respect to the hon. minister that he should run – not walk but run – to his department library, and when he gets to the department library, he should find a three-ring binder. It's called the senior policymakers' handbook. It's produced by the freedom of information section now in his own department. What he'll find there if he looks at page 2.2a.9 – he might want to read what his department is communicating to other bureaucrats about freedom of information. I'll just quote, because it's so interesting and it's so much in conflict with what the minister himself said.

> It is no longer up to us to decide what should or shouldn't be provided to the public . . .
>
> The attitude towards access to information can be summed up in how we view records. In the past we saw information as our property to use as we required. Now we must see information as a primary tool for communication with the public.

Then the manual goes on to talk about the need for a mind shift to openness of government information.

So, with respect, the minister has got his mission absolutely upside down. His customers are not government agencies, either at the municipal level or at any other level. His customers are the 2.6 million Albertans that he has a sworn duty to protect and assist. His own printed material says:

> Now the public has a right to see the records we hold, to understand how government operates and why it makes the decisions it does.

So the minister responsible for protecting the people's right to know has instead turned his back on Albertans.

If this were a children's fable, Mr. Chairman, this would be a little bit like if we viewed all the government secrets as being in the castle on the hill and the minister was the lord of the castle. Although his mandate is to be lowering the drawbridge and lifting up the gate and welcoming citizens into the treasure chest to be able to see the government's secrets, instead what we have is our minister responsible for freedom of information busy lifting the drawbridge and readying the hot oil to pour on Albertans who are lined up at the gate. Now, if we were to make a fable, that would probably be what it would look like, what it would sound like.

The government announced at its 1995 freedom of information conference, Mr. Chairman, that planning for local public bodies would commence early in 1996. I'd make the observation also that the government has in the past routinely exaggerated the number of information requests they anticipated, but the reality is that rarely are there as many applications received as are contemplated before freedom of information becomes a reality. In fact, some municipalities and colleges can take heart: at the federal level, where they've had legislation for more than 10 years, some departments have gone up to three years without ever getting a single freedom of information request. The University of Victoria had nine requests in nine months and then in 1994, 25 requests; in 1995, 24 from one individual. So I think the minister may be exaggerating what the impact is going to be in terms of the work for local government bodies.

There's the further question of how ready local government bodies are. You know, the city of Edmonton has had an access to information bylaw since 1982, and in March of 1995 that was updated after the then mayor, Jan Reimer, appointed Fil Fraser, former chief commissioner of the Alberta Human Rights Commission, to chair a very prestigious panel in the city of Edmonton to

look at their information management practices, freedom of information, how Edmontonians could access government information. They created in the city of Edmonton a right to information bylaw. The city of Calgary, by a little different route, also has created an access to information bylaw. So we have some provisions, and it's not a question of the municipalities being caught flat-footed, partly because they've been attending these conferences that have been going on.

Now, the other thing I wanted to touch on, Mr. Chairman. I know I may be close to out of time, and I'm sure there are some of my colleagues who are going to want to add a couple of comments as well while I catch my breath. But I just wanted to point out that I made my own freedom of information request because I was interested in seeing what the FOIP co-ordinators were talking about, because each provincial government department has a FOIP co-ordinator. These people have been meeting on typically a weekly basis or every couple of weeks for the last two years. So I'd made a freedom of information inquiry, and I got an interesting packet of material. Some of the things that I found there are germane to this issue of how ready local government bodies are for freedom of information.

When I looked through, I considered a couple of things. On March 14, 1994, the information co-ordinators were busy looking at an Ernst & Young business model in terms of managing information requests, and they created a number of training manuals. In Alberta we have a general awareness video, we have an awareness presentation manual, we have a FOIP program administration, we have a senior decision-makers program and written materials for that, and we have a FOIP co-ordinators program. All of these things have been put together with a view to not only informing provincial government civil servants . . . [Mr. Dickson's speaking time expired]

I'll be back in a moment, Mr. Chairman, when I've got some other things to add.

10:20

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Chairman. Oh, my. Hi, most hon. Chairman. It's a pleasure to be speaking on this momentous occasion. I wonder if it is a first for the Legislative Assembly to have a member of the Official Opposition sitting in the role of Chairman. If it is, I would like to commend you. I think we should all be commending you for this great learning experience. I would also like to commend the Speaker for ensuring that there is an evenhandedness in the Legislative Assembly itself.

