

## Legislative Assembly of Alberta

**Title:** Tuesday, May 13, 1997 1:30 p.m.  
**Date:** 97/05/13  
 [The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Good afternoon. Today's prayer was written by former Speaker Gerard Amerongen.

Let us pray.

Our Father, we thank You for Your abundant blessings to our province and ourselves.

We ask You to ensure to us Your guidance and the will to follow it.

Amen.

Please be seated.

head: **Presenting Petitions**

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

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to present a petition signed by 183 Edmontonians regarding VLTs.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills.

MR. MARZ: Thank you, Mr. Speaker. I'd like to table a petition signed by 21 residents of Olds-Didsbury-Three Hills regarding VLTs.

MS BARRETT: I am pleased today to file with the Assembly a petition signed by 4,412 Albertans urging the government to introduce legislation to ban replacement workers. This is on top, Mr. Speaker, of the other similar petitions in the many hundreds that I've had the pleasure to table.

head: **Notices of Motions**

MRS. BLACK: Mr. Speaker, pursuant to Standing Order 34(2)(a) I'm giving notice that tomorrow I'll move written questions appearing on the Order Paper stand and retain their places with the exception of written questions 6, 7, and 8.

I'm also giving notice that tomorrow I'll move that motions for returns appearing on the Order Paper stand and retain their places with the exception of motions for returns 11 and 12.

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. Minister of Public Works, Supply and Services.

MR. WOLOSHTYN: Thank you, Mr. Speaker. It's my pleasure to table the 1996 annual report of the Alberta Association of Architects in accordance with chapter A-44.1, section 6(4) of the Architects Act. Should any members want a copy of this, it will be available in my office.

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. It's my pleasure today to file with the Assembly the 1995-96 annual report of the environ-

mental protection security fund. You will find that as of March 31, 1996, there was \$163,442,960.40 on deposit.

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

MRS. FRITZ: Thank you, Mr. Speaker. I'm tabling four copies of 23 letters from people across Alberta written in support of Bill 205, Protection from Second-hand Smoke in Public Buildings Act.

MRS. BLACK: Mr. Speaker, I am pleased to once again table the responses to questions from subcommittee of supply that hon. members within the Legislature asked during the time of estimate review in Committee of Supply. I have four copies.

MRS. McCLELLAN: Mr. Speaker, I'm pleased to file copies of a news release that was issued today regarding the fiscal year-end report to Albertans on the final implementation of \$22 million in reinvestment in seniors' income programs. These note that approximately 11,900 seniors and their spouses received enhanced benefits and about 60 percent of seniors are now receiving full or partial health premium subsidies due to that strategy.

Mr. Speaker, as positive as these developments are, I will continue to meet with Alberta seniors to ensure that we respond to their priority issues.

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

MR. DICKSON: Thank you, Mr. Speaker. I'm pleased to table a letter from Sharon Hester dated May 8, 1997. Ms Hester is president of the Calgary Council of Home and School Associations. Accompanying that correspondence is an education survey, which I commend to the Minister of Education and indeed all members.

Thanks, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Castle Downs.

MRS. PAUL: Yes, Mr. Speaker. It gives me great pleasure to table four copies of Parks and Protected Areas: Their Contribution to the Alberta Economy. It is a discussion paper; it was done in 1996.

THE SPEAKER: The hon. Member for Athabasca-Wabasca.

MR. CARDINAL: Thank you very much, Mr. Speaker. I would like to file six copies of a map showing the boundaries of the Northern Alberta Development Council.

Mr. Speaker, as well, I would like to file six copies of the Position Paper on the Northwest Transportation Corridor Potential in northwest Alberta.

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

MS OLSEN: Thank you, Mr. Speaker. I'm pleased to table four copies of a report from the Alberta Law Reform Institute, report 74, February 1997, on Protection Against Domestic Abuse. It is in essence a review of Bill 214 and has a number of recommendations.

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

MR. GIBBONS: Thank you, Mr. Speaker. I'd like to table four

copies of the front page of *Innsight*, the official newsletter of the Alberta Hotel Association, on VLTs.

head: **Introduction of Guests**

THE SPEAKER: The hon. Member for Drayton Valley-Calmar.

MR. THURBER: Thank you, Mr. Speaker. It's a pleasure for me to introduce to you today and to the members of this Legislature a very important constituent from the Olds-Didsbury-Three Hills constituency. During the last election she graciously allowed her husband to become one of our colleagues here on this side of the House. I would like Janis Marz to stand up and receive the warm welcome of this House. Welcome to her.

THE SPEAKER: The hon. Minister of Public Works Supply and Services.

MR. WOLOSHYN: Thank you, Mr. Speaker. I'm very pleased to introduce 45 students, two teachers, and a bus driver from Muir Lake school. The teachers are Mrs. Debbie Mitchell and Mrs. Debbie Rutland. The bus driver is Mrs. Corrinne O'Neil. I'd like to say that these students did their homework with respect to government in that they had invited all of the candidates with their material during the last election and did a very good job of grilling us and making sure that they had all the facts. I'd ask them to rise and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills.

MR. MARZ: Thank you, Mr. Speaker. Today I have two groups to introduce. First, I'm very pleased to introduce to you and through you to the members of this Assembly a group of 29 bright, enthusiastic grade 10 students from Trochu Valley high school. It's a special pleasure for me to introduce this group as it's the first school from my new constituency to visit this Assembly. The students are accompanied today by their teachers Bill Cunningham and Brian Vokins and parents Gerry Campbell and Paul Frère. Paul drove the bus. I would ask them now to rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the members of the Assembly 30 grade 5 students from Spruce View school. They came up yesterday and spent the night in Fort Edmonton. I was told by their teacher that they're somewhat tired because they slept on the hard floor, but they're still here to hear the proceedings today. They're accompanied by their teachers Mrs. Norma McKinlay, Mr. Glen Elverum and parents Ken Layton, Janice Murphy, Janice Butler, Lori Piper, and Doris Grey. They are in the members' gallery, and I ask them to rise and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills.

MR. MARZ: Thank you, Mr. Speaker. Sorry I wasn't quick enough the last time.

MRS. SOETAERT: And your wife's here. Come on.

MR. MARZ: That's right.

I'd also like to introduce to you and through you to members of this Assembly two special guests: Mrs. Kay Croyle from Spokane, Washington, and she's accompanied by a constituent of mine from Three Hills, Avonelle Martin. I would ask that they would rise and receive the warm welcome of this Assembly.

1:40

MS BARRETT: Mr. Speaker, it's my pleasure to introduce to you and members of the Assembly at least 11 members of the United Food and Commercial Workers in the Edmonton area. These are people who are striking at Safeway. They came especially today to witness the presentation of the petition containing the signatures of 4,412 Albertans, aside from the other ones that I have introduced, asking the government to introduce antireplacement worker legislation. I won't list them by name, but I will make note that one of them is a strike captain, Shawna Knowles. I'd invite them all now to stand and please receive the warm welcome of the Assembly.

head: **Oral Question Period**  
**Private Health Services**

MR. MITCHELL: Mr. Speaker, the Health Resource Group is a private, for-profit health company about to open a private hospital in Calgary. This initiative will not only undermine the publicly funded health care system, but it will also raise the prospect of opening a Pandora's box of problems for public health care in Alberta. Under NAFTA and the agreement on internal trade, health care and social services are exempt from commercial involvement as long as they are provided by the government. Allowing the HRG initiative weakens Alberta's legal position against opening the market to American health care companies and further privatization of our public health care system. To the Minister of Health: what is to stop American for-profit health care companies from starting up in Alberta given that the Health Resource Group initiative is about to open the door under NAFTA?

MR. JONSON: Mr. Speaker, as I have indicated before, the government's position is that of supporting the best possible quality in terms of a public health care system in this province and also to conform to the principles of the Canada Health Act. I think that bears repeating because it is very important in terms of the government's overall priority and direction. Private health care services in various areas of treatment and service beyond the Canada Health Act and beyond the public health care system have existed in this province for some time, and this is the position that we have in this province.

MR. MITCHELL: Mr. Speaker, I have here a legal opinion that says that it's a problem. I wonder whether the minister would table the legal opinions that he has requested and received which assess the risk involved in allowing the Health Resource Group to open up NAFTA with the potential of many American health care concerns, private concerns, coming into this province.

MR. JONSON: Mr. Speaker, as I have also indicated previously in this House, I have sought advice through my department with respect to the business plan filed with us by this firm, and my advice from the department after they had reviewed and examined this material is that the business plan, the proposal, conforms with the principles of the Canada Health Act. Certainly I would be

interested in the hon. member's legal opinion. We would certainly review it and consider it.

MR. MITCHELL: Is it the minister's intention to allow the Holy Cross to be converted into a private hospital by a U.S. company or by any other private company? Is that the next step on this slippery slope?

MR. JONSON: Mr. Speaker, it is my understanding that the Calgary regional health authority has sought proposals from individuals or firms interested in utilizing the building known as the Holy Cross hospital and they are in the process of selecting an occupant or a renter for that particular facility. I'm not aware of any conclusion that they've reached.

#### **Skimmer Oil Separators Ltd.**

MR. MITCHELL: Mr. Speaker, the Provincial Treasurer has repeatedly said that his government does not get involved either directly or indirectly in the operations of the Alberta Treasury Branches. Skimmer Oil Separators, a wholly owned subsidiary of Cambridge Environmental Systems, received a \$1.4 million loan from the Alberta Treasury Branches which is guaranteed by the government of Alberta, and Skimmer hasn't been able to pay it back. In fact, I have documents here that I'm tabling which indicate the difficulties that Skimmer has had with that loan. Has the Treasurer or any government official been involved in the negotiations to deal with this loan, which is guaranteed by taxpayers and which is therefore the responsibility of the Treasurer? He can't keep saying he's out of it, because it's his responsibility.

MR. DAY: No.

MR. MITCHELL: Well, then, Mr. Speaker, why is it that in a recent prospectus issued by the company, the following statement is made: "The Corporation has entered into discussions with its principal lender (and the guarantor of the loan)." The guarantor of the loan is none other than the Alberta government. They've been involved in negotiations, and he's just said they weren't.

MR. DAY: I think the opposition leader asked if I've been involved in any of these discussions. The answer again very clearly is no.

MR. MITCHELL: I asked: was any official in his government involved in it? The answer is yes; he said it was no.

Mr. Speaker, will the Treasurer table the terms and conditions of the agreement settling this loan so that the Treasurer's contention that he and his government officials haven't been involved could be confirmed, which it can't, and so that taxpayers will know how much this loan guarantee, the one that he hasn't been supervising, is going to cost them?

MR. DAY: There's a little game that's being played out over the last few days, Mr. Speaker, and what it involves is members of the opposition, in this case the opposition leader, presenting loan guarantee arrangements that were conducted years and years ago and presenting them as if they happened only days ago and now the government has a problem.

In fact, the other game that is being played out is a subtle attempt to try and make it appear as if the government is not open and accountable on all of these loan guarantees. I will refer the

opposition leader to public documents which, again, I'll sit down and actually help him read if he wants. If he would like to consult this particular item in the public accounts – I believe we're the only government to do this – for '95-96, volume 1, page 46. I'm trying to say this slowly so he gets it. Again, a provision for the loss publicly accounted for in the line called estimated liability under guarantees and indemnities, also publicly accounted for on page 74 of Budget '97, very clearly accounted for along with the loan loss provision.

The background: as the member well knows, it was in September of '91 that there was an approval for a loan guarantee which the government of the day gave, which this government no longer gives. We are out of that business. Under our Premier's leadership and direction since 1993 we are out of that business. That loan guarantee was given in '91. Then the company took the loan guarantee and went shopping and found a bank and found other supporters. It's been through a number of different owners since then. On April 30, 1997, ATB sold that loan and the security, charging the land and buildings and properties to a third party. This is all information that is open. It's available.

It would have been interesting if this technology had worked. It was designed to separate contaminants, primarily chlorides, from oil sludge, and we're trying to separate out some of the other sludge that's coming from across the way.

*1:50*

THE SPEAKER: Third Official Opposition main question, the hon. Member for Edmonton-Mill Creek.

MR. ZWOZDESKY: Thank you. Mr. Speaker, Cambridge Environmental Systems, being the parent company of Skimmer Oil Separators, had a board of directors and shareholders that included Rick Orman, Larry Ryckman, Frank King, and Bruce Libin and others, I'm sure. It's becoming clear that there must be some direct involvement and/or direct transactions that take place between Alberta Treasury Branch and the government of Alberta. In fact, the Treasury business plan obliges the government to "manage contingent liabilities under loan guarantees." My questions are to the Treasurer. Can you explain what monitoring and/or management you do of those ATB loans that are guaranteed by the government; for example, the loan to Skimmer Oil?

MR. DAY: Part of the very key and proper management and concern related to these loans and loan guarantees is the public accounting for them whereby we let all Albertans know exactly the terms of these agreements that were made by the previous administration. Now, the Leader of the Opposition sits there, carrying on with his shrill and shriek voice because he's getting some straight answers. Again, there's an attempt being made here to try and make it appear as if something has just happened recently.

As I indicated to you, in 1991 this process started. In 1993 another process started, a process under this Premier whereby he indicated very clearly that under his leadership there would be no further involvement with the government in loans and loan guarantees, and he backed that up by bringing in legislation, the business limitation Act, to stop that. There has been no direct involvement either with this Treasurer or this government in this particular loan guarantee or others.

MR. ZWOZDESKY: Well, Mr. Treasurer, when \$3.25 million was raised from a private placement of shares by Cambridge, why did Alberta Treasury Branches receive only \$180,000, while Bruce Libin and Frank King, for example, received \$182,000?

MR. DAY: I think that the Alberta public who are watching this little display are intuitive enough to know that what they would like to – here's a question being asked about a certain amount of dollars from a certain company on a certain loan. They would love for me to say, "Here's what's happening with that money; here's what I said to happen," and then on the next question they'd leap up and they'd go: "Nya, nya, nya. See; we told you you were involved." I am not involved in this, Mr. Speaker, but I would be more than happy to give to the opposition member phone numbers of people at ATB who handle public inquiries like this, and they would be glad to respond. I'll give him that phone number if that's what he wants.

MR. ZWOZDESKY: Thank you. Earlier the Treasurer mentioned that the loan had been sold, and my question to the Treasurer is: when the loan was sold, as you mentioned it had been, did the government's guarantee get transferred with that sale?

MR. DAY: Well, we'll try again, and this time I'll read for him slowly. I'll try not to go too slowly, because I don't want to be ruled out of order, Mr. Speaker. Again I'll say that on April 30, 1997, ATB sold the loan . . . [interjections] You know, it's interesting. They ask the question, and then when you start to respond, they shriek. They follow the opposition leader's leadership style, and they begin to shriek. It's very fascinating. It makes you wonder if they really do want an answer.

ATB sold the loan and security, charging the land and buildings to a third party for \$750,000. I will repeat that. That amount, incidentally, exceeds, from what I understand, the appraised value of the property. ATB will be submitting a claim to Treasury for the balance of the loss, which will be in the order of \$650,000. Then, Mr. Speaker, when the claim is paid, there'll be a recovery in the order of \$750,000 on that \$1.4 million provision that was taken in prior accounting periods by the province.

