

## Legislative Assembly of Alberta

Title: **Tuesday, April 29, 2003**

**8:00 p.m.**

Date: 2003/04/29

head: **Committee of Supply**

[Mr. Shariff in the chair]

**The Deputy Chair:** Before I recognize the hon. minister, is anybody here wanting to introduce anyone in the gallery today?

Hon. members, may we briefly revert to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**

**The Deputy Chair:** The hon. Minister of Children's Services.

**Ms Evans:** Well, thank you very much. I think we'd be remiss if we didn't introduce an absolutely wonderful crowd of young Albertans from all over Alberta that are here with us and that we were very capably entertained and hosted with this evening with the Speaker. They're seated up in the members' gallery and in the public gallery, I understand. I think we should say thank you for just a wonderful time with some of the greatest, brightest, best, and our future leaders.

head: **Main Estimates 2003-04**

**Government Services**

**The Deputy Chair:** The hon. Minister of Government Services.

**Mr. Coutts:** Thank you very much, Mr. Chairman. I am certainly pleased to see that the Minister of Children's Services did introduce all those folks because I take a little bit of pride in knowing all the people that are in my department by name, and I was searching for names as I was looking at the faces up there. They were awfully young to be in some of the areas of our department, but we certainly welcome them to the Legislature here tonight.

There are some folks sitting in front of the youth that were just introduced that are part of my staff, and I'd like to take the opportunity to introduce them this evening. My deputy minister, of course, Roger Jackson, who I have introduced in this Assembly many times. Along with him tonight is Mike Reynolds, who is the executive director of our private agents registry and support division of the department. We have also Wilma Haas, as the managing director of Service Alberta, and Sue Bohaichuk, who is our senior financial officer. As well, we have Tom Thackeray with us, who is the executive director of information management, access and privacy, a very important part of our department. As well, we have Dave Rehill, who is the CEO of the Alberta Corporate Service Centre, and for her first time in the Legislature – this is really something – Megan Parker, my director of communications. Megan, why don't you just stand up so that we all know who you are. Her first time in the Legislature, and she was looking rather forward to seeing the activities that are going on here this evening. As well, at the very opposite end my executive assistant, David Keto, is up there too.

Mr. Chairman, thank you for the opportunity, and tonight I'll be providing, first of all, a brief overview of our business plan and our financial plan and how it reflects on the two major core businesses that we have in Government Services. I look forward to the next two hours of questions and answers. I will provide as many answers as I possibly can through the dialogue back and forth. If the opposition and members of the government side after the first hour want to ask a few questions or series of questions, I'll certainly try my best to

answer those. Any that we're not successful in answering this evening, we'll make sure that we review *Hansard*, and we also have our staff up there taking notes, and we will get as many answers as we can back to the individuals who ask questions on behalf of their constituents.

I'd like to, first of all, as I said, take a look at the two major core businesses in Government Services. First, we provide Albertans with a full range of licensing, registry, and consumer protection services. Our second mandate is to lead service improvement initiatives on behalf of the government of Alberta, so we'll have an external service to Albertans and we'll have an internal service to government and government agencies and government departments.

Our ministry is focused on providing top quality customer service, and in keeping with that philosophy, we have clarified our vision to read, "Albertans served with excellence through innovative leadership." Our mission remains to serve Albertans by providing effective access to government information and services, protecting their privacy, and promoting a fair marketplace. To achieve this mission, we have carefully prioritized our programs and our services to focus our resources in the most critical goals.

Licensing and registration services is our first goal, and it is the very basic foundation of our business. It is accessible and secure and accurate and competitively placed licensing and registry services to the people of Alberta. While some of these services are delivered directly by the ministry, most are delivered through neighbourhood registry agents or the very strength of our service to Albertans on Main Street Alberta or through the Internet. One of the ways in which we measure success is by ensuring that clients are satisfied with the quality of these services. For the past year I'm happy to report that client satisfaction with these services remains very high, and it ranges anywhere from 80 percent to 94 percent.

A key upcoming initiative is the new Alberta driver's licence that employs advanced technology to protect against counterfeit and fraud. I am proud to say that as a result of this initiative, Albertans will soon be carrying the most secure drivers' licences in North America. Additional funding for this project has been provided in our 2003-2004 budget, and we look forward to rolling out the first new licences in the coming months. This will not – let me repeat that, Mr. Chairman – this will not result in any fee increase nor will other registry fees be increased through this budget. In fact, we actually strive to keep these fees affordable, and all of our services remain competitively priced in comparison to other jurisdictions.

Another key initiative is the continuing renewal of the personal property, land titles, and motor vehicle registries, which process approximately 35 million transactions a year, Mr. Chairman. The size and complexity of these systems means several implementation phases spanning a number of years as we update obsolete technology and strive to keep pace with the growing demands that are placed upon us. Our registry and licensing program is expected to generate over \$317 million in revenue in the year 2003-2004 and consume 82 percent, or \$58.6 million, of our resources.

When it comes to consumer protection, Mr. Chairman, informed consumers and businesses and a high standard of marketplace conduct is our second goal. Marketplace issues range from charitable fund-raising to home renovation to loan and collection practices. A key initiative this particular year is a review of the Residential Tenancies Act and Mobile Home Sites Tenancies Act. Nearly one-third of all Albertans rent their accommodation, and if you figure that out, it's just under a million people in this province who rent their accommodation. We need to ensure that tenancy legislation remains relevant to today's challenges in the marketplace. To this end we have entered into significant consultation with Albertans and will continue to solicit feedback on whatever options or mechanisms for an appropriate . . . [interjections]

**The Deputy Chair:** Hon. members, hon. members. I'm sorry, hon. minister, to interject on you, but the noise level in the room is getting fairly high. Members who want to listen to the debate are unable to hear the minister speak, so kindly afford him the courtesy to continue speaking with silence.

The hon. minister.

8:10

**Mr. Coutts:** Thank you very much, Mr. Chairman. I could speak louder if that was necessary.

We will continue look for options such as a mechanism for appropriate dispute resolution outside the court system.

Investigative services will continue to focus on the most serious violations such as deceptive marketing practices that may be practised by unscrupulous dealers. These violations often cause considerable losses to vulnerable consumers, and probably the biggest example we have of that is our seniors. Some of those losses are recovered as a result of our ministry's investigation efforts. For an example, in 2002-2003 there were over 2,300 investigations that were completed. Those investigations that were completed resulted in more than \$2.8 million being recovered and turned back to Albertans.

Our call centre will continue to respond to approximately 90,000 consumer-related calls from Albertans in all areas of the province, and our measures of success are based on client satisfaction with investigative services and our call centres as well as consumer tip sheets. Those successes range from 76 to 86 percent. The consumer programs account for 12 percent, or \$8.8 million, of our resources.

The Service Alberta initiative is our third goal, and this provides a service environment that enables Albertans to access government information and services using the methods that they are most comfortable with. When fully implemented, Albertans will be able to conveniently and easily access all government of Alberta services either through the Internet, telephone, mail, fax, and even over the counter, all the while ensuring that their privacy is protected. Service Alberta's primary measure of success is client satisfaction with services. As we move forward, we will also track the increase in the number of transactions of services that are available on-line. Overall, resources dedicated to the Service Alberta initiative account for just under 2 percent, or \$1.3 million, of our expenses.

Under government support services our fourth goal is effective access to information, protection of privacy, and management of government information. Key initiatives include the new privacy legislation for the private sector and amendments to the Freedom of Information and Protection of Privacy Act, that are presently before this House. Specifically, we need to ensure that these acts are understood and administered appropriately. We will also continue to promote effective ways of managing the government's records by providing advice on standards and best practices. We will offer training and encourage cross-government co-ordination and co-operation in these efforts. This program uses nearly 4 percent, or \$2.6 million, of our resources.

The Alberta Corporate Service Centre reflects this government's commitment to a shared services model for internal administrative services. A detailed business plan has been prepared, which you will find on page 197, and the vision of ACSC, as it's known, is to become a globally recognized leader in the delivery of shared services while delivering cost savings for ministries and obtaining a high level of client satisfaction. The bulk of ACSC's direct service delivery costs, or \$144.3 million, is billed back to the ministries that we do the service for on a cost recovery, user-pay basis. The remaining expenditures of \$11.3 million are for central services such as supply management, telecommunications, and records manage-

ment. We will continue to implement best practices and streamline the way services are delivered so that they will be essential to ACSC's success in achieving those cost savings.

Mr. Chairman, in closing, our ministry has a major impact on the lives of Albertans, and we are proud of our service levels. This business plan and budget represents our best effort to maintain the services that Albertans have come to expect. I want to thank the Assembly for this opportunity to present our priorities, and I look forward to addressing those questions and the series of questions that may come from the members in the House. As I said, I will do my best to answer as many as I can this evening, and for any that we do not answer, we'll review *Hansard* and get the written answers back to those people that are representing their constituents here this evening.

Thank you, Mr. Chairman.

**The Deputy Chair:** The hon. Member for Edmonton-Ellerslie.

**Ms Carlson:** Thank you, Mr. Chairman. I'm happy to have an opportunity to participate in these estimates this evening on Government Services, and I'd like to thank all of the minister's staff who are here this evening and congratulate them on a job well done over the year. I've had an opportunity to work with some of them on the FOIP committee, and that was a distinct pleasure. They were very professional. They were very good at providing information and were really just generally a pleasure to work with.

**An Hon. Member:** They're outstanding.

**Ms Carlson:** Yeah, they were outstanding; they were very good.

So that was a great experience, as was the experience of working with this particular minister. While I don't work with him as often now that he's a minister in this department, when he was the chair of PNWER, Pacific Northwest Economic Region, we had an excellent working relationship, and that was a good example of how all parties in the Legislature can achieve objectives that are good for the province of Alberta, so I thank him for that in the past.

My first comments are on the performance measures as I see them here in the budget. For the 10 years since this government has started to introduce performance measures and tried to introduce performance measures, I finally see some that actually measure something concrete that we can compare year-to-year performance and other jurisdictional performance. So I would really congratulate the minister and his staff on the way they have laid out these performance measures and what they're actually measuring, which is something tangible, which is not what happens in many other departments. So I would urge other ministries to take a look at this particular presentation and consider using it in the future because it actually gives us usable information and I have something here that I can compare year-to-year work done in the ministry. So I think that's a very good thing and a positive move forward.

I'll ask questions for about 15 or 20 minutes, questions the minister can answer, and then my colleague will ask some questions at that time. My first one is on the comments you made on tenancy registration. Mr. Minister, are you expecting to include at some time some kind of protection for people who are involved in lifelong leases, which really are a form of rental agreement which are for the most part entered into by seniors? In some cases we have already seen with this new tenancy kind of agreement problems in the marketplace, so if you could comment on that.

**The Deputy Chair:** Hon. minister, did you want to comment?

**Mr. Coutts:** Well, first of all, Mr. Chairman, thank you very much. I want to thank the hon. Member for Edmonton-Ellerslie for the compliments to our staff. I have a great staff; I really do. I appreciate your comments because everything that you say is stuff that they do every day not just for me as minister, but they do it for Albertans. As I said in my comments, I think we do about 35 million transactions a year both for Albertans and within government. They have developed systems; they have developed processes to handle all the calls that come in. It's encouraging to see people with that kind of dedication. I know that our ladies in the call centre sometimes stay over just to make sure that they handle all the calls, and of course those are the kinds of things that help our performance measures.

I also want to say how much I appreciate your comment regarding the performance measures that have been developed by the staff. It's kind of easy for us in Government Services because we have some fairly hard data that we can call upon from year to year to compare to, to make the comparisons that we need to decide whether or not we're actually doing the job. Our staff up there also go ahead, go out and do telephone calls and forums and focus groups as well as making sure that they follow up on some of the call centre's inquiries to see if people are really, really satisfied with our performance. That's what helps us in developing these performance measures, and that's what helps us in getting some of the satisfaction that you see up to 96 percent, between the high 80s and the low 90s percentage of satisfaction with our services. So I want to thank you very, very much for that. Again, the performance measures that we've developed are based on pretty sound hard data.

8:20

In terms of your question on life leases this is a new area of accommodation. Yes, we've had a few calls to the office, to our call centres, and to our department. I believe we've tracked about 24 of them to this date. The majority of those calls ask things like, "Is there legislation in place, and what type of legislation would cover this?" making general inquiries as to the life leases. Basically, because it's so new, we're continuing to monitor the whole process of how life leases are developing. If it becomes a problem and there's a need for legislation, we'll certainly take a look at what legislation we have that could fit life leases. As a matter of fact, we're doing that now. If there's no legislation that will fit that, then we will look down the road – if there's a need for life lease legislation, we'll put together a stakeholder group and we'll go out there and do some consultation, like we've always done on these matters, and we'll put together and develop the appropriate legislation, but only if it's needed.