With regards to Bill 1, the Freedom of Information and Protection of Privacy Amendment Act, and specifically with regard to the amendment that's on the floor right now which says that there should be a time at which the MUSH sector would come under the purview of Bill 1, it is hard – well, perhaps it is not hard to understand why there is no date within the Bill as it now stands. What we have here is a government that claims to deal in openness but in fact deals in secrecy. We have a government that was pushed into putting the freedom of information Bill onto the floor of the Legislative Assembly over three years ago because they were shamed into it, quite frankly. The Leader of the Official Opposition had on at least three occasions made that his Bill, as the leader's Bill, to put the freedom of information Act onto the floor of the Legislative Assembly. It was rejected on at least three occasions by the government, and eventually, after the 1993 election, the current Premier was shamed into putting forward a Bill.

The Bill that was put forward was a Bill that had flaws within it, as we are seeing in numerous Bills that are now coming forward within this Legislative Assembly that were pushed through too quickly in the last three years to fulfill a mandate that the government had towards a vision that is, quite frankly, not the vision that the majority of Albertans would like to see this province move towards, and that is a vision based on economics. It is not a vision based on social good. I think what we are seeing here is just a continuation of a government that likes to act in secrecy.

It's interesting that as the discussion was ongoing, I was flipping through the office of the Ombudsman's 30th annual report, the last report by Harley Johnson, our past Ombudsman. What he indicates is:

> The mandate of the Alberta Ombudsman is to investigate complaints against departments, boards and agencies of the provincial government [and even officials] trusted to bring the concept of fairness to the scrutiny of government actions, [but that] complaints against . . . contract agencies . . . fall outside the mandate of the Ombudsman.

Given what the changes are within the province, what that means is that regional health authorities, the municipalities of course, education, and soon, I would imagine, the privatized, contracted out services through Family and Social Services will not be subject to scrutiny by the Ombudsman.

If you look on page 8 as to which areas had the most complaints, one of the prime areas was Family and Social Services. If you again look within this particular document, you see that the complaints are over a wide area and that in fact what the Ombudsman is saying that he's seeing is that there's an increase in concerns raised by advocacy groups, only a few of which are within his particular jurisdiction.

Now, you may say, "Well, what has that got to do with freedom of information and protection of privacy, and what does that have to do with the particular amendment that's on the floor of the Legislative Assembly?" I put forward to the Assembly that it has a lot to do with it, because what the freedom of information Act can do is supplement what the Ombudsman cannot do: provide those advocacy groups or individuals who have concerns, who have complaints, who have questions within the areas of the MUSH sector. A lot of those areas have now been either contracted out or have been regionalized.

We've seen over and over again examples of ministers who have said, "Oh, I can't deal with that; that's the problem of the regional health authority," or "I can't deal with that; that's the problem of the school boards." And it will soon be, "Oh, I can't deal with that." I know the minister of children's services will be the first one on her feet to say: "Oh, I can't deal with that. That's the problem of the newly privatized agencies that will be dealing with children's services." We've seen a washing of the hands over and over again in this Legislative Assembly.

As a result, what the freedom of information Act can do is provide for individuals to take the ministers to task, to find out what's happening in each of those areas – in health care, in education, in the municipalities – to find out and see what actually is happening.

Chairman's Ruling
Decorum

THE ACTING CHAIRMAN: I wonder if I could just interrupt the hon. speaker. It seems to me that the noise level has risen just a little bit above the expected level, and it's difficult to hear what the Member for Edmonton-Meadowlark is saying. Just a brief

reminder that if you do have conversations to carry on, please just take them outside the Chamber and let the hon. member who has the floor continue with her very interesting speech.

MS LEIBOVICI: Thank you, most hon. member.

MS CALAHASEN: But we've heard these speeches so many times before.

MS LEIBOVICI: Actually, I don't think you have, but you can try listening, and you might actually find out something. [interjections] Well, read it tomorrow.

THE ACTING CHAIRMAN: I wonder if we could stop the chatter that goes on across the way here, concentrate on the amendment, and have the hon. member who has the floor retain it and continue with her speech.

