

## Legislative Assembly of Alberta

Title: **Tuesday, December 7, 1999** 8:00 p.m.

Date: 99/12/07

[The Deputy Speaker in the chair]

THE DEPUTY SPEAKER: Please be seated.

head: Government Bills and Orders  
Committee of the Whole

[Mr. Tannas in the chair]

THE CHAIRMAN: I'd call the committee to order. The committee is reminded of the usual rule: only one person standing and talking at a time.

AN HON. MEMBER: Okay.

THE CHAIRMAN: Good.

### **Bill 46** **Miscellaneous Statutes** **Amendment Act, 1999 (No. 2)**

THE CHAIRMAN: We're going to invite comments, questions, or amendments. I'd invite the Minister of Justice and Attorney General to make any opening comments. No opening comments.

[The clauses of Bill 46 agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

MR. HANCOCK: Mr. Chairman, I would move that when the committee rises, we report Bill 46.

THE CHAIRMAN: The hon. Government House Leader has moved that when the committee rises and reports, it reports Bill 46. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no. Carried.

### **Bill 43** **Fiscal Responsibility Amendment Act, 1999**

THE CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to Bill 43? The hon. Member for Edmonton-Glenora.

MR. SAPERS: I'm not entirely sure that it was strictly speaking my turn, but that's all right.

MRS. SOETAERT: I'm ready to go.

MR. SAPERS: You're ready to go? Yeah, you're right behind me.

Thanks, Mr. Chairman. We have had a few hours now to debate Bill 43, and we've heard from many members of the opposition. We've heard, I think, from one or two government members, or

maybe it was just the mover. What we haven't really had is any explanation about the budgeting process that brought us to where we are today.

Mr. Chairman, the government has brought in not one but two supplementary supply bills this year. The Auditor General report this year is almost a carbon copy, only with some added emphasis, of the Auditor General's report from last year. So many of the recommendations are repeated. We've had the promise of tax reform, but we haven't seen the evidence of tax reform. We've heard the government promise to properly fund core services, and they have in fact been throwing some money into some priority areas, but it's been as unfocused as many of the cuts were to begin with. We've seen the kind of planning that has led to unprecedented levels of surplus money flowing into the provincial coffers.

Now, surpluses are nothing to be ashamed of, certainly, and in fact a surplus is better than the alternative, which is to have a deficit, but the inescapable fact is that when you have a budget that has a wild surplus, it is as much out of balance as a budget which has an uncontrolled deficit. So what we have is a province, a government, and a Treasurer who continue to provide Albertans with unbalanced budgets.

I think this government is aware of its own propensity to have unbalanced budgets and to be unbalanced in terms of how they provide management and accountability and to be unbalanced in terms of how they respond to criticism. I think they know that full well, because what they did just earlier this year was introduce this Fiscal Responsibility Act, which was really little more than a marketing campaign, and they promised Albertans that as a result of this act there would be ironclad fiscal discipline, and of course we saw nothing of the sort. What we saw was a government that continued its shell game of budgeting, that continued to hide behind a lot of delegated administration organizations, which the Auditor General has branded as not being as accountable as they should be and not having the fiscal framework in place to make sure we can see value for dollars.

Of course, the biggest myth of all in the Fiscal Responsibility Act was that somehow it would be binding, that it could compel a future Legislature or even this present Legislature at a future time to abide by the essential element of the act, which, of course, was the 75-25 split: 25 percent of any budget surplus being available for in-year program spending and 75 percent automatically going towards debt retirement.

Now, we know that it was a facade, because at the earliest opportunity, as quickly as they could, the very next time the Assembly got together, what did this government do? Did they come into the Chamber and say: we're going to respect that law because that's the promise we made to Albertans? No. The very first thing they did is that they came into the Assembly and said: we're going to break that law. In fact, they already promised, this government, which positions itself as a get tough on crime, law and order kind of government – what they did is they went around the countryside vowing to break the law. It was a bit of an irony. They went around the countryside saying: we're going to spend outside the Fiscal Responsibility Act, but don't worry about it, because we'll use our majority to make sure that it's okay, that the Legislature will give us permission to do just that, to break the law.

So, as I say, this get tough on crime, law and order government went around the countryside like the highwaymen of days past scoffing at the law and promising to spend more of Albertans' tax money on areas that Albertans had been saying have been underfunded and that the government previously had been denying were underfunded but now the government was admitting were underfunded, and they wanted people to somehow say thank you.

They wanted this Legislative Assembly just to provide a rubber stamp to the whole charade.

Well, of course, that's not going to happen, and at least the members of the Official Opposition are here to ensure that there is financial and fiscal accountability in this Legislature. At least members of the Liberal opposition are here to make sure taxpayers do get value for money, to at least expose the necessity for debate and transparency. That is what the Liberal opposition is doing, and it chagrins the government. Mr. Chairman, you should hear them. I mean they stop me in the hallways and say: "Why are you guys holding up this bill? Why don't you want to pass this bill? We're just trying to spend some money on those things that you've been telling us we should spend money on. We're finally listening to you. You should just hurry up and pass this bill."

Well, you know, they miss the point. They miss the point. If a child does something wrong, they need to learn from that experience, Mr. Chairman. They need to gain insight. They need to understand that there's a consequence for the misdeed. It's not a matter of simply pointing out: "Oh, well, we did something wrong. Oh, well, we'll just move on." I mean, can you imagine raising your child that way, so that all your child would have to do is say: "Yeah, dad, that was me. I broke the window. Okay?" Well, you know admitting responsibility is half the problem, but understanding the consequence of your behaviour is at least as important. So we have to make sure the government understands the consequences of their behaviour.

8:10

You know, you just simply can't go on in politics and in government telling the big fib, the one about: "It's okay; I'm from government. I'm here to help. Trust me." You can't go on just telling the big fib and thinking you can get away with it, that everything is going to be all right.

Albertans have been telling me, Mr. Chairman, that they're angry at this government for underfunding core services in the first place. They're angry at this government for lowballing the revenue picture for this government. They're angry at this government for extracting \$3 billion more than was needed to balance the budget. In essence, they're angry that this government has picked their pockets to the tune of \$3 billion in excess of what was needed to get the job done, and they're angry that the government set up a law and then it was exposed as nothing more than a slogan. They're angry about being misled. Some of my constituents are saying: we think we've been duped, and it won't happen twice. They simply don't like being lied to, Mr. Chairman, and that's the way they express it.

When we take a look at the Fiscal Responsibility Act and this amendment, we see that, you know, the amendment's pretty straightforward: let's allow the government to break the law just this once and spend \$600 million on infrastructure. Well, okay. That's an important financial need in this province. In fact, Mr. Chairman, I'm told by some of my friends at municipal councils around the province that the \$600 million may not even be enough to get the job done.

Then I had somebody suggest to me: well, you know, maybe the government really doesn't even need this law anymore, because the surplus is going to be so big by the end of the year that the 25 percent that's embedded in the law would be enough to cover any spending orgy the government wants to indulge in just to try to silence critics. So there's even some cynicism about why we're going through this exercise of amending the law, because some people are suggesting that the government's going to manipulate the surplus so it will be even larger at the end of the fiscal year.

Now, I wonder about a government that can be so flippant about

bringing in a law one day, breaking it the next day, and then coming into the Legislature and asking for permission to do so by bringing in an amendment. We heard a suggestion from an Executive Council member that maybe we should drive on the other side of the road, and I was thinking: well, that's kind of interesting. Then it made me think about this law. I was thinking: well, maybe what the minister responsible for transportation will do is issue a spray bomb, a can of spray paint to every licensed driver in the province, so you can just spray paint over the speed limit signs on your way down the highway. If you don't like the speed limit being 100 kilometres an hour, you can just spray paint on 110 kilometres an hour, maybe 140 kilometres an hour, because, you know, as far as the government's concerned, you can just break the law.

MR. DUNFORD: Are you listening to yourself, Howard?

MR. SAPERS: The Minister of Human Resources and Employment is asking me if I'm listening to myself. Well, certainly, Mr. Chairman, through you to that minister, I'm listening to my constituents, and my constituents are telling me that they are outraged with this notion that you can have a law one day and not have it the next day. Of course, it's ludicrous to suggest that you'd drive down the highway and just paint over the signs, but it's just as ludicrous to come into this Chamber and make all kinds of pious noises about how you're going to have ironclad fiscal responsibility and then say: oh, we were only kidding.

So, yes, Mr. Minister, I'm listening to the people who pay the bills around here, and they're very upset and very concerned about this kind of shell game that goes on in government. Sometimes when you're in one of these situations where it's just so bad that you can't believe it, you tell a little joke just to make it a little bit easier to swallow, and that's what the taxpayers in my constituency are doing. They can see that this is nothing other than a joke, and unfortunately the joke's on them and on their pocketbooks.

So, Mr. Chairman, I would suggest that every member of Executive Council, in fact every supporter of the government in the Chamber should go back to their constituencies and start answering their phones for themselves, start answering the mail in their constituencies, start looking at some of the e-mails. I know they're getting the same messages I am, because many of them are sent to these government members and then copied to me. You know what's really frustrating? They often attach a little note: I sent this to my member, and he failed to respond; I hope you won't do the same. It's like the government doesn't want to be engaged in their own hypocrisy. They want to try to close their eyes and pretend it didn't happen, stick their head in the sand like an ostrich. So I would suggest that it's just simply not good enough for taxpayers.

At the end of the day what's going to happen? Let me make a bold prediction, Mr. Chairman, about what's going to happen. I'm going to go way out on a limb. I'm going to stick my neck way out. At some point the government is going to get . . .

THE CHAIRMAN: Hon. members, we seem to have five people standing and talking at the same time. I wonder if we could just limit it to one.

MR. SAPERS: Thank you, Mr. Chairman. What I was saying, before you brought order and respect back to the Chamber, was that I'm going to make this wild prediction. At some point the government is going to use its majority like a club, as they often do without listening to the merits of the debate, will beat down debate and will force the passage of this bill one way or another, either through attrition or bringing in closure, because that is this government's favourite parliamentary procedure.

They've used closure more often, I think, than any other Legislature or parliament in this country. They use closure with gay abandon; they use closure at will. Even sometimes when they're not totally serious about closure, they love the threat of closure. They love to banter about closure: we'll close this debate if you don't speed up. Then they put notices of motions on the Order Paper to talk about closure, and they get it out in the media that they are going to close down debate. It's shameful. The disdain they have for free speech and for democratic debate is shameful.

So my prediction is that Bill 43 will eventually pass either through attrition or through the heavy-handed process of closure when this government figures it can get away with it. Maybe a little bit closer to Christmas, when people won't be paying so much attention to politics, they'll invoke closure, because they're so good at it, and then this bill will pass.

Then the same thing will happen with the appropriation bill. They'll go ahead and spend all that money, that \$1.4 billion in unbudgeted money. You know what? Here's the risky part of the prediction: they won't have learned a bit from their mistake. They'll do the same thing again. We'll see another budget in the spring. It'll underestimate revenues; core programs will be underfunded. They'll wait until politically opportune moments to bring in supplementary supply, and then they'll try to bribe taxpayers with their own money. They'll go through the whole process all over again. That'll be the real shame, that they won't have learned.

Just like that child I was talking about that needs to benefit from his errors, this government will not have learned, and they're going to do the same thing and put taxpayers through the same charade again. They're going to hold out the promise of governance and accountability, but they're not going to deliver. They're not going to deliver because they just can't seem to get it through their heads that their job is not to wait until they hear the loudest screams and demands for money. Their job is to anticipate need and fairly meet those needs up front.

That's the hallmark of a good government: making those tough decisions up front and putting the money aside up front and taking the leadership role to do the homework so that we're not surprised downstream, so that we're not having to deal with slogan bills, so that the government can try to convince people that they're really serious about fiscal responsibility, and so that we're not faced with not one but two supplementary supply bills in the future.

It seems to me that when this prediction comes to pass, we'll have another opportunity to hold this up to Albertans as an example of why this government really no longer deserves to hold the position of power it does, that they've gotten lazy in their thinking, lazy in their approach to government, lazy in their approach to accountability, and all too willing to just deal in terms of slogans and marketing campaigns.

8:20

If we ever needed proof of that, Mr. Chairman, all we have to do is look at the history of the Fiscal Responsibility Act and now this amendment, take a look at this government's track record, and also just listen to the thundering silence that comes from the government benches when it comes to justifying this bill. Really, not a word. They would just hope that this bill will silently and quickly pass so that they can get on with it, so that they can enter into the next round of this shell game that they have been perpetrating and indulging in for so long.

Thanks.

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

DR. MASSEY: Thank you, Mr. Chairman. I'm pleased to have the opportunity to speak to Bill 43, the Fiscal Responsibility Amendment Act, 1999, at the committee stage, where we have an opportunity to examine the bill in more detail. I think the mere fact that this amendment is before us raises a number of questions about the Fiscal Responsibility Act itself.

If you look at the text of the amendment, the amendment sets out that "for the fiscal year ending March 31, 2000" an additional "\$600,000,000 may be committed" in program expenditures and initiatives. It raises the question: is this really the best form of the amendment? If the conditions that have arisen to cause the government to bring forward this sort of amendment are there, the question is: what will happen the next time? Are we going to be faced on an annual or semiannual basis with a series of amendments to the Fiscal Responsibility Act to accommodate changes in revenues or changes in government spending?

I think it's an opportune time, as the previous speaker has indicated, to revisit some of the promises that were made when the Fiscal Responsibility Act was introduced. Even in the document that has been circulated to members of the Assembly this session, Budget '99: The Right Balance, on pages 10, 11, and 12 the government talks about "a Fiscal Framework for the 21st Century."

Talking about the Fiscal Responsibility Act, there is a statement that says in reference to the act:

This legislation plays an important role in ensuring that the government's fiscal plan stays on track. The standards of fiscal responsibility and accountability are clear to both Albertans and their elected representatives.

Well, nothing could be further from the truth. Here we have before us an amendment to that very act indicating that the accountability the government claimed the original bill was going to provide is not there. It's a flexible act. It's not nearly as definitive as we were led to believe, and it can be changed.

Again, another reference on page 11 of that document has some bullets talking about fiscal and financial management in the province and indicates that "spending must be based on what can be afforded over the longer term, not just during peaks in revenue cycles." Well, part of the argument we've heard in favour of this amendment is that there's a surplus of revenue and that that revenue can now be drawn upon. That's just exactly the kind of thing the Fiscal Responsibility Act was supposed to prevent.

A second bullet: "The government must be open and accountable to Albertans." "Open and accountable": it seems to me the time for that openness and that accountability was when the Fiscal Responsibility Act was first introduced in the Legislature.

[Mr. Shariff in the chair]

There are several other statements on page 12 in reference to the Fiscal Responsibility Act, the very bold statement, "Prudent budgeting is the law." That was referring again to the Fiscal Responsibility Act. Well, it was the law then, but obviously with this amendment that law can be easily changed.

Further, at the bottom of the box on page 12: "Controls on in-year spending increases are legislated." So the assurance given the reader is that once the expenditures have been put in place, barring unforeseen circumstances, there will be no spending increases. Yet we have an amendment before us that allows increases to occur. It goes on to say:

No more than 25% of the economic cushion and any revenue increases over budget may be committed to in-year spending increases or revenue reduction initiatives.

Again, the assurance that once the budget is in place, if there are

going to be additional expenditures, they'll be within that 25 percent cushion. Here we are in this amendment going beyond that 25 percent cushion made explicit in the Fiscal Responsibility Act and spending \$600 million. It really calls into question, as I said, the appropriateness of this amendment and also the appropriateness of the Fiscal Responsibility Amendment Act itself.

A second question and I think an important question – most Albertans would expect a law to stand the test – is: is the Fiscal Responsibility Act a law that Albertans can rely upon? Is it enduring? Given the kind of planning and the attention to trying to develop a fiscal framework for the 21st century that the Fiscal Responsibility Act was a part of, one would think the answer to the question would be that, yes, this is a very carefully crafted law, that there had been some projections about budget increases and decreases over the long term, and that given all that information, the result is the Fiscal Responsibility Act. But, again, that doesn't seem to be true, and the proof that that's not true, that it's not enduring is the amendment we have before us.

A third question. Does the amendment to the act in Bill 43 call into question the very ability of the government to manage the fiscal affairs of the province? I think the answer to that is of course yes. If you can have such a definitive act, that was brought before the Legislature with such fanfare and heralded as such a landmark piece of legislation in fiscal management, if you can have that act so easily changed, one can't help but wonder what kind of management practices are going on behind the scenes. Is the government able to actually manage the fiscal affairs of the province?

A fourth question. Is Bill 43 an admission that those three-year business plans have failed to bring the promised stability to budget the affairs of the province? Again, the answer would seem to be yes. We've spent a great deal of time in this Legislature, there being untold hours put in, I suspect, by public servants producing three-year business plans, and those business plans from the early '90s, when they were first instituted, have undergone significant change. They've become much more sophisticated in some ways and in some departments, but there's room for improvement. We spend time on the budget, spending hours in this Legislature examining those business plans, and they're all part of that fiscal framework. If one of the very basic tenets that sits behind those business plans is the Fiscal Responsibility Act and that act itself cannot be relied upon, then what of the business plans and what of the government's ability to manage? It seems the amendment brings into question a great deal of the fiscal management, the ability of the government to manage the affairs of the province.

8:30

Mr. Chairman, I expect there'll be comments made about the good things that are being done with the money, many of the things that we on this side of the House have advocated. I guess those questions can be raised. Nevertheless we wouldn't have been asking for additional money for schools to relieve them of their deficits, we wouldn't have been asking for increased infrastructure funding if the accommodation for those needs had been adequately foreseen when the budget was put in place. Had they been adequately foreseen at that time, because the needs were known, then we wouldn't find ourselves in December with an amendment like this to the Fiscal Responsibility Act to allow the government to break its own law and to spend more than the 25 percent that was heralded as being the appropriate amount in the Fiscal Responsibility Act.

With those comments, Mr. Chairman, I'd like to conclude and look forward to other speakers in reference to this particular amendment. Thank you.

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

MR. WICKMAN: Thank you, Mr. Chairman. Let me start by saying that I think it's kind of ironic that we're dealing with Bill 43, which is this particular bill, and at the same time on the agenda we're dealing with Bill 45, which is the appropriation bill. I sort of have to ask myself: what comes first, the chicken or the egg, the egg or the chicken? Or does the horse come before the cart or the cart before the horse? You can't run them side by side and so on. I don't know if the government gets itself in an awkward position here, but on the one hand let's say that we pass with no difficulty Bill 45, the appropriations, which then spells out exactly how these additional dollars are going to be spent, including the 25 percent and the extra, roughly, 25 percent that they've freed up.

Now, let's say that that's passed, so you have the appropriations in place, but Bill 43 could run into difficulties, because our caucus does have some difficulties with it, some problems with it. So you have Bill 45 passed, which gives you the appropriations, but it doesn't give you the authority to write out those cheques. Meanwhile, the government has made commitments to municipalities, to the health care authorities and such that they're going to free up these additional dollars.

Maybe the government strategy is that they're going to try and squeeze the opposition and sort of put the blame on them over there because they're the ones that refused to play ball and they're the ones that refused to pass these bills. Possibly the Government House Leader may see fit to move closure on Bill 43. We see a closure motion on the table right now, and there's nothing to say that we couldn't see another closure motion on another piece of legislation. On the other hand, Bill 45 could be approved in this session, Bill 43 laid over for the spring session, and meanwhile, again, they can't write the cheques. As it gets closer to the end of the fiscal period, there's more and more heat, particularly on the opposition to sort of play ball with the government. We're the ones being squeezed, and it puts us in a very difficult position, because we are being squeezed on something that I as an individual, for example, find very, very difficult. I can understand the government needs to pass appropriation bills in some instances when there are emergencies, because emergencies do happen.

Somebody on that side has to explain to me what the process is going to be. Is Bill 45 going to go through and we take our chances with Bill 43, or is the government going to sort of hold off on Royal Assent or third reading of Bill 45 until they come to grips with Bill 43 and deal with some of the amendments that will be coming on Bill 43 and such? Of course, it depends on whether government is prepared, like the opposition is, to sit here Christmas Day if necessary. We recognize our responsibility. [interjection] You'd be the first one here, good member from the S.S.S. riding. We know you'd be the first one here.

MRS. SOETAERT: After church.

MR. WICKMAN: After church.

Mr. Chairman, I really, really have to question the need for legislation to discipline ourselves. The very fact that we choose to run as elected representatives is done on the basis that we're mature, that we're responsible people, that we have discipline, that we don't have to have somebody with a whip at our backs to say that you do this or you do that. In other words, we don't have to lock ourselves in, because as individuals we're capable of making decisions on a day-to-day basis if necessary. That's the way we run our households.

I don't think any of us have laws in our house saying that we're only allowed to spend 90 percent of our income on anything other than savings. We recognize there are emergencies that arise, there are things that can't be forecast. A person may lose a job, for example. A person may lose this income at the same time that we have savings that we can kind of reach into to counteract those unexpected curves in the economy and such, and that's where our stabilization fund, of course, would come into place.

I really have to question why the government has to reign itself in, pass legislation to force them to do what they're expected to do, what Paul Martin is doing federally. I don't see any legislation there federally. Paul Martin is mature. He's responsible. He's doing the right thing, because he knows it's the right thing to do for the country.

Other than Alberta, what other province – possibly Ontario, with the two premiers from Ontario and Alberta conferencing on occasion and sort of one following the other – would even consider this type of legislation? Frank McKenna in New Brunswick I believe, if I recall correctly, was the first province to ever balance its budget.

AN HON. MEMBER: And he's a Liberal.

MR. WICKMAN: And he's a Liberal. But he didn't have any legislation to force him to do it. He just simply did the right thing because it was the right thing to do.

That legislation that was passed, the original legislation to put the formula of 75 percent going towards the debt in the first place – I had problems with that from day one, because it didn't take into consideration that you can't forecast ahead of time, and our best example is our current Treasurer. Our Member for Edmonton-Glenora could probably, off the top of his head, give me the figures. In the last three years how much has that Treasurer been off in his forecast? How many billion? What \$6 billion, \$7 billion when you combine the three years? Why? He would say: well, I only forecast the price of oil at \$13.50, and how was I to know it was going to go up to \$27? I can understand that he wouldn't know that, because I wouldn't know myself that it's going to go up to \$27. I don't know ahead of time that next year we can count on Albertans spending, net to the government, close to a billion dollars in gambling money.

DR. MASSEY: How much?

MR. WICKMAN: Close to a billion dollars when you look at the VLTs, the slot machines, the 6/49. When you look at everything, we're talking close to a billion dollars. Next year if Albertans cut their gambling habits in half, suddenly you lose close to half a billion dollars in revenue, and if the world price of oil drops in half, that's another – what? – \$1 billion or \$2 billion, good Member for Edmonton-Glenora? Then what does the government do? Make another amendment next year?

If there's a lot of pressure on the government from Albertans saying, "Well, you've spent some additional money on health care and education, but you haven't listened to the opposition that keeps stressing the importance of spending sufficient dollars to have a first-class system in health care, have a first-class system in education," and as the election comes closer, the government will be more tempted to again change the legislation to try and keep the voters content. I think that's a pattern that's been established over a period of time.

8:40

Now, I listened to the government and listened to the Premier and listened to the Provincial Treasurer float around ideas of what

they're going to do with this surplus, a surplus that is actually \$3 billion when you discount the commitment of this additional spending that they've done in Bill 45, the appropriation. One idea being floated around is to reduce the tax on gas by 2 cents a litre.

