Legislative Assembly of Alberta

Title: Tuesday, May 27, 1997 8:00 p.m.
Date: 97/05/27
[Mrs. Laing in the Chair]

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

Bill 14
Appropriation Act, 1997

MR. LUND: Madam Speaker, I wish to move third reading of Bill 14, the Appropriation Act, 1997.

[Mrs. Gordon in the Chair]

THE ACTING SPEAKER: The hon. Member for Edmonton-Mill Creek.

MR. ZWOZDESKY: Thank you, Madam Speaker. It's a pleasure to rise tonight to begin the very exciting debate that will follow, I'm sure, on Bill 14, that being the Appropriation Act. Effectively this is our last chance to critique, as it were, the expenditures being requested hereunder, which is another way of saying that it's our last chance really to address issues related to the budget. Since we are in third reading, I will restrict my comments to what the law requires, that being more of a general nature rather than dealing with any of the specifics, because we've already dealt with that.

I'm aware of the fact that Bill 14 does seek supply for $11.4 billion in expenses, separating out of course operating expenses from capital investments and nonbudgetary disbursements that take place within the general revenue fund and the lottery fund. So we're dealing with an extensive sum of money here. I would once again just for the record, Madam Speaker, like to thank the government for making that separation between the two different expenditures, largely being operating versus capital expenses. It is something that we have promoted for some time, and it's very refreshing to see it included here.

Of course, the basics of the Bill before us deal with operating expenses, which include everything from administration and program expenses to the basics of salaries and supplies, grants, amortization of capital assets, and so on, as well as capital investments, which include everything related to costs of construction or purchase of provincially owned land, buildings, equipment, highways, dams, bridges, and other assets. We're also looking at lottery fund payments, which include financial assistance for initiatives related to the important agriculture sector, culture, recreation, education, community facilities, health, and sciences.

I want to speak about a couple of things in particular here. One is the method, the way that the expenses have actually been presented. What we have here is an extraordinary ability by the government to transfer moneys between programs and within ministries virtually at their own whim. In fact, we don't get to really see the details of how these transfers took place or in what amounts those funds were moved around between ministries until after the fact, when we're dealing with what we call supplementary estimates. That's not the type of fiscal accountability that we were looking for or the type of fiscal accountability necessarily that Albertans are wishing to see from their government, but it is something that we're having to deal with.

Secondly, with regard to performance measures and the benchmarks that were set out in the three-year business plans, I still would like to remind the Provincial Treasurer and other hon. members present that what we really should be looking at is for the individual departments to present these as single line items within the Appropriation Act itself, which would be similar to what was referred to earlier that is seen in the state of Texas and to some extent in the state of Minnesota as well. This would ensure that the cost outputs that are being delivered by government are much more closely related to the outcome and output benchmarks expected. Now, we want to include goals, objectives, strategies, and outputs and outcome measures and benchmarks within the Appropriation Act itself, which means that there would be an enforceable contract put in place between the government and the people of Alberta, whom the government represents. This would certainly allow for greater accountability for meeting those performance goals and objectives, as referred to earlier.

Now, I appreciate the commitment that the Provincial Treasurer in fact made to provide a more vote-by-vote breakdown within the Appropriation Act, but there must be more of an attempt still made to link outputs to the results achieved, what we would call performance-based budgeting. These accountability frameworks, as I said, do exist in Texas and in Minnesota, and a little later in my comments I will give the Provincial Treasurer the benefit of the Internet numbers where he can in fact connect with those individuals should he wish to take that up.

One other important thing, as I look at the Appropriation Act, 1997, Bill 14, is the entire aspect of what the reduction of the fiscal deficit has meant in human terms or what we call the human deficit that is at risk of being created here as the government retires its structural fiscal deficit. The ability of the government to proceed on the basis that it represents all Albertans and really does care for all Albertans has to be measured in terms of the impact of expenditures and expenditure reductions in areas of health care, education, and social services, for example.

If we take a look at what it was that we on this side of the House have advanced over the past several years, Madam Speaker, we did put out an initiative called A Balanced Approach, which sought to make strategic reinvestments in these critical areas of health care, education, social services, and seniors, for example. We recognized that an investment in the future of our people is really an investment in the building blocks of our great province. Those building blocks must include sustained economic growth, job creation, particularly youth employment, and wealth generation that takes us into the 21st century.

There are a couple of themes that I want to just address that are very appropriate when considering Bill 14, Madam Speaker. The first one is to do with this notion of disclosure when we're dealing with supply votes. I commented earlier about the fact that we support the Treasurer's initiative to separate operating expenditures and capital investments in this document. It's still scanty, albeit I realize that it's backed up by an extensively detailed budget here or an attempt at one anyway and that the Treasurer has taken into account the comments that I made in that regard.

Now, just by way of history, Madam Speaker, in previous years the full expensing of capital expenditures within the general revenue fund did make it difficult to measure the true costs of providing programs and services, and that's why we at least appreciate that beginning of a separation of the two. In fact this is a recommendation that was brought up by the Auditor General and the Alberta Financial Review Commission a few years ago, to carry through with that separation, which included our comments as well. This would strengthen managerial accountability and the evaluating of the effectiveness of the various programs

that the government has in its charge, but the government has to use these recommendations as a means to reduce not the accountability – don't reduce the accountability, and be careful that you're not reducing the level of disclosure either on a program-by-program basis, as would be evidenced by this Appropriation Act.

I know that the Provincial Treasurer is aware of the Deficit Elimination Act, specifically section 7, which was presented by the previous Treasurer, and that particular Bill, Madam Speaker, brought forward a couple of years back, was brought here as a method of streamlining the entire budget process and, in fact, an attempt to provide greater flexibility. So we kept looking for that streamlining and how it would improve or help out the situation, and we're still quite frankly looking for it.

What we saw, however, was that with section 7 there was an ability there to see weakened accountability for expenditures. That's when we got into these bigger groupings of these expenditures, which is partly what we see here in Bill 14. Bigger groupings of expenditures simply allow governments to do more shifting of moneys interdepartmentally, again with no accountability in advance but rather a look at it in hindsight, which makes it very difficult for any opposition to hold the government truly accountable, which as you know is part of the role that an opposition fulfills.

8:10

If you only provide a global figure for each department under interim supply, such as we see here, without a specific breakdown by program, then the government may be accused of showing a lack of concern for accountability and fiscal responsibility, and I don't believe it's the intention of this government to do that. So it's a caution and a warning that perhaps they might want to avoid stepping into that by changing some of their methods and tactics.

The second issue I would like to talk about in terms of general themes is with regard to accountability and general performance. I know that just a couple of weeks ago the Provincial Treasurer suggested that "Alberta is breaking new ground in Canada," or words to that effect, "when it comes to performance measures" and accountability and that we are apparently making new strides in this regard. But performance measurement is to be looked at as an evolving process, and you can take certain leads and certain lessons, if you like, from the United States, from Australia, New Zealand, and Britain, who all have some form of direct involvement in performance measurement and have had it for quite some time, in fact long before it came in whatever form it did here to Alberta.

The Treasurer did make some suggestions on how he was going to improve the performance measurement system in Alberta, and we're looking forward to seeing more of the Treasurer's comments in that regard. While he's looking at those, I would just take this moment, Madam Speaker, in regard to Bill 14 specifically, to comment about some constructive suggestions that we have made over the years that apply equally well to this Appropriation Act as they did over the past few years to previous Acts of a similar nature.

Some of these constructive recommendations included improving government accountability. We brought them forward in the following fashion, and they were specifically as follows. Changes to financial statements should include such items as a statement of cash flow, a statement of commitments, an asset/liability balance sheet for ministries, and a statement of consulting costs. Secondly, there should be statements of commitments of the Crown as of the day on which the financial statements and the consolidated fiscal plan are finalized. Thirdly, there should be a statement of specific fiscal risks of the Crown as of the day on which the forecasted financial and the consolidated fiscal plan are finalized.

Fourthly, there should be a provision set out in legislation under which the Auditor General of Alberta has the ability to review the consolidated annual report and the ministry annual reports and be allowed to comment on the appropriateness, validity, and reliability of the various performance measures. Fifthly, the ministry annual reports should be seen as documents that include a description of the different programs that are offered by each ministry as well as a summary of full-time equivalent employees by program and a description of individual programs followed by the nature of services that are provided and the program goals, objectives, and strategies. Following that, we would appreciate an analysis of past and present performance on a program basis through a comparison of actual results viewed against performance benchmarks set earlier. Finally, there should be a discussion on how we can improve program performance in succeeding years.

The sixth point in this regard is with respect to the preparation of a consolidated 10-year fiscal strategy report for the government on a fiscal year basis. This report would provide a long-term planning perspective and would include at least the following items: projections for trends of key economic and fiscal variables and likely future progress towards achieving longer term fiscal strategies and objectives; secondly, reasons for significant differences from previous fiscal strategy reports; and thirdly, the major economic assumptions which the Provincial Treasurer made in preparing the report, including the effect that changes in the assumptions may have on the finances of the government in the fiscal years to which the report relates. Finally, the anticipated economic conditions for the fiscal years should be reported in terms of what it is the report relates to.

I would just add one final thing that I haven't sort of seen in previous discussions relating to appropriation Acts, such as Bill 14, which we have before us tonight. I wonder if it would be possible – and I'm not sure it is – to ask the Provincial Treasurer and all members of the government to consider not changing the accounting system so frequently. Now, I know that we argued and lobbied over the years for a consolidated type of approach to our budgeting and bookkeeping, and I favour that, incidentally. I think that's what gets everything out on the table; you can look at everything all at once.