Debate Continued

MS LEIBOVICI: I'll just repeat it for the hon. minister of children's services. I indicated that once the privatized agencies are set up, she will be right there, front and centre, saying, "I have absolutely no responsibility for these," just like the Minister of Health has said about the regional health authorities and just like the Minister of Education says over and over again. Once they are privatized with the child welfare reorganization, that minister will be up there, and it'll just be a matter of a few months when I can say, "Read the words in the *Hansard*," because she will be there and she will say: "You know what? I can't do anything. It's now privatized. It's now regionalized. It's now in the hands of the community." It is a total washing of responsibility that this government has done over and over again under the guise of customers. They have forgotten that we have citizens in this province. They have forgotten what their responsibility is to those citizens, and they have labeled them as customers and clients. They have not learned that there is a difference between customers, clients, and citizens.

In this Legislative Assembly what we are here to do is to protect and to ensure that the rights of citizens are met. As soon as legislators forget that responsibility, then they have forgotten the reasons they were elected. Bill 1 is one of the reasons that we are here: in order to be able to ensure that the citizens of this province – not the customers, but the citizens of this province – have the ability to look at and ask for information in various sectors, whether it is within the government itself or within education, health care, social services, municipalities, the so-called MUSH sectors. Given the fact that the Ombudsman cannot look at complaints in some of those areas, there is no avenue for individuals to find out what is happening. Each one of us continually gets calls in our constituencies with regards to health care. I still get those calls, and those calls are still saying, "You know, I'm having problems in the system." The individual that's having problems should be able to make a FOIP request to find out why they're having problems, and any member within this Legislative Assembly should be able to put together a FOIP request to find out what is happening within the system.

10:30

You know, I think that's where the fear is in this government. This government has not only a need to control information, it has not only a need to vet the information and to ensure the information comes out in packages that are approved through the public affairs office of the Premier's Executive Council, but it's also scared of information that shows that the revolution has had unsavoury effects, that shows that the revolution – because revolutions are rarely bloodless – has had casualties. The way to find that out is through areas such as putting together FOIP requests. So I'm not surprised to find that this government, which is one of the most closed governments in Canada, believes that democracy is not a right, that democracy is only for the privileged few who happen to fit on the other side of the Legislative Assembly, that this government would not want to see an . . .

THE ACTING CHAIRMAN: The hon. Member for Calgary-Egmont is rising.

Point of Order
Relevance

MR. HERARD: Thank you, Mr. Chairman. Standing Order 23. We're in committee right now, which is, you know, not the time to be debating the merits of the principles of the Bill. We're supposed to be dealing with amendments, and all we're hearing is speech after speech after speech that has nothing, absolutely nothing to do with amendments. I think that it's out of order.

MR. DICKSON: On the point of order.

THE ACTING CHAIRMAN: Yes. Calgary-Buffalo, on the point of order.

MR. DICKSON: Thanks very much, Mr. Chairman. What our friend for Calgary-Egmont may not have appreciated is that the amendment is to do something that doesn't exist now, to impose the discipline of an outside drop-dead date when all local government bodies will be subject to freedom of information. That's the whole purpose of the amendment. So what we're attempting to do here and what we will continue to do is to marshall our arguments in terms of why Albertans need an outside date. That means a discussion of why freedom of information is important at the level of universities and colleges and regional health authorities and municipalities. So for all those reasons – and I'm sure there are many more – I think it's perfectly relevant to make the points that my colleague has just been making.

THE ACTING CHAIRMAN: Well, thank you for that clarification. I, too, was listening very intently to what the hon. Member for Edmonton-Meadowlark was saying. I must confess that I was having a little bit of trouble because the level of debate outside here seems to have gone up a little bit. I was about to ask, in fact, the hon. member if she was speaking directly to the amendment, which I realize is about a deadline being imposed, because I was having a little bit of trouble following that connection. I was just speaking with Parliamentary Counsel in fact on that very thing when Calgary-Egmont rose.

So I would simply ask the hon. Member for Edmonton-Meadowlark, since this seems to be just a little bit of a miscommunication here in understanding, whether she would continue on with her excellent speech that she was giving earlier without any direct references as mentioned by the Member for Calgary-Egmont and get on with the amendment itself.