Now, if you do that, what are you going to do it for? One year? Then next year you're going to place it back on when the oil prices fall and the price of gas goes down? Do you then go back to Albertans and say, "Now we're going to impose that 2 cents back on"? If you did, Albertans would see that as a new tax. So once you've locked yourself into it, you're locked into it.

Then who's to say that that 2 cents a litre is even going to be passed on? It's the oil companies that basically control the prices. They're the ones that set the pumps. I go by a Petro-Can, I go by a Husky, I go by a Domo. They all seem to read the same: 57.9, whatever. I don't know if that's a coincidence or if that's the oil companies flexing their muscles and saying: look; we control the prices, and there's nothing government can do about it. There is one province in the Maritimes that actually legislates, controls the price of gas, and I don't believe in that because we are a free-enterprise province. I respect that. We're not a socialist province that would start to legislate what the oil companies can charge for gas. But that 2 cents could be chewed up right away, because there's no guarantee that the oil companies are going to listen to the Provincial Treasurer, listen to the Premier and reduce the tax by 2 cents a litre. So that's one idea that's floated around, and it sort of has gone by the wayside. We don't hear too much about it anymore.

Now, we're hearing more about cheques. The old Social Credit – what was that called? – dividend cheque: \$25 a month or \$25 a year, whatever it was back then. I was too young to receive my cheque. But a rebate.

Now, if you're going to give Albertans a rebate this year of, let's say, a hundred dollars a head, next year are you not going to give them any rebate? Alaska has a program where they actually rebate from their heritage trust fund something like over a thousand dollars per year per man, woman, and child. Alaskans have become accustomed to that. You can imagine what would happen if the government in Alaska suddenly said: we're going to discontinue those 50 percent of royalties being paid to Alaskans. That government would be out in the next election, because those people have grown accustomed to that rebate. The same would happen in this particular instance as well. Albertans would expect to receive that dividend cheque or that rebate year after year.

Now, those types of things, that gas reduction tax and the rebate, all sound good politically. I don't deny that. Somebody I was just teasing with said, "Well, you tell Ralph Klein he has my vote if he does that," sort of in a joking way, but at the same time I thought to myself: was the individual really joking? Maybe the prospect of a rebate cheque once a year would entice that person to vote Conservative. It's possible. I guess it's called buying votes, and that's like the old Social Credit dividend cheque. It was funny money that was sort of written off as buying votes. There's no need for all that stuff. Albertans really don't expect government to have to legislate itself as to how to control its own spending. They don't really expect the government to step in and send them rebate cheques.

What Albertans want from what I hear is good, sound government, responsible government that can manage the fiscal responsibilities of this province, just like we manage our households. I'm proud, quite frankly, of the way I manage my household. I have absolutely no debt. We have the house paid for, two vehicles paid for. That's because we've managed our money properly, and we've put money in a bank account for our retirement.

MRS. SOETAERT: Not everyone can say that.

MR. WICKMAN: Well, some of us handle money maybe a little differently, and I only had one child and not four, so that is a factor as well. Nevertheless, government can do the same thing that so many people do, and I'll bet if you go back to your own household budgets, most of you have done what I've done.

Did I mention the story in here where one young fellow – I won't mention his name – came up to me for advice? His first job, 17 years old: 54 grand a year working for CBC. He asked me for my advice. This was 17 years ago. I said: "What you do is take 25 percent off the top, and you put it into savings certificates, into RRSP. It's money you lock away." I said: "Another 50 percent you use for fixed expenses like rent, car payments, and such. And 25 percent is what we call the frill money, the fun money." And you know, that young fellow 17 years ago listened to that advice because he thought I was doing that. I wasn't setting aside 25 percent; I've always tried to achieve 10. That young fellow now, at 35 years old, is worth a million dollars. You don't have to worry about government having a pension plan.

MRS. SOETAERT: Would he like to meet my sister?

MR. WICKMAN: He would love to meet your sister. He's still single too.

Anyhow, Mr. Chairman, I think I have gotten my point across. Others want to speak, so I'm going to sum up by saying that I have problems first of all with the idea of Bill 43. And I know the member back there is enjoying my little discussion here tonight.

Mr. Chairman, I'm going to sum up. Bills 43 and 45 here at the same time are a sort of entanglement, I would call it. I don't know how the government's going to deal with that. I guess time will sort of prevail. Maybe at 2 o'clock this morning we'll have a better idea what's going on. [interjections] Well, it's possible. I may not be here, but some of these will be here. Mr. Chairman, that's the one point, those two bills.

Secondly, I really question the government's need to discipline itself. You're all mature. Cypress-Medicine Hat, you're a responsible individual. If I could access your financial statements, I'll bet you've looked after yourself well and managed your own money very well. I would suspect that. Now, you can do that with government money too, with taxpayer money.

AN HON. MEMBER: It's his wife.

MR. WICKMAN: Well, hire yourself a good assistant then.

And thirdly, it's what you do with those dollars, how you spend them. Look at the priorities. As the member from Mill Woods has stated: what are Albertans really saying? Health care. They're saying education. You know, I haven't had one person come to my office or phone me and say, "We want that 2 percent reduction in our gas." But the number of people that have come to me and talked about the need for better health care, the need for better education: dozens upon dozens upon dozens in terms of letters, in terms of phone calls, just going around shopping centres, just talking to people. Those are the priorities. So I say to the government: get your act together, act responsibly, and you won't need this type of legislation.

Thank you.

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

MS OLSEN: Thank you, Mr. Chairman. I have a couple of comments I wanted to make on this bill. We talked about fiscal responsi-

bility and bringing in well-founded, good-sounding legislation, but you know, right now, right this very minute there is an ambulance driving around in this city in the capital region looking for a hospital to take its patient to. There are no beds available at this very moment in this very capital region. There's a red alert on right now, and maybe the hon. health minister might want to go and make a few phone calls. But that to me highlights the key issue here.

We're talking about responsible fiscal management. I feel very, very concerned when I listen to the rhetoric of the hon. Treasurer, when I see him and the Premier stand up in this House this very year and tell us what a great bill Bill 1 was. And you know, we're going to be able to amend this bill, a Fiscal Responsibility Act which is one of four or five different acts that this province has brought in in relation to balanced budgets and deficit management. So here we go yet again. This is, I believe, trial number five, an amendment to this act. They didn't get it right the first time, and now they didn't get it right the second time. Now what we're being asked to do is approve an amendment that is going to allow for a onetime allocation of funding to different departments.

8:50

We've talked about the underfunding in health care. This problem right now is a big issue. There's absolute underfunding in the health care system, but you see, good fiscal management would say: how do we want to mend the problem within the existing framework we have? It wouldn't say: let's open the door to private health care.

I just want to make another comment on that. Given that in the U.S. there was a movement afoot to ensure that children from low-income families who lacked health coverage were taken under the medicaid wing, well, that hasn't happened. That's a private system, a dual system, and it hasn't happened. There are still thousands of children without health care.

I'm afraid that we're going to be walking down the same path, Mr. Chairman. We're going to be running into some of the same problems, setting unrealistic goals, and the only people that are going to be blamed for that will be those who are working fervently to try to put some sort of framework to this private health care scheme that's demanded of them. I'm talking about those folks who actually work in the government public sector trying to fulfill the needs of this government based on their ideology instead of good, sound financial principles. So I have a problem with that.

I looked and listened with great enthusiasm to the Minister of Justice the other day inviting applications from people from across the province for \$10,000 allotment grants, if you will, for crime prevention programs. You know, that's all very noble, and that's all very good, because we have some outstanding programs in this particular province. But one of the biggest problems with those programs is the underfunding of them. So we're going to throw onetime grant money to fund crime prevention programs that need to be funded on a long-term basis.

The issue of the drug abuse resistance education program has come up time and time again. Here we have an outstanding program where many, many policemen in this province are giving of their time to ensure that youth in grade 6 have access to the DARE program, and that, in fact, is a 17-week program that, quite frankly, should be funded by the province if they say that they're the law enforcement gang, they're tough on crime. Well, it's not the message you're sending out.

We have policemen volunteering their time on a daily basis. They're putting hundreds of hours in. They're going in to work on their days off to ensure that these requirements are fulfilled. At some point something's going to give, and the programs are going to be shut down because there isn't any ongoing, long-term funding for these programs.

I hope that the Minister of Justice looks at that in the next

budgeting process when he's doing the rundown on his figures, that he's going to say: "You know what? This \$10,000 onetime grant for new projects isn't really the way to go. We should be funding those programs that exist." In fact, Mr. Chairman, we've had victim services units in this province come close to the crunch in terms of closing down. We've had them right around this area, right around Edmonton. Programs that are supposed to offer victims support and help don't have the funding to do that, and then the co-ordinator is too busy fund-raising for their work in order to do their work and keep that position alive. Well, that's not what they should be doing. They should be out working with the community. They don't get to do that because they have to ensure there's enough money to keep the position. So it's a vicious circle.

Here again we have an issue of bad budgeting. We're not picking the right targets. We're not looking at things that need to be funded. It's go out and give a cheque here and there. Well, that's old-style politics, and that doesn't work anymore. You can't just go out and expect to give a cheque and then say: "Here. We've done our job." That's not the way to budget, that's not the way to keep programs going, and it's certainly not the way we would manage those programs that are so important to us. So I think, Mr. Chairman, there are some issues there.

We've had all sorts of great initiatives come forward. Let's talk about fetal alcohol effects and fetal alcohol syndrome. Well, we know that the staff in the schools need training. We know that social workers need training. We know that we need an education program going. But you know what else we need? What we need is sustainable funding to carry those kids through the most important years they have. These kids right up until their adulthood absolutely need support, and they don't get it. Once they're 18 they're on their own, and these kids can be highly destructive to themselves and to society. But once they're 18 they fall off the wagon, and they're gone, and this government doesn't care to look after those folks.

Moreover, they don't care to look after those kids now. Those kids are the ones who are more susceptible to becoming criminals. They have poor judgment, lack of control, and behaviour problems, and we don't decide that this is an important group of people to look after. It costs too much money. Ten thousand dollars for an education program will barely cover the costs of treatment for one child per year. So we need to look at some of those issues. If you're going to be tough on crime, Mr. Chairman, you really have to do that by making the commitment up front, and that's not done.

I asked a number of questions in the supplementary estimates. You know, supplementary estimates are now becoming as common as special warrants. Special warrants, one, two, three, four, five, six in a year; you know, we need more money. This whole issue of supplementary spending is really getting out of control. You see, if the government had a long-term plan and that long-term plan was not to privatize all those institutions that are important to Albertans – the long-term plan is looking at what's down the road and how we can stabilize the economy so that there's money in the bank to draw on down the road.

The average Albertan maybe – well, I think maybe 12 to 15 percent of Albertans have enough money to contribute to their RRSPs. That's what the government should be looking at, saving the money so that down the road they can take out what's needed to sustain programs. That's not happening. Also having the foresight to say: we may need to increase certain areas by a given percentage in the next five years and to be able to budget and look at the prudent forecasting and prudent estimates that need to occur.

You see, I believe that if this government is so out of whack, it should fire its whole Treasury Department. But you know what? My best guess . . .

AN HON. MEMBER: It's not the Treasury Department.

9:00

MS OLSEN: That's what I was going to say. My best guess: it isn't the employees and the staff of Alberta Treasury; it's the front bench here, and it's that guy, that Treasurer, the Treasurer himself and that Premier who sits beside him who manipulate budgets well enough so they look good. It's a PR spin. The Premier has to look good. The Treasurer has to look good. They've got to travel all over, travel around the world touting their budget. I bet they forget to take with them this little bill and this bill here and the four other bills that they can't manage to abide by. You see, they forget to tell people that. [interjection] Oh, yes. Yes, the Premier and the Treasurer. You know that Vidal Sassoon commercial, Mr. Chairman? You know, the one that says: when I look good, you look good, and you look good, and I look good, and dah, dah, dah, dah, dah. That's what happens over here. That's what happens. I'm telling you: this gang is looking rather motley lately; it just really hasn't done a great job. It really hasn't done a great job, and they probably need some of that No More Tears shampoo, too.

MR. HANCOCK: Motley Crue. But I bet I'm better at singing than you are.

MS OLSEN: Motley Crue. I think the Minister of Justice has invited me to sing, and I'm not sure that that's where we should go right now.

Mr. Chairman, there are some serious issues about financial management. Let's face it: the economy is great; nobody is denying that.

DR. TAYLOR: Except the Liberals.

MS OLSEN: No, we've never denied that. Hon. Member for Cypress-Medicine Hat, we have never denied that the economy is good, that the finances are looking good.

However, Mr. Chairman, there is a thing called prudent forecasting. You know what? [interjection] What planning? Planning, period. We don't see that. We don't see that, you see, because what happens is the three-year business plans change at the whim of the government. You know what happens? All those benchmarks change at the whim of the government. If they can't meet them, out they go. They don't wait for three or five years to see if that benchmark was attainable. That doesn't happen. You see, they go out the door. The performance measurements go out the window.

So I would tell you that that is a management problem. The government doesn't wait to see what it can do in the long term. Quite frankly, if you have a plan and you've developed a process, the long term will be sustainable, but at this point with the fluctuation in our province with the commodities, with the oil and gas revenue, we cannot afford to go down this path.

[Mr. Tannas in the chair]

You see, in six years we could be in a deficit position because there has not been any money stored up in the bank accounts to handle the budget issues that come forward. Then, Mr. Chairman, we're going to end up budgeting by crisis in the same manner that's happened now. Budget by crisis and pressure points, and if there's a pressure point that needs a bit of dough, let's throw that money at it. Let's just pour it into the pot. We don't care how it's spent. Let's just get it in there, so people will quit telling us that they need more money. They did it in education. They've done it in health

care. They continue to do it in every department they have. There isn't any foresight; there isn't any planning. Performance measurements are not real with this government. The Auditor General has talked about tying some of those performance measurements to the budget. The Auditor General has brought up some issues, and they're not quite in line with this government's thinking.

Let's talk about the consolidation issue, that consistently comes up in the Auditor General's report. You see, the issue there is that the Auditor and the Treasurer are both at odds on how reporting should be done. My guess is that the Auditor has just a whole lot more information on good processes than the Treasurer because that's the Auditor's background. That's not the Treasurer's background. So I think that he has more insight into how things should function. We ought to listen to him and take his advice on occasion. That helps. It shows Albertans that this government cares about listening to other people, that kind of thing. You know, it would be great to see the government do that.

Mr. Chairman, this bill is very thin. I've often talked about a need for a penalty section in the Fiscal Responsibility Act, you see. I am even more convinced now that we need the penalty section after today's debate on youth and tobacco. We want to impose a fine on kids who smoke, but we don't want to impose a penalty on this crew up front who broke their law. It's okay for them to break the law. They have the power to come back into this Legislature and make a new law, and that new law then says that they're not really breaking the law. You know, we have Bill 1 here. We've violated this law, and we've come back with Bill 43, an amendment act. As a result of that, they have that power. So they don't want to be penalized at all.

Quite frankly, if they were in Manitoba, they would have been penalized. They wouldn't be sitting in the front row any longer. If they were part of the European Union, there would be sanctions. So it's time, Mr. Chairman, to take this seriously. It's time, quite frankly, to put some real thought and consideration into the construction of this act, because I don't think it holds a lot of water at this point.

With that, Mr. Chairman, I think my time is up, and I'll take my seat.

THE CHAIRMAN: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman.

MRS. SLOAN: Don't do it; you're cutting me off.

MR. HANCOCK: I'm not cutting you off. I wouldn't dare cut you off. Mr. Chairman, the suggestion is that I would be cutting off the hon. member. That's the least of my concern. I just wanted to make a few comments.

The hon. Member for Edmonton-Norwood went on at great length, and what I heard her doing was denigrating the volunteers of this great province, the volunteers that do so much work for us. She's saying that just because there's a good program and it has volunteers assisting in that program, automatically government should take it over and budget for it.

She's also suggesting, Mr. Chairman, that we should privatize the office of the Provincial Treasurer. She's saying that rather than have elected representatives representing the people of Alberta and the office of the Provincial Treasurer, we should be privatizing that. We should be hiring an accountant to do it because he has the background. That's what I heard her say. That's ridiculous.

I didn't want to waste the time of the House with replying to the rest of the, quite frankly, nonsense that we've heard. I just simply wanted to point out to the House that this bill has had substantive

debate in second reading, and that's when you deal with the principle of a bill. That's when you talk about what the principle of the bill is. I just would take the liberty of quoting *Beauchesne*, rule 688:

The function of a committee on a bill is to go through the text of the bill clause by clause and, if necessary, word by word, with a view to making such amendments in it as may seem likely to render it more generally acceptable.

The principle of the bill has already been determined and voted on. In fact, I think members opposite voted in favour of it.

In committee the function is to examine clause by clause and bring forward amendments. Have we heard in an hour and 10 minutes one single amendment brought forward on this bill? We have not. We have not heard one single amendment being brought forward on this bill. I can only conclude from that that they have no amendments to bring forward on the bill, and thus, Mr. Chairman, we really should, under the rules, be proceeding with a vote.

9:10

MR. SAPERS: He's challenging the chair, I think.

MR. HANCOCK: I'm not challenging the chair; I'm simply gently offering some suggestions to the members of the opposition, where it's very clear under rule 77(1) of our Standing Orders:

In the Committee of the Whole Assembly, the Chairman shall ask whether any comments, questions or amendments are to be offered with respect to any sections of the Bill, [and]

(2) Where the Chairman receives an indication that comments, questions or amendments will be offered with respect to any sections of the Bill, the committee shall consider every such section, with the title and preamble to be considered last.

Mr. Chairman, we've heard nothing from the opposition tonight that they didn't raise in second reading.

MR. SAPERS: Is this a point of order?

MR. HANCOCK: No, it's not a point of order. I'm discussing the bill.

We've heard nothing that we didn't hear in second reading. Nothing new in the speeches tonight has been added to what was said in second reading. Mr. Chairman, in my humble opinion, we should be moving on with the vote because they obviously have no amendments to bring to the bill in committee, which is what the proper function of committee is.

THE CHAIRMAN: Edmonton-Norwood.

MS OLSEN: Thank you, Mr. Chairman. I just want to clarify a couple of points here. I think there was a misinterpretation by the Minister of Justice. I said that I would take the advice of the Auditor General over the Treasurer's any day – any day; okay? I would take his advice any day.

You know what else I want to clarify? It's that the Minister of Justice got up and waxed on about the volunteerism. There isn't a question about the volunteerism in Justice in this province. However, the minister also needs to know that policemen do not want to work 20 hours a day to fulfill the mandated requirements put on them by the departments, by the government, and everybody else.

How about funding adequately those programs that exist so they can train people, so they can have people out in the communities and not have to work on their days off? You see, the day in the life of a policeman, Mr. Chairman, isn't exactly great, because if he's on a day off, he may have morning and afternoon court, and he may have that after he gets off midnight shift at 8 o'clock in the morning and have to be back in court for 9:30. Then he may have three or four



trials that day. You know why? There's not enough time in the courtroom, and he may sit in the courtroom with 13 or 14 hours of trial time scheduled for two hours. You know why? Because there's not enough judges sitting in the courtroom so we can move on.

So, Mr. Chairman, it's not just a matter of: do police officers want to volunteer? They volunteer a tremendous amount of hours, and their community contribution is over and above anything that we could absolutely expect. If the minister wants to stand up and talk about this, let's talk about funding the system adequately. Let's talk about the justice summit recommendations. My bet is that people would like to see some money in the drug abuse resistance education program, which I have heard members throughout this House speak in support of repeatedly in private members' statements, in recognitions; you name it. It happens over and over again.

So, Mr. Minister, it's great for you to get up and wax on about volunteerism. How about funding the system that exists? Thank you.

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

MRS. SLOAN: Thank you. I'm so pleased and so privileged to follow in the footsteps of my hon. colleague. I really have to thank the Minister of Justice because his comments have really just spurred me on to debate Bill 43.

You see, the reality, Mr. Chairman, is that if this government could get their act together, if they could get their facts straight – they bring the original Fiscal Responsibility Act in January of 1999 into this House, and here we are just a short 11 months later debating amendments to the same act. So it's really unfortunate that the Minister of Justice is frustrated tonight about the fact that we have to go through debating this again, but the reality is, Mr. Minister, that it's your government that brought in the amendments to the act, that couldn't get it right the first time. If you'd gotten it right the first time, we wouldn't have to be here tonight debating this amendment. [interjections] I agree. I agree. There are many, many more important things that we could be debating in this Assembly than an adjustment in the allocation in this bill from 25 percent to 36 percent. I agree wholeheartedly with that, but regrettably I'm not in a position to advise or make recommendations to this government about how they write legislation.

At some point later this evening we will be debating another bill that has been brought into this House, and we're now up to at least somewhere in the neighbourhood of 50 to 60 amendments that are going to have to be passed to the Health Information Act before it is fit, Mr. Chairman, to see the light of day in this province in ensuring that patient confidentiality and privacy is maintained. It all comes back to the same thing. The government is premature in bringing legislation forward.

MR. SAPERS: Premature legislators.

MRS. SLOAN: Premature legislators. That would be an appropriate term. I see that I made the Minister of Justice smile with that one. That pleases me. It pleases me.

It's basically the same lesson to be learned from this: if you take your time, if you adequately consult, if you get your facts straight, bring the legislation forward, you wouldn't be feeling as though you're being ground through the process in this House because things would work a lot more smoothly. It's not a lesson that the government seems to want to learn.

There are, though, so many things that relate to better management of this province, and I started off by saying that there were many, many things that we could be debating this evening, in my

opinion, that would go a lot further to making the future for Alberta and its citizens stronger and healthier and more prosperous. As an example, we have never had a debate in this Assembly nor do I see that there is one proposed on any framework or strategies to prepare government and its programs for the aging that's occurring in this province.

The Premier does infer that a greater degree of the population in Alberta is aging, as it is across the country, and he most often likes to use that as an excuse for why we need to privatize a greater component of the health care system. The reality is, Mr. Chairman, that there's a hundred and one other ways that we could be debating in this Assembly about how to prepare our infrastructure and programs for a higher degree of the population being in a senior stage of their life.

At the other end of the spectrum we have never had a debate in this Assembly about the root causes of poverty and the increasing concentrations of poverty in this province, particularly child poverty. The government doesn't want to discuss the social determinants of health. They're most ready to talk about how this costs the system, but they can't connect the dots.

They are unable to connect the dots between their ignoring poverty, child poverty, family poverty, and the contribution that their reluctance to address low minimum wage, their reluctance to address the critical shortage of subsidized housing, the contribution of the paltry social assistance rates in the province – all of those things add up and contribute to a higher level of poverty in Alberta. The government doesn't want to do anything about that. For some reason they don't see that as a societal responsibility. They don't see it as falling under the auspices of government, yet we hear them daily in question period complain about the fact that health care costs continue to rise. So it doesn't take a rocket scientist to connect the two.

9:20

We could be standing in this Assembly this evening and debating strategies that would strengthen, support, and mentor our children and youth, whether it be in education, for employment, for the future that they hold and aspire to contribute to. We haven't seen the government bring forward any proposals or any programs or any bills to address the fact that we only have in this prosperous province of ours just shy of 60 percent – 59 percent, I believe, is the number of our high school students actually graduating.

Now, to me, there is a real disconnect between the fact that we are a very fortunate province. We have revenues that any other government in this country would envy. Yet for some reason we're not able to equip approximately 30 to 40 percent of our young people to get through postsecondary education. Why is that, and why aren't we debating it in this Legislature? Instead, we're standing here debating an amendment to a bill we passed the first time in January.

I would also like to have a debate in this Legislature about the critical shortage of health care professionals in this province. Despite the fact that that has existed now for some time and is becoming worse, we see this government standing practically immobile while all of the U.S. states, Saudi Arabia, and other jurisdictions are taking our graduates from health care programs in Alberta and recruiting them to go and work in other jurisdictions.