**The Deputy Chair:** The hon. Member for Edmonton-Ellerslie.

**Ms Carlson:** Thank you, Mr. Chairman. My next set of questions is around registries. The first is with regard to the concern of a constituent who came into my office. An elderly fellow, a fellow in his early 90s, came in and brought copies of a new registration certificate he had for a vehicle that he had purchased, and he was very upset. What had happened was that about 10 years ago his wife had died and he had remarried and the car had been in his former wife's name and his name. He never thought to go and change the registration after she died. They drove that car for about 10 years, sold it, bought a new one, and went in to get the new one registered. He goes in with his wife of now just over 10 years, gives the owner of the registry shop both of their licences and all of their particulars, and the fellow gives them the new registration and new licence plate. They go home and then take a good look at it. What happened? It's in the deceased wife's name.

Now, this is an elderly couple. The new wife was very upset, and the elderly gentleman was also very upset. He took a couple of days to calm himself down, went back to the registry, talked to the owner, who got mad at him and said: you had an obligation to take a look at these papers before you signed them and now it's a big problem for us to fix this and this is what you have to do. Well, once again, he got so upset he couldn't talk to the fellow. He went home and settled down for a couple of days and then thought he'd just come and tell me what happened. He didn't want me to call the owner of the registry service or anything of that nature, but he really wanted his representative to know and understand the problem that had occurred and the service that he had gotten. Having been a lifelong resident of Alberta, he was very used to the old system, which really wasn't very efficient in terms of lineups and so on and so forth, but he said that at least there he knew who to complain to where he could get some sort of tangible results. What advice would you give to this gentleman in the future and to anybody whom I have to advise in terms of when they have an issue with registry companies and they're dealing with the owner in the first instance? Who do they go to with concerns and complaints?

**Mr. Coutts:** Well, the hon. Member for Edmonton-Ellerslie knows me well enough that I would hope she would have given me a call in this kind of a situation. The competent staff that we have – Laurie Beveridge, the assistant deputy minister in charge of registries, and Mike Reynolds, who is here tonight, in charge of registry agents' support – would have handled a situation like that very, very quickly.

As a matter of fact, I'm going to say at the outset that we provide manuals to every one of our registry agents. I've sat in front of some registry agents' offices, and they have shown me the manuals that they have to comply with. The manuals – there are about four or five of them, about this high stacked one on top of the other – have all the rules and all the regulations and all the things that registry agents should be doing in terms of making sure that that customer that is coming to their door will be looked after in a proper manner and that the processes are put in place for that. If that doesn't happen, then of course our office would take the phone call, and we would turn it over to our staff to handle the situation. We do that on a daily basis.

In addition to that mechanism that's in place, we also have a call centre for registry agents with a staff of around 20 people across this province. If they have a particular problem or any of their staff have a particular problem, they can phone that call centre. It's an actual registry agents' support. They will go through the manuals and help a registry agent or their staff through any kind of difficulty. Whether it be through land titles, for personal property, for corporate registries, for a driver's licence, for automobile registration, they would help them through that. So the mechanisms are in place. It's just a matter of our making sure that the registry agents' offices follow those procedures, and if they don't, well then certainly come back to us.

**The Deputy Chair:** The hon. Member for Edmonton-Ellerslie.

**Ms Carlson:** Thank you. I will share this information with this gentleman, and I'm sure he'll be quite satisfied with that.

Now, the second question on registries is that we've had some incidents in the past year where the security of office premises and the conduct of the employees have come into question. So could you expand for us this evening on what you have done to address those particular issues?

If you could give us some more information on the new secure driver's licence that you talked about. Why did you do it now? What did you see as the need to do it? When are other jurisdictions going to also follow suit? Those kinds of things.

**Mr. Coutts:** Actually a very, very good question, your first question, on some of the activities that we found in registry agents' offices and also some of the things that were happening outside registry agents' offices and people with break-ins and that type of thing. If I can just take a moment to outline what we do when we set up a registry agent, some of the things that we do on the security side. To become an agent, the applicants must provide a criminal record check and business references, and they must go through financial disclosures, because we want to make sure that the owner and the people that we're under contract with are the most reputable people and have the dollars behind them to make that a successful business. When it comes to staff, staff hired by agents must undergo a criminal record check. That's one of the things that we've implemented. Registry agents also must sign a code of conduct and ethics, and there are penalties for noncompliance. Those penalties include dismissal, and we've had some instances of late where those penalties have been put in place.

8:30

What we've also undertaken in the last six months is an enhanced training and accreditation program. Those particular programs are now going to be enhanced, and we're progressing on them as we speak. We want to make sure that the registry agents' employees are the very, very best in the province because they're handling some very, very sensitive information.

We've also advised all registry agents in terms of security of their premises of a mandatory alarm requirement policy, and that came into effect in October of 2002. That's going to require all agents to have a monitored security alarm system to improve protection against the theft of their equipment, which is specialized equipment although it be old. At this point in time definitely the materials that are being used to produce drivers' licences are about 20 years old, and we can't get any more parts when this equipment breaks down. That's why we're getting into a new driver's licence, which I'll talk about in just a moment.

We continue to monitor also an agent's performance through compliance audits. We do monthly samplings of their transactions, and we do assessments against our performance standards and our best practices. We've set up a new investigative unit. It's going to be headed by a senior law enforcement official, and we're putting that in place early this year, in 2003, so that we can investigate and respond to fraud vulnerability. We think that this investigative unit will help us when it comes to dealing with security within our registry agents' offices.

When we had a number of break-ins, we acted immediately with random security patrols, particularly in our major centres in our downtown cores, and that continues to be implemented. The other thing that I thought was important is that – and I determined this when I was in my own business – sometimes the front-end staff don't always identify or are not aware of unscrupulous individuals. So we're doing some staff training. Our investigative unit is looking at staff training to help people identify unscrupulous people that may be coming into a registry agent's office. We will be continuing to conduct these workshops for staff well into September of this year.

Now, when it comes to the driver's licence, with this old equipment that we had, we knew that we needed to strengthen our existing security on drivers' licences. We wanted to protect the integrity of our driver's licence. You say: why now? Well, it's because the equipment that we have is very, very old, and we had to upgrade and replace it. As a result, we put a request for proposals out there based on a very, very secure card. We've done some investigations, and we know that a laser-imprinted card on polycarbonate stock is the most secure card that we can get, and that's what we went out with

the request for proposal on. When will it happen? As I said in my opening comments, we have the RFP process out there, and it hasn't been completed yet, so I'm not at liberty to give details on that. However, we're hoping to roll that out in mid to late summer so that Albertans can get the most secure card in North America.

**Ms Carlson:** A follow-up question on that. Will people be expected to get a new driver's licence immediately, or will it follow the traditional renewal process?

My last question in this set would be on lobbyist registration. If we had a lobbyist registration program in this province, I would expect it to be run out of this ministry. Could you give us your comments on why you think one isn't necessary?

**Mr. Coutts:** Your first question was on the driver's licence?

**Ms Carlson:** Do people have to renew immediately or over the regular period of time?

**Mr. Coutts:** When we roll out with the new driver's licence, if everyone in the province was to get one immediately, we couldn't handle the volume. So what we're suggesting is that when your licence comes up for renewal, that would be the time when you could go ahead, just during the normal time of renewal. When your licence expires, you can go ahead and get a new one because that will keep the flow going and keep things going well for us and keep the service up, those performance measures that we're used to.

A lobbyist registry would not affect our department if you're thinking of our department being involved in registering and having the equipment to have a lobbyist registry. Our department was asked to do a review of lobbyist registries, and we found a couple of things. The expense to set up a lobbyist registry in comparison to the results of that lobbyist registry would not be warranted, and therefore the recommendation was made that we do not do a lobbyist registry. It would not come under my department to do that anyway, but we did the research on it and determined that.

**Ms Carlson:** Mr. Chairman, just one small follow-up. Is that information on the study you did public, or are parts of it available to be shared with the Legislature?

**Mr. Coutts:** Mr. Chairman, I do believe that we tabled that right in this House. I believe it was in the spring of 2002. But I'll tell you what I will do. I will make sure that the hon. Member for Edmonton-Ellerslie gets a copy of that directly from our office over to her office. The staff are nodding, and they say: it will be done.

Thank you very much.

**The Deputy Chair:** The hon. Member for Edmonton-Mill Woods.

**Dr. Massey:** Thank you, Mr. Chairman. Just a few questions on Government Services. There's been a lot of concern about the registries, and I wonder just exactly how many main street registries we now have in the province. What is the number?

The minister talked about some actions that have been taken to try to ensure that the registries are operating openly and honestly and dealing appropriately with information. He mentioned a number of things. But with respect to the accreditation is that going to be a prerequisite for working in a registry, that you be accredited by the department? I think the public confidence in registries has been somewhat shaken with the events with respect to break-ins and subsequent events.

What other kinds of things is the government doing to ensure that

down the road they're warding off any potential problems? It seems that we've had to react to things as they've happened. The minister did mention a couple of things, but there are some other worries about registries and the integrity of those people operating registries. I don't think I'm assured by knowing that they're people with big bank accounts, that that is a prerequisite. My concern is that they are reputable individuals. Is there any bonding, or is there any penalty if their registry somehow or other falls into disrepute or fails to carry out the mandate? I know that it may be difficult. We talked about the alarm system that's now in place for the registries, the mandatory alarm system I think I heard him say, but what other security arrangements are there in terms of the backup information that's available for the operations of those registry offices? A few questions there about the registries and my concerns. I think the public does need reassurance that things are as they should be.

8:40

Moving on, if I might, a huge area of concern is marketplace conduct. There have been some real problems the last little while and for us in our constituency a continuing problem with condominiums and their builders and the people that are involved in constructing them and in selling them. I can give you the example – and it's been around for a long time now – of the builder that came into the constituency and built a condominium that subsequently rotted and started to fall apart. Despite the best efforts of the owners they were left with huge bills to replace and repair a building that was less than 10 years old, and the places that they looked to for assurance, where they thought they had some security and would bail them out if they ran into this kind of trouble, the new home warranty, failed them. They find themselves now in court suing everyone: the engineers on the project, the architect, the owner. But what really has rubbed salt into the wound is that they find that the builder is now off in another city in the province building condominiums under another name.

So there's that whole issue of consumer protection, and it's an area where I don't think "buyer beware" is good enough. A number of these individuals were people on fixed incomes who had sold their homes and moved into what they thought was going to be a brand-new facility that would carry them for the rest of their days only to find themselves facing huge, huge outlays of money and no one that really would come in and take charge of the situation and help them out. So I wonder what's being done in this area and if there's any kind of hope that groups that may find themselves in similar situations in the future can look forward to.

The second one, of course, is electricity. I was looking through the material. Where in the department's performance objectives would we see reflected – or would we? – the public dissatisfaction with the handling of electricity bills and the marketing that's gone on and the general confusion that prevails? Again, it seems that consumers have been left out there with just having to take some really strong and outrageous actions to get the attention of the government, and it would seem to me that consumer protection in the province would not force that kind of action on citizens.

I have some questions about the privacy legislation and the consistent application of that legislation. I note that the government requires school boards and I believe health authorities to publish the salaries of superintendents and CEOs. I know they do of superintendents. Yet when we had some, I believe, written questions in this House, similar questions about deputy ministers and assistant deputy ministers in government departments, the government retreated behind the FOIP Act and said that that information isn't available. Interestingly enough, it appears in some of the government departments' annual reports. So in terms of consistency what is the rule that's followed in terms of making that information public? Again,

we're going to be looking at Children's Services this evening and their provisions in the Children's Services Bill 24 that would say: notwithstanding the FOIP Act this act prevails. So where in the hierarchy does the FOIP Act stand? Can it be set aside by departments and by other legislation in the Assembly?

I think that's a number of questions that I wouldn't mind having some response to, where it's possible, from the minister. Thank you, Mr. Chairman.

**The Deputy Chair:** The hon. minister.

**Mr. Coutts:** Thank you very much, Mr. Chairman. The Member for Edmonton-Mill Woods brings a number of questions relating to our department, some which don't, and I hope that over the next few minutes I can relate to some of those.

His first comments were about the registry agents. How many registry agents do we have in the province? Well, right now we have 227. There are over a thousand employees. These are private sector doing the work on Main Street Alberta. We've got a thousand employees being employed by the 227 registry agents across the province, and these people do an awful lot of transactions. As I said, just on the registry agents' side alone it's over 24 million transactions, so they handle a lot of work for Albertans.

We talked about the accreditation and some of the things that we're doing on the security side in my answers to Edmonton-Ellerslie, and those answers still apply. We work very, very hard and very, very close on a regular basis with our registry agents to make sure that they know that they're doing the business in the right way, and to be accredited by the department is certainly a lot better process and a lot better procedure than us just willy-nilly allowing a registry agent to set up on any corner.

Now, there's a tremendous investment being made by government in some of the equipment that we need to do our business for the information that we're collecting and the service that we're providing, so it's very, very important that we are dealing with people who do have not only the desire to provide a good service but also the credibility behind them as well as the financial means behind them to maintain a business. The last thing we need in this province is to have registry agents opening and closing and us having to go in and pull out our equipment and place it in some other registry agent's office. That does get expensive to do. The assurance that he's looking for – we will continue to monitor registry agents, we will continue to do monthly audits where applicable, and we will make sure that our registry agents system is the best in Canada if not North America.

He asked a question about whether our agents or their staff are bonded. We've looked at that whole situation of having staff bonded, and that's work that's going on with our various committees and with the Alberta Registry Agents Association, and we're looking at those kinds of things.

8:50

In terms of security, where are we going for the future? Well, security is one of those things – if you give too much information about security, then the bad guys know exactly what's happening, so I'm going to be very careful with some of my response. You know, we make sure that all the appropriate documentation that needs high security is put in safes, in special rooms and has special monitoring on it and that type of thing, and that's something that we've added. As well, we will take a look at technology in the future and how it applies to making a more secure registry agent's office. Our investigative unit, that's going to enter into training this year, will make sure that those kinds of things and the products that we need

in the future will be incorporated because we do want to make sure that the integrity of this system is kept up in Alberta.

I think that pretty well covers most of the things that we were talking about with the registry agents.

In terms of your marketplace conduct I know what you're talking about in terms of builders coming in and maybe not completing a job properly, et cetera, et cetera. You mentioned that it's not enough just to say, "Buyer beware," but it is something that buyers do have to do. They have to do their due diligence in choosing a building that they may want to live in or purchase. They have to do their due diligence in making sure that they're dealing with a contractor that is reputable. If they contact us and ask those kinds of questions, we can give them the best information that we possibly have in terms of whether or not a builder is a member of the Alberta new home warranty program.

The new home warranty program should look after a number of those situations where a purchaser feels that they have not been given the building or the product that they had originally thought that they were buying or if there are structural problems or even if there are problems that a builder should come back to and take a look at repairing. The Alberta new home warranty program should look after that. Our staff works very, very closely with them. If a builder is not a member of the Alberta new home warranty program, then the national home warranty program takes over, and we've also referred people to that national home warranty program. But people do have to do their due diligence when picking and choosing their builder, and if they do contact us, we can help them as best we can.

You were mentioning real estate transactions in the marketplace. We have in the province set up a delegated authority called the Real Estate Council of Alberta. They are the licensing and the regulatory and disciplinary body on the consumer protection side. They work very, very closely with us to keep up with the trends in real estate, and they also work very, very closely with the real estate industry on the licensing side and the disciplinary side. If there is someone out there that is not doing the job, then that particular body takes over.

One other thing that I should have mentioned is also under the Fair Trading Act. I apologize for being a little disjointed on this, but I go back to the builders. We also have the Fair Trading Act, that could apply to anyone who didn't get the product that they really thought that they should be getting.

Also, when it comes to consumers, if the hon. member would call our office, we have tip sheets that we can give out to constituents. They can put them in their constituency offices, and we would gladly provide those tip sheets on the consumer side. They cover a number of areas, and I would gladly share those with you so that you can let your constituents know that, yes, there is legislation in place; yes, there are regulations in place. But at the end of the day there is some responsibility on behalf of the purchaser to make sure that they're dealing with a reputable company.

You mentioned electricity. I wasn't quite sure where the hon. member was coming from on that side of things. However, in terms of electricity I'm sure it meant on the consumer protection side. Our department along with the Department of Energy co-chaired a task force on the billing inaccuracies that were out there this last summer. It took our staff almost a full summer along with Energy staff to work with the five companies and the rural electrification associations – and the EUB was at the table – to talk about billing inaccuracies and standardizing bills and making sure that bills were properly presented and properly prepared, and we dealt with disconnect policies amongst the companies. We talked to the companies about making sure that their consumer service departments in each company were acting responsibly to their customers. We actually made them more accountable, and I think that a number of those particular problems have been solved.

In terms of the pricing of electricity, that was different. That's under the regulator. That's under the EUB and the Department of Energy, so that does not affect our department.

It's interesting. The hon. member talked about some of the inquiries that were coming into our call centre. I don't mind sharing with the hon. member that this last year the consumer calls that came into our office – we had a total of 33,539 calls – were up about a thousand calls over the previous year. The hon. Member for Edmonton-Ellerslie was asking earlier in terms of how we reach our performance measures, and I just want to throw this stat out. This is how technical we're getting: the average speed of an answer is one minute and 52 seconds, and the average length of a call is about three minutes and 20 seconds. So we have that down to a pretty fair science.

Let's just look here at some of the things that we deal with in those calls. Out of those 33,000 calls, we only had 207 calls on energy prices. We had 231 calls on natural gas direct marketers. However, on electricity marketing – there are marketers out there which we regulate under Government Services – we did have 3,302 calls on marketers but not on electricity pricing. It's rather interesting with some of the calls that did come through. So those are the kinds of calls that we're getting.

Now, regarding the privacy legislation, some of the details on FOIP, I'm going to be really honest with you, Edmonton-Mill Woods, that I'm not familiar with the details on that, but we will definitely provide you that in writing. The FOIP Act, as you know, is there to get access to information but at the same time to protect privacy. That's been the premise of the act, and that's what we live by. Each department has its own freedom of information and protection of privacy co-ordinator, that we help train. Tom Thackeray and his staff up there help train all of the FOIP co-ordinators in all of the departments so that they are compliant with the act, and we try to make sure that it's standardized. I understand that there are different interpretations of the act. However, we try to make sure that each FOIP co-ordinator gets the same information through our department. We'll respond to you in writing on some of the details of your inquiries.

Thank you.

9:00

**The Deputy Chair:** Hon. members, before I recognize the Member for Edmonton-Mill Woods, I just want to caution members once again that the noise level is starting to get high.

The hon. Member for Edmonton-Mill Woods.

**Dr. Massey:** Thank you, and thank you to the minister. I look forward to the FOIP information.

If I might just go back to the condo act. That was a huge builder that was building in both major cities. This wasn't just a small, fly-by-night operator. This was a huge, huge builder building, I would think, thousands of units in the city, and it still seems to me unsatisfactory that these people didn't have any recourse except to the courts to get satisfaction. I went to a meeting with the owners and with the representative from the new home warranty program, and the arguments ended up basically about whether they were covered or whether they weren't covered. It didn't seem to be the kind of problem solving that I'd hoped it might be when I asked the owners to get together with a representative of the warranty program.

So I still think it's very unsatisfactory, and it's really a hardship on people who are seniors or are going to soon be seniors with respect to the investing of their, in many cases, life savings into something that starts off promising to be a really bright and great retirement in a brand-new facility and fast turns into a nightmare. Somehow or

other I think that we have a responsibility to try to help them through that. I believe that everyone is being sued at this point, and it's tied up in the courts in such knots that it's going to be years and years and years before it's ever resolved, if it ever is. That just doesn't seem to me to be a healthy marketplace.

I have a couple of other questions, if I might, about licensing and registration. I've noticed that I can go on-line – and maybe you can't here. The last time I needed some vital statistics work done, where I had to get a couple of death certificates, I went into a registry and was able to get them that way. Can you obtain that kind of information now on-line, like births and deaths? Is that available on-line?

Just one other small and very minor point: what about the licence plates? I think we've asked this before. Many license plates in the province look like they're as old as they really are, and they're falling apart. Is there an intention that there will be new plates for the province's centennial?

**Ms Carlson:** And how about putting them on both sides?

**Dr. Massey:** My colleague asks: are they going to be on both the front and the back? But they really are a mess. I'm embarrassed that my own licence plates look just ugly, to say the least.

So I guess with those final two questions – I'm not sure if one was a comment more than a question. I think the condo owners have tried to address some of the problems, but it really is a huge, huge problem. It's gone on for a long time, and it seems to me that someone has to take hold and do something about it.

Thanks, Mr. Chairman.

**The Deputy Chair:** The hon. minister.

**Mr. Coutts:** Thank you very much, Mr. Chairman. Thanks for the caution on the condos and, as you say, a major builder of a major number of units. You know, the condo act was debated in this House, it had extensive consultation, and we'll continue to monitor the condo act in terms of how it applies to condominiums, how they're managed, and that type of thing. As well, we'll take heed of your words in terms of the building side of things too.

You talked about death and birth certificates: are they available in registry agents' offices? I looked up, and I got no. The answer is no. We will get you the details as to why that is so. Probably it's very sensitive information that is required and quite technical, but we'll get you that information, Edmonton-Mill Woods.

Your question about licence plates. One of my hobbies driving up and down the road between Edmonton and my constituency in southwest Alberta is to look at licence plates. [interjections] Yeah, it's really exciting. It kind of breaks the monotony of the five and a half hour drive.

I noticed that there are a few licence plates out there that are in awfully bad shape. When you take a look at the series number, you find that these licence plates are very old. There was a series of licence plates where we had a reflector image in it so that it would show up at night, and that particular reflector image or process didn't really work that well. It provided us with a lot of cracks and gave us a lot of problems in terms of the length or the lifetime of the licence plate. You can go into registry agents' offices and you can apply for a new licence plate. I believe that we can even get you the old number. I believe we can, but I'll confirm that for you.

From a police enforcement standpoint it's important that you be able to read your licence plate, and it is our responsibility as owners of that vehicle, owners of that licence plate to replace it if it is not identifiable. We get a few inquiries about that every year. Some-

times some people get fines for not having a licence plate that the RCMP or any city police or any bylaw enforcement officer can read. It's a particular problem, but the onus is on us as the owner of that car and the owner of that plate to replace it.

I've got an answer to your comment about the FOIP Act. For salaries of school boards and RHAs, et cetera, the FOIP Act allows for the disclosure of that, and they are released under the Financial Administration Act. I just got that note sent down from my staff, so that answers that particular portion of that question.

Thank you, Mr. Chairman.

**Dr. Massey:** Just if I may follow up. I knew that the superintendents' and the CEOs' information could be made public. My question was: is the same information about government employees to be made public? As I indicated, when we asked under Motions for Returns or Written Questions – I'm not sure which it was – there was a response given that in terms of the privacy act that information was not to be shared.

**The Deputy Chair:** The hon. minister.

**Mr. Coutts:** Thank you very much, Mr. Chairman. I will take that question under advisement, and we will get back to you in writing.

Thank you.

**9:10**

**The Deputy Chair:** The hon. Member for Edmonton-Glengarry.

**Mr. Bonner:** Thank you very much, Mr. Chairman. I'd like to rise this evening and speak to the estimates of Government Services. I have a few questions. I do apologize for being a little late, so if the minister has answered these questions, he could just pass them on by and I can read them in *Hansard*.

I'm looking at page 184 of the government and lottery fund estimates. Under operating expense, item 2, we see that licensing, registry, and consumer services this year are budgeted at \$44.8 million, 36 percent more than the \$32.9 million budgeted in 2002-2003, and the forecast for 2002-2003 was \$39.8 million. Again, that is quite a significant increase in the moneys that were budgeted in 2002-2003.

As well, on page 186 I'm looking under operating expense, 2.0.7, registries information systems. When we look at the gross comparable 2002-2003 budget, the amount is \$6,504,000, and when we look at the gross for registries information systems for 2003-2004, we see that it is \$9,502,000. Again, quite a significant difference. It's roughly a 46 percent difference in those two.

Further down on the same page under equipment/inventory purchases we see 2.0.2, private agent services/general registry, and we see that the budget is \$19.4 million – this is 65 percent more than the \$11.7 million in last year's budget – and the forecasted actual for 2002-2003 is \$14.3 million. Of course, when we are talking about licensing and registries and registries information systems and private agent services/general registry, we are looking at a field that is I think influenced quite heavily by technology. If the minister could please inform us which company holds the contract with the government for the information technology in this particular case. Are these quite significant increased costs due to costs that we pay the contractor of those information services? Has the contract somehow adjusted for differences to account for these increased costs?

As well, I'm flipping back to page 184 under operating expense and equipment/inventory purchases. Under the program in 5, Alberta Corporate Service Centre, I see that our credit or recovery

for the 2003-2004 estimates is \$144,327,000. Quite a significant amount here, so if the minister could please expound on that amount. If he would like an opportunity to respond to that now, I do have a few more questions later.