Again, I've already given the page numbers, the reference numbers, and the years. I don't know what more I can do, Mr. Speaker.

#### **Health Resource Group Inc.**

MS BARRETT: In his responses yesterday to my questions regarding the Health Resource Group, the Health minister made it pretty clear that he'll stop at nothing to clear the way, basically, for the first ever for-profit hospital in Alberta and Canada. Mr. Speaker, this morning the city of Calgary confirmed that this for-profit facility is exempt from municipal property taxes because it is leasing space from the Salvation Army, which is a religious organization. How can the Minister of Health justify greasing the wheels for this for-profit company up to and including exempting them from the requirement to pay property taxes to the city of Calgary?

MR. JONSON: Mr. Speaker, this minister did not exempt them from their property taxes, nor has this minister as minister taken any such action.

MS BARRETT: It's greasing the wheels. That's all.

I can't get this straight from the minister; maybe he'll help me out. Is the Health Resource Group operating a hospital facility, which should be subject to ministerial approval under the Hospitals Act, or is it a private for-profit company that should be paying municipal property taxes to the city of Calgary?

MR. JONSON: Well, Mr. Speaker, I think that this particular question is best directed to the city of Calgary or to those who establish the rules for levying property taxes.

MS BARRETT: They're following the rules. It's leased to a religious organization.

Perhaps the Minister of Municipal Affairs can help me out here. How can this minister justify the Health Resource Group using a loophole in the municipal taxation Act in order to avoid paying taxes to the city of Calgary?

MS EVANS: Mr. Speaker, I'm not aware of the situation that the leader of one of the opposition groups has identified, but I will look into it and respond later.

#### **Charter and Private Schools**

MRS. O'NEILL: Mr. Speaker, my question is to the Minister of Education. With the introduction of charter schools in the province could the minister please explain under whose auspices these schools operate?

MR. MAR: Mr. Speaker, charter schools are public schools within our system that operate pursuant to agreements either directly with the Department of Education or pursuant to agreements that they strike with local school boards, either public or separate. Their purpose is to provide hothouses of educational methods of teaching kids, and hopefully the methods that are successful within these educational hothouses can be adopted by the public education system. Like all other public schools they must use certified teachers that are members of the ATA, they must have school councils, they cannot charge tuition fees, and they cannot deny access to any student subject to the availability of spaces in their schools.

MRS. O'NEILL: My supplementary question, Mr. Speaker, is to the same minister. What is the difference in how charter schools and independent or private schools are funded by the government?

MR. MAR: Mr. Speaker, charter schools as public schools are eligible for full provincial funding. They receive the same per student instructional grant that other public schools receive in the amount of \$3,686 per student. Funding for charter schools, as with public schools, comes from the general revenue fund and also the Alberta school foundation fund. The difference is that accredited private schools receive instead \$1,815 per student, and that funding comes from the general revenue fund only. Additional funding for private accredited schools comes through the levying of tuition fees from parents.

MRS. O'NEILL: Mr. Speaker, my last supplementary question is to the same minister. If a private school is using an approved program and certified teachers, why should it be funded differently from public schools?

**2:00**

MR. MAR: Well, Mr. Speaker, private schools are by their nature private, and unlike public schools they can deny access to certain individuals in terms of applying to go to such private schools. They do receive partial funding from the provincial government, but there is a significant difference with respect to the students that private schools serve. There are also different layers of accountability that public schools have that private

schools do not as it relates to public governance and publicly elected officials who run our public school systems.

THE SPEAKER: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Calgary-West.

#### Administration of Justice

MR. DICKSON: Thank you, Mr. Speaker. Concerned Albertans and media in Red Deer have asked the Word of Life church to release tape recordings that have been made of Pastor Larry Keegstra's March 1997 workshop. To date these tape recordings haven't been released. Further, aboriginal leaders have contacted the Crown prosecutor's office in Red Deer to see whether Mr. Keegstra's comments about natives amounted to hate speech. My initial question would be to the Minister of Justice. Have prosecutors already reviewed the audiotapes from Mr. Keegstra's workshop, or will the minister be instructing them to do that this week?

MR. HAVELOCK: Mr. Speaker, I'm not aware that, one, the tapes have been requested nor have they been reviewed. However, I'd be happy to look into the matter and report back as soon as I get some answers on that.

MR. DICKSON: Mr. Speaker, since section 319 of the Criminal Code requires "the consent of the Attorney General" before there can be any criminal charge in this kind of case, I wonder if the minister would outline the two or three primary criteria that he will apply in such cases in determining whether a prosecution should ensue.

MR. HAVELOCK: After I review the Criminal Code, Mr. Speaker, I'd be happy to outline those for the member. Quite honestly, I don't have those in front of me right now, but again I'll look into the matter and get back as soon as I can.

MR. DICKSON: Finally, to ensure that the appearance of fair justice is in no way compromised because of the views of the Justice minister's colleagues, Mr. Speaker, will the minister commit to creating a director of public prosecutions in this province to make those key decisions on when charges will be laid or not that's absolutely free of any question of interference?

MR. HAVELOCK: Mr. Speaker, one of my duties as the Attorney General is to ensure that prosecutions are proceeded with independent of any political interference or advice. I will continue to do that. Certainly any member in this Legislature can comment on a particular issue. However, you have my personal guarantee that when prosecutions are proceeded with, they will be done on the basis of what's best for Alberta, what's best from a legal perspective, and without taking into account political interference. I am keenly aware of my position as Attorney General. Quite frankly I'm surprised at the question.

#### Municipal Taxation

MS KRYCZKA: Mr. Speaker, my question is to the hon. Minister of Municipal Affairs. A rural constituent has noted that the government promised at the Alberta Association of Municipal Districts and Counties spring '96 conference that there would be no changes in property taxes until the full tax review currently under way was completed. Since no report has been made to the

Alberta Association of Municipal Districts and Counties, the question is whether the full review is completed.

MS EVANS: Mr. Speaker, the full review is not completed. There was not agreement on that regulated portion dealing with farm assessment. There was not full consensus or time for response from all of the industrial partnerships that wished to be a part of the review. Both of the associations are looking very carefully now at those municipalities that have described themselves as needing more opportunity or more relief in the intended absence of the municipal assistance grant. Presently we have not changed the tax structure. Equalized assessment is the only manner in which there should be any appearance of tax structure change under the assessments in this province.

MS KRYCZKA: Mr. Speaker, also to the hon. Minister of Municipal Affairs: if the government promised no tax changes until the review was completed, why are municipalities hearing about and experiencing tax changes due to equalized assessment, industrial assessment, and properties used for intensive livestock operations?

MS EVANS: Mr. Speaker, part of that answer can be found in the changes in the tax structure for the machinery and equipment being reduced 20 percent two years ago, and an additional reduction this past year has netted a \$60 million reduction in the machinery and equipment portion of taxation. Then in averaging and looking at the equalized assessment across the province, some of the other communities will pay more with the equalized assessment figures changing. Again, in Canmore, in Calgary, and in Grande Prairie the growth of the market has helped change it so that those that are wealthier, simply put, are paying more.

MS KRYCZKA: Mr. Speaker, my final question is to the Provincial Treasurer. How can you link this regulated assessment review to the new promise in the throne speech about the idea of a cap on taxation?

MR. DAY: Mr. Speaker, the commitment in the Speech from the Throne and at other times is for a public discussion on the principle of having legislation – should we or shouldn't we? – which would, in fact, require Albertans in a referendum to say they wanted a tax increase before legislators could hit them with a tax increase. A commitment has been made that would, again, go out for discussion purposes, that some legislation would be drafted only for discussion purposes and tabled at some point in this session. The Premier would like to know, this government would like to know what Albertans think about that type of an approach, about a referendum being required before their taxes are raised. It's an element of protection, and that will be done at some point but for discussion purposes only, to see what Albertans think.

THE SPEAKER: The hon. Member for Edmonton-Norwood, followed by the hon. Member for Calgary-Currie.

#### Family Violence

MS OLSEN: Thank you, Mr. Speaker. As a police officer I attended scenes of bloody domestic violence on a nightly basis and arrested those abusers. In most instances before the ink was dry on the paper, these offenders were released and free to return to the residence which they had shared with the victim and their

children. Liberal Bill 214 would have helped such victims by preventing the abuser from returning to the home. It was killed by the government members last fall. My question is to the Minister of Justice. Since Bill 214 was killed, how many men, women, and children have been subjected to domestic violence and forced to leave their home because this government has neglected to introduce or support legislation to help them?

MR. HAVELOCK: Well, Mr. Speaker, that's a totally inflammatory question. I'm not sitting here with stats of that nature nor quite frankly do we keep them. However, what I would like to advise the House . . .

MS LEIBOVICI: Do you care?

MR. HAVELOCK: Yes, I care, hon. member.

What I'd like to advise the House is that I have been consulting with the Member for Calgary-Currie on this issue. We have reviewed the recommendations from the Alberta Law Reform Institute. We are putting together a proposal to take through government caucus to take a look at some legislation down the road, and we hope to have something together by the spring of next year. So we are being proactive on this. We are working on it, Mr. Speaker, at this time.

MS OLSEN: Will the government undertake that its Bill will contain at least the same protection that was afforded victims in the Saskatchewan law, which has proven very effective in dealing with domestic abuse?

MR. HAVELOCK: Well, that's actually a much better question, Mr. Speaker. I've taken a look at the Saskatchewan legislation and do like a number of the provisions in that Bill. However, I do not want to prejudge what Albertans may be telling us with respect to the legislation. We'll certainly take that into consideration and other legislation throughout the country regarding this matter, and we'll see what Albertans have to tell us. Then we'll structure the Bill along the information that we receive.

MS OLSEN: Will this government commit to a fall session so this Bill can be introduced sooner rather than later to ensure that victims of domestic violence and their children can be safe in their homes? Sooner rather than later.

**2:10**

MR. HAVELOCK: Well, Mr. Speaker, as has been indicated in the past, if this government has any legislation which it feels it would like to table, then certainly it will have a fall session. Nevertheless, again I am not going to speed up the consultation process. This is important legislation, and we will get after it as quickly as we possibly can. We want to make sure that it's appropriate and right in the circumstances, as opposed to bringing in legislation, which happened when the Liberal Bill came forward, which required more pages of amendments than the Bill itself.

THE SPEAKER: The hon. Member for Calgary-Currie, followed by the hon. Member for Edmonton-Riverview.

### **Education Funding**

MRS. BURGNER: Thank you, Mr. Speaker. My questions today are to the Minister of Education. The provincial budget for

Education in 1997 has been increased by 3.3 percent to about \$2.8 million, and these dollars must be expended within the funding framework that has been approved by this government. The parents are very concerned about the shortfall of dollars available within the classroom, and one of the accelerating costs is the increases in the grid which are established by negotiated contracts by individual boards. My first question: are there provisions within the funding framework to dedicate dollars to the growth and salary costs within the grid?

MR. MAR: Mr. Speaker, the answer to that question is no. We expect that school boards should deal with their grids, and that's an appropriate local issue to be dealt with. They should recognize in the long term that they do have to put a human resource plan in place in order to deal with the changing demographics of their teaching staff, and that is not something that we fund.

MRS. BURGNER: Again, Mr. Speaker, to the same minister: as the grid varies across the province, is there any mechanism to monitor how boards maintain the appropriate support to the classroom as a spending priority?

MR. MAR: Well, Mr. Speaker, you know, that is a matter for boards to deal with within their local jurisdictions. We expect as much money as possible to follow students into the classroom, which is the instruction area. We know from our broad statistics that three out of four dollars spent in this province go towards instruction, but that can vary somewhat from board to board and from school to school.

MRS. BURGNER: My final supplementary to the same minister: as we do monitor and expand our funding with respect to growth, is there any way that we dedicate those growth dollars to the classroom?

MR. MAR: Mr. Speaker, with respect to growth of enrollment, if that's what the hon. member is referring to, we do provide additional funding for growth in enrollment, so if there are more students that are being identified within a school jurisdiction, then we will fund them at the same per student rate of \$3,686 per year for instruction. All of our grants to school boards are subject to a 4 percent administrative cap, and in that manner we do encourage boards to keep their administration costs down and put as much money as possible towards classrooms.

Mr. Speaker, with respect to the direction as to how those dollars are spent, we don't direct school boards to spend their instructional dollars in particular ways. However, we do have it subject to an administrative cap.

THE SPEAKER: The Hon. Member for Edmonton-Riverview, followed by the Hon. Member for Little Bow.

### **Violence against Social Workers**

MRS. SLOAN: Thank you, Mr. Speaker. Family and Social Services department statistics show a marked increase in assaults and violent incidents against social workers by frustrated clients. In fact social workers are being shouted at, threatened, assaulted by clients, attacked by dogs, and having objects thrown at them. In addition, this is magnified by insufficient funding, personnel, and resources from the department itself. My questions are for the Minister of Family and Social Services. Given that AUPE sounded the alarm on violence against frontline social workers in

March of this year, what has your department done to address this increasing problem?

DR. OBERG: Thank you, Mr. Speaker. First of all, our department stands firmly behind the social workers. Any time there is any violence against them, we are firmly behind them and we will support them.

Mr. Speaker, the hon. member raised some very interesting points in her preamble. First of all, she was talking essentially about the caseload that was before the social workers and the amount of work they do. I will put it in the context that the cases now are quite a bit different than the cases were in 1993. We have seen a 42 percent decrease in the number of cases before them, whereas we have seen approximately a 20 to 25 percent decrease in the number of workers. We have increased not the caseload but the amount of social workers per case in every instance.

MRS. SLOAN: Thank you, Mr. Speaker. The caseloads aside, can the minister tell the Assembly what employee assistance programs are in place for social workers who are the victims of violence in the workplace?

DR. OBERG: Mr. Speaker, we spend approximately \$8 million to \$10 million a year to deal with this problem. Every case is different. Every case is an individual case, and we look at every case as an individual circumstance. What happens is that social workers are seeing a wide spectrum of cases, and in every case we look at it, and in every case we stand behind the social workers.

MRS. SLOAN: Thank you. Would the minister confirm that a gag order has in fact been proposed to workers working in this sector and that they have been specifically told not to speak out about these abuses or the abuses of clients in the system?

DR. OBERG: Mr. Speaker, the answer is categorically no. If there is any time that there is abuse that takes place in my department, I invite the social workers to come forward and tell me the story. We stand behind our social workers. It's the third time I've said that.

THE SPEAKER: The hon. Member for Little Bow, followed by the hon. Member for Edmonton-Gold Bar.

### Impaired Driving

MR. McFARLAND: Thank you, Mr. Speaker. My question today is to the Minister of Transportation and Utilities. Yesterday the organization People Against Impaired Drivers launched their Impaired Driving Awareness Week, which runs from May 10 to 19. Each year drinking and driving results in many unacceptable injuries and deaths in Alberta. My question is: what is the minister doing to keep this issue in the forefront?

MR. PASZKOWSKI: Thank you, Mr. Speaker. Indeed, each year drinking and driving take far too great a toll as far as casualties and as far as deaths are concerned on Alberta highways. Impaired driving initiatives in the province have taken some very, very positive steps since the early 1970s, when campaigns recognizing the risks of drinking and driving as far as this province are concerned were first put into a positive change attitude. Since that time, of course, there's been a lot of good,

positive progress, but we still have a long way to go. Indeed, we must renew our attack, and we must continue to work towards the removal of drinking from our highways.

The three-year traffic safety initiative announced by Alberta Transportation, which included the 30 different groups which work under an umbrella as far as providing safety initiatives on highways in this province is concerned, has made some recommendations, has suggested some programming. Indeed, these are the programs that will be initiated immediately.

MR. McFARLAND: Thank you, Mr. Speaker. Will the minister provide specific details to me about what your department is doing in rural and urban Alberta then?

MR. PASZKOWSKI: The committee has made a broad spectrum of recommendations. As you know, education is still the key and the major initiative that has to be taken in order to make this whole process work. One of the items under discussion is the implementation of an administrative licence suspension in Alberta. It is now in place in Manitoba, and we're monitoring it very closely just to see what the results in Manitoba are.

Progress is being made on impaired driving by way of the provincial impaired driving working committee that was instituted on April 15 of 1997. Indeed we are monitoring the process and will indeed . . . It's unfortunate that the hon. Member for Edmonton-Meadowlark takes this so flippantly. Nevertheless, this is serious; this is critical. For anyone to be making light of such a very, very important and difficult situation when people are dying daily on the highways of Alberta, is most unfortunate.

MR. McFARLAND: Thank you, Mr. Speaker. With summer and beer drinking season on us: what will the minister be doing to make the highways safer?

2:20

MR. PASZKOWSKI: First of all, I apologize. I said Meadowlark and I meant Glenora, Mr. Speaker.

Indeed, we Albertans have a role to play. We have a variety of safety road rules and driver courtesy tips. There's an education program that's coming forward on both radio and television. Beginning on May 12, we'll be sponsoring a major television initiative to address the risks that are out there. Whether it's a casual drinker or whether it's a drinker that comes forward with drinking problems and takes these drinking problems onto the highway, where he presents a risk to anyone that's on the highway, it is something that we must bring to an end, and we're going to do that through an education process. Mid summer is the time that indeed we recognize as the most critical part, because that's when the highest incidence of drinking and driving takes place on our highways.

### Boiler Safety

MR. MacDONALD: Mr. Speaker, there are more problems in the Department of Labour. Privatization and deregulation are not working. The 1996 business plan of the Alberta Boilers Safety Association charts over 74,000 pressure vessels in this province. Forty-eight thousand of them, or 65 percent, are overdue for their annual inspection. My questions today are to the Minister of Labour. Why have you allowed this to happen?

MR. SMITH: Well, Mr. Speaker, there's quite a bit of pent-up pressure on this one.

Firstly, let me respond to the preamble. Privatization, deregulation, and stakeholder involvement in both safety and management of people's own affairs, where they know the most about them, is working. It's working effectively, people are making more money, and more work is getting done.

What we know, Mr. Speaker, is that when the pressure vessels were put into the Boilers Safety Association, there was a backlog. We knew that, and we knew that they would have a much more clear opportunity and a much more efficient way of handling that as opposed to the old way. That was the method that was taken, and I'm quite proud of the efforts of the safety authority.

MR. MacDONALD: Political pressure.

In 1991 57 percent of the vessels were due for inspection. Since you privatized it and deregulated it, it is now 67 percent. Explain that.

MR. SMITH: Well, Mr. Speaker, there seems to be a backstop on the pressure coming from over there caused by an abundance of hot air, which eventually, I guess, will turn to steam, and from steam who knows where we'll finally end up.

I can tell the House and I can tell all those involved who have been a part of forming this organization and ensuring that this work gets done that the work is getting done, it is getting done in an orderly fashion, and it's also being recognized on an international basis, Mr. Speaker.

MR. MacDONALD: Mr. Speaker, would the minister, not in some frat house joviality but in the interest of public safety and the safety of industrial personnel, give us a list, please, of where these overdue vessels are located, when they last were inspected, and what pressure they operate at?

MR. SMITH: Well, I think that clearly the member's detailed background is coming to the fore in the questions that he puts before the House. It sounds very much like this is a format that the hon. member would like to address in Motions for Returns, Written Questions. There's also a delegated administrative organization called the Alberta Boilers Safety Association, nicknamed ABSA, not a band, Mr. Speaker, but a safety association that would be more than pleased to work and deliver that information and that working knowledge to the member at his convenience.

THE SPEAKER: The hon. Member for Edmonton-Castle Downs, followed by the hon. Member for Edmonton-Manning.

### Forest Management

MRS. PAUL: Thank you, Mr. Speaker. The October draft of a government sponsored study that I tabled today shows that parks and protected areas can create as much employment and economic benefit per hundred square kilometres as forestry. As the report says:

The conventional assumption that any land allocated to parks or protected areas may represent a loss of provincial economic opportunities is simply not true.

To the Minister of Environmental Protection: will the minister set aside more lands in the forested area of the province as parks and protected areas?

MR. LUND: Well, Mr. Speaker, the report that the hon. member refers to of course made some assumptions, and one of those was

that if in fact you concentrate in a small area and put all your effort in there, then of course you're going to have an increase in the economic climate that's created by that area on a per acre basis or however you want to measure it. If in fact we were to have the entire forest area, which in fact takes up half the land mass in the province of Alberta, under a protected area, you would not have anywhere near the economic development, economic incentive that you get out of that small concentration on a per acre basis.

We are anxious and are continuing to move ahead with our protected spaces program. Special Places 2000 has been out there for a couple of years now. The provincial co-ordinating committee is moving along very well towards designation. Nominations have been received now in three of the natural regions. We're moving into the fourth and fifth of the six. Mr. Speaker, it's our objective that by the year 1998 in fact we will have 80 percent of the necessary land mass designated under the special places program. It's working, there is an economic benefit there, and we acknowledge that.

MRS. PAUL: Thank you, Mr. Minister.

Now to the Minister of Economic Development and Tourism: in light of the obvious economic and environmental benefits, what steps is the minister taking to ensure that adequate amounts of forested land will be preserved for the benefit of Alberta's tourism industry?

MRS. BLACK: Well, Mr. Speaker, the Department of Economic Development and Tourism works very, very closely with the other department, Environmental Protection, to look at land use planning and to make sure that there is a balance between economic development and environmental protection. That's something our government firmly believes in. We work very hard on the planning process together with the stakeholder groups to ensure that we get the best value for the land from all aspects. So it's a very co-operative approach that we have in place.

THE SPEAKER: The hon. Member for Edmonton-Manning, followed by the hon. Member for Edmonton-Meadowlark.

2:30

### VLT Plebiscites

MR. GIBBONS: Thank you, Mr. Speaker. This government must be addicted to VLT revenues since the Minister of Municipal Affairs has refused to enforce our own MGA as related to petitions. The people of Black Diamond have submitted a successful petition to their council to get rid of VLTs, which was ignored. At the same time the minister responsible for lotteries is telling the hotel association that she, and I quote: doesn't support petitions as they accomplish nothing. My question is to the minister responsible for lotteries. Does the minister believe petitions do not accomplish anything because the Minister of Municipal Affairs refused to enforce the section of the MGA?

MRS. BLACK: Mr. Speaker, I think that every community has the right to determine what goes on within their community. That's under the Municipal Government Act. Citizens have come forward with petitions to their local governments to ask them to hold plebiscites. That is the process under the Municipal Government Act. Some municipal governments have chosen not to move in that direction. It is not up to the Minister of Economic Development and Tourism to interfere in that process. We have seen a number of petitions that have come into this Legisla-

ture from various communities. We've seen petitions that have gone through a process to their local government, but there is a requirement for a percentage to be filed before a plebiscite is held in the local municipality. That process has been followed and adhered to by this government. We are not going to intrude into the authority at the local level.

MR. GIBBONS: Mr. Speaker, the next supplementary question is to the Acting Premier. Who in this government is accountable to the people of Black Diamond since both ministers refuse to act? The percentage is there.

MR. DAY: I think the minister previously responded quite well to that question. It was responded to quite well also yesterday when it was raised and, I think, again last week. There are elected officials there that are responsible to those people and to that plebiscite.

#### head: **Members' Statements**

THE SPEAKER: Hon. members, we have three hon. members who will be providing statements today. First of all, the hon. Member for St. Albert, followed by the hon. Member for Edmonton-Strathcona, then the hon. Member for Calgary-West.

#### **Meals on Wheels Awareness Week**

MRS. O'NEILL: Mr. Speaker, May 11 to May 16 is Meals on Wheels week, a week dedicated to acknowledging the wonderful work of this organization. In 1996 4,356 volunteers were involved in delivering close to half a million meals in 91 communities throughout the province. Indeed, in St. Albert 110 volunteers delivered 1,860 meals.

Not only does this organization ensure that the frail and the elderly receive nutritious meals so they can maintain their health and well-being; it also enables them to stay in their homes longer. Recipients are people who are not able to prepare nutritious meals at home for themselves for numerous reasons, whether it be because of an immediate return from the hospital or as an accident aftermath. In this government's public consultations on health Albertans spoke passionately about the need for services that enable them to live independently. Meals on Wheels is one such service.

This organization could not provide its valuable service were it not for the army of volunteers that prepare, package, and deliver these meals. They are welcome faces at many doors throughout our province. Besides dropping off delicious meals, they also provide needed social contact for the housebound.

A variety of activities are planned throughout the province to celebrate Meals on Wheels week, and I encourage Albertans to lend their support. Mr. Speaker, I think I speak for the entire Legislative Assembly when I say how valuable this organization is to the people it serves and how important it is to fostering a caring and nurturing society.

Thank you, Mr. Speaker.

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

#### **Education Funding**

DR. PANNU: Thank you, Mr. Speaker. I rise to state my concern about the deteriorating state of public education in Alberta. Education is one of the key instruments of social policy. It's been used not only as an instrument of economic growth but

also as a means for redressing the inequities that a market-based economic system necessarily and inevitably produces.

I'm particularly concerned about the future of equality of educational opportunity due to the changes in the level of provincial funding and downloading of the responsibility for raising funds to school boards and school boards in turn downloading these responsibilities to individual schools. These funding arrangements discriminate against and penalize the schools located in areas where the economic status of the parent population is either low or precarious. This inequality in the capacity of parents to generate school-based funding has the potential of seriously threatening the equality of learning opportunities. The current provincial funding is patently inadequate to meet the legitimate needs of teachers and support staff and the educational rights of students.

A recent survey of Alberta school principals found almost 80 percent of them believe teaching conditions are worse now than they were five years ago. The provincial government refuses to consider public input into education. The Calgary school board is one such case. The government is perceived as using its power to undermine and silence the democratic process and ignore the legitimate concerns of democratically elected bodies. Elected school board members are responsive to the grassroots level of citizen concerns. Government must listen to them.

Education in Alberta needs substantial reinvestment immediately. I urge the government to act now. Education is the best hope for a secure and better future.

Thank you, Mr. Speaker.

#### **Unpaid Leave for Election Campaigning**

MS KRYCZKA: Mr. Speaker, the recent provincial election was the second time that I ran as a candidate for government office. In 1995 I placed a close second in the hotly contested aldermanic campaign in ward 8 in Calgary, but both times were really truly wonderful experiences for me even though I had lost the aldermanic campaign. I learned a great deal and met many new people.

It was also a lot of hard work and a lot of time. I'm sure everyone in this Assembly would agree. We've all spent countless hours during campaigns going from door to door meeting the people in our constituencies. We've attended numerous public forums, luncheons, fund-raisers, strategy meetings, volunteer rallies. In addition we've spent time putting up signs, meeting with the media, preparing scripts for speeches, and telephoning constituents either missed at the doors or those who needed a phone call to respond to their concerns. Needless to say, Mr. Speaker, by the end of the day one is exhausted. One evening about midnight when I returned after an arduous day of campaigning this spring and was reflecting on the day's events, it came to mind how inconceivable it would be to actively campaign while holding down a full-time job. It is this issue that I would like to address today.

Mr. Speaker, there are cases where candidates are campaigning for a position in another level of government yet continue to receive remuneration for their current positions in public office. If one is campaigning 12 to 15 hours a day, how is it possible to also fulfill one's duties in his or her current capacity as a public servant? Adding to this factor, often community residents are faced with the cost of a by-election if the candidate is successful.

Mr. Speaker, in fairness to taxpayers I firmly believe that all candidates in an election must take an unpaid leave of absence from their current position if they hold public office in this

province. Clearly, it is unfair to ask taxpayers to continue to pay someone who is unable to adequately fulfill their duties. It is necessary to have consistency across the province. All candidates who hold public office at the time of an election call, whether it be at the municipal, provincial, or federal level, should not receive a salary while they're campaigning for a position at another level of government and are unable to fulfill the expectations of their employer, Alberta taxpayers.

Thank you.

THE SPEAKER: Might we revert briefly to Introduction of Guests?

HON. MEMBERS: Agreed.

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

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. It gives me a great deal of pleasure today to introduce to you and to members of the Assembly some 24 visitors from the Will Sinclair high school in Rocky Mountain House. The students are accompanied by three teachers: Mr. Doug Daisley and Mr. Bob Walton and Ms Angela White. Our guests are seated in the members' gallery, and I would ask that they rise and receive the cordial warm welcome of the Assembly.

**Speaker's Ruling**  
**Amendments to Written Questions and Motions for Returns**

THE SPEAKER: Hon. members, as this session evolves there will undoubtedly be certain issues that the Chair will want to comment about so that a procedure or process in the Legislative Assembly will be clear to all members.

2:40

One issue that the Chair believes requires such clarification concerns amendments to motions for returns and written questions. As members may recall, last Wednesday, May 7, 1997, there was some confusion concerning Written Question 2, moved by the hon. Member for Edmonton-Calder. The hon. Minister of Environmental Protection had moved certain amendments to the written question. These proposed amendments were distributed just before they were moved in the House and seemed to have caught the Member for Edmonton-Calder somewhat unawares. In the ensuing discussion of the amendments there were some exchanges between the Chair and the member about what course of action the member wanted to pursue. The very short time available to review the proposed amendments may have resulted in some miscommunication between the Chair and the member.

Further to last Wednesday's events the Chair reminds members that under Standing Order 42 amendments must be "in writing." The practice is to have 90 copies prepared for distribution. In the Chair's view amendments to written questions and motions for returns should not catch the mover off guard. These matters are set down well in advance on the Order Paper, and there is ample time to consider amendments.

In order to avoid repeating the events of last Wednesday, when amendments are going to be proposed to motions for returns and written questions, they should be approved by Parliamentary Counsel as to form no later than the Tuesday before they are to be moved. The proposed amendment should be provided to the

member that is moving the written question or motion for a return so that he or she is able to address it on the respective Wednesday and have time to discuss it with the responsible minister if necessary. This exchange of information should occur before 11 a.m. on the Wednesday that the written question or motion for a return is to be moved.

The Chair views this matter, as so many others, as a learning experience. Through co-operation and the exchange of information on a timely basis it is sincerely hoped that we can reduce the procedural uncertainties so that members can devote their time to debating the substance of an issue.

head: **Orders of the Day**

head: **Public Bills and Orders Other than**  
head: **Government Bills and Orders**  
head: **Second Reading**

THE SPEAKER: The hon. Minister of Community Development.

**Bill 204**  
**Provincial Court Amendment Act, 1997**

[Adjourned debate May 7: Mrs. McClellan]

MRS. McCLELLAN: Thank you, Mr. Speaker. I will conclude my comments on Bill 204 by reiterating my support for this Bill, by highlighting what I think are the important, salient parts of this Bill.

First of all, this is about children. It is about access to children, grandchildren, by a grandparent. It does allow an opportunity for a grandparent or a child to apply to the court. I think that's extremely important in this.

Last week, Mr. Speaker, I had the opportunity to speak on this Bill. I indicated to members that I would like to share with them a little story. It is called "What Is A Grandmother? Written by a Grade 3 Student, Age 9." I believe that by hearing this little story, one will get an insight as to the importance of grandparents.

The child writes:

A grandmother is a lady who has no children of her own.

A grandfather is a man grandmother. He goes for walks with the boys and they talk about fishin' and tractors and stuff like that.

Grandmothers don't have to do anything except be there. They are old so they shouldn't run or play hard. It's enough they drive us to the market where the pretend horse is and have lots of quarters ready . . . or if they take us for walks they slow down past things like pretty flowers and caterpillars. And they never say "hurry up." . . .

Usually grandmothers are fat, but not too fat to tie your shoes. They wear glasses and funny underwear. They can take their teeth and gums off. Grandmothers don't have to be smart; only answer questions like "Why isn't God married?" and "How come dogs chase cats?"

Everyone should try to have a grandmother, especially if you don't have a television.

Because they are the only grown-ups who have time.

Mr. Speaker, this little story was given to me by my granddaughter on her first birthday. I'm sure that she had some help from her mother. I think this little story indicates to each one of us how important grandparents are to children. I hope that through hearing this little story, we will all think about that importance and support the hon. Member for Calgary-Fish Creek on Bill 204.

Thank you, Mr. Speaker. If it's required, I have copies that I could table.

MR. GIBBONS: As I stand in front of the Assembly, I'd be very remiss if I didn't talk in approval of this, number one, because I

became a grandparent six weeks ago to a sixth-generation Albertan, to let everybody know.

I believe that this really sets something into the Act, statute, that really gives the grandparents and the child an access to control. So I'm not saying an awful lot, but I do believe that it's a very good amendment, and I'm really behind it.

Thank you very much.

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

MRS. SLOAN: Thank you, Mr. Speaker. I, also, would like to rise and lend my support to this Bill. I had attempted to do so about a week past and now take the opportunity to express my support for the Bill. I would lend the comments made by my colleagues previously with respect to some areas of concern that I would hope would be considered for potential amendments or tightening up of wording.

With all sincerity, I was privileged to know all of my grandparents and to have them alive and well and to have had them take an active part in my life until I was 25 years of age.

MRS. SOETAERT: Last year.

MRS. SLOAN: Last year. Their influence on my development, my outlook on life, on my values was significant, and I think every child should have the opportunity to have that same experience.

Thank you.

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

MR. HERARD: Thank you, Mr. Speaker. I'm pleased to speak today in support of Bill 204, the Provincial Court Amendment Act. I very much appreciate the value of the grandparent/grandchild relationship, and I would like to begin by thanking the hon. Member for Calgary Fish-Creek for bringing this very worthwhile and worthy Bill forward in the interests of Alberta, Alberta's children, and grandparents.

Mr. Speaker, Bill 204 would expand the rights for grandparents to petition the courts for access to their grandchildren. More importantly, this Bill would expand the visitation rights of children. Under this Bill grandchildren would be able to apply to the courts for visitation rights to their grandparents. A child's relationship with their grandparents is precious, particularly when their parents have separated. This is often a very trying and confusing time for the child. A grandparent can provide the stability, love, support, and nurturing that is so important to every child, and it's so important to allow that child to cope with the situation.

Bill 204 provides children with an avenue to access their grandparents when they are being denied the opportunity to visit them, but it will also protect the child. Children will only be allowed by the court to visit with their grandparents when it is in a child's best interest. Mr. Speaker, Bill 204 will safeguard children from being placed in unhealthy situations. Currently in Alberta grandparents are considered to be legal strangers and may only apply for access to their grandchildren as a third party or on behalf of the child.

We are all aware that this is often a very lengthy, expensive, and emotionally draining experience for all those involved. This is why I'm somewhat confused by the comments made by the Member for Calgary-Buffalo. He suggested during debate on this

Bill last week that an order for access under this Bill should be made on application by the spouses or any other person. What this effectively does is maintain the situation as it currently is today. Clearly this is not in agreement with what grandparents or grandchildren want. This is not what Albertans want.

2:50

Mr. Speaker, the member across the way is suggesting that grandparents should first have to apply for leave of the courts before applying for access to their grandchildren. He is suggesting this ostensibly to protect the children from frivolous or vindictive orders being brought forward, but it would continue to close the door for many grandparents and grandchildren in this province.

Mr. Speaker, section 32.1(4) provides the necessary test for the courts to determine what is in the best interests of the child; (4)(a) and (b), which refer to

the nature and extent of the child's past association with the grandparent, and . . . the child's views and wishes, if they can be reasonably ascertained,

provide guidelines for interpretation of the best interests of the child. This test will prohibit unfortunate situations from occurring, such as the one referred to by the Member for Calgary-Buffalo.

I would also like to comment on a concern raised last week during debate on who should be responsible for the costs associated with visitation. Mr. Speaker, Bill 204 states that

unless otherwise ordered by the Court, all costs reasonably related to access visits granted to a grandparent under this section shall be borne by the grandparent.

What is important here is that the courts upon examination of the costs can order the parents to assist the grandparents with the costs. If necessary, the courts can examine the financial situation of the grandparents and determine whether they require assistance. If a grandparent is unable to visit their grandchild because a grandparent is unable to cover the cost, surely it is reasonable to assume that the courts will evaluate their situation and ensure that they have assistance from the parents. Grandparents and grandchildren in this province deserve to have their special relationship, their special bond protected. Mr. Speaker, Bill 204 will accomplish just that.

In closing, I would like to reaffirm my support for Bill 204 and strongly encourage the members of this Assembly to also support it. This is an important issue.

THE SPEAKER: It appears that all members have spoken. I'd now invite the hon. Member for Calgary-Fish Creek to close debate in second reading.

MRS. FORSYTH: Thank you, Mr. Speaker. I would like to take the opportunity to thank all of the members of the Assembly for their thoughtful consideration of the Provincial Court Amendment Act.

Before we close debate, Mr. Speaker, I would like to take a moment to address a few issues and say a few words. I'd like to tell everybody in the Assembly that this is not the private member's Bill of Calgary-Fish Creek. This Bill came from two years of consultation with many, many people in this province, including the Canadian Grandparents' Rights Association, the Alberta Grandparents' Rights Association, the Orphaned Grandparents Association, and the parents' rights group, which is the Equitable Child Maintenance & Access Society. This Bill is less than 500 words and is exactly what the grandparents want, not

what the hon. Member for Calgary-Fish Creek wants.

The Member for Calgary-Buffalo raised an issue regarding the best interests of the child test. He suggested that it should be closer in line with the test found in the federal Divorce Act. I would like to point out to that member that subsection (4) of Bill 204 is consistent with the test found in the Divorce Act. Subsections (4)(a) and (b) simply provide a means of interpreting the best interests of the child. These sections do not in any way preclude the test from being administered in a similar manner to that of the Divorce Act.

The member also raised a question regarding subsection (5), which pertains to the costs associated with visitation, and the hon. Member for Calgary-Egmont talked about that. The Member for Calgary-Buffalo raised the concern that there may be certain circumstances where the parents shall bear some of the costs. I agree with the member, and I would point out that subsection (5) states that

unless otherwise ordered by the Court, all costs reasonably related to access visits granted to a grandparent under this section shall be borne by the grandparent.

This clearly states that a court may evaluate a grandparent's situation and if necessary order costs to be borne by another party.

A question was raised regarding (3)(b), which states that a child "may apply with or without any person interested on his behalf." It was suggested that this section is unnecessary as it is already in the Provincial Court Act under section 32(2)(b). I would clarify for the member opposite that, yes, it is a section of the Provincial Court Act, but that pertains only to parental access. If this section were not included in 32.1(3)(b), the only person who would be able to apply for an order on grandparents' access would be the grandparents and not the child. Surely this is not what the member would like to see.

In closing, Mr. Speaker, I would like to thank all of the members of the Assembly for their input on this issue, and again I would like to thank the Canadian Grandparents' Rights Association, the Alberta Grandparents' Rights Association, the Orphaned Grandparents Association, and the parents' rights group, Equitable Child Maintenance & Access Society, and all the grandparents that have called me in the last two years.

I urge all members of the Assembly to support this Bill, and I look forward to working with everyone during the committee stage.

Thank you, Mr. Speaker.

[Motion carried; Bill 204 read a second time]

head: **Public Bills and Orders Other than**  
 head: **Government Bills and Orders**  
 head: **Third Reading**

THE SPEAKER: The hon. Member for Grande Prairie-Wapiti.

**Bill 202**  
**Crown Contracts Dispute Resolution Act**

MR. JACQUES: Thank you, Mr. Speaker. It's my pleasure to rise today to speak to third reading of Bill 202, and I'm reminded of the process. Hopefully with some luck and with some support this Bill will find its way into legislation.

I would like to compliment the Speaker, who in his former capacity back in 1993 was one of the instruments that allowed for certain rules to take place in terms of change whereby private members' Bills could advance in the Legislature and indeed be

debated and, ultimately, through legislation and through the support of the Legislature become law of the land.

Mr. Speaker, we can no longer rely upon the status quo. I think we as legislators are charged with the responsibility of ensuring that we move forward and are not caught up in the traditional process of thinking, that indeed we do go out and challenge and attempt change for those things that make sense. I believe, Mr. Speaker, that Bill 202 is proactive in creating a process for conflict resolution that indeed will be effective and meaningful for all parties.

As legislators we are responsible for every tax dollar that is spent in this province, and we have an obligation to see that it is spent wisely. The use of alternative dispute resolution in government contract disputes will reduce the time burden on government departments and most certainly on the justice system. No doubt that will create cost savings both within the judicial system and within government. All programs which are inherently designed to save the spending of Albertans' hard-earned dollars are certainly a step in the right direction.

In addition to having a cost-saving impact, Mr. Speaker, ADR would simply allow for a level playing field in respect to all contracts. Parties entering into contracts – that is, in the form of negotiations – would know at the very outset what a dispute resolution would involve, thereby creating a more positive and hopefully more amiable beginning to contract negotiations. Bill 202 does provide alternatives that are less costly for participants, that are less formal, that are less adversarial, and that certainly are more understandable. Parties involved in contract disputes which rely upon some form of ADR certainly find the process more user friendly than the court proceedings, because they are able to participate readily rather than sit and listen to lawyers discuss the case. The parties effectively have a hands-on approach with ADR, a hands-on approach that will lead to resolutions that are beneficial to all parties.

**3:00**

Mr. Speaker, the formal court system can unfortunately at times be a barrier to dispute resolution as it is often not the setting to discuss the real issues behind a dispute. Everything that is said is recorded and retained by the court and is certainly a matter of public record, and strict rules of evidence apply. Accordingly, parties are often reluctant to, quote, open up and get to the heart of the dispute. With Bill 202 all deliberations of the mediation process cannot be used in a court of law. The increasing use of ADR is a reality as the Canadian justice system prepares for the new century, and I believe it's time that our jurisdiction in the province of Alberta moved along with that.

Mr. Speaker, at this time I just would like to quote from a news article that appeared back in August of last year, and I do have four copies to table. It was an article that appeared in the *Edmonton Journal*, and it was commenting on a gathering of the Canadian Bar Association in Vancouver in August of 1996.

Canada's top lawyers say court is not the best place to resolve cases.

In a 100-page report released today, a Canadian Bar Association task force says lawyers and the public should only go to court as a last resort.

The report wants sweeping justice reforms across the country, including the adoption of a dispute resolution process for the lawyers and their clients. . .

The dispute-resolution process is one of 53 recommendations of the task force . . . Participants were asked to modernize the system and make it more user friendly.

The report goes on to say that "every court should provide

advice on dispute resolution.” In their list of other recommendations, Mr. Speaker, it says that “rules of professional conduct should stipulate that lawyers must explore dispute resolution first.”

An interesting aside, Mr. Speaker – and I also have four copies of that to table – is an in-house publication by a law firm in Toronto, Lang Michener, in the spring of 1996. It was interesting just kind of perusing it. In there they talk about the Canadian Bar Association.

The Canadian Bar Association recently launched a pilot project for Client-Lawyer Fee Dispute Mediation. This offers parties the opportunity to resolve fee disputes without prejudice to the assessment hearing before a court officer. With the waiting period for assessments in the Ontario Court being approximately 12 to 16 months, an early mediation may prove beneficial to the parties.

The point of referring to those two items, Mr. Speaker, is to point out that there is a sweeping change, if you like, within the whole issue of: how do we solve disputes between parties? Now, certainly alternative dispute resolution – and I spoke to it in more detail at the time of second reading – is one of those things that is growing in use, and certainly the Canadian Bar Association through its various reforms and task forces has come to recognize that and is certainly a leading advocate of that.

The issue that was before us in terms of second reading and perhaps to some extent in committee was not so much the principle of the Bill. I think there were members that generally supported it; otherwise, we wouldn't be here at third reading today. Hopefully in that committee stage some of those issues that had been brought up at second reading were addressed.

The principle of the Bill, Mr. Speaker, I believe is sound. I believe it will encourage and help those that are entering into contracts with the provincial government, and I believe that in this particular Bill the ultimate outcome will be judged on the basis of whether or not the parties to those contracts can indeed find resolution in resolving those disputes as opposed to going through the entire court process.

Thank you, Mr. Speaker.

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

**MR. DICKSON:** Thank you, Mr. Speaker. It's crossed my mind more than once in debate on Bill 202 that if I were an Albertan that had wandered into the public gallery when this Bill was being debated, I might well have thought that what we were about here was a general referendum on whether we support ADR, whether we support alternative dispute resolution, whether this was a vote in terms of whether we like mediators better than we like lawyers, whether it was a vote in terms of whether we like an accelerated, expedited, and usually more inexpensive route than the cumbersome, tortuous path through the courts. I think the answer would be clear and, I daresay, unanimous if that was the issue that was in front of us, but, hon. members, it isn't.

What we're dealing with is a five-page statute. The principle of this Bill isn't alternative dispute resolution. The principle of this Bill is something both too modest and too restrictive. The principle of this Bill says that in certain kinds of dealings with the government of the province of Alberta, certain Alberta businesspeople are going to be put in a position where they must go through a process of mediation and buy themselves, effectively, potentially another 120-day delay in their action. That's the principle of this Bill.

When the Member for Grande Prairie-Wapiti talks about

alternative dispute resolution and talks about the merits and values of mediation, I absolutely agree with all of that. If we were simply talking about mediation in a general sense to apply to all contractual disputes in the province: excellent idea. But the problem with Bill 202 is that – well, a couple of problems.

Firstly, I'd hoped to identify at second reading that there's a whole host of contracts that aren't covered by this and a whole host of issues, where people have a lis, or an action, with the government of Alberta, that aren't covered. I talked about the Public Works Act, which is probably the largest group of claimants against the Crown. Those people don't have the option of benefiting from any ADR. They're in the position of having to go through the whole process that's prescribed by statute to try and recover funds.

What Bill 202 does is ignore the reality that exists. You know, the province of Alberta is invariably going to be the bigger, more powerful, wealthier party in virtually any contract entered into in the province of Alberta. Can anybody name a corporation in the province of Alberta that's going to have more bargaining power and more resources than this government? What happens is that there's nothing in 202 that recognizes that huge imbalance. You know, one of the things that mediation is about is it's a way of trying to in effect adjust for the kind of power imbalance that often exists between two bargaining parties, and the reality is that I don't think you get a meaningful mediation unless both parties have something to gain, unless there's the perception by both parties that there's an advantage.

What happens is that because that small businessperson in the province of Alberta has no option – I think that if the Bill had been adjusted so that what it did was in every case where that small businessman wanted to mediate first, the government was obligated to mediate, I'd be standing on my desk cheering and voting twice if I could, Mr. Speaker. The difficulty is that it doesn't do that. What it means is that it perpetuates the imbalance in power between the government of Alberta, on the one hand, and usually the Department of Public Works, Supply and Services, because that more typically would be the contracting party. It perpetuates that imbalance. It in effect costs small businesspeople in this province. It costs them in terms of delay; it costs them in terms of removing from them some of the freedom.

We hear great speeches in this Assembly about wanting to empower businesspeople in this province, wanting to empower Albertans in small business, the engine of real economic growth and the biggest employer in the province. Then we bring along a Bill that sort of pretends that maybe we're dealing with a huge resource company, ignores the fact that most claimants are going to be smaller corporations, in some cases unincorporated partnerships, proprietorships. Are they advantaged by Bill 202? Well, I respectfully suggest that they are not. That's the reason why, although I vote anytime for alternative dispute resolution in a general way and arbitration as an option, I cannot support a situation that creates barriers to small businesspeople in this province, that builds in additional cost and additional time. I think if it were at their option, no problem, but Bill 202 doesn't do it.

**3:10**

Just in conclusion, when we vote on Bill 202, this isn't a vote for or against alternative dispute resolution. What this is about is a vote in terms of whether we're going to require small businesspeople in this province to forfeit the right to go to the courts in those cases where they decide that's the most inexpensive and the most expeditious route.

With those comments, I'm voting against Bill 202. I'm hopeful that with all of the spirit and support for ADR that we've heard in this Chamber at second reading, committee, and now at third reading, the government will read the writing on the wall and take some advice maybe from the Member for Calgary-Glenmore, who I'm sure would have lots of advice to offer the Minister of Justice. I'm sure there are other members – the Member for Calgary-Lougheed I'm sure has got some good advice for the minister as well. Maybe we'll have another kick at a Bill that brings in ADR in a way that respects the power imbalance that exists, that is going to advantage the small businesspeople in this province who do need some assistance in trying to pursue remedies when they've entered into a contractual arrangement with the government of Alberta and can't get satisfaction, can't get resolution of their claim.

Thanks, Mr. Speaker.

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

MR. WHITE: Thank you, Mr. Speaker. I, too, rise to speak against this Bill. It is not that the intent of the Bill is not a reasonable intent. In fact, in some other manner where it would have the same effect, probably in the front end of any contract of the government with small business, in the general conditions of a contract, would be the proper place to put it. I would personally go one step further and push the government into a position that would say that mandatory arbitration is the first solution in contracts of this nature.

This Bill is superfluous to the needs of the small contractors and suppliers that deal with the government on a regular basis. When there is a problem, there is ample opportunity to solve the problem through regulation and a simple instruction from the minister, under some very good advice that I'm sure he'll be getting from the industry, saying: look; there are other solutions that can be written in. This piece of legislation should be dealt with by encouraging the government to get on with solving the problem in another manner, but certainly it should not be done in legislation.

So I will take my seat on that note and hope that the Legislature does vote against this Bill.

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

MS OLSEN: Thank you, Mr. Speaker. I, too, have some concerns with this Bill. The process of mediation should be undertaken by two parties who are willing to go through that process. Forced mediation seems to be something that is coming up in private members' Bills from the other side. It concerns me in that if you want alternative dispute resolution, alternatives to the court process, then let those exist. Don't legislate them. Don't make them mandatory. Let people be free to choose what process they're going to use to resolve their disputes.

I agree that alternative dispute resolution is a very appropriate way to resolve many issues, from community mediation that exists now and has existed in this city for many years to what I believe would be an appropriate process of writing the mediation process into a contract as opposed to the government strong-arming the small businesses. What I see will end up happening is that this becomes a law, becomes legislated. Small businesspeople do not have the resources. They would have to have awfully deep pockets to go through this process, and I would suggest that it puts them at a disadvantage as opposed to an advantage. The process of writing into contracts the particular form of conflict management is something which I think this government should

undertake, then, going into their contracts.

The other issue is that most of the exclusions are big business, are large corporations, and it doesn't address the issue of small businessmen or small businesswomen in this province.

So I again need to say that I cannot support any form of forced mediation, and this is one private member's Bill that I will be voting against.

Thank you.

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

DR. NICOL: Thank you, Mr. Speaker. I just want to rise and provide a few concluding comments on the Crown Contracts Dispute Resolution Act. This is an Act that, as I said in second reading when I spoke to it, has a lot of appeal in the context of trying to facilitate dispute resolution when it comes to dealing with contracts that are signed with the government.

I guess the issue I raised at that time and that I still see is in the Bill, that hasn't been amended, deals with the issue of the mandatory nature of it. I think this is the kind of thing we need to deal with from the perspective of having participants in a contract really encouraged to participate in mediation, alternative dispute resolution. But to make it mandatory – if you end up in a dispute resolution process where someone doesn't want to be there, all they have to do is wait out the time, and then they can go back to court and get it looked at.

In essence, what we need to do is treat it as though it were a voluntary situation. I would hope that if this Bill does go through and gets passed, it will have that kind of an option for the courts or that the courts, in terms of dealing with it, will have the option to be a little bit judicious in how they require it in the sense that if it's obvious that going to a dispute resolution process won't solve or won't help to resolve the difficulty, then what we should be doing is looking at the court having the authority to say: let's just get on with the process, get on with the proceedings, because it's obvious that the members are not going to go ahead with it. What we want to do, then, is look at it from that perspective. I think we've got to deal with it from the perspective of looking at how it helps the judicial process. I think I see this as quite a satisfactory approach in the sense that it would in some ways reduce the burden on the court, probably expedite cases, and, much differently than some of the other comments that we've heard, I think this is a Bill that we probably should be supporting.

Thank you.

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

MRS. SOETAERT: Thank you, Mr. Speaker. Just a few comments before this Bill is voted on and some concerns that I still have with the Bill. I've listened to the debate, and I still see this as forcing parties into mediation, whether or not they agree to that procedure. Usually if they're not willing to make some compromises, then forced mediation may not work. I also fear that this adds another level of bureaucratic proceedings before a dispute can be settled, and then that's time wasted once again. I also worry about the cost of this. There's no way any businessperson can go toe to toe with the resources of the government, and I express some concern about that because people don't usually have those kinds of financial resources.

I just wanted to point out those few things before people vote on this. I hope they've looked seriously at it and, hopefully, will make their voice count in here.

Thank you, Mr. Speaker.

3:20

THE SPEAKER: The hon. Member for Grande Prairie-Wapiti to close debate.

MR. JACQUES: Thank you, Mr. Speaker. I appreciate the debate by all the members today, and I've listened to it closely. If I picked out two central themes that seemed to come from those that perhaps were speaking against it, one was that this was a disadvantage in some form to small business, to the small businessman, partnership, et cetera, and that indeed there was some form of unlimited dollars that the government had some advantage on.

The key to Bill 202 – and I have to repeat this because I think some people have misread this Bill. I refer quite simply to section 3(1). It says, “after the close of [proceedings] in an action.” In other words, the party has already commenced an action. It's not a question of in any way denying his right or her right to the ability to go to a process.

It goes on to say that “the parties shall arrange for and attend a mediation session prior to taking any further step in the action.” Quite clearly, we have defined within the Bill what the mediation session is. It's not a forced mediation in the sense of coming to a resolution. What it is saying is: Mr. Smith and representative of the government, we want you to attend a two-hour, a three-hour session with this mediator, who will set out what ADR is all about. Indeed in the confines of that room, without worry about what may be said in a court, those parties can say: okay; what is the real basis of this? They make a decision as to whether they wish to proceed or not. If Mr. Contractor doesn't want it, fine; he just goes right into the court action. But somehow there's been an obscurity here, Mr. Speaker – and I don't know why – in terms of what the intent of the Bill is. It's very clear.

I guess with that, Mr. Speaker, I would call for the question. Thank you.

THE SPEAKER: The hon. Member for Grande Prairie-Wapiti has moved third reading of Bill 202, Crown Contracts Dispute Resolution Act. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: The motion is carried.

[Several members rose calling for a division. The division bell was rung at 3:23 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the Chair]

For the motion:

Black	Herard	Melchin
Boutilier	Hierath	Nicol
Broda	Jacques	Oberg
Burgener	Johnson	O'Neill
Cao	Jonson	Paszkowski
Cardinal	Klapstein	Pham
Clegg	Kryczka	Renner

Ducharme	Laing	Severtson
Dunford	Langevin	Smith
Forsyth	Lund	Stevens
Friedel	Magnus	Strang
Fritz	Mar	Tannas
Gordon	Marz	Tarchuk
Graham	McClellan	Thurber
Haley	McFarland	West
Havelock		

Against the motion:

Barrett	MacDonald	Sloan
Bonner	Mitchell	Soetaert
Dickson	Olsen	White
Gibbons	Pannu	Yankowsky

Totals:	For – 46	Against – 12
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[Motion carried; Bill 202 read a third time]

THE SPEAKER: Hon. members, particularly new members, the process that you've all just experienced is a rather unique one. There are few jurisdictions that follow the model of the British parliamentary form of government anywhere in so-called countries belonging to the Commonwealth that will allow a private member to introduce a Bill and have it taken through to third reading to ultimately become the law of the land. This is very, very unique in this jurisdiction, in this parliament in the province of Alberta. You've just participated in something that very few parliamentarians anywhere that would follow the British Commonwealth system of government would ever be able to have involvement and participation in.

Just another note of information. Several members came to the Chair during the break and asked if something could be done about the movement of air in this Assembly. All hon. members should know that there is no air conditioning in this Assembly and this building. The air that does come in is forced air, and it comes in at those ducts at both ends of the building. I'm sure that hon. members sitting in certain parts of the Assembly are very cold, perhaps to the point of freezing, while members in other parts of the Assembly might find that it's considerably warmer, depending where you're at. So the Sergeant-at-Arms and others will be attempting to monitor this, and we will have a discussion with the Minister of Public Works, Supply and Services to see if something could be done in the meantime.

On the other hand, in a tongue-in-cheek comment, when this Speaker did have the unique opportunity to serve as the Government House Leader in the past, instruction was always given to the officials in Public Works, Supply and Services that when the first week of May came, the temperature would go up 20 degrees so that all members would be encouraged to want to depart from this Assembly in great haste in the spring. I would not suggest for a moment that the current Government House Leader is attempting to do anything like that at all.

head: **Motions Other than Government Motions  
Medicare Protection Legislation**

503. Ms Barrett moved:  
Be it resolved that the Legislative Assembly urge the government to introduce a medicare protection Act which enshrines in legislation the five principles of the Canada

Health Act, ensures that all medically necessary services continue to be funded solely through public health care insurance, and prohibits within Alberta the provision of medically necessary services for which a fee is charged to the patient or to a nonpublic insurer.

[Debate adjourned May 6: Mr. Dickson speaking]

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

MR. DICKSON: Thank you. I finished speaking when I was speaking before.

THE SPEAKER: Hon. members, would it appear, then, that there are no further speakers on Motion 503?

The hon. Member for Edmonton-Strathcona.

3:40

DR. PANNU: Mr. Speaker, I'd like to speak in favour of the motion. Albertans are very concerned about the future of health care in this province, and the motion is intended to allay the fears of Albertans with respect to the future of publicly funded health care in this province.

[The Deputy Speaker in the Chair]

What the motion asks this Assembly to do is to urge the government to enshrine "in legislation the five principles of the Canada Health Act," ensuring that "all medically necessary services continue to be funded solely through public health care insurance." The motion further, of course, seeks to prohibit "within Alberta the provision of medically necessary services for which a fee is charged to the patient or to a nonpublic insurer."

I was watching the federal leaders' debate last night, and the leader of the federal Progressive Conservative Party was speaking in defence of the Canada Health Act. His intention, if he is elected to the next Parliament and has a chance to lead the government, is to invite provincial governments to sit with the federal government and to in fact institute a measure such as the one proposed here whereby all provinces, provincial governments, jointly with the federal government reiterate their commitment in their respective Assemblies to the five principles under the Canada Health Act. In my view, if this House were to vote in favour of this motion, it'll in fact be taking a leading role across this country on this issue, as Mr. Charest has committed himself to doing, of course, if he gets a chance to lead this government.

I speak strongly in favour of this motion. Any attempts in this province, some of which are presently under way, such as the HR Group in Calgary trying to establish a private shop to provide medical services, in the absence of clear and unequivocal commitment from this government to say no to that proposal – clearly, unless this government, this Assembly unequivocally states its position with respect to the fact that no private business can or will be allowed to establish its medical business in this province as long as the Assembly and this government is not sure that establishing such a business would not undermine the publicly funded health care system – it is comprehensive, universal, and accessible to all – I think this Assembly should find it very timely to give such an assurance to Albertans.

There's a very, very grave concern and a growing concern on the part of Albertans with respect to the future of the publicly funded health care system. Supporting this motion, voting in favour of this motion, will go a long way to assuring Albertans that their fears will not be realized and that they will be able to

live in security and with the assurance that when they are ill or their family members are ill, they'll be cared for by the publicly funded health care system.

Therefore, I urge members of the Assembly to vote for this motion. Thank you.

THE DEPUTY SPEAKER: The hon. Member for Bonnyville-Cold Lake.

MR. DUCHARME: Thank you, Mr. Speaker. It is a pleasure for me to rise in the House today to comment on Motion 503. The Member for Edmonton-Highlands is urging the government to re-enshrine, if you will, the principles of the Canada Health Act in provincial legislation ostensibly to ensure that the province of Alberta abides by them. I will reiterate once again for the member that we have signed the Canada Health Act, that we abide by the principles of the Canada Health Act, and that we have based the restructuring of our health system on these very principles.

Mr. Speaker, this government is committed to ensuring that all Albertans have access to quality and affordable health services in a stable, sustainable, and publicly funded health system. This is evident in the Regional Health Authorities Act, RHA business plans and annual reports, and in the restructuring of the health system. Certainly the Action on Health announcement strengthened our commitment to preserving the principles of the Canada Health Act. It is the responsibility of the RHAs to provide reasonable access to quality health services. As part of the announcement, the Capital and Calgary RHAs received an additional \$20.4 million each for the delivery of provincewide services to all Albertans and a onetime funding injection of \$8.5 million each for the purchase of equipment associated with the delivery of these services. The additional funds will reduce waiting lists for services, including heart surgery and organ transplants.

Mr. Speaker, I would point out to the members of the Assembly that the sponsor of Motion 503 suggests that the medicare protection Act would provide patients in each region of Alberta with guaranteed equitable access to the same health services aside from a few specialized services provided in urban centres. While this may seem reasonable upon first glance, it would deteriorate the quality of specialized services provided in this province.

The regionalization of health care in Alberta assumes that one region of the province may function as a centre of excellence in the provision of a specialized health service. These centres of excellence would effectively be prohibited by requiring that all Albertans have the right to the same adequate, continuous, and medically necessary health care in their region regardless of where they live in Alberta. Clearly, Mr. Speaker, Motion 503 would jeopardize centres of excellence such as the Two Hills health centre, which specializes in acute stroke assessments and rehab and, using Telehealth, can provide comprehensive, up-to-date assessments for stroke patients.

Mr. Speaker, also as part of the Action on Health announcement, we are citing clear expectations for Albertans for the health system and will be measuring its performance. Health standards will be in place to ensure that all Albertans receive quality services when they need them. If Albertans have concerns about the system, they will be able to access a new, simplified system of appeals and complaints that will address their concerns in a timely manner.

Mr. Speaker, these initiatives are addressing the pressure points

in our health system and reaffirm our commitment to the principles of the Canada Health Act. Over the next four years this government will continue to search for better, more efficient ways of providing health services so that we can remain contemporary, affordable, and efficient into the 21st century and beyond. We must ensure the sustainability of our health system by containing our spending at levels we can afford so that our children are able to enjoy a stable, high-quality system without being burdened by unnecessary debt. To accomplish this, we must refocus our understanding of health care.

Mr. Speaker, all Canadians are well aware that our current system faces economic, social, and systematic costs, increasing expectations, increasing demand for services, new technology, and changing practice patterns. This is why Alberta Health is working with the other provinces, territories, and the federal government to clarify the principles of the Canada Health Act to preserve, protect, and renew the system as we ensure that it meets the changing needs of a growing population.

Mr. Speaker, the Canada Health Act provides for partial funding through the Canada health and social transfer to provincial and territorial governments for eligible physicians and hospital services under the five governing principles. Federal funding for these services has decreased from over 50 percent at the outset to just over 20 percent today. Up to this point provinces and territories have been maintaining the integrity of the national health system by absorbing the reduction in funding from the federal government while maintaining quality and access to services. However, Mr. Speaker, this is not sustainable. It is becoming increasingly difficult for the provinces and territories to find adequate resources.

3:50

Clearly, the time is now to develop a renewed vision for Canada's health system. The provincial and territorial health ministers have called on the federal government to work together in partnership to administer, adjudicate, and finance a modern national health care system. To establish an effective partnership, each partner must have a clear understanding of its roles and responsibilities. The provinces and territories recommend a transparent administrative mechanism to provide independent, expert advice on the application of the Canada Health Act to ensure that the Act's five principles are clearly understood and observed in a fair, consistent way by all governments in Canada. Hopefully such a mechanism would put an end to unilateral interpretation and application of penalties under the Canada Health Act, such as the instance with the facility fees here in Alberta.

Mr. Speaker, to establish a sustainable health system, the federal government must provide its fair share of resources in a stable and predictable manner at levels high enough to protect and preserve the national system. For their part the provinces and territories will provide their share of management and resources to maintain a reasonably comparable range of services across the country based on the five principles of the Canada Health Act.

Mr. Speaker, it is hoped that a renewed national health system will be one that integrates a full range of health services, including prevention of illness, promotion of healthy lifestyles, as well as assessment, diagnosis, and treatment services so it better meets people's needs. The renewed system will offer Canadians a national health care system with improved quality, access, efficiency, and accountability, truly a system we can all be proud of.

Mr. Speaker, the provincial and territorial health ministers have a vision for a national health system that I think is echoed by all

Canadians. Their vision is that Canada will have a nationwide health system that is cherished by Canadians and respected worldwide for its ability to provide health services and to improve health and well-being among Canadians in a cost-effective and equitable manner.

In speaking to Motion 503, Mr. Speaker, I must admit that I am somewhat disappointed in the Member for Edmonton-Highlands. I know she feels very passionately about our health system in this province, yet she did not bring forward any new ideas or suggestions for improving the system. Instead, we are debating a motion that is clearly redundant. The Alberta government supports the five principles of universality, portability, accessibility, public administration, and comprehensiveness, which are already enshrined in the Canada Health Act. We are signatories to the Act and so abide by its principles.

So, Mr. Speaker, while Motion 503 contains practices and principles that we all support, I see nothing new in this motion that warrants my support. The legislation to achieve these goals is already in place, and Motion 503 would simply be an unnecessary duplication.

Thank you.

THE DEPUTY SPEAKER: Are you ready for the question?

HON. MEMBERS: Question.

THE DEPUTY SPEAKER: On Motion 503, as proposed by the hon. Member for Edmonton-Highlands, all those in favour of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: The motion is defeated.

[Several members rose calling for a division. The division bell was rung at 3:54 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the Chair]

For the motion:

Barrett	MacDonald	Sapers
Bonner	Mitchell	Sloan
Dickson	Nicol	Soetaert
Gibbons	Olsen	White
Leibovici	Pannu	

Against the motion:

Boutilier	Herard	McFarland
Broda	Hierath	Melchin
Burgener	Jacques	Oberg
Cao	Johnson	O'Neill
Clegg	Jonson	Paszkowski
Ducharme	Klapstein	Pham
Dunford	Kryczka	Renner
Forsyth	Laing	Severson
Friedel	Langevin	Stevens

Fritz	Lund	Strang
Gordon	Magnus	Tarchuk
Graham	Mar	Thurber
Haley	Marz	West
Havelock	McClellan	Yankowsky
Totals:	For - 14	Against - 42

[Motion lost]

### Health Care Policy

504. Mr. Mitchell moved:  
Be it resolved that the Legislative Assembly urge the government to evaluate its health care policy against the provisions of the Canada Health Act.

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

MR. MITCHELL: Thanks, Mr. Speaker. I appreciate it. I thought we might get some encouragement for this Motion 504 through a positive vote by this government on 503. The two are coincidentally quite related, and one in fact supports the other. I would like to say that this isn't surprising to me. I think the New Democrats were right in presenting the motion that they did. In fact, we supported it; we asked for the standing vote. It parallels very much the Bill that I presented in this House previously which calls through legislation for placing the five principles of the Canada Health Act in Alberta legislation.

What we want to do with this motion is to take it one step further, establish the principles and then ensure that our health care system and initiatives within it to change it are measured and gauged against the principles of the Canada Health Act. Briefly stated, Mr. Speaker, we simply want to defend and preserve publicly funded health care in this province. That's exactly what this motion does and the previous motion would have served to do as well.

There are a number of reasons why we want to do that, and I'd like to explain this to so many of the Conservative MLAs who ran in defence of a public health care system, actually ran against their own government. They were opposition in government and now don't seem to be able to back that up with their vote in this Legislative Assembly. That's why I'm so grateful that we had a standing vote, because many of them – and we see them sitting in this House now – will be caught very clearly in front of their public in a contradiction. They campaigned on preserving the health care system, and what they voted against was a step, a measure, not a difficult measure, that would have done exactly that.

#### 4:10

Mr. Speaker, there are two reasons why we believe in the publicly funded health care system and why we want to see it defended. The first reason – I've stated it before, and I'm going to state it again – is that it is far more compassionate and far more humane than a privatized, Americanized health care system. It supports people. It is the quintessential evidence of a group of people, a society, that believes in community. You give up something to the rest of the community for those people who may need it when they need it, and maybe one day it's there for you and members of your family when you might need it. This is a pretty basic concept in giving to the community, in taking power,

if you will, or resources within our community and providing it to a humane and compassionate pursuit.

[Mrs. Gordon in the Chair]

Our system is more compassionate and it is more humane, Madam Speaker, because it has until recently by and large allowed Albertans, regardless of the amount of money they have or their influence or status in society, the same kind of access to health care that somebody with less money, less influence, less stature in society gets. So it is compassionate, and it is humane, and it says very clearly that you get health care because you're sick, not because of how important you are or how much money you have. The second reason that we support it – and this will be interesting to the Conservatives – is an economic reason. It just makes more economic sense, Madam Speaker. I don't know how they can deny this, given their economic perspective, unless it is that they are simply so driven, blinded by an ideology that they cannot attain some equilibrium in their thought, that they will not question what it is that their front bench does or drives them to do, and that they cannot understand the evidence that it costs more money. It is less competitive for an economy to have a privately funded health care system than it is for that economy and those people to have a publicly funded health care system.

Let's look at the States. In the States it costs twice as much per person per year to run their health care system as it does to run ours. Well, the Conservatives would argue back: "No, no, no. That may be true, but in fact it's a lesser burden on their economy and their business than it is on ours." But that's not true. Their health care system costs three times as much of their gross national product as ours does of our gross domestic product. It costs three times as much of their economy to run their health care system as it does to run our health care system. Moreover, Madam Speaker, their private health care system is not less expensive for business; it is more expensive. In fact, these people who just this afternoon voted against the interests of small business should understand that they are further eroding the interests of small business when they support privately funded health care, because the American privately funded system costs three times as much as a percentage of payroll to small businesses as it does in Alberta.

Although it is deteriorating, this health care system we have, premised as it is on a publicly funded system, makes for the potential for it to be far more compassionate, far more humane – not weak words but strong words – characteristics that would make Albertans great, and it is a huge competitive advantage. That's why I simply cannot understand or contemplate how this government and its members, backbench members, private members, could ever consider going down the slippery slope to private health care.

They argue further that somehow this creates a stronger economy, but my vision of the strength of an economy or the way you build it is far different than theirs. If you take previously government-run businesses like health care and you begin to sell that kind of a system, which has many reasons not to sell, to the private sector, you are not pushing the private sector into areas of risk where their expertise and their foresight and the drives of the marketplace would be emphasized. You're simply shifting and pulling back the private sector into areas that are not high risk and where real wealth isn't created. What we want to do is free up the private entrepreneur and the free markets in this province to attack the frontiers of business development and create real

wealth, create it through manufacturing and secondary processing of agricultural products. Yes, they are in a position to accept the risk. This government wants to dump risk-free enterprises, such as health care, on that free market, entrepreneurial system. It is a contradiction in an assessment of what drives an economy into greatness and into greater ability to create wealth legitimately.

It's very interesting also, Madam Speaker, that not just we are arguing this case. The federal Conservatives are arguing this case as well. I'm sure some of the Conservative private members would actually be supporting the Conservatives. I know that the Treasurer isn't. He's supporting the Reformers, quite proud of it, despite what many of their ideas are. It says right here, from Mr. Charest, the health care guarantee: the basis of the guarantee will be the principles currently in the Canada Health Act, and the quality of health care will not be compromised. Hmm. Very strong words from somebody who should have been respected by this Conservative government.

MR. SAPERS: Some Conservatives know better.

MR. MITCHELL: Yeah.

Madam Speaker, we have reason to believe that the publicly funded health care system is in fact in danger in this province. There's obvious empirical evidence. First of all, we have a minister and a government who refuse to put the principles of the Canada Health Act into our legislation. It seems like such an easy thing to do. Why wouldn't you do it?

Secondly, we have seen an affront to the public system through the government's failure for a year to stop private clinics from charging facility fees, extra money.

MR. DICKSON: How much did that cost us?

MR. MITCHELL: My colleague asked me how much that cost us. It cost us, Alberta taxpayers, \$3.6 million, Madam Speaker. So this is not the kind of thing one would think that a government committed to the public health care system would have undertaken. It makes no sense. What it does, however, given what they're saying – but it does make sense because it doesn't matter what you say; it matters what you do. That's how you judge people's actions, and that's how you judge their values, and that's how you judge their intentions. It's pretty clear.

Most recently, Madam Speaker, we have seen the Health Resource Group initiative. This is a thicker edge of the wedge. It is in fact a step, a major step, down the slippery slope to unacceptable levels of privatization of health care services in this province. It's interesting how it works. The former chief operating officer of the Calgary health authority was actively involved in closing down three Calgary hospitals. Now he is the chief executive officer of the Health Resource Group, which is building a private hospital to meet the demand that he created. One would have to imagine that there's a conflict of interest in that, and there should have been a cooling-off period. Not only that, there's an inherent contradiction. If there was so little demand that he could close three public hospitals, why is there so much demand to justify the creation of a private hospital? Well, it is, I think, a clear conclusion that this government has worked out an arrangement with the Health Resource Group, which they're not announcing, that clearly – clearly – will provide government public funding for a private hospital to provide otherwise publicly funded or public health care services.

Now, there's further evidence of that type of arrangement.

This company is spending millions of dollars to build that private hospital already. They don't have a contract with the WCB, which, it's been stated, would be how they would make money. They don't have a contract. I don't know how many entrepreneurs in this room would spend millions of dollars without a contract to at least secure some kind of market, because as it stands now, there really isn't very much market without that contract, sort of like health care reform without a plan. Unless in fact there is a plan and the government has made its commitment that the WCB will contract and the government has made a commitment that it will contract certain kinds of services under the public system to that privately funded hospital.

4:20

Madam Speaker, this is a yet thicker edge of the wedge, because the more that is provided through private clinics, the private hospitals of that nature, the more erosion will occur to the public health care system. In fact, as the demand grows in Calgary for health care – because it's an expanding, burgeoning city, of course – does the government have plans to build more hospitals, or are they simply going to contract out to private hospitals? I think there is no doubt, and I think the Minister of Energy will be admitting within the year that in fact they are contracting public services to a privately funded health care facility, a privately funded hospital.

DR. WEST: What's a physical plant got to do with health care, the ownership of it?

MR. MITCHELL: It's the administration and who owns it. This is a frightening statement, Madam Speaker, because here's a senior minister in that government who doesn't understand one of the principles of the Canada Health Act, which is publicly administered. That's the difference. It's not bricks. It's publicly administered. All the more reason why we should have these principles in our Alberta legislation, don't you think? Maybe then once in a while the Minister of Energy and others would actually stumble across it and be reminded that it's important that it's publicly administered.

DR. WEST: Well, then, the private hospital in Quebec in 1972: you're against that?

THE ACTING SPEAKER: Hon. member, order.

MR. MITCHELL: Thank you, Madam Speaker. I appreciate it.

Madam Speaker, there are five principles of the Canada Health Act, as we know. It is that it should be publicly administered, our health care system . . . [interjections]

THE ACTING SPEAKER: Hon. members, please let's stick to the Bill. If people want to debate this, please go outside the Assembly and debate it out on the patio. The hon. Leader of the Opposition has the floor.

MR. MITCHELL: Thank you, Madam Speaker. I appreciate your assistance in this.

Publicly administered: the Minister of Energy wants to hear that again. It's got to be comprehensive, it has to be universal, it has to be portable, and it has to be accessible. Those are all pretty straightforward concepts.

Madam Speaker, it is very, very difficult to understand how the principle of public administration is being adhered to by this

government when they started this slippery slope with Hotel de Health and they are now allowing the slide to further itself through the Health Resource Group initiative in Calgary. It is very, very hard to understand how the principle of accessibility is being met in this government's health care program when the longer waiting line for MRI services is in Edmonton over Calgary. Despite the fact that Calgary and Edmonton have the same capacity, they simply don't have the same resources to fund keeping the MRI open in Edmonton. It is very hard to understand how accessibility is being adhered to by this government when we have seniors married for as long as 50 years being separated by many miles because there are insufficient seniors' health care facilities in their own towns and in their own communities. It is very, very difficult to understand how the government adheres to the principle of comprehensiveness when rural hospitals are not operating, many of them, not because of cutbacks even but because the government can't successfully implement a program to attract and keep rural doctors in rural Alberta.

Madam Speaker, I want to close with yet another example of how this government is falling down on the principles of the Canada Health Act, and it isn't just ethereal principles. It's people. I was recently called by a member of my constituency whose father was in the south of this province, although he lives in Edmonton. He had a massive heart attack. He was admitted to the Lethbridge hospital. They couldn't find an ICU bed immediately, but they did find an ICU bed later. He remained in that ICU bed – although that service isn't as fully equipped as a major centre service, it seems; this was the constituent's impression – for a week waiting for an ICU bed in Edmonton. In fact, despite the fact that there appeared to be some beds available, it finally took ministerial intervention to get that person from Lethbridge to Edmonton to a proper ICU.

Now, this isn't just happening to somebody from Edmonton and Lethbridge. It's happening to people in the minister from Rocky Mountain House's constituency, because those people have much more . . .

DR. NICOL: You said to get into a proper ICU in Edmonton. Do you mean the one in Lethbridge is no good?

MR. MITCHELL: No. I'm saying it's good. It just isn't as fully equipped as Edmonton's, and he lives in Edmonton, and there were beds available here. No, by no means. Lethbridge is a remarkable hospital that tries absolutely with everything it's got to provide the services that it feels it needs to provide.

The point is, Madam Speaker, there were beds here. That person wasn't transferred. If any of these private members from rural Alberta think that this system is supporting them and their constituents, they are dead wrong. One of the reasons why rural doctors are so frustrated and are leaving is because when they need to get their patients into a major regional centre for higher tech, more sophisticated health care, they often can't do it, even when beds are available. There's a reluctance to give them to somebody outside the region.

My point is that we want to defend the publicly funded health care system. We do not understand why something that is as simple as putting the principles of the Canada Health Act into Alberta legislation is simply dismissed by this government. What we want this government to do is to put those principles in the Act and then very carefully and very rigorously measure what they do, gauge what they do, to this health care system against the Canada Health Act.

I stand in the Legislature today, Madam Speaker, and I say it very, very clearly: this government has revealed its intentions not to support the publicly funded health care system in the way that it should. It risks the compassion and the humanity of this community and the people within it, and it risks competitive advantage as well. It is an easy thing for this group to vote for this motion and establish in their action today, in their vote, that what they're saying they really mean.

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

MR. CAO: Thank you, Madam Speaker. It is a pleasure to begin debate today on Motion 504, sponsored by the Member for Edmonton-McClung. This motion urges the government "to evaluate [Alberta's] health care policy against the provisions of the Canada Health Act." This motion is redundant and unnecessary, as we have already discussed just a moment ago while debating Motion 503. Alberta is a signatory to the Canada Health Act, and as it has been stated time and time again, we abide by the principles of the Act.

Madam Speaker, our health care system in Canada is one that is admired around the world. Nations envy the quality of the service all Canadians receive based on the principles of the Canada Health Act. Here in Alberta we are leading the way to a more effective and efficient, stable and sustainable health care system that better meets the needs of all Albertans. You don't have to take my word for it. The results of the survey released in June 1996 indicate that Albertans are pleased with the quality of health services in the province. In fact, 86 percent of the respondents said that the quality of the services they received was excellent or good.

THE ACTING SPEAKER: I hesitate to interrupt the hon. Member for Calgary-Fort, but the time limit for consideration of this item of business has concluded.

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

**Bill 12**

**4:30 Mines and Minerals Amendment Act, 1997**

THE ACTING SPEAKER: The hon. Member for Fort McMurray.

MR. BOUTILIER: Thank you, Madam Speaker. I'm pleased to move second reading of Bill 12, the Mines and Minerals Amendment Act, 1997. The Bill addresses two distinct areas, the oil sands royalty regime and land tenure.

Regarding oil sands, this Bill will allow us to move ahead on implementing the generic royalty regime for new oil sands projects as well as significant expansion of existing projects.

Regarding land tenure, the Bill makes important and much-needed changes to the administration of oil and gas leases. It will streamline the existing legislation, move the administrative sections of the Act into regulations, where they properly belong, and update and improve the Act with housekeeping amendments.

The Bill also complies with the regulatory reform review requirement for each government department to examine its regulations, to eliminate duplication and overlap where possible, and to get rid of unnecessary rules and streamline wherever possible. The Mines and Minerals Amendment Act of 1997 is part of a process that will result in simplified and streamlined business rules for the entire energy industry.

Under oil sands legislative changes are also needed to allow us to implement the new oil sands generic royalty regime announced by the Premier in November of 1995, which will establish a standard royalty formula for new oil sands projects. Since then the department has worked and is working closely with industry to define the specifics of the oil sands royalty regime, including the legislative amendments, new regulation business rules, and a dispute resolution mechanism. The new system will bring consistency to the fiscal framework. It will replace the current system of individualized agreements that are required for each project with generic royalty regulations and create a level playing field applying to significant investments in new oil sands development. It's important to say to "create a level playing field."

The amendment will stipulate the key features of the new regime, notably the royalty rate and the return allowance. This will provide industry with investment certainty so it can proceed to make significant long-term investments to develop our vast oil sands resources. The details of the royalty regime will be established in a new regulation. The government's commitment to move toward the new royalty regime and the new royalty environment is in response to recommendations made by the National Task Force on Oil Sands Strategies to encourage new investment in our province pertaining to Alberta's oil sands. The commitment to establish this new regime has been a catalyst to the industry, which has announced plans to invest over \$8 billion – that's \$8 billion – in new investments in the next few years. These projects will create thousands of new permanent jobs not only in Alberta but all across Canada.

This has been made possible because of the exemplary community involvement of industries, communities, and governments all working together to help make a better Alberta and a better energy resource sector for Canada. With the good work of our Premier, the former Minister of Energy, and our Minister of Energy today we recognize that as a very positive initiative for all of Alberta.

Under land tenure there is also a pressing need to update the way we do our land tenure business. The last major changes to this Act in fact were made in 1985, almost 12 years ago. Since then both industry and the way government does business have changed. A detailed review of our petroleum and natural gas tenure rules was launched in 1995, when the commitment was made to ensure that petroleum and natural gas rights continue to be managed effectively, efficiently, and in a fashion that optimizes the economic benefit to all of Alberta. The review dealt with lease continuation, petroleum and natural gas licence administration, sales, transfers, offset obligations, and a number of new general administrative matters.

Over the last few years we have seen tremendous growth in the industry pertaining to energy. Before 1993 the 15-year annual average for land sales was 2.5 million hectares. In 1993-94 petroleum and natural gas leases increased to 3.9 million hectares. In 1994-95 sales had doubled to 5 million hectares. In '96 3.5 million hectares were sold, and in '96-97 4.9 million hectares were sold. Considerable progress.

I should say that the 1993 leases will be up for continuation, and workloads will double in parts of the Department of Energy as a result. Both manual and automated systems are not capable of handling the increases in continuation work, and these changes that are going to be initiated by the types of amendments in the Mines and Minerals Act will increase efficiencies and allow the department to deal effectively with the increased workload.

Consultation with industry is very important, and this Bill also

reflects a consensus between government and industry on the best way to streamline and to amend their legislation, by working together. The review of our land tenure rules was conducted in part through a joint committee of the Canadian Association of Petroleum Producers, the Canadian Association of Petroleum Landmen, the Canadian Association of Petroleum Land Administration, and the Small Explorers and Producers Association of Canada. Then each set of proposals was circulated to over 1,600 members of the industry for feedback. This feedback was used in a general way in drafting the changes.

As a result of this consultation, the energy industry supports Bill 12 and the changes that it will lead to. Because change is urgent to reduce the administrative load, improvements that could be implemented by changes in policy took effect a year ago, in May 1996. Changes that took effect immediately were business rules prescribed by policy. For example, where possible, lease continuation applies to the entire lease, not just the section that the well is drilled on. We updated business rules for horizontal and directionally drilled wells to measure total depth instead of true vertical depth to calculate lease entitlement for licences. We simplified and removed complexities in licence administration by increasing the size of licence groups for the application process and also to reduce technical data requirements. Also what was rationalized is the application criteria. We developed a generic form for applicants which simplifies the process and, as you can see, wherever possible, the changes of these policies in the business. What remains must be done in the legislative arena, and that's why I speak today.

The Mines and Minerals Amendment Act significantly enhances the legislation. It takes the administrative detail out of the Mines and Minerals Act and puts it into the regulations. This will make it easier to respond to an ever changing business environment. The underlying philosophy of the framework remains in the Act and the philosophy and framework for lease continuation, the definitions, the provision that rights below the deepest productive zone revert to the Crown, and the provisions regarding ministerial powers in extenuating circumstances.

The single largest streamlining change this Bill makes is moving the sections on lease continuation out of the Act and into the regulations. In part 5 of the Act sections 90 to 98 deal with petroleum and natural gas lease continuation applications and the process to continue leases. For example, there is a great deal of administrative detail in the Act concerning the registration of transfers, and the administrative provisions dealing with issuance and execution of agreements will now be included in the regulations. Where possible, the regulation-making provisions are being condensed. Where necessary, they're expanded to ensure that the administrative matters being transferred out of the Act and into the regulations can be adequately dealt with. This leaves a basic framework that describes the principle of continuation and grants regulation-making powers. The principles that underline the current successful system of lease continuation will be preserved in the Act, while the specific rules that guide this administration will reside in the regulations.

Finally, other changes include moving the administrative sections of the Act that deal with the issuance and execution of agreements into regulations. By repealing the section pertaining to the execution of petroleum and natural gas lease documents, we're moving the onerous requirement of having every participant sign the document, the same as is currently being done for petroleum and natural gas licences. As a result of this, both the industry and the government will save time and money, and

saving time and money I think is important. It will also allow the department to move toward electronic lease documents.

We're strengthening the Crown's ability to recover debt from parties owing substantial amounts to the ministry. For example, a company that has defaulted on a debt to the Alberta Energy and Utilities Board may not be granted an agreement.

The administrative detail regarding transfer of leases will also be moved to regulations. There are also housekeeping amendments that repeal obsolete sections and clarify ambiguities.

My final comment, Madam Speaker, is that Bill 12, the Mines and Minerals Amendment Act, 1997, will establish the oil sands generic royalty regime, helping to ensure the announced oil sands projects will go ahead. The Bill streamlines the administration. It also simplifies the existing legislation. These changes will bring about savings to both the government and the industry.

I encourage all members of this House to join me in supporting this Bill. Thank you, Madam Speaker.

4:40

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

DR. NICOL: Thank you, Madam Speaker. I want to just mention to the Member for Fort McMurray sponsoring Bill 12, the Mines and Minerals Amendment Act, that, yes, I will be supporting it with him. So this will get us off to the right start.

It's a good Bill. I think this is one that the industry has brought forth with a lot of their suggestions, a lot of the efforts they've put into it. The consultation that's gone on over the last number of months has probably made sure that almost everybody is onside with this Bill.

I guess the only group I've spoken with that really aren't a hundred percent behind this are the paper shufflers. They're going to see a lot of reduction in their work as a lot of the paperwork that has to be done to deal with transfers, to deal with lease renewals is moved off into simplified procedures. So they're a little bit concerned, but I don't think we should be for them. It's one of those issues that we want to look at in the context of how it makes our industry in Alberta competitive, both business to business within the province and between our businesses in Alberta and businesses in the rest of Canada and in the rest of the world.

I'd like to just congratulate the minister and the staff for the work that they've done bringing forth a real generic system of royalty for the oil sands projects. It makes a clearer picture of what different businesses are getting involved in. It allows them to understand beforehand how they're going to fit in relative to everybody else who's in the industry. There's a real good opportunity here now for more confidence, more certainty for the groups that want to come in and invest in what is the world's largest reserve of oil or oil products. So we've got a lot of opportunity there.

The simplification part of the Bill in terms of the transfers. As I said before, this was really wanted by industry. It reduced the amount of red tape they've got. This I think is exemplified by section 31, where they start talking about the use of electronic equipment to transfer and file some of their materials. I hope it's not just a pilot project. I hope it's the beginning of something that becomes more widespread throughout government activities and government processes even beyond the Department of Energy, because this is where we've got to start looking if we're going to simplify the relationship between businesses and our government regulatory and supervisory processes. So it's a real good start, or

a real good initiative, within the context of this Bill.

When we look at some of the aspects a little more specifically, I guess the concern that always has to come up in the mind of anybody looking through a Bill like Bill 12 is the real transfer to the regulation part of the legislative process. We see here a number of major items of legislation now being transferred into regulation, and we have to make sure that in the process of changing those regulations there is a commitment made that public consultation, public input will be available. We've got to make sure that the directly involved groups get their input, and that's generally a foregone conclusion because they start off by initiating a request for a change. But when we have the indirectly affected or other groups that have to live with that regulatory change, we have to make sure that the process is there for those changes as well. So we want to make sure that as we deal with these regulations – it's great to simplify them, but we can't simplify them to the point that they are no longer readily critiquable. I don't know if that fits in in that context, but we've got to make sure that all parties have a chance to evaluate it before we do change those regulations.

So I think that if the sponsor of the Bill and the minister would look at that and make sure that that goes ahead. In reviewing it and talking to some of the members of the industry, they had no concerns with a lot of the material that was being moved out of the legislation into the regulation. If they feel comfortable with it, I guess I will as well, with the caution that as changes come along, other people have to have their input as well.

There were a couple of other clauses in the Bill – and this kind of speaks in a general fashion. We'll deal with the specific clauses when we get to committee stage, Madam Speaker. What we want to deal with is that there are a couple of places where the minister gets to set conditions that are guided and controlled by the regulations that are set, again, by the minister. In essence, what we've got there is your right hand telling your left hand what it should be doing, as opposed to an independent group or an independent auditor or counterforce dealing with the actions. I guess there was some concern there that we wanted to look at in terms of how that balance is kept between kind of the different parts of a minister's responsibility in terms of setting the regulations and then also setting conditions under which those regulations get applied. So there's a little bit of a concern there.

I guess the last thing I'd just want to speak to briefly is the new generic royalty regime for the oil sands. I think it was really good that they put in the two phases of it, whichever one of them provides the better balance: the 1 percent of the gross product or the proportion of the product determined by a weighted factor of the net revenue and the gross revenues from the project. As I read the Bill, these are still delivered in terms of product as opposed to dollars. It works out that they'll be delivering product to the government to be marketed on behalf of the people of Alberta in lieu of dollars, so they're not changing that part of how they deal with royalties. It's just that this new formula that's there and having the option puts us kind of a floor level removed of 1 percent of the gross product on all projects. Then if they become very successful, very productive processes, the other part of the formula, as I understand it, will kick in, and the people of Alberta will get a larger share rather than just the 1 percent minimum.

I think that's very good. It gives new businesses that want to go in and start producing in this kind of still an exploratory field in terms of the recovery of oil sands – we have to look at it from the point of view that that gives them some certainty. It gives

them a recognition that they've got a little bit of a benefit to get started. Then as they become profitable, as they get up and running and get their processes tested, they recognize that they'll be contributing more to the people of Alberta. That gives them a good start.

There was one other aspect of the royalty regime I looked at, and some of the people I've talked to really feel that this is exciting in the sense that they felt it was going to give some of the small- to medium-sized investors and entrepreneurs a chance to go in and get started in a field where, if they succeed, they can make a contribution to the economic growth of our province. They were really excited about the chance of having this flat, known royalty regime so that they could go in there and deal with it – they didn't have to deal with, you know, big megaprojects – so they could get the scale in there to justify the ad hoc or the one-shot royalty regimes that were in place previously.

[The Deputy Speaker in the Chair]

Again, I guess I haven't really raised a lot of negatives about this Bill. When we look at it in the perspective of what it's doing for the industry, I think everybody in Alberta right now should be really supporting it, getting behind it, and saying: "You know, this is what the industry needs. This is going to carry the industry into the next century and give us a chance to really see some exciting development going on in the oil sands."

4:50

The Member for Fort McMurray, when he was introducing the Bill, talked about all the new projects that are coming on line. I think in a way that is a result of the acceptance that the industry is giving to these regulatory changes and the royalty regime changes, because they've been discussed with the industry now for a number of months. They're all aware that they were coming down, so they've in essence been gearing up to be ready for them, to be involved in the oil sands expansion processes as they get there. We're going to see some exciting things happening, and this is going to give us a real contribution to the economic growth of the province as we proceed from now into the early part of the next century.

So with those few comments again I'd like to congratulate the Department of Energy, the minister, and the Member for Fort McMurray for introducing the Bill.

[Motion carried; Bill 12 read a second time]

**Bill 5**  
**Persons With Developmental Disabilities**  
**Community Governance Act**

[Adjourned debate May 12: Mr. Dickson]

THE DEPUTY SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. FORSYTH: You don't look like Mr. Dickson. You're prettier.

MRS. SOETAERT: Thanks.

Thank you, Mr. Speaker. I'd like to make a few brief comments about Bill 5.

MRS. FORSYTH: You'll probably do better than him too.

MRS. SOETAERT: I'm getting compliments from Calgary-Fish Creek, and I'll take them.

Mr. Speaker, generally what I have heard about Bill 5 has been support from the community. I do want to express one concern relayed to me by Sydney Park, who is the vice-president of the Parkland association for people with disabilities. She's also the co-chair of the Parkland parents of children with disabilities. What she really is urging for this Bill is that handicapped children's services be included within Bill 5.

She felt that disabled children, handicapped children, have not been heard, especially when the 11 regions were reviewed. Only three, she felt, gave cursory attention to handicapped children – and it was in a token way, she felt – and eight didn't even mention handicapped children. She felt they need two things: funding should remain distinct and separate and not be pooled when you're talking about handicapped services for children and the program be protected and, if not improved, certainly maintained. She felt that the current level of support is considered minimum the way it is right now. Children in care: she's worried that if handicapped children are not included in this, they will be lost under the regions, and that if they start losing home support – because as it is right now, they contract with social services, and parents and social services share that cost. So if that is diminished in any way, we will be ultimately looking at more expenses and, I would venture to say, not the best care that we could possibly give handicapped children.

In comparison to that, the average cost to stay at home is about \$3,000 a month for a severely disabled child, and certainly it would be about 20 times higher if they were institutionalized. There are about 7,000 families I believe. I may have that wrong; that was from her and her concerns as she related them to me. To her knowledge there are 7,000 families with handicapped children in this province who need to be addressed under this Bill.

What her suggestion was is that wherever in the Bill it says "adult" be changed to "person." That way handicapped children would be included. I don't know if the sponsor of the Bill is thinking of bringing that amendment forward. I could, but I would certainly like the government caucus to discuss that amendment, changing that one simple word in the Bill from "adult" to "person," so that they'd come in here, into committee, prepared to support it. That way I think people with handicapped children would feel a great deal of relief, because they support the intent of this Bill but feel they are left out of it.

So that is from my constituents' point of view, and I quite support that. We've talked about that on this side of the Legislature, and I know the Member for Lethbridge-East has mentioned it as a concern coming out of Lethbridge as well. I would urge the minister to look at that possible amendment to include handicapped children's services within this Bill.

I have just two other short points. It was indicated a bit by the minister that these boundaries are going to be totally separate from any other boundaries we have in this province. Are they not coterminous with – they are going to be coterminous with the health boundaries? That is a relief. Though in my riding there are – are we changing the boundaries to six? There are going to be six regional boundaries for this, but there are more health regions than that.

DR. OBERG: The outside boundaries are going to be the same. They're going to be coterminous but not the same.

MRS. SOETAERT: They're coterminous but not the same.

Okay. Two or three health boundaries inside. Okay. That will certainly help in my constituency, where I have three health boundaries. So hopefully that will ease that problem out there, but with my luck it won't.

The other concern that I have is section 8, that the facility board – and I know this has been pointed out before. It's one facility board. I guess I'd like that explained, and I guess we'll get to that in Committee of the Whole. But who's to say it will always remain at one facility board? I also question why they can't hire people. It raises the red flag of private contracts, privatization, blah-blah-blah, and that concerns me. So I'd welcome the explanation of that. If that raises that red flag, then maybe we need some different wording in Committee of the Whole to make that very clear.

With those points I'm pleased to be able to voice the concerns of the Parkland association for people with disabilities and also the Parkland parents of children with disabilities. I am truly hoping that the minister whose department this falls within will consider including HCS, handicapped children's services, within Bill 5.

So with those comments, Mr. Speaker, I look forward to discussing this in Committee of the Whole. I'm hoping some amendments come forward to make this an even better piece of legislation, because generally what I hear from my groups is that they're quite in favour of the Bill, with a few concerns that I think I've pointed out.

With that, I will allow other people an opportunity to speak. Thank you, Mr. Speaker.

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

MS OLSEN: Yes, Mr. Speaker. I just have one concern with the Bill, and maybe I can get those questions answered. Under the inspection powers – that's where my concern is – it appears that an adult who is receiving services in the home or receiving funding to live at home will have to submit their home to a site inspection. If that's the case, it sounds rather intrusive for adults with disabilities who are trying to be active, independent participants in communities. So I'm just wondering if in fact their home will be a site for inspection and sort of what steps will be set out to accommodate this group of folks within the Bill. That's my only concern.

5:00

MR. MacDONALD: Mr. Speaker, I rise this afternoon regarding Bill 5. In Bill 5, as I go over it here, we're talking about boards, the establishment of a board to oversee this, and I am cautious about government and boards because, of course, CKUA comes to mind. I hope this would not happen with this community board that's going to be divided into the six regions. There is provision in this Bill for the authorization of "payment of remuneration and travelling, living and other expenses incurred by members in the course of their duties." I would like to caution everyone that we must be very, very careful whenever we talk about the administration of a Bill of this nature.

The inspection powers: like my colleague from Edmonton-Norwood, I too have some reservations about this in Bill 5. The powers of inspection are fairly far-reaching. The primary concern with the powers of inspection relates to those adults with disabilities who receive services in their home or funding to live at home. Now, it's curious that we want to have this form of inspection, but a seniors' boarding house, we want to have no notion of inspections for that. The question is: under this Act does the

home become a site subject to inspection by those determined to be inspectors by the virtue of this piece of legislation? For those adults with disabilities trying to be normal participants in the community, I can imagine that this would be an obvious concern.

Those are my concerns, Mr. Speaker, regarding this Bill 5. Thank you.

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

MR. WHITE: Thank you, Mr. Speaker. I rise to support this Bill, and it appears in most all of the cases that it needs some support. It's a long overdue change in administration for some children and adults alike that need some very special care and concern from the province of Alberta and the caregivers, in the organization of how the funds fall to them. To collapse the avenues in which the funds have to go to get to the service level is an admirable end in itself, and in fact the Bill does that.

The concern that I raise, though, again is the same old thing. Those that donate their time to community boards and facility boards should in fact have a great deal of expertise in the area but not just expertise; their heart has to be in it. They can't simply be chosen from a list of interested party members that have a light interest in these areas or have the interest of the party at heart. We have to go beyond this in this one, and I particularly have a difficulty with partisan boards in this respect. The government should never be afraid to stand up and be counted in this area on the decisions that are made.

I see that there's a provision in the appeals area for a mediator, which is a very, very good area, even though I know there are some members on this side of the House and some members on that side who would at some point have some difficulty with an appeal process that is final and complete, but it happens in many areas. In professional organizations that in fact is the case, that when an appeal is brought forward on a matter that is dealing totally, completely within the realm of the profession, it is dealt with there and only there. There is no appeal beyond that except an error in law, because those people, the board that sits in judgment, to the best of their ability and with their knowledge are the best people to judge these matters.

It needn't go to a higher court or lawyers and the like. The full process of the law becomes, then, that you have to teach every single soul along the way what the issues at hand are, as opposed to dealing with it in a much smaller, much less formal area where those that do have a direct interest can bring the case before the board, put the appeal forward in their own language without fear of being in a forum that is foreign to them, and are able to put their best case forward however they may put it forward. Recognizing that some of these people that will bring the appeals forward are in fact the disabled and handicapped themselves and have difficulties getting about and getting in and out of courts and getting time set aside, a tribunal of this nature and an appeal board can be brought and held in various venues depending on the chairman and be taken right to the people, which is absolutely the right way to do it.

I have nothing but good things to say about an appeal process that is brought before an appeal board, that goes through a mediator first, has a mediator's report before them and can make a reasonable judgment right there and then and have no fear of being contradicted by one side or the other or the appeal process being used as a stalling tactic from one side or the other in resolution of a dispute.

Now, we've heard a great deal of consternation on some sides about the far-reaching inspection powers. Well, there's the yin and the yang of the inspection powers. Certainly, there are the inspection powers that are required to ensure that the funds that are expended on behalf of the province of Alberta are expended properly. That is reasonable. Of course, there is the other side of the coin: that a great deal of these inspections could be seen as intrusive in one's private life, particularly those that are receiving the service. Now, I am willing to say that we should err on the side of allowing the inspections to occur and to be at the judgment of the boards. Certainly a number of these inspections, if they're found to be intrusive, will undoubtedly result in appeals and complaints. An appeal that is in fact based on a complaint can be taken to an appeal board, and it will be resolved, and the balance hopefully will occur over time.

The inquiries provisions and the dismissal of boards and the review and the expiry of them all speak to having control of a minister. Now, if a minister in fact is doing the best he or she can to ensure the deliverance of the services and the funds to those that in fact are in need, those that this whole Bill is directed to, he should in fact be in a position to make those judgments. I'm confident that that'll be the case. Again, I'll say that if I have to err, I'll err on the side of some reasonable human judgment.

This particular Bill, in my view, deserves support except in one area, and that area deals with section 8(2)(b), which specifically excludes, in my reading of it, the facility boards having any employees. Well, correct me if I'm wrong, but the object of the exercise of having a facility board is to manage a facility. If you can't have any employees, that means that you will have to contract the entire matter out to some profit-driven entity. Now, coming from private enterprise and a competitive world, I truly believe that the system works when in fact you do have one entity competing against another and it in fact gets the best service. There's no question about that.

However, when you're dealing with a facility, you recognize that the product that you're delivering here is a service, and it's a service that is exceedingly difficult to be able to quantify, to be able to say that this amount of service, this amount of service, and this amount of service is what's required. It simply cannot be delivered in a competitive manner all the time. It may be. I wouldn't want to say that it cannot be, because I'm sure there are some examples around where it could be done, but to specifically put one's head in the sand and say they cannot, absolutely cannot, is totally and completely unreasonable. In some cases it will be that the only thing to do is to have one employee, two employees, 10, or a small bureaucracy if required.

#### 5:10

Of course one would not want to see it totally and completely into what we would term and I'm sure some of the members would term the old system, where every board would strive to have as many employees as possible in order to expand the service, to expand their import, the ever expanding bureaucracy. That would not be reasonable either. But to specifically exclude employees is absolute folly. It speaks to an agenda that is totally and completely ideologically driven as opposed to a service level deliverance. If this government can give the powers and the authority to board members over those with developmental disabilities and those in our society that these funds are aimed to – to give the board the authority on how the service is delivered and then say to them, “No, you are not competent to decide whether in fact you should have employees or whether it should

be fully contracted,” without knowing whether there are agencies that are in existence today to fill all of the slots that may be available in the facilities is absolutely ridiculous.

I would really like, Mr. Speaker, when it comes to the Committee of the Whole, to speak to this particular provision and to really, really make some substantive changes in it. I would hope that there would be some agreement between the minister and the proponent of the Bill and members from all sides of the House to make this Bill a little more functional and a little more easily applied and take away the difficulty that this side of the House, at least this member, has with this particular Bill.

Save and except that one provision, the thought that has gone into this Bill – it can't provide the solution to all, because there are those out there in our society pulling in one direction or another that would like to see this service delivered in a totally, completely different manner, perhaps turning the clock way back to when there was lots of money for everything. Yes, there are those people, and, yes, there are people that would like to pull the other way, who would like to say that this service should be totally and completely privatized to the extent that there is no room for any ministry at all, just dole out the cash, deliver the cash that follows the patient or the user in this case and do away with it.

This is a decent compromise. It's a reasonable approach. I personally believe that the money set aside for the people in need, the citizens of Alberta in need, is not adequate, but that is another different set of arguments. Perhaps some of these community boards and the facility boards will, when in operation, be able to display that need a little. They'll flatten out the administration and be able to say that the service is now delivered in the most efficient manner possible, and now that it is delivered in that manner, perhaps we can say that there are some funds here, here, here, and here, and these particular areas are identified areas that are absolutely necessary to provide a quality of life that we would come to expect as members of society for ourselves as well as for those that are in need of this particular service.

Mr. Speaker, I have but one more thing to say, and it's unfortunate that I can't say it personally. I'll have to say it on the record. The sponsor of the Bill has spent some time I know in his previous life in service to society and in another employment did a great deal in this area and understands the deliverance of this kind of service and understands that the closer this Legislature can get the funds to the deliverance of the service, to the caregiver, and have that relationship between the administrator of the funds and the caregiver being that close is absolutely fundamental. We've spoken of it before, and I have to say that I have a great deal of respect for the gentleman's knowledge in the area and his care.

I would recommend that all of those on this side of the House and that side of the House support the Bill in the present form with the proviso that in committee we will change at least one provision and perhaps some others that others feel are absolutely necessary to make this Bill the Bill that we'd all like it to be.

Thank you kindly for your time, and I'll take my seat.

[Motion carried; Bill 5 read a second time]

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you. I'd like to thank the opposition for their positive comments this afternoon. I think the

debate was very good. In light of the hour, I move that we call it 5:30 and that we reconvene at 8 p.m. in Committee of Supply.

THE DEPUTY SPEAKER: The hon. Government House Leader has moved that the Assembly do now adjourn and that when we reconvene this evening, we do so in Committee of Supply. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no. Carried.

[The Assembly adjourned at 5:17 p.m.]