I don't understand how we are going to address the shortage if we as legislators and the members across the way as government don't have the wherewithal to bring forward legislative provisions, policy provisions, program provisions that will address that. If I recall this correctly, the situation in the last year with our university registered nursing programs in this province was that they turned away half of the eligible applicants for the nursing faculty. They were forced to turn away half of those applicants because they were not funded to

be able to provide that, yet daily we hear about the shortage of those categories of professional staff.

Now, we could also be standing in this Legislature this evening debating the volatility of our economy and our revenues instead of debating a bill that is completely reactionary, completely in response to the fact that the government didn't do their homework in the first place, and then we're left with this embarrassing \$2.8 billion surplus while municipalities, school boards, regional health authorities, and children's services authorities were all struggling to bear the burden of deficits that have been off-loaded by this very same government. Why do we not see the government bring forward a plan for the long term instead of the short term, acknowledge the fact that our revenues are volatile and they always have been? Why is it that we have a budget process that has been and continues to be completely reactionary?

Stand up and debate. I challenge you, hon. member across the way. If you feel passionately about the issue, then let's see you on your feet this evening. I'm more than prepared to have a discussion about it. In fact, the hon. member is, I believe, one of the members who has chaired an initiative around aging, and as I indicated in my remarks, I'd welcome a discussion in this Assembly about how we're going to prepare the provincial infrastructure in this province for the largest segment of our population being in their senior years. Bring it on, and let's have that debate.

Unfortunately, tonight we're debating Bill 43, and in my opinion, Mr. Chairman, all of this could have been addressed if we had just had the government bring forward an accurate estimate of the revenues, appropriate expense allocations that were based on reality, not some crafted estimates that they had done to intentionally underfund the systems. Then, obviously, we'd be in a much better position, not only with respect to the province's finances, but in a position at the ground level, as I indicated, in all of these other sectors.

Whether it be municipalities, school boards, health authorities, children's services authorities, we'd be in a position, Mr. Chairman, to be able to deliver the programs that Albertans require instead of having disabled people come to the Legislature to make their point to this government that their services are continuing to be cut, staff is continuing to be cut, because the government has insisted continuously on underfunding disabled programs in the province. That is the reality. [interjection] It's not my message, hon. minister of intergovernmental affairs. It's not my message. It's the message that Albertans and citizens in this province are trying to get through to this government.

They've made their way all the way from the southern part of the province to the Legislature this sitting to tell the government that they're out of touch with reality. They're out of touch with reality. They stand here and say, as the Provincial Treasurer did earlier this week, that they've never cut disabled programs. Cutting and underfunding them are the very same thing, and the evidence is there. The service providers and your own appointed boards will tell you that they have consistently been underfunded for at least the last five years in the disabled sector. That is the same as cutting, hon. minister.

I know that the degree of frustration is high and that there is a sentiment that we should just get on with the next bill on the agenda this evening. But all of these factors really build an equation, Mr. Chairman, that is disrespectful of the needs of the people, that undermines our core programs in the province, and in hand with doing that undermines our democracy and this Legislative Assembly.

So with those thoughts I am prepared to conclude, and I am most looking forward to members on the other side standing on their feet this evening and debating Bill 43. I will commit to listening intently to their remarks. Thank you so much.

THE CHAIRMAN: Before the chair invites any further debate on this bill, might we seek agreement to briefly revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed?

head: Introduction of Guests

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

MR. DICKSON: Thank you very much, Mr. Chairman. We are graced this evening with the presence of three distinguished guests: Louise Rogers, president of the Alberta Association of Registered Nurses; Wilma Kassian, a pharmacist; and Jane Walker, a registered nurse in the city. One of our guests has had to step out, but I'd invite the other two ladies to stand and receive the very gracious welcome of the Legislative Assembly.

Thank you very much.

### Bill 43

#### Fiscal Responsibility Amendment Act, 1999

(continued)

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

MR. GIBBONS: Thank you, Mr. Chairman. I am pleased to stand tonight to speak on Bill 43, the Fiscal Responsibility Amendment Act, in the Committee of the Whole. I'm also pleased to follow everyone from the opposition that has stood and spoken so eloquently on this bill.

9:30

As I travel Alberta and talk to local governments, the conversation is around the government's downloading, off-loading of their deficit onto the rest of the province. I have to remind people in this Leg. Assembly that I do speak to rural Albertans in small towns, big cities, and everything. We've been talking this past year about the need for infrastructure money. Finally, the province has started to announce some of their proposals, and you know, then the conversation got around to the fact of, what was Bill 1 about in February, March of last year? Bill 1 was that they should only be spending the 75-25. They didn't have any plan. At the same time, it was the Premier's bill of its day, and - guess what? - it was pushed through, rammed through, whatever you want to call it. But the government seems to forget that they should have been slowing down, thinking a little bit more about a plan.

Within six months of this government's Bill 1 they've turned the Fiscal Responsibility Act into a fiscal irresponsibility act. What happened to the fiscal discipline and business planning process that this Provincial Treasurer was preaching about in February 1999? Obviously, with a need to make a change to the allocation formula and the economic cushion, the government must have determined that imposing fiscal discipline and business planning on itself was a hundred percent harder than it was just six months ago.

[Mr. Shariff in the chair]

I don't know who the MLAs from the government side actually talk to when they go home from here, but they must have heard that the municipalities are in hardship infrastructurally. They're the ones that actually have gotten to a point where they are cash strapped. The proposal to override the allocation formula even on a temporary

basis is nothing more than exasperation of the crisis-based, pressure-point, incremental approach to budgeting practice that this government has pioneered over the past six years. It's not a continual adjustment or override of allocation formulas or economic cushion that is important for ensuring fiscal discipline. Proper business planning, effective performance measurements, honest forecasting, and a report on results are what is needed, not to change the Fiscal Responsibility Act.

Now we are in the position that we're going to be overriding Bill 1, and overriding the allocation formula under which funds can be earmarked for a spending or revenue reduction initiative during the course of the fiscal year does not deal any more effectively with the issues of sustaining additional spending or revenue reductions commitment over the course of the three-year fiscal plan within the context of the variable, volatile revenue base.

What happened to the previous bill? What happened to the retirement act? The debt was supposed to be reduced. Now, we do believe in this bill, but the holdup on it is that this government seems to forget in the same fiscal year that things have to be changed. Given the actual expenditures during the fiscal year must not be more than the actual revenues, the Fiscal Responsibility Act does not prevent the withdrawal of any spending commitment made under the 25 percent allocation formula. During the course of this fiscal year if a budget shortfall becomes a distinct possibility . . . Now, isn't this really curious that we're sitting in this position in the same year that they want to change this because they have found out that with the surplus in our system they can spend more money.

A lot of people I have talked to are starting to wonder whether or not there is an election coming up with all this spending coming into place. I keep telling them that I think after what happened in Saskatchewan, Manitoba, and New Brunswick, they're too scared to actually do anything else but start spending. For example, where the government allocated a portion of the excess revenue to tax reductions during the course of the fiscal year, it would be nearly politically impossible for the government to increase those taxes if subsequent revenue weakness resulted in the potential budget shortfall over the remainder of the fiscal year. That's all revenue volatility under the FRA, still on the expenditure side of the ledger.

The issue of sustainability and stability is a key to effective spending on tax reforms. Now we hear over the last month or so the spin that was actually being produced by the Treasurer, and that is around how he'd like to reduce taxes. Well, that seems to be the warm and fuzzy for this month, and then the CPP seems to be the warm and fuzzy for the next week.

The Treasurer likes to say that his unbudgeted spending is due to population growth over the past year. Well, I would almost guess that he should have had that plan a long time ago. But, you know, Mr. Chairman, for instance, the \$36.897 million for the child and family services authority and the \$215.676 million to eliminate the RHA deficit, the \$70 million for upgrading health facilities and long-term care facilities, the \$3 million for the upgrading of senior lodges, the \$7 million for the construction of government facilities, the \$10 million for construction and upgrading of water infrastructure, \$16 million for municipal wastewater grant programs, \$425 million for municipal transportation infrastructure, and \$151 million for school board deficits: this is all next year's money because until Bill 43 is actually passed, this isn't in place, and aren't we just a little bit worried that it might be carried over into the spring session? I would possibly start wondering whether or not they have to be very concerned about this.

Mr. Chairman, we have to think about where this is actually going. With the additional \$1.416 billion in new spending being requested by this supplementary and this bill, the Alberta govern-

ment is spending \$5,569 per person, nearly the same level as '93-94, where the minister that was pushing everything of the day keeps talking about 20 percent savings in every ministry he goes into. Where are his thoughts on this, and where is it going? Are we getting better public health in 1993? Are we getting better public education in '93? Do we have better roads, bridges in our municipalities? I don't think so. Albertans don't think so. So that is really something we have to be very, very worried about.

The same Treasurer learned well all the years that he sat in the back bench behind the government of the day. He must have learned well at the feet of Treasurer Johnston.

You know, I have trouble in this latest installment, this latest bill, and I've been waiting for an explanation from the government side of why we wasted our time last February, March, and April on Bill 1. But it's almost a foregone conclusion. Forget that. They will bring 43 in, and they've got the votes. They'll bring it in whatever questions we ask. Although I recognize the funding is desperately required in the areas that I mentioned before – public health, education, municipal, long-term care – it is very serious that Albertans do not know that we're sitting in here tonight talking about a revision to Bill 1. Forget about the fact that it is called 43.

You know, Mr. Chairman, this is very, very interesting that this Provincial Treasurer has now brought in six sets of supplementary estimates, but also bringing in 43 is a concern. The previous Treasurer, in contrast, had only brought in \$611.257 million versus this Treasurer bringing in \$2.894 billion. During the time of hon. Dick Johnston's six years as Provincial Treasurer he brought in \$2.124 billion in unbudgeted spending. The current Treasurer has exceeded the mark of Dick Johnston by \$800 million and still counting.

[Mr. Tannas in the chair]

9:40

You know, this Treasurer will have brought in \$2.894 billion in the last 31 months. I just wonder why people aren't seeing this, with the single largest amount of dollars that he's been bringing in with these particular supplements.

You know, Mr. Chairman, we do not question the need for new expenditure. What we question is the Treasurer who doesn't have the budget management and planning system to anticipate the start-up of the budget year. We would never want to accuse this Treasurer or this government of playing politics with revenue and expenditure, but remember that this government that talks about outcomes has missed over 200 of those outcomes over the last three years. Also, I'm not even going to sit back here and say I'm not going to accuse them of spin-doctoring. I'm not, because they are spin-doctoring.

The election. Yes, it's around the corner. But, no, we can't even think about it. Mr. Chairman, I can't even see why we're pushing this bill, but we do know that Albertans' knowledge of government and knowledge of how bills go through – Albertans are out there totally oblivious to the fact that there is no plan. Albertans are living well, so I guess that is one of the major reasons they're not worrying about it.

A report by the Capital Investment Planning Committee was prepared under Treasury in June of '98. Believe me, this was one different planning committee that actually brought out some real good points. This planning committee describes the effect and lack of provincial infrastructure strategy over the past six years. Now, this is a government committee made up of members from the opposite side, and the Member for Calgary-North West was in charge of this committee recommending that the provincial capital planning strategy, other than the committee, includes the Member for Innisfail-Sylvan Lake and members at large.

In the report, Mr. Chairman, the committee pointed out that the

aging infrastructure, much of it built in the expansion period of the 1970s, is reaching the point of major renovations, rehabilitation, and replacement. Lengthy deferrals can result in higher costs as problems are exacerbated. The combination of the aging infrastructure and deferrals is creating a significant pressure for more spending on preservation activities. The ministries identify significant pressures for additional spending. If all these pressures were fully funded, spending would have risen by \$2.3 billion annually from the 1997-98 level of \$940 million.

The committee pointed out a number of pressures on capital-related spending on owned and supported infrastructures. This is probably things like the bricks and mortar that are actually talked about today. Some of them are water infrastructure, canal bridges and outlets, on an average beyond their design lives.

Advanced education: 20 percent expansion of the system is required. Only half of the 23,000 expected graduates by 2005 can be accommodated through increased utilization of the current space. Agriculture, Food and Rural Development: "Rehabilitation on main canals required." Community Development: archival collections are in need of better care and access. Education: 976 schools out of the 1,483 need essential upgrading. In 10 years 84 percent of the 1,483 schools will be over 25 years old. New facilities are needed to accommodate enrollment growth of 11,000 new pupils per year.

We have hot spots in our city as well as many in Calgary, growth areas where we have to get the schools built. We hear of a new committee being announced last Friday, and maybe this is a committee that actually is going to be jump-starting, getting over the actual proper planning of what should be coming out of the Learning department.

Environmental protection: "Maintenance and replacement of infrastructure is inadequately funded."

Health: "Insufficient long-term care facilities. Some are in poor condition." Major repairs and upgrading required. This is where we look at the report announced in the last couple of weeks by the Member for Redwater. The numbers seem to be inadequate, and the inadequacy of the numbers will relate to where we're going to go over the next few years.

"Two mental health referral centres are in poor condition": one in one part of the province gets \$100 million, and one in my constituency gets \$15 million. Isn't that a very curious question that we have asked over the last week?

Municipal Affairs: "Lack of affordable housing in high growth areas." Now, we hear that finally the announcement is that housing is under Community Development, but wherever it is, we do need affordable housing. Last year we had a housing symposium in Edmonton, and they had a speaker from Ontario. The push was on from this government that private industry would have to start building these facilities, and this speaker from Ontario said: this will happen when pigs fly. We're not Fort McMurray the way Fort McMurray was 20 years ago. This is Edmonton. This is Calgary. This is every other major centre: Medicine Hat, Lethbridge. They're all needing affordable housing.

"Lack of long-term care units is putting significant pressure on lodges." Now we're hearing announcements of what happened in Hinton and other places this past few days and how maybe the health regions are going to be in charge of the actual supply, but let's look at the political incidence of where they're being built.

Public works, supply and services:

- Some facilities require replacement or rehabilitation to meet client needs.
- Aging infrastructure will require repairs.
- Additional court facilities in Calgary required.

You know, this committee brought out some very, very important

items, and most people in this Chamber should be reading this report. The committee made a number of important recommendations including establishment of a sinking fund to sustain preservation activities in periods of low revenue as options which better match the needs of capital programs.

Well, we can see what happened with bringing in this Bill 43. All these facts came out. The money was flowing. A barrel of oil was between \$24 and \$27 per barrel, and the money started to flow. But the plan is that we have to work between these highs and lows of oil. We have to plan now that we've got the money coming in from gaming. Taxes are going up; they're not going down. We've got these promises that the taxes are going down, but I believe this government - let's wag the Member for Edmonton-Rutherford's chicken in front of this one and vote tax decreases.

Treasury Board requires preparation of a corporate capital overview early in annual business planning cycle. This is a very, very important item that actually should be at the forefront of any business plan.

"Ministries should include their capital plans in their business plans." Well, I do know that this past spring, when we were looking at the municipal affairs' business plan, it was two sentences long.

The ministries should report performance measures for infrastructure and collaborate to develop common or similar measurements. These recommendations have yet to be implemented in the business plan of the overall ministries. We saw all these new ministries announced in May, but we haven't seen new business plans come out with them and their expenditures per each one of the ministries. We should be seeing that in front of us, Mr. Chairman.

You know, the Auditor General - I guess I can criticize him all I want, but at the same time he actually came out with some wise thoughts in his last report, '98-99, one of them being that the fiscal restraints . . . [Mr. Gibbons' speaking time expired]

I guess my 20 minutes are up. Thank you, Mr. Chairman.

THE CHAIRMAN: The hon. leader of the ND opposition.

MS BARRETT: Thank you, Mr. Chairman. I've been looking forward to participating in this debate, because it goes back several years for me. When I was hosting a show when I wasn't at the Legislature, I remember having Grant Mitchell, the opposition leader at the time, on and saying: why did you go along with that financial restrictions act? I think he was quite surprised when I called it that in the first place, but that is what I've called this bill the whole time.

Then when I decided that I was going to come back into politics, the reporters said: well, you know, Pam, how would you handle this whole matter of debt versus spending? And I said: make it 50-50.

9:50

I was at the government's news conference this summer when the Premier announced that on a onetime only basis he was going to change the legislation so that up to 50 percent of any surplus could be spent on, unfortunately, onetime only spending but in the area of programs. And I said: hey, right on; the NDP formula finally. I even referred to the Premier as Santa Claus in orange and blue.

I'm pleased to see that this bill is in front of us. However, I need to point out, because we are in committee, that it has a flaw. This is not a permanent change to the legislation, and it should be.

The government suffered, I guess, unbelievable shortsightedness when it was cutting programs to people services - health, education, social services, advanced education, as it was in those days, and infrastructure - insofar as not recognizing that cracks would occur and that if they didn't have legislation that allowed them to fill the cracks, they were going to be in big trouble. Of course, as other

members of the opposition have said tonight and yesterday and on other days with respect to this bill, the money was obviously needed, so I say: right on; come to the NDP formula anytime you want, government. We're always ready and able to help.

Mr. Chairman, I think this bill should actually not exist, as the financial restrictions act itself should never have existed. Government should be responsive on a day-to-day basis to Albertans' needs, and I'm sorry to say that that hasn't been the case since 1993. But believing as I do, as other members of the opposition do that we are going into an election period, they now suddenly have their eyes wide open and want to spend in areas that have been shortchanged since 1993. Good on them. What I can say in this matter is: long overdue.

This bill needs only one amendment, and that is to make it permanent. However, I know that that amendment is not going to get through, so I won't bother sponsoring it. On the other hand, during the next election I can tell you that this matter will become part of the NDP campaign platform, and believe it or not, Albertans are already on to the ways of the government when it comes to how it spends money and when it chooses to spend money in areas that are so sorely needed.

So at the end of the day just call this what it is, the financial restrictions act.

Mr. Chairman, at this point, unless the question is ready to be put, I would move to adjourn debate.

THE CHAIRMAN: The hon. leader of the ND opposition has moved that we adjourn debate. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. I would move that we rise and report Bill 46 and report progress on Bill 43.

THE CHAIRMAN: The hon. Government House Leader has moved that the committee do now rise and report. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Defeated. Call in the members. That's twice in a row.

[Several members rose calling for a division. The division bell was rung at 9:54 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Tannas in the chair]

For the motion:

Amery	Kryczka	Paszkowski
Broda	Laing	Pham
Cardinal	Magnus	Sapers
Clegg	Mar	Shariff
Coutts	Marz	Stevens
Ducharme	McClellan	Strang
Dunford	McFarland	Taylor
Fischer	Melchin	Thurber
Forsyth	Nelson	Trynchy
Gibbons	Oberg	Woloshyn
Hancock	Olsen	Yankowsky
Jonson		

Against the motion:

Dickson	Nicol	Soetaert
Leibovici	Sloan	Wickman
Massey		

Totals: For – 34 Against – 7

[Motion carried]

[The Deputy Speaker in the chair]

MR. SHARIFF: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following: Bill 46. The committee reports progress on the following: Bill 43. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

SOME HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: So ordered.

head: Government Bills and Orders  
Third Reading

**Bill 7**  
**Alberta Health Care Insurance**  
**Amendment Act, 1999**

Mr. White moved that Bill 7, Alberta Health Care Insurance Amendment Act, 1999, be not now read a third time but that it be read a third time this day six months hence.

[Adjourned debate December 7: Ms Olsen]

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

MS OLSEN: Thank you, Mr. Speaker. I believe I have somewhere in the area of 13 minutes left, so I'll continue with my debate. I left off in the Assembly talking about medical practitioners and the respect we have for different types of doctors in their fields, including the hon. Member for Cypress-Medicine Hat. I promised him I'd say something nice about him. He's kind of a nice guy.

Mr. Speaker, the real issue here is the hoist amendment. The hoist amendment has not been brought forward frivolously. It's not just a stall by the opposition, you know, to hold over Bill 7. The issue is the lack of debate and the lack of consultation. As I said earlier today, we have seen this time and time again.

The other concern I have – and I think this is well-founded – is a concern the AMA has, and that is that if the AMA and the doctors don't do what the Department of Health and Wellness says they should do, then there might be some sort of sanction. That's not necessarily a legal sanction, but it maybe is that we won't pay you or that it takes longer to get your cheque, all those kinds of things. All these things can be done, and they're kind of a backdoor way of paying back. You know, I think that there are those issues that I'm quite concerned about.

**10:10**

The other thing that I think is important to note here is that we just completed debate, Mr. Speaker, on Bill 43, and that particular bill lacks a sanction. That bill is directed at government members. Well, this bill has a penalty section, and it provides for fines of \$1,000 and \$2,000 and for "each subsequent offence" another \$2,000 for those doctors who direct-bill patients for an insured service.

Mr. Speaker, I find it incredible, actually, that this government will just blindly bring in laws, and they'll bring in laws against kids and smoking.

MR. MAGNUS: That's a private member's bill, Sue.

MS OLSEN: You're right. It's a private member's bill, Bill 208. In fact it is. But the bottom line is it's going to be brought into law if these guys have their way.

#### **Speaker's Ruling Relevance**

THE DEPUTY SPEAKER: Hon. member, we are at third reading, and although there is some similarity to second reading, we really are talking about the bill as amended, the contents of the bill. It's not a freewheeling debate such as may occur in, say, a budget debate or a debate in second reading. So if you could kind of remember that and craft your comments accordingly.

MS OLSEN: Yes. Thank you for that reminder, Mr. Speaker.

#### **Debate Continued**

MS OLSEN: I look at the bill and I think penalty section: penalty for kids, penalty for the doctors, but no penalty on the Fiscal Responsibility Act for the very gang that broke their own law. I don't understand that, you know. It doesn't make any sense to me.

I sit back and I think that the hoist amendment is very appropriate. It'll allow for the doctors and the minister to consult more. It will allow for them to sit back and say: why do we really want to put this bill forward? What is the real intent and purpose of the bill? Why do we want to bring in another law, change a routine practice? Nothing ever needs to stay the same. I mean, everything changes, Mr. Speaker, and the status quo isn't always the way to go. As we move along, technology helps us to make some leaps and strides, but this isn't necessarily the intent of this particular bill, as I see it.

I see the minister's ability to collect data in a way that could be used to satisfy some needs under Bill 40. I see a way for the government to determine what doctors are performing what particular procedures and treatments, how much we are spending as a medical community, how much the medical community is spending on certain procedures, then the ability through all of that

data collection to look at the whole notion of deinsuring or constructing facilities such as the medical clinics, very similar to the way that HMOs are constructed and configured, where it's the healthy people that get the service. It's those who are in the healthiest condition that doctors want to take on as patients because everybody else costs too much.

You know, how many kids do we have in this province with asthma? How many people do we have in this province with other debilitating diseases, be it AIDS or cancer or all of that kind of stuff? I'm concerned about the need for the government to have the kind of direct billing they want.

I see it more as a data collection service than anything else, and that concerns me because I don't always believe this government has good intentions when it comes to how they provide services to Albertans. I feel comfortable in saying that the consultation is absolutely important with the doctors. In fact, we know that only a very few doctors don't bill electronically, and those that choose not to for whatever reason don't seem to have a huge impact on the government. So now it's a matter of forcing and conforming, and I have difficulty with that.

We keep seeing more laws. In fact, you know, I'm going to refer to an article by Neil Waugh, an editorial. He had it right: too many laws and too many regulations. Trust me, I don't quote people often. The title of his editorial was: too many laws and too many regulations. You know, soon we're going to have laws for kids, that they can't dye their hair purple or red or orange or pink, or whatever it may be. My son is going to be at a disadvantage when we do that because his hair is many colors at any different time. I just wonder about the wisdom of us adults at times and the wisdom of us people in the Legislature, you know, with some of the laws that we put forward.

We have to have some practical legislation. We have to have meaningful legislation. We have to have legislation, Mr. Speaker, that passes an equality lens, that conforms with the Canadian Charter of Rights and Freedoms, that conforms with any other legislation or certainly marries up with other legislation that's out there at the federal level so that we're not trying to usurp any of that authority and power. That's not our job.

This is again a little bit out of step, if you will, with how we should be creating legislation. You know, at some point meaningful consultation will have a good flavour in this Assembly. At this point it doesn't. You see, the government picks and chooses what it's going to consult on, and it chose to not consult on, say, Bill 40, which is before us. It chose not to consult on Bill 7. As we see it, the privatization policy has had little consultation.

In fact, on that little document sent out to all Albertans – I got one at my house – you know, the writing for making your voice heard on the back of that PR publication is very small, and I'm not sure that many seniors would have been able to see that, especially seniors who have eyesight that's failing them. I always wonder then: does the government really want to hear from people? Well, I would suggest not. I would suggest that there are areas within the consultation process that this government is going to avoid, so we see legislative fences being put up for different pieces of legislation. Bill 38, that's before us now, is just a prime example of consultation that was one-sided.

So it's the whole picture. It's the whole picture, Mr. Speaker, and I believe that hoisting this particular bill will satisfy the needs of the doctors in terms of consulting. It will certainly satisfy my particular concern. It may not satisfy the potential privatization issue, because I think that, as I've stated before, that legislation is being amended piecemeal. You know, this could be the plan, if you want to call it that, whereby the government brings in a piece of legislation that

impacts another piece and so on and so on and so on. So I'm a little concerned that this is the first step, Bill 40 is the second step, and the new policy out there is the third step.

10:20

You know what? When this Premier retires, everything's up for sale. It's all up for sale. I can't trust the government to make the right decisions about my health care, about my son's health care, about my constituents' health care, about anybody else and the road we're going down. So as I've said before, I like to get the views of those people who have the most knowledge. The AMA has a lot of doctors who have contributed to this process, and quite frankly I would take their word any day on this issue. It seems to be an ongoing concern, Mr. Speaker, that we have to look to others because the job isn't being done. Lazy legislation doesn't get us anywhere. It doesn't produce good laws. This is not a good law. I would suggest that it would be within the minister's good graces to take this bill and have another look at it and actually see if we need it, quite frankly.

Given that my time is running short, I will take my seat. You know, I have a whole stack of bills that I can talk on tonight, some two, three, four times, so I really look forward to this evening's debate.

Thank you.

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

MR. WICKMAN: Thank you, Mr. Speaker. Bill 7, that we're dealing with at this particular time, I look at sort of, I guess, like Bill 40 in the sense of the consultation to actually come forward with the resolution has not really occurred. In fact, with Bill 7 the information that I have would suggest that the health caregivers involved, the Alberta Medical Association, have basically been shut out of the process.

The other day, Mr. Speaker, we passed a piece of legislation here, Bill 41, which, if I recall correctly, was called the Regulated Accounting Profession Act, where the three components that were being brought together were all consulted and had all agreed. In other words, the solution was arrived at before the bill came to the House to be debated, and this caucus readily agreed with the bill because the participation, the involvement had occurred and it was done with the full agreement. For some reason, on this Bill 7, Mr. Speaker, like with Bill 40 the government has basically chosen to a large degree to shut out the component that is the most affected by the bill.

Now, there are two pieces of documentation here. One is a press release, and one is a letter from the office of the president of the Alberta Medical Association, and if the Speaker wants me to get sufficient copies done and tabled, I would be glad to do it. I want to refer to these two letters when I make my comments. They are a bit outdated in that they relate back to the spring session, yet they're very, very timely. Just so that everybody's memory is totally refreshed on the thoughts of the Alberta Medical Association, I just want to go through the press release sort of paragraph by paragraph and comment on it.

Right off the bat, the Alberta Medical Association refers to Bill 7 as "a solution in search of a problem." That doesn't speak highly of their attitude towards Bill 7, when it's called "a solution in search of a problem." Why would the government intentionally want to pass legislation that will simply lead to a problem?

The Alberta Medical Association clearly and rightfully points out that this piece of legislation gives

Alberta Health the power to tell physicians how they must deal with their patients when billing for medical services insured under the Alberta Health Care Insurance Plan.

At the current time we know that in most instances insured services are done electronically and directly into the proper hands. The system at the present time benefits Alberta health care, it benefits the patient, and it benefits the physician. It's fast; it's efficient. I guess the argument that the Alberta Medical Association is basically making is: why fix it if it ain't broke? If the existing system is working, why then do we have Bill 7 in front of us?

They point out that at the present time nearly 100 percent of the insured services are done electronically, and it happens by choice. The remaining 1 percent are claims which require paper documentation from the physicians; 1 percent. Now, the other option that sometimes happens but very rarely is that the patient will pay the physician directly and then submit a claim to the Alberta health care insurance plan. It happens rarely, but Bill 7, of course, would outlaw that. They point out that it's the same scenario:

Would government tell a retail business that it could not verify a customer's credit card number before allowing the product to leave the store, and that it could not collect payment directly by either cash or cheque?

That's basically, then, what's happening in this particular instance. The physicians are being asked to provide a service, and there's no guarantee that they're going to be paid for all the services they provide because 100 percent of the billings would be done electronically. In other words, the physicians are being asked "to donate care and to subsidize the health care system" in some instances. I think that's what they take such great objection to.

Furthermore, they point out that

family physicians and emergency physicians estimate that up to 10% of patients do not have valid health care cards, but Alberta Health does not have a process by which physicians can immediately verify the status of a patient.

So again the physician provides the service and is not assured that they're going to be paid for this service, particularly if that particular patient is not covered by the Alberta health care plan. Who makes up those dollars? That becomes the question.

They also point out that Bill 7 has other drawbacks. It

flies in the face of promises to limit government interference in how Albertans conduct their businesses and professional and personal lives.

We've heard so often this government say: we're not in the business of doing business, or we're not in the business of telling businesses how to operate their businesses. In fact, the government has made a point that they'd like to reduce bureaucratic red tape and eliminate various pieces of legislation. If I recall rightly, there was a committee headed up by one of the private members, who went through a process where they identified a number of bills that were sort of redundant, that simply added to government red tape.

Here we have a bill that the Alberta Medical Association is saying interferes in their business and their professional and personal lives. They feel it "contravenes the government's goal of reducing bureaucratic red tape." That speaks for itself. That becomes very, very obvious. It "attacks the doctor-patient relationship."

They point out very, very clearly that

Bill 7 will not solve any problem, but it could create a major one – it could be the stepping stone for Alberta Health to behave like an American . . .

And I stress "like an American."

. . . HMO (health maintenance organization).

When we use any comparison to the American health care system in any component, of course we all tend to kind of back off and say: well, that's about the worst nightmare you can possibly have when it comes to the health care system.

American HMOs have been criticized for putting profits before quality care and for dictating how physicians must practice medicine.

Again, putting profits before quality care: that's something that has been talked about so much in this Legislative Assembly during the past few days and will continue to be spoken to in view of the types of legislation we have in front of us at the present time that deal with health care.

10:30

Under Bill 7 Alberta Health can impose "other matters the Minister considers necessary for the proper administration of the Plan." The department's motto becomes "Do as we say or we won't pay," dictating to the physicians exactly what they have to do every step of the way, even 100 percent of their billings. They say that the legislation has been described as an important component of the government's health restructuring. If it's so important, why doesn't the government consult with those affected? Again, a key point: with those affected.

On Bill 41 I pointed out that the key components were consulted. Why not in this particular case? It's almost like government has a hate relationship with professional health care givers in this province or they've written them off, saying that their opinions don't mean anything. Consultation is the key to everything in terms of trying to pass good legislation, legislation that will go through this House in a proper and fitting manner. They conclude their press release by saying that "Bill 7 is not necessary, and does not deserve 3rd reading," which we've said all along. "The preferred approach is cooperation" with Alberta Health and the Alberta Medical Association as they've demonstrated that they're prepared to do in other areas.

Logically the government should not be passing this particular piece of legislation at this time. Thus, we have the motion in front of us at the present time because it at least allows additional time for the government to sort of come to their senses, sit down with the Alberta Medical Association, consult with them, and try and come up with a reasonable solution or a reasonable approach.

We look at a letter addressed to the Premier of the province – I'm sure a copy was sent to all MLAs, so of course all MLAs would have received it – dated April 16, which comes from the office of the president of the Alberta Medical Association. The president of the Medical Association states very clearly how disappointed he is with the government's approach, where the government is quoted, according to the letter, as saying that they are going to proceed no matter what, that the government is going to go ahead despite the objections.

They go on to say that the Premier is quoted as saying: "We're trying to protect the public health system as we know it today." The president is pointing out:

Protected from what? According to Alberta Health itself, physicians and dental surgeons – by choice – electronically bill almost 100% of all their claims and do not direct bill patients. Furthermore, of those which are not billed electronically, most often this is because Alberta Health requires paper submissions because of the service provided.

Now, Mr. Speaker, I could continue going through that letter. I want to read their concluding paragraph. The concluding paragraph of the president: "I fully recognize that your government can do whatever it wishes." We know that because it's a majority government. They can do whatever they wish. However, that doesn't morally give them the right to do whatever they wish without consultation, without recognizing that they were put into place, put into government to act in a responsible fashion, not to operate as a dictatorship. When the president of the Alberta Medical Association

is saying that he recognizes that the "government can do whatever it wishes," he's basically, in my opinion at least, saying that the government has chosen to simply proceed, to go ahead and do whatever they wish against the wishes of those that are affected.

He points out: "However, if you proceed with Bill 7, you will be ignoring the lessons from the private sector," which the government prides itself on. "You will sacrifice goodwill and trust." Trust, Mr. Speaker, is a very, very important component of government legislation and so on and so forth. Albertans rely on trust in terms of their government; at least they should.

Furthermore, he points out: "You will send a negative message to physicians about their importance and value." We recognize that already there is a concern by physicians that doctors have been shut out of the process, and that goes back to the establishment of the regional health authorities, where doctors were excluded from day one in that whole process. We didn't see any doctors appointed to the boards of the various health authorities.

They further point out, Mr. Speaker, that "you will limit opportunities for innovation and reform because you have alienated the medical profession." So everything in this documentation points out that the Alberta Medical Association and the doctors they represent, which is by far the vast majority of doctors in the province, don't want the bill to proceed at this time. They want the opportunity to sit down further to consult with the government to work towards some type of viable solution that would satisfy their concerns and at the same time satisfy the concerns of the government and Alberta health care.

Why, Mr. Speaker, on some of these bills is the government so determined to just go ahead no matter what? I don't understand. What is the importance of getting Bill 7 implemented at this particular time when it's only talking in terms of 1 percent of the patients? What is the problem? Again, if I go back to the original press release, they say that it's "a solution in search of a problem." It's like government looking for a problem. It's the same with Bill 40. Again, there's another example of passing legislation, what they call a solution, but that solution is simply looking for a problem.

Mr. Speaker, something tells me that the government probably won't proceed with Bill 7, that before this session concludes the government will sort of come to their senses – hopefully I'm right – and leave this bill on the Order Paper and, after consulting with physicians and such and the Alberta Medical Association, possibly bring it back in an amended form. But it's a test for government as to whether in fact the government can try and re-establish or earn some of the trust of the Alberta Medical Association and send the Alberta Medical Association a message that they do count, that they are respected.

The physicians in this province do work hard. They work extremely hard. There are days when the specialists in this province, I would venture to say, put in 16, 18 hours a day. There are days when they're on call 24 hours a day, and there are weeks when they work seven days a week. Mr. Speaker, when I had the misfortune of having to spend 10 weeks in the University hospital two years ago, I saw firsthand the dedication of the doctors and the amount of time they spend. It was unbelievable. I've had calls from spouses of doctors, one in west Blue Quill – I won't mention any names – and that spouse said: "I don't understand why my husband does not have the respect of government. My husband is a specialist. He works hard. He's concerned for the patients. He wants nothing but what's good for his patients, the betterment of the patients." Yet the government shuts him and his colleagues out. Bill 7 is such an example of the physicians being shut out of the process.

Now, Mr. Speaker, I see some of the members on that side eyeing the clock, which kind of gives me an indication that this bill will not



be debated. Maybe we as opposition, with the help of the Alberta Medical Association, have been able to drive home some points to government, and maybe they are listening to some of these arguments. Maybe the opposition will prevail and the Alberta Medical Association will prevail and better things will come out of the whole process and the end result will be a piece of legislation somewhere down the road that shows respect for the physicians, a solution that recognizes the doctor/patient relationship, where the Alberta Medical Association can say: "Well, the government sat down and listened to us. We're pleased. The government showed that they respect us. The government showed that we counted. The government showed that our services in the province of Alberta mean something."

10:40

Mr. Speaker, because there are other members in our caucus here that want to have their concluding remarks on Bill 7 before it's either laid over or pushed ahead by government at all costs, I'm going to conclude on that note but with a plea that this is one of the bills government should really sort of reflect on, think about, and recognize that there is no immediate need to get the bill through at this particular time. Just leave the bill and accept the motion as made by the opposition to hoist it. If they can't see fit to do that, to show that they do support a motion made by the opposition, then at the very least just leave it on the table. Of course, when the end of the session comes – unless we're going to sit through Christmas and New Year's into the next year.

On that note I'll conclude.

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

MR. SAPERS: Thanks, Mr. Speaker. Bill 7 has attracted far more publicity, I think, than the government intended it to, but then of course this government continues its ongoing fight with the province's physicians. We've seen for several years how this government has tried in one instance after another to diminish the role of physicians in this province, first of all by excluding them in the restructuring process and prohibiting them from serving on regional health authorities. We've seen other stillborn efforts on the part of this government to interfere with the practice of medicine.

This government has a horrible record when it comes to health legislation. The few health initiatives which do pass the Assembly only pass after substantial amendments. Then we see this bill presented, Bill 7, which is so wrong minded and introduced in a fit of pique on the part of the minister of health when he was angry at the doctors in terms of where they were at with their contract negotiations and then not even having the good grace to back down after those negotiations were settled, to just let this bill die a natural death.

So we're here today after trying to provide this government with direction time after time after time on how to mend fences with the province's doctors and how to smooth things out to the benefit of Albertans, who still continue to rely, as they should, upon the province's doctors and who would like to see this feud between the province and the medical practitioners ended. We tried to provide advice and guidance. We spoke to the government at second reading. We spoke in committee. We've offered earlier amendments here at third reading. At every opportunity the government has rejected, refused the advice and the assistance of the Official Opposition to help improve the situation, the climate between the government and the doctors of the province.

Now we have this one last opportunity. This is a very carefully considered move on the part of the Official Opposition. A hoist

amendment is the ultimate kind of amendment that you can introduce, and we all know it's terminal in the sense that once we speak on this amendment, the main question must be put. So we know that this is it. This is the last kick at it. With all sincerity, I am asking members of the government to understand that this is in the spirit of trying to improve things.

I won't take up the time of the Assembly to repeat the comments of my colleague from Edmonton-Rutherford, who referred to the recent correspondence from the AMA and also to the earlier press release that came out around the bill, but I will say that the AMA is in the position once again of being seen by this government as the enemy. You know, the government proposes legislation. It affects the practice of medicine and the provision of medical services, and they don't bother consulting with the natural group that you'd think they would.

We don't see it in just Bill 7. If you'll permit me just for a moment to mention Bill 40, the government is facing the exact same situation with the privacy legislation, and they've faced it so many other times before. It makes me wonder about why there is this ongoing fight with the doctors of the province. Of course, I think some of the answer, Mr. Speaker, is that this government tries to diminish and put down and keep a lid on any alternative voice, any power source, any group, any organized opposition.

The doctors are a professional group that has a high standing in this community. Doctors represent a voice of reason. Doctors are respected. When the doctors of the province say that the government is wrong, the government wants to try to diminish doctors. They don't want to listen to the advice. They don't want their opinions to be confused with facts. They don't want outside information. They simply want to try to squelch all that opposition even to the point of ascribing other motives to the opposition, saying that the doctors are just being self-serving or that the doctors are somehow not in it for anything other than their own self-interest. That is a very cheap tactic, one that I think this government should quickly retreat from.

I have some other concerns about the eventual implementation of Bill 7. If the government does not support this amendment and hoist the bill and allow for a new budget cycle, allow for new consultations, allow for some more discussion – and then, of course, we would hope they would just never reintroduce it. If the government doesn't take this opportunity to bury this ill-considered piece of legislation, then what about the administrative cost that is contemplated here?

I've heard this government talk so many times about their accomplishments in minimizing the administrative burden for health care. The Premier constantly repeats this refrain about how there used to be 200 boards and now there are only 17, and now the administrative costs have been reduced. In fact, the Premier is wrong on several counts when he says that. First of all, there are more than 17 boards. There are the 17 regional health authorities. There are all the faith-based boards, about three dozen of them. There's the Provincial Mental Health Board. There's the provincial Cancer Board. So the Premier seems to only count about a quarter or maybe even less, 20 percent, of the boards.

When he talks about the administrative burden, Mr. Speaker, I think there's a reason why we haven't seen an analysis from the government showing what the administrative costs are today versus what they were before the so-called restructuring. We saw an analysis early on. I think it was back in about '94-95. The then minister of health tabled an analysis, and it was so fictitious – I guess that's the only word I can really use in the Chamber – that we've never seen a repeat of that analysis. I think it's clear that administrative costs haven't really gone down. Now we see this bill, which can only introduce more administration into the system.

You know, doctors are going to have to set up all kinds of accounting. I see this bill as one which is really encouraging doctors to opt out and direct bill and all those things. The government is saying that they see it as an opportunity to prevent that or that the minister would have to give approval.

While I'm on that point about the minister giving approval, this Good Housekeeping seal of approval that the minister is going to have is going to have to be a real whopper. I mean, it's going to have to be a real big stamp with a great big inkwell, because not only is he going to be approving all these doctors' direct billing, but he's going to have to just wield that stamp and approve all these private contracts that the government is talking about as well.

10:50

Apparently that minister is now going to have the authority to approve private hospitals in the province and give them the Good Halvar housekeeping seal of approval, and he's going to be able to do that, of course, with physicians who will be opting out and direct billing, who will be staffing those hospitals. So the role of the minister is certainly an immense one, but at the same time the minister and the government don't really seem to want to take responsibility for this taking place.

They're talking about these doctors opting out and about private hospitals which will be the creation of regional health authorities, that it'll be up to the health authorities, who will tender contracts, and somehow by magic there will be some cost-benefit analysis, and then that cost-benefit analysis will be presented to the minister. So it won't really be him that's doing it. It's these creatures called the regional health authorities that will be doing it. So I can't separate Bill 7, of course, from that eventuality, and I do wonder whether or not the government, in light of their commitment to do a cost-benefit analysis for these private contracts, has also done a cost-benefit analysis in terms of doctors doing this kind of direct billing. Now, I know that the benefit won't be to patients. That's one thing I can be certain of.

Mr. Speaker, you may remember a time – I don't, but you may – when individuals had to bring cash on the barrelhead to go see their doctor. I'm told stories from my constituents about when they had to bring livestock and produce and other possessions in to their doctors to pay for services rendered. You know, if you wanted to go to see your doctor, maybe it was a four-dozen-egg visit or maybe it was a two-chicken visit or maybe it was a four-bale of this or that visit. There was a recognition on the part of physicians that if they were going to receive any compensation for their professional services, this was the only form it was going to come in.

I wonder whether or not the government would like to see us go back to those days when it was a matter of individual barter. There was no set fee guide. There was no expectation of service. There was no real honouring of the provisions of the Canada Health Act in terms of portability and accessibility and public administration, but instead it should go back to this every person for themselves, sort of ultimate free market application to the provision of primary health care. As I said, I don't think that would be in the best interests of patients, but I do think it might be in the best interests of a government that is determined to bring more private health care into the province of Alberta.

Now, it's very clear that the government doesn't want to back down (a) from its fight with physicians and (b) from its journey to a privatized health care, but I just wonder whether or not they've thought clearly about the implications of prolonging both the fight and the journey. Canadians are beginning to focus attention on Alberta right now, and it's not the kind of attention we would like. Alberta is a fine place to be and a wonderful place to raise a family,

but we don't want to be notorious for being the place where medicare died.

It's not the kind of place we want people to look at and say: you know, that Alberta would be a great place to visit, except you'd better make sure you have your private health insurance paid up. Or we don't want it to be the kind of place where people will say: boy, I think Alberta would be a great place to set up business, except they've got all these opted-out doctors and you have to pay cash on the barrelhead, and I don't think our workforce would really appreciate that, so maybe we'll set up in a province that still respects medicare and still embraces public administration. I don't think it's that kind of notoriety we want with all this attention, Mr. Speaker, and I think Alberta's physicians have made it clear that they've had just about enough.

We see young doctors graduating from university deciding not to set up practice in this province and going elsewhere, not because they can't earn a living but because they choose to practice someplace where they are respected. We see experienced doctors moving outside this province, not because they don't enjoy the many opportunities the province of Alberta in the past has offered but because they don't want to stay where they don't feel welcome. Mr. Speaker, we see specialists going elsewhere, not because they can't have a rewarding and busy practice here in Alberta but because they see that there is no longer an opportunity for them to keep on growing within a well-funded, nurtured public system, a system that they helped to create and a system they're committed to. They feel so abandoned by the government that they're moving because they're getting tired of the fight.

So, Mr. Speaker, the government should really consider the implications of pursuing this bill and take this one last opportunity that's been provided by the opposition for a way out. We've given this government a great trapdoor and parachute to use. They can save face. You know, we won't even push for a standing vote. We'll simply allow the voice vote to be successful, and they can still hold their heads high and say to those few who might be supporting this initiative, "Well, we tried." Meanwhile we can all have this understanding that what we really did is start the process now of demonstrating respect for our physicians and commitment to medicare. We can do that by supporting this hoist amendment and, therefore, making sure that Bill 7 goes no further.

Thank you.

MRS. McCLELLAN: Mr. Speaker, I'd just like to make a couple of comments on Bill 7. We've had a lot of debate on this bill, which is really about managing our health care insurance plan and making a couple of clarifications in that plan that talks about claims that are improperly made and, indeed, laying out very clearly penalties that can be adjudicated in that area and, also, talks about direct billing or not direct billing of patients.

The Alberta health care insurance plan has worked in this province for a lot of years and for the number of transactions has relatively little trouble, and this bill, I think, will ensure that there is even less. However, through the discourse on this bill we've heard discussions on health care cuts without a recognition that this province has in fact increased its funding to health beyond the level of when any cuts were made.

I'm still waiting, Mr. Speaker, very patiently to have the opposition table their letters to the federal Minister of Health asking him to restore the level of funding, because indeed the biggest cutter in the health care system, in my opinion, was the federal government, who today are funding about 15 percent of the cost of health care delivery in this province. Coming from a level of about 50 percent, I would say that's a significant reduction and every member in this House

should be calling on the federal minister to completely restore the CHST funding to ensure that our health system, which we all treasure, has adequate funding. If the federal government feels committed to the Canada Health Act, they could certainly show that to us by doing that.

But, Mr. Speaker, that is not what this bill is about. However, having reviewed *Hansard*, I've read many things, from reductions to this mythology that's only on one side of this House on private hospitals.

11:00

I would like to suggest that Bill 7 is an important part of maintaining something that's very important to our province, and that's the health care insurance fund, that ensures that our health system operates and the funds are paid out to the health care providers in an orderly way, with rules and disciplines that they and we understand very clearly.

We have had a good relationship over many years with the physicians in this province. We continue that relationship. That doesn't mean that we agree on everything, but what we have been able to do over these many years is come to agreement or in some cases some compromise, I suppose, on both sides. Both parties' most definite interest is in the benefits to the patients and good health care services to our community. That's what we're talking about in Bill 7.

Mr. Speaker, with those comments I would like to move to adjourn debate on Bill 7.

THE DEPUTY SPEAKER: The hon. Minister of International and Intergovernmental Relations has moved that we adjourn debate on third reading of Bill 7. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

head: Government Bills and Orders  
Committee of the Whole

[Mr. Tannas in the chair]

THE CHAIRMAN: In the moment while we're waiting for people to get settled, for those in the gallery, you'll understand that this is the less formal part of the Legislative Assembly. Members are allowed to bring in coffee or juice and to remove their jackets and sit in places other than their listed places. We do have a rule, however, that only one person, one hon. member, will stand and speak at a time, and that includes all members.

**Bill 40**  
**Health Information Act**

26. Mr. Hancock moved:  
Be it resolved that further consideration of any or all of the resolutions, clauses, sections, or titles of Bill 40, Health Information Act, shall, when called, be the first business of the committee and shall not be further postponed.

MR. HANCOCK: Mr. Chairman, we've had occasion to consider

Bill 40 in committee and in second reading. We've had the opportunity to peruse some 50 amendments that have been put forward.

THE CHAIRMAN: You heard the motion. All those in support of this motion – it's not a debatable motion. It's not a debatable motion; it's a votable motion.

MR. DICKSON: I was going to ask for unanimous consent to ring the bells no longer than one minute. That's what I was requesting. If there's resistance, people can deny it, but that was my request.

THE CHAIRMAN: We can consider that afterwards. We can't have two considerations on the floor at the same time, hon. member.

We have the motion as moved by the hon. Government House Leader. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

[Several members rose calling for a division. The division bell was rung at 11:05 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Tannas in the chair]

For the motion:

Amery	Hancock	Paszkowski
Broda	Jonson	Pham
Cao	Kryczka	Renner
Cardinal	Laing	Shariff
Clegg	Magnus	Stevens
Coutts	Marz	Strang
Ducharme	McClellan	Taylor
Dunford	McFarland	Thurber
Fischer	Melchin	Trynchy
Forsyth	Nelson	Woloshyn
Graham	Oberg	Yankowsky

Against the motion:

Barrett	Leibovici	Sapers
Carlson	Massey	Sloan
Dickson	Nicol	Soetaert
Gibbons	Olsen	

Totals: For – 33 Against – 11

[Government Motion 26 carried]

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

MR. DICKSON: Thank you very much, Mr. Chairman. Much to be said about this bill, much to be said about it. I just want to recognize firstly the acute disappointment of my caucus that this government stands prepared to take away privacy rights of the 3 million men, women, and children that live in this province. [interjections] These members may deny that, they may deny that, but that's the reality. That's the reality.

THE CHAIRMAN: Ministers of the front bench, order. Order on both sides of the House. We have an hon. member who has some important things to say and some motions to make. Let us hear him. Both sides.

The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks very much, Mr. Chairman. The unfortunate thing is that all those members who may disagree with what I have to say have also been denied the opportunity to engage in debate and to refute the assertions I'm going to try and make in the next few minutes.

Those people watching and those people reading the transcript later must understand that when closure is invoked the effect of it is that each member may only speak one time, that at midnight, some 40 minutes from now, there will be a vote, and regardless of how many amendments have been put forward, no matter how much is yet to be said, the vote happens, and that's the last opportunity for us to try and patch up what is a seriously flawed bill, Mr. Chairman. There are major problems.

The problems with this bill are essentially three. The first one is that the bill does not include the private health sector except and unless they're providing an insured service. What that means is that you have the idiotic position where when you go into an eye clinic to have an insured service, they have one file to keep your personal health information that has to be protected under the terms of the act, but if you go in to get an uninsured service, they have another file. They have a whole different set. In fact, they don't have the same rules that apply to those other health records. That's a preposterous situation.

If there is a private hospital in this province, you know, they don't have to meet the standard. So for the 1 million men and women in this province subject to Workers' Compensation who are sent to a private health facility, their health records aren't going to be protected by this act, and that's wrong. That also flies in the face of the unanimous recommendation of the Health and Wellness minister's own health information steering committee, chaired by the Member for Calgary-Glenmore. The unanimous recommendation was that you have to include the private sector and the public sector. This government has chosen not to do that.

11:20

Now, the second problem, Mr. Chairman, is this. The Canadian Medical Association spent a lot of time considering and debating a privacy code. There were some physicians in this province who said that it was too tough, that physicians at the end of the day would not accept it. But I think it was in the Yukon in 1998 at the annual conference of the Canadian Medical Association that they adopted a privacy code that sets a rigorous high standard to protect the privacy of Canadian patients. This bill – and let's be absolutely clear about it – does not come close to meeting that standard set by the Canadian Medical Association, and that's wrong.

The third problem with this bill and perhaps the most serious of all. You know, the minister of health in March of 1998 wrote me a letter, and I won't quote from it. I'll just paraphrase, and if he thinks I do a disservice to him or the letter, he can say so at the appropriate time. He said there would be some limited public hearings on this bill before it became law. You know, Mr. Chairman, that has not happened. There have been no public hearings. There have been consultations with stakeholders, but the biggest and most important stakeholders in this bill are the 3 million men, women, and children that live in this province. They have not had an opportunity to register their concerns. So we have a limited, limited opportunity to move amendments.

Now, people talk about opposition opposing. This is a classic example. We took a badly flawed bill. The opposition caucus has worked very hard. We have put together something in excess of 60 changes to the bill that would remedy those problems I have identified. Every one of those amendments is a legitimate, solid amendment. We provided them to the government yesterday, first thing on Monday morning, so they'd have opportunity to review them and determine which of those amendments they would accept. Mr. Chairman, we don't have 631 people working. We've done the very best we can, and that's what we put forward.

Mr. Chairman, the first amendment I want to move – and it's already been distributed – is the amendment to section 50 of the bill. I'm going to move quickly, and I'm simply going to refer to the section number. The Information and Privacy Commissioner made a recommendation. One of his recommendations was that when the ethics committees that exist in a reference in the act do a response pursuant to section 50(3), the response should be filed with the commissioner or sent to the commissioner. Now, this is simply in fact reflecting a key recommendation made by the Information and Privacy Commissioner.

I propose that we vote on that amendment, Mr. Chairman. Thank you very much.

THE CHAIRMAN: The amendment has been moved by the hon. Member for Calgary-Buffalo. It's called amendment A1. [interjections] No, we're not voting. I'm just describing what the amendment is before we can speak to it. The amendment is called A1.

MR. JONSON: With respect to amendment A1, Mr. Chairman, I would support this particular amendment. I think it strengthens the relationship between the Privacy Commissioner and the ethics committees, and therefore I think this would be in keeping with the commissioner's advice or comment on the bill in his report which was provided on Bill 40. So I would suggest to the Assembly consideration of approval.

THE CHAIRMAN: There will be one little item. We've been calling this A1, and I'm reminded that some time ago when we were in committee there was an amendment that moved through and even had a subamendment to it. So this will be amendment A2 and the next one the hon. member moves will be A3.

[Motion on amendment A2 carried]

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

MR. DICKSON: Thank you, Mr. Chairman. The next amendment would be to section 107(6). This is the penalty section, offences and penalties, in Bill 40.

The current provision in subsection (6) is that "a person who contravenes this section" – in other words, violates one of the many offence sections in the act – is "liable to a fine of not more than \$50,000." It is not adequate. Some members think that's enough. You know, the reality is that in an information-based age – I've listened to the minister of innovation and technology talk about the importance of technology and the way we recognize that information has value. No information has more value than that about individuals.

The proposal is to increase the fine to a maximum of \$500,000. If you want to send a signal to people managing personal health information that abuse of that information is going to invoke huge sanctions, this is the way to do it. The court doesn't have to impose a penalty of \$500,000. It simply gives the court the flexibility. In

fact, this was recommended in the Canadian Medical Association's draft bill that they put together.

By not doing it, what we do is send a message that this information isn't really so important after all. So I propose and move amendment A3, Mr. Chairman. Thank you very much.

MR. JONSON: Mr. Chairman, I must speak against this particular amendment. It's important, I think, to point out that existing legislation, including FOIP, has penalties ranging from \$200 to \$10,000 for violation of information-related offences, and as I recall, there was support on both sides of the House for that legislation.

In Bill 40, I think it's important to point out, Mr. Chairman, that the penalty is a maximum of \$50,000, a much more substantial amount than our own FOIP legislation. Further, the commissioner has in our legislation rather broad powers when it comes to ordering that health information be destroyed if it is created in violation of the rules, and other measures can be taken.

So I would not recommend supporting this particular amendment.

[Motion on amendment A3 lost]

MR. DICKSON: Mr. Chairman, I direct members' attention to section 105. You know, we've heard a lot of talk about this government's commitment to protect privacy, but if you look at section 105, what we've got is absolute immunity from any legal action for anybody who does anything

in good faith while carrying out duties or exercising powers under this Act including . . . any failure to do something where a person has discretionary authority to do something but does not do it.

The proposed amendment to section 105 – and I'd move this as A4, Mr. Chairman – is this. What we do is say that nothing attracts immunity if it's an act "of gross negligence, breeches of a mandatory duty imposed by this Act or acts or omissions due to willful blindness." It's a way to take and put some responsibility on people involved in the health sector. So this amendment to section 105 is the amendment we're moving, Mr. Chairman.

You know, with Bill 105 we put this great big blanket over everybody managing your health information, and we say that if we don't follow the act, it's not really that important. Well, I think, Mr. Chairman, it is important. If somebody's managing my health information or your health information and they breach a mandatory duty in the act, I think they should be liable to civil action.

Thank you very much.

THE CHAIRMAN: The hon. leader of the New Democrat opposition.

11:30

MS BARRETT: Thank you, Mr. Chairman. Briefly on this amendment, because I know we want to get through a lot of them. This seems to me to be a complete commonsense amendment and one that does not harm the intent of the bill as described by the government. I would urge members to support it.

[Motion on amendment A4 lost]

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

MR. DICKSON: Thank you very much, Mr. Chairman. The next section I draw people's attention to is section 63. There were some major philosophical differences between the opposition and Alberta Health and the government, but this is one of those commonsense

amendments that I think doesn't address the huge chasm between government and opposition. If you look at section 63, we talked about the custodian's responsibilities, but you know, there's nothing that requires a custodian to share with an interested Albertan who asks for it a copy of the policies and procedures that exist in terms of managing their information. What could be more fundamental than simply saying that this isn't some kind of game between the custodian and the minister of health? Why wouldn't we say that if an Albertan goes in and wants to see what those policies are, they'd be entitled to get them? Now, to me it's just as fundamental as I can imagine. So this amendment to section 63 I'm moving as, I think, amendment A6.

SOME HON. MEMBERS: A5.

MR. DICKSON: Amendment A5. I'm sorry. Amendment A5.

THE CHAIRMAN: A5 it is, if we can find it.

MR. DICKSON: Okay. Section 63. Thank you very much.

THE CHAIRMAN: Give us your copy and we'll run with that.

This is amendment A5, on section 63. Are we ready, hon. minister? Are you ready for the vote, then? Hon. minister, do you have a copy of this amendment?

MR. JONSON: Yes.

THE CHAIRMAN: Do you wish to speak, or are we ready to take the vote? Hon. Minister of Health and Wellness.

MR. JONSON: Mr. Chairman, this particular amendment is provided for elsewhere in the legislation and in the planned introduction of this particular legislation and the commitment that is there to actually provide workshops and other supports for people when this act is coming into effect. I do not recommend accepting this amendment.

[Motion on amendment A5 lost]

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

MR. DICKSON: Mr. Chairman, thank you. I hear some grumbling about too much paper and too little time. I just remind members that it's the government that decides what bills we deal with tonight. We were prepared at 8 o'clock to deal with Bill 40. We could have spent four hours on it. We didn't have that option.

Mr. Chairman, the next section is the amendment to sections 34 and 35. What this deals with, the key to the act is one of consent, where it's required and where it's not. One of the real problems is that right now it's entirely possible that there will be a single consent, and the difficulty with that is this. Imagine that I go in to see my physician. My physician gives me a consent form, and it requires me to say: okay, you can use my personal information for therapeutic purposes to make me well. But there are some other things on the consent form. It's a one size fits all. It also says that I have to consent to use that information for system management purposes, for research purposes, for other kinds of things. I think that's a significant problem, and I don't want any Albertan being refused service or thinking they will be denied service because they will not give consent to all those other areas.

So the proposal we put forward here recognizes that you would have a minimum of two consents. You have one consent to be able to get treatment, and you share information for that purpose, but you make it abundantly clear that if the system wants your personal

health information for research purposes or for RHA budgeting purposes or whatever, they should have to ask again. There should be a separate consent. That makes it abundantly clear that you can give one. You should be able to give your consent to be healed and to be treated without being obliged to give your consent for all of those other purposes. So that's the reason we have these amendments to sections 34 and 35, which I would then propose to move as A6, Mr. Chairman.

THE CHAIRMAN: What section?

MR. DICKSON: Sections 34 and 35. It is a full-page amendment.

THE CHAIRMAN: This is amendment A6 by our notation. Are there any comments on the amendment? Are you ready for the vote? Sorry.

The hon. Member for Calgary-Lougheed.

MS GRAHAM: Yes, Mr. Chairman. I'd like to just briefly respond to this proposed amendment and advise all members of the House that this particular amendment, which would require two separate consents from an individual, one for their diagnosis, treatment, and care information and another for all other possible uses as allowed under the act, runs counter to the basic policy premise of this legislation, which does not distinguish between those permitted uses. So I urge all members not to support this proposed amendment.

Mr. Chairman, I'd also like to take this opportunity just to advise the House that the Liberal opposition amendments, which I haven't tallied up but I think actually number in the vicinity of 70 amendments, have been very carefully reviewed and considered by staff of . . . [interjection] I'm told it's 60. I'll accept that.

They have been carefully considered by members of the staff of Alberta Health and Wellness that have worked on this legislation for the last three years. They've been coming very fast and furious, including a few just in the last few minutes, but I would like to say that all of these amendments have been analyzed with certain criteria in mind, and they've been taken seriously. The first criterion is, Mr. Chairman, whether or not the amendments improve the legislation; in other words, would they clarify wording in the legislation? Would they strengthen the policy intention? The second criterion was: would the amendment create a problem? Would it conflict with the policy intent of the legislation, or would it cause an unreasonable administrative burden? The last test was: if it didn't contravene those other two tests, would the amendment do harm?

11:40

I'd have to say, Mr. Chairman, that most of the amendments have, as their subject matter, issues that are not new. They have been debated over and over again within the steering committee deliberations, the working committee deliberations. They are not new issues, and they have been weighed and considered. The majority of them we are not able to support because they are inconsistent with the basic policy premises of the bill, and that in the main has these amendments falling into two categories, dealing with the scope of the legislation, as the hon. Member for Calgary-Buffalo mentioned: his criticism that this legislation does not cover the private sector, and the explanation for that has been given many times in the debates on this bill; and also he does not agree with the rules for the use and disclosure of health information as set out in the legislation.

I can say this, Mr. Chairman, and I will conclude my remarks: wherever possible the ideas contained in the Liberal amendments, if they are not supportable in terms of an amendment to the legislation, the concepts contained therein, wherever possible, will be consid-

ered in the drafting of regulations. That undertaking has been given to the hon. Member for Calgary-Buffalo.

I just wanted to put those points on the record, Mr. Chairman, as we consider these amendments.

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

MR. DICKSON: Thank you very much, Mr. Chairman. I wanted to make an observation. I'm sorry. We're ready for the vote on the amendment that's in front of you.

THE CHAIRMAN: The hon. Minister of Learning.

DR. OBERG: Thank you very much, Mr. Chairman. It certainly gives me pleasure to rise at this time and speak on the whole concept of the two consent forms coming into the hospital. I believe . . . [interjections] I'm just waiting for them to be quiet.

THE CHAIRMAN: You may have to wait a long time.

DR. OBERG: I will.

THE CHAIRMAN: If you just hold it for a minute, just so that we don't have a misunderstanding. The hon. Member for Calgary-Buffalo stood up, and the chair said: on A6, and then you sat down. That was agreeable?

MR. DICKSON: I'm anxious for the question.

THE CHAIRMAN: Good. Okay. The Minister of Learning has the floor.

DR. OBERG: Thank you very much, Mr. Chairman. I just wanted to get into the whole issue of the two consent forms. I believe this would cause a great amount of detriment to patient care. By signing two consent forms, you are enabling a patient to be able to say to a physician, because as a physician they are defined as custodians under this act, "No, you cannot talk to another physician about this patient. No, you cannot talk, you cannot confide in a fellow physician when talking about this patient."

Mr. Chairman, what they are saying is that if there needs to be a consultant asked, that patient would then have to sign another consent form to be able to talk. When it comes to medical education, when it comes to talking about rounds, when it comes to hospital rounds, when it comes to talking about a nurse, to talking to a nurse – there are members opposite that fancy themselves as potential nurses – this would not be allowed under the two consent forms. You would not be able to talk to a colleague about a patient. That causes a considerable problem in the whole practice of medicine. Part of the practice of medicine is to talk to your colleagues about patients, to get ideas. It is to phone consultants and ask them about their patient.

Mr. Chairman, this amendment that is brought forward would not allow that to happen, and I believe . . . [interjections] I think they think it's bunk. Perhaps they should ask the Alberta Medical Association. They're the ones who've been talking for the last two hours about . . . [interjections] Did they say they wanted me to sit down, Mr. Chairman?

THE CHAIRMAN: No. Hon. members, it's your time that you're chewing up. So, hon. minister, if you could relate all that you wish to relate, and then we'll go on with the vote.

DR. OBERG: Absolutely, Mr. Chairman, I certainly will. As I stated, what the two-consent mechanism would do is, in effect, stop the practice of medicine. It would stop physicians from asking another physician about that patient. I believe this is a gross injustice to the AMA. What they should do if they want an opinion on this – for the last four hours on Bill 7 and on other bills we've been hearing about what the AMA is saying. Well, I think they should ask the AMA about this amendment, because I think any physician in their right mind would say this amendment is absolute bunk. I, as well, being a physician, agree with that.

Again, the whole concept of not being able to talk with another physician because a patient hasn't signed a consent that has enabled them to do that is absolutely wrong. Mr. Chairman, I believe strongly in this, and I believe this would be a gross injustice to the medical system. It would be a gross injustice to patient care. Indeed, this would do exactly what the opposition members want, which they've said numerous times in question period. It would prolong suffering. It would cause numerous problems in the health care system. It would create chaos in the health care system, which is what they want. That is exactly what they want.

When they bring these amendments forward that do things like this, first of all, it shows that they have no knowledge of the medical system. Second, it shows that they have no concept of what is happening in the medical system. They have no concept of what a doctor/patient relationship is, of what a doctor/doctor . . .

THE CHAIRMAN: The hon. Member for Edmonton-Riverview on a point of order.

#### **Point of Order Imputing Motives**

MRS. SLOAN: Yes, 23(h), (i), and (j). The hon. member is most certainly imputing this evening, for the purposes of those assembled here, that the opposition does not have, either politically or professionally, any knowledge of the health care system, and that is most certainly false. The real intent of the speaker, Mr. Chairman, is to chew up the remaining debate time this evening. We thought there was an agreement with the House leader on the other side that the hon. Member for Calgary-Buffalo would be allowed to introduce amendments. That, in fact, is not being honoured this evening.

Thank you.

THE CHAIRMAN: Before I recognize the hon. Minister of Learning on the point of order, the chair is not able to enforce agreements or lack thereof. That's outside the realm of the committee or of the Assembly.

However, we do have a point of order that's been raised, 23(h),(i), and (j). The hon. Minister of Learning.

DR. OBERG: Absolutely, Mr. Chairman. There are several points there. First of all, I was saying that they know nothing about the medical system. I don't think there is anyone over there qualified to be able to talk about the medical system, and therefore, I am not imputing motive.

Second of all, Mr. Chairman, they talk about agreements with the House leader. I have sat in this Assembly for six years, and I have seen that hon. member break agreements more times than not. So I disagree with that point of order. However, given that, I would certainly give him the floor to be able to put his amendments in and dig his own grave.

THE CHAIRMAN: The chair would observe that there really isn't anything on (h) and (i) because it has to be to a specific other

member. On (j), "language of a nature likely to [cause] disorder," I think that kind of language has been going on, unfortunately.

#### **11:50 Debate Continued**

THE CHAIRMAN: Hon. member, you are now concluded?

Now, back to the amendment itself. We have before us amendment A6 to sections 34, 35, 36, 37, and 38, all as moved by the hon. Member for Calgary-Buffalo.

[Motion on amendment A6 lost]

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

MR. DICKSON: Mr. Chairman, thank you very much. I'd like to respond to the provocative assertion by the Minister of Learning, but I don't have time. I'll deal with that in another way another time.

One of the things we've heard from the government is that they chose not to wrap health information under freedom of information, yet when it suits the government's purposes, they go in and start citing elements from the freedom of information act, and then they say: well, no, we're not going to follow the act exactly.

The next amendment is to section 11 of Bill 40. Section 11 deals with the right to refuse a patient access to his information. Anybody who's followed the unfortunate case with the Relland family of Edmonton recently and their difficulty in getting access to their son's health records should understand the importance of section 11.

I'll move this amendment. What are we at? A7, I think, Mr. Chairman.

THE CHAIRMAN: A7, yes.

MR. DICKSON: This is the easy amendment to find, with the annotations, the fancy lettering.

Mr. Chairman, what's happened is this. The way Bill 40 has been worded – with all due respect to the defence from the Member for Calgary-Lougheed and the Minister of Health and Wellness, why didn't they take the section in freedom of information? We amended that so that if somebody wants to refuse me my own health record because they think it's going to harm my health or safety – I don't want a counter clerk making that determination; I want a medical professional making that decision – that's the provision we put in the Freedom of Information and Protection of Privacy Act in section 17.

For some reason the government chose not to reflect that and have the parallel section here. So what this means, members, is that "A custodian may refuse to disclose health information to an applicant," even though the information is about that applicant, because they think it may "pose a threat to public safety" or "result in immediate and grave harm." Well, how does a counter clerk at Alberta Health or at the Calgary regional health authority know what's going to make me flip out and do something wild and crazy? I mean, sometimes I think: can it be more provocative than the situation we're in tonight? Hardly.

Mr. Chairman, what this proposal does is simply say that there should be a psychiatrist, a physician, a chartered psychologist who makes the call, because you cannot deny me or any other Albertan their own health information. All we've done with this amendment to section 11 is take the very wording out of the Freedom of Information and Protection of Privacy Act. The government would think it's okay in that statute, but when it comes to health information, which is vastly more important, the same rules don't apply. I urge all members to support this, and if they don't, they might explain why we have one test in the freedom of information act and

a totally different test and a lower standard when it comes to your health information.

Thank you very much, Mr. Chairman.

MS BARRETT: Mr. Chairman, I couldn't agree more. There's nothing in this amendment that would offend the government's bill, and the government has every reason to support this for the very reasons that the Member for Calgary-Buffalo cited.

THE CHAIRMAN: Are you ready for the question?

The hon. Member for Calgary-Lougheed, are you going to speak on the amendment?

MS GRAHAM: No. I'll decline.

[Motion on amendment A7 lost]

MR. DICKSON: Mr. Chairman, what I propose to do now is collectively take all of the other amendments that have been distributed and approved by the table officers and have them treated as a single exhibit, move that as the next exhibit, and propose that we move to a vote. Having said that, all of those amendments collectively are intended to remedy what we have identified as being defects in the bill, Mr. Chairman. I'm proposing that they be dealt with en bloc. They have all been provided to the bill sponsor. I propose that we deal with them in that fashion. [interjections]

THE CHAIRMAN: We have several conversations, some of which are at the table. For the benefit of the chair, at least tell me what you're about.

MR. DICKSON: My request is that the balance of the amendments that have been distributed and approved by the table officers be marked collectively and voted on collectively as the next amendment.

THE CHAIRMAN: That certainly is possible if the committee agrees. Do you wish to speak to this proposal, hon. Government House Leader? All right.

The question then. There has been a request made of the chair that all of the remaining amendments be known collectively as A8 and be moved and voted upon. That's the request. Is that agreed? All those in support of this proposal, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Defeated.

The hon. Member for Calgary-Buffalo.

MR. DICKSON: Mr. Chairman, the next amendment we're going to is that amendment that deals with section 1. Section 1 has a number of components to it. I think what this does is identify one of those areas, and I'll flag it in advance. This is one of the areas where there's a huge chasm again between the government on one side and the opposition. There are some different elements to it.

The first one is this. We have a lot of talk here about ethics committees. You know something? There's no statutory basis for an ethics committee. The minister of health can take one of his business units in the Department of Health and Wellness and

constitute that an ethics committee. There may be not a person on there who is going to speak to privacy issues or consumer issues from that perspective. I'm not saying they're not well-intentioned, competent people, but I think it's important if you're going to have an ethics committee that effectively operates in this area, where they define the rules, that there be some basis as to who can be on that committee.

There is an excellent committee in the Calgary regional health authority. You've got former Chief Justice Herb Laycraft on that. You've got an ethicist of international renown, an Order of Canada winner. But we don't always know we're going to have such esteemed people on those ethics committees, so the attempt was to at least require that there be some people on there with particular skills.

One of the other provisions is: why should it matter whether you're in a private or a public facility when it comes to having your health information protected? I don't expect that there should be a lower standard when I go to the HRG centre on a WCB claim in Calgary than when I go into the Foothills hospital to have treatment there. So what this amendment does is clearly require that there has to be coverage under this act.

We could do what we did with the freedom of information act: you cover everybody, but you stage the implementation. You know, the private sector, the Calgary Chamber of Commerce health committee, for pete's sake, was prepared to see the private sector covered. The government is the only one that doesn't want to roll it out. What those people want is to know what the rules are. So tell them they're under the act, give them a reasonable period to do their planning and implementation, and you roll it out. We did that with freedom of information, where universities and regional health authorities and city councils had time to manage it. What you've done is leave this area of indecision and confusion for a longer time period. It makes absolutely no sense.

So this is a key amendment, and I propose that we vote on this, Mr. Chairman. Thank you.

THE CHAIRMAN: The committee has for its consideration, if there's no further speaking, amendment A8 which amends section 1(1) of the bill, as moved by the hon. Member for Calgary-Buffalo.

All those in support of this motion, please say aye.

12:00

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: The motion is defeated.

[Several members rose calling for a division. The division bell was rung at 12:01 a.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Tannas in the chair]

For the motion:

Barrett	Leibovici	Sapers
Carlson	Massey	Sloan
Dickson	Nicol	Soetaert
Gibbons	Olsen	



Against the motion:

Amery	Jonson	Pham
Broda	Kryczka	Renner
Cao	Laing	Shariff
Cardinal	Magnus	Stelmach
Clegg	Mar	Stevens
Coutts	McClellan	Strang
Ducharme	McFarland	Taylor
Dunford	Melchin	Thurber
Fischer	Nelson	Trynchy
Forsyth	Oberg	Woloshyn
Graham	Paszkowski	Yankowsky
Hancock		
Totals:	For – 11	Against – 34

[Motion on amendment A8 lost]

THE CHAIRMAN: Due notice having been given by the hon. Government House Leader under Standing Order 21 and pursuant to Government Motion 26 agreed to December 7, 1999, under Standing Order 21(2), which states that all questions must be decided in order to conclude the debate on the Committee of the Whole consideration of Bill 40, Health Information Act, I must now put the following questions.

[The clauses of Bill 40 as amended agreed to]

[Title and preamble agreed to]

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

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

[Several members rose calling for a division. The division bell was rung at 12:15 a.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Tannas in the chair]

For the motion:

Amery	Hancock	Paszkowski
Broda	Jonson	Pham
Cao	Kryczka	Renner
Cardinal	Laing	Shariff
Clegg	Magnus	Stevens
Coutts	Mar	Strang
Ducharme	McClellan	Taylor
Dunford	McFarland	Thurber
Fischer	Melchin	Trynchy
Forsyth	Nelson	Woloshyn
Graham	Oberg	Yankowsky

Against the motion:

Carlson	Massey	Sapers
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Dickson	Nicol	Sloan
Gibbons	Olsen	Soetaert
Leibovici		
Totals:	For – 33	Against – 10

[Motion carried]

THE CHAIRMAN: Hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. I would move that the committee rise and report Bill 40.

[Motion carried]

[The Deputy Speaker in the chair]

MR. SHARIFF: Mr. Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports the following with some amendments: Bill 40. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

SOME HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: So ordered.

head: Government Bills and Orders  
Third Reading

**Bill 40**  
**Health Information Act**

THE DEPUTY SPEAKER: The hon. Member for Calgary-Lougheed.

MS GRAHAM: Thank you, Mr. Speaker. As the sponsor of this bill it is my pleasure to now move that Bill 40 be read a third time and do pass.

Before speaking about the nature of this bill, I would like to take this opportunity to acknowledge some of the very important people, the instrumental people that have worked over the past three years to bring this legislation to fruition. I believe, unless they've given up, two of them are seated in the members' gallery. That would be Mary Gibson, the assistant deputy minister of health information and accountability, who has provided very knowledgeable and wise guidance through the development of this legislation, and Ms Catarina Versaeval, who is the project director for this legislation.

My predecessor, the Member for Calgary-Glenmore, and as chairman of the steering committee in charge of this legislation, we've had the opportunity to work very closely with Ms Versaeval. I can say without hesitation that she is as professional, as thorough, and as outstanding a civil servant as one could ever hope to find. She certainly made my job a lot easier. I don't know if I made her job very easy. But extremely knowledgeable about the consultation and the rationale for all of the intricacies of this legislation. I know there's a third person, but I don't know who it is.

Anyway, there are many, many departmental individuals that have contributed to the development of this legislation, and they deserve a lot of appreciation. There are many members of key stakeholder groups that participated in working sessions as well as on the steering committee which was led, as I mentioned, by our colleague from Calgary-Glenmore and joined in by the Member for Bonnyville-Cold Lake.

**12:30**

I have just recently been involved with this legislation when named as the chairman of the steering committee in charge of it back in June, so I've very much appreciated the input of our colleagues, because they are very knowledgeable about it too. And last but not least, the Member for Calgary-*Buffalo*, who is certainly an expert in this area, and it's just unfortunate . . .

As you know, he was a member of the steering committee for quite a while. It is unfortunate, though, that – I think he was alone as being a dissenter on the steering committee, but he did have a different viewpoint as to the basic policy basis for the legislation, and I think the majority of the amendments which were introduced in Committee of the Whole would reflect that.

It is the position of government that this legislation does strike the right balance between protection of privacy of the individual's health information as well as provide for fair, transparent rules for the controlled use and disclosure of the individual's health information. This has always been the purpose of this legislation and will continue to be the purpose of it.

This bill is important, and we need it because, on the one hand, we need up-to-date and complete health information to manage Alberta's health system. There is a demand for accountability within the health system. Evidence-based decision-making is the way that is achieved, and good and accurate information is needed to achieve that. On the other side of this is the issue that people in general feel very protective about their health information as it contains, of course, their most personal and most intimate details of their health history. Privacy and respect for this confidentiality of their information must be held in the highest regard, so there must be rules, and these rules must be known to everyone involved as to how and when health information is shared.

So it is the position of government that this bill is a step in the right direction. It does build on almost three years of discussions with people who work directly in the health system and with interested Albertans, as has been mentioned by the minister in his speech on second reading where he outlined in great detail the extensive consultation that has taken place in bringing us to where we are today. Work began on this bill in December of 1996.

I'd like to respond to one of the main arguments raised by the Member for Calgary-*Buffalo* in, I will say, attacking this bill, and that is that public hearings were not held. Well, one can hardly say when one looks at the type of input that has been solicited and obtained in the workup to this bill that the public has not been heard. There was a discussion paper that was released early on, three years ago, which was certainly available to the public. It was responded to, of course, by those who are within the health sector to a greater degree, but there have been two rounds of focus groups with individual Albertans. They've had the opportunity to respond to the discussion paper, to Bill 30, which was tabled back in the spring of 1997. They certainly had the opportunity to respond in the past few weeks since the bill has been introduced, and they have.

I would also add that the Member for Calgary-*Buffalo* together with the chairman of the steering committee, as I am advised, did meet with a number of groups representing consumers, one of them being the Calgary Chamber of Commerce. So it can hardly be said

that the public has not been heard. While the Member for Calgary-*Buffalo* would like to see public hearings conducted, I think what is important, and I submit that it is important, is that the public has been heard. Certainly those within the health system have been heard, and their views and their input are reflected in this bill, which I might add, I think, is the 14th draft of this legislation. So this has had a lot of intensive scrutiny and technical input, and it cannot be said that it has not had adequate review.

I'd like to point out, Mr. Speaker, that prior to the development of this legislation, rules about health information were contained in a number of different pieces of legislation, codes of conduct, and general practices. Therefore, it was difficult to sort through and find out the rules on how health information should be treated. As well, many of the rules within the sectoral pieces of legislation had not been updated since regionalization of the health system by way of RHAs had taken place. Of course, there is the obvious existing circumstance as we go into the new millennium that more and more information is being stored electronically, and we do need to have legislation that reflects this reality.

Despite the difficulties that I've just outlined and the lack of a clear direction in terms of rules for privacy and rules for collection, use, and disclosure, it can never be said that people in the health system have not been treating health information carefully and with consideration for its importance for the individual. However, the purpose of this legislation is to ensure that the good practices that are in place do continue and that very clear rules are in place for people to follow on the types of information that can be collected, how that information can be used, and when it can be shared.

Mr. Speaker, contrary to the allegations raised by opposition members and the leadership of the Alberta Medical Association, it is the government's position that Bill 40 protects personal health information and puts in place strong safeguards against the unauthorized and inappropriate use or disclosure of such information. It is by no means a threat to the physician/patient relationship; in fact, on the contrary. Bill 40 recognizes the very critical role of the physician in respecting the wishes of the individual because that is always an important factor to be taken into account in any decision about disclosure of an individual's health information. It is unfortunate that there have been some inaccurate and misleading statements made about the bill which have given rise to undue public concern.

Mr. Speaker, as I mentioned, right now no clear rules exist in legislation to protect the individual's personal health information nor to ensure that patients themselves have access to their own health information. Bill 40 puts those safeguards into law and certainly is a solid improvement over existing law. Without going into a litany of all of the major points of the legislation, I would like to highlight just a few key features.

First and foremost, Mr. Speaker, under most circumstances individuals must give their consent before their identifiable health information can be used for purposes other than that for which it was collected. This is set out clearly in the legislation. Most notable, and I think an important feature to recognize, is that one's individual consent is required and must be taken in a formal way before personal health information can be transmitted electronically or, in other words, on an electronic network which we contemplate one day might take the guise of Alberta Wellnet.

**12:40**

The legislation also establishes an independent review, an arbitration process through the office of the Information and Privacy Commissioner when disagreements about disclosure or access to health information arise. This gives custodians of health information the ability to refuse requests for information from the other parties,

and they can refer the matter to the commissioner. This is a very significant safeguard and feature of the legislation whereby the Privacy Commissioner is in a watchdog capacity. Right now there's no one to complain to who can really do anything or enforce the rules other than the courts.

As well, Mr. Speaker, by virtue of a House amendment passed last week, there is a requirement for a full privacy impact assessment for review of the Privacy Commissioner when and if the minister of health requests health information from custodians that is not already authorized in law. We see this as being an amendment that strengthens the legislation and further protects the rights of individuals.

Mr. Speaker, it's probably an understatement to say that this legislation has not generated a lot of debate and discussion, particularly over the last few days. I would suggest that most of that debate has been constructive although, as I mentioned, it's unfortunate there was some misleading information out there that gave rise to a level of public concern that was not justified. As a result of the work of the Member for Calgary-Buffalo and the discussions and interchange that have taken place and also with the input of the Privacy Commissioner by virtue of his report which was tabled in the House subsequent to the introduction of this legislation, House amendments and amendments proposed by the opposition have been approved which we feel will further entrench the security of our health information.

I would like to just take a moment, Mr. Speaker, to talk about the work that has yet to be done before proclamation of Bill 40. It is the intention in the next few months to undertake a number of activities to bring this legislation into reality and our health care system.

Firstly, Mr. Speaker, a detailed implementation plan will be developed. This plan will work with Albertans, stakeholders, MLAs, and of course health care professionals who will be implementing this new legislation. This plan will look at the best way of introducing the legislation into our health system. One of the first steps that will also be taken is to further consult with health professional stakeholders and Albertans. This will have the result of developing educational tools that will help facilitate the entire process. Because this legislation, as we know, is quite lengthy and detailed, there need to be good materials available to explain how the legislation will work within the everyday duties and responsibilities of those in the health care system. These tools will be created with the assistance of the very people who will be implementing the legislation on a day-to-day basis.

Regulations are certainly contemplated under this bill and will generally be subject to review and input with stakeholder organizations that themselves collectively represent the views of many Albertans. We will be circulating the proposed regulations prior to proclamation. The method for obtaining the input on these prospective regulations comes about as a result of an arrangement and an agreement reached with the Information and Privacy Commissioner. It is the intent that certain regulations will be developed prior to proclamation of the legislation, and preliminary work on those regulations is already under way. The proclamation date will be determined based on, obviously, the projected time that it will take to train and prepare custodians who will be responsible to comply with these rules.

Much has been said about the fact that Bill 40 does not extend to the private sector at this time, although I think it's fair to say that it is contemplated that this legislation and as amended is going to be reviewed within a three-year period, and one of the areas of review will be the scope and whether the scope should include the private sector. There's also an issue of whether it should be the federal legislation, Bill C-6, that should in fact cover the private sector for purposes of health information.

More work needs to be done, Mr. Speaker, and this is one of the reasons why it was decided that this legislation would not extend to the private sector at this time. Nevertheless, over the next three years, starting in January, department officials will be meeting with private-sector representatives and working closely to examine whether the framework of this legislation should be expanded.

I believe, Mr. Speaker, that I will now conclude my remarks on third reading. I would just like to say that it has certainly been an enlightening but demanding process to be involved with this legislation. I've learned a lot, and I'm very grateful to the wonderful staff in Health and Wellness that has guided me and my colleagues before me and all of us in formulating and introducing this very important legislation for Albertans.

MR. DICKSON: Mr. Speaker, so much to say and only 20 minutes. I couldn't help but think as I listened to the thoughtful comments from Calgary-Lougheed of what has happened since Bill 30 was first introduced in this Legislative Assembly in the spring of 1997. We've seen the activity that the Member for Calgary-Lougheed documents, the health information steering committee and the consultation with some of the health-serving professions. I even got invited to the last meeting a week before the House started.

There's no question that a lot of people have worked very hard to produce the bill that's in front of us. But I can't help thinking that we have this great big gap. There's this great big missing part of the puzzle, and it's foursquare in the middle of the puzzle. You think of a great big jigsaw puzzle on the dining room table, and there's this great big hole in the middle. What's happened is that we've managed to connect all the pieces around the periphery, around the margin, but we're missing this great big empty section in the middle.

What's the empty section? Mr. Speaker, it's the people who are going to be affected. What we've been dealing with and what's covered in this piece of legislation is not something that's owned by nurses. It's not something that's owned by physicians. It's not something that's owned by the 17 regional health authorities or the Alberta Cancer Board or the Provincial Mental Health Board. What we're talking about is something that is owned by every single man, woman, and child that lives in this province. It's the ability to decide what part of themselves they're going to share with someone else, what part they're going to share about their most personal history with someone else.

12:50

Mr. Speaker, there are lots of things I'm still finding out about Albertans and lots of things I'm still finding out about this province, but as a native Albertan there's one thing I've always recognized, at least from my experience, and other members may have had a different experience. Albertans have valued the right to be left alone. The right to privacy is one of those things that is probably one of the most important rights that people have. Maybe in some provinces the same sentiment exists, but as a native Albertan I've seen lots of examples of the extent to which people value their own privacy.

You know, this isn't some recent phenomena. In 1971, just before the end of Social Credit, the Legislature at the time had a select special committee that looked at privacy issues. This is long before we had fax machines and e-mail and the personal computer, long before anybody talked about network systems and so on. The legislators in this province in a select special committee identified the threat to personal privacy, and they talked in a very farsighted, futuristic way about the need for Legislatures to start paying attention to that, to start building in safeguards and protections. And you know what, Mr. Speaker? The things that were only barely on

the horizon or not even visualized then are now part of the lexicon and part of our lives in 1999.

[Mr. Shariff in the chair]

Mr. Speaker, Albertans have not been consulted. It doesn't matter how many times you talk to stakeholders. Can we agree that there is an enormous difference between the 3 million people that live in this province, on the one hand, and, on the other hand, the business units in Alberta Health, the people appointed by the minister of health to run the 17 regional health authorities, appointed by the minister of health to manage the Alberta Cancer Board, appointed by the minister to run the Provincial Mental Health Board? Can we not understand and agree that people in the research community and physicians and nurses and health care professionals have a very direct and specific interest, but that's not the same interest as the people who live in this province?

It may be just me, Mr. Speaker, but when I ask questions about public input and public consultation, I don't mean hearing from the people whose livelihood depends on using my health information, managing my health information, sharing my health information. Those aren't the people I'm talking about. I'm talking about those other folks. Have they been heard?

We go back to *Striking the Right Balance*, whatever year that document was produced back in the early years of the current government's mandate, probably in '93 or '94. If you look at the number of responses, there were very few from individual Albertans. When the health information steering committee started out and at least one member proposed there be public hearings, there was this concern: well, we'll find other ways to hear from people. That's why I wrote the minister of health, and I specifically said to him: you know, we're talking a lot to people who have a stake in the business, but we're not talking to individual Albertans.

That's when the minister of health wrote me back. He said in very unambiguous terms on March 17, 1998 – and this is a document that's been tabled already in the Assembly.

Following the drafting of the health information protection legislation, we also plan to hold a limited number of public hearings throughout the province to discuss the next draft of the health information legislation prior to passing the legislation.

You know, I was very happy when I got that assurance from the minister of health, a member of this Assembly I've always had a great deal of respect for. When I got that letter, I thought: finally government has discovered that they didn't get that when they issued the *Striking the Right Balance* paper, and they didn't get it when they brought in Bill 30 and people didn't know anything about it. But here was a chance to hear from Albertans. You know what, Mr. Speaker? It never happened.

Why is it that in a government in this province that thinks it's worth while to consult with Albertans and have task forces and MLA committees on school boundaries and private school funding and prisoner voting and grazing leases, all significant issues and all issues worthy to consult with Albertans on – but would you really say that prisoner voting, that those things are more important to consult with Albertans on than taking their most personal information and deciding who's going to access it and how you're going to share it and what use it can be put to? Mr. Speaker, I think not, and despite everything else that's happened, I think that great big hole in the middle of the jigsaw puzzle still remains. I don't say this with any satisfaction.

Our entire health care system is premised on a sense of confidence, a belief that every patient has that when they go to see their physician or they see the registered nurse or public health nurse what

they share in that therapeutic relationship to help them get treatment is somehow going to be protected. My concern is that with the passing of this legislation you seriously erode the confidence that everything else is based on. If people start going to a physician and they're afraid to be forthcoming in terms of their health condition and they start worrying about what's going to happen to that information, I can't imagine a more significant negative impact on the way the system works. Mr. Speaker, that's a real concern.

We haven't talked very much about Wellnet, but let's recognize what's going on here, that much of what's driving this is the fact that we've made a commitment to the IBM Ernst & Young consortium, a commitment that was made in 1997. At the time some of us said: we're putting the cart way before the horse. But there were assurances: "Oh, no. We're not going to make major decisions on that system until, in fact, we pass the Health Information Act."

Well, Mr. Speaker, as we come close to passing the health information law, what we know is that Wellnet is way down the road. They had pilot projects. We had question period the other day, and we listed a number of those things. They go to the Wellnet web site, and they talk about pilot projects now being rolled out for 17 regional health authorities: we've finished a pilot project here; we're implementing another program. Whether it's the SPHINX program or any of those other ones, I mean, we went through the list. This is not a question of having waited for the health information legislation. We're already far, far down the road, and that disappoints me greatly.

You know, I hope that the Minister of Learning, when he practised medicine, read his medical charts far more carefully than he read the legislation and the amendment that we tried to put forward tonight when we were talking, our problem with sections 34 and 35. You know, it's really simple. We believe on this side, the Liberal opposition, that if you're going to share patient information outside the therapeutic context – and I'm hoping the Minister of Learning is listening to this, because he seemed not to have been able to connect the words in the amendment or in the bill – for research purposes or for education purposes or for health system management purposes, you ought to get the consent of the person affected, not sometimes, not occasionally, not infrequently but every time. That's a really simple proposition. That's what the Canadian Medical Association adopted in their 1990 privacy code. And you know what? I makes sense to me, it makes sense to my constituents, and I think it makes sense to the vast majority of Albertans.

Now, the minister has decided otherwise, and the government has made their decision. They have 64 seats in here, and we have 16.

DR. TAYLOR: Guess why, Gary. Because we got the jump on the platform.

MR. DICKSON: Well, you know, Mr. Speaker, Albertans will have their say yet. Albertans will have their say, and that includes the people in Cypress-Medicine Hat, and that includes people right around this province. Finally, as they're starting to find out what's involved in Bill 40, I've received more phone calls, faxes, and e-mails in the last two weeks on this bill than any piece of legislation I can think of. There's probably not a member in this Assembly that hasn't heard from people concerned about those things.

1:00

Mr. Speaker, you know, we go through the problems with the bill, and they are many. It doesn't include the private sector, and as we tried to say with amendments, we tried to remedy that. There was a reason why the health information steering committee made that recommendation. I might just say parenthetically that I acknowl-

edge that the minister of health did a very brave thing in 1997 in creating the steering committee. I thought that was a really exciting and positive development to bring together the Liberal opposition and the Alberta Medical Association and the Information and Privacy Commissioner. I give him credit for having had the courage to do that. Catarina Versaeval is very competent and worked very hard with the other people in the department. Our friend from Calgary-Glenmore worked very hard in terms of chairing that. All of those people worked very hard.

But at the end of the day I have to tell you that this process, I think, has become captive to what I call the interest community. Alberta Health knows what their needs are, and they were very clear in terms of articulating those kinds of needs. I understand. I mean, that's part of what they do, but my concern is that I expect my provincial government to be more focused on the broader public interest than just what the health care administrators need and want and what makes it easier for them.

Mr. Speaker, there are so many issues with the act that it's hard to focus on specific ones. I think the thing that will be of most concern is the fact that the private sector is not included, even though that's what the steering committee recommended. I take no comfort from the fact that this is going to be reviewed three years down the road, because even if a decision is made, it might be another three years before it's implemented and for the reasons I've mentioned.

It seems to me that business is ready to move on this. Talk to the Calgary Chamber of Commerce. They understand. Ironically the business community is more farsighted about what consumers and what Albertans are expecting than their elected government. The business community to a large extent is quite prepared to recognize the importance of fair information practices. It was private industry that came up with the CSA privacy code. Then it's reflected in Bill C-54, which is now Bill C-6. So industry is way ahead of government. Let's not use them as an excuse for our timidity in terms of making sure that the same rules apply when you go to get a health service, whether it's a public provider or a private provider. It's a nonsensical distinction, and the timidity of the government on this is just absolutely amazing.

[The Deputy Speaker in the chair]

Some of the things that have not been done and some of the shortcomings, I think, with respect to the bill. In section 3 we allow a lower set of rules to apply in terms of transfer, storage, or destruction of health records. There's no requirement that the standard there be at least as high as it is in other legislation. We have the right as an individual to access information, but the fee provision is weak. It's very weak, and I think it could easily lead to people being denied access to their own health records, and we've seen that problem already.

The business of use of the personal health number. When you look at what's happening in the province of Quebec, where there is a move to use the personal health number as a unique provincewide identifier and the concerns that have been raised there, I think those same concerns exist on the part of Albertans when they think of that issue. There aren't the safeguards here that ought to be around the personal health information number.

We have provisions in terms of a large, large number of clauses that allow disclosure of my and your personal health information without consent, section 35. We've got some 13 clauses which allow my health information or your health information to be shared without consent. Thirteen different cases.

In section 34 we've got a provision in terms of consent that's simply not comprehensive enough. There are not adequate restric-

tions on the use of personal health information by an affiliate in section 28. Section 27 sets out a whole host of uses for personal information without consent that includes things like "health services provider education" and management programs, including "planning and resource allocation."

You know, I've heard, partly in defence of the bill, that for planning purposes in most cases you don't need personally identifiable information. You can deal with anonymized information. That is, in fact, the truth. I mean, that's what everybody tells us. Why, then, would you bring forward a bill which creates such broad and expansive opportunities for people in those units to be able to exercise and access identifiable information?

There's a vague test. You know, there's a tester, but I take little comfort from it. People say that you can complain to the Information and Privacy Commissioner. Well, first let me tell you how disappointed I am with the analysis that was done by the Information and Privacy Commissioner with respect to Bill 40. He identifies a number of serious problems with it and then goes on for some seven pages making the case for why health administrators need the information. It's not a particularly strong case. My concern is that we simply have a whole lot of weaknesses in the act.

I've talked about the role of an ethics committee. We have no statutory basis for an ethics committee. The minister can by regulation designate any group of people as an ethics committee, and they get all kinds of access to your personal health information and my personal health information. There's no requirement that there be a privacy advocate or a consumers' advocate on an ethics committee. You could have a business unit in Alberta Health constituted as an ethics committee. There's absolutely no comfort in that sort of power with so little provision.

One of the problems in this province is that information can be shared outside Alberta.

Mr. Speaker, I think that's the end of my speaking time. Thank you very much.

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

MRS. SLOAN: Thank you, Mr. Speaker. I am saddened that we are at this stage this evening, having just concluded the vote on closure for Bill 40 and now being in third reading, a direct affront, in my opinion, to the rights of citizens in this province to have their say about this bill.

I'd like to share for the members of the Assembly just a few of the experiences that I had in emergency departments where this bill will have a direct impact on the provision of information to health providers and particularly medical professionals. I would cite the case of a young couple who came in. They'd had unprotected sex, were not married, were still minors. They wanted to seek a doctor's assessment and have the morning after pill. How comfortable do you think that young couple would be knowing that that information is going to be entered electronically and accessible in 13 areas without that young woman's consent? Do you think they will feel the same degree of comfort of coming into that emergency department and entrusting that sensitive information to a physician where in 13 instances he has no say about whether or not that's entered into the database?

1:10

Or perhaps the case of the young woman who comes in with a shoulder and arm injury. The physician assesses her, and she tells the physician that she fell down the stairs. Subsequent to that, I go in behind the curtain and I'm talking to her, and she shares with me

that in fact, no, she did not hurt her arm and shoulder; she was assaulted by her husband. She was very uncertain about reporting it, wasn't sure if she still wanted to. That wasn't the first time it had happened, and the incidents were becoming more violent, and she was very afraid. How much more secure, Mr. Speaker, are we going to make that individual feel about sharing that type of information when, again, in 13 instances that may be reported and shared without her consent?

There are other examples, real-life examples, where I professionally and ethically would have cause to think that I'm not sure I want that patient to share that information with me, because I have no say in where it goes, who it's disclosed to, or how it's utilized in the system.

Certainly another big area we have not discussed enough is in the area of mental health. We have not seen any members on the government side, the sponsoring member, with due respect, or the minister of health talk about the sensitivity of illness when it is a mental illness in nature. We are faced this evening with the reality that the minister of health or his associate or any of his appointees could take it upon themselves to look at the medical records of any member of this Assembly or any other citizen in this province, for that matter, perhaps because they'd like to see how many members in the Assembly have suffered from mental illness, have had periodic bouts of depression, are perhaps utilizing a type of medication, maybe Prozac, maybe an antidepressant. There are no provisions in this bill before us, Mr. Speaker, that prevent the minister of health from exploring that insidious and sick type of investigation if he chooses to. It may not be the hon. minister who's currently in the portfolio. This legislation is going to have a life of its own. It's going to continue, and there may be a point in time when it's a completely different minister, a different party, a whole new set of morals and ideals. The fact of the matter is that the bill allows without consent the person in that position to invade personal privacy to that extent.

On the point of mental health I have to raise in this Assembly the fact that we have not seen – and this is of great disappointment to me – the Alberta Mental Health Board register their concern about this legislation. Now, I have to wonder why that is. Granted; they're appointed, as all of the other boards are in this province. We want to list them: the regional health authorities, the children's services authorities. There may in fact have been some degree of political interference or pressure to that board to say: don't get involved. I would like to have known whether or not the board in fact discussed it at their board meeting or, if they did discuss it, why they chose to remain silent on the flaws in this bill.

We know the state of the Alberta Mental Health Board is not well. We've seen the recent events, that the CEO's contract has not been renewed. We've had two other senior officers just very recently resign, and in hand with that we see allocations of money being made to reinstitutionalize mental health in this province, directly against the advice of people in that sector, both stakeholders and clients. So the status of things in mental health is not well, and perhaps that has contributed to the silence of that particular sector on this bill. But I don't know why these boards would exist, Mr. Speaker, if not to speak out.

I took it upon myself to just reference the last report of the Provincial Mental Health Board, and certainly in two areas they talk about their goals and responsibilities. Under implementing strategies the board talked about recommending "a provincial framework of mental health services," recommending to the minister "policies that critically affect individuals with a mental illness, particularly the policies that create barriers to improving the mental health of Albertans." I would submit this evening, Mr. Speaker, that Bill 40

in fact is a barrier to achieving improved mental health and places people in a position of being more paranoid, more skeptical, more afraid of the system than they perhaps were prior to this evening.

As well, the Provincial Mental Health Board has the mandate to speak on and advocate in relation to public policy issues, and I must question tonight, Mr. Speaker, why they are not on the record.

I want to incorporate in my remarks some excerpts from a letter. As all hon. members know, in the tenure in our positions we receive countless correspondence, but this particular letter in my opinion belled the cat or, in this case, belled the government. It did not succeed in causing the government to stop and take some sober second thought about this bill, but it will go on the record, and it will be in the records of this Assembly to be read by future legislators and public policymakers as a succinct identification of the flaws in Bill 40. The letter was written by the president of the College of Family Physicians of Canada, the Alberta chapter, and the author was Jill Konkin.

Because it speaks to some of the specific sections of this bill that were flawed, I'd like to just read a couple of excerpts from it. The letter was written to the sponsoring member of Bill 40.

It is the view of our Board, which represents family physicians throughout Alberta, that this Bill fundamentally violates the trust relationship between a patient and his/her physician. This situation is absolutely unacceptable . . .

Trust is the foundation of an open and effective therapeutic relationship between a patient and his/her physician. This bill strikes at the core of that relationship. Protection of the privacy of information shared in this relationship is fundamental to good patient care. Individuals must have the assurance that they are able to confide in their physicians and that the information given to the physician will not be disclosed without the prior and explicit consent of patients. To place this information at risk is unthinkable, and will erode the highly valued patient-physician relationship . . .

The citizens of Alberta look to your government to protect their interests in an environment where individual rights to privacy are rapidly shrinking. The Health Information Act, as it is currently drafted, would further weaken those rights.

The Alberta Chapter of the College of Family Physicians of Canada requests that you make patient consent the absolute restriction on disclosure and use of personal health information. This restriction serves as crucial protection for the citizens of this province as we explore alternative avenues to make the electronic world work to improve the delivery of . . . services.

The letter has been tabled in the Assembly, Mr. Speaker, and I cite those excerpts with the utmost of respect to the author, because it truly does bell the government on Bill 40.

#### **1:20**

The fact of the matter is that while the hon. Member for Calgary-Buffalo had provided in great detail amendments to cover off the concerns expressed and the consent provisions required by this bill, this government was in such haste to get this bill through the Assembly that they chose to invoke closure and restrict the debate and consideration on those amendments on this bill.

Now, I am in a position, despite the hour, of being most eager to hear what the government's spin on this is tomorrow, Mr. Speaker, and perhaps the Public Affairs staff are in their offices already crafting the media message. No doubt Mr. Love will be there, probably assuming centre stage to ensure that the spin is reflective and aligned with the government's agenda of tying this bill to the fundamental privatization of health care just awaiting us over the horizon.

It is a puzzle to me what spin this government could give this bill and the fact that they invoked closure to be successful in marketing their message and getting Albertans to be convinced that there is

sufficient protection in this legislation to satisfy their concerns about privacy and confidentiality. I don't think the government has much of a leg to stand on in this regard. Justice will be served, no doubt, perhaps not in as timely a fashion as we would like, but justice will be served.

I want to, in concluding my remarks, Mr. Speaker, just bring to this Assembly's attention the fact that just days ago, December 6, this government, the public body breached freedom of information and protection of privacy with the disclosure of personally identifying information through the department of family and social services, now known as Alberta Human Resources, and in the decision that was rendered on this complaint by the Information and Privacy Commissioner, I would just like to cite for the record the fact that – and for the record it's report 98-1R-013, so there's no confusion.

Let me magnify the one most relevant to this bill.

That employees of the Public Body [must] be reminded, through training and other communication strategies, of their responsibilities under the FOIP Act to protect individuals' privacy. These responsibilities include referring complaints for unauthorized access, use, and disclosure to appropriate personnel who can determine whether the allegations have merit. In addition, there should be a clear record kept as to why personal information has been sent or received by employees.

Now, it is an irony and it doesn't bode well, Mr. Speaker, that in the same week that we're debating this invasive bill on personal and private health information, the government has handed down a judgment by the Information and Privacy Commissioner that chastises them about not going far enough to protect confidential, personal information. What does it say? They haven't even gone so far . . . [interjection] You go ahead, Mr. minister of human resources, and speak to this when you get on your feet this evening.

They have not even gone so far as to appropriately train their staff to understand the basics of rights and wrongs about sharing it. While the department of human resources have already shown their weakness in this area, Mr. Speaker, we are only left to wait and see how sufficiently trained and, I would submit, inadequately trained the department of health is to deal with the absolute magnitude of what is before us in this piece of legislation. The record and the evidence and the decisions are clear, and in that respect I am further appalled that we find ourselves in the position that we're in.

Let's just for the record show in this case that the disclosure of personal information on this particular individual was made to the person's ex-spouse, no reasons, no relationship or involvement by that other individual in the issue before the department, clearly a case, Mr. Speaker, where someone in the ministry of human resources thought it was appropriate to make some mischief by sending this ex-spouse all of this client's financial information, their assets. What exactly would be hoped to be accomplished from that kind of disclosure? I shudder to think that if we have such an agenda in existence in other departments, particularly within the department of health, what kind of mischief could be made with a person's personal, private information? You can't dismiss it as not going to happen or there's no evidence it's the case, because the facts are right here in the Information and Privacy Commissioner's report.

With those remarks, this will be my last opportunity to speak on Bill 40. It has been an educational process, Mr. Speaker, one I would have preferred not to have in this Assembly. That being said, I am grateful to have had that opportunity as someone who was very fortunate to have had a career in the health care sector and perhaps one day will continue to have when I decide I've fulfilled my objectives in the political realm. I have felt it a privilege to have been able to make these submissions on Bill 40. I really wish that the government had had the wisdom to have done things and approached this bill in a different manner.

With those comments, Mr. Speaker, I conclude my debate.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I join the rather curtailed debate this morning to deal with Bill 40 in third reading. We have quite frankly been forced into this position given the fact that we had the closure motion forced upon us an hour and a half ago. The government is ensuring that the debate on Bill 40 will be curtailed and is setting the stage for further closure on third reading.

The reality is that there are legitimate concerns about Bill 40 that have not been addressed by the government, nor have they allowed the Official Opposition to put forward the amendments that may have made the bill more palatable to the health professionals, to the citizens of this province who are concerned about the implications of Bill 40. We have heard from a number of the professionals involved in health delivery in this province; for instance, Louise Rogers, who I believe is still in the members' gallery watching and listening attentively to the debate.

She is the president of the Alberta Association of Registered Nurses. She said that her association is appalled with Bill 40, the Health Information Act, because it's more concerned with the rights of those gathering and storing personal health information than with the rights of patients. That's a condemnation, Mr. Speaker, of this act, a very strong condemnation. She further goes on to indicate that she's concerned that the bill does not apply to private facilities and that in fact private health care organizations must meet the same standards and legislative requirements for accessing and protecting health information as the publicly funded system.

1:30

The bill's core principle, which is to protect patient information, is really swept aside because of the government's rights and obligations, which are expressed in very broad and subjective terms so that they are capable of virtually any interpretation. Ms Rogers goes on to say: we just look at some of the full-page ads that the AMA has put forward on Bill 40 and it's easy to see what the concern is. What the doctors of this province say is that if Bill 40 becomes law, the doctor/patient relationship will be compromised. Under this law patient files, currently self-guarded in doctors' offices across Alberta, would be accessible to others. Knowing this, patients may decide to withhold sensitive medical information from their doctors, and as a result patient care might be compromised. Also, what may happen is that physicians may not enter all of the confidential information in the file.

I think of a case that was told to me by a doctor just recently, a general practitioner in the Edmonton area, who phoned very concerned about what the impact of Bill 40 could be on his practice. He has been a family physician for many years in Edmonton, and he indicated an example of where there was a patient of his who'd had an affair, Mr. Speaker. That affair was written up in the medical files because she had confided in him. The individual was in a car accident, and as a result the medical files were subpoenaed and became public property. As a result of that, the affair also became public property, and what ended up happening was that one of the individuals that was involved committed suicide, and the marriage was compromised as well. That is an example of what can happen when information becomes public and falls into the wrong hands.

We've had further correspondence – and I think it's worth while repeating this correspondence because these are the individuals who will be implementing this act, and they're saying that there are definite problems with it – from the College of Family Physicians of Canada, the Alberta chapter. This was recent correspondence which the Premier and the Minister of Health and Wellness have also

received. In it the board of the Alberta chapter of the College of Family Physicians of Canada indicates:

It is the view of our Board, which represents family physicians throughout Alberta, that this Bill fundamentally violates the trust relationship between a patient and his/her physician. This situation is absolutely unacceptable.

We hear this evening a buzz in the Legislative Assembly because, I believe, the members perhaps do not want to hear – and some of this information they may have heard before – and do not want to accept that a bill that they have forced closure on, a bill that is so fundamentally flawed, is one that they have endorsed and have passed. I think that Bill 40 will have legs. I think there will be repercussions to the government because of their stubbornness, because of their arrogance, because of their inability to recognize the legitimate concerns of the health professions and the concerns of individuals.

We have received in our offices letters and we have received phone calls from individuals who have indicated their grave concerns with regards to this particular bill and cannot understand why the government would push this forward as quickly as it has. I say quickly, even though there has been a consultation process that has occurred over the last two years. The reality is that this form of the bill has only recently been introduced. It has only been seen by the public since its introduction in this Assembly about two and a half weeks ago. In fact, prior to the introduction of this bill there was some selective viewing of the bill by some of the stakeholders, for instance the AMA, and the mover of the bill was informed very clearly as well as the minister of health that this bill would not do. In fact, the actual text of the bill was never reviewed by the stakeholders. So even on the principle of the bill the mover was informed that this wouldn't do what in fact we have heard from the mover it is meant to do.

So we have a huge discrepancy here. We have a huge contradiction yet again from what the government and members within the government are saying with respect to the legislation and what in fact the actual individuals who will implement the bill will say. Then we wonder why there's an issue of trust and lack of trust, why in fact there is a worry about what the ultimate use is of that information.

We see what the movement is from the government with regards to privatization within the health field. We see that the move is to exempt private facilities from having to provide certain forms of information, and we see that the government is doing everything in its power to ensure that the doors are wide open to private, for-profit health care in this province.

The realities of Bill 40 are that it does not meet the standards in the Canadian Medical Association's health information privacy code. It fundamentally changes the relationship between health professionals and patients. It compromises the ability of health professionals, physicians, and registered nurses to safeguard patient records, and it redefines patient consent to encompass a broad range of activities not directly related to the medical care of the patient. Rather than addressing some of the issues that we have heard about – to whom does the patient information actually belong? – it doesn't address those issues.

It doesn't address, for instance, the issues of Lance Relland, who was trying to obtain his health information as to his records. It doesn't resolve that. It doesn't resolve the requests of Dr. Kostov, who was trying to find out on what basis treatment was denied by the out-of-province committee, what the pertinent pieces of information were that led to the denial of his treatment request. It doesn't cover those kinds of situations, but what it does seem to cover is the ability to open up an individual's records to a vast computer network.

1:40

I recently received some information from Britain that indicates that health information there is up for sale and that in fact if someone wanted to access that health information, it would be very easy to do so. There was an investigative report that was done to try and see whether it would be easy to get someone's information for a fee, and it was very easy. People's information was able to be bought for £150, I think, and that information could then be sold and whatever done with it because there was no privacy. The privacy was not protected within the legislation.

So these are some of the reasons that people are worried about Bill 40. We've seen examples where in other jurisdictions the information is not protected. We see and hear from the individuals who have direct access to that information, who would be entering the information and would have access to the information. They are indicating that this is not the route to go, yet we have, as I indicated, a government that disregards all of those bits and pieces of information.

Now, because of Wellnet we know that there is a need to have a framework put in place, because that framework now is not, I believe, driving the process anymore. Wellnet, the IBM consortium that has put together the protocol, if we want to call it that, that has put together the structures for our computerized system, has to have something that they can point to so that they are not liable when information starts to flow through those systems. That is why I believe we are rushing to have Bill 40 introduced.

We have seen in the past what's happened when the government has moved closure on major bills. We've seen in fact that what has happened is that they come back the next year with some of the amendments that we in the Official Opposition had put forward.

MRS. SOETAERT: Bigger than the bill before.

MS LEIBOVICI: We have, as my colleague reminds me, seen amendments that were almost as big if not bigger than the original bill.

So why do we see those same patterns repeating themselves over and over and over again? We are seeing that pattern happen here tonight. We have a flawed bill. There is ample warning from many quarters that indicate that this is a flawed bill. We have one of our members, who I think is probably the expert on freedom of information in the province – that's the Member for Calgary-Buffalo – who has put forward a number of amendments, and rather than analyzing and looking and spending the time to get it right, here we are pushing something through. For what? For what purpose? It is December. We will meet again in February. That's two and a half months. In fact the government would have had the time to look at the amendments, to try and deal with the concerns of the College of Family Physicians, of the AMA, and to bring it back in February as a bill that could be agreed upon by all.

I hear the chant that it has been three years in the making and that we're never going to agree. I respectfully disagree with that. I think there are areas that we can agree on. We have shown that in the past. There are also, as I indicated at the outset of my addressing Bill 40, that in fact, yes, it has been a long process, but the reality is: why not get it right when you're at the end of that long process? The bill we have in front of us was not the bill that was consulted upon originally, not one that the major stakeholders saw. So why not take that extra two and a half to three months and do it properly? Address the amendments, address the concerns, have the AMA on side for once, have the AARN on side, have the College of Physicians and Surgeons on side, have the Calgary Chamber of Commerce on side.

Why would you not want some of those organizations on side with



regards to Bill 40? Why would you look those organizations in the face and basically say: "We're not interested in what you have to say to us? We have no desire to hear what your concerns are." Why would you want to turn your backs on those organizations? Are you saying those organizations are not credible? Are you saying those organizations are just special interest groups? The Calgary Chamber of Commerce? Are you prepared to say that? Any of the Calgary MLAs, with the exception of ours who tabled that letter in the Legislative Assembly? Would any one of the Calgary MLAs on the government benches have tabled the Calgary Chamber of Commerce letter if you had it in your hands?

You may laugh, members, but that's the reality. The reality is that these are organizations that have taken the time to look at what the implications of this bill are and have decided that it doesn't cut the mustard, it just doesn't make it. In all of these situations they have taken very public positions to say that this will not do it and that there have to be changes made. Now, the assurances that there may be some consultation afterwards, there may be some change afterwards are, I don't think, good enough, because the bill is already enacted. Then you have to come back into this Legislative Assembly, you have to spend the time, you have to do the amendments, and it would have just been as easy to do it now as opposed to having to do it at a later point in time. I would be interested in knowing what exactly is the spin that the government is going to put forward on this to make a bad bill look good.

Thank you.

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. We've heard considerable amount of debate on Bill 40 to date. In fact, we've heard almost nine and a half hours of debate on Bill 40, and I would just inform the House that it now qualifies by a large margin as the bill which has had the most debate of any bill this year in spring and fall sessions.

MR. SAPERS: You still used closure.

MR. HANCOCK: The Member for Edmonton-Glenora says, "You still used closure." I would just like to state for the record that closure is the only tool that's available to take a bill out of committee. As the member well knows, members can speak as many times as they want for 20 minutes in committee, so once you have dealt with the fundamentals of the bill – and I earlier this evening reminded the House that the purpose of committee was to deal with clause-by-clause analysis. Once you've determined that there's simply a difference in terms of philosophy or principle, then it makes sense just to get on with the debate.

So, Mr. Speaker, at this point in time, pursuant to Standing Order 47(1) and (2) regarding the previous question, I would move that this question now be put.

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

MR. SAPERS: Mr. Speaker, the Government House Leader, I must say, caught me off guard. I didn't think that he was going to be so heavy-handed and so antidemocratic that he would not only introduce closure at committee and then try to justify it with that pious little speech that it's had nine hours of debate where, in fact, we had given the government fair and ample notice of the number of amendments.

The government has heard from so many outside organizations

about their concerns with this bill, and the opposition had signaled for so long. In fact, we even went to the trouble to table the amendments so that the government was fully aware of them beforehand, and then he has the gall to stand here and say he had no choice but to use closure because it's the only way to get the bill out of committee and then says that he justifies that because the purpose of committee was really to deal with amendments.

1:50

Well, the hypocrisy of that statement is a little overwhelming at this hour of the morning, Mr. Speaker. The government, if they were sincere, could have allowed the debate to begin at 8 o'clock this evening and not 11 o'clock this evening or yesterday evening. If the government was sincere, they would have allowed ample time for the debate on all of the amendments. So it is clearly a fabrication, a manipulation of the truth, and does the Government House Leader no service whatsoever in terms of his standing in this Assembly as someone we can always count on when it comes to dealing with the agenda with the Official Opposition.

I must say that this latest sleight of hand, this latest little bit of procedure is very disconcerting because we understand that the government has at its disposal its power of majority. That should be enough for a secure government, Mr. Speaker. That should be absolutely enough. The Premier is not shy when he's in trouble about reminding us in the Chamber that the Progressive Conservatives won the election and that the Liberals formed the opposition, so it's the government's prerogative to pursue their agenda. Of course, that's our tradition, and that's our process. But a government that is insecure will go even further and not just rely on its electoral mandate to pursue its agenda but in fact will use their majority to totally steamroll over any opposition and try to diminish any voice of concern.

Now, the Government House Leader has told me in this Chamber that he wants to encourage debate and that he himself . . . He stood in this Chamber just the other day, Mr. Speaker, and said – he corrected himself because he said he didn't want to be arrogant. Perhaps it was too late for that, but he said he didn't want to be arrogant and say that he liked and respected democracy perhaps more than anybody else. Then he does this today. He brings in closure. Just a little bit of democracy died when he did that. Then he introduces this latest wrinkle. You know, this is an opportunity for all Albertans to see this government for what it is, for the bullies that they are, for the government that only pays lip service to the principles of freedom of speech and democratic debate.

Mr. Speaker, this is a government that doesn't believe that every member of this Assembly is equal. This is a government that says: "We won. You lost. Sit down and shut up." How many times have we heard that from the Premier? So now they are unmasked, and it's really interesting. It's really interesting. They don't like it. You can hear the catcalls, can't you?

#### Speaker's Ruling Decorum

THE DEPUTY SPEAKER: At this time of the morning I wonder if all hon. members could remember that we still are in Assembly, that there are courtesies that we are due to offer one another. One of those courtesies is to listen, and if you're not listening, at least don't disturb. That carries quite a meaning at this time of the morning. I wonder if we could please have the courtesy to let the hon. member say his piece, as he's entitled to do, without interruption.

The hon. Member for Edmonton-Glenora.

### Debate Continued

MR. SAPERS: Thank you very much, Mr. Speaker. I appreciate that.

This is a very difficult speech, I know, for the government to hear and to listen to. Evil, I've been told, hates two things: one is ridicule, and the other is truth. Mr. Speaker, we certainly see what this has degenerated into. You know, *Hansard* will never be able to record the smug looks of self-satisfaction. *Hansard* will never be able to record the snide remarks, the turned backs, and it's really a shame.

Luckily there are a few here in the gallery, members of the interested public that are here, and perhaps they'll tell their colleagues and their associates, and they will pass the word so that more and more Albertans will know what it is that their government thinks of their concerns. They will be able to share with folks all over this province, no matter where they're from, whether from Whitecourt or Brooks or wherever, the message that it was in this place at this time that the government really sank to a new low.

Because not only did we see the abusive process that closure really is, but then, this government is so insecure once again in terms of its position that it would introduce a motion to say: well, we don't even want to entertain the suggestion that there be a further amendment, whether it be a reasoned amendment or a hoist or any of those other time-honoured parliamentary traditions that are in the Standing Orders, in *Beauchesne*, and in *Erskine May*. For a House leader that stands here and tells us he's a great parliamentarian, a legend in his own mind, for that House leader to introduce that kind of motion is the ultimate insult. The ultimate insult.

The minister of human resources is saying that I'm vicious, and I don't mean to be vicious. At 2 o'clock in the morning I guess I just want to be as plain as I can be so that the Government House Leader understands the degree to which I am insulted by his actions, and I believe all members of this Assembly should be insulted by his actions. You know, I would imagine that in his heart of hearts, because I've known him to be a decent man up until this point, he's probably very unhappy with himself for what he's been forced to do because this government just does not want to be reasonable and doesn't want once again to listen to the legitimate concerns of taxpayers, the legitimate concerns of groups and organizations that have said: "This is the wrong bill. This is the wrong approach. It's got flaws."

Mr. Speaker, I was quite prepared to sit quietly and acknowledge that the government can have its way with this legislation and allow third reading to unfold. I was even thinking to myself and speculating to some of my colleagues at one of those 10-minute intervals: you know, I don't think they'll use closure at third reading because that would just be so ham-handed. So this is like the first little baby step. First, we'll limit the ability . . .

You know, Mr. Speaker, it just struck me, this government hasn't learned from its mistakes on Bill 26, when they wanted to limit the ability of sterilization victims to seek their day in court, and they were going to use the notwithstanding clause. Then, when they were embarrassed about that, they bring in Bill 38, in which they want to go to a referendum on human rights issues as though human rights were a matter of a popularity contest. So they didn't learn about that. And now they're doing it again.

All they want to do is limit and suppress and deny. It is a shameful way for a government to behave. A shameful way. All they can do – all they can do – is carp from their seats. Like the minister of human resources, he makes noises from his seat, but, you know, *Hansard*, will you turn on his mike so we can get it on the record? Can we get it on the record? Because that's all he wants to

do. He's probably thoroughly embarrassed if this speech gets home to Lethbridge.

I notice some of the other members. I can't say who's leaving and who's here and who didn't stay because that's unparliamentary, but just take a look around, Mr. Speaker. They know what they've done. They know that they are ashamed of themselves. They can't go and look their constituents in their eye and justify this kind of behaviour. I guess that's just something that they're going to have to deal with. That's just something that they're going to have to deal with.

2:00

So this motion, which is another slap, I guess really shouldn't come as a surprise. You know, I spent a lot of time dealing with criminals in my previous life, Mr. Speaker. One of the things that I learned from those men and women is that the first time . . .

MR. MAGNUS: Point of order, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Calgary-North Hill.

#### Point of Order Relevance

MR. MAGNUS: *Beauchesne* 459, relevance. The hon. member opposite has been going on and on and on. I think we've been listening to his monotonous monologue now for about 10 minutes. I mean, could we get to Bill 40 somewhere in his debate?

MR. SAPERS: Do you want to tell him, or should I?

THE DEPUTY SPEAKER: The hon. member has raised a point of order. If Edmonton-Glenora would like to speak to the point of order, then we'll deal with it.

MR. SAPERS: Thanks, Mr. Speaker. The matter under debate is the Government House Leader's motion. It's a motion that limits debate, hon. member.

You know, I think we've been in the Assembly the same amount of time. Were you first elected in '97? So I think you've been around long enough to understand the rules of the game. If you find this particular debate on your Government House Leader's motion irrelevant, you should spend some more time in the backroom with the Government House Leader. Maybe he can teach you the rules of debate.

Now, I'd like to continue with my comments, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Calgary-North Hill has raised a point of order on relevance and on the third reading rule. The hon. Member for Edmonton-Glenora has more or less indicated that the debate can be only focused on the motion, which, of course, is not so. The previous question just means that no new amendments may be brought forward and the debate may continue on third reading. Then when we go to *Erskine May* to explain about third reading, third reading is similar to second reading except that you deal with what is in the bill, not what could have been, should have been, might have been, but what is and its impact. That presumably is where we are now.

You certainly can deal with the question that was put forward by the member, but it is not limited to that, and that's the point that should be made. So you have two choices in a sense. One, is to deal only with that which, as somebody said, is a bit repetitious, or two, once you want to move off of that, then you're on to third reading of Bill 40.

MR. SAPERS: My debate has clearly been focused on the Government House Leader's interruption of the democratic process and the flow of debate. I appreciate the clarification. Mr. Speaker, I hope it's clear that I didn't say that the debate would only be limited to that but that my comments, in fact, are only limited to that. The Member for Calgary-North Hill should know that.

#### Debate Continued

MR. SAPERS: Now, Mr. Speaker, the issue is not one of whether or not this member has lost an ability to communicate a position on this bill. The issue is whether or not this House is being respected and all members are being respected in the process. I would simply end my arguments by saying that the government has displayed an arrogance which is becoming characteristic, becoming a hallmark of the way that it is doing business.

It is unfortunate that at this point in its mandate it is being so obvious. The Premier has said that we're a year away, probably, from an election, maybe longer, maybe shorter. I suppose, on the other hand, I shouldn't be surprised about the display of arrogance because in many respects this is not a government that's only a couple of years into a mandate but, in fact, a government that's three decades into a mandate. So it should come as no surprise that it is tired and without ideas, without vision, listless, rudderless, visionless and tries to mask all of that by simply being the biggest bully that it can and being as disrespectful as it thinks it knows how.

Mr. Speaker, this will be, I think, a very important milestone for this government, and I think many people will look back at this and say: oh, yeah, this was the bill and this was the issue and this was the debate when we finally saw them unmasked for what they are.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. I guess it looks like this will possibly be my last opportunity to speak to Bill 40, and that's disappointing. I heard the minister a while ago say: how long does it take? Well, you know what? It takes until you get it, which could be till Christmas. It takes until you change the bill or until this undemocratic process allows a flawed bill to become law. That's how long it takes: until you use your muscle and weight as a government to push through this bill.

You know, it's interesting. When the minister first came in here he talked about how he'd come in to change the system. [interjections] On this motion. I'm talking about this motion, about not being able to debate it after this reading, Mr. Speaker. He thought he'd come in and change the system, yet you know what's happened? He's changed. You know the old story about how you put a good apple in a barrel of rotten ones? It goes rotten. I would allow everyone a chance to think about that for a while, because that's what happened to this bill. [interjections] You know, when they're heckling a little, they're sitting uncomfortable, and I'm glad I've woken them up at this hour of the morning, because it's worth it for them to listen to what's happened to this bill.

This bill has a bit of a history. We've been working at this bill for a while. There has been all kinds of health information go through this province, all kinds of processes to get to the point we are today, and the point we are today is that it's not good legislation. There will still be instances when without your approval anyone can get hold of those records. The minister of health can say: "Hmm, I wonder who's looking a little sickly on our benches. Maybe I'd like an excuse to get rid of that person." [interjections] Oh, they say that's not possible in the province of Alberta. Worse has happened

here by this government. Just using an example, an idea that could actually work. Now, I'm sure this minister wouldn't think of that. I am sure this minister would never abuse this legislation that way. Maybe other ministers would. What kind of minister might? [interjections] You know what? Liberals would have had a much better piece of legislation, and it certainly would have had all the amendments that the Member for Calgary-Buffalo was talking about.

Let's see. Do we have to be concerned about anybody getting hold of our records? What are some instances that have happened in this province? Somebody's confidential two-page nursing census report, April of '99, with information on patients turned up in the backyard of a residence in the far south of Calgary, apparently blown there from the Peter Lougheed hospital. Just a little example of what happens when health care information is not properly legislated, taken care of, and responsibly treated. That's what's going to happen with this bill.

2:10

Could it happen again? Yes. November 12, 1999, a Calgary doctor inadvertently throws out three boxes of confidential patient records in a garbage bin behind Safeway: files, details, patients' names, addresses, age, occupation, and parts of their family's medical history including their health insurance number. [interjections] So this government . . .

#### Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Order. The hon. Member for Spruce Grove-Sturgeon-St. Albert is the one that's recognized, and if she's hit a nerve, that nerve shouldn't cause you great alarm. Please wait your turn, and then you can get up and refute everything she has said or agree with everything she has said, but please don't do it so loudly when she is speaking, because we want to hear the hon. Member for Spruce Grove-Sturgeon-St. Albert.

#### Debate Continued

MRS. SOETAERT: Thank you, Mr. Speaker. Gee, I apologize for hitting a nerve. I shouldn't really. At this time of night it might help them keep awake.

Now, the point is that health information is very important, and I think everyone recognizes this. What this government doesn't recognize is that this piece of legislation is once again flawed, and we're going to find out that somebody somewhere has gotten information and put it on the Net about somebody. Who's going to be liable, then?

AN HON. MEMBER: You.

MRS. SOETAERT: No. Because I'll stand and say: "You know what? I spoke against that piece of legislation, because once again they didn't do it right in this Assembly. In fact, I spoke until 2 o'clock in the morning." I can say that.

There are a few people aside from the Official Opposition who have given good reasons, pointing out the flaws in this bill. We have the Consumers' Association of Canada expressing concerns. You know what one of the main concerns was? Lack of notification to people in Alberta. This government likes to tout summits and roundtables. What have they done with this bill? They've ignored that. They have discussed all across the province and gone to all kinds of town hall meetings, booked halls and talked to people about all kinds of things: gambling, seniors, all kinds of things. What do they do with something that I think people have a right to make their own decision about, the privacy of their health? What have they done? They haven't consulted the public.

I think a lot of people are just now starting to realize what Bill 40 means. I know that over the weekend a lot of MLAs got calls. I certainly did, so I'm sure government MLAs got called. What do we do instead of making the legislation better? We bring closure. That's shameful. That's shameful. When you know that Albertans out there are very worried about a piece of legislation, very worried about it, what do you do? You bring closure. That's shameful. That's a shameful move by this government.

Another thing, the doctors, the AMA have said: I don't want this thing happening to my patients; I don't want to be forced into a situation. Are they going to have to hide the files at home? I mean, look at the dilemma you're putting some doctors in when you say, "I want those files." They have patient confidentiality, and they're going to say no. What kind of a dilemma are we putting people in? We're going to put the very people that take an oath to help other people in jeopardy, and we're going to force them to choose between giving information and not.

You know, Mr. Speaker, I am not opposed to the gathering of information, not at all. If you think of being in a car accident in Slave Lake and you live in Taber, well, maybe you want that information to be known. Maybe you're allergic to penicillin. Maybe you're an epileptic. Maybe you have other kinds of illnesses that they should know right away when you go to the hospital. Then you know what? That's good information to know, but it is my choice to give it. It is not your choice as a government to take it without my consent. It's for me to decide if I want to give that. I bet you that 98 percent of people would willingly give information about their own personal health if asked. If asked, most people would sign a card that allows them to get information, much like a donor card. How do you ask somebody for their organs if they're unconscious? Right? You can't, so you sign a donor card.

So let's take that example with health information, hon. minister who can't figure that out. You can do the same thing with health information: you give the right for your information to be used. I bet if you gave people that option, they would. I do want people to know. If I'm in an accident, I want the medical system to know immediately how they can help me in the best way possible, but that may not be every person in this province, and it is their right to choose not to give that information. That is their right.

I think we have violated that with this act. We have violated that with this act, which shouldn't surprise me with this government that often violates human rights in this province and doesn't have strong legislation. Really, Mr. Speaker, I am disappointed. [interjections] I am glad I've woken up a few members on that side. That's not always my intention, but it tends to happen.

I am very disappointed in the heavy-handed approach that this government and the House leader has taken on this. In fact, you know, when I run into that House leader at maybe a Christmas function, because we do have some mutual friends, you know, it's going to be . . . [interjection] Name names; yes, yes, the hon. Government House Leader. You know, it's going to be hard to tell his friends: yeah, he's not a bad guy in there but he's slipped right into the ways of a heavy-handed government, and in fact he's taken a lead on it.

So, Mr. Speaker, I'm disappointed that Bill 40 is being pushed through in its present form, that there was not a proper chance to debate some very excellent, excellent amendments, and that now we are forced to closure, once again, on third reading. [interjection] I was almost done, but I've thought of something else with the encouragement from the Member for Lethbridge-West. I may even get unanimous consent to continue.

AN HON. MEMBER: We have stamina over here.

MRS. SOETAERT: Yeah, you betcha. We have stamina over here. In fact, we just get rolling about this time.

You know, he says: 10 hours, 10 hours. Well, you know what? If you'd pay attention, if you'd amend the bill, if you'd made good legislation, it could be gone through in one hour. But no. You refuse to make it better. You refuse to consult with the people of Alberta. You haven't consulted with the people of Alberta. That's absolutely shameful. So, Mr. Speaker, how long does it take? It takes until they get it.

AN HON. MEMBER: Keep going.

MRS. SOETAERT: He said to keep going. Well, I do have a few other things that I wanted to say. There were a few other things on this bill that I think . . .

MS CARLSON: How does your sister who's a nurse feel about it?

MRS. SOETAERT: Well, you know what? I do have a couple of people in my family who work in the medical profession, and when I heard the Member for Edmonton-Riverview talking about her personal experiences, I know that that's just a small example of some of the many very touching, very emotional things that nurses have to go through. You know, one sister works in emergency. I admire all medical people. I could not be a nurse. God bless them. I think they do remarkable, remarkable work. I do. And now we're going to put them in a situation – and some nurses up here don't feel very good about . . .

AN HON. MEMBER: They have stamina though.

MRS. SOETAERT: They have stamina. They know how to do a night shift, let me tell you. When we walk into that hospital, who's the first person who takes care of us? We virtually put our lives into their hands, and we say thank you for caring about us. Mr. Speaker, I guess I'd like to say that I feel sorry for those in the medical profession who will have to deal with this in its flawed form. Their plate is full without having to deal with lousy legislation.

2:20

With those remarks, I regret that we're bringing closure to Bill 40. I hope that maybe, just maybe, it won't receive royal assent. Stranger things have happened in Alberta; believe me. Cabinet might just not put it through Executive Council, or maybe they'll just put parts of the bill through as they realize: oops, this is really flawed. Or maybe we'll just end tonight and not finish this bill, which would really be a bonus. There are a few maybes, kind of unlikely maybes.

MR. SAPERS: They take all of our good ideas.

MRS. SOETAERT: They take many of our good ideas.

We'll make sure we send over the amendments, because this has happened time and time again: they bring in lousy legislation, we say this isn't good, we suggest some amendments, they say no, no, no, and then in the spring the amendments come back, a thicker piece of legislation than the original bill. Remember that happening, members? Time and time again it happens in this Legislature.

AN HON. MEMBER: Give us an example.

MRS. SOETAERT: Use an example. What was the first? The Municipal Government Act, for one, in 1993-94; the Hospitals Act, another one; the FOIP information in 1994; the education act.

MR. DUNFORD: Okay. We got your point.

MRS. SOETAERT: I've made my point. Thank you. The Member for Lethbridge-West waves the white flag and says I've made my point. Thank you very much.

I mean, there were \$32 million in errors on the Al-Pac loan. There are all kinds of errors made in this Legislature. I could name a few more: West Edmonton Mall, Bovar. We've been worried about three-legged turkeys at Christmastime and more drumsticks. [interjection] It wasn't dumb sticks; it was drumsticks.

Mr. Speaker, seriously, I'd like to end my speech on Bill 40. There are probably other people who'd like me to end it too.

AN HON. MEMBER: Well, start on 40.

MRS. SOETAERT: I have been speaking to Bill 40. I've talked about health information. I've talked about nurses. I've talked about doctors. I've talked about lousy legislation and a government that has no respect for people who deserve a chance for input and a chance to know exactly what this is going to do to their lives.

So, Mr. Speaker, many times many of us have spoken to this. Certainly the Member for Calgary-Buffalo has been most eloquent. In fact, I noticed that when he speaks, everybody kind of gets uncomfortable in here because he knows way more than they do on this. [interjection] No, it's not because he's repetitive. It's not. It's because he knows more about this legislation than anybody else sitting in here, in fact all of us combined.

Isn't that funny? If I were in the government and had that kind of resource – why wouldn't you use that resource? Why wouldn't you use somebody who could make it work far better than what you've put up and maybe prevent being here till 2:30 in the morning. I don't know why they wouldn't use somebody with that good a resource.

Mr. Speaker, a few things that I still don't see addressed by this bill.

AN HON. MEMBER: You have two minutes.

MRS. SOETAERT: I think I've been challenged to put in another two minutes, Mr. Speaker. I have. You know, there are some of us . . .

#### **Speaker's Ruling Decorum**

THE DEPUTY SPEAKER: Hon. members who seem to think it's funny to interrupt someone who is trying to make a speech, all you do is delay it. So it won't be two minutes; it'll be maybe three minutes. Every time there's an interruption, it takes away from the speaking time of the individual who has been officially recognized.

The hon. Member for Spruce Grove-Sturgeon-St. Albert for whatever time you have left.

#### **Debate Continued**

MRS. SOETAERT: Thank you, Mr. Speaker. I am quite sensitive, and I was getting a little hurt there, but I'm tough, so I will continue.

I don't think I had the opportunity to mention that the Calgary Chamber of Commerce was opposed to this. I don't think I mentioned that. You know, we talk about administering this in the public sector and the private sector, yet the private seems to be exempt from some of this. The fact that their contracts aren't public has me concerned about: will they be able to purchase information from this? Will they?

AN HON. MEMBER: No.

MRS. SOETAERT: You don't know that.

Mr. Speaker, I'm disappointed that we're at this stage with Bill 40. I'm sure it will come back to haunt this government, and I regret that we're at this stage.

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader.

MRS. NELSON: Thank you, Mr. Speaker. I listened intently to the last speaker and learned absolutely nothing new. However, I did appreciate the attempt that she made on third reading.

At this point I would like to move to adjourn debate on Bill 40.

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader has moved that we adjourn debate on Bill 40. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

[Several members rose calling for a division. The division bell was rung at 2:28 a.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Broda	Magnus	Renner
Cardinal	Mar	Shariff
Clegg	McClellan	Stevens
Coutts	McFarland	Strang
Ducharme	Melchin	Taylor
Dunford	Nelson	Thurber
Fischer	Oberg	Trynchy
Hancock	Paszkowski	Woloshyn
Jonson	Pham	Yankowsky
Kryczka		

Against the motion:

Carlson	Massey	Sapers
Dickson	Nicol	Sloan
Gibbons	Olsen	Soetaert
Leibovici		

Totals: For – 28 Against – 10

[Motion carried]

**2:40**head: Government Bills and Orders  
Committee of the Whole

[Mr. Tannas in the chair]

THE CHAIRMAN: I'd call the committee to order.

**Bill 43**  
**Fiscal Responsibility Amendment Act, 1999**

THE CHAIRMAN: Are there any further questions, comments, amendments to be offered with respect to this bill? The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Chairman. I'm happy to speak to the Fiscal Responsibility Amendment Act, Bill 43, in committee. For the benefit of our visitors who are still here, what this act talks about is the government once again wanting to change the rules by which they play the money game in this province. Earlier they passed an act which stated that if any economic cushions were built, 25 percent of those economic cushions had to be spent on programming and 75 percent went to retiring the debt. Well, Mr. Chairman, now this government wants to change those rules that they enacted in this province just a few short months ago.

There are lots of reasons why we need more money in this province. Many programs are chronically underfunded, and that includes infrastructure. What this government is choosing to do, instead of properly funding these programs in a manner that is consistent with maintaining their long-term viability, is just wanting to dump a whole bunch of money onto the table right now and divvy it up according to who they think are the good guys and not give it to those who they think are not the good guys at this particular time. To do it in the volume they want, Mr. Chairman, they have to change the rules, change the very law that they brought forward in the spring of this year.

So we have before us this Fiscal Responsibility Amendment Act, which is the only way that they can bring in this \$600 million they want to spend on infrastructure – onetime dollars for municipalities, schools, postsecondary institutions, and regional health authorities – that they've already announced in fact. They made the announcement in September, but here it is now getting towards the middle of December before we actually see the legislation before us, which the government expected us to pass very quickly, but we're not prepared to do that, in spite of the recent threats that we've been hearing from the government in that regard.

We've heard some rumours lately that what the Treasurer wants to do is stand in this Legislature and say to me, Member for Edmonton-Ellerslie: if you refuse to vote for this bill, then this much money will not go to the schools in your constituency or to the hospital. Well, my constituents won't be impressed with that kind of behaviour, Mr. Chairman. That's for sure. They understand the functions of proper budgeting within a proper, responsible fiscal framework. They will see the threat for the threat that it is, that in fact if the Treasurer is going to put some money on the table and it is going to be doled out on some kind of formula basis, they're going to get their fair share of that money. They'll take the money because it's desperately needed to fund infrastructure at this time.

We're acknowledging that that money is desperately needed, but why is it desperately needed? Because there is chronic underfunding by the government for all areas of infrastructure. