Legislative Assembly of Alberta

Title: Wednesday, May 28, 1997 8:00 p.m.
Date: 97/05/28
[The Speaker in the Chair]

THE SPEAKER: Prior to beginning, may we briefly revert to Introduction of Guests?

HON. MEMBERS: Agreed.

head: **Introduction of Guests**

MR. TANNAS: Mr. Speaker, I'm delighted this evening to introduce to you and through you to the members of the Assembly three wonderful guests that are located in your gallery. They are Reeve George Visser of the county of Barrhead and his wife, Mrs. Florence Visser, and their good friend Kaye Peters. They're of course constituents of yours, Mr. Speaker. I'd ask them to rise and please receive the warm welcome of the Assembly.

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

Bill 2
Special Waste Management Corporation Act Repeal Act

MR. HAVELOCK: I'd like to move third reading of Bill 2.

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

MR. SAPERS: Thanks, Mr. Speaker. I'm glad the Government House Leader was right on top of that.

Mr. Speaker, this Assembly has enjoyed some considerable debate on Bill 2 already. We have heard how this Bill may not serve the people of Alberta in the near future because of the manner in which the Special Waste Management Corporation Act was originally designed and, of course, the subsequent events, including the negotiations on the part of the government that saw the facility turned over for a price to the operators and the clause in the contract that may see the facility revert once again to the people of Alberta, to the province of Alberta.

We've reviewed at some length, Mr. Speaker, the whole litany of events that saw one mistake simply compound another as the expense to the taxpayers for this plant mounted. It is appropriate to note that we've also heard in this Assembly that not everything was a loss when it came to the special waste management treatment facility, that in fact it did accomplish some good work. It did do what it was designed to do in terms of the disposal of hazardous waste. It did create some employment. It was an economic engine in part for the local community. But I think we would all agree that this facility and the government's involvement in this facility should never be used as a model or as an example of how things should be done. Of course, there are now the concerns raised about environmental damage and the concerns raised about the impact that certain parts of the operation have on the flora and fauna of the surrounding area.

So certainly Swan Hills has been a mixed bag. I think the people of Alberta have made it clear – certainly the Auditor General has made it clear – that they're not entirely pleased with what's happened. A tremendous amount of money spent; in some cases good money thrown after bad.

Now we get to the point where we're dealing with Bill 2, and the Bill would repeal the Special Waste Management Corporation Act. This continues to trouble me. We have encouraged the government to amend the Bill. We've encouraged the government to explain why we have to have the Bill at this point in time. What's critical about it now? Where does it fit into the big picture? Where does it lead us? Are we certain that Bill 2 would do what it's supposed to do and not create further difficulties down the road? In the absence of any explanation, in the absence of any answer to those questions, in the absence of any commitment from the government that this cannot and will not create further problems, we in the opposition are really left with two simple choices. Do we support this repeal Act at this stage, being heavy with all of those questions and concerns and just trusting this government? Or do we do everything in our power to convince this government that they've made a horrible error in judgment once again and give them yet another opportunity to acknowledge that error and do the right thing?

With that, Mr. Speaker, I would now like to move the following amendment to Bill 2. I will give this – oh, there's a race of pages. Here we go.

While it's being distributed, Mr. Speaker, I'll read it. I am moving this amendment on behalf of my colleague from Edmonton-Ellerslie.

> That the motion for third reading be amended to read that Bill 2, Special Waste Management Corporation Act Repeal Act, be not now read a third time because the Assembly believes that the Alberta Special Waste Management Corporation may be required to manage the Alberta special waste treatment facility at Swan Hills should the province reacquire this facility as provided for under the terms of the final agreement with Bovar Inc.

Mr. Speaker, I'll just pause at this point while the page is distributing the amendment, and then I will resume my comments.

Mr. Speaker, I believe that most members have the amendment, so I'll continue. I think the full impact of this amendment has now hit home with the government and their supporters. This is in fact a reasoned amendment. This amendment would see Bill 2 yanked, disposed of, put aside until, of course, we know for sure what the outcome will be of the final agreement with Bovar. It would allow the people of Alberta to know with some certainty what would happen with that investment should the facility somehow find its way back into government control. I would hate to see the Government House Leader have to go through another period of his life where he had to renegotiate with yet another suitor for this facility and potentially have to give away another $150 million to get somebody to take it off the government's hands.

These are potential outcomes, Mr. Speaker. The Act as it stands now isn't harming anybody or anything. The Act as it stands now simply provides some certainty as to what would happen should Bovar wash its hands of the special waste management facility. So I would hope that all members will consider this reasoned amendment, will close their ears in fact to the not-so-veiled threats that were just uttered in terms of making sure that everybody on the government side votes against this amendment, and instead free themselves to think about what would be in the best interests of Albertans, not simply the best interests of their House leader.

I hope that this reasoned amendment will gain the support of all members of the House. I am encouraged to know that all the government supporters have an open mind and believe fervently in free votes, and I know that they want to do the right thing. Mr. Speaker, with that I will pass along this debate to another honourable colleague.

8:10

THE SPEAKER: The hon. Minister of Environmental Protection on the amendment.

MR. LUND: Yes, thank you, Mr. Speaker. On the amendment. This is truly one of the most ridiculous, stupid amendments that I've ever seen come to the floor of this House. This is absolute, true nonsense, typical of what that Liberal Party over there wants to bring forward. There is absolutely no sense in this, none whatever. If in fact they were making a reasonable amendment, one that would say that the obligations of the board were removed but leave the board in place, then possibly there would be some reason for discussion. You know, this isn't really even worth while wasting any breath on, never mind the time and the expense that we're going through doing it.

You know, Mr. Speaker, it's really interesting. They are always criticizing us for cutting down trees. What are they doing? They come in with these stupid amendments that mean absolutely nothing. You're wasting a bunch of taxpayers' dollars, you're cutting down a bunch of trees for this nonsense and contributing absolutely nothing. I think that if in fact they were really sincere about accomplishing something in this province, they would be working with the government instead of coming in with frivolous nonsense like this and wasting our time when we could be dealing with other really important issues.

Mr. Speaker, it is not necessary to maintain the Special Waste Management Corp. It's not necessary now or into the future. The fact is that we have made provisions in Environmental Protection to take over all the duties and all the responsibilities of the Special Waste Management Corp. I know very well what they're up to. They're hoping that this very important plant fails. That's what they would like to see. There's nothing they would like to see more than to see that plant fail.

Quite frankly, that plant has done a tremendous job in the province of Alberta. It has cleaned the province of Alberta. We do not have PCBs in the province of Alberta. Name any other province that doesn't have PCBs stored in it. They can't, because they all have PCBs. Certainly it's been expensive. We know that, but there's the fact of the drugs we've been able to clean up in the environment, all the number of things that we've been able to do through that plant. And then to come with a frivolous thing like this?

And we will have a free vote on our side. I can assure you that two, four, six, seven of them will be standing up voting for this nonsense.

Thanks, Mr. Speaker.

THE SPEAKER: The hon. Member for Calgary-Buffalo on the amendment.

MR. DICKSON: Thank you very much, Mr. Speaker, for the invitation and the admonition. My point would be this, in terms of speaking in favour of the reasoned amendment. What the Minister of Environmental Protection seems to forget when he talks about the cost to Alberta taxpayers and the paper to distribute this amendment – he seems to be suffering from a strange kind of amnesia, the kind of amnesia that would have him forget and Albertans forget the virtually half billion dollars thrown away by Alberta taxpayers on account of Swan Hills. He would have us forget the $147.5 million that Albertans had to pay as a consequence of the agreement negotiated just a couple of years ago and the $57 million potential cleanup bill that's going to be tacked onto the obligations of Alberta taxpayers.

In fact, it occurs to me that the Minister of Community Development, continuing with the excellent work that's been done at the Tyrrell museum and the Reynolds museum, should maybe have another museum in downtown Edmonton. It's going to be a museum to failed government plans, to failed government boondoggles. If that were the case, this would be the prime exhibit in the first room when people walk through, to be reminded of what happened with Swan Hills.

I understand why the government may be so anxious to vote against this amendment, because as long, I suppose, as there is still an Alberta Special Waste Management Corporation, there's the potential political embarrassment. It's a reminder of everything that went wrong with the whole Swan Hills initiative. It seems to me that unless the Minister of Environmental Protection can stand and tell us that the agreement negotiated by the current Government House Leader, the Minister of Justice, did not provide a contingent possibility that in fact the province may reacquire the facility – this is under the terms of the final agreement with Bovar – if he can tell us that's not the case, then I'd be the first one to indeed vote against this reasoned amendment. But everything I've heard the minister say and the current Minister of Justice, the fellow who had been appointed by the Premier to try and negotiate the disentanglement of the provincial government from Swan Hills, leads me to believe that, yes, there is a contingent liability. It seems to be prudent and responsible that you don't extinguish or eliminate this entity, the Special Waste Management Corporation, until the period within which that contingency may be realized has expired. That's all that this reasoned amendment asks for me.

It seems to me to be logical; it seems to be rational. Indeed all of the reasons that were mentioned by the Minister of Environmental Protection are reasons why in fact this organization should remain as a reminder to Albertans of what happens when government doesn't spend prudently and wisely and simply doesn't ask the kinds of questions, submit proposals to the kind of rigorous scrutiny that would have avoided the enormous liability to Alberta taxpayers here, particularly when the province had decisions to make at subsequent points after the initial agreement had been struck with Bovar and the government compounded the initial exposure of Alberta taxpayers many times over.

I'm happy to speak in favour of this reasoned amendment, to vote in favour of it. One can only ask the Minister of Environmental Protection: where was his concern for protecting the wallets of Alberta taxpayers when he sat around the cabinet table, around the caucus table, when all of that host of incremental decisions was made by the provincial Progressive Conservative government to continue this kind of massive exposure of Alberta taxpayers?

For all those reasons, I support the reasoned amendment and encourage other members to as well.

Thanks, Mr. Speaker.

Point of Order
Reasoned Amendments

MR. SHARIFF: Mr. Speaker, I just have a point of clarification with regards to this amendment that's being put forward. I am referring to *Erskine May*, the 21st edition, page 509, which states:

> Debate on third reading, however, is more restricted than at the earlier stage, being limited to the contents of the bill; and reasoned amendments which raise matters not included in the provisions of the bill are not permissible.

Looking at the amendment that has been proposed, it's discussing Bovar, which in my reading of the Bill is not included in the Bill.

So I'm just hoping that the Speaker can make a ruling on this amendment as it is has been proposed.

THE SPEAKER: Hon. Member for Edmonton-Gold Bar, did you want to comment on this point of order?

MR. MacDONALD: No, Mr. Speaker. I wanted to speak to the amendment.

THE SPEAKER: Fine.

The hon. Member for Calgary-Buffalo on this point of order.

MR. DICKSON: On the point of order very briefly, Mr. Speaker. Thank you. I think the point is this: the reasoned amendment does bear the initials of Parliamentary Counsel, who reviewed the amendment and found it to be in acceptable form. The point is that this is a deferral. It is not something that can be achieved by voting against the Bill. It simply provides that until a certain contingency has been realized or extinguished, the corporation should not yet be repealed. So it's a deferral, not a denial. It's a postponement, not something that can be achieved simply by voting against the Bill. I think it's very much in order, and the authority cited by my friend from Calgary-McCall simply is of no assistance to us.

Thank you.

THE SPEAKER: Thank you very much. I think page 214 of *Beauchesne*, amendments on third reading, perhaps has some degree of validity here this evening, but I do want to comment and congratulate the Member for Calgary-McCall for taking the time to read *Erskine May*. This is a fine document for reading, and for the hon. member to find certain sections on page 509 is really quite commendable to his attentiveness to the decorum of the House and the parliamentary process.

Please continue, hon. Member for Edmonton-Gold Bar, on the amendment.

8:20 **Debate Continued**

MR. MacDONALD: Thank you, Mr. Speaker. I rise to speak on this amendment briefly. I would like to remind this House that Bovar may return the Swan Hills facility to the government after December 31, 1998. We know there has been trouble there. We know that perhaps the Saulteux River Valley has been contaminated. We have to protect the taxpayers' dollars.

MR. LUND: Point of order.

THE SPEAKER: The hon. Minister of Environmental Protection has a point of order?

Point of Order
Questioning a Member

MR. LUND: I wonder: would the hon. member answer any questions?

THE SPEAKER: Hon. Member for Edmonton-Gold Bar, are you prepared to answer a question?

MR. MacDONALD: Not at this time, no.

THE SPEAKER: Please proceed with your comments on the amendment.

Debate Continued

MR. MacDONALD: Thank you. Mr. Speaker, PCB can also mean Progressive Conservative Boondoggle. That's what the Swan Hills waste treatment plant has turned into: a waste treatment facility for wasting taxpayers' dollars. This is a fine amendment, because we may need this, the taxpayers of the province.

Thank you, Mr. Speaker.

THE SPEAKER: Hon. Member for Edmonton-Mill Woods, are you rising on this amendment?

DR. MASSEY: Yes, just briefly, Mr. Speaker, to speak in support of the amendment. Our caucus had come fully prepared to support Bill 2. I think the reasons that the Bill was put forward made abundant good sense. There were many provisions, many arguments that were made that made Bill 2 a sensible Bill to put forward. The turning over to Bovar, the fact that there was no money allocated for the corporation after 1995-96: there was a whole range of reasons why the Bill should be repealed, and we were fully prepared to support them.

It was after we'd had an opportunity to take a second look at it and the possibility of the Swan Hills facility being returned to the government after the December 31, 1998, deadline that we had second thoughts about Bill 2. Those second thoughts result in the amendment that we have before us this evening, and that is that we put it on the back burner until the deadline for the disposition of that facility has passed.

So, Mr. Speaker, it is a reasoned amendment. It in no way, I think, detracts from the arguments and the need for Bill 2 at some future date. All it is saying is: let's stand back; let's let the calendar play out the time that's needed for the deadline to pass. After that deadline has passed, there'll be some other decisions that are made. In spite of the minister's comments it's our hope that there is a need for Bill 2 at the end of 1998, because we take no particular joy in failures of any government and particularly the government of Alberta.

With those comments I would urge members to take a calm look at the amendment and to support it. Thank you, Mr. Speaker.

THE SPEAKER: Hon. Member for Edmonton-Gold Bar, you've already participated on the amendment.

MR. MacDONALD: But I have a question, please, Mr. Speaker.

THE SPEAKER: Sorry. You've had your say. Thank you very much.

MR. MacDONALD: Okay.

[Motion on amendment lost]

THE SPEAKER: The hon. Minister of Environmental Protection to close debate on third reading.

MR. LUND: Thank you, Mr. Speaker. I think it is extremely important that we move forward with this. In fact, within Environmental Protection we have made provision to take over the responsibilities of the board. We also have the ability to monitor all of the records under the joint venture agreement and the sales

agreement. So everything is in hand. The board's function is no longer. I would urge all members to support this Bill.

[Motion carried; Bill 2 read a third time]

Bill 8
Historical Resources Amendment Act, 1997

THE SPEAKER: Somebody has to move this Bill before we can proceed. Who on the government bench is moving the Bill?

The hon. Minister of Community Development.

MRS. McCLELLAN: Mr. Speaker, I would be pleased to move Bill 8, the Historical Resources Amendment Act, 1997, under the name of the hon. Member for Wetaskiwin-Camrose, Mr. Johnson.

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

MR. DICKSON: Thanks very much, Mr. Speaker. I was getting excited. I thought I was going to have the rare opportunity to move a government Bill.