Thank you.

MS LEIBOVICI: Thank you, hon. Mr. Chairman. If you check *Hansard*, I had just started talking again about the amendment and

the relevance of what I was saying to that amendment. In fact, the amendment . . .

THE ACTING CHAIRMAN: Excuse me, hon. member. Let's concentrate on the amendment itself. We've discussed the point of order, and there is no more discussion on that. Let's just get on, please, with the exact nature of your comments in relation to the amendment itself. Please continue on from where you were. Could I ask all members to please listen intently as the Member for Edmonton-Meadowlark succinctly addresses the point she wants in relation to the amendment itself.

Thank you.

MS LEIBOVICI: Exactly. Thank you for clarifying that for everyone.

Debate Continued

MS LEIBOVICI: The amendment deals with an end date, so we know when the areas of health care, social services, education, municipalities, the umbrella of the MUSH group, would be subsumed under the FOIP Act. Now, as I was saying, the only reason that the government would not want to pass the amendment is because of secrecy, because of fear, because they do not want individuals to find out what is happening in those sectors. There is no other avenue for individuals to go through.

That's why we as a very responsible opposition have put forward a date. Right now in the legislation it's loose. That looseness means that there will be no end date, that there will be no time when the MUSH sector will be underneath the umbrella of FOIP. The only reason that can be is because, as I indicated earlier, the government was forced into this Bill to begin with. The government was shamed into it, and they're continuing to be shamed into it. As a result the amendment would be an act of good faith for the government to say: yes, by July of 1998 the MUSH sector can be under FOIP.

The citizens of Alberta would have the ability to put in a request to their regional health authority to find out why there are no funds for certain areas, to find out what decisions were based on and what the reasons for those decisions were, to find out how the regional health authority has decided to allocate dollars. These would all be decisions that could be subject to a FOIP inquiry.

The only reason, again, that the government members would not pass this particular amendment – and all along I've been talking about why the government members would not pass this particular amendment – is because we would then know that there are problems within those areas that have not to date come to light. They have not come to light because there is no avenue for them to come to light. The Ombudsman cannot investigate. There is no other avenue where an individual can find out what is happening within those particular areas.

Now, I know that the government members think: oh, well, it's all been taken care of; we've all talked about this in our caucus; we all know that what the opposition is saying is just stretching the truth. But the reality is that it is time for each individual government member to look at what the implications are of not passing the amendment. Again, I'm talking about the amendment, the effects of passing or not passing the amendment. We have some vague commitment that in about five years these areas will be able to come under FOIP, but it is nowhere written that there is a time when there is the ability to access.

I have yet to hear one good reason why there should not be the ability of the citizens – and if the government wants to call them customers, call them customers. But customers also have a right. Consumers have a right to find out what is happening within the areas that they are getting services from, whether it's a hospital, whether it's a school, whether it's a municipality. I think they are citizens. If the government wants to call them customers, then give them the rights that they have as customers. You can't say one thing and deny them their rights on the other hand.

So who are you beholden to, and who are you responsible to? I think you need to ask yourself that question when you're thinking about whether you're going to vote for or against the amendment. If you are truly responsible to the citizens of this province – and in governmentspeak it's the customers; maybe you'll understand better if we talk about customers – if you're truly beholden to the customers of this province, then you need to pass the amendment.

10:40

You've already heard that the regional health authorities are able to deal with the amendment. They could be under FOIP within a year. The other agencies would not have any difficulties as well, because the municipalities already deal with freedom of information on a daily basis. So there's not an issue there. The only issue there can be is the fear of a government that doesn't want to be found out. It's the need of a government to control, and we've seen that in the way the Public Affairs Bureau is centralized. We've seen the way the information is controlled within the government. We know that in each department where there are seconded individuals from the public information department, they are not responsible to the department. They are responsible to the central office, the Big Brother office of the Premier. We know that. So we know that information is controlled.

The only way that the citizens/customers can access information in a timely fashion is to pass this amendment. It's not even for this year; it's for next year. They know that in a year they can write a letter to their regional health authority, write a letter to the school board and say: "I need to know this information. I need to know this in order to address the concern that I have." In order to do that, this amendment needs to be passed.