**The Deputy Chair:** The hon. minister.

**Mr. Coutts:** Thank you very much. The hon. Member for Edmonton-Glengarry has given a number of statistics and percentages, and some of the details on that I will provide in writing. What the member is referring to in terms of contracts that are given out – we're looking at an upgrading of our legacy system for our registry services, and our first priority has been to upgrade our personal property and, of course, our land titles because we're dealing with equipment that's 20 years old and high volumes that that equipment was never ever, ever intended to handle. As a result, last year we were able to get a \$13 million allocation of funds to upgrade that legacy system, and this year we will also receive a \$12.9 million allocation to upgrade those systems. There's going to be an ongoing process in upgrading this renewal to actually make sure that these systems are completed and up to date to handle the volumes of transactions that we're going to have to handle in the future. We're looking at making sure that we have continuing funds to upgrade our systems, to make it service Albertans' needs. Those are in the forecasts for the future, and we're looking at probably about a \$16 million infusion of dollars in the future to make sure that those happen.

What we've done is that with the vendors that we use in upgrading this system for our registry renewal projects, known as legacy, we have prequalified vendors such as Accenture, Inc.; Fujitsu Consulting; Sierra Systems; and CGI. Each of these prime vendors have a number of local and/or subcontractors, you might say, to help them deliver on these systems. These vendors work very, very closely with our existing systems maintenance outsourcers – that's EDS Canada – and we want to take, you know, the best advantage of their knowledge and their expertise to make sure that these systems satisfy Albertans and look after their plans in the future. So we will continue to improve our access, and some of those dollars that you were talking about are included in this renewal.

The additional information on the percentages and the differences: I'll definitely provide that to you in writing.

**The Deputy Chair:** The hon. Member for Edmonton-Glengarry.

**Mr. Bonner:** Thank you very much, Mr. Chairman. Thank you, Minister, for those responses. You were discussing vendors and that of course some of these vendors do outsource some of their contract work to other companies. In those contracts is it specified that any of the outsourcing has to be done with Alberta companies, or is the vendor allowed to outsource to anyone in the United States or Canada or around the world? When these contracts are outsourced, is there any way that the department knows whether in fact Albertans are getting the best bang for their taxpayer dollar in the outsourcing of these contracts?

9:20

**Mr. Coutts:** Mr. Chairman, we may not be dealing with Alberta-based companies, but we will be dealing with companies that would give us the best product for the best price. We want to make sure that we're accountable for the dollars to Albertans and not just spend for the sake of having a Cadillac system that we don't necessarily need.

In terms of not necessarily being an Alberta-based company, we

do like to deal with companies that do have at least an Alberta presence or an Alberta office. We make sure that that's the type of business that we do in our department because there's nothing better than to have the company that we're dealing with right here on the ground to help us. When we have problems with a system that is down, we need their expertise and we need to have their knowledge to make sure that the system can get up and running as quickly as possible and make sure that we continue the business of doing business for Albertans and for the government.

**Mr. Bonner:** Again, I'd like to thank the minister for those responses. Just some general questions. In Public Accounts last fall the minister conceded that the government could save money by having the government's 7,000 cell phones under one contract instead of under several different ones. My question to the minister in this particular instance would be: have the government's 7,000 cellular phones since been put under one contract to save money, as he had indicated in Public Accounts?

Again, just the number of cell phones. It would appear that apparently one in three government employees has a cell phone. Is there really a need for one in three employees to have a cell phone?

I would have another question in regard to this. To the minister: are any controls in place, similar to the recent procurement card policy, to ensure that government cell phones are used for work purposes only?

Thank you.

**Mr. Coutts:** The item that the hon. Member for Edmonton-Glengarry is referring to is an initiative that ACSC took over on shared services, trying to take a look at all the contracts across government – and particularly the cell phone analogy is probably one of the best ones – and go back to the suppliers to see if we can't get a better deal for volumes, not only volumes of phones that are out there and the contracts to get those phones but also volumes in terms of the use of those phones. That's what shared service is all about, getting a better deal. Saving those kinds of dollars is something that we all should be aware of.

In terms of controls on what people do with a cell phone that may be under that contract, that's very, very hard to monitor, and it's up to the discretion of not only everyone on the floor of this Assembly but also within the civil service to make sure that they're using those phones for business purposes.

Now, I remember when I first became an MLA. The hon. Member for Edmonton-Ellerslie mentioned a PNWER trip that we used to go on. I would phone my wife and put it on my own credit card, and I remember that one of the people from the department of at that time intergovernmental affairs – FIGA I believe it was called – said something about: you know, letting your wife know every night that you're safe and that everything's fine and what day you'll be home, et cetera, et cetera, et cetera and just touching base was part of the job. So sometimes there's a gray area there. I never did do that when I was on the PNWER thing; I always paid for it myself. But it's one of those things that is left up to the individual, I'm sure. Those are my comments on that particular thing.

ACSC will continue to explore opportunities through the shared services concept of how we can save money and how we can make our dollars more accountable to Albertans.

**The Deputy Chair:** The hon. Member for Edmonton-Glengarry.

**Mr. Bonner:** Thank you very much. Just a few more questions for the minister. In the last year to 18 months we've had situations where registry offices have been broken into, and one of the items



that was stolen was driver's licence blanks so that people could manufacture counterfeit drivers' licences for people. Certainly, events in the last year and a half have indicated that we do have to control not only drivers' licences to make certain that the person who has one of these is the person who it says it is, particularly since events such as 9-11, where we had talk back and forth across the Canadian/American border of people being able to move back and forth with relative ease.

So certainly I think it indicated that we have a great need to change to a new, more secure driver's licence system in response to events of 9-11 as well as the stealing of blanks. I would like to know if the minister could please tell us how the ministry is moving forward on its plans to change to a more secure driver's licence system, how much it will cost, and what all it will entail. If he could also indicate at what point he thinks he will be able to institute these changes.

Thank you.

**The Deputy Chair:** The hon. minister.

**Mr. Coutts:** Well, thank you very much. The hon. member's comment about the driver's licence and making sure that it is secure and safe – not only secure and safe, but it must be reliable as well – is a very, very good point as a result of two factors.

You mentioned 9-11. You mentioned the need for more security, a securer card. The other factor is that we've got 20-year-old equipment doing our drivers' licences right now, and although it is a good driver's licence, the needs of today require a more secure card and thus the technology behind that. Particularly, the laser-imprinted card that we're looking at doing requires new technology. This is the right time to do it. We'll be rolling that new driver's licence out some time this mid to late summer. The dollars that are required for that are in this budget. We've got an \$8 million expenditure allocated for the new driver's licence program. We're in the middle of the request for proposals at this particular time, Mr. Chairman, and the details of that proposal and the contracts that will eventually be signed around that proposal I don't think would serve us well at this particular time to divulge, because we are completing the request for proposal process out there.

The hon. Member for Edmonton-Glengarry asked about other details regarding financing. In the third quarter of this year we also received a \$4.7 million allocation from the third quarter that was debated on the floor of this House, and that was for new camera equipment that would go along with providing the licensing as well as the investigative unit. I don't believe the member was in the House when I talked about a new investigation unit that we're looking at to help train security within our registry agents' offices and to help with fraud and that type of thing. So those are the kinds of things that the dollars will be going for: new equipment to handle the new driver's licence at the registry agents' offices for photo-taking and signature procurement and that type of thing. That's where the dollars are coming from, and that's where the dollars will be going.

9:30

**The Deputy Chair:** The hon. Member for Edmonton-Glengarry.

**Mr. Bonner:** Thank you, Mr. Chairman. If the minister could please provide some information on another area of concern. When it comes to the cost of service contracts, these had plummeted to \$39,294,000 in the ministry's 2001-2002 annual report compared to \$57,531,000 the previous year. Are these actual savings, or is the cost being shouldered somewhere else?

**Mr. Coutts:** Mr. Chairman, I apologize. Can he repeat the question? I'm sorry; I was reading.

**Mr. Bonner:** I was referring to service contracts, and I was asking specifically what caused the cost of service contracts to plummet to \$39,294,000 in the ministry's 2001-2002 annual report compared to \$57,531,000 the previous year. My other question associated with this: are these actual savings, or is the cost being shouldered somewhere else?

**The Deputy Chair:** The hon. minister.

**Mr. Coutts:** Well, thank you very much. The details of that I'll provide in writing, if that's all right, hon. Member for Edmonton-Glengarry.

If I could go back and just talk a little bit about cell phones. I just got some information that the new policy on cell phone acquisition recently approved by deputies and by ministries – they're accountable for the implementation of that – includes eligibility criteria to ensure that there is valid need. We actually had a saving of \$1.1 million in the service plan contracts and the changes regarding canceling some phone services that were not necessarily needed, so it's really good to see that there are some things that we can actually have benchmarked and actually can show that we've made those kinds of savings on.

In terms of ACSC's costs in our budget of \$155 million, the cost of administration, finance, human resources, and information technology support services are across government. Manpower is 40 percent of that, and supplies and services are 60 percent of that. That's an actual of what we have been able to show as a decrease of almost 3.6 percent in administration of ACSC from the last year. So that answers that question for you.

In terms of your last question, I'll make sure that we respond in writing.

**The Deputy Chair:** The hon. Member for Edmonton-Glengarry.

**Mr. Bonner:** Yes. One final area that I would like the minister to provide some explanation on if he could, please. The ministry had announced last October that it was looking for input on any rules or policies that would benefit from a review. If the minister could please tell us what rules and policies were identified, which will be reviewed, and what is the time frame for the results, and if he could also provide us with the cost of the MLA Government Rules Review Committee.

Thank you.

**Mr. Coutts:** I will provide that in writing as well at that time, Mr. Chairman.

**The Deputy Chair:** The hon. Member for St. Albert.

**Mrs. O'Neill:** Thank you very much, Mr. Chairman. I just wanted to rise at this moment to commend the minister and his department for two areas that I consider very valuable in consumer protection in response to consumers, particularly those within my community. I think it is appropriate at this time, first of all, to express appreciation for your department's response to the consumer billing disputes that arose with respect to some power companies, not only the billings coming from one company but with respect to the readings and the reconciling of those and resolving those disputes. So I'd like to, as I say, take this opportunity to thank you for the ability to refer constituents to your department, who did address this in what I think

was a very objective way. It wasn't always to their satisfaction with respect to being able to reduce the bottom line of the bills, but it was indeed in most cases a clarification at least of the process, which indeed is not a simple process. So thank you very much for that.

The other one is an area that we have not dwelled on a great deal lately but something that I think again is highlighted by the emphasis, if you will, or the concern for consumer protection. That has to do with the condominium act, and it's the surveillance of it to make sure that it is properly attended to by those who are members of condominium associations. It does not play well to many people because they don't like to have their lives, their personal finances, and their assets organized collectively. On the other hand, I think the condominium act and certainly the assistance that your department has provided to those volunteer boards who are working to make sure that the governance and the allocation of resources within their condominium complex are fairly and clearly looked after—your department has been exceptional in responding to the concerns that my constituents have had.

Again, it's onerous for individuals to serve on their respective condominium property boards. They volunteer to do that on behalf of the greater collective good. I think that the condominium amendment act in its most recent version looked to the future in making sure that everybody's investment was looked after.

I return, Mr. Chairman, to address the department and to again say thank you for your clarification, for your direction, for your assistance in making sure that these volunteer boards have the resources, have the clarity, and have the ability to act within the act for the greater good of their community. So I just wanted to take that opportunity to say that to you.

**The Deputy Chair:** The hon. minister.

**Mr. Coutts:** Mr. Chairman, thank you very much. I wanted to thank the Member for St. Albert for those remarks, and I'll certainly make sure, either through *Hansard* or when I personally attend functions in the department or make my tours in the department, that I pass those words along.

Regarding the condominium act, it's a complicated act. There are different types of condominiums out there, and sometimes there's not a total understanding, when going into a condominium, of what your rights are or even what you're buying. We always look forward to the opportunity – and I believe it's Joanne Burns from our department who goes out and will talk to condominium boards at any particular time. We've even had situations where a number of condominiums have come together almost like a public forum type of thing. It also happened in your constituency; I remember that. It's also happened in Calgary-West constituency. She's gone out and explained the situation, explained how the boards are set up and what the responsibilities of the boards are in order to manage the condominium on a day-to-day basis but also make sure that that condominium and that investment is protected and continues to get upgraded for the future so that their investment is protected and when they want to pass it on or move or sell, they get full value out of that particular condominium. As we go through, I'm glad to see that in our assessment the condominium act is working in a number of ways. So I'll pass that on. We want to make sure that all Albertans who get into condominiums have the proper information, and we'll continue to work on that with your help.

9:40

In terms of the reconciliation of some of the power systems that were out there and the different types of bills that were coming from all over, yes, we worked hard with the companies. I have to

congratulate all the companies that were involved – EPCOR and Aquila and ATCO and Enmax and the EUB and the rural electrification associations – for coming to the table and being very, very open and understanding that they needed to give a better understanding bill, a simpler bill, a bill that people could understand when it was explained in simple terms and also the fact that there was a confusion between the wire service provider and the actual biller, the one who provided the energy and the one that actually made the bill out to the particular residents. That association between those two was made a lot clearer and a lot simpler for people. It was a difficult process, and it still is continuing to evolve. We spent a lot of resources on that particular task force to make sure that that part of consumer protection was put in place.

So I want to thank you very much for those comments, and I'll certainly pass those along to our staff. I appreciate that.

**The Deputy Chair:** Are you ready for the question? After considering the business plan and proposed estimates for the Department of Government Services for the fiscal year ending March 31, 2004, are you ready for the vote?

**Hon. Members:** Agreed.

Agreed to:

Operating Expense and Equipment/Inventory Purchases	\$231,158,000
--	---------------

**The Deputy Chair:** Shall the vote be reported? Are you agreed?

**Hon. Members:** Agreed.

**The Deputy Chair:** Opposed? Carried.

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Chairman. I'd move that the committee rise and report and beg leave to sit again.

[Motion carried]

[Mr. Shariff in the chair]

**Mr. Klapstein:** Mr. Speaker, the Committee of Supply has had under consideration certain resolutions, reports as follows, and requests leave to sit again.

Resolved that a sum not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 2004, for the following department.

Government Services: operating expense and equipment/inventory purchases, \$231,158,000.

**The Acting Speaker:** Does the Assembly concur in the report?

**Hon. Members:** Agreed.

**The Acting Speaker:** Opposed? So ordered.

head: **Government Bills and Orders**

head: Committee of the Whole

[Mr. Shariff in the chair]

**The Deputy Chair:** Hon. members, I'll call the committee to order.

**Bill 23****Family Support for Children with Disabilities Act**

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Red Deer-North.

**Mrs. Jablonski:** Thank you, Mr. Chairman. I'm pleased to stand and speak in support of Bill 23, the Family Support for Children with Disabilities Act, and address some of the issues that were raised during second reading on April 7.

The hon. Member for Edmonton-Ellerslie expressed concern about therapeutic services and whether the director of child welfare is able to seek out either assessments or treatments which rely on evidence-based research. Mr. Chairman, the nature and level of therapeutic services that will be available to children under this legislation will be set out in regulations. We will be working closely with medical professionals, parents, experts in the field of disabilities, and other stakeholders to determine what therapeutic interventions are in fact appropriate and effective for inclusion in the regulated listing. Therapeutic interventions available to families under this legislation will be based on research and best practice evidence. Inclusion of therapeutic services in regulations rather than in the act will enable us to respond appropriately as new research and new treatments become available. The proposed legislation very clearly articulates a role for medical professionals and other experts to work with the director and the parents of a disabled child in the development of a therapeutic services plan that best meets the needs of the child. The involvement of these professionals will provide additional assurance that interventions are appropriate and effective.

There was also a concern that because of regionalization there is no comprehensive framework within which program decisions are made. Mr. Chairman, regionalization allows flexibility to meet the needs of children and families and to build community capacity. The proposed legislation will assist in ensuring that families have consistent and equitable access to the supports and services they require. Consistency of decision-making across the province will be enhanced through the appointment of a program director and through the development of regulations that clearly articulate the nature and levels of services available to children and families.

Thank you, Mr. Chairman.

**The Deputy Chair:** The hon. Member for Edmonton-Mill Woods.

**Dr. Massey:** Thank you, Mr. Chairman. I think what the member has indicated is part of the concern with the bill, and that's that the devil is in the detail and the regulations aren't here for us to see. The government has set a precedent in other areas by posting those regulations on the Internet well in advance of the bill being passed in the Legislature, and I suggest that that would've been a wise thing to do with Bill 23.

You get two diametrically opposed views about the bill. One viewpoint is that the bill is a backwards step, that it medicalizes disabilities and that it's a poor service to children, and you get the other view that says that it's a framework that they can work with, but the anxiety rests around the regulations and what they're going to be. So that's the basic problem, I think, with Bill 23, and, as I see it, a way out, if there could even be a draft of the regulations made available, people might feel much easier.

I think that there are just a couple of things I'd like to mention before I conclude, Mr. Chairman. One is on page 3, section 3(1), under Family Support Services: "If a medical diagnosis, in a format satisfactory to the director, of a child's condition or impairment

indicates that the child has a disability, the director may . . ." The troubling part is "in a format satisfactory to the director." This is vague and it's arbitrary and it leads to the exclusive direction of the director without appeal. For example, a specific chronic diagnosis will not be considered for support intervention. I think that these have to be defined so that there's a standard that can be objectively identified and applied and appealed.

9:50

The same problem plagues the bill on further sections of that page, 4(1)(a) and (b). The same phrase is repeated: "in a format satisfactory to the director," and then in (b), "in a manner satisfactory to the director." It's the same problem as there is in 3(1). It leaves the discretion entirely to the director. For people who are having difficulties, this isn't a satisfactory state of affairs.

On page 5 under section 7(4), the time lines for commencing an appeal under those circumstances, I think it would be helpful if they were more clearly defined. It says, "the time for commencing an appeal is suspended until the conclusion or abandonment of the mediation." It seems to me that there's need for more definition there.

Again on that page, 8(1), "The Minister may establish one or more appeal committees each consisting of not fewer than 3 nor more than 7 persons appointed by the Minister." It seems again that there are few checks on the minister's authority, and the bill would be better served if there was a process set out where the minister's decisions could be questioned.

I guess the last comment would be on page 6, section 10(c): "The minister may make regulations respecting the nature and amount of family support services and therapeutic services that may be provided by a director under the terms of an agreement." It seems that there's a need for more accountability of the department, some review by an external body, but this just leaves it wide open, and individuals are at the mercy of the minister or the minister's staff. Given the nature of the individuals that this bill is dealing with, I don't think that that's good enough.

So with those comments, Mr. Chairman, I would call the question.

[The clauses of Bill 23 agreed to]

[Title and preamble agreed to]

**The Deputy Chair:** Shall the bill be reported? Are you agreed?

**Hon. Members:** Agreed.

**The Deputy Chair:** Opposed? Carried.

**Bill 24****Child Welfare Amendment Act, 2003**

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Calgary-Buffalo.

**Mr. Cenaiko:** Thank you, Mr. Chairman. I'm pleased to rise and speak during committee considerations of Bill 24. Prior to discussing some of the issues that were raised during second reading, I would like to introduce and move an amendment to the bill, which I would ask to table and distribute at this time.

**The Deputy Chair:** Hon. members, we shall refer to this amendment as amendment A1.

The hon. Member for Calgary-Buffalo.

**Mr. Cernaiko:** Thank you, Mr. Chairman. The amendments, which I wish to be treated as one amendment and voted on as a package, are minor and will close the loop on a number of issues to further protect abused children in family violence situations and also put safeguards in place regarding disclosure of information to adult adoptees.

There are two parts to the amendment, in the areas of adoption and family violence. In the Matters to be Considered section we are proposing an addition that where a child has been exposed to domestic violence within his or her family, intervention services should be provided to the family in a way that supports the abused family members and prevents the need to remove the child from the custody of an abused family member. This proposed addition highlights the special circumstances of a family where family violence is an issue. A decision-maker under the act is encouraged to consider the provision of support services to the abused parent, which would prevent the removal of the child from the custody of the parent.

In the area of adoption, Mr. Chairman, a proposed House amendment will allow for the minister to deem a veto having been filed by an adult adoptee if the minister is satisfied of two things: (1) the adult adoptee is not aware of the adoption and (2) the release of identifying information about the adult adoptee would be extremely detrimental to the adult adoptee. This provision would apply only to adoptions granted prior to January 2005, including adoptions granted prior to passage of Bill 24. The open process for post-January 1, 2005, adoptions would not be affected. There is a provision in the amendment that if an adult adoptee subsequently becomes aware that they are adopted, the minister may reverse the veto at the request of the adult adoptee.

Mr. Chairman, this amendment is being included because concern has been expressed that in situations where adoptive parents have chosen not to inform their adopted child of his or her adoption, when the adoptee reaches adulthood, he or she will not be in a position to exercise their right to register a veto. This approach has been criticized as failing to respect the interests of adoptive parents and failing to consider the effect disclosure to a birth parent may have on an adult adoptee who does not know he or she was adopted.

A proposed House amendment attempts to address this concern through a deeming provision that would allow the minister to deem the filing of a veto by an adult adoptee where the adoptive parents have satisfied the minister that the adoptee does not know about the adoption and that the disclosure of information to the birth parents would be extremely detrimental to the adult adoptee. Policy guidelines would be developed to assist in identifying situations where release of information may be extremely detrimental; for example, in situations involving incest or rape. This House amendment would be accompanied by a public communications strategy to advise adoptive parents that they may provide information to the minister for the purpose of invoking the deeming provision.

Mr. Chairman, following consideration and passage of this amendment, I would like to briefly address issues that were raised during second reading debate on April 7.

Thank you.

**The Deputy Chair:** The hon. Member for Edmonton-Mill Woods.

**Dr. Massey:** Thank you, Mr. Chairman. I want to thank the minister for circulating the amendment a couple of days ago so that I've had a chance to look at it and to concur with it. But I would, if I might, put forth a reservation about the amendment and the bill itself. The legislation is directed to parents and to children, to adoptees, and to adopting families. This amendment along with a number of the

clauses of the bill are really difficult sledding in terms of reading. I think they represent some really very obscure writing, and I think they violate every rule of plain language legislation that you could possibly violate. I think it's unfortunate because this is an important act. It's one that should be readily accessible to all who are interested. The people who access the act are often under duress and having difficulties in life, and to be put up against a piece of legislation such as this and to try to work your way through it really, really is a task that is most challenging and I think really unnecessary.

**10:00**

It's too late at this point, but the speaker said that there is going to be a public relations effort to notify interested individuals in terms of the amendment and its implications. I certainly hope that that communication is written in language that people can understand because this is really, really very obscure. When we come to the bill, there have to be some sections that are classic in terms of how to obscure what you really mean to say.

So I guess with that caution about the amendment, that I hope that it's delivered in language that ordinary Albertans can understand, I'll be supporting the amendment. Thanks, Mr. Chairman.

[Motion on amendment A1 carried]

**The Deputy Chair:** Any further speakers on the bill? The hon. Member for Edmonton-Mill Woods.

**Dr. Massey:** Thank you, Mr. Chairman. I would like to make some comments. Again – and the minister has said as much – the detail in the legislation rests in the regulations. I think to quote the minister: what the large print giveth, the small taketh away. This is another bill where having the regulations or a draft of the regulations would have been such a great service to Albertans and to those people who are interested in the Child Welfare Act and the amendments that are before us.

The references to regulations are found throughout the act. In many cases they make the subject matter of the act inaccessible for an independent review beyond child welfare, and they limit the accountability of child welfare. I think that if there's a general comment, again it's with respect to the child and youth advocate's office. The very independence of this office, I think, is compromised by the act. It's an area where the suggestions that we've made over the years that the advocate be an officer of the Legislature and report to the Legislature have been ignored, I think at a disservice to children and youth in the province. The control of the advocate and the advocate's work by the ministry is, I think, completely inappropriate, and this act does nothing to alleviate that.

I think that there has to be put in place some process for reviewing the regulations to have them scrutinized by broader interests when they are available. There has to be some way in which those regulations and the matters that they deal with are subject to appeal. So those are some general comments about the bill, Mr. Speaker.

But, again, I'd like to preface it with my concern about plain language. Let me give you an example of what I mean. On page 83 of the bill there's a section that talks about decisions of the director, and this is what it says.

If a copy of the decision is not received under subsection (4)(b) within 15 days of the making of the request under subsection (1), the person who requested the review is deemed to have received a copy of the decision stating that the director has confirmed the decision that was reviewed.

Well, what that really means is that if you don't get a letter, the

answer is no. Why can't the bill simply say that? I mean, this is a terrible, terrible example, and it's not the only example in this piece of legislation.

Having said that, because we are in committee I'd like to go through and make some comments about specific sections of the bill. On page 3, the implications of changing the terms "protective" and "intervention," it appears that by limiting protection to court orders, it allows child welfare resources and supportive involvement in support to children and families on early intervention. They previously had to demonstrate the safety and development of children to justify and obligate protective involvement. I'm not sure that that was the intention, but that seems to be the implication of that change.

On page 4, subsection (2.1)(b), this is the section where for the purposes of subsection (2)(c), a child is neglected if the guardian

- (b) is unable or unwilling to obtain for the child, or to permit the child to receive, essential medical, surgical or other remedial treatment that is necessary for the health or well-being of the child.

It seems to me that there needs to be more added to that clause, and that is: as recommended by a medical professional with legitimate knowledge and authority specific to that identified health issue. I think the reasons for that kind of addition are self-evident, Mr. Chairman, and the recent case in Calgary serves as an example where that kind of wording would have been useful.

I look at page 4 and the repeal of section (2)(i). Again, in the bill – and it's not the only place – there seems to be the creation of a gap in intervention especially to older youths and in this case unable to live at home and being refused care by a guardian, and that condition ends up with the likelihood of those kids being on the street and being forced into prostitution and drugs and all the other unsavory things that happen when they are forced onto the street because they still are not eligible for adult financial resources, and the same is true in section 8.

On page 8, section 2.1: "A director, when it is appropriate, must inform a child of the child's procedural rights under this Act." It seems to me, again, that "when it is appropriate" is subject to self-interest issues by the ministry and detracts from "must inform," that it is a basic right to be informed. So I question the appropriateness of having the phrase "when it is appropriate." Youngsters have to be informed, and the "must" is the important part of that. Again, we've heard in the report of the Children's Advocate of youngsters not being informed of decisions that were being made about their lives.

#### 10:10

On page 9, amending clause 3(5)(c) by deleting "investigate" and limiting disclosure of information to the Children's Advocate and the child's ability to consent to disclosure of his own information, the ministry is effectively immobilizing the only body in the system speaking and acting on behalf of the child. The Children's Advocate office is a critical part of ensuring the rights of the child and that the child is heard and respected, and this is unfortunate. If you look at page 8, (d.1) – I'm sorry that this is so detailed, Mr. Chairman, but it's the nature of a 94-page bill. I think there's need for explicitly specified required accountability of child welfare to respond and implement findings as based on the findings of the Children's Advocate as indicated in their report. So it's the accountability of the department to the recommendations of the Children's Advocate that is missing, and it goes back to the control that Children's Services has over the Children's Advocate that is the bone of contention.

If you look at pages 14 and 15, the amendments to section 10 deleting "child," section 8(2) repealed, and amendments to section

9(2)(3)(4) and (5), these serve to speed the processing of the child through the system and limit child welfare's financial support commitment to a child and family of origin. That's really what happens as a result of those changes. They also limit the ability of a child to enter an agreement with the department to provide support services or even be consulted about decisions affecting them. Again, I think there's a likelihood of older youths falling between the cracks with respect to resources and support provision.

Also, an amendment to section 18(2) on page 16, with children being provided with adequate resources when the parents are not able to manage. Again, this is open to arbitrary decisions by the department regarding support and involvement, and there are similar citations throughout the bill.

If you look at page 18, the amendments to section 20(3) provide one more barrier to protecting people from the absence of their rights by not requiring the ministry to directly advise them. With the ministry's power to intervene so intrusively should also come an obligation to inform people who are subject to their intrusions of their rights. So it's the counterobligation. If the ministry is going to be intruding into affairs, then they have an obligation to tell the individuals involved what their rights are.

I'm skipping quickly over the bill, Mr. Chairman. If you look at the amendments on page 25, the amendments on page 90, and the amendments on page 88, these amendments permit disclosure to the broader public of personal information concerning kids beyond the scope of what should be legitimately permitted as it pertains to kids' rights to privacy. I guess you could say that they're really preying on vulnerable children. This is, of course, with respect to the web site. I know there have been some changes to the web site, but why can't the web site be restricted to individuals who have previously been screened and approved as potential adoptive applicants? We've been through this before, and I'm not sure of all the changes that have been made, but it did seem that there was need to somehow or other make sure that the site wasn't being abused and used inappropriately.

If I look on pages 28 and 29 at the amendments to 33(1), (2), (3), and (7), they represent significant changes with impact on children and family. It's less due process and early intervention from supportive involvement with the child and family and processes younger children into adoption streams sooner, and it ultimately depletes or lessens the department's financial commitment. Is that the intention? Is that the reason for those changes? In some cases, of course, this would be good, with long-term stability provided for children earlier, but it may be at the expense of early intervention support to families. There's conflicting motivation of debt, financial divestment through truncating the process. Rather, the arbitrary time lines should be dictated by continuity of care in the best interests of the child. It seems that flexibility is really the most important aspect of dealing with youngsters.

On page 30, the amendment to 34(2), removing child welfare from their responsibility for involvement under condition of child, is a gap in state responsibility for meeting older youths' basic needs who may not yet have or may have limited eligibility for SFI resources. It goes back to the theme that seems to run through the bill, and that's a concern for older children and what's going to happen to them, that they seem to be under the bill receiving less service or at least not the appropriate service given the conditions they may find themselves in.

On page 31 the amendment to section 35(2). It is repealed. Does that mean that there's no post 18 year old follow-up support? This is critically needed for particular groups of children: FAS and related to a prenatal substance abuse diagnosis in which independent living is often delayed and occurring past 18 so that there are some developmental issues and some learning issues. On page 50 the

amendment to section 57.3 permits it at the discretion of the department, and again it seems arbitrary. Who's accountable? Again, it's something that's going to be found in regulations.

**10:20**

On page 37 the amendments to 44(7), (8), and (9). Removing the department responsibility for providing treatment resources required to alleviate or resolve a problem and the substitution of intervention services is, I think, questionable. Is that really what we want, and does that fully respond to the needs of youngsters? Why would we make that change?

On page 44 section 52(1) – and this is under Private Guardianship – says, “Any adult who for a period of at least one month has had the continuous care of a child who is in the custody of a director.” Is this really permitting the downloading of youngsters onto extended families without providing sufficient support and services and a way of getting children out of the care of child welfare by placing them with an external family for a sufficient period and then being able to proceed with a provincial guardian application and the department required to provide placement? It's a questionable provision.

Again, below there in section (1.1): “An application under subsection (1) must include a report in the prescribed form prepared by a qualified person respecting,” and then it lists . . . [Dr. Massey's speaking time expired]

Thanks.

**The Deputy Chair:** The hon. Member for Calgary-Buffalo.

**Mr. Cenaiko:** Thank you, Mr. Chairman. I would like to thank the hon. Member for Edmonton-Mill Woods and to just advise him that we've made note of some of the issues that he's mentioned tonight. I'd also briefly like to address some issues that were raised during second reading debate on April 7.

Mr. Chairman, the hon. Member for Edmonton-Mill Woods expressed concern that several of the principles outlined in the Child Welfare Act review report *Strengthening Families, Children and Youth* have not been fully incorporated into the legislation. In making decisions impacting children and families, the matters to be considered must be adhered to. The matters to be considered incorporate the principles identified in the *Strengthening Families, Children and Youth* report.

The following principles are specifically identified in the legislation. In making any decisions during the investigative stage and subsequent to a determination that the child is in need of intervention, the best interests of the child must be considered in section 2. In addition, the best interests of the child as well as additional matters to be considered are identified and must be adhered to in decisions concerning the adoption of a child in section 58.1.

[Mr. Klapstein in the chair]

Parental responsibility and accountability are also addressed in section 2(e). Division 7, *Guardian's Financial Responsibility*, highlights the importance of parental responsibility through financial contribution when their child is placed in government care. This is based on the parents' ability to contribute. As well, the director is required to inform a child of the child's procedural rights under the act, section 2.1. Policy will be further developed to ensure that children are informed of their rights and families of their responsibilities. This policy will be developed in conjunction with the Children's Advocate.

Mr. Chairman, the hon. Member for Edmonton-Ellerslie raised a concern that the office of the Children's Advocate may be eliminated

because of the belief that there is no longer a need for a formal, centralized advocacy office under the new regionalization system of children's services. The office of the Children's Advocate is certainly not being eliminated. The proposed amendments not only retain the role of the Children's Advocate but also enhance that role by authorizing the advocate to facilitate the involvement of natural advocates within the child's family or community. The utilization of natural advocates allows for the development of a sustained relationship between the child and the advocate even after the child leaves the child welfare system. This approach will clearly be of significant benefit to children. Natural advocates will not replace the role of the Children's Advocate. Rather, they will supplement that role for the benefit of children.

The member indicated that the mandate of the Children's Advocate should be expanded to include children who have applied for but have been denied protective services. Mr. Chairman, the role of the Children's Advocate is to assist children who have been brought into the child protection system. These children often need assistance in understanding how the system works and what their rights are within that system. The determination of whether or not a child is in need of child welfare intervention will continue to be a determination by the director and ultimately by the courts. The role of the Children's Advocate will continue to focus on the needs of children who are in care.

It was mentioned that section 2 of the act should be strengthened to reflect that the best interests of children should be the overarching consideration when making decisions under the act. Mr. Chairman, section 2 has in fact been strengthened to clarify that the best interest of the child is the overarching consideration when making decisions concerning a child in need of intervention. The other matters set out in section 2 must be taken into account when making decisions affecting a child. These matters include such fundamental considerations as the child's familial, cultural, social, and religious heritage and the importance of stability and continuity of care and relationships in the child's life. While these fundamental considerations may inform the determination of best interests, they do not override that determination.

In regard to the views of children being enshrined in legislation, the proposed amendments very clearly enshrine in legislation respect for the views and opinions of children. A fundamental matter which must be considered when making a decision affecting a child is the opinion of the child. This is clearly articulated in the section on matters to be considered. Mr. Chairman, a child's views and wishes must also be considered when making decisions relating to the adoption of the child. This requirement is clearly set out in the new adoption provisions.

Throughout the act procedural rights are provided to children in terms of requesting alternative dispute resolution, consenting to terms of agreements and court orders, receiving notices of court applications, having legal representation in court, and appealing matters to the Child Welfare Appeal Panel. A new provision requires the director to inform children of their procedural rights under the act. As well, new provisions dealing specifically with youth in care acknowledge the emerging independence of youth and provide youth with an enhanced role in determining the services that they require.

The issue of having a minimum standard of qualifications for frontline child welfare workers was raised, and, Mr. Chairman, there currently is a high minimum standard for frontline child welfare workers. In addition to having either a diploma or a degree in social work, frontline workers are required to take a comprehensive child protection training course. The proposed amendments provide the ability to regulate the qualifications required of the director of child

welfare. These new qualification requirements will reinforce the importance of high minimum standards for individuals working in this field.

The Member for Edmonton-Ellerslie suggested that the legislation should contain a clear and distinct statement of the rights of children in care. The child welfare legislation provides children with a number of procedural rights. These procedural rights will continue under the proposed amendments. A new provision will require the director to inform children of these procedural rights in order that children have an opportunity to exercise those rights. Rights such as freedom of thought, expression, and association are rights that all children in care currently have under the Canadian Charter of Rights and Freedoms.

A concern was raised that establishing a rigid age limit for children to participate in child welfare processes precludes the participation of younger children who have sufficient understanding of the matters at issue. The fact that children 12 years of age and over have specific procedural rights does not preclude the involvement of younger children in the decision-making process. There is a clearly articulated requirement in the act that the opinions of a child should be considered if the child is capable of forming an opinion. This requirement applies to all children, not just children 12 years of age and over. As well, children under the age of 12 may be represented in child welfare proceedings by their own lawyer and may appeal decisions of the director to the Child Welfare Appeal Panel, with the assistance of an advocate if necessary.

**10:30**

Mr. Chairman, the hon. Member for Edmonton-Glengarry raised a concern that there are not enough safeguards in place to ensure that children who are adopted through the new direct adoption process will be provided with adequate care. The changes are consistent with the principles of parental responsibility and accountability. The potential adoptive parent will still be required to complete a criminal record check and child welfare information check. As well, the birth parent or the courts can request the completion of a home assessment report. The direct adoption process is a nonintrusive and cost-effective option for birth parents and potential adoptive parents. The process respects the individual rights of the birth parent to place her child with someone with whom she has a close relationship or with a relative. The process is culturally sensitive to aboriginal families.

Eliminating the requirement for agency involvement will eliminate processing costs and encourage finalization of the adoption, thus securing permanency for children. Birth parents who are not comfortable with the direct adoption placement also have the option of placing their child through the ministry or through a private licensed adoption agency. Similarly, Mr. Chairman, adoptive parents who are not comfortable with the direct adoption placement also have the option of adopting through the ministry or through a private licensed adoption agency.

Thank you, Mr. Chairman. At this time I'd like to call for the question.

**The Acting Chair:** The hon. Member for Edmonton-Mill Woods.

**Dr. Massey:** Thank you, Mr. Chairman. If I might, I would like to finish my comments about Bill 24. I apologize if they have been a little disjointed, but following through the act and then trying to read your notes that you haven't looked at for several weeks is a bit of a challenge.

[Mr. Shariff in the chair]

I'd like to look, if I could, on page 46 and the amendment to section 55(2), and that is:

Notwithstanding subsection (1), the Court may make an order dispensing with the consent of

- (a) a guardian of the child other than a director, or
- (b) the child,

if the Court is satisfied that it is in the best interests of the child to do so.

That has been amended

- (i) by repealing clause (a) and substituting the following:

- (a) the guardian of the child,

- (ii) by adding "or" at the end of clause (b) and adding the following after clause (b):

- (c) a director, unless a director is the guardian of the child.

I guess that what all of that is about is it raises some questions. If the court is able to dispense with the consent of the guardian and child, just what are the implications of that, and is this a good provision? You have raised the possibility of the court being in a position of making a judgment without the presentation of sufficient information or possibly with misleading information by way of evidence, resulting in the end in a poor decision and certainly no recording of dissent. So it's a section that I think is risky, to permit court judgments or hearings in the absence of those individuals that are so intimately involved in the case.

On page 59, looking at section 64(5),

if no notice of objection is filed within 10 days after service on all the persons required to be served under subsection (1), the Court may consider the petition in the absence of the applicant and all the persons referred to in subsection (1).

Again, it seems risky to permit the court judgment or hearing after an absence or even the applicant not being there. It just doesn't seem to be a satisfactory way to proceed.

Pages 65 and 66, 74.2(4), "in a form satisfactory to the Minister." Again, that seems to be arbitrary, and it's one that should be consistently defined. I think the circumstances under which it'll be satisfactory to the minister need to be made explicit, and again I suspect that we'll be told that that's going to appear in regulations, and the problem of course is that we don't have the regulations.

Page 83, the amendment to 117.1(5). This is, again, the example I used at the opening, Mr. Chairman. It just doesn't make sense to say it this way, and it could have been said so much more plainly to be more easily understood by the readers.

Page 84, section 120. This has to do with 2(d), "the provision of or refusal to provide any support services to a child 16 years of age or older by entering into a support agreement or custody agreement." It's repealed, and it again removes older youths' ability to appeal the arbitrary denial of services by the ministry and again feeds into our concern of what's happening to older children under the revisions in the act.

Page 86, the amendment to 124.1(2), "pursuant to a permanent guardianship order." The suggestion is that orders should be amended to indicate agreement. As no court order is in place, the department is simply agreeing to assume guardianship.

Those are some of the detailed comments and questions we had about the bill, Mr. Chairman. I have to say that given the length of the bill and the topics that were covered and the changes that we find here, there was surprisingly little contact with our office about it. The contact we had was from a number of individuals who were concerned about one or more particular sections of the bill, but we really actually received very few comments, and I attribute that in part to the department and to the manner in which the review of the act was carried out across the province. I think people have had an opportunity to have their say and to check to see if their concerns are reflected in the legislation, and I think that is a tribute to the hard work of the department.

But having said that, that in no way dismisses the kinds of

concerns we've had about the regulations and what's going to happen when those regulations are available. We feel that it would be appropriate for draft regulations to be made available on-line as quickly as possible so people can look at them and make some comments. The overall feeling is that there is a centralization of decision-making into the department, and that's done at some risk to children, and it's done without the assurance that there is going to be an openness and that the appeal process is in place that will allow decisions to be challenged.

Just one other question, Mr. Chairman. One other concern is in terms of reference to the Freedom of Information and Protection of Privacy Act. There are references in the bill. I asked the question in estimates earlier this evening, and I expect that when I get that response, it may answer the question, but I do have some concerns about the primacy of legislation. When an act conflicts with the Freedom of Information and Protection of Privacy Act, which act prevails? I think that that has implications for what we have before us this evening.

Thanks, Mr. Chairman.

10:40

**The Deputy Chair:** The hon. Member for Edmonton-Ellerslie.

**Ms Carlson:** Thank you, Mr. Chairman. I have a few comments on this particular bill that I would like to share with the Assembly, and they are e-mails I got from persons who were interested in the part of the bill that talks about opening up adoption records. I think it is important to share with the House what was said, because this is the first time in my experience that a bill in this Legislature has drawn so much attention from out of province.

I won't name the names because I didn't get permission, but I will name the provinces. The first one is from Quebec, who writes to "support the concept of open adoption records" but is "disappointed that an information veto is permitted for past adoptions." This person states, "There are no valid reasons to prevent adopted adults and their natural families access to each other's identifying information." This person goes on to state:

A recent study by Dr. Charlene Miall, an associate professor of sociology at McMaster University, and Dr. Karen March, a sociologist at Carleton University, proves that a majority of Canadians, 77%, support open adoption records.

The usual argument against open records is that natural mothers were promised confidentiality. As a mother who lost her child to adoption, I can assure you that I have never requested nor was I promised confidentiality. To the contrary, it was my understanding that I would be able to contact my daughter when she came of age.

Many other jurisdictions worldwide function satisfactorily with a policy of open adoption records with no untoward effects. This person urges you "to treat all persons equally and fairly by allowing open records for past, present and future adoptions."

The next one is from Ontario. This person urges all of us to vote no on Bill 24. Open records are certainly needed, however there should be no disclosure veto as described in Section 74.2(4), "prohibiting the release of personal information in the orders, certificates and documents."

This person states:

It is a civil and human right for everyone to be able to access their birth records. Adults should not need their parents' permission to do so. Unrestricted open records is the norm in most of the rest of the free world, and no problems have arisen.

The next person talks about the disclosure veto again.

Section 74.2(4) of the above titled bill purports to open records to adoptees that prohibits the release of personal information in the orders, certificates and documents. This provision in Bill 24 treats

adult adoptees as if they are perpetual children who must have their birth parents' permission to access their own birth certificates. This provision is demeaning and prevents all citizens of Canada an equal right to their own birth information. I urge you to vote NO to Bill 24 as long as this provision exists within the bill.

Finally, this person is in full support of open past adoption records in Alberta, stating that they are

an Adult Adoptee who has been waiting a long time for changes to the Adoptions records. It's long overdue . . . I have watched other provinces move ahead and I'm hoping Alberta will do the same and follow through. It's been a long 10 years of waiting patiently. Please, Please listen to our voices and grant us our Records.

So, Mr. Chairman, those are my comments on this particular bill. I hope some comment will be made on these in third reading, and I believe we're calling for the question now.

[The clauses of Bill 24 as amended agreed to]

[Title and preamble agreed to]

**The Deputy Chair:** Shall the bill be reported? Are you agreed?

**Hon. Members:** Agreed.

**The Deputy Chair:** Opposed? Carried.

### Bill 25 Class Proceedings Act

**The Deputy Chair:** Are there any questions, comments, or amendments to be offered with respect to this bill? The hon. Member for Edmonton-Calder.

**Mr. Rathgeber:** Thank you, Mr. Chairman. It is a pleasure to rise and speak at committee with respect to Bill 25, the Class Proceedings Act. During second reading certain members of the opposition expressed concerns and asked questions about the issue of costs, specifically why Bill 25 does not create a no-cost provision in the event that a representative plaintiff is unsuccessful in carrying out a lawsuit. As a result, I will limit my comments at committee to the issue of costs generally and as to why Bill 25 does what it does or doesn't do what it doesn't do with respect to costs.

Mr. Chairman, in Alberta costs can be awarded generally, and it is the purview of the court, depending on the outcome of the litigation. The general rule in Alberta is that costs are in the cause, and what that means is that if the cause of action is successful, the successful litigant is entitled to taxable court costs from the unsuccessful party. As a necessary corollary of the principle that costs are in the cause, the unsuccessful litigant is liable to pay court costs to the successful party. There is no deviation from this general principle in Bill 25. Costs may be awarded under Bill 25 as they are in any other civil matter currently before the Alberta courts. Bill 25 does not change the current law on costs. The rules that will apply to actions under Bill 25 are the same rules that apply today to those types of actions and all other civil actions.

Currently rule 42 of the *Alberta Rules of Court* provides for limited representative actions, and that too, Mr. Chairman, allows for costs to be awarded. Costs can be awarded in class actions that are currently before a court under rule 42 of the *Alberta Rules of Court*. The decision to award costs or not award costs rests with the court. The rules do not restrict the power of the courts to decide who pays costs, who gets costs, and how much those costs will be. The courts, depending on the circumstances, including depending on the litigant's ability to pay or not pay, may decide not to award costs.



This is common in matrimonial cases, even though the usual cost rules do apply. What I'm trying to say is that the court can deviate from the rules if the circumstances mandate that the costs are not to be awarded in any particular case.

When no order for costs is made, costs can generally be claimed by the successful party. Most cost issues depend on the specific circumstances of the claim and the details surrounding those applications. If costs are awarded to a party, these costs are not based on the total amount of what that party actually paid to bring or defend the action. The actual costs awarded typically are provided in the schedule to the *Alberta Rules of Court*.

Mr. Chair, while there may be a perception that the plaintiffs are weaker and of modest means and the defendants are all-powerful and well-funded corporations, this is not an actual reality. Justice Nordheimer of the Ontario Superior Court of Justice recently commented on the reality of the position of parties in awarding costs. The case that I'm quoting from is *Garipey versus Shell Oil Company* in August 2002, where Justice Nordheimer stated:

It is easy in theory to portray the representative plaintiff as the weak party of modest or little means taking the battle to the powerful and well-funded corporate defendant but the reality is frequently not so simple and straightforward. As the experience in the United States shows, and which the Canadian experience has begun to emulate, plaintiff's counsel is very often as capable, as well-funded and with equal access to resources, both financial and evidentiary, as does defendant's counsel . . . Put simply, the David against Goliath scenario does not necessarily represent an accurate portrayal of the real conflict.

**10:50**

Following the ordinary cost rules allows the court to consider the specific circumstances of each case and make a decision based on those circumstances. This is consistent with the discretion given to the court to make decisions throughout Bill 25.

Now, as members opposite in second reading correctly pointed out, other provinces do in their class action legislation provide for a no-cost regime, but not every province has followed this model. Ontario and Quebec allow for the awarding of costs. Ontario has a fund for class proceedings; however, the ability of a plaintiff to seek financial assistance for disbursements or for the defendants to obtain payment of costs awarded to them is extremely limited. In addition, Mr. Chair, the fund is entitled to a levy which includes repayment of any funding provided and 10 percent of the total award or settlement when a class proceeding has received any funding.

Quebec has a novel concept called the Fonds. The Fonds is entitled to a percentage of all awards or settlements in all class proceedings in the province regardless of whether they received any assistance from the Fonds.

So these so-called no-cost regimes actually only limit but do not entirely prohibit cost awards. The courts retain the discretion to make cost awards where frivolous or abusive conduct has occurred or improper or unnecessary steps were taken or if there have been any other exceptional circumstances.

While British Columbia does have a no-cost regime, the province of British Columbia is currently reviewing the issue of the no-cost regime as part of its civil liability review.

The Alberta Law Reform Institute did a large amount of work on weighing the pros and cons of a cost/no-cost regime in report 85, titled *Class Actions*. The institute reported that the topic raised "difficult and important issues" and that it is difficult to choose between the two regimes. While the institute did prefer the no-cost option, it also reported that access to justice is taking place in Canada under both regimes.

So, specifically, Mr. Chairman, with respect to Bill 25 this

legislation allows for agreements to be entered into between the representative plaintiff and the class members to share responsibility for costs associated with the claim. Bill 25 specifically does not include a provision found in other provinces that states that a class member is not liable for costs except in determining their own individual claim. Further, in giving notice to class members of the action, a representative plaintiff with the leave of the court may ask for "contributions from class members to assist in paying lawyers' fees and disbursements." This is found in section 20(8).

As well, one of the significant costs to a plaintiff will be the cost of giving the notice to all class members of a claim. In this area, Mr. Chairman, the legislation specifically allows the court to apportion the cost of notice between the parties. This is contained in section 25. This does not depend upon who is successful in the action.

Finally, Mr. Chairman . . . [some applause] Thank you for that smattering of applause.

Bill 25 allows the court to appoint "a nonprofit organization that is incorporated" to act as a representative plaintiff. This allows class members to participate in the corporation and to share responsibility for costs. This is found in section 2(6). Generally, Mr. Chairman, in a cost regime both parties have motivation to try to settle their dispute outside the courtroom. If costs cannot be awarded, there is the perception that there is nothing for either party to lose if the case has to go to court for a final ruling. So it's the prospect of facing court costs that forces many litigants to settle. The cost regime encourages parties to litigation in Alberta to have direct input into resolving their disputes. This is consistent with a variety of dispute resolution programs such as judicial dispute resolution and mediation.

So Bill 25 is consistent with the general cost regime in Alberta. The costs follow the cause. It is fair, and the courts have the discretion in the appropriate circumstances to waive the payment of costs if the litigants can show that the awarding of costs would be unfair to them.

I encourage all members of this House to support Bill 25 as it is currently written.

**Ms Carlson:** Well, Mr. Chairman, we support Bill 25, but we certainly don't support the explanation for legitimizing the costs that we just heard from that particular member.

**Mr. Rathgeber:** You didn't understand it.

**Ms Carlson:** Well, I did understand it, maybe not so honourable member. In fact, what I saw was a justification for a government that has very deep pockets to be able to push anybody in a class action suit against them into a corner where they're forced to settle rather than go to court. That's what I saw was the justification for your getting your own way.

What would be wrong with the province of Alberta coming up with a novel idea? Oh, excuse me; they would have to be able to think of a novel idea, of a way to be able to explain this, as other provinces and other jurisdictions have, like Quebec and Ontario. So we don't think that your explanation for the justification of having to have a cost structure like we see here is reasonable. There's been lots of work done on class action proceedings acts by other jurisdictions, as you pointed out, that have very good points about them and very good options. If you can't come up with a bright idea on your own, you could cherry-pick from other places and put one together. We could help you with that if you needed the help. You could take an idea that we could come up with like we have in other areas, and we'd be happy to do that because it would improve the legislation. Given this particular sponsor's record in this House, that's not likely

to happen. So we'll hold our nose and vote for this bill because most of it . . . [interjection] I haven't even got started yet. We don't have that much time. It's late. I'll save it for another bill, I think, perhaps the FOIP bill.

So we will hold our nose and vote for this one because overall the legislation is good, although certainly it's going to be potentially expensive, which will definitely put a damper on some proceedings going forward.

[The clauses of Bill 25 agreed to]

[Title and preamble agreed to]

**The Deputy Chair:** Shall the bill be reported? Are you agreed?

**Hon. Members:** Agreed.

**The Deputy Chair:** Opposed? Carried.

### **Bill 35 Tobacco Tax Amendment Act, 2003**

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill? Hon. Member for Calgary-Fort, are you rising to speak?

**Mr. Cao:** Yes. Mr. Chairman, it is my pleasure to speak this evening on Bill 35, the Tobacco Tax Amendment Act, 2003. I would also like to offer my sincere thanks to all the hon. members who offered comments during second reading of this bill.

At this time, Mr. Chairman, I would like to table and move the following amendment to the bill.

**The Deputy Chair:** Hon. member, just hold on for a minute, please. Hon. members, we shall refer to this amendment as amendment A1.

Hon. Member for Calgary-Fort, you may proceed.

**Mr. Cao:** Thank you, Mr. Chairman. I believe my colleagues in the opposition were consulted in regard to this amendment earlier today. I would like to ask that the table please distribute it now.

Mr. Chairman, this amendment is simple, a minor technical change in order to update our legislation to the Canada Excise Tax Act. This amendment will provide continuity for the Alberta Tobacco Tax Act and the Canada Excise Tax Act, and for that I thank you.

**11:00**

**Ms Carlson:** Well, Mr. Chairman, on the amendment I guess we're going to have to take the hon. member's word for it that people were consulted because no information was shared on this side of the House. So what can we say about this amendment? It looks simple enough, and if you're stating that it's just putting it in line with other regulations, then I guess we're going to support it.

**The Deputy Chair:** Are you ready for the vote on this amendment?

**Mr. Cao:** I want to call the question on this amendment.

**The Deputy Chair:** The hon. Member for Edmonton-Ellerslie on the amendment?

**Ms Carlson:** On the bill.

**The Deputy Chair:** Well, we haven't had a vote on the amendment as yet.

[Motion on amendment A1 carried]

**The Deputy Chair:** On the bill now, hon. Member for Edmonton-Ellerslie.

**Ms Carlson:** I'm hoping the sponsor will answer some of the questions that were raised by members in second reading.

**The Deputy Chair:** The hon. Member for Calgary-Fort.

**Mr. Cao:** Thank you. Well, as we look at the time, it's late, but I will continue on. I'm proud to have the opportunity to bring forth an act that will further discourage smoking and make Alberta a healthier province in which to live. All indications are that my colleagues in the Legislature regardless of their political affiliation are also keen to see Bill 35 proclaimed. For that, I thank you, but there are a few questions that the hon. member of the opposition raised during second reading and wants me to address today, so I am pleased to respond to each of them.

The Member for Edmonton-Ellerslie asked why a section of the Tobacco Tax Act had not yet been proclaimed into law and what the delay might be. The section of the Tobacco Tax Act that has not been proclaimed related to a limitation on possession of any tobacco, however much. It will be proclaimed in force when the regulations are passed that provide for possession of larger amounts for legitimate reasons. The decision was made to hold those regulation amendments and put them in place at the same time as the amendments relating to Bill 35 are done.

The hon. Member for Edmonton-Ellerslie also wanted to know how the changes proposed in Bill 35 affect unproclaimed changes that are currently on the record and what guarantees Albertans have that the changes proposed in the bill will eventually become law. I'm very pleased to report that there will be no impact on the unproclaimed changes and that all of the amendments will be proclaimed later this year.

There was also a question about how 200 grams was chosen as a new limit and how current practices might change. The new legislation mirrors the exemption from payment of taxes upon importation found in the federal legislation. It was necessary for us to put the same 200-gram limit in place in order to obtain agreement from the federal government to collect the taxes at the border. The impact of the change is that the tax will be collected at the border.

The hon. Member for Edmonton-Ellerslie also discussed the tobacco tax that was put in place in 2002 and mentioned that 1.5 million more dollars had been allocated at the time for increased enforcement. The member wanted to know why today's amendments weren't just put into place at that time instead. Bill 35 closes a loophole by which tax can be legally avoided at the duty-free stores. It also assists the enforcement effort by providing a better paper trail for tax-free purchases. It does not eliminate the need for enforcement to protect against tobacco smuggling and importation of counterfeit tobacco.

On a similar note, the member also wanted to know whether the changes proposed to this bill would save money with respect to enforcement costs. There is not expected to be any savings in the enforcement costs. The benefit of Bill 35 is to close the loopholes that allowed for tax to be avoided. We expect the changes to improve enforcement capability but not eliminate the need for it. The cost of cigarettes is still substantially higher than it was prior to Budget 2002. The cost is not going to be reduced. As a result, there

will be some trying to beat the system. Enforcement includes recognizing and responding to changing patterns of abuse on an ongoing basis, a key component to ensuring the tax collection system is effective.

There was also the question of why section 7 doesn't come into force with the rest of the act, why we would prefer an earlier date and suddenly the earlier the better. The federal government requires significant lead time in order to implement the collection of Alberta tobacco tax at the border, so September 1 is the earliest possible time for the Canada Customs and Revenue Agency to begin the new collection method. As for co-operation with the federal government I am pleased to tell you that a proposed agreement with CCRA has already been reached and that we look forward to working with CCRA.

The last question from the hon. Member for Edmonton-Ellerslie had to do with the collection of taxes and how that will affect companies like FedEx and Purolator, who are now making deliveries. There was also a question about NAFTA and whether there were any problems in that regard. The tax will be collected from the couriers at the Canadian border, and this is part of the proposed agreement with the CCRA. There is nothing in Bill 35 that violates any provision of NAFTA.

I would also like to respond to a few questions from the Member for Edmonton-Highlands, who was interested in knowing how government would enforce the collection of taxes on tobacco coming into Alberta from Saskatchewan and B.C. since there are no customs locations at the border. In the interest of fairness we included provisions for a levy of tax on tobacco coming across provincial borders as well as tobacco coming across the border from the U.S. Tobacco coming from the other provinces is marked differently, and this helps enforcement to identify cases where it is coming into Alberta from other provinces. Of course, enforcement cannot track down all tobacco coming from other provinces, but consumers are by law required to remit Alberta tobacco taxes on any amount of tobacco above the maximum allowable quantities that are purchased in the other provinces.

The hon. member also noted the importation of tobacco through mail and the use of postal agents. The member was curious about how government could enforce this in a practical way. Canada Post is a subagent of CCRA and will collect tax on any tobacco being brought into Canada from the U.S. through the mail. Meanwhile, the movement of tobacco within Canada through the mail is illegal under federal legislation, and Canada Post will reject packages that contain tobacco.

Finally, the hon. Member for Edmonton-Highlands also talked at some length about harmonizing tobacco taxes in this country and developing a co-operative approach. Alberta does co-operate with other provinces and with the federal government on a host of tobacco issues such as tobacco marketing, regulation, and enforcement. Of course, we look forward to continue working in this area just as we look forward to moving Bill 35 forward.

With that, thank you, and I ask for the question.

11:10

**Ms Carlson:** Well, Mr. Chairman, the hon. member did such a good job of answering all our questions, what can I do but ask for the question.

[The clauses of Bill 35 as amended agreed to]

[Title and preamble agreed to]

**The Deputy Chair:** Shall the bill be reported? Are you agreed?

**Hon. Members:** Agreed.

**The Deputy Chair:** Opposed? Carried.

### Bill 26

#### Corrections Amendment Act, 2003

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Edmonton-Glengarry.

**Mr. Bonner:** Thank you very much, Mr. Chairman. It is a pleasure to rise at this early hour and speak to Bill 26, the Corrections Amendment Act, 2003, in Committee of the Whole. This is one of those bills that, although it isn't long, will have a huge impact on what is happening in our prisons, and in some respects I have to agree with the bill. One of the purposes of this bill is certainly to provide better protection for inmates and for guards and as well to protect these people against intimidations, assault, and blood-borne diseases like HIV in prisons. So from that respect and that point of view I certainly like the bill, but at the same time I think that from what I see in the bill, it is unlikely to happen.

This bill does fail to address some areas. Certainly, when we're looking at these recommendations – and we do want to provide a much safer environment for inmates and guards in prison – then we have to consider this whole idea that when we do have drug addicts in prison, they are going to get their drugs in prison. If we wish to stop the spread of HIV and other diseases that are associated with blood exchange between people, then certainly there must be a needle exchange, and I don't see anywhere in Bill 26 where this provision is made. Certainly, it is one of those where although we don't agree with the use of drugs, we have to be realistic in realizing that people with drug dependency that do go to prison are not going to stop immediately. So this would be one way that we can make prisons safer.

Another, certainly, is to provide bleach kits for inmates that continue to have a drug problem, and once again this is a proactive step. It is a step that will certainly stop the spread of those diseases that are transmitted back and forth with the use of shared needles, and that is definitely one of the things that we have to do, particularly when we have inmates in this situation. We also in the bill don't address the issue of programs that are going to assist inmates in curing drug addiction. So in those respects I think the bill falls short.

Now, as well, in looking at the sections of the bill and particularly section 2(i), it indicates that alcohol in this situation is going to be an illicit drug. Certainly, again, there is an inconsistency when we sell alcohol outside prisons, yet inside prisons we are going to make it an illicit drug. So I do have some concerns with this particular provision.

Now, as well, section 4 brings in the conditions for drug testing programs, and certainly under section 14.1 the wording of this particular section does give me quite a bit of concern. I think that with the present wording we have under section 14.1, the illicit-drug testing programs could lead to a potential Charter challenge by the way we seem to have this awkward reading that tries to go around the fact that even inmates have rights in prison.

The second part, 14.2(1), is a good idea because the idea of a random drug test isn't a bad idea, and I think that in this particular situation it is good. I still have the concern that while this is a much more reasonable section of this particular bill compared to 14.1, I think that we have to do some work on 14.1 to tighten up that particular section.

Section 5 deals with punishment, and the larger part of this provision states that when a disciplinary board is considering punishment, they must consider “imposing the loss of earned remission.” This provision, Mr. Chairman, also says that regardless of whether they are alleged to have committed an offence or not or whether they’ve been charged or not, inmates are still subject to internal disciplinary action. I certainly have some questions in regard to this. It would seem to me that this sets up a separate judicial system within the prison. If inmates can be charged and punished, why is it that we are still proceeding with this provision? So I do have some concerns there.

Section 6 allows the Lieutenant Governor in Council to make regulations regarding the inmates to submit to “searches, illicit-drug tests and illicit-drug testing programs.” This section also gives the Lieutenant Governor the power to list illicit substances and to set out regulations regarding illicit drug tests and testing programs.

I have a few questions in regard to this particular section. Why can’t we have the testing program provisions in the act out in the open and move them away from the regulations? How far can the government go in listing illicit substances? Again, we had the example earlier of how alcohol in this particular bill is listed as an illicit substance, yet at the same time as a province and as a government we are involved in the sale of liquor. There’s an inconsistency here.

**11:20**

So with those few concerns, Mr. Chairman, I will take my seat and certainly listen to any comments other members may have on this particular bill. Thank you.

[The clauses of Bill 26 agreed to]

[Title and preamble agreed to]

**The Deputy Chair:** Shall the bill be reported? Are you agreed?

**Hon. Members:** Agreed.

**The Deputy Chair:** Opposed? Carried.

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Chairman. I’d move that the committee rise and report bills 23, 24, 25, 35, and 26.

[Motion carried]

[Mr. Shariff in the chair]

**Mr. Klapstein:** Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following: Bill 23, Bill 25, and Bill 26. The committee reports the following with some amendments: Bill 24 and Bill 35. 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 Acting Speaker:** Does the Assembly concur in this report?

**Hon. Members:** Agreed.

**The Acting Speaker:** Opposed? So ordered.

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. There are some members calling for us to go on to third reading, but I think I’ll move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; at 11:24 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]