I know it's inappropriate to embark on an extended commentary on what's happened at the other stages of the Bill, but I think it is an appropriate time to reflect where we're left with Bill 8 at third reading. It would seem that the government in this case hasn't learned the lessons that should have been learned from CKUA. It seems that we may have again friends-of groups that are not ready or not willing or maybe not able to pick up the slack, and there's very much a concern in terms of where this leaves us down the road.

I like to think of myself as a progressive person. I'm certainly not adverse to change. I'm not adverse to trying to find new and better ways of doing things. But I think I'm also like most Albertans. We have a strong degree of caution, and that means that before you discard models that you currently operate with, you have to be satisfied that what you're moving to is going to be demonstrably better than what you're doing right now.

Because Bill 8 is actually an empowering, expansive kind of Bill, we're sort of left with lots of questions in terms of how this thing is going to be implemented and how it's going to operate in the future. I guess some of the recent experiments with the government stepping back and devolving power have not all been really positive, the CKUA example simply perhaps the most recent and the most notable.

8:30

I said that I've thought before that there have been examples. I talked, I think, before about the Glenbow Institute. There was an example where there was a very positive initiative in terms of government stepping back and giving a community-based organization virtual autonomy. I supported that in the spring of 1996. There we knew what we were getting into. We knew there that we had an organization that had an established record. Their commitment to protecting an extremely important cultural resource was well recognized. We don't have that same kind of assurance here, looking at friends-of groups suddenly stepping in and taking the kind of responsibility that they haven't had before. I have some misgiving. I feel some caution, and I know that there are other members who will have some specific concerns as well that they will want to share with you, Mr. Speaker.

I think that once you start down this road, it's exceedingly difficult then to start taking power back. The exception may be in New Zealand where I see that many of the things that had been privatized, that had been turned over to community organizations, all the way from health care and education – now what we see is that they've learned the kinds of problems they had with decentralization, with getting government out of the business of governing, and they're going back the other way. They're going back the other way in those places.

DR. WEST: Because they started as socialists. That's why.

MR. DICKSON: One has to ask you, Mr. Speaker, one has to ask the Minister of Energy whether in fact we may not be setting ourselves up to be in a similar kind of situation here if we don't do the planning and build in the safeguards.

The problem with Bill 8 I would think is this. Once again we have to rely on the government's good judgment. We've seen in the past that we've been sadly disappointed, and Albertans have been sadly disappointed with poor decisions, with short-term decisions, with a lack of planning, and maybe more often just a lack of a broader perspective on what we're trying to do in this province.

Those are the principal concerns I have in speaking to Bill 8 at third reading. I've listened carefully to what the Minister of Community Development has shared with us. You know, I always appreciate her optimism and her buoyant approach to new challenges. I'd like to measure up. I'd like to be able to keep up with the Minister of Community Development in terms of embracing change, but I guess there are just some niggling doubts, some cautionary instincts that hold me back a little bit. So in a Bill like Bill 8 I'm not quite prepared to march off quite as quickly and as boldly as the Minister of Community Development.

Anyway, I think those are the principal concerns I've got, Mr. Speaker. I'm going to listen closely to other comments made by my colleagues on Bill 8 at third reading.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. In speaking to Bill 8, I think we have to acknowledge that we're pleased that the amendment that had been suggested was accepted and made part of the Bill. I, too, have listened to the Minister of Community Development and have respect for the judgment that she exercises in carrying out her duties. But I'm afraid that the respect for her judgment is overridden by a growing concern for not just the historical resources that are included in this Act but what's happening to the heritage, to the cultural and recreational resources of this province and the pattern that's been established over the last little while, the last number of years, and seems to be accelerated in this session of the Legislature; that is, putting into the hands of others the responsibilities for resources that belong to all of us, that are assets of this province and in many cases are assets that can't be reproduced, that are lost.

I think that the historical resources are particularly vulnerable. Having had some small part to play in the development of an archives and historical museum and the kind of agony and the kind of difficulties establishing and putting together those resources, the kind of time and effort, the kind of community goodwill that we had to draw upon to bring together, in this case, the historical resources of a school district in this city, and to have those resources in a facility under a governance that we could be assured as board members would be protected into the future.

Having gone through all of that experience, I'm hesitant to endorse anything that may in any way, shape, or form put those resources in jeopardy or put them at arm's length from the control of the people of this province.

Again, we may be fixed on the CKUA experience. It's recent, and the CKUA experience is one that we just can't forget. The possibility of that happening again, particularly in the area of historical resources – and even the CKUA problems had an element of historical resources, given the recording collection that they had being as unique as it was. Anything that might in any way jeopardize that I think has to be looked at very, very carefully and with the best assurances of the present minister. I have no doubt that those assurances will be met and fulfilled, but ministers have been known to change, and it's once the Bill is passed and this Act rests in the statutes of the province that I worry what might happen. Again, as I said before, mistakes in this area when we're dealing with our historical resources, the heritage of the province, of the country, are mistakes that aren't easily, if ever, rectified.

Regrettably, we are not going to support Bill 8 at third reading. I think that is regrettable, because as has been indicated before, new ways of doing things or adapting to change and trying to do things better I think are worthy of support. I suspect that if we weren't living with the ghost of CKUA, our support of the Bill might be something other than it is.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Minister of Community Development on behalf of the hon. Member for Wetaskiwin-Camrose to close debate.

MRS. McCLELLAN: Thank you, Mr. Speaker. I appreciate the comments that have been made by our colleagues across the way, and I think that they were most sincere. However, whenever you have an amendment to an Act, it's unfortunate if the members do not have the Act at their disposal or don't take the opportunity to read the Act, because I think it would offer them the level of comfort that they require to understand that the amendments we are making to this Act in no way – in no way – remove ministerial responsibility for the preservation and the ultimate operation or overall management of our resources.

8:40

Section 2 clearly states that "the minister is responsible for . . . the preservation." That's section (b) under that area. You can go on through the Bill: ministerial responsibility for the preservation, for the overall management of our historic resources, which we all appreciate in this province are world class in many instances. The Royal Tyrrell Museum was mentioned.

I had hoped that I had given our colleagues in this Legislature, particularly in the opposition, some comfort when we tabled the management agreements that we hold with one of our facilities, the Ukrainian Village. This is a showpiece in our province, Mr. Speaker. It is, to my knowledge, not equaled anywhere in Canada, probably not certainly in North America, and it has been managed by the friends-of, which, as I pointed out earlier in this House, are not government appointees. They are people who genuinely care for that facility and do many, many things to improve that facility. Those management agreements clearly show accountability, and they show the framework within which the friends-of operate.

The Member for Calgary-Buffalo raised the concern that friends-of may not be ready for this. I can assure the hon. member and all hon. members that this is not being forced on any group, but there are areas where they are ready and where community groups indeed can do much to enhance that particular facility. I think, again, that's been proven in the example of the Ukrainian Village, and I use that because that is the one that I tabled the management agreements with. There was a question on that, that indeed it wasn't seen that their accounts were audited by a certified accountant. I can assure the hon. members that they are, and I will be responding to the hon. member who raised that, giving that hon. member the name of the chartered accountant who does that audit, and they can check certainly with the chartered accountants' association and validate that person's abilities.

I believe this is an important amendment, that it in no way endangers the preservation or good management of our historic resources. In fact, it enhances it. As I say, if hon. members were to take the time to read the Act, which is quite lengthy, they would find that all of their concerns, I believe, are met in the body of the complete Act. What we have repealed here is the necessity for those funds to flow into the general revenue fund, and they indeed stay with the facilities to further enhance and preserve our facilities and keep our collections at a first, A-1 condition, which is extremely important. It is not necessary to be an employee of the government of Alberta to be the person who works at the admission gates, in the gift shops, et cetera. That is another section of it.

We accepted the amendment leaving the section in with the Lieutenant Governor in Council rather than the minister. I accept that. Hon. members, I urge you to support this and allow the many groups in our province who are ready, who wish to contribute to the historic resource or facility in their community to be full partners in that. I will give the House the assurance that we will be very, very prudent in our exercise of management contracts and ensure that accountability and good management practices are followed. After all, these resources do belong to the people of Alberta and, by the very nature of them being historic resources, cannot in most cases be replaced. So it is a heavy responsibility that we feel in maintaining those.

I thank all hon. members for their comments. On behalf of the hon. member Mr. Johnson I would move third reading of Bill 8, the Historical Resources Amendment Act, 1997, Mr. Speaker.

[Motion carried; Bill 8 read a third time]

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

Bill 10
Local Authorities Election Amendment Act, 1997

[Adjourned debate May 27: Mr. Dickson]
THE SPEAKER: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks very much, Mr. Speaker. I'd been attempting the other day, I guess on Tuesday, May 27, to outline some of the concerns I had with respect to Bill 10. The primary one – well, actually there were a couple of different ones. I'd just start off by saying that since there is no statement of principle in Bill 10 and it clearly is a collection of a variety of disparate elements, I'll be jumping around a little bit.

The concern in terms of the permanent voters list in section 14, the new section 48 of the Local Authorities Election Amendment Act, is that it just appears that protection of personal information

wasn't a consideration by the draftsperson of Bill 10. I'd express my concern with the privacy considerations that are raised by the new proposed section 48.1(2) and particularly subsection (3), the provision reading "any other information obtained by or available to" a local body. The fact that there's no penalty for misuse of personal information, the disqualification, particularly in terms of those members who will be elected to a regional health authority – what I saw there was a problem in terms of eligibility. I contrast that – and I've still received no contrary information from the mover of the Bill – with the lawyer that provided legal work to a hospital board with a situation of a health care worker in a particular health region. My concern is also with section 15(b), the absence of limits. I think those were the principal concerns I had. Before we get to committee stage, I'm hopeful that the minister will be able to address those in some fashion and, hopefully, give me a measure of comfort that I don't have now with the Bill as it currently stands.

I guess, failing that, my intention would be to introduce some amendments at the next stage to try and remedy what I've identified or at least sections that I have some concern with. So those are the comments I wanted to make on Bill 10, Mr. Speaker.

Thanks very much.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. In speaking to Bill 10, the Local Authorities Election Amendment Act, I think there are some principles underlying the object of the Act that are worthy of support. I think the attempts to make economies and to simplify elections by promoting the co-operation between jurisdictions in holding elections is a good principle and one that should guide our actions whenever possible. I know that in this jurisdiction school boards and municipal authorities – and I believe it to be true in urban areas across the province – co-operate to a great extent in making sure that boundaries are coterminous, that even where they aren't, elections are held by one authority, that the financing is handled by one authority, and that every attempt is made to simplify and to gain any economies possible in the conducting of elections. I believe there have been some objections raised, but I think that's a principle worthy of our support and one that certainly appeals to me, making possible joint elections.

8:50

I think a second principle in the Bill that is worthy of our support is the attempt to streamline and to make more accurate electoral lists. Those of us that have been involved in elections across the years know the difficulties that the preparation and the accuracy of electoral lists can cause many of those that are involved. We've come a long way. I think the attempt provincially in the last election to begin working with the federal government to prepare a permanent voters list was a great move, long overdue, and as part of the committee that did some of the work on the preparation of that list or at least oversaw the work, I was delighted with the kind of co-operation that we got from both federal and provincial jurisdictions in trying to make a permanent voters list a reality in this country.

The possibilities here to streamline and to make accurate those lists and to make them standing lists that don't have to be enumerated every election I think is really a sound principle to work on. That having been said, in terms of the details of the Bill I think we have to look at a later stage to find out how well that principle has been adhered to. I'm sure – and it's been indicated by the Member for Calgary-Buffalo – that the same kinds of concerns that faced the provincial committee working with the federal government to prepare a voters list for provincial elections will face the municipalities and the jurisdictions who are involved in this activity at the local level.

I know that most members here will have just come through the handling of voters lists in the March election, and I know that many of them, as I, have been concerned about those lists and what happens to them. We've had communications from the Chief Electoral Officer in terms of how they can be handled, and I know how valuable lists are to companies who owe their existence to the procuring and selling of lists to commercial firms. I also know how sensitive many electors, many citizens are, particularly in urban areas, to having their names, their telephone numbers, their personal information on a list that they can't be assured will be used for the purposes, in this case electoral purposes, that it was designed to serve. So I think it's a good principle that we try to get a permanent register of voters in place.

I would be curious and would like to hear from the minister on the provisions to change advance polling. It seems to me that, again, given the changes that have happened in life in this province over the last number of years, any way that we can make advance polling easier for people, given the kinds of schedules, the kind of commuting that people sometimes have to do these days to jobs, and the kinds of hours that they sometimes keep, anything that we can do to make it easier for voters to cast their ballots at a more flexible or a more convenient time for them I think deserves our endorsement. I'd be interested in the minister's comments in terms of what some of the possibilities were that were explored in terms of advance voting.

I think there are a number of principles in the Act that are worthy of support. The details we'll get into at Committee of the Whole, but I think there are some good changes proposed that will work toward what we all want – and that is higher turnouts at local elections – that will work in support of making it easier for citizens to cast their ballots. So I look forward to the debate that follows on the details of the Bill.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thanks, Mr. Speaker. I would like to adjourn debate on this Bill at this time.

THE SPEAKER: Having heard the motion to adjourn debate, all members in favour?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

Bill 15
Protection for Persons in Care Amendment Act, 1997

[Adjourned debate May 26: Mr. Gibbons]

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

MR. DICKSON: Thank you very much, Mr. Speaker. With respect to Bill 15 I just want to start off by saluting the tenacity and commitment of the sponsor, who in fact has been shepherding this Bill for a very long time.

When we first dealt with the Protection for Persons in Care Act, we identified, at least in the opposition, some shortcomings with that Bill. I'd just quickly go back and say that I take much of my direction from the Synergy II report that had been undertaken by the Kerby Centre in my constituency in Calgary with the support of the federal government and some modest funding from the provincial Department of Family and Social Services. There were some conclusions that came out of that Kerby Centre report, the Synergy II report, and they included things like: most abuse with seniors happens not in institutions but in a host of other places. We raised that concern, and I still see that as being one of the limitations here.

I'm delighted to see the expanded definition section. I think that's all to the good. That's very positive, and that certainly reflects much of what we heard. But you know, Mr. Speaker, I had a chance to attend a consultation in Calgary – I think it was last summer – at the Crowchild Inn, and there were a number of representatives of different seniors' organizations, workers and that sort of thing. There again I heard concern that for this Bill to be really effective, it should have a broader ambit.

There continue to be concerns that when there are problems, we don't go to the Ombudsman or somebody independent. Before we were going to a department, and now we go to the minister. Just to reflect what I heard at that consultation in Calgary, if somebody has a complaint about something happening to them in a program or a facility run by the Minister of Family and Social Services, is that person going to feel any great measure of comfort in running to the colleague of that minister, a different minister and a different government department? We've been fortunate. We've had some pretty responsive ministers occupying that portfolio, but that's not the point. The point is: why wouldn't we go with the Ombudsman, somebody who is actually set up? You see, the Minister of Community Development, as skilled and as multitalented as she may be, doesn't come to that office with a background in terms of investigation. She doesn't have people on her departmental staff who come as investigators. The Ombudsman has all of that. That facility already exists, and I'm not sure why we're not using it.

Those are the principal concerns I see. I know that there will be some amendment coming forward. It's a positive move; I just think it's too limited and not ambitious enough in scope. To be true to the conclusions of the Synergy II report, to be true to the feedback and information I'd received in the discussion groups I was part of in Calgary looking at this Bill, I think we have to expand the scope and that we've got to replace the Minister of Community Development with the Ombudsman. Until we do those two things, in fact we're going to have a Bill that isn't all it could be.

Those are the comments I wanted to make at this point, Mr. Speaker. Thanks very much.

9:00

THE SPEAKER: The hon. Member for Calgary-Bow.

MRS. LAING: Thank you, Mr. Speaker. Bill 211 was not proclaimed after receiving Royal Assent as there were some deficiencies in the Bill which concerned many Albertans. It was decided to take the Bill out for consultations to the public to hear the views of stakeholder groups and interested citizens. A group of senior officials from the departments of Community Development, Justice, Health, Municipal Affairs, and the Family and Social Services office for the prevention of family violence formed a working group. This working group met for several months discussing the issues of Bill 211, and I would like to express my appreciation to these officials of the working group for the fine work they did on the consultation and the preparation for Bill 15. Community Development had field workers who facilitated the communications and the consultations and did really an excellent job on behalf of the government.

Six regional meetings and one stakeholders' meeting were held across the province. Regional meetings were held in Grande Prairie, St. Paul, Red Deer, Edmonton, Lethbridge, and Calgary, and a stakeholder meeting was held in Red Deer. Following these meetings, the working group split into two-person teams and held focus group meetings with persons in care: people in nursing homes, lodges, group homes, auxiliary hospitals, Michener Centre, Alberta Hospital, persons living in the community independently, home care clients, and family members. In fact, in Calgary-Bow my partner and I held nine focus groups with 90 persons in care and their family members to seek their input.

The summary report was sent out to over 500 groups and individuals who had either participated in the consultation or requested that document.

The amendments in Bill 15 were a result of the public consultations and input from Albertans. The stakeholders were a very credible group, such as the Premier's council for persons with disabilities; the Alberta Association on Gerontology; the Royal Canadian Legion, Alberta and Northwest Territories command branch; the Alberta Long Term Care Association; the Canadian Mental Health Association; the Schizophrenia Society; the Alberta Association of Chiefs of Police, to mention just a few. Also CUPE and the Alberta Association for Social Workers were involved. There were four MLAs who came to different consultations. So it was a well-represented group.

As a result of the consultations, stakeholder groups have already begun the education of their staff in anticipation of this Bill finally being proclaimed. The unanimous agreement throughout the consultations was that this Bill is very necessary. As the leader for the consultations, I've talked to a large number of Albertans who have a real concern that these vulnerable persons must be protected. We had representatives of several police services at the meetings, and they are very supportive of this Bill. They feel the Bill will provide them with the authority they need to rescue abused seniors and other vulnerable persons from unsafe conditions.

The Bill will protect those who are unable to speak for themselves. It has already raised awareness with staff and organizations to put in place protocols to be followed in care facilities. Mr. Speaker, this Bill will not allow witch-hunts on staff, as some members are fearing. If any act which violates the Criminal Code occurs, this must be reported directly to the police. You don't go anywhere else. Minor incidents could be handled by the management and reported to the minister to indicate what steps were taken to correct them. If it is felt that adequate steps were taken, this would suffice. A full-scale investigation would occur only if it were warranted. The most important tenet to me is that abuse is reported and investigated.

When we did the focus groups of persons in care, there wasn't one who felt this Bill wasn't necessary. Perhaps this Bill still has some difficulties, but it's been on the back burner since 1992. People are asking that it be passed and proclaimed now, and they feel that it's necessary.

The throne speech and the Premier both promised this Bill would be introduced in this session. I urge all members to throw their support behind Bill 15 to pass it, not just at second reading

but all the way to Royal Assent. It's important that we do not let those vulnerable Albertans down. The stakeholders are ready to implement policies and procedures to protect both staff and clients. The departments are gearing up to respond and have had at least 18 months of notice. This is the window of opportunity. If we delay, it may be another year of anxiety for those persons who are the most vulnerable among us. Let's forget all our differences and join together to get Bill 15 on the fast track to build a better, safer Alberta.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. I appreciate the opportunity to speak in support of Bill 15. In reviewing Bill 15, and as a previous member indicated, we've had similar Bills before us, but in examining Bill 15, the principles are really rather interesting when you tease out the principles that seem to underline the Bill.

Those principles range from the very simple ones – that the vulnerable in our society need protection from caregivers and from people that they associate with and that legislation is an effective instrument in providing protection for vulnerable persons, the principle that a system can be put in place that will monitor the treatment of the vulnerable persons and particularly monitor them and their treatment in situations that are often really very personal in the kinds of interactions they have with the caregivers. A third principle that seems to underline the Bill is that we have an obligation to treat the vulnerable in a compassionate and caring manner that extends beyond the personal to the legal and thus the Bill being put forward in this Chamber. Finally, a further principle that seems to undergrid the Bill is that as a community we will take appropriate action when we witness abuse by others, be that a coworker, a caregiver, or anyone that's involved with someone we deem to be vulnerable.

I think those five principles really speak well for our society and for Albertans as a community. It's been remarked many times that how you rank a society depends on how it treats its most vulnerable members. In our case we usually reserve that kind of care and treatment for children and particularly for adults and persons with disabilities.

This is a good Bill. I think it has strong underpinnings. It's been a long time in the crafting. It's been carefully crafted by people who have listened to and taken advice from those people who are intimately involved, and it's, as I said, worthy of all our support.

I think coming out of those principles are some serious questions. They're not questions about this Bill and I don't think in any way detract from it. One of the questions it does raise for those of us that have had the opportunity to work with the vulnerable, with the disabled is: how can the vulnerable be given more power over what happens to them? It's really a very difficult question given the kinds of disabilities that many people experience, but I think that when we're crafting legislation and we're trying to do our best to make sure that people are looked after, we should never forget that trying to help empower them to be active on their own behalf and trying to find new ways they can be given power over their own lives are things we should constantly be striving for. We do it often with children, of course, who are very vulnerable. We have programs in place where we try to teach them how to be streetwise, and we have programs in place that try to teach them how to act if they're in threatening situations with strange adults, and with children in some cases it works. With the vulnerable it's very difficult, but I think it's a struggle that we have to be constantly engaged in, and that is trying to seek ways we can help them have more power over their own lives and rely less and less on Bills such as this. I suspect it's an ideal that we'll be a long time achieving but a worthy one.

9:10

A second question – and it's a broader question that we can't forget – is: what conditions in society have led to the need for such legislation? Why would anyone even think let alone carry out an act against someone who is vulnerable that most of us would be ashamed of? That's a broader context of society, and one that certainly won't be settled with the passage of this Bill.

I think it's embedded in family changes, with both parents working now, with our view of the aged, with the kinds of facilities that are available for the aged, our cultural norms that often see seniors and the vulnerable placed in institutions away from their homes, the fact that people are living longer, that there are more people who find themselves personally incapable of looking after themselves – television, the kinds of news, the kinds of drama often lead to possibilities of abuse that some people, not being quite creative, may not have thought of before. Certainly the news programs, the telecasts are frequently filled with horror stories of vulnerable people who have been mistreated. I think the conditions and context in which we find ourselves lead to some of the abuse and to some of the abusers thinking that it's a legitimate kind of action to treat the vulnerable in any but the most respectable of ways.

A third question is: what are the chances of the legislation actually making a difference? We won't know until it's passed and we've had a chance to work with it, but certainly all our hopes go with it, that what we do here today or in the next few weeks with this Bill will be effective and will make a difference. I suspect that if it only makes a difference in one person's life, then it's been worth all the energy and the time of those people who have seen fit to advance it. So I commend it our colleagues and look forward to further debate on the Bill.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Highwood to close debate.

MR. TANNAS: Thank you, Mr. Speaker. I want to first of all say thank you to all those who've contributed to the debate, their comments and criticisms. I like both of them. I will accept the one half and try to apologize for the other half. If one takes into consideration the original Bill, then I think many of the questions that were raised, particularly in terms of, as Calgary-Buffalo indicated, that it was maybe too limited and not aggressive enough, and if we look at the original purpose – we wanted to make a beginning of reporting abuse and making it a duty to report, a legal duty to report, make it similar to the duty in the situation of reporting child abuse when you have reasonable grounds to believe that such abuse occurs.

Start, first of all, with those who are unable to speak for themselves for various reasons: the vulnerable adults, the frail elderly, the severely or mentally handicapped, or the physically handicapped that are unable to speak who are in publicly funded care institutions such as hospitals, auxiliary hospitals, long-term care facilities, lodges, social services group homes, that kind of thing. We wanted to limit, then, the scope in order to give it a

chance to succeed. There have been examples where legislation has been passed and it's so broad and encompassing and covers everything that they couldn't make a beginning and it took years before anything got going. We wanted, then, to establish a process for reporting – that's why the Community Development department was taken in, and they agreed – a process for investigating the complaint and to provide a timely requirement to report and deal with the complaint. I think the scope of the Act has been one of the most contentious issues that has been raised by stakeholder groups and members of our caucus and certainly members of the hon. opposition.

I'll try and answer some of the questions as quickly as I can. Why does the Bill not adequately define neglect and abandonment? It was our intention to incorporate neglect and abandonment in the definition of abuse by adding the clause after it saying "intentionally failing to provide adequate nutrition . . . medical attention or other necessity of life." This key feature is the failure to provide the necessity of life. That's being neglectful. This approach is very similar to the wording used in the Criminal Code, which describes this action as failing to provide the necessities of life. So that's one issue.

Another one was: who will incur the cost of the criminal records check? This decision of who will assume the cost of the criminal records check for a successful applicant would be made by the employing agency. Many of them, I am sure, may decide to absorb the cost of approximately $20 to $25 per applicant, but this is, remember, a successful applicant and it may be that they do not or that they make it conditional upon a period of time of employment. Volunteers, however, requesting a criminal record check are usually not required to pay the fee, but the institution utilizing them absorbs that. That's certainly the case with volunteer officers with the RCMP and Edmonton police force and a number of other places.

Why is the definition of agency so narrow: unlicensed homes, private care homes, and that kind of thing? We've said, again, that we wanted to begin this process of reporting and investigating the abuse of vulnerable people. That can be expanded later, after we get a track record of the idea of the duty to report and investigations and that kind of thing.

Why is the section on intentionally administering or prescribing medication for inappropriate purposes included in the Bill? I think the hon. Member for Edmonton-Riverview assumed that this was for doctors. That was one of the things we were trying to say, that we were not trying to get into second-guessing the medications. What we are talking about is the intentional inappropriate administration of it. Just an example of that is simply shorting patients on pain relief, whether it be a narcotic or otherwise, whether it be a diuretic or a laxative, or increasing them, that kind of thing. Again, the point is how it's administered. We do know that the nurses, LPNs, and, in many lodges and others, people who are using a bubble pack or whatever could intentionally do that. That's what we were trying to get at there, the intentional. There have been, of course, people who have a habit who intercept narcotics. So it provides that kind of reportage.

Why is level of safety not defined in the Act? The actual clause in the Protection for Persons in Care Act has two components. The first is the clause that addresses the agency's duty to protect persons in care against abuse. That's a safety issue. The second part refers to the agency's duty to prevent abuse by omission. That's the duty to make sure that persons in care are not placed at risk; for example, in the case of Alzheimer's or dementia patients, open stairways, allowing them to have lighters or matches or flammable things. There are all kinds of things there where you take care of safety – scalding liquids, that kind of thing – if they're physically handicapped.

Who has the responsibility of referring criminal activities to the police and on what time line? Everyone, anyone who observes a criminal offence and knows it to be such should report it as soon as possible. So this does not in any way try to derogate from that. When an incident that is reported is not thought to be criminal but as the investigation proceeds it does appear to be criminal, as soon as the investigator determines, "Gee, this is more than just simple abuse," it begins to move to the Criminal Code, and then they are obliged to report it right away. This doesn't in any way take over from the Criminal Code, so that's why it's written as such.

Was research completed on Acts similar across Canada? That really refers to, of course, the original Act, which had some references to other legislation. The amendments to this Act are what we're really dealing with in Bill 15, and they're a direct result of input received during the public consultation which my hon. colleague from Calgary-Bow took in hand, went around the province, and which she has reported on this evening.

9:20

Why does the Act not allow for the opportunity of advocates like in Ontario? Again, part of it is that we're trying to make it simple and a beginning, but the Advocacy Act in Ontario has been replaced by the Advocacy, Consent and Substitute Decisions Statute Law Amendment Act. This new Act streamlines the appointment of substitute decision-makers, especially family members. The advocacy commission has been disbanded. This body has the authority to remove individuals from their living situation, and the new Act provides a clearer balance between autonomy and the individual in protection. The Advocacy, Consent and Substitute Decisions Statute Law Amendment Act of Ontario is similar to Alberta's Dependent Adults Act. So I think that goes part way to answer that.

How would employees be protected from persons in care making false complaints based on their decreasing mental capacity? Legislation can't stop someone from making a false complaint or, in the case of dementia or Alzheimer's, an inappropriate or just a confused kind of complaint, but this does provide for a process to deal with it. Once an investigation is initiated, the investigator could determine that there's no basis or no credibility for the complaint and dismiss it, and thus protect the employee. As long as it's out in the public, then the employee only has a bit of discomfort with it.

Why has the Act not been proclaimed yet? The Act was introduced as a private member's public Bill in '95 and passed unanimously in the House, but the limitations to private members' public Bills are such that you can't do the consultation or you're very limited to the resources of a private member. So the hon. Member for Calgary-Bow conducted the consultations after the fact, after it was passed into law, and now government must deal with it.

There was another one dealing with whistle-blowers, and someone thought it was a bit curious that the government would now deal with whistle-blowers. I think that if you just go back and think about it, whistle-blowing was brought in under the Protection for Persons in Care Act, a private member's public Bill, and by the sponsor of the Bill. Another one that has that content is of course the second-hand smoke protection legislation. So I don't think it's a curiosity when you take those two things into consideration.

Why are we not focusing more on empowering people to protect themselves? In support of this Act the departments have been developing protocols to receive and investigate complaints of abuse against persons in care, and I think that is borne out by what the hon. Member for Calgary-Bow was saying. Because this legislation is coming forth, all kinds of lodges, hospitals, auxiliary hospitals, nursing homes, group homes, and the like have been preparing themselves for the legislation, and many of them, as a matter of fact, have even instituted in-service programs to deal with it.

That, I think, covers most of the questions, and if I haven't, somebody can jog my memory and I may be able to deal with this in committee. Therefore, I would ask that the question be now put.

[Motion carried; Bill 15 read a second time]

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

[Mr. Tannas in the Chair]

THE CHAIRMAN: I'd like to call the Committee of the Whole to order.

Bill 5
Persons With Developmental Disabilities Community Governance Act

THE CHAIRMAN: Are there any further comments, amendments, and the like?

The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Chairman. Bill 5 is a Bill that's going to put in place at the community level a regional program for the development of plans and care for persons with disabilities. We've had a lot of comments and concerns raised about the Bill so far from groups that want to see this proceed to groups that are questioning it.

In reviewing the Bill as we went through it in second reading, one of the issues that came up that raised a very strong concern on my part . . . [interjections] Louder? Is that what you're saying? Oh, what you're saying is that there's a conference going on behind me that I don't know about. All right. I'll continue, Mr. Chairman. We'll let them continue with whatever they're doing as well.

The issue that I wanted to raise in terms of this comes up in connection with the restrictions that are placed in section 6 of the Bill, which puts in a condition that basically prohibits the new regional authority, the new regional group from engaging persons as employees. I see this as a mechanism where if the authority that's created at these regional levels is going to be in a position to provide any of the services – now, this is where we run into some administrative or operational ambiguities, I guess is a good word I can use in there, in the sense that if they're going to carry out a service and provide a service, someone has to be there to do that, to provide that service. Now, if they cannot engage persons as employees, then they're going to have to contract all these services out. If we're really trying to provide the regional authorities with the flexibility to look at and evaluate all the options that are available to them, I don't see why we have a section in the Bill that will specifically restrict them from hiring the employees that will provide this service on their own.

With that in mind, Mr. Chairman, I'd like to propose an amendment to Bill 5 that I now will provide you with. It has been approved by Parliamentary Counsel. I'll leave those on the top of the pile with the signatures there for you, keep the bottom one for myself, and will begin just briefly. Or would you like to me wait until the people have a copy of this? All right. We'll recess for a minute while they're doing that.

THE CHAIRMAN: This amendment will be called amendment A1.

All right. The hon. Member for Lethbridge-East to move and to explain.

DR. NICOL: Yes, Mr. Chairman. I move this amendment that is now designated as A1 for the record.

This amendment will strike out the words after "indirectly" in section 6 and in essence put in the option that will rearrange subsection (2) of section 6 in a fashion so that it now reads: "a Community Board may not enter into any transaction directly or indirectly to borrow money," with the other restriction on the activity of the community board being removed from that section. So the option then exists that this community board as part of its service provision can actually engage persons to carry out those services if they want to rather than having to directly contract them out.

This provides us with the flexibility that's needed to make this kind of community participation, community direction really active, really a community-based, community-directed, community-designed type of service provision mechanism. We've got the boards that are essentially in a position that will now allow them this flexibility.

9:30

The amendment, Mr. Chairman, also deals with section 8 in the same way by striking out the appropriate parts of it so that under 8(2) the new reading would be "a Facility Board may not enter into any transaction directly or indirectly . . . to borrow money," period, with the rest of that being removed. So we've now removed the restrictions "to engage persons" from the community board part of section 6 and from the facility boards as defined in section 8.

As I read the Bill, the mandate of these boards is to design and provide services for persons with disabilities. If they've got to have that option, we should be providing them with the total flexibility that's there so that they can either engage persons directly to provide those services to persons with disabilities, or if it's more appropriate in terms of the specialized services, in terms of the timing of the services, in terms of the magnitude of the services, then a contract situation might be more appropriate. But I don't see why we want to put in place restrictions within a Bill that would cause any reduction in the options that would be available for the boards to operate.

I think that gives us a brief description of why I would like to see this amendment. I don't want to elaborate on it and take a lot of time, but at least it gives us a position now. If we want these boards to have the flexibility that's necessary for them to really provide the service to the community, by supporting this amendment we give the board that much of an option, because it's hard to have a board that's required to provide service and not have the mechanism to hire people to do that.

Thank you very much, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Calgary-McCall.

MR. SHARIFF: Thank you, Mr. Chairman. I appreciate the hon. member's motion. I just want to remind the member to refer to the role of the community board, which is section 11, and that'll answer a lot of the questions. The concern that the hon. member has, for which this motion has been proposed, is basically explainable as follows: the community board shall not be the employer, but the department will be the employer. So all people who are providing services in this sense will be employees of the department. Therefore, there's no reason to accept this motion. I suggest that this be rejected.

THE CHAIRMAN: The hon. Member for Lethbridge-East.

DR. NICOL: Mr. Chairman, then do I understand that these boards really have no operational function, that they are advisory boards? Is that how I understand the comments of the Member for Calgary-McCall as he talked about these as being boards with no mandate to provide a service? That's not how I read the Bill.

The whole idea of the Bill when we look at the role of the board – and we'll deal specifically with community boards under section 11, where it says that they have to "develop, in accordance with the regulations . . . a plan." They have to "oversee and evaluate the implementation of the plan." They have to "assess on an on-going basis the needs of the region." They have to "manage the provision of services." These are functional activities. How do you do these without persons to actually operate those functions?

So when we're defining the role of the board, the role of that board is actually to carry out physical functions, activities which require persons to do those. Is the Member for Calgary-McCall telling me that every time one of these evaluations is to be done, every time a plan is to be built, the community board has to go back to the employees of the government department, negotiate with them for the carrying out of this function, whatever it is, whether it's an evaluation, whether it's a plan development? Is that how they see this working? Then in essence these community boards are really only volunteer advisory boards with no responsibility to carry on activities within their own mandate. I would like, you know, a further explanation, if that would be possible, Mr. Chairman.

MR. SHARIFF: Mr. Chairman, as I explained before, all the employees that this board will require will be the employees of the department.

DR. MASSEY: I think the question posed by Lethbridge-East still remains and hasn't been answered, as I understood the member opposite. Are they advisory? What exactly is the role of the board if they aren't allowed to employ individuals, if they're all employees of the department? Does it just make it an advisory board? I think that was the question.

THE CHAIRMAN: The hon. Minister of Family and Social Services.

DR. OBERG: Yes. Thank you, Mr. Chairman. The hon. member has raised some very interesting and good questions. First of all, what is going to be happening in SPD is that the present union employees with the government will be seconded to the boards. So what will be happening is you are going to have the six boards around the province, the one facility board, that will be in essence directing the staff on what to do. The staff will be responsible to the CEO. The CEO will then be responsible to the community boards. The reason for this is to keep the union representation intact. It is to keep the government as the actual employer. It is to keep the government as the person that is writing the cheques, which decreases the administrative costs and the administrative load.

I think one of the things that must really be stressed is that as we go down, as we regionalize with SPD, it is not the same as regionalizing with health. It is a different concept as it goes down, even though it is regionalizing. What we are attempting to do is get input from the communities, input from the people who are closer down, and try and vary the program between the six different regions. We are also keeping the employees under the direct employment of the government as they go down.

I hope that explains things.

DR. NICOL: Mr. Chairman, I listened to the minister talk about this kind of seconding of employees, and I really commend, you know, the intent of the Bill to provide this community-based, community-designed level of service for persons with disabilities. Yet I still see some of the roles and functions of the board described in section 11 as being things that are not part of the current mandate of the employee cohort that we have within the department now.

[Mrs. Laing in the Chair]

New functions have been defined here at the community level, and we're trying to deal with how those services get provided. If they request additional people, do they go to the department and say, "We need more people; put them on staff so they can carry out these functions"? That helps a lot. I see the minister over there nodding his head yes. If that's the way in essence they become an advisory board to the ministry, a direction board, a kind of guidance board to the ministry to control how the ministry carries out its functions, I guess what I would say from that then, Madam Chairman, is if we could have unanimous consent of the Legislature, I'll withdraw my amendment. This clears up the issue that I had, and I don't see any need to proceed with it if that's really the intent of the Bill and how it's going to be carried out.

THE ACTING CHAIRMAN: Is there unanimous consent to withdraw amendment A1 by the Member for Lethbridge-East?

HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed? So moved.

Edmonton-Glenora.

9:40

MR. SAPERS: Thank you, Madam Chairman. Well, maybe we can make some more progress. The Bill contains a number of elements that we have heard from interest groups on and from parties that will have to live with the results of this legislation that concern them. We've had an ability now to clarify some of those concerns, and I appreciate the effort that the minister and the sponsor of the Bill have made to make it clear what their intent is. It's on the record, and obviously we're very pleased with that intention.

There is another section of the Bill which is perhaps even more problematic than the discussion as to whether or not these boards will be employers like, for example, the regional health authorities

are. We understand now that they'll have a different status. But Madam Chairman, through you to the minister responsible and to the sponsor of the Bill, there is another section in the Bill that I personally have some difficulty with – I also wonder whether or not it ultimately will even be legal in terms of the Constitution – and that is section 15, which really says that the minister is the final authority, that there is no greater appeal than the minister.

I think Albertans, particularly when dealing with people who have dependencies, people who have disabilities, would expect that they would have absolutely equal access to every remedy possible and every remedy that anybody else would have, disabled or not, in any kind of legal or administrative dispute with the government or an agent of the government. Therefore, it seems that it is unjustifiable, unreasonable to limit their access to judicial review by stating in law that people with disabilities who aren't satisfied with the service, aren't satisfied with the answers that they're receiving, aren't satisfied with the direction of programs or the scope of programs would be limited to only dealing with the minister.

Of course, these boards will be somewhat beholden to the minister. So what you really have is the minister or an agent of the minister reviewing every decision that ultimately the minister would put his imprint on. I don't think that's acceptable, and because of that, I would like to move an amendment to section 15 on behalf of my colleague from Edmonton-Riverview. I'll give that to the pages to distribute, and I'll resume my comments in just a moment.

THE ACTING CHAIRMAN: Do all the members have copies yet? We'll call this amendment A2.

MR. SAPERS: Okay. So we're now dealing with amendment A2. I will read the amendment officially into the record. Section 15 is amended by striking out subsection (8) and substituting the following:

> (8) A decision of the appeal panel under subsection (7) is final, subject to a party's right to judicial review of the decision.

As I have indicated, Madam Chairman . . .

THE ACTING CHAIRMAN: Hon. member, they don't have their amendments as yet. I wonder if you could just quickly give it to the people who are seated here in the Chamber and catch up on the others after, because it does hold us up.

MR. SAPERS: Thank you. These hardworking pages are to be congratulated for the outstanding effort they make to inform all members of the Assembly in a timely way.

THE ACTING CHAIRMAN: Hon. member, is there perhaps a more efficient way of doing this, perhaps by giving them out a few minutes ahead of time? This happened this afternoon; we were delayed.

MR. DICKSON: Well, there are some procedural difficulties with that, but certainly we'll do everything we can to speed up the proceedings. In fact, Madam Chairman, to that end we have met with the sponsor of the Bill and the minister responsible to make them aware of all of the amendments, and we are trying to do this in as co-operative and as nonpartisan a fashion as we possibly can.

THE ACTING CHAIRMAN: Right. Proceed.

MR. SAPERS: I believe that all members have now been satisfied, that they have received a copy of the amendments.

The point is a very critical point to the perception that Albertans will have about not just the integrity of the government but also their view of the judiciary as it applies to administrative law and their ability to seek remedy to what they believe is a breach or a wrong.

This is a very straightforward amendment. It simply says that every Albertan, disabled or not, has equal access to the court to seek a review, a judicial review of an administrative decision that has really been made on behalf of the minister.

I expect that the government will find this motion to be not only warranted but I would expect, Madam Chairman, that the government will find themselves saying: "Why didn't we think of that? Why didn't we come to that conclusion independent of the opposition?" It simply underscores the role of the opposition in helping government govern better, which is really what we do every day on this side of the Chamber.

On that note, I know that at least one of my colleagues is anxious to participate in this debate, and I see the looks of concern from opposite members. I'm assuming they have some things to contribute as well, so I'll take my seat.

THE ACTING CHAIRMAN: Okay.

Calgary-Buffalo.

MR. DICKSON: Thanks very much, Madam Chairman. The amendment I think is very constructive, and I support it for a couple of reasons. The first one is that we should be very clear. It's one thing to say that the "decision of the appeal panel . . . is final," and it's quite another to preclude "judicial review." Let's be really clear on what judicial review is. It's not an appeal. It's not an appeal on the merits. You can't go to court and say, "I don't like the decision that was made by the appeal panel." You can't do that because even with the amendment the decision of the appeal panel is final. All this amendment says is that in those cases where somebody believes that the panel has exceeded their legal jurisdiction, their statutory jurisdiction, you should have the right to be able to go to the Court of Queen's Bench and attempt to persuade a justice of the Court of Queen's Bench that there's been an error in law made, that somebody in fact has exceeded the statutory jurisdiction.

These kinds of applications are relatively rare. They often are not successful, and that's typically the reason why lawyers would try and dissuade somebody who feels they're aggrieved from going this route, but it's an important safeguard. It's an important safeguard because every now and again appeal panels get carried away and get involved in expanding their jurisdiction beyond what we, the Legislative Assembly, have conferred on them. So it's a useful kind of check and balance, Madam Chairman, to ensure that the appeal panel sticks to the mandate we give them this evening, and that's the sole purpose in this particular amendment.

[Mr. Tannas in the Chair]

The difficulty is that the decisions that are being made by this appeal panel are going to be very important decisions. I think the mover of the Bill would accept that. The appeal panel performs an important function. The decisions are going to be very important in the lives of the developmentally disabled Albertans involved. Isn't that important enough for us to say that if in fact there's been an excess of jurisdiction, there at least is a safety valve? That's all it is. In terms of judicial applications this is

going to happen in less than 1 percent of cases that go in front of an appeal panel. So it's an exceedingly rarely used safeguard; nonetheless, it's a useful safeguard.

9:50

I guess my question, Mr. Chairman, would be: what possible reason would there be for opposing a right to judicial review? The reason I say that is what happens if this appeal panel gets carried away and exceeds their statutory jurisdiction, goes further than we think we're giving them tonight. We have absolutely no way of reining them in, we have no way of remedying that mistake, and we have no way of correcting it. The person who's going to be disadvantaged – we can only imagine that you've got an adult with a developmental disability who has been adversely affected by a decision of the appeal panel, and that person has absolutely no recourse. We've closed and bolted the door and prevented any further recourse. It seems to me it's not unreasonable to say that there'll be no right of appeal, and the amendment solidifies that, confirms that. Why would we say that if the appeal panel has exceeded their jurisdiction, there should be no recourse to the individual? If somebody can offer a reason, I'd be happy to hear it.

The judicial review safety valve – and that's truly what it is – is just a way to prevent an abuse or an excess by an administrative body. It has proven its worth time and time again. We can cite all kinds of boards in this province that have been found on different occasions to have exceeded their jurisdiction. What happens is that it's a useful kind of check because this Legislature isn't always sitting, and we can't always be rushing and convening immediately after some appeal panel has gone too far. So the courts do that for us, and they do it on a limited, infrequent basis, but it is a kind of valve that I think we require. Those are the reasons that I'd urge all members to see this as a very helpful amendment.

Now, some people may say this is going to create a whole lot more litigation. Hopefully I've addressed that by saying how rarely the courts will find that the jurisdiction has been exceeded. It doesn't happen in most cases, but we're poorer for not having that safety valve built into Bill 5.

DR. WEST: We're poor – you're right – but not the lawyers.

MR. DICKSON: Well, why don't we make sure that no lawyers are going to get rich from an excess of jurisdiction by simply building in the safeguard right off the bat? It'll probably be helpful, and I think you'd probably get wiser decisions on the part of the appeal panel if they know that if they get carried away and exceed their jurisdiction, they're going to get reined in and the decision may be quashed on judicial review.

So those are the considerations I wanted to make at this time, Mr. Chairman. There may be others who wish to speak to it as well. I think it's a very helpful amendment.

Thank you very much.

THE CHAIRMAN: The Chair would like to ask the committee if you'd give unanimous consent to briefly revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

The hon. Member for Edmonton-Glenora.

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

MR. SAPERS: Thank you, Mr. Chairman and colleagues. It is my pleasure to introduce at this time some visitors to the Assembly that have decided to attend tonight, particularly to hear and witness the debate on Bill 5 at committee. They're very interested in Bill 5, very interested in children's services, particularly interested in a number of the amendments. They are in the members' gallery, which is an unusual experience for me. Nonetheless, I'll turn my back to you and talk to them. Welcome. I would like to introduce to all members Cydne Park, Claire Murphy, and friend. Would they please rise and be warmly received by this Assembly.

Bill 5
Persons With Developmental Disabilities Community Governance Act
(continued)

THE CHAIRMAN: The hon. Member for Edmonton-Calder.

MR. WHITE: Thank you, Mr. Chairman. I, too, rise to speak to this particular amendment, having had very little experience with the law but some experience within my own profession in dealing with judicial review. There are in all professions specific areas of expertise. In this particular case presumably the review panel, from all that the minister and the proponent of the Bill say, would be made up of those people that care a great deal, of course, for those that have some developmental difficulties and those that have some expertise in how to deal with these situations. Now, judicial review does not deal with that level of expertise at all. That is totally and completely in the realm of the review panel and in fact should be dealt with in finality on the merits of the case.

This judicial review is that extra check should one of two things happen, that (a) the authority delegated by this Bill to the panel is exceeded and (b) errors in law, which happen now and again, and errors in common law. In all professions that sort of thing occurs. Now, I can say that I have seen at least three of these kinds of appeals through my profession, through APEGGA, which is the governing body of the engineers. Two of them were upheld by the courts, and one of course was ruled . . . What the effect is, with the judge ruling – and this is an application, of course, in chambers too. This is not a lengthy procedure. This is simply on application, so it doesn't delay the implementation of a ruling, and it cannot be used except in a very, very minor way. It uses a delay tactic which occurs in some instances, in some disputes of this nature, but this cannot be because it's application is chamber.

Now, what happens here is that an application is made, and the presiding judge in chamber will make a ruling and either rule in favour of upholding the appeal panel's decision or reverting that to the appeal panel. That's it. So the appeal panel now knows the area of jurisdiction that they have exceeded, and if in fact they must remedy that by a complete new hearing, the judge will tell them that and what to include. After one or two of these instances in a new piece of legislation, this hones in the focus of an appeal panel such that the appeal panel knows precisely and exactly where they stand relative to the courts.

I say to you, sir, that this is an exceptionally good safety valve, if you will. It puts the parameters of the appeal panel clearly governed by law, and we in fact are governed by law. That's what makes us a democratic society, of course, one of the things. I believe that this particular case can be well made. I haven't

heard any – and by the silence on the other side, I don't suppose I shall hear, except perhaps one member might speak to this matter and explain to me, for one, what would be wrong, what is the error in my logic in saying that this is one additional step, one additional tiny little remedy for the betterment of this particular Bill?

So, Mr. Chairman, I speak in favour of this amendment and will now take my seat.

MR. SHARIFF: Mr. Chairman, I appreciate the comments that have been made by the hon. members who spoke before me. I just want to reassure the members that in the section that is being referred to, section 15, if one were to walk through it, one would get a good sense of the appeal process that is proposed in this section. It deals with a process under subsections (1) to (8) that allows for the formal and informal resolution of issues. It has a process that allows, if after 45 days the matter has not been resolved, for the chair to appoint a three-member panel to hear the appeal. That decision would be final.

10:00

Mr. Chairman, the issue here also needs one clarification that has been raised. This whole panel is supposed to be an impartial body that hears the appeal matters, and the minister is not involved in that decision-making. So it's further from the minister to an independent body.

I also want to assure the members that it is the intention of this Bill to ensure that the provincial board and not a court or an independent tribunal has control over decisions which affect development of public policy and in particular the expenditure of public funds.

Also under this current Bill a person who does not believe that he or she has received fair treatment because of an error in due process or because an appeal panel did not have authority to make a certain decision may appeal the decision of an appeal panel to a court. A court may overturn the decision of an appeal panel on the basis of an error in jurisdiction or due process.

Mr. Chairman, at this point in time I feel that our needs of impartiality are maintained, and therefore I recommend that we reject this amendment.

[Motion on amendment A2 lost]

THE CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thanks. Mr. Chairman, we of course are disappointed at the government's lack of recognition of the judiciary of the province of Alberta, but that being the case, I think it's time that we moved on to another amendment. We have actually six amendments that we'll be dealing with this evening in total, and there'll be another couple before we get to one that I know is of particular interest to some visitors in the gallery. So without delaying the proceedings at all, I would like to provide the Assembly with copies of our amendment, which I'm assuming will become amendment A3, and I will take an opportunity to begin talking about this amendment while it's being circulated to see if we can speed things up.

The amendment that I am now moving on behalf of my colleague from Edmonton-Riverview reads as follows, section 9 is amended by adding the following after clause (d):

> (e) ensure that there is reasonable access, comprehensiveness and portability across regions in the delivery of services to adults with developmental disabilities.

Mr. Chairman, this amendment, again, I believe is a very straightforward amendment. It puts into statute what all Albertans can expect in terms of what the minister will ensure happens.

We had an earlier, very vigorous debate in this House about health services and the principles of the Canada Health Act and whether or not Albertans should feel a certain entitlement to a standard of care and an expectation about access. Of course, what we're doing in a very direct way is importing some of that same philosophy, that same argument, that same necessity, in fact, into Bill 5.

Section 9 can be strengthened by adding this subclause (e) dealing with access, comprehensiveness, and portability across all of the regions. We do not want a situation where Albertans are faced with uncertainty as to whether or not they can receive the same standard of care from one place to another. We've heard criticisms that boundaries, when it comes to health care, have become walls. We don't want that to happen when it comes to services for persons with disabilities.

So I would ask the government to quickly accept this amendment. It certainly strengthens Bill 5 and makes the intent of the government crystal clear to all Albertans.

THE CHAIRMAN: This amendment just moved by the hon. Member for Edmonton-Glenora will be known as A3.

MR. SHARIFF: Mr. Chairman, I appreciate the amendment that's being put forward, and I just want the members of the House to make reference to section 9, which deals with the role of the minister, which is to

> (a) provide strategic direction, set goals and evaluate results . . .
> (b) set standards for the provision of services to [persons] with . . . disabilities;
> (c) ensure that the activities of the Boards are monitored and assessed;
> (d) work with other ministers and governments to co-ordinate the provision of services to adults with developmental disabilities.

I look at this amendment, and it is wanting to enhance the role of the minister further by ensuring that

> there is reasonable access, comprehensiveness and portability across regions in the delivery of services to adults with developmental disabilities.

I think this going to add to the role of the minister, and it will also benefit individuals who will be receiving services under this Act. As such, Mr. Chairman, I recommend that we accept this amendment.

HON. MEMBERS: Question.

THE CHAIRMAN: You're ready for amendment A3.

The Chair would apologize to those hon. members and to the hon. Member for Edmonton-Glenora. I think that if we have subsequent amendments – although speed is sometimes a virtue, if you don't get a copy of it until after the whole thing is over, then it's hardly a virtue. So we will take the time to make sure.

We'll also remind the pages to hand it first and foremost to those who are actually alive and in their seats – that would be helpful – as opposed to all of the blank seats.

[Motion on amendment A3 carried]

THE CHAIRMAN: The hon. Member for Edmonton-Glenora. [interjection]

MR. SAPERS: Oh, dear. It's not that late yet, Mr. Chairman, but it is certainly getting on. In any case, I'm reminded of a couple of funny stories, and one of them even involves the Minister of Community Development, but they're not relevant to Bill 5, so I won't proceed with them in debate at this point. But, yes, it's great when things make sense.

I'd like to move to another section in the Bill that we believe will also be strengthened with an amendment. It is again an addition. It's strengthening the Bill. It's not dealing with an error in drafting as much as we believe an oversight and something that will serve the government and serve the people of Alberta. This is an amendment that will deal with section 22, and I'll wait.

10:10

THE CHAIRMAN: Yes. Thank you, hon. member.

The Chair would observe that in fact we do have the appropriate signatures. They don't appear on this one, but on the copy that we have here, which is the official copy for the records of the Assembly, the signatures are in fact there.

This amendment, which is now nearing your desks, is amendment A4, and the amendment has been altered on the original. It's now under the name of the hon. member who's just indicated he was passing it around. Is that right?

MR. SAPERS: Thank you, Mr. Chairman. Yes. I am moving this amendment as follows, that Bill 5 be amended by amending section 22 by adding the following after subsection 2:

> (3) In addition to any other reporting requirements in this section, as soon as practicable after March 31 each year the Provincial Board, Facility Boards, and Community Boards must prepare and submit to the Minister an annual report which shall include an audited financial statement for the preceding financial year.
>
> (4) Upon receipt of an annual report under subsection (3), the Minister shall table that report in the Legislative Assembly.

There may be some other words, which really constitute a typographical error in this amendment. The period follows after the words "Legislative Assembly."

Mr. Chairman, the intent of this is very clear. Previous subclauses of section 22 provide that the minister may request that a board do this or that and require that the provincial . . .

THE CHAIRMAN: Edmonton-Glenora, as the Chair would understand it, on your proposed amendment you're saying that in subsection (4) after "Legislative Assembly" there be inserted a period and you delete "within 15 days of the next ensuing sitting of the Assembly." Is that so? That in fact becomes a subamendment; doesn't it?

MR. SAPERS: Well, Mr. Chairman, I'm trying to avoid the procedural necessity of a subamendment and simply indicate that my intention in moving this amendment was that it not include the words "within 15 days of the next ensuing sitting of the Assembly."

THE CHAIRMAN: I don't know that that saves us any time. Why don't you just move it as a subamendment to delete what we've just said? Everybody can do that, and then if anybody wants to discuss it, just the deletion, then we can go according to Hoyle.

MR. SAPERS: All right, Mr. Chairman. Thank you for that guidance. I would then like to move a subamendment.

THE CHAIRMAN: Yes. To delete.

MR. WHITE: You can't amend your own motion. I'll have to do it for him.

THE CHAIRMAN: The hon. Member for Edmonton-Calder is wiser than us all. Would you please do that? You're right, hon. member.

MR. WHITE: Sir, I move a subamendment to the amendment that's on the floor, A4: the deletion of all the words in subsection (4) after "Legislative Assembly." They constitute – I read them into the record – "within 15 days of the next ensuing sitting of the Assembly."

[Motion on subamendment carried]

THE CHAIRMAN: Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Chairman. I thought it was just because the photocopier failed to pick up the dark, bold lines scratching out those words, but you're right.

In any case, what we have is something that strengthens section 22. Instead of it being a section that simply says that the minister may require that the provincial board do this or that and the provincial board may require that a facility or a community board do this or that, this says very clearly that Albertans can expect clear, open, and transparent reporting on the operations of the provincial board, the facility boards, and the community boards and that they must prepare and submit a report to the minister which in turn will be tabled in the Assembly, including an audited financial statement.

Thank you, Mr. Chairman.

MR. SHARIFF: Mr. Chairman, I just can't believe myself. I'm once again standing up recommending that we accept this amendment as proposed by the hon. member. I think there's no objection to what is being proposed, and I recommend that my colleagues support this.

Thank you.

[Motion on amendment A4 carried]

THE CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Chairman. The next amendment is one that I hope we can proceed with as quickly. This is an amendment of particular interest to visitors in our gallery. What I'll do now is have the pages circulate the amendment, and then I will take some time speaking to it.

THE CHAIRMAN: The hon. Member for Edmonton-Glenora has moved amendment A5. Are we ready for the debate? Good.

The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Chairman. I'll quickly read this amendment to Bill 5. This amendment would amend several sections, so I hope that all hon. members will follow along with me. I move that Bill 5 be amended as follows: the following provisions are amended by striking out "adults" wherever it occurs and substituting "persons" in the preamble, in section 1, section 4, section 7, section 9, section 10, section 11, section 12,

section 16, and section 17, and section 15 is amended by striking out "adult" and substituting "person."

Mr. Chairman, this amendment is quite a substantial amendment. It is almost disarmingly simple in its form and content, simply substituting one word for another. Of course, it is a very, very important distinction between adults and persons. The Bill itself is a Bill which unfortunately could be limited in its scope if you only read it as a Bill that deals with adults.

Now, the title of the Bill, Mr. Chairman, is Persons With Developmental Disabilities Community Governance Act. Persons With Developmental Disabilities Community Governance Act: not adults, not children, not grandparents, not every other individual, but persons. Our intent in this amendment is to reinforce what clearly must have been the government's intent when they named the Bill. We've had some interesting debate in this Assembly about the form and title of Bills and how important they are in providing guidance not just to members of the Assembly but to all Albertans.

10:20

I don't think it was the intention of this government to in any way mislead Albertans about the intent of Bill 5 by calling it the Persons with Developmental Disabilities Community Governance Act and then have it only deal with adults. I believe that the government named the Bill on purpose and that the government intends for this Bill to deal with all people in Alberta who are challenged physically and are coping with disabilities. So what this amendment does is make the content of the Bill, the substance of the Bill, consistent with the title of the Bill.

In case any members have a doubt in their mind as to whether or not this is important to Albertans, let me quickly share just a couple of things with the Assembly. First what I'd like to do is just very quickly read two sentences from a letter which I have a copy of from a constituent of Spruce Grove who has corresponded with the Minister of Family and Social Services. I will be editing this letter only very slightly in that I do not want to betray the name of the subject of the letter. It reads in part:

> As I do not know what is in store for M, it is very important for me to maintain the flexible and individual programs HCS has provided me with since M was three years old. Please help all parents of children with disabilities protect our present funding by having SPD continue to provide funding for HCS and that HCS be incorporated under Bill 5 with protected funding and remain a provincial program.

Clearly there are parents out there of children with disabilities who believe their needs will not be served unless this transpires.

Mr. Chairman, one of our guests in the Chamber tonight, Cydne Park, has provided me with a copy of the following correspondence, which was presented to the hon. Member for Stony Plain. It reads in part:

> Due to the strong representation by parents of children with disabilities in this initiative and the lack of input they have regarding Handicapped Children's Services (HCS) it is of vital importance that the door stays open regarding Bill 5. Parents request that you act on their behalf to ensure that as a minimum, Bill 5 will read "Persons" not "Adults". If [your] Government closes doors in this process it would be grossly unfair. As our MLA your strong representation is expected on this issue.

Again, Mr. Chairman, clearly there is a very concerned and involved constituency that is watching Bill 5, that is concerned about Bill 5, that believes very much in the intent and principle of Bill 5 but wants to see that intent and principle apply to their children. They are very nervous about the government's intentions for handicapped children's services.

So, Mr. Chairman, what we are dealing with with this amendment is something that is reasonable, helpful and certainly will provide comfort to parents and children with disabilities. I encourage the same open consideration that government members have shown to a couple of other amendments, and I would hope that this will quickly gain the support of all members of the Assembly.

THE ACTING CHAIRMAN: The hon. Minister of Family and Social Services.

DR. OBERG: Thank you very much, Mr. Chairman. I'm addressing my comments to the Assembly but also to the visitors that are up here. One of the true enigmas in getting this job has been handicapped children's services. What the parents of handicapped children's services have said is that they want their children to remain in SPD purely because they will be guaranteed funding, they will be guaranteed that their program will be kept the same.

Mr. Chairman, I would put it to you – and I have said this on numerous occasions. I have met with AACL. I have met with Bruce Uditsky. As a matter of fact Bruce is now sitting on the funding formula board. I have told them each time – I told them two very critical things. First of all, I will personally guarantee that services to handicapped children will not be decreased under children's services. Second, I will personally guarantee that if anything – and she's shaking her head – children's services will increase. Those are the facts.

It's very interesting, the frenzy of activity that has been whipped up on this to keep them out of advancing forward. It's my department's opinion and it's my opinion that the people in handicapped children's services will be much better off. They will get a much better program. The funding will be protected under the children's services initiative.

Thank you.

THE CHAIRMAN: The hon. Member for Calgary-Buffalo on amendment A5.

MR. DICKSON: Thank you very much, Mr. Chairman. I'm intrigued by the minister's saying that he is going to personally guarantee a certain threshold in terms of children's services, because the reality is that we're dealing with a statute which frankly provides far more permanence and a far greater measure of security and certainty than any minister's personal undertaking. I mean, I certainly appreciate the gesture of the Minister of Family and Social Services, but when all is said and done, that minister may not be a cabinet minister next month. He may have moved on to some new and wonderful adventure.

This isn't a question about his veracity. I accept that he means what he says when he says that he'll personally guarantee it, but I think the parents of the children that would be affected by this amendment would like to see a stipulation, see a prescription in the statute. I think that's frankly not an unreasonable thing to ask. What the amendment proposes is to in effect say that to the extent that we want to build in different kinds of assurances and processes to benefit developmentally disabled Albertans, at minimum that same measure of service, that same kind of support should be available to children as well and that it shouldn't be as limited as it is without this amendment.