I urge you all to look at it again. You'll have time to discuss it once again in your caucus, to bring up some of these concerns, and hopefully, it won't be as easily swept under the carpet with: "Oh, it's only the opposition talking. It's okay. We'll take care of it." There is a need out there. The Ombudsman has over and over again said that he does not have the authority to investigate complaints within the regional health authorities or any areas that have been contracted out, and that's soon to include the child welfare services under the regional plan that's being put forward. So I again urge you to look at it, to consider it, and for the good of the citizens of this province to please pass the amendment.

Thank you.

THE ACTING CHAIRMAN: The hon. Leader of Her Majesty's Loyal Opposition.

MR. MITCHELL: Thank you, Mr. Chairman. It's actually quite a significant occasion that the Chairman of the committee would be from the opposition side of the House and for the first time recognize the Leader of the Opposition. I would like to congratulate . . . [interjections]

THE ACTING CHAIRMAN: Order please. The hon. Leader of the Opposition has the floor.

Continue on with the amendment as soon as you can.

MR. MITCHELL: I would like to congratulate the Speaker of the House, who had I think the foresight, the commitment to openness in this Legislature to suggest that an opposition member could play a role in chairing committees. I am very grateful to him. I think the process should be grateful to him, if that's possible, and I think the members of this House should admire the sense of balance and fairness that he brings to this Legislative Assembly, personified and captured in this Chair.

I am very disturbed that this government will not support this amendment. It is in fact almost unfathomable to me that they would not support this amendment for a number of reasons, Mr. Chairman. First of all, they have made much of being an open government. They have made much of being a government that wants to be held accountable. What I know for certain is that you cannot be accountable, government cannot be accountable if the public does not have access to information upon which they can assess what it is that the government is doing.

Now, the government of course has made much of the fact that they have a freedom of information Act, and it was a start, Mr. Chairman. The process was somewhat flawed, but we felt that there was a good deal of collaboration between the opposition and the government sides on that Bill. To the extent that it applies, it has a number of things to recommend it. But perhaps it will come as a striking observation to the members of the government, who are so concerned about fiscal responsibility and accountability, that almost 70 percent of our budget in this province is spent by municipalities, public and private colleges and universities, regional health authorities, and hospitals. Almost 70 percent of the entire budget of this province is spent by those areas of government activity which are excluded from this Act. So for the government to claim that it's accountable and then, understanding the importance of accountability to the strength of its fiscal responsibility initiatives, to have to observe and understand that fully 70 percent of the budget of this government is spent by agencies or others that do not come under this piece of legislation should surely give these members in this Legislature some sense of second thought.

I think, Mr. Chairman, that when you assess all the logical arguments for why it should be there – government believes in being accountable, it says; it believes in being open, it says; it believes in fiscal responsibility. Of course, you can't hold any government accountable on that unless you have open information, so it says it believes in that. It says it believes in freedom of information, although 70 percent of all its budget is spent by agencies that don't fall under the Bill. All those are logical reasons for accepting our amendment, which would put a lid on when they had to do it, put a time line, a not unreasonable time line. You have to conclude something else. What you have to conclude is that the reason they're doing this and opposing our amendment is a reason they don't really want to talk about. That reason, as was pointed out by my colleague from Edmonton-Meadowlark, is that they are afraid of the information that might be released, and they are very afraid of what the public might do with that information.

Let's imagine for a minute, if you will, Mr. Chairman, what information we might have today on issues of relevance today in the area of health care, for example, if freedom of information applied to regional health authorities as it should. Well, first of all, we might know what exactly it is that the private hospital being built in Calgary is planning to do, and that would have some relevance to the determination of whether it falls within the guidelines of the Canada Health Act or not. Then we might be able to therefore properly assess whether the government really believes in the Canada Health Act and its defence or whether it's just saying that it does.

We might also know what exactly the lease agreement is between the Calgary regional health authority, which spends our public money, and the Calgary private hospital under HRG. We might actually know what the rates are for the space that they have leased. Knowing that would give the public of Alberta insight into whether or not the government was subsidizing that private hospital. Because we don't have freedom of information, we can't make that assessment. We'd also know what commitments the government has made to that hospital for what it might be able to do by way of insured services under the medicare system. That again would be an important piece of information for assessing whether this government just says it wants to protect and defend the Canada Health Act or whether or not in fact it is prepared to do it.

10:50

You know, Mr. Chairman, it's not only that they don't want freedom of information to apply to the health care sector, but it is almost as though they are consciously manipulating the release of information in order to avoid public controversy, which they know lurks just around the corner of information released. So let's look at the litany of things we haven't heard about and, I would say, consciously. The Minister of Health will not tell us what insured services he is going to contract to that private health care authority, he will not tell us what the lease agreement is, and he will not tell us whether or not there's going to be an agreement with WCB. It's interesting: for the longest time that was touted as the biggest portion of what this private hospital would do, but now of course we don't see the agreement, there's no more talk of the agreement. Why? Not because there's no agreement but because there is an agreement pending, I'll bet, and the government doesn't want to specify it in concrete terms because they know that it will fuel the controversy. This is controversial, this very private hospital, and it's probably more controversial or at least as controversial, I should say, because they won't answer the questions, legitimate questions.

What else might we know? Well, we might know what are the plans for ICU beds in this city. Is it going to be the Grey Nuns who gets them, or is it going to be the Misericordia that gets them? Is it going to be one or the other and not the other, and so perhaps that has implications for them closing one of these hospitals? Why don't we have the information? If we had FOIP applied to health care, we would.

What about the funding formula? Well, we might know why it is that on a per capita basis one area that falls within the constituency of the former Minister of Health gets three times as much per capita for health care as that area which falls within the constituency of West Yellowhead. We don't see the Member for West Yellowhead standing in this House and fighting back and saying: "I want to have the information. I want to know, and I want to be able to tell my constituents why it gets one-third as much per capita to run their health care system as other parts of this province do." You'd think that the Member for West Yellowhead would be one person standing in this House and saying, "Yes, we want freedom of information" so that he can release information to the public without being intimidated like the employees of the Family and Social Services department have been.

We might also know, Mr. Chairman, the details of the contract between the regional health authorities and the private medical

labs, again with implications for publicly funded health care. We might have an idea of how staffing levels in various institutions and regions of this province, which are generally too low, have been justified, or we might get an idea of why they can't be justified.

There is a great irony in this government taking something that is so easy – it's in their Act already; they just have to proclaim it – and making it so much more complicated. This government that says it wants less regulation and less legislation and a more streamlined government is making it more complicated by a detailed Bill that simply convolutes what could be done so simply in the Act right now. It's very, very ironic that a government that says it believes in fiscal responsibility and accountability would allow 70 percent of its budget, practically $10 billion, to be spent by areas of government under its responsibility that do not fall under FOIP. It is very, very ironic and not, in fact, coincidental that this government doesn't want health care included in the freedom of information legislation while it's still forcing a restructuring of the health care system that once investigated, once revealed by real information will be seen to be a very, very ugly restructuring that damages and undermines the public health care system in this province.

Mr. Chairman, the fact that this government and its members will not support this amendment, which is reasonable, which in fact gives more time than the regional health authorities are already saying they need to be ready to qualify or to be able to function under FOIP, is a clear testimony to the deceit, to the ill conception of this government's health care restructuring and of its not-so-hidden agenda to privatize and commercialize much more of our public health care system than can possibly be healthy for the public health care system and than can possibly be healthy for Albertans who are dependent upon it.

Thank you very much, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Government House Leader.

MR. HAVELOCK: Thank you. I would like to move that we adjourn debate on Bill 1.

THE ACTING CHAIRMAN: The hon. Government House Leader has moved adjournment on debate of the amendment. Are you agreed?

SOME HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE ACTING CHAIRMAN: Carried.

MR. HAVELOCK: Mr. Chairman, I do move that the committee do now rise and report.

[Motion carried]

[The Deputy Speaker in the Chair]

MR. ZWOZDESKY: Mr. Speaker, the Committee of the Whole has had under consideration a certain Bill. The committee reports progress on the following: Bill 1. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

THE DEPUTY SPEAKER: Does the Assembly concur in the report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? Carried.

[At 10:59 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]