It just seems, Madam Speaker, that as you're looking through things after the fact – and I say this now having sat on Public Accounts for a few weeks and experienced things from a different perspective – after you get to a certain level of understanding, suddenly something goes snap, and there's a small change or a large change in accounting procedures. Then you're caught up in a tailspin going back again trying to understand it through a different way. I don't know if it's necessary for that to happen or if it's something that we can avoid as we look at Bill 14 – and we're going to look at in hindsight a year from now in Public Accounts – but it would be a time for me to caution on it and bring it forward. So I would hope the government would take a look at that point.

Many of our constructive comments and recommendations were in fact reflected in a discussion that the Auditor General had in his annual reports. Specifically I'm referring to improving the accountability framework within ministry annual reports, which is what this Bill 14 is all about. It's a ministry-by-ministry basis of expenditures, and we're looking forward to a report on it later,

and that's why it's important to mention it in relation to the Appropriation Act at this time.

Now, specific to the appropriation Bill, we're looking for improvements in the accountability framework and for clarification of the government's commitment to performance, Madam Speaker. Perhaps the Treasurer might also see fit to actually now release the instructional manual which is prepared by the department of Treasury, budget and management, that establishes the guidelines for ministries in the preparation of their three-year business plans and annual performance reports, which are the outcropping of the Appropriation Act, which grants supply to those very important business plans. I would suggest to the Treasurer that he consider both the Minnesota and Texas examples, where these instruction manuals have been released to the public and to taxpayers and have gone over very, very well.

Now, I did promise to tell the Provincial Treasurer where he might get hold of some of that information, and I'm going to refer the Treasurer to the Internet site, if I could be permitted to do that. It's very brief, Madam Speaker, but it speaks directly to how other governments in North America present their appropriation Acts. He can contact the state of Texas Treasury Department at www.sao.state.tx.us/perf.htm. If he were to do that, he might get a deeper insight into how it is that they do their business. There's another system that he can connect with in Minnesota. I don't have it just here at hand, but maybe I'll find it in the two or three minutes I have left.

Let me just conclude my comments on Bill 14 by telling the Provincial Treasurer that in Texas the government is extremely serious about the strategic planning that goes into documents like Bill 14 and the performance-based budgeting approach that is related specifically to appropriation Acts. They are serious about fiscal responsibility and being held responsible for meeting their goals and their objectives and for developing quantifiable outcomes as well as output measures. They're serious about effectiveness, and they're serious about efficiency. They're very serious about the outputs and measurements and outcomes, and that's why they present this in a very open fashion with great accountability and very great detail, Madam Speaker. In fact, since 1991 all state agencies in Texas have been required to strategically plan for the state's future, setting specific goals, priorities, and measurable – and I underline "measurable" – performance targets within the context of an overall state vision as reflected in their budget and their appropriation Acts.

8:20

With the strategic plans, then, as a basis for budget planning, given rise to and through Bill 14, for example, agencies are asked to establish performance output measures to track workload, efficiency measures to evaluate the agency's ability to deliver programs in a cost-efficient manner, and outcome measures to establish the public benefit that's associated with the agencies meeting their goals and their objectives. In fact, in the state of Texas, for example, included within their appropriation Act are goals, objectives, outcome strategies, outputs and efficiencies, all related one to the other in terms of costs, in terms of expectations, and in terms of benchmarks. It's a wonderful model which I would encourage the Treasurer to please have a look at.

The budget itself, which is what this Bill 14 is a summary of, is something that talks about building Alberta and building Alberta together. The unfortunate part here that we have to caution the government on is that the budget has to have a greater emphasis on people and on social safety nets and things of that nature.

I hear the bell has gone, Madam Speaker, and I thank the Assembly for its time.

THE ACTING SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Madam Speaker. I just have a few words that I want to say at third reading of Bill 14, the Appropriation Act. It basically boils down to the process that I want to discuss much more than the actual numbers that we've talked about so extensively both in committee and the different processes that were set up to review those.

I guess, in talking about those processes, I just want to make one observation. In terms of the scheduling of the meetings that went on this time and the subcommittees that were in place, there were a couple of occasions when I found it very difficult to get between the two of them because of the order of speaking, the relationship that was coming up, and we never knew what the status of the other group was in the other subcommittee. So to co-ordinate back and forth, I would hope that in future years, if they're going to use the subcommittee process, they give us a better idea of how scheduling would occur in terms of the speakers, in terms of the process so that we can be able to participate more fully. Within that framework I think we had plenty of time to raise questions and address the issues of how the expenditure patterns of the government are being put in place for the next fiscal year.

In terms of the issues that I want to raise, the relationship between how the government puts together their dollar expenditures and the performance measures that show up in their business plans, you sometimes begin to wonder if there is really a relationship between some of those indicators that they have in the business plans and the actual number of government dollars that are being expended on a particular line item or program item within the budget. I think we need to have a little more scientific basis to look at that causal-type relationship so that we can have a better ability to judge whether or not the dollars that are going in are going to deal with the performance that we wanted to see.

This also goes down to a much lower level than what we're talking about in terms of the macro level performance indicators that are provided in those business plans. We've got to be able to have a look at some of the issues that come up when we start dealing with program elements and line items that are related within the budget and how these deal with the activities and the efficiency and effectiveness with which the dollars are expended in the particular agency, authority, board, or other allocated government subgroup that's now looking after the delivery of many of the programs that we're dealing with.

Because these are being done now by a number of arm's-length agencies, I think we've got to start looking at some more detail in terms of our budgeting process so that the public can be aware of how those agencies are using those dollars. Previously we've had access to scrutiny on those dollars through the public accounts. Now in many cases these agencies will be dealing with a macro-level report back to the Treasury, and we won't have the depth of analysis and the depth of detail associated with the expenditure patterns that would come out through our normal in-house departmental expenditure patterns of the past so that we can compare that efficiency and that effectiveness to the delivery systems that are now being put in place by these arm's-length agencies. So we need to have that kind of built-in detail.

This also, then, brings us back to the issues when we actually get to looking at the appropriation dollars in terms of the Bill that we have in front of us. The Financial Administration Act allows a lot of flexibility now for ministers to move dollars within their

own authority. If we do spend time dealing with issues on a line item basis, after the fact, without coming back to the Legislature, we see those kinds of line items shifted at the discretion of the minister. We need to have that kind of accountability. As well, when they report at the beginning of the year in terms of how they're going to expend their dollars, there should be some tracking through the year that allows us to look at how they go about moving dollars within their department, at what factor, what change in conditions triggered the ability to move those dollars or the need to move those dollars from one part of their program to another.

Madam Speaker, we always deal with changes between ministries in supplementary appropriations. That allows us to look at interdepartmental changes in priorities and the focus that the government is taking, but it doesn't provide us with that same level of scrutiny and accountability that's associated with changes within a ministry. Now, I recognize that in some cases we're going to see a lot of these expenditures at the ministry level being done by these arm's-length agencies and/or authorities, and we're going to have to look at how governments go about dealing with shifts in priorities between those different agencies. Will they be given the authority, then, to move essentially line item dollar values within their mandate? We've got to make sure that we still have some control of this at the legislative level.

The other issues that I want to address are really quite general. As we look at the budgeting process that was there, we still have a lot of opportunity within the framework of the expenditure allocations that are provided in Bill 14 for the flexibility and the issues that are associated with the reporting mechanisms and the constraints put on reporting by the Financial Administration Act. We have to look at it in terms of the accountability that we have to our electors in the sense that within the constraints of this legislation, we have a lot of places where there are either implied revenue underestimates or expenditure overestimates associated with the issues of trying to build in cushions to account for the uncertainty that's associated with annual budgeting.

I think it would be much better if we were to develop systems within our financial administration and our reporting systems where this was done openly with line item definitions directly in there as to what constitutes the most likely and the possible expenditure needs within those areas. Then we can look at those expenditures as a maximum, with a possible issue, then, of surpluses. It's quite obvious that the way the budget is put together in this fiscal year, even though at the end of the time we talk about a basic small surplus associated with the end of the budgeting process, we're also in a position to look at how we end up with these built-in cushions, really showing us that there's probably a $500 million, $600 million, $700 million dollar surplus built into the budget. I think the people of Alberta need to recognize that and recognize what we need to do as we get into a situation where our surpluses and the relationship that we have to the budgets are no longer necessary to bring the debt down as fast as we've been trying to achieve recently. We're going to have a situation in some years of: what do we do with the dollars when we have these surpluses and no debt situation to pay off? So we've got to look at that now, and we should be building this into our reporting processes so that the taxpayers of Alberta have a good idea of how to deal with these issues and the openness and accountability that's associated with our financial reporting. If we're going to end up, then, that we have to build in cushion accounts so that we in essence create a set of stability accounts, where we can put a small amount in each year with the idea that in years when either expenditure overruns occur or revenue shortfalls occur, we can draw on those stability funds to bring forth the dollars that are necessary to support the activities.

8:30

The final thing that I wanted to talk about is again a little bit related to the performance measures. I think the people of Alberta, when we deal with provision of services to them, deserve the recognition by the government that they can understand and they can appreciate the necessity for defining a specific level of expectation. What constitutes good health care? What can they expect in terms of good health care? What can they expect in terms of education? What can they expect in terms of the support services that are associated with our, say, highway maintenance? What are associated with the issues that we have in terms of promoting, encouraging, and supporting economic growth, job creation, those kinds of issues? We've got to be able to line these out for the taxpayers. This should all be built into our budget and budget reporting system so that we can look at it, and then the taxpayers of Alberta will have a better idea in terms of how they balance, say, a possible change in tax revenue associated with the delivery of a specific service. You know, we've got to get that identifiable relationship established. So what we need to do, then, is look at these kinds of issues in terms of how we go about it.

Kind of in conclusion, Madam Speaker, I just want to say that we have to commend the government again for bringing in another balanced budget, a small surplus budget. This is what the mandate of the people of Alberta has been. They've been asking for this, they've been supporting this, and we've got to work with it. We also have to be realistic in terms of how we report this, and I hope that some of the suggestions I've had will help contribute to that possibly in the future. So with that, I'd take my seat.

Thank you.

[Motion carried; Bill 14 read a third time]

head: Government Bills and Orders
head: Second Reading

Bill 18
Natural Resources Conservation Board Amendment Act, 1997

[Adjourned debate May 26: Mr. Hancock]

THE ACTING SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Madam Speaker. I didn't realize it was coming back up quite that quickly.

What we've got here is a Bill that looks at some amendments to the Natural Resources Conservation Board. We've got to have a look at how this deals with the actual application of the Natural Resources Conservation Board process. We look at it in terms of how the applications can be put together and deal with it.

I must have written this on a better day, when I was closer to my paper; the handwriting is very small.

What we've got to do is look at the issues that are associated with some of the impacts that show up in the second part of the Bill and the impact this has on the operation of the board. When we look at it in terms of trying to define what kinds of projects are going to be referred to the NRCB and the definition changes that occurred here, in essence there's more ambiguity, a little bit

more freedom of interpretation associated with the issue of the decision as to whether or not a project or program proposal really falls under the mandate. There have been some questions raised by some of the people who are involved in the legal aspects of looking at environmental protection and natural resource conservation. They're saying that, well, under different interpretations there could be a change in the focus of these Bills. I guess unless we can get these kinds of issues more clearly spelled out, what we're going to have to do is look at a situation where we may end up having to have the courts again design the parameters or the bounds under which some of our laws are going to be able to be applied. We want to look at this in terms of how it works.

One of the things they brought out is some suggestions or implications that the projects that are going to have a mandatory environmental impact assessment associated with them can be altered or changed through a situation dealing with order in council resolutions coming out. This creates an opportunity where we have a situation where the cabinet could exempt certain types of projects from the list. I would like to have the minister kind of elaborate on that. If this interpretation goes a little beyond what his intent was when he wrote the Bill and put it in place, then we need to have that clarified. But if this is really a situation where Executive Council now is going to have more authority over the Bill, we need to look at it in terms of whether or not that was really the intention of how these changes are going to be brought about.

This has also a relationship, then, to the provisions in section 2 that allow for more discretion on behalf of the director's part; in essence, whether or not we really get the mandate to have an impact assessment done on it and call the NRCB I guess into a sitting situation to hear a particular case. So I would appreciate it if the minister could just clarify that for us a little bit, the opportunities that might be possible there.

I guess the concern that we're having in terms of the input from some of the community members is that they don't want to see a situation where significant projects – and this is where they run into some problems, in terms of defining what constitutes significant. Right? To some people it could be significant, to others not, in terms of the potential impact. We have to have, you know, a clearer definition there in terms of what kind of relationship might exist in terms of the ability of the public to really understand when they can expect to have an environmental impact assessment or when they'll have to then rally the troops to bring public pressure to bear on the government to get them to commit to an environmental impact assessment.

The issue they're talking about here is that, you know, they don't want to have to deal with trying to look at interjurisdictional differences in legislation. There's some concern here that our new regulations may not be as strong now as the national Canadian Environmental Assessment Act, which could call for assessments on cross-border impact situations, like a water project that would affect Saskatchewan or the Northwest Territories. Now they're concerned that that would have to be dealt with at the federal level instead of at the provincial level because of some of these changes.

8:40

The other issue that comes up, Madam Speaker, is associated with the relationship of the board: how it relates to some of the functions that it has in the context of ability to function properly with the reduced size that's built in there, the relationship between their operations. The flexibility in terms of the size I think might be really appropriate so that we can deal with different sized projects, but we want to also have a strong mandate in there so that there are enough members on the board to reflect and to debate fully and appreciate fully the kinds of issues that are raised by people making presentations to those boards. So it would be important, then, that we have that flexibility within the board.

Madam Speaker, one final issue that I wanted to talk about a little bit was the relationship between the board and the government. In terms of the process with this, that the chairman of the board may make recommendations to Executive Council and Executive Council may make recommendations back, there seems to be a very close tie between the operation of the two of them in terms of how they go about deciding whether or not an environmental impact assessment is conducted, what the mandate of that assessment's going to be, the process that they'll use to do the consultation on it, and we need to have a perception of arm's-length independence associated with this board. It's really important that we don't have a perception of any kind of legislative interference with the operation of this board. We've got to have the board operating where it can deal with the groups who make presentations to it, can deal with the issues, with the interest groups, with the support networks without having to worry about a perception problem in terms of the validity of their ability to look at and objectively judge the issues that are being raised. We want to make sure that kind of arm's-length situation exists between the board and the government or Executive Council as they put it in place.

One of the other issues that comes up is the issue that comes about by changing the definition of some of the projects. I know the change from quarriable to industrial was to bring it in line with federal legislation or federal guideline situations for projects that do require environmental assessments, but I would like the minister to explain if in any way this has any potential to change the definition of a project. This seems to be the one issue that most of the public we've had contact with have been raising, in the context of whether or not these kinds of slight changes in definitions will in any way alter the ability or the eligibility of a project to have an environmental impact assessment put in place.

Madam Speaker, that just about covers the issues that I wanted to raise in the context of this.

One other issue that I wanted to deal with also falls out of section 2. Here we have some issues that look at the context of the definition of different sizes of businesses and how they qualify for the reviews. Now, this relates to the Environmental Protection and Enhancement Act, which sets out these kinds of situations. I was wondering if the minister might not be looking at the possibility of dealing with some of these, instead of from the perspective of a size-related issue and the implications are then back onto the eligibility in the Bill that we're dealing with right now, look at it from the perspective of the technology being applied.

We've had situations where new technologies come out. They're started off at pilot project size levels, and then they have to be built into full-scale plants. You know, we want to deal with these kinds of issues. We've got to prove technologies. The minister is probably more aware of the implications in some of the discussions that went on with a group in Calgary and southern Alberta who are trying to develop and put in place a new technology for garbage incineration, generate electricity with it, and in the number of presentations that they made in my office and to people that I was associated with claimed that their technology was extremely environment-friendly, I guess, is a neutral way of putting it. Yet in order for them to get the

licences to go ahead and build their project, they needed to have, in essence, a full-scale plant in place so that they could prove that it was environmentally friendly, but all of their inside data, all of their calculations, all of their scientific calculations were showing that it was going to work. Yet they almost end up in a catch-22 situation where they have to have a functioning plant to get the licence, but before they can have the licence, they've got to have the plant. They end up going back and forth in kind of a catch-22 situation.

So if we can start off and possibly take some aspects of this eligibility for an environmental impact assessment and look at technologies as a criterion, processes as a criterion – this is especially true for the non resource-based, the water-based projects, some of the other ones like the garbage disposal incineration, these kinds of issues where we're dealing with them in terms of projects that have to deal with in-stream impacts.

Madam Speaker, that basically concludes the issues that I wanted to raise on this Bill. I think in the end it's a Bill that we have to look at very seriously. I'd expect some responses back from the minister in terms of the issues I've raised, especially whether this Bill changes the eligibility in any way that projects might have to be subjected to an environmental impact assessment; also to the issue of whether or not there is too close a relationship, say, between Executive Council and the operation of the board in terms of both its setup and its ability to hear evidence. This is the kind of thing that I'd like the minister to explain a little more fully before I'll commit to which way I'm going to vote on the Bill. So I'd like to see us get that kind of further explanation, because I question, in terms of some of the operation of the NRCB boards, whether for some of these complex projects a board of three is sufficiently broad. How are they going to use guidelines, say, if they wanted to expand it above that? How are they going to judge when they need to have a bigger board or a smaller board? What are they going to do there?

I've got no problems with the restrictions that go in there in terms of removing the definitions associated with vice-chairman and the commitment that we have vice-chairmen. The Bill goes ahead and provides the opportunity for the chair to appoint individuals to represent them in their functional position. You know, that's only good business, because if your vice-chair doesn't show up, you still have to do that anyway. So I've got no problem with that part of the Bill. It's just in terms of this authority issue and the eligibility, I think I'd appreciate the minister giving us some more input.

Thank you, Madam Speaker.

8:50

THE ACTING SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Madam Speaker. There have been from the two speakers that I've heard comment on this Bill basically the same concerns raised, so I would like to quickly run through those and answer those questions.

The change that we're proposing in this Bill, moving to use the environmental impact assessment as the entry level: yes, it could change some projects, both directions, though, I must point out. If you look at the current Act it says:

> "forest industry project" means a project
>
> (i) to construct a facility to be used to manufacture pulp, paper, newsprint, or recycled fibre.

Well, we can imagine some plants that would be recycling fibre that would have absolutely no environmental impact, but under this Act it would be required to have an NRCB hearing and the whole process just to go ahead with that plant.

On the other side, though, when you talk about water projects, I can envision a water project that may not be large enough to trigger an NRCB involvement, because that's under the regulations. It clearly states so many cubic feet per minute and dams so high and canals so wide, and all of this stuff, but it could in fact be in a location that would have major environmental impact. So moving to the environmental impact assessment as the trigger, the process that we get going through the screening, we in fact would identify if that project is going to have a major environmental impact, then that would trigger the requirement for an EIA, which in turn would trigger a requirement for an NRCB approval. So, it works both ways, and I think that this is a cleaner one.

When you talk about technology, yes, this I believe would lessen some of that difficulty with the uncertainty, because as you're going through the screening, you can clearly identify – using models that take into account the new technology, you can pretty well tell whether in fact there is going to be an environmental impact, which in turn triggers an EIA, which would trigger the NRCB. So in my opinion, this is a safer way to go. It's going to make sure that we catch the projects that would have a major impact and would not catch some little tiny project just because it was recycling fibre.

As far as the cross-border situation is concerned, we have a bilateral agreement with the federal government, so those kinds of projects would in fact be triggered, and the NRCB could be involved.

That leads me to the other part where we talk about the number of people on a panel. Currently, for the Bow project we are striking a joint panel with the federal government. There was a joint panel on the reservoir project on the Willow Creek – and the name escapes me right now. That was a joint panel as well, a three-person panel.

DR. NICOL: Pine Coulee.

MR. LUND: Pine Coulee, that project.

Now we're striking another three-person committee that will be hearing it, and that's under the bilateral agreement. If you look at the Natural Resources Conservation Board Act, you will find that there is a section that requires a quorum at hearings, and that means at least three people. Now, in this case of course the one we're appointing to the board has the approval from the federal government. That's what the bilateral agreement calls for. So the comfort that there will be at least three people is in the Act already. All we're doing here is streamlining the appointments and removing the vice-chair.

The amendment that we're looking at – the hon. Member for Lethbridge-East talked about the closeness of Executive Council with the NRCB. I think it's important that you really look at the only place there's a connection.

> The prior authorization of the Lieutenant Governor in Council is required in respect of an amendment under this section unless the amendment is, in the opinion of the Board and the Minister of Environmental Protection, of a minor nature.

Now, there was talk of just simply having the board make that decision of whether it was "of a minor nature." So if the board says, "Well, it's not of a minor nature," then it has to go to Executive Council before it gets approval.

We thought it was safer to have the minister and the board agreeing. If in fact they agree that it is a minor one – the two

have to agree – then the proposed amendment could go without going to Executive Council. But if in fact it's a major one, then of course that triggers a much larger involvement. That would have to occur before an amendment could proceed.

That's not a close tie. As a matter of fact, the NRCB is at arm's length. As I'm sure the House knows, if a decision comes from the NRCB that the answer is no to a project, then Executive Council cannot overrule the no. If it's a yes, then Executive Council does have an opportunity to say no. But it's not the other way around.

As far as the "quarriable" minerals being changed to "industrial" minerals, that is just in keeping with the Mines and Minerals Act. We are just making it consistent. I can't think of any projects that are around that would make a difference, but to try to make it consistent with the two Acts was the reason for that change.

Thanks.

[Motion carried; Bill 18 read a second time]

Bill 16
Justice Statutes Amendment Act, 1997

[Adjourned debate May 26: Mr. Renner]

THE ACTING SPEAKER: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks very much, Madam Speaker. With respect to Bill 16 let me start by making a couple of general observations with respect to the nature of this kind of an omnibus Bill. I'll do it by going to a specific section and highlighting the problem with having a Bill come forward that contains so many disparate elements.

There's a certain kind of irony that what we find is an amendment to the Limitations Act. If members look at page 5, section 3 of this Act, we have a provision that deals with claims in a case where you have a person who has been sexually abused as a child and then as an adult may well have a claim. The adult may be 30 years old and after years of psychotherapy and so on finally comes to terms with the abuse that they had experienced as a child, and the issue then becomes whether they are able to sue. Now, there had been a lot of concern, because a limitations Bill came last spring, a year ago, and there is a provision in there – and because it came as a private member's Bill, what many of the sexual assault centres and a lot of the groups concerned about this said: "We didn't know this Bill had come forward. We didn't realize that this was in fact being ghostwritten by the Department of Justice and sponsored by the Department of Justice with every intention that that should become the law of the land." I think what it demonstrated is how important it is that when Bills come into this House we always ask the question: have we presented the Bill and the change? Since every Bill is presumed to be remedial, have we presented the Bill in a way that Albertans in Spruce Grove or Medicine Hat or Drumheller may have some sense that this may affect them or how it's going to affect them or simply to know that there's a change afoot?

9:00

What we found with the adult survivors of child sexual abuse is that a lot of them didn't know the law was changing in major ways that would affect them and their right to seek compensation. It's a bit weird, Madam Speaker. It's a bit odd that when the government then attempts to take a further remedial step to respond to the concerns heard from sexual assault centres and incest survivors, victims of sexual abuse, that the government brings in, not as a government Bill, a Bill to amend the Limitations Act, which may give some notice to Albertans, but it's tucked away on page 5 of something called the Justice Statutes Amendment Act.

My point is that if people who are directly involved and working with the survivors of child sexual abuse were not clear on this major change that was initiated by the Limitations Act a year ago, surely they're going to be even less likely to have notice of Bill 16 and simply one element in a Bill with all of these disparate elements. I just have that very general concern, that when we bring Bills forward, we're not flagging issues. We're not drawing attention to things that are going to have a major impact on people. I regret that, and I think it's not a progressive but a regressive kind of initiative. So I have that concern.

There are some elements of the Bill that I very much support, but there are some I have concerns with. I think this kind of an omnibus Bill puts all members, at least those members who take the time to read the Bill and consider how their constituents are going to be advantaged or disadvantaged by each provision – it puts those members in an extremely difficult position and one that I think isn't helpful to abbreviating debate or focusing debate and allowing Bills to move through with more dispatch.

Let me just, then, attempt, Madam Speaker, to go through and highlight some of the concerns. The first one is that we have another omnibus Bill like so many other omnibus Bills that tries to do too much, that frankly buries elements in there in a way that makes it tough for people to identify and see.

Now, there are no principles of the Bill, so in speaking, I'm going to be talking about some of the specific provisions. Firstly, if one looks at the court security provision, part 7.1 – this is section 2 of the Act – we've got a provision there that I think is really important. We've talked in this House before about the danger that exists, particularly in all courthouses, where you have people who see themselves as winners and some people see themselves as losers. Emotions are often high, and it's often been said that one of the most dangerous kinds of context for participants is family law. I can think of cases: the lawyer who was shot in a courthouse in Toronto. There have been some incidents in Alberta courthouses. In fact, there was an injury of a lawyer in an Edmonton courthouse. This isn't a protect lawyers Bill. [interjection] Some people were taking Shakespeare too literally, Madam Speaker. The bigger point is that it can be an unsafe place. Security of not only judges and lawyers but witnesses, just Albertans who go because they have an interest in a case, maybe because as an Albertan you're interested in a particular case. They should be able to go into a courtroom and be safe. So I support this initiative in terms of the specific provision to amend the Judicature Act to build in this court security section.

[Mrs. Laing in the Chair]

Now, a couple of thoughts come to mind. One is the concern that I've raised for I think at least five years, and that has to do with the scary situation in Calgary where the Calgary family and youth court judges have to go through an area from their chamber to get to the courtroom. They have to sort of walk through the people waiting for their court case or coming out from a courtroom. You've got the situation where the youth court judge may have just sentenced some difficult 18 year old to a significant sentence, a very serious sentence, and then finds he has to walk

out past this fellow and his friends. It just doesn't make good sense. So my question when I look at the Judicature Act amendments is whether this is going to resolve this problem, and I'm not sure it's going to. It creates a restricted area, but it just seems to me that it doesn't address that other issue. I flag it because I consider it an important issue. I know the provincial court judges in Calgary and court staff consider it a very dangerous issue, so I just want to raise it.

In fairness it seems to me that the Minister of Public Works, Supply and Services had indicated in the budget debate on that department that there was an official acknowledgment, which I hadn't heard for a long time, that it's a serious problem and that steps were being taken to find a solution to it. So hopefully that will happen shortly, but I know that has to be done.

One of my questions, though, is: everybody understands why you shouldn't be able to bring a weapon into a courthouse, but does it necessarily follow that if I'm an Albertan and I wander into a courthouse that I have to reveal my identity? The new section 37.4 on page 4 of the Bill says:

> Where a person enters a courthouse or courtroom, a security officer may
>
> (a) require the person to satisfy the security officer as to the person's identity.

Well, I understand that if I may be suspected of packing a firearm into the courthouse, absolutely somebody should have the right to screen me – check me, pass me through a metal detector – and apprehend me if I'm packing a weapon. But does it necessarily follow that everybody going into a courthouse has got to be able to establish their identity to be able to get into the courtroom? If you're not packing a weapon, what possible difference does it make what your identity is?

It puts me in mind that if you go to a meeting at McDougall Centre, they have a religiously followed practice there. They want to know everybody who's attending a meeting. It may be just the company I keep, Madam Speaker, but I've been to a number of meetings where people have felt very uncomfortable with having to identify themselves and write their name on the list in terms of attending a meeting in McDougall Centre. They always ask: so what are the repercussions going to be that I'm attending this particular meeting?

The sponsor is the Minister of Justice, and I don't know if they have experience with this in other provinces, where you have to be able to identify yourself before you can get access to a courthouse, but I think a lot of other public buildings – if I go into the land titles office, for example, they can stop me if I've got a weapon. Nobody has any business asking me what my identity is if I go into the vital statistics office. You know, I can go into the Safeway store and walk back out again if I'm not asking for a specific service – I wouldn't do that now, Madam Speaker, of course. I'd certainly be able to go in there and nobody would require me to produce identification unless I wanted a particular service like a cheque cashed. So 37.4(1)(a): I want an explanation in terms of what possible relevance is it to know what somebody's identity is in terms of court security? If somebody could give me that explanation, I'd sure be interested in knowing what it is.

9:10

The other concern, then, had to do with – and this isn't a concern. The new section 37.6 is important because I see that wisely we've allowed a judge to retain the plenary jurisdiction "to control proceedings in a courtroom," and I think that's positive. I do support that.

Now moving on to section 3, the section I used by way of an example in talking about the province's omnibus Bill, the Limitations Act. I didn't hear the sponsor of the Bill indicate that there is now a level of satisfaction and comfort by sexual assault centres and all of those other agencies that work with incest survivors, victims of sexual abuse, that they are now comfortable that the Limitations Act as it would be amended in this Bill is not going to unfairly prejudice any of those claims. The government always has an enormous advantage on these things because hopefully they've done that consultation. I think all MLAs got beaten up after the Limitations Act was passed a year ago and groups felt there hadn't been adequate consultation. I'd sure appreciate some confirmation that that's now been ameliorated, that now all of those groups with a particular interest are satisfied that there's no prejudice with this. I haven't heard that, but I'm hopeful we will before the Bill goes further.

Now, section 4 is very positive, and I want to take a moment and applaud the government. Hopefully it's not going to become a real strong habit, Madam Speaker. It's an incredibly positive initiative that the government is increasing the threshold for small claims matters from $4,000 up to $10,000. It's something many of us have called for or urged the government to do for some time. It's positive. I understand that the Minister of Justice has said that we're not going to $10,000 immediately, and I regret that. He has indicated to me and we will notice in here that it's deferred, to be done by regulation. I'm disappointed that the minister says that initially we may go to something like $7,500, and then somewhere down the road it'd be $10,000.

The Member for Calgary-Glenmore, I'm sure, will be happy to stand and confirm that there would be many Albertans that would like to be able to go to provincial court where all they have to pay is $25 for the form and they don't have to retain a lawyer, particularly a lawyer at Code Hunter with those stiff retainers and other lawyers in private practice. I say that in jest, Madam Speaker. The retainers are every bit as reasonable at that law firm as they are at all the other first-class law firms in the province.

I think the point is this though: we want to move to that $10,000 threshold as quickly as possible. I don't know why we can't do that in the statute. I always start from the first principle that Albertans should be able to understand as much of their legal system as possible with as little difficulty as possible. That means that you spell things out in the statute so that Joe or Jane Albertan can get their hands on a copy of the Provincial Court Act and know what the limits are. They don't read a thing that says that the limits will be set by regulation, and then they have to root around and find the *Alberta Gazette* to find out what the limits are. For pete's sake, we haven't changed the threshold. It's been $4,000 for, it seems to me, virtually the whole 20-odd years I've practised. It's not like it's a big deal when it has to be changed. We could do it by way of statute. I don't think it ought to be done by way of regulation.

Now, the other question I have has to do with section 5 of the Act. I think we've gotten carried away with the victim surcharge. We're going to victim surcharges on the most picayune provincial offences. We're not going to know until we see the regulation, but it seems to me that we may be carrying the user-pay concept to a ridiculous extreme. I think that at some point we have to say to ourselves that if that was the intention of the surcharge, it would apply to absolutely every single offence in the province of Alberta. I think that's excessive. I think it goes too far.

Now, the other thing I just want to address quickly is the Domestic Relations Act changes. This would be section 1. I'd

make the observation again that when I look at the amendment to the Domestic Relations Act, it brings home the problem that we have five different statutes in the province of Alberta all dealing with family law issues. When is this government, when are we going to consolidate all of those issues into a single Bill? When I first saw Bill 16, I thought maybe we were moving in that direction, but we're not. We're still fiddling around with a domestic relations Bill over here, we've got a maintenance Act over there, and we've got a child welfare Act over in another area. There's no single place where all of these things are consolidated. If we really believe in user friendly, then we should truly move in that direction.

Section 1(6) is excessive delegation. I think, once again, if I'm an Alberta father and I'm being taken to court in terms of a child support claim and I look at this Act to find out what my responsibilities are, what the judge is likely to do, what I'm going to read is some mumbo jumbo about how there's going to be some child support guidelines and there's going to be regulations. Look at what the regulations can do, Madam Speaker. Look at section 1(6)(2)(b)(ii): "respecting the circumstances in which discretion may be exercised in the making of an order for child support." How on earth is Joe or Jane Albertan going to find out what the rules are going to be?

AN HON. MEMBER: From your lawyer.

MR. DICKSON: Well, this is provincial court, and the whole idea is that you shouldn't need a lawyer. I mean, I practised law long enough to know that legal fees and retainers are one of the biggest barriers to people being able to get resolution to particular causes of action and claims they've got.

My view is that if this requires Albertans to have to go and see a lawyer to find out what the circumstances are going to be, if it means that we get away from what should be an expedited form of summary process in provincial court, then this is a failure, an abject failure. I just think we have to work harder, and I'll say it to the minister at the committee stage.

Thanks very much, Madam Speaker.

THE ACTING SPEAKER: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Madam Speaker. I would like to rise and say a few words about Bill 16 this evening. This Bill, the Justice Statutes Amendment Act, amends the Domestic Relations Act to require the provincial court to follow established child support guidelines in maintenance orders. It amends the Judicature Act to provide for security guards that can screen people for weapons at courthouses. It amends the unproclaimed Limitations Act to provide that a child victim of sexual assault can, until two years after they've reached the age of majority, initiate proceedings in civil court. It also amends the Provincial Court Act to raise the small claims limit to the amount set in the regulations. It amends the Provincial Offences Procedure Act to set out how the victims of crime surcharge will be levied on provincial offences.

9:20

The objectives of this Bill I support: to require the provincial court to follow established child support guidelines in maintenance orders; to provide for security guards that can screen people for weapons in a courthouse; to provide that a child victim of sexual assault has, until two years after they reach the age of majority, the ability to initiate proceedings in civil court; to raise the small claims limit to an amount set in the regulations; and finally, to set out how the victims of crime surcharge will be levied on provincial offences.

Now, as I said before, I am not particularly opposed to any of the provisions in this Act, but I have some concerns about the omnibus form of this Bill. I am opposed to the manner in which the government has drafted this omnibus Bill, which deals with five unrelated matters. While I may not have great concerns with the provisions within this Bill, as I spoke to them earlier, I do not want to see a precedent set which would allow the government to place more controversial Bills into one Bill. In the past the parties have always agreed to the miscellaneous statutes amendment Bills, which are omnibus Bills which make housekeeping amendments in various statutes. Generally, this matter is agreed to before the Bill is introduced, and the Bills proceed without debate. Here there was no prior agreement to this, and these are not five mere housekeeping amendments. The key here is that these are substantial amendments which are totally unrelated to each other. The rules are clear here: if the matters are related, there is nothing we can do about it.

This form of Bill limits debate on these matters. Under the Standing Orders, we are to receive 120 minutes of debate at second reading, 120 minutes at Committee of the Whole, and 60 minutes of debate at third reading. By placing five Bills into one, the government is depriving the Assembly of debate on this matter. If I am in favour of four of the statute amendments but opposed to the fifth, I am forced to vote against the four amendments. I cannot just support one with this Bill.

With these comments, I would like to take my seat. Thank you, Madam Speaker.

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

MS BLAKEMAN: Thank you, Madam Speaker. I, too, was going to comment on the omnibus structure of this particular Bill. A number of people have already commented on it, so I will restrict my statements to more of a personal nature in that I do find it disturbing that this Assembly would include so many different areas under the one Bill. It does cause me some consternation in that I'm more than willing to support the government when they do bring forward a good idea. There are some good ideas that I do support in this Bill, but I'm finding myself in a strange position because there are other sections that are unsupportable, in my opinion. Therefore, I would have liked to have supported the government, but I probably can't, given the other parts of it that are causing me some concern.

I have contacted workers and the heads of agencies that deal particularly with sexual abuse, so mostly I'm speaking to the sections of the Bill that are dealing with the changes to the Limitations Act. They were not aware that this was being discussed right now, so I think I'll have to agree with my colleagues that the title is not giving people very much information about what's contained in the Bill. I know that there are Albertans who take a keen interest in what goes on in this Assembly and do wish very much to put forward their input on the debate and bring us their expertise in particular. I've just found out that this group that is so concerned with this section in fact does not know that this is going on, and they had no way to know.

In particular, the advice I have been given by these groups is

that this change to the Limitations Act is an improvement on what was in there before, but there's still a question about why this limitation is being put on. The accepted standards almost anywhere else are one of two things: either the limitations would be two years after one realizes the damage that's been done – and generally accepted is that it would be two years after the therapy that someone is involved in has ceased – or it excludes sexual assault entirely. We now understand and recognize that sexual assault just cannot be included with these limitations, because it can have such a long psychological gestation period that to put any kind of a limitation on it is indeed prejudicial and restricting someone's access to due course of law. You can't determine by law when someone will be able to fully realize the implications on their life of such a terrible act as sexual assault.

So the feedback I've had from that community is: why are they putting a limitation on it at all? It's either been excluded everywhere else or it's been two years after the realization of damage done. That's certainly the case, my understanding is, in Saskatchewan, B.C., Ontario, and many of the states. So that would be my concern with that section.

The one section that I am very pleased to see in there is under the Domestic Relations Act. In an earlier and another life I certainly did work on the federal child support guidelines. I'm very glad to see them coming to fruition some many years later and being included in legislation like this. I'm very supportive of what they're trying to do here. Those guidelines were important. They included actual financial considerations and financial suggestions of what should be ordered as maintenance payments. It will be very helpful to people that are involved in this sort of discussion around support for children. So congratulations on managing to get that in there. But you can hear my concern about the changes that are being made to the Limitations Act.

Beyond that, I don't have much comment on the other parts that are included in this Bill. The only other thing I just want to add is a plug once again for a Family Law Reform Act, to consolidate the areas that should be included under this, as the opposition has done before and I'm sure will do again. It's an excellent suggestion, and many people working in that field are very supportive of it, and I think it would give us a better overall system. I would relate that back to the changes around the child support guidelines that are under the beginning part of this multifaceted Bill, the Domestic Relations Act.

Thank you for giving me this opportunity to speak to this. I hope that the writers or creators of this Bill will consider what I have put forward, especially as it concerns the Limitations Act. I think it just gets us into a whole bunch of trouble further down the line, and this is the time to change it.

Thank you very much.

THE ACTING SPEAKER: Edmonton-Glenora.

MR. SAPERS: Thank you, Madam Speaker. Earlier this week, of course, we heard some debate on a point of order regarding the nature of Bill 16 being an omnibus Bill, and then we had a subsequent Speaker's ruling. I don't want to belabour that particular point except to say that Bill 16 is really problematic because of the nature of its construction. The Acts that it amends are all distinct, yet the substance of each one of the particular amendments to a large extent is meritorious. So this is a classic catch-22 for a member of the opposition. We're presented with a Bill that – if we had, in fact, separate Bills for each one of these amending Acts, we could probably achieve some consensus in this House, maybe with an amendment or two around some of the edges, and proceed with some alacrity. Instead what we have is the government, I suppose in an attempt to try to achieve some economy with time or – I don't know – preserve the resources of the Parliamentary Counsel or the legislative draftspeople in the various departments, deciding that they would have just one Bill instead of several. Of course, just the opposite is likely to happen. Instead of actually saving time in this House, we're going to be forced to perhaps some tedious debate.

9:30

Within every government Bill, there's always room for improvement. Bill 16 is no exception. While there may be many things in this Bill we could support, the fact that they're all crammed together from all these various Acts makes it really hard to just sort of cherry pick and pick out those ones and support them. So what you find yourself doing as a member of the opposition – and I hope all hon. members at one point have the opportunity to experience what it's like as a member of the opposition. What you find is that you can't really support some things you'd like to because of how the government packages things together. So it is a shame that we find ourselves at this stage of debate dealing with this kind of legislation.

Now, we will have a chance in committee to deal with the clause-by-clause review, and at that point I can assure you, Madam Speaker and all members of the Assembly, that the Official Opposition will be bringing forward some specific amendments to improve the Bill to serve all Albertans.

I have a couple of general comments that I'd like to make at this time. The first one I'd like to raise arises from the proposed amendments to the Judicature Act in relation to court security. Besides just this unsettling feeling I have about the way it's drafted in a general sense, bringing potentially armed security officers into Alberta courthouses and then really being silent on who these security persons may be – of course Albertans don't know whether security officers will be employees of the government or whether they will be contract security or rent-a-cops, as they're sometimes called, and whether or not there'll be consistency and standards and if it will always be the same security officers or whether there'll be a roving band of security officers sort of going from courthouse to courthouse or from jurisdiction to jurisdiction. I mean, there's just a whole bunch of questions.

I think people of Alberta perceive the court to be a very special place, a very dignified place, a very formal place, and you would expect there would be some standard of decorum and presentation and certainty about who it is you're dealing with, particularly if somebody, as these new security officers, has the right, the legal obligation in fact, to refuse you entry into the court of law if they think there's some reason which in their mind justifies them making that prohibition to your entry. So that's a sort of general concern.

A little more specific on that point, I note that we see the old bugaboo here of regulations. You've heard so many times, Madam Speaker – in fact you may have even participated in one of these debates – about the role of the Standing Committee on Law and Regulations. You're not chairing that committee now, are you?

MR. DICKSON: No. It's Banff-Cochrane.

MR. SAPERS: Oh, okay. Banff-Cochrane. Thank you. Well, Madam Speaker, just through you to Banff-Cochrane, this would be the time for you to stand up and take control of that committee, because this is a perfect opportunity for . . .

MR. DICKSON: Do what the Minister of Justice is unable to do.

MR. SAPERS: Exactly. Do what members of the front bench have been unable to do for years, and as a newly elected member of this Legislature, imagine the imprint you'll have, the legacy you'll leave, and the tales you'll be able to tell your constituents about how you changed the nature of the government and how you were able to almost single-handedly shed new light on a government that does pride itself on being open and accountable.

Section 37.7 of the Act says:

> The Lieutenant Governor in Council may make regulations
>
> (a) providing for the organization, co-ordination, supervision, discipline and control of security officers.

First of all, I would submit that these details are in and of themselves very substantive, and they should find their way into statute, not be left to order in council regulation. That being said, the chances of that happening with this government, as you can appreciate, Madam Speaker, are very slim. So the fallback position would be convening the Standing Committee on Law and Regulations to have public debate on the "organization, co-ordination, supervision, discipline and control of security officers" in Alberta's courthouses.

I mean, this is more than just symbolic. This cuts right to the heart of the kind of belief and trust we place in our courthouses and the whole notion of the rule of law and the way in which we perceive justice to be done in this province: that you would want the most openness, that you would want the most light when it comes to the organization of discipline in and around a courthouse, that you want the most light possible to shine into that discussion. So I implore the cabinet to refer this to the Standing Committee on Law and Regulations, and I ask that the Member for Banff-Cochrane be on standby so that with lightening speed, as my former colleague from Fort McMurray used to say, she can just convene that committee and deal with these most important regulations.

Now, my next point in this Bill has got to do with the Provincial Court Act, and I note that the Provincial Court Act – let's see, which one is it? Well, we don't want to go through the clause by clause, but again there's just a whole series of regulations which have caused me some concern, and I would make the same arguments. We can just say ditto on those points.

When we come to the proposed amendments to the Provincial Offences Procedure Act, I note that the intent in part is to provide for a surcharge to a fine, and there's not any discussion here as to whether or not that surcharge may result in default time being served. Now, as you're aware, when the court imposes a fine, the court will also say that there is a period of default that may be served in jail if you fail to pay the fine. We have a lot of debtors in Alberta prisons right now, Madam Speaker, and it's unfortunate that anybody in this day and age would find themselves incarcerated not because of the gravity of their offence but simply because they didn't have the ability to pay the Crown a few dollars in fines.

So it seems to me it would even be more offensive to justice in this day and age if somebody were unable to pay not their fine but the surcharge on a fine and that resulted in them being incarcerated. Now, not only do I think this would offend people's sensibilities; of course it's also very poor economics. You may find yourself in a situation where you're paying rather high daily incarceration costs for somebody just to see them supervised on an institutional-based fine options program so that they can satisfy a surcharge that if perhaps we were a little more creative and innovative we could have seen them satisfy in a different way anyway without going through all the administrative and real expense of incarcerating them first to get them into that optional program. So this is not only, I think, bad law perhaps but also could be bad economics.

9:40

Section 36 of the Provincial Court Act is also to be amended. This is a problem that I have, because it seems to me one of the principles of common law is that you should know what it is that you stand accused of and also know what the consequence is if you breach this section or that section. The current Act specifies in section 36 a penalty, and I believe the penalty amount is $4,000. The proposed amendment takes out the specific penalty and says "the amount" – and here it comes, Madam Speaker – "prescribed by the regulations."

Now, how many Albertans are going to take the trouble to go and scour all the orders in council to see what the regulations may specify on this offence category? It seems to me that it would be much more accessible to Albertans if they could simply go to the *Revised Statutes of Alberta*, acquaint themselves with the law, know what it is they stand to endure as a consequence if they breach the law, and then make their decision, of course, to be a law-abiding citizen of the province and not breach the law. However, if they made the opposite choice, at least they'd know what the consequence was. Well, if we allow this amendment, they won't know, and I can't imagine why the government wouldn't want Albertans to know what the penalty is for a specific breach or a specific offence. So I have some difficulty with that section as well.

We will continue this debate now at second reading, and we will certainly pursue it with vigour in committee to try to deal with the weaknesses in the legislation. We will try to support what of course is supportable, but I just have to conclude where I started, Madam Speaker, and that is that the government has made it very, very difficult to support some of the good outcomes, the good intentions behind Bill 16 by jamming together good stuff with bad stuff and mixing together apples and oranges, things that simply shouldn't be in the same Bill.

Thank you.

THE ACTING SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Madam Speaker. I just have a couple of brief points that I want to address in the context of Bill 16 in this phase of its reading. We'll deal with it, I think, a little more specifically in terms of some of the issues that come up with specific sections of it as we deal with that in committee.

I want to just talk a little bit about the first part of the Bill, the Justice Statutes Amendment Act, 1997. Here we're talking about when the courts can rule in terms of support and issues that are associated with the allocation of maintenance payments or payments for child support under different rules. The whole approach here seems to be to try and bring out some of the issues that would create a standardization of the process, yet some of the specific sections of it seem to leave a different perspective in mind. They're talking about using the federal guidelines under child support to set a standard or set basic levels of support for a child in terms of a maintenance hearing, yet when we start looking at some of the issues that come up under the subsequent section of the Bill, under (2)(b), you end up there with a whole series of possible ways that the court can supplement, change, alter, and deal with different aspects of it.

[Mrs. Gordon in the Chair]

One of them that was really quite interesting is section (2)(b)(viii), where they're talking about imputing income for purposes of application to those guidelines. This is really an interesting proposition, Madam Speaker. I had a case that came up quite indirectly I think about the second year I was serving in the Legislature, and it dealt with how you decide what the income is of a person who has been ordered by the court to make payment. This particular individual had worked out very nice arrangements with a live-in friend. The friend was very well off, very financially self-sufficient, self-supporting, and that friend in essence provided employment for the person I was trying to get the money out of for the custodial parent. The end result was that this person was living quite a stylish life with a big fancy vehicle to drive, vacations all over the place, but these were all paid for by this live-in friend of the person. It would be really interesting to see how under this part of the Bill a court would go about valuing those kinds of imputed incomes in kind. I got the impression from some of the discussion that it was, you know, very kind. So we have to deal with it from that perspective. Furthermore, when you deal with imputed incomes, how do you then subsequently collect on those incomes? If you get a nonmonetary remuneration, does this mean that the court can then go in and confiscate a good or a vacation ticket, resell it, and then use it to pay the maintenance payment that's required under this law? I think we need to have a little bit more clarity in terms of how the court would be guided to apply this section where they're talking of imputed incomes.

The other one that is really interesting is the section that comes up under there as 6(2)(c) where the court is authorized

> when making an order providing for maintenance . . . to exempt in whole or in part the application of the child support guidelines . . . if the court is satisfied that the financial requirements of the child have been otherwise adequately [met].

Is this a signal now that you should be, as a noncustodial parent required to make payments, working very hard to find a suitable mate or spouse or live-in partner for the custodial parent so that they can have lots of income for the children so that there would be a situation arise where they're living very well, at least as well as they would if you were supporting them, and then you can go back to the court and ask for exemption to have your payments made. Is this essentially a mechanism whereby the cost of raising children can be put from the biological parent onto another adult who has financial resources that are there? These are the kinds of issues that need to be clarified in this, because it does open up a whole set of conditions that lead to, I think, some more really roundabout ways of trying to get beyond the scope of the Act in terms of dealing with this.

If we wanted to deal with these kinds of things, especially the issue of the imputed income, what we're going to have to do almost is make it such that if you have someone supplying an imputed income to a noncustodial parent responsible for maintenance payments, the court then can go in and identify that individual and make them likewise responsible for the payments of maintenance. You know, this is the process that's going to have to be put in place, and I don't know how we can do that, because there's a real relationship there that could cause problems. You know, how do you in essence garnishee an imputed income? How do you go about getting that income? So this really leads to the possibility of some roundabout methods, both that section and the one I was talking about in terms of the value, the well-being of a child if they're under an alternative financial arrangement.

Madam Speaker, the only other comments I wanted to make deal with some of the aspects of the Judicature Act. Again, I had some questions that have been raised already by a couple of other members, so I won't dwell on them a lot. I just wanted you to know that I do have a concern with them. This is the ability to have a security officer ask for identification, and unless they are really satisfied that the person is who their identification material says they are, they can deny them access to a court facility. I don't think that is right. It should be a situation where if they suspect them to be carrying a weapon, then they can demand identification to judge the legitimacy of that weapon. If they then find them to be a security or peace officer or other person authorized to carry a weapon, they can move on, and the identification issue becomes a secondary reason for stopping a person from entering rather than a primary reason, which it could be under the aspects of 37.4(1)(a) of this amendment to the Act that we're dealing with here.

9:50

The only other question I wanted to raise in the context of this multifaceted piece of legislation deals with the Limitations Act. Here we have a situation where the Act has an exemption in it if someone either "knew, or in the circumstances ought to have known." How do we deal with that in the context of judging whether or not a person at the time is capable of making the association between the Act and the resulting impact? This is especially going to be important for persons under the age of majority who are being sexually abused. Some of them take the defensive mechanism of closing it out. Even though they recognized they had a sexual harassment or a sexual assault, they're not in the position to understand the repercussions of it and deal with it in the context of making sure that a report is filed until possibly sometime much later.

The rest of the Bill in terms of the court action, the Provincial Court Act: I didn't see anything in there that really was specifically of concern.

With those few comments, Madam Speaker, I'll let others speak.

[Motion carried; Bill 16 read a second time]

Bill 17
Municipal Affairs Statutes Amendment Act, 1997

[Adjourned debate May 26: Mr. Renner]

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

MR. GIBBONS: Thank you, Madam Speaker. I rise to speak on Bill 17, the Municipal Affairs Statutes Amendment Act.

I stand in front of the Minister of Municipal Affairs to complain that lumping five Bills into this particular one – they would have been much better addressed individually. This might be a way that the department wants to speed up their affairs. Just don't be surprised that we as opposition keep talking to it due to the lack of trust. This manner produces distrust between our different sides of governing. The system of having three good additions to a provincial Act and the other two that I have exception to produces lengthy amendments, which will prolong our precious time and will keep us within this House longer than we should be. There is no one principle that can be brought together in these five Acts that should be in the same Bill. I will oppose very strongly this type of omnibus Bills.

Now, in this Bill that we've been presented with there are five different major items, one being the changes to the Charitable Fund-raising Act with regards to which charity falls under the jurisdiction of the Act as well as which charity fund-raising businesses can still get licences and registration. You mentioned in your delivery the other day, Madam Minister, that a number of representatives from Edmonton and Calgary were involved. Can we get a complete list of the charitable organizations and the names of individuals that represented them?

The Charitable Fund-raising Act. There are so many items under this Act that it's going to take a few minutes to speak to them. Starting with section 1(3)(a)(ii) on page 2, currently most of this Act does not apply to the charity that raises less than $10,000. This was an arbitrary figure and one that was never explained or justified when the Act was first placed in 1995. The section changes the threshold from $10,000 to $25,000. Some kind of explanation is needed, and the questions to the minister: why is this being done? Why is this threshold now $25,000? Is the figure just as arbitrary as the last one presented in 1995?

Section 1(5), section 7, page 3. A question to this one: can the minister clarify whether or not in this case the wording of this section is being changed to make it clearer? However, the charity still must maintain records of solicitations made in Alberta for the last three years after solicitations are made. Section 1(7)(a), page 3: this is one of several sections of this Bill that changes the wording from "professional fund-raiser" to "fund-raising business." Question to the minister: why does this term need to be changed?

Speaker's Ruling
Second Reading Debate

THE ACTING SPEAKER: Excuse me, hon. member. I would just remind you that in second reading we are dealing with the principle of the Bill. When we do go into Committee of the Whole, we deal with the particular sections of the Bill section by section.

MR. GIBBONS: I don't feel there's any principle at this particular time, Madam Speaker. Can I get a better ruling than that?

THE ACTING SPEAKER: Hon. member, you do have to deal with the overall principle involved in the Bill. When we go into Committee of the Whole, that does allow amendments to come forward that deal with particular sections, and we can go section by section, clause by clause.

The hon. Member for Calgary-Buffalo.

MR. DICKSON: Just a clarification in terms of the Speaker's ruling. If you would indicate, Madam Speaker: what are the principles of the Bill in front of us? Some of us have not been able to identify what the principles are. There's no object clause. It covers a number of disparate elements. I wonder of the Speaker could clarify that?

THE ACTING SPEAKER: First of all, Calgary-Buffalo, the Chair has ruled. Secondly, we are dealing with the Charitable Fund-raising Act, the overall principles involved within this Bill to deal with the Charitable Fund-raising Act. If we want to talk about it section by section, we can certainly do that as we move through debate and we go into Committee of the Whole.

Debate Continued

MR. GIBBONS: Okay, speaking to the principles . . .

AN HON. MEMBER: We don't know what they are. There aren't any.

MR. GIBBONS: There aren't any. Yeah, I'll just keep talking then. Thank you.

The next section, Debtors' Assistance Act. This particular one under Section 2(3) . . .

AN HON. MEMBER: Oh-oh, principle.

MR. GIBBONS: It's a principle? It is not a principle.

The question to this: why is there a discrepancy between the terms of office between some boards?

Now, into the other section that is presented, the Municipal Government Act. This is a good stand-alone Bill, and I don't know why it isn't presented as such. There again, the Real Estate Act, another good stand-alone item. The question to this one is: what sanctions are in place now? Each one of these can be separated and broken out, and as far as I'm concerned, if these types of Bills keep coming forward, it's going to have people stand up and speak against them.

Thank you, Madam Speaker.

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

MR. SAPERS: Thank you, Madam Speaker. I'm happy to enter the debate on Bill 17 at this point. [interjection] Bill 17, I think it is, hon. minister. I certainly don't wish to prolong debate on the very wise Speaker's ruling.

10:00

I have had a chance, though, in reference to Bill 17 just to quickly peruse both the immediate ruling from the Speaker and the subsequent written ruling from the Speaker as he was guiding this Assembly as to the nature and tone of the debate of Bills 16 and 17. So while we are talking about Bill 17, I will just briefly refer back to page 741 of the May 26 *Hansard* where it says in part that

> the Chair would anticipate some pretty heated debate on the basis of the contents of both Bills 16 and 17 as they proceed because of the multiplicity of the information contained in these Bills and the excerpts and variety of Bills contained therein. Only time will tell as to really determine what will occur tonight or in subsequent days with respect to the debate on both Bills 16 and 17.

Further, I'll note that the Speaker's written ruling also of Monday, May 26, cautions us that the House should really be developing some guidelines "as to the acceptable form and content of omnibus legislation." The Speaker's ruling says:

> 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.

While I appreciate very much you trying to bring the House into line to deal with the principles of Bill 17, as we're heard so many times in this Chamber and certainly as the Speaker himself pointed out in his rulings, it'll be very hard to tell what's a principle and what isn't, because when you're dealing with omnibus legislation, of course by definition you're dealing with a whole bunch of things which may or may not be relevant. I simply wanted to underscore your ruling and add some credence to the fact that it's very difficult, and I really do understand the challenge that you have in helping to guide the House in matters of relevance on these really unprincipled Bills.

Speaker's Ruling
Relevance

THE ACTING SPEAKER: Hon. Member for Edmonton-Glenora, you talked about the Speaker's ruling and heated debate. If you keep this up, we will have heated debate. I have allowed some latitude. I fully understand and appreciate the Speaker and his wisdom and his many years of being in this House, but I do not think it necessary at this particular stage of the Bill to go section by section. I certainly feel that that will come forth as we debate this in Committee of the Whole, and I think that if you want to debate the Bill, please do so, and let's not get into spending considerable time on process.

MR. SAPERS: I couldn't agree more, Madam Speaker, and I did not hear any implied threat in your comments whatsoever.

Debate Continued

MR. SAPERS: I was about to in fact conclude my remarks at this stage of the debate on Bill 17, because I know my colleague is anxious to quickly proceed to his appointed place in the order of debate. So thanks again for your efforts in keeping us on track in what has become an almost impossible minefield to tap dance through because of the attitude of the government front bench in bringing forward these omnibus Bills.

MR. DICKSON: Madam Speaker, I think I found a principle in Bill 17. I've been reading the Bill, and I think I've found a theme that might become a principle. If members look at section 1(2)(vi) and section 2(2), there's a common element. Section 1 of course is the portion dealing with charitable fund-raising, and section 2 is – it's a long Bill – the Debtor's Assistance Act. In each of these what we've got is something we haven't seen a lot of since perhaps the fall of 1994, when we got into the shell game and when there was the attempt by the government then to sort of hide the minister responsible for a particular statute.

What I'm referring to, of course, is the Government Organization Act. This is probably one of the most insidious, dangerous pieces of legislation that ever existed in any democratic community. I'll refer members, because it's incorporated by reference in the two sections. That's both the portion dealing with the Debtor's Assistance Act as well as the Charitable Fund-raising Act. Members may not have that handy, so I just want to draw their attention to section 16. The reason I do that is because the minister responsible for, firstly, the Debtors' Assistance Act and then also for the Charitable Fund-raising Act will be "the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act."

I go back and say that this ties in with this theme, this principle. We've gone from a point of having a department responsible for consumer and corporate affairs – I think Dennis Anderson, the former Member for Calgary-Currie, was the last minister of that department. We eliminated the department, and then what we did is we sort of moved those responsibilities around a little bit. Now what we're doing is going the next step. We're now saying that these different Acts will have a responsible minister, but the responsible minister will be whoever is designated from time to time, because what section 16 of the Government Organization Act says is that

> the Lieutenant Governor in Council may, by regulation,
> (a) designate a Minister by his personal name or name of office . . .
> (b) transfer the responsibility for an Act to another Minister in his personal name or name of office; [or]
> (c) transfer a power, duty or function of a Minister contained in an Act or regulation to another Minister in his personal name or name of office.

I was speaking a few moments ago on another Bill and talking about taking the perspective . . . [interjection] The Minister of Health hasn't been listening carefully enough, Madam Speaker. In fact, I didn't get to this point. [interjection] Well, it's good that there are some recurring themes because repetition, as the Minister of Education has often said in the classroom, is an important element of education and orientation. So we'll probably hear some further repetition.

MR. WOLOSHYN: Boredom kills us all, Gary. Have mercy.

MR. DICKSON: Whatever it takes, Madam Speaker.

THE ACTING SPEAKER: Hon. minister of public works and supply, if you wish to enter into the debate, we'll certainly make sure that you can speak after the hon. member.

MR. DICKSON: It's not often that we see so much excitement from that corner of the government front bench, so I want to conclude my speech really quickly and sit down and just sort of enjoy the rest of the evening.

Madam Speaker, the point is this: how on earth does an Albertan, somebody in downtown Calgary, when they have a problem with the Debtors' Assistance Act, when they have a problem with the Charitable Fund-raising Act – and they can't get a hold of their MLA because he's in Edmonton in the Legislature – find out who the minister responsible is to write or phone.

They make their way to the Calgary public library, the resources of which are overtaxed because after shutting down the library at the Alberta Vocational College, there are a lot of extra people trying to access those records. When they finally get the attention of a librarian, they then say: I need some help finding out who the minister responsible is. The librarian is going to take them to the Act, and the Debtors' Assistance Act is going to be opened up. The librarian is going to say: I'm sorry; we can't help you because we're going to have to look at the Government Organization Act to find out who the minister responsible is. We look at that Act, and we look at section 16, which simply says that the Lieutenant Governor in Council may, by regulation, do a number of things. So what then happens, Madam Speaker, is that somebody has to go through the *Alberta Gazette* to find out what regulation was passed under section 16, and whether it was section 16(1)(a), 16(1)(b), 16(1)(c) to find out who the minister responsible is. Guess what? If the library isn't absolutely current, it might have changed. It may have changed. In fact there may be another regulation.

So what happened to the commitment we used to hear from the front bench opposite about legislation that was friendly to Albertans, legislation that anybody could pick up and read? What happened about plain language legislation? The corollary of plain language legislation is keeping the key elements in the Bill, not hiving them off and burying them in another statute, in an order in council someplace.

10:10

I've got all the statutes in my constituency office. I don't have all the regulations. Most people don't. In fact, we pass about 700 regulations a year in the province of Alberta, about 700 regulations a year. We haven't got an update from the Member for Peace River and we don't know how his task force is doing,

but we probably are going to have another 600 regulations this year. Why do we put Albertans to all that trouble, Madam Speaker, in terms of going through the Bills? So I just think that's a big problem.

There's the problem that's been identified by other members in terms of rolling together all of these disparate elements in a single statute.

I've got a specific question when I can find it. I guess the general question would be with respect to charitable fund-raising. There was an enormously energetic lobby on behalf of a number of professional fund-raisers, charitable fund-raisers after the Charitable Fund-raising Act was passed. I don't know the extent – I have yet to get my file from Calgary – but there were a host of concerns that had been raised, and it looks to me on the face of it that a number of their concerns are not addressed, go unaddressed in this Charitable Fund-raising Act amendment package. So I wish the minister would be more specific in terms of who she listened to and, perhaps more significantly, why she didn't respond to those many other concerns that came forward after the Charitable Fund-raising Act was passed. I have a big fat file in my Calgary-Buffalo constituency office with those concerns, so before we get to the committee stage, I'll go through it. I'm going to be happy to raise amendments, but it may be there's some good, compelling reason or reasons why those concerns from fund-raisers weren't carried forward.

Now, I think it's very positive when I look at section 6 of the Act – this would be section 1(17) – and there's a standard of practice, and I want to acknowledge and thank the Minister of Municipal Affairs for requiring that the standards of practice be published in the *Alberta Gazette*. This is a very concrete and positive step and deserves to be saluted, and the minister deserves to be commended. So that's helpful because it does help to address people getting access.

Now, the other thing is a concern I've got. We've created something called the standards of practice. This is still in the first section. That would be the new section 29.1, but there's no penalty, there's no offence for a breach of a standard of practice. We have a whole other battery of penalties and offence provisions. I'd be interested in the minister's explanation, in terms of the standards of practice set out in 1(22) – this will be the new section 42(2.1) – of why there is no offence. It appears that the only thing that happens if you breach the standard of practice that's described on page 6 is that there is either a cancellation or a suspension of the registration of the charitable organization or the licence of the funding-raising business, and then the minister can impose terms and conditions. I guess the question is: why wouldn't there be an offence? I mean, we've increased the penalty in this statute and other statutes where the government is attempting to deal with infractions, but we seem to have a big black hole here where there's no penalty provision, and that's curious. So I'd sure appreciate some explanation from the minister in terms of why that is so.

Since about 92 percent of my constituents are renters, I always have a keen concern when we open up the Residential Tenancies Act. I see something really interesting here that would be of interest to my constituents in terms of limiting the power of a landlord to refuse a sublease or an assignment. But then I read that that only applies if "the Banff Housing Corporation is the landlord." People in Banff have an acute housing crisis, it seems, on an ongoing basis. There's never enough affordable low-income housing in Banff for the many employees and young people working there.

You know, I have many of those same characteristics in downtown Calgary. Calgary is booming. We've got a lot of people that are living in the downtown area because they may not have a car, because they want the superior access available downtown to good transportation. But what's happening is there are fewer vacancies. So I'd like the minister, who is responsible for all tenants, not just tenants in the Banff townsite, to explain why it is that she wouldn't consider expanding this limitation on the discretion of a landlord to landlords provincewide. If the answer is no, then I've got to start saying: why would it be that a tenant in Banff has rights that a tenant in downtown Calgary wouldn't have? It seems to me that if we're talking about a law of general application, it should mean that you have the same rights in one community as you do in any other part of the province and that the same things would apply. I've gone back through the comments of the minister in introducing the Bill and the residential tenancies portion but couldn't find an explanation that sort of addresses that issue square on.

There's another thing I want to commend the minister for. On page 16 – you just have to bear with me, Madam Speaker; there are only about four sections in the Bill, and each section is about 20 pages long – dealing with the Debtors' Assistance Act, section 12, I'm pleased to see that "the Freedom of Information and Protection of Privacy Act applies to the Board." In other words, the board is designated as a public body. I commend the minister for doing that. She had a choice, and I'm glad she made that choice and included it, because I think that's important.

Now, the other concern I have is with respect to the Debtors' Assistance Act. We've got a board that's very specific in its makeup, but what's interesting, I guess, is when one looks at it to try and find the balance. The purpose of the Debtors' Assistance Act is to assist debtors, not to assist creditors. But if you look at the makeup in section 2(3) – this would be the new 2.1 on page 10 – what you'd find is that the minister appoints "one member, who must not be a member of the credit-granting industry," but since the government's friends tend to more likely be in the credit-granting industry than in the non credit-granting industry, you wonder what biases that member will bring.

You've got:

> (b) the Alberta Home Economics Association shall appoint one member;
> (c) The Alberta Insolvency Practitioners Association shall appoint one member;
> (d) The Association of Canadian Financial Corporations shall appoint one member;
> (e) The Canadian Bankers Association shall appoint 2 members.

When I look at the representation and the fact that we have nominations from financial institutions, from major retailers, it looks to me like one might see a big screaming tilt sign above the office for the Debtors' Assistance Act.

It looks to me like the board charged with administering the Debtors' Assistance Act is probably going to be at least as concerned with credit granters and credit granters' interests as they are with debtors' interests. It just seems to me that there's an imbalance there, and in fact I'm not even sure we should be trying to get a 50-50 mix of credit granters and credit debtors. It seems to me that the consumer voice is being squeezed and perhaps compressed, and I didn't understand that to be the purpose of the Act.

10:20

Now, looking through to try and find other principles, Madam Speaker, I think I have some concrete suggestions to make at the committee stage. Hopefully, we'll get some very clear explanations from the minister before we get further in debate or at least

before we get to the committee stage. There may be other members that want to make observations, but those are the comments I wished to make.

Thank you.

THE ACTING SPEAKER: The hon. Member for Edmonton-Beverly-Clareview.

MR. YANKOWSKY: Thank you, Madam Speaker. I move that we adjourn debate on Bill 17, the Municipal Affairs Statutes Amendment Act.

THE ACTING SPEAKER: Having heard the motion by the hon. Member for Edmonton-Beverly-Clareview, does the Assembly agree with the motion?

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? Carried.

[At 10:22 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]