I mean, notwithstanding the assurances that we've received from the minister, that's still no reason not to support the

amendment that's been put on the Table on behalf of the Member for Edmonton-Riverview. I think it's a positive amendment, and it's clearly being responsive. Our job is surely to listen to what the community is telling us, and we have evidence that in fact there is community representation, there is community advocacy, and this is a responsive amendment that addresses that question. I'm hopeful that the mover of the Bill, our friend from Calgary-McCall, who has shown some flexibility on other amendments, will see the value, the merit in this amendment and be anxious to support it for all the reasons that I think have been ably outlined by the Opposition House Leader.

I think that anything further I would say would simply be repetitious of what members have heard already, so beyond simply indicating my support, that's the key message I'd like to share with members. I'd invite the Minister of Family and Social Services to go beyond his personal guarantee. Let's provide the kind of statutory assurance that parents are looking for and seeking this evening.

Thanks, Mr. Chairman.

MR. SHARIFF: Mr. Chairman, I've followed with a lot of interest the debate that has just happened on this particular amendment. The Minister of Family and Social Services has reassured this House that handicapped children will not be penalized in any way, shape, or form and that the services they will need will be met under the handicapped children's services that are presently being provided, and as such, I recommend that we reject this amendment.

THE CHAIRMAN: The hon. Member for Edmonton-Riverview.

10:30

MRS. SLOAN: Thank you, Mr. Chairman. I'm pleased to have the opportunity to speak to this amendment and the merits of it. With due respect to the minister and the hon. member that has just spoken, the current Act does not make the funding for handicapped children mandatory. It is, in fact, by its very wording discretionary. This government is basically saying that the parents and stakeholders of handicapped children should take them at their word that services will be provided and that they will be funded.

The merits of the amendment are in essence asking the government, the minister, to put that commitment into law. And if it is a good commitment, if you're as good as your word, put it in the law. It's not in the current law, because the wording in that section leaves it completely discretionary. If there is a segment of society . . . [interjections] I'm sorry, Mr. Chairman, there was obviously some other debate that was going on in the House, but if the hon. member wishes to carry it on, perhaps she should stand up.

THE CHAIRMAN: Hon. member, you have to sit down first before she can stand up.

MRS. SLOAN: Thank you. I'm actually trying to debate the merits of the amendment, Mr. Chairman.

I have had the opportunity to speak now with a number of parents who worked in a very concerted way in their respective regions and communities on the working group plans that have become the foundation for the regional service delivery plans. They have increasingly, over a period of months in undertaking this work, become more and more concerned about their funding for handicapped children not being secured. They have put those concerns in writing to the minister. They have put them in writing to the members of the opposition. We still do not see a commitment incorporated in the laws of this province that ensures that those services and the funding for them will not be discretionary, that it will be mandatory and that it will be required.

Mr. Chairman, when the funding model is proposed, what's to stop a region from deciding that they need to allocate more funding to foster homes than they do for handicapped children's services? Currently there would be no barriers to that sort of thing happening. Or if they decided that another legitimate program needed more funding, there would be nothing to stop them from shuffling money away from handicapped children's services.

I think that what we have to be mindful of in this Assembly is that these are children that need our support. They may not have just a single disability; they may have multiple disabilities. They may be physical in nature, they may be mental in nature, or they may be a combination of both. Why will this government not put a commitment on services for those children in the law?

That is why the opposition has proposed this amendment this evening to Bill 5. It makes the provision mandatory. It clarifies the wording. It has the endorsement of the stakeholders, and I'm sure that if the hon. minister has consulted with the stakeholders, he would agree that that is true. So I do not see why the government would oppose it. It's not logical. It doesn't have any rational basis either in terms of popular support or in terms of their mandate to care for the interests of their citizens as individuals and as a whole.

If this was occurring at a time when there were no other changes planned, no other restructuring planned, perhaps the parents of these children would not feel uneasy. But the fact of the matter is, Mr. Chairman, that we are regionalizing the whole system, and that process is riddled with flaws, where we have asked 18 regions to table service delivery plans before the province has even finalized its standards provincially for child welfare services and other children's services in the province. Do those people, do any people accessing that system have a reason to feel uneasy? Yes, I believe they do, because the province has not made it clear what their position is.

As well, the sense as these service plans are evolving – and again, I believe there are only two that to date have been seen within the public domain – the additional message that's circulating is that the regions are going to have a great deal of authority in determining what services are offered, and that relates to the statement I made very early on in my remarks, that regions may decide.

Another component is the funding model. The government is using statistics that are six to eight years out of date to base their funding on: 1989 and 1991 statistics. They try and tell people based on those numbers. In 1989 and '91 there were only 2 percent of children in this province that were disabled or handicapped, and that's what they're going to base their funding on. Well, we know that we're six to eight years later, and our population has grown. We have more social and youth health problems. In hand with that, the incidence of disabilities is increasing. So with all of those other flaws in place in the funding model, in the regionalization process, in the lack of standards, why can we not give some degree of reassurance by putting in just one small word – just one small word – as a change in terminology? Why can we not put that into Bill 5 to give the people within handicapped children's services some degree of reassurance?

That concludes my comments on this amendment, Mr. Chairman.

THE CHAIRMAN: The hon. Minister of Family and Social Services.

DR. OBERG: Thank you very much, Mr. Chairman. If I may, I just received a note from a lady who is sitting in the gallery, and basically what she has asked me is: please explain how you personally can guarantee that funding and services will improve. The bottom line is that as the children's services plans come forward, they must be approved by myself. They must have ministerial approval on them before they go forward.

With regard to handicapped children's services it is still in the Child Welfare Act. It is still governed under the Child Welfare Act. It is not under the SPD Act. I can only say it so many times: we've got to start thinking about the kids rather than the Acts. They will get better service under children's services.

Thank you.

[Motion on amendment A5 lost]

THE CHAIRMAN: Are you ready for the question?

SOME HON. MEMBERS: Question. Question.

THE CHAIRMAN: We have, then, under consideration Bill 5.

The hon. Member for Edmonton-Glenora.

MR. SAPERS: Mr. Chairman, I failed to get your eye. There was one more amendment. [interjections] I was here. I wasn't here for the vote on the amendment.

THE CHAIRMAN: Edmonton-Glenora, I've recognized you. Say your piece, please.

MR. SAPERS: Thank you, Mr. Chairman. I would like to very quickly proceed with a further amendment on Bill 5. I understand that we . . .

THE CHAIRMAN: That can be very awkward, hon. member. You were not in your place. We started the process, called the question.

MR. SAPERS: Mr. Chairman, I was distracted by trying to get a note to *Hansard*, and when you called the question, I thought the question was on the amendment. It was my intent – and I think the Table will verify that there were six amendments that were presented to the Table for discussion on Bill 5 tonight. So I apologize if I wasn't fast enough rising to my feet, having been distracted. I'd appreciate an opportunity to proceed with what will be my final amendment on this Bill at committee.

10:40

THE CHAIRMAN: It seems rather irregular, but I think all hon. members know that we're in here for a time certain. If we may have unanimous consent to allow the hon. Member for Edmonton-Glenora to proceed. It presumably will not change our time schedule or anything. All those in agreement to let Edmonton-Glenora make his late amendment, please say aye.

HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no. All right; you do have your consent, hon. member.

MR. SAPERS: Thank you, Mr. Chairman. We've certainly come a long way in this Assembly, and I appreciate the indulgence of all hon. members. This actually has been a very good example of co-operation in dealing with a very, very difficult Bill. While I regret that not all amendments have been acceptable, we are making some progress. I think it speaks well of the Assembly, and I appreciate it.

Mr. Chairman, I will circulate my final amendment.

THE CHAIRMAN: We'll take a momentary rest. This will be called amendment A6, as moved by the hon. Member for Edmonton-Glenora, and we do have the necessary signatures here.

I think we're okay now. The hon. Member for Edmonton-Glenora to continue on A6.

MR. SAPERS: Yes, A6. Thanks, Mr. Chairman. I move that Bill 5 be amended as follows. Section 2 is amended by adding (2.1) after (2) in subsection (1) and by adding the following after subsection (2):

> 2.1 The membership of the Provincial Board shall include persons with developmental disabilities or family members of persons with developmental disabilities.

Section 5 is amended by adding (3.1) after (3) in subsection (2) and by adding the following after subsection (3):

> 3.1 The membership of a Community Board shall include persons with developmental disabilities or family members of persons with developmental disabilities.

Section 7 is amended by adding (3.1) after (3) in subsection (2) and by adding the following after subsection (3):

> 3.1 The membership of a Facility Board shall include persons with developmental disabilities or family members of persons with developmental disabilities.

Mr. Chairman, you have no doubt noted a pattern in this amendment. We believe and are fundamentally committed to involving stakeholders and consumers of services at every level. This government bragged earlier today about consulting with some 300,000 Albertans for input. I would imagine that if they went back to those 300,000 Albertans and asked, "Do you think you should be not just asked once in awhile for your input but that in fact you would like to be part of the process?" I'll bet you that almost every one if not every one of those 300,000 Albertans would say: "Yes. I want to be part of the process. I want to be at the table. I want to be there when decisions are made. I want to be felt to be legitimate. I don't want to be marginalized. I don't want to just be asked when it's convenient. I want to be there to support what's supportable. I want to be there to demand change when that's necessary, and I want to be there to monitor in between." That's what Albertans want. People with disabilities are no different in their aspirations or in their desires or in their needs.

What this Bill would do is set a tone that shows that this government is serious when it talks about involving stakeholders, involving interested parties, involving the community, allowing decision-making to go down to the most local level. I would submit, Mr. Chairman, that the most local of all levels is that level that involves the communities of interest, and in this case that means persons with disabilities and it means families of persons with disabilities. There can be no justification, no excuse for not legislating the inclusion of these users of the services to be involved in the boards that will be directing these services. It is not good enough, as may be suggested by the government, that this be left to regulation.

The government can set a tone, can set a standard, can raise the

bar, can make expectations clear, and can send out the signal that they mean what they say, that they not only talk the talk but they walk the walk when it comes to involving persons with disabilities in being masters of their own destiny. It's not good enough to suggest that we can be silent on the matter, that the legislation is inclusive already, that we can simply leave it to happenstance as to whether or not persons with disabilities or their family members be on these boards. That is not good enough. We must take the next step: we must make it manifestly clear that we as lawmakers and Albertans as taxpayers demand that persons with disabilities be recognized as legitimate in this process.

Mr. Chairman, these amendments are profound. They send out a signal that this government is serious about what it says. They would make Bill 5 a much stronger, much better piece of legislation, a piece of legislation that frankly would be amongst the best of its type in this country. I would ask for the same consideration as some of these other amendments.

I know that the sponsor of the Bill is aware of the importance of involving consumers, users of services in service-providing decision-making. I've even heard the member talk – and he may not even be aware of this – on that very topic once upon a time. So I know that this is not a foreign concept to that member or to any of his colleagues. It certainly isn't to the minister. The minister in his previous life as a physician I'm sure was aware of the fact that there were patient stakeholder groups and even laypeople on the board of the College of Physicians and Surgeons of Alberta. So this is not a concept that is unique or groundbreaking. It would simply bring this legislation to the forefront of its type.

Mr. Chairman, with those few words on this very important amendment, I would ask that it receive quick and speedy passage by this House.

THE CHAIRMAN: The hon. Member for Edmonton-Riverview.

MRS. SLOAN: Thank you, Mr. Chairman. If we are committed in this Assembly to building strong, integrated community governance, we will support these amendments to Bill 5. The intent of the amendments is to permit under the law people who have experience with disabilities either directly as individuals or as family members of persons with disabilities to be involved in an active and consistent way with respect to the governance of the services that this province delivers at a provincial level and at a regional level with respect to developmental disabilities. We have seen in other sectors, specifically health care, where those that have had direct experience, a direct perspective on the delivery of services have been excluded, and in my personal and humble belief that has contributed to many of the flaws and problems and terrible experiences that people have had within our health care system in the last three years.

Members may ask why we would ask for membership on all levels: provincial, community, and facility boards. In my assessment of the responsibilities of those levels under the Act, while some are overlapping, there are some that are significant and singular to each one, and there is a need for the perspective of those individuals at each level in the system. What will that mean? What benefit will that bring? It may mean that boards will be prevented from making bad decisions because of the implications that perhaps they with administrative business or corporate backgrounds would not understand, but the members of families of people with disabilities and people with developmental disabilities will understand the implications and will articulate those in such a way that all boards at all levels can make the best possible decisions on behalf of this population.

10:50

The government has said that it is attempting to be inclusive. We have attempted to propose an amendment that is aligned with that, aligned with being accountable and inclusive, and it really should not be a difficult amendment to support.

The other benefits that it can bring are in the area of perhaps new services that are not currently funded but are required. Again, I would submit that there are none better than those that live with these disabilities on a daily basis to propose what those services should be and what is required with respect to fiscal and human supports, to make them provided across this province. If their voice is not there, it's marginalized, and if their voice is not at the table, they do not have the ability except through concerted lobbying, which obviously they are not in a position to do, to bring those recommendations to the table. They have an entitlement to a seat, and they should have a seat.

With that, I conclude my remarks on the amendment. Thank you.

THE CHAIRMAN: The hon. Member for Calgary-McCall.

MR. SHARIFF: Thank you, Mr. Chairman. Having reviewed the proposed amendment, I have to state that the intent is very honourable and well-meaning. I also want to remind this House that this government has – and there's a track record that one can turn to – given due consideration in all appointments to people who can contribute meaningfully for whatever service they will be delivering. This Act does not preclude anyone from being appointed through the due process that is outlined in the Act. As such, I would like to leave it to the panel that will be reviewing the nominations to come back with submissions to the minister for an appointment process. As such, I do not see any need for accepting this amendment, and I hope that we will reject it.

Thank you.

MRS. SLOAN: If I may respond specifically to the hon. member's remarks. It is not the intent of the amendments to in any way, shape, or form cripple the nomination process. The nominations can come from as far and wide as possible. We all know and we have all been through the experience where nominations can be influenced by a variety of sources, and if there are only so many seats at the table, this particular group may not be in a position to advocate strongly and loudly enough for a seat. In that instance when it goes out to these various levels, this provision gives them at the very least an entitlement. Maybe it's only one seat. Maybe some boards will decide it's five seats, but at least it's one. If this is not there, then you leave it completely in the purview of those facility, community, and provincial boards to decide that.

With all due respect, I just think that opens the game up. The stakes become bigger and the players become bigger and the losers become bigger. Please note that we have not said that the membership must consist of specific numbers, but we have said that it "shall include persons with developmental disabilities or family members" should they be interested in applying. In no way, shape, or form does it tie the hands . . . [interjections]

THE CHAIRMAN: Hon. minister, if you wish to speak, we will put you on after Edmonton-Riverview concludes her comments.

The hon. Member for Edmonton-Riverview.

MRS. SLOAN: Thank you. The other rationale that's behind this amendment is that having had a variety of experience with private and public and government-directed boards, most often people look for representation on their boards that is reflective of the values and the philosophies and the services and programs that they are intending to provide. This amendment incorporates that philosophy.

I would submit, Mr. Chairman, that if the hon. member has some concern about the amendment being too restrictive, he is certainly open to amend the amendment, I believe. But to defeat it and to basically tell the families and people with developmental disabilities that they have no guarantee – because there is none – of a seat on any of these three boards, a multitiered governance process, is being irresponsible. I would submit it's being irresponsible and unreasonable. It's a very, very small thing. In the absence of some of the other assurances that we've sought in this House tonight with respect to Bill 5, it's a very small reassurance to these people that they will have a direct voice at the table where decisions are made.

Thank you.

[Motion on amendment A6 lost]

[The clauses of Bill 5 as amended agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the Bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

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

20. Mr. Havelock moved:
Be it resolved that further consideration of any or all of the resolutions, clauses, sections, or titles of Bill 1, Freedom of Information and Protection of Privacy Amendment Act, 1997, shall, when called, be the first business of the committee and shall not be further postponed.

[Motion carried]

11:00

THE CHAIRMAN: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Yes.

THE CHAIRMAN: Hon. member, before we go, just remember we do have, if I can find it, an amendment known as A2 as moved by the hon. Member for Calgary-Buffalo. So we're talking about the amendment.

DR. MASSEY: Mr. Chairman, speaking in support of the amendment to Bill 1 as proposed by the Member for Calgary-Buffalo. Because it's been a while since we've been debating this Bill, I would remind members that amendment proposes that we add the words "or July 1, 1998 whichever shall first occur" after the word "Proclamation." The intent is to force a deadline on those institutions known as the MASH sector in the province to come under the Freedom of Information and Protection of Privacy Act. I think it's an important amendment for a number of reasons.

First of all, if we go back to the Bill, the Bill itself was heralded, and I think all Albertans believed the Premier when he took great pains to explain how important the Freedom of Information and Protection of Privacy Act was. When this particular Bill, Bill 1, was introduced this legislative term, there were again some very positive comments by the Premier indicating to Albertans how important the Bill was and what a great step forward it was on the part of his government to have this Act in place.

What I think would be the surprise to most Albertans is that Bill 1 really is a Bill that would delay, that would allow municipalities, academic institutions, schools and hospitals to proceed without any schedule for them to fall under the terms of the Act. That's what the amendment is about, to put a stop to that, to make sure that, if not before, at least by 1998, on July 1, they are under the Act. If that's not the case, what we might ask is: what are Albertans being denied by this amendment not being passed?

[Mrs. Laing in the Chair]

You have to go back to the original Act to understand just exactly what they are being denied and what citizens in other provinces in the dominion have access to. They're being denied. If you're a student at a university, if you're a parent in the school system, if you're an elector in a municipality, if you're a patient in a hospital, you're being denied access to a great variety of information, and that kind of information is outlined in the original Act, information such as access to the records in the custody of any of those institutions.

There are exceptions set out, but generally they have records that concern you. You don't have access to them, and there's no guarantee under this Act that you ever will unless it's proclaimed or unless this amendment is passed putting forth a deadline. It gives citizens some control over the manner in which a body may collect and use personal information from individuals and to control the use that public body may make of the information and to control the disclosure of that information from a public body. We've had some examples recently of patients in hospitals being contacted for lottery purposes, for fund-raising purposes. The only way their names got on that list is the fact that they were patients in a particular hospital. Quite rightly, many patients objected to that use of personal information. The Freedom of Information and Protection of Privacy Act would give them some control, and they need that control.

It would allow individuals access to personal information about themselves held by those public bodies, and that's very important. It's particularly important in the academic and institutional settings. Those institutions often hold personal information about an individual's academic or personal background that are crucial in decisions that are made about students and their progress or the doors that would be opened or closed to them, and it's information that is often denied students. Again, the purpose of the Act was to open things up so that we all have access to that kind of information.

It also allows that information, if need be, to be corrected, and that's an important aspect of the original Act and one that I think all members of the Assembly were very supportive of. It provides an appeal mechanism for citizens to appeal decisions made by public bodies about personal information, again something that

doesn't exist, was thought worthy to be included in the original Bill, and again supported by most members of this House.

That kind of information, those five items are what are being denied by us not having in place a deadline, a time, a certain date when those sectors will come under the provisions of the Freedom of Information and Protection of Privacy Act. I think we have to look very carefully at what citizens are being denied when we rely on the elements of Bill 1, as we're being asked to.

I think we need a deadline for a variety of reasons, and if you go and look at some of the reports of the federal Privacy Commissioner, in one of those reports the commissioner indicates that bureaucracies have a tendency to protect information, and I suspect that bureaucracies in Alberta are no different from bureaucracies elsewhere. They like to keep information unto themselves. In some organizations information is power, and that's the way some individuals within those organizations keep themselves busy and occupied and in a decision-making power. I can recall, for instance, some of the discussions over cumulative records that were held by school districts and how the bureaucracies fought against having that kind of particular information made available to the public. Interestingly enough, in the new draft education Bill presented today that very item is being addressed.

If the experience elsewhere is any indication, some bureaucracies will never be ready. They'll never have enough systems in place. They'll never have done enough homework. They'll never feel that they have the resources that they need to come under the Freedom of Information and Protection of Privacy Act. Those individuals, those institutions need a deadline, and that's what this amendment would do.

So for those reasons, Madam Chairman, I think it makes sense for this amendment to be passed by the Assembly, and I would call the question on the amendment.

[Motion on amendment A2 lost]

11:10

THE ACTING CHAIRMAN: Calgary-Buffalo.

MR. DICKSON: Thanks, Madam Chairman. I'd ask if we can have a further amendment distributed. Madam Chairman and members, given the fact that closure has been invoked and we have in effect a final few minutes – 45, 50 minutes – to finish debate on this Bill at the committee stage and there are a number of additional amendments, what I've done is taken and collected all four amendments. We're distributing them as a single package. What I'm asking is that we debate the entire package, and then vote on the entire package. That will economize on time, it allows all members to be able to see all elements of the amendments at a single time, and that will certainly economize on the brief time we've got.

[Mr. Tannas in the Chair]

Mr. Chairman, before turning to each of the four elements, I'd just say how disappointing it is that closure has been invoked by the government on this Bill after only three and a half hours of debate. That's less than a single day of debate in a legislative session of two months' duration.

In the amendment we've got in front of us, there are four different elements. I'm just waiting for a moment until I'm confident the members have got a copy of it before I attempt to describe it.

THE CHAIRMAN: This series of four sheets will be known as A3; right?

The hon. Member for Calgary-Buffalo, then, to continue with your comments on amendment A3.

MR. DICKSON: Mr. Chairman, there are four different elements in this amendment package, and I'll just touch on each of them so we're clear what's happening. We should be very clear that this government has never stipulated an outside date when the freedom of information Act will apply to local government bodies. In fact, there's a great deal of confusion surrounding that. I'll just give you this example. We had the publication from the Department of Health, the *Connexion* magazine, produced by the Provincial Mental Health Advisory Board, indicating that regional health authorities would be ready October 1, 1997. We had some indication from the Minister of Municipal Affairs that some municipalities would be ready in 1998. But I attended a conference sponsored by the provincial government that indicated that 1999 and the year 2000 would be, in the Minister of Labour's words, when it would be rolled out to include those levels of local government.

If one looks at the Freedom of Information and Protection of Privacy Act, one sees the three different local public bodies. One category would be the health care body, and there are six different categories in the health care body. You've got approved hospitals, you've got nursing homes, a provincial health board, a regional healthy authority, a community health council, a subsidiary health corporation.

THE CHAIRMAN: The hon. Minister of Energy rising on a point of order.

Point of Order
Questioning a Member

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

MR. DICKSON: Of course, Mr. Chairman. Of course.

THE CHAIRMAN: Hon. Minister of Energy, it's been accepted.

Debate Continued

DR. WEST: Thank you. I look at your amendments here and I notice that you would like, as the intent of one amendment, to subject private schools which receive public funding to finance their activities to the same obligations under FOIP as other educational bodies. Would you answer, then, a question? My interpretation of this and its connotation is that you support fuller funding or full funding of private schools and full recognition of them as the public school system.

MR. DICKSON: Mr. Chairman, delighted to respond to the question, but the question that this minister would have us pursue takes us away very much from the important Bill in front of us. He wants to engage in the debate that we're all looking forward to perhaps next week on private school funding. I'd invite the minister to come back then, and I'll be happy to tell him what my position is on private school funding. The issue tonight, hon. minister through the Chair, is that it doesn't matter whether you're a private school, a public school. If you're an institution in the province of Alberta that receives taxpayer funding, the price that you pay is that you have to be prepared to be subject to

freedom of information and protection of privacy. It's a simple proposition. If private schools or public schools or anybody else doesn't want to meet the test in terms of freedom of information and protection of privacy, then you simply don't seek public funding.

The point I'm attempting to make is that with health care bodies you have a number of different organizations, some with very large budgets and some with very small budgets, some with an enormous impact on Albertans and some with a very slight impact on Albertans. What we wanted to avoid was a situation where the government rolls out first the community health council with a whole lot of foofaraw and fanfare and says, "We're rolling out freedom of information." Well, I don't know a lot of Albertans that are standing in line waiting to see records of community health councils, but we do know that there's an awful lot of Albertans, Mr. Chairman, that very much want to see records from regional health authorities.

So going through the elements of the amendment package, we're saying firstly that in the proposed section 98(4) when we're dealing with health bodies, what we would do is insure that freedom of information "shall be made applicable to a regional health authority" and may be applicable to other bodies. What that means is that if there's any health care body that becomes subject to freedom of information, the regional health authority has got to be at the top of the list, and then the other ones can be staged after that, but it means regional health authorities are first in when it comes to a health body.

The other amendment is one that says that when we're dealing with the educational bodies – one can go back again to the definition. Just trying to find it, Mr. Chairman, in the existing Act. We've got a number of educational bodies, so what we wanted to say was that if freedom of information is going to be proclaimed in terms of any school agency, it must be a school board first.

The next amendment is one in terms of the Municipal Government Act. In terms of the Municipal Government Act we have a whole range of forms of municipal government. What we would start with would be municipal government before we get to hamlets and summer villages and those smaller urban entities where there isn't the same level of concern and there isn't the same large number of Albertans that are directly affected. So it would be included in that sense.

The fourth element of the amendment package deals with private schools, and though the Minister of Energy may have forgotten, clearly we have private schools in the province of Alberta that are within the definition of the School Act that receive funding from the government of Alberta. We're saying that if you're a private school and you receive taxpayer dollars – whether that's the sole source of support or whether you get money from another source, it doesn't matter – then you have to step up to the bar, you have to meet the same requirement that follows taxpayer dollars to any other body, to any other facility. So the requirement there is that private schools which receive public funding to finance their activities would be subject to the same level of freedom of information compliance as other bodies.

11:20

Those are the four elements of the amendment package that we have before us, Mr. Chairman. I think that all this does is it takes this enormous discretionary power that under the existing Freedom of Information and Protection of Privacy Act and under Bill 1 is all left with Executive Council, with the cabinet, and impose some reasonable constraints. Now, unfortunately, the outside drop-dead date didn't fly, but we have a chance in another way, even though there's no date associated with it, to assert a measure of control over the rolling out process and determine what comes first. We're not stipulating what comes last. We're not stipulating the sequence. If you have six local government bodies, we're not trying to prioritize them one to six. We're simply saying that those bigger bodies have to come in that sequence.

Now, it may well be, Mr. Chairman, that there will still be some members who wonder what the concern is with local government bodies and why they should be required to be subject to the Act and the sequence. I can do no better than to refer members to a summary of appeals from the Information and Privacy Commissioner in Ontario. If you go through this, there are hundreds of appeals that indicate very clearly all kinds of cases where people are trying to access records with a junior college, with a municipality, those important kinds of bodies. They're the sorts of things that I think Albertans should have the same right to. I don't think that Albertans are less deserving than people in Ontario or B.C. of finding out what kinds of things the board of commissioners or the police are doing. In Ontario applications were made to get files of Seneca college or the Sheridan college of applied arts. One can just go through a host of local government bodies that had to be subject to that proposition. As I pointed out before, in Ontario the largest number of access requests, frankly, relate to local government, not to departments of the provincial government.

I think this is a very positive amendment. It enables the government to talk about their commitment to openness in a way that's going to be far more credible than is the case currently.

I think there's much to be said, and I know there are other members that are interested in speaking to this series of amendments as well, so with that, Mr. Chairman, with some reluctance, because I know that once I sit down, I can't get out of my seat again at this stage on the Bill, with a lament and a note of resignation, I take my chair at this stage.

Thanks, Mr. Chairman.

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

DR. PANNU: Thank you, Mr. Chairman. I rise to speak specifically to the proposed amendment to section 2 of Bill 1, the intent of that amendment being to ensure that when the Act applies to any educational body, it will apply to school boards as well as to private schools as defined in the School Act.

Mr. Chairman, I am disappointed that the amendment proposed last week to include private colleges in the Bill was defeated in this House. Looking at the arguments given against that amendment, I guess they apply to some extent to the proposal here as well. I want to speak in favour of the amendment by suggesting that the private schools receive today close to $38 million a year of taxpayers' funds. There are over 20,000 students who go to these schools, and according to the projections of the hon. Minister of Education, which he offered to us at the Public Accounts Committee meeting on May 21, Wednesday of last week, he expects the numbers to increase by about a thousand students a year. At the present rate of funding for the private schools which receive funds from the government, there'll be an additional $2 million a year added to the $38 million or $39 million that is already allocated to private schools. It's a large sum of tax money, for which Albertans would expect these institutions to be accountable.

Accountability for these funds is simply one important issue. I think the argument has been made that in the case of the colleges, that amount that the colleges are now receiving is not large enough. I wonder if $50 million or $40 million is a large enough amount for this House to expect these schools to in fact give accounting of how those moneys are spent.

The other issue, of course, is the protection of the interests of individual students who go to these schools and the right of the guardians or the parents of children who go to these schools to seek information which certainly bears on the short-term as well as the long-term interests of the students. School records, for example, are used in all kinds of ways by educational institutions, including private schools, in making recommendations, in making decisions on promotions, in determining merit, on and on and on. Given that these records are of material significance to the future careers, the future plans of those who go to these schools, the access to those records is of great importance to the families who send their children to these schools.

It's a question also of equity, Mr. Chairman. Students who go to these schools surely go to these schools because their families choose to send them to these schools. Nevertheless, we are dealing here with rights of children, and children who go to private schools should not be deprived of the right of their parents to have access to information that is of material substance in determining the future careers or the decisions of these children.

Also, the information in these records in schools suffers from all kinds of inaccuracies. I think it stands to reason to expect that all schools, whether they are private or public, so long as they receive taxpayers' money, should be obligated to open these records so that information in the records that is kept on students can be corrected in case there are inaccuracies in that information.

Many of the pieces of information in school records are also based on all kinds of testing procedures which test students' competence, students' intelligence, and what not. Having been in the field of education for many years, I know the weaknesses and the pitfalls of the so-called scientific instruments on scientific tests and the weaknesses of the results of the scientific information, which is often used both by teachers and school authorities in determining promotion and position on merit lists.

I suggest that since we know that the scientific status of the tests that are used is often in question and over the years many of these tests which at one time might have been considered scientifically sound have now been considered deficient and flawed, therefore the information drawn from such tests should always be available to children, or certainly their parents or guardians, in order that that information can be challenged and corrected if necessary.

11:30

I needn't remind the House that not very long ago in this province there was a debate on the legislation regarding eugenics, and that information was presumably based on science and scientific information. As it turned out 30 years later, that scientific information was so seriously flawed that this government thought it wise to compensate some of the victims of the decision made on the basis of that legislation that was passed many, many years ago.

If you include in the text the money that goes to private schools, the money that is allocated to early childhood services, the total amount goes to about $52 million to $53 million at this point, and it's expected to increase by about 5 percent every year. By the time this Bill is proclaimed to include the institutions that it affects, such as private schools, that amount will probably go to $70 million. That amount alone, Mr. Chairman, justifies the inclusion of private schools among institutions that will be subjected to the provisions of this Bill, once passed.

I conclude my remarks by urging the House to support and pass this amendment. Thank you.

THE CHAIRMAN: The hon. Member for Edmonton-Glengarry.

MR. BONNER: Thank you very much, Mr. Chairman. I rise tonight to speak to these amendments again. These amendments have a very distinct purpose, and that is to strengthen this particular Bill and fix any of the flaws that occur in it. It will increase the public's access to vital information that their tax dollars have already paid for, and it will also priorize what is important to most Albertans. When I look at the first amendment, in section 2 in 1(1)(d), which includes private colleges under these amendments, we are currently funding private colleges to the tune of approximately $8.7 million in taxpayers' dollars. I firmly believe that they should be included as well.

Again, if we're going to keep the playing field level for all Albertans – and I look particularly at the second amendment in Bill 1, in section 3, and particularly section 98(3) – the largest number of Albertans that are affected are those that are included under the school boards, so the intent of this amendment is to ensure that when the Act applies to any educational body, it will also apply to all school boards.

The third amendment, in section 3, is proposed for section 98(4). We have to look at the regional health authorities, which have multimillion dollar budgets and make crucial decisions about the health and safety of all Albertans. How can these bodies not be covered by the FOIP Act? Therefore, it is integral that they are also included and that they are priorized so that all the various bodies that fall under this section of the Act are included and not just certain segments of them.

Finally, when we look at the municipalities, we have many, many large centres that would be excluded or certainly would not be priorized. Many minor sections in this particular province could be included before the cities of Edmonton, Calgary, Lethbridge, whatever.

I would hope that this body would support these amendments to Bill 1. Thank you.

THE CHAIRMAN: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Chairman. I would like to speak on the amendments to Bill 1, the famous FOIP legislation. I would like to commend the Member for Calgary-Buffalo for coming up with these four amendments to this legislation. I don't know what the rest of us would do in this Assembly without the Member for Calgary-Buffalo. He is very, very keen on correcting some of the flaws in this legislation. I commend him for his actions late at night in coming up with these four documents.

The first amendment. The intent of this amendment is to ensure that when the Act applies to any health care body, it will apply to regional health authorities. I congratulate the Member for Calgary-Buffalo for this amendment.

His second amendment in the A3 group. The intent of this amendment is to ensure that when the Act applies to any educational body, it will apply to school boards.

His third contribution to the A3 amendment for Bill 1. The intent of his amendment is to subject private schools which receive public funding to financing their activities with the same obligations under the FOIP Act as educational bodies.

Now, in my constituency there is one of these schools. It is surrounded by taxpayers of this province, and they have every right to know where their money is being spent in this school. Once again I have to congratulate the Member for Calgary-Buffalo for having the foresight to see this. In the time that the government has spent preparing Bill 1, how they missed this fact I have no idea. But once again at this late hour I am grateful for the Member for Calgary-Buffalo. I'm glad he's on our team, not their team.

His fourth contribution to the amendment A3 on Bill 1. His amendment is to ensure that when the Act applies to any local governing body, it will also apply to municipalities.

With these comments on Bill 1, Mr. Chairman, at this late hour I will allow the gentleman from Lethbridge-East, Dr. Nicol, to speak.

THE CHAIRMAN: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Chairman. I'd like to seek the unanimous consent of the House to reduce the time between bells to one minute.

THE CHAIRMAN: Okay. The hon. Government House Leader has asked for unanimous consent to have the bells, should there be division bells, limited to one minute. All those in support of that, please say aye.

HON. MEMBERS: Aye.

THE CHAIRMAN: Opposed, please say no. Carried.

The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Chairman. It gives me pleasure to stand this evening and speak on the amendments that have been raised to Bill 1. Bill 1 deals with the issue of freedom of information, how we apply it to different parts of the government, and the focus that that different timing will take as we pull it together and apply it to the different parts of the agencies that are arm's length from the government. What we see here are four different amendments that specifically act to create some equity in the relationship between the different categories that exist in terms of the agencies that are being brought under the influence of the freedom of information components.

11:40

What we've got to do is look at how we deal with the different timing phases of it. The amendments basically are put together so that we deal with them at a simultaneous level in the sense that when we're trying to make sure that one of the health agencies is brought under the control of the freedom of information Act, then we're going to have all the health care agencies brought under it. We want to make sure that as we deal with the public perception of how our freedom of information Act is going to be applied, the people of Alberta that are going to access it don't have to sit down and go through a bunch of regulations and look to see: well, is this one now under the Act, or is this one not now under the Act? By having these amendments accepted, it basically becomes one of: is this category included under the Act? If that category then is included under the Act, what we'll be able to do is say: okay, all health care institutions, all health care agencies are now subject to the conditions and the provisions of the freedom of information component.

What we're going to have, then, is a degree of simplicity in terms of the operation of it. People won't have to deal with a kind of two-staged type of application. They'll have to deal with: is this agency, this institution now under the control of the Bill, or is it not, even though it falls under the same category across the street or down the block or in a different city. What they can do is go in and get information from the same kind of institution in a different city because it happens to have been ready and has been willing or has been mandated to come under the umbrella of the freedom of information Act. Yet the same institutions in another part of the province dealing with the same services, the same type of administrative structure, the same type of relationship to the parent government are all in the position where they create different categories and different conditions.

So what we've got, then, is the first part of this group of amendments, which looks at health authorities. The issue here then becomes one of dealing with the different health authorities, how they're going to be brought under the control of this Bill, put into place and dealt with from the perspective of equity in treatment. When we look at the different structures, the different mechanisms, we're seeing that even in the administration and the structure of some of the health authorities now, they are taking different strategies and different priorities on their activities. What we'll have here now is a process within the mandate of this Bill to require that all the authorities, as they put in place their processes, as they put in place their procedures, will now in essence be compelled to look at it from the perspective of: we've got to develop this in a uniform manner so that we can all be ready at the same time and deal with the issue of process and availability. Mr. Chairman, this really would make a situation where the people of Alberta would have better access to the issues that are associated with their health care functions.

The second part of the Bill looks at the issue of educational bodies. This is also kind of the same format as we were talking about in connection with health, but here we're talking about the different educational bodies that school boards fall under. We want to make sure that as we deal with this across the province, we're looking at the impact of how the different school boards are going to be coming under the control. Again, this will encourage the school boards, maybe through their co-ordinated agencies, to put together a common process, a common time frame, a common scheduling to make their information available to the public. This deals with the issues of how we want to create a common process between both the public and the separate school boards, between the rural and also the urban school areas, where we're dealing with the issues of how to put together the accessibility of this.

So what we've got to deal with here is basically again a process that we would ask the Legislature to consider in terms of equity and kind of the common good of persons of the province who want to deal with getting information to make comparisons between different institutions. That kind of consistency really has to be out there. The people won't be able to judge how the information they get through one freedom of information request in a school division fits with the other school divisions if they don't have this compatibility that would be there in terms of compliance and access.

The next part of the amendment that we're dealing with – this would be the third part – also brings into compliance under the mandate of the freedom of information Act the private schools as defined by the School Act. So what we can do, then, is have those educational institutions that are using public funds up to the component part of their public fund being subject to the same provisions as those schools which receive fuller or full funding

from the public purse, the public taxpayer dollars. This again is an issue of making an equity consideration. We've got to be able to see how the decisions are made, the processes are developed. It doesn't seem to be equitable if we're going to put out a different set of standards on these public dollars and a different set of standards on another set of public dollars and say that they're different just because there's a different structure or a different administrative entity associated with the management of those dollars.

After all, Mr. Chairman, we always read in our laws and in our corporate law that, you know, corporations have the rights of a person so that in essence they are considered to be the equivalent no matter how they're structured. So whether we've got a public agency or a corporation, they should have to be treated the same because by law they're treated in a uniform way with the right-of-a-person focus on it. We want to make sure that no matter how they are organized, how they're put together, they do fall under the same conditions and the same scrutiny. This scrutiny can only come by having them included under the aspect of the issue here that we're dealing with in terms of freedom of information and the right of Albertans to know how they're spending the public dollar. So that basically falls under another one of these areas of trying to put this package of amendments together to create the same kind of treatment in the same kind of situations for our public dollars.

11:50

Mr. Chairman, the last part of the set of amendments that we're dealing with right now looks at the inclusion of local governments, local municipal bodies and bringing them under the control of the Act in the same way we've talked about in terms of the health-associated agencies, the education-associated agencies. We want to make sure here that we're dealing with all the local governments at the same level at the same time and that the same processes are put in place. Having this common requirement that when one of them is mandated to come under, then they all have to come under the aspects again creates that kind of common good, common access criterion that the people of Alberta would be able to use as a mechanism to collect information from the two different agencies or from the different levels of government at the municipal level to make comparisons. If they're only able to get it from certain counties, certain municipalities, certain towns, certain villages, and not from all of them, it's very difficult to make the comparative analysis that's necessary to make the judgments in terms of how our dollars are being spent.

There are some other people that would like to make comments on the Bill. We'll allow them the floor now if they're interested.

Chairman's Ruling
Projectiles

THE CHAIRMAN: Hon. members, before I recognize Medicine Hat, I would like to just draw your attention to restraining devices for files. Not to stretch the point, these are called rubber bands. An hon. member has not taken due care and attention to the removal from his files, and it has flown across the room. So we would invite the hon. Member for Redwater to be more careful with his files. We'll return his rubber band and request him to take due care and attention when dealing with files henceforth.

The hon. Member for Medicine Hat.

Debate Continued

MR. RENNER: Thank you, Mr. Chairman. It's a pleasure for me to rise and address the amendments that we have before us. Before I do, and certainly with respect to the Chair, I recognize that it's necessary to speak to the amendments, but I really think the context of these amendments can't be understood unless I make some reference to the Bill itself.

The reason I do that is because when you look at these amendments, one would assume this amendment is required to ensure that regional health authorities will be subject to freedom of information legislation. One would assume this amendment is required to ensure that school boards are subject to freedom of information legislation. The fact of the matter is that all these bodies will be subject to freedom of information legislation upon proclamation. I think what we've been discussing here for the past many days is the process by which we bring all these various associated bodies under the freedom of information legislation.

I admire the Member for Calgary-Buffalo for having the tenacity to work so hard to get these amendments put in, but frankly, Mr. Chairman, I don't understand the tenacity. I don't understand why the member feels that he must devote all his time and attention and all our time and attention to ensuring that this legislation at some point in time includes all these various bodies. If you read the legislation, if you read Bill 1, which we're dealing with here tonight, if you read the freedom of information Act, which Bill 1 in fact amends, it's very clear that all these bodies upon proclamation will be subject to freedom of information. Everyone in this Assembly, everyone in Alberta I'm sure supports the concept that all these various boards and agencies at some point in time will be subject to freedom of information legislation.

The problem with the original freedom of information Act was that all these various agencies were lumped together. It identified a health group. So if the minister responsible for freedom of information was going to proclaim that health groups will now be subject to freedom of information, it would be a gargantuan chore to simultaneously bring all those health groups together and instantaneously, on one particular day say: "Now the Bill is proclaimed as it relates to you. All of you will now be subject."

What Bill 1 proposes to do – and I think it's a very sensible approach – is to identify and break down into subgroups. For example, when we're talking about the health care body and the group of health care bodies, instead of having to proclaim and bring all these various bodies together and do them simultaneously, the minister can bring separate proclamations that would apply to any or all. It's very clearly defined: institutions under the Hospitals Act, the Nursing Homes Act, and the Regional Health Authorities Act, a regional health authority under the Regional Health Authorities Act, a community health council under the Regional Health Authorities Act. So each of them are separated and can be brought into the process of freedom of information in an orderly manner.

When we look at the amendment that's before us, recognizing that there needs to be an orderly process, I recognize that the Member for Calgary-Buffalo is not restricting the minister entirely and is recognizing that some of these organizations will have to be brought in at a little bit staggered pace just to allow for the legislation to be implemented in a logical manner. But the member is saying that he wants the regional health authorities to be first. Frankly, I don't see what difference it makes, Mr. Chairman. I really don't see what difference it makes.

The intent of the legislation is entirely clear. Every one of the various health authorities identified here will eventually be covered by freedom of information legislation. I think the government has been forthright in proclaiming the freedom of

information legislation as it was passed in this Legislature some years ago. If you look in fact at the Act itself and look at the record that this government has of proclaiming this legislation, I think it's a commendable record. I think the government has been diligent in proclaiming legislation.

I look at the Act and see that sections 42 to 50 were proclaimed December 1, 1994, and sections 92, 93, 94, 96, and 97 on April 26, 1995. The remainder of the Act, except the sections that we're dealing with here tonight, were proclaimed into force on October 1, 1995, and section 1(1)(i) was proclaimed into force on February 7, 1996. So, Mr. Chairman, I think the government has been more than diligent in ensuring that the proclamation of the various parts of this Act have come into force in a timely manner. I see no reason to expect that by implementing and passing the legislation that we see before us here tonight and allowing the minister to bring an orderly process into the balance of the legislation, into the balance of the Act – why would we as members of this Assembly expect any different from this government? This government has worked as hard as it can to bring this legislation in, to proclaim the legislation.

Frankly, Mr. Chairman, I'm perfectly willing to accept Bill 1 the way it is, and I don't think we need to accept the amendments that are proposed by the Member for Calgary-Buffalo.

Now, we've concentrated almost exclusively on the health side. There are three amendments proposed by the member. One has to do with regional health authorities; one has to do with school boards. Frankly, Mr. Chairman, I don't think it's necessary that I go through the whole argument one more time, because the argument is exactly the same as it relates to school boards. At some point in time the school boards will be brought in under the auspices of the Freedom of Information and Protection of Privacy Act upon proclamation. The school boards are very clearly identified in the legislation in Bill 1, and there is no reason to believe that school boards will not be subject to freedom of information legislation. So again I see no reason why this Assembly should be supporting the amendment with respect to school boards.

The final amendment has to do with municipalities. Again, I think, Mr. Chairman, you can appreciate that while municipalities support the concept of freedom of information, just as this government has had to do a lot of preparation work and because it was necessary that we develop policies and procedures within this government to deal with freedom of information, I think it's only fair and it's only proper that municipalities should have that same process. I think it would be appropriate for the minister to advise the municipalities, work with municipalities, and ensure that when the time comes, when it is appropriate, we deal with the proclamation related to municipalities in a timely manner.

Everyone is pointing to the clock. Would you agree, Mr. Chairman, that the appropriate time for putting the question on these amendments has arrived, or should I discuss a little bit further? That being the case, then, I request that the appropriate questions be put at this time.

12:00

THE CHAIRMAN: Due notice having been given by the hon. Government House Leader under Standing Order 21 and pursuant to Government Motion 20 agreed to this evening and under Standing Order 21(2), which states that all questions must be decided in order to conclude the debate, I must now put the following questions.

We have for our consideration Bill 1, Freedom of Information and Protection of Privacy Amendment Act, 1997, as moved by the Premier. For our consideration at this moment we have, first, the amendment A3, as moved by the hon. Member for Calgary-Buffalo.

[Motion on amendment A3 lost]

[The clauses of Bill 1 agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the Bill be reported? Are you agreed?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

The hon. Government House Leader.

MR. HAVELOCK: Yes. I believe that I'm now supposed to move that the committee do now rise and report.

[Motion carried]

[The Deputy Speaker in the Chair]

MRS. LAING: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports the following: Bill 1. The committee reports the following with some amendments: Bill 5. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

SOME HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: So ordered.

[At 12:05 a.m. on Thursday the Assembly adjourned to 1:30 p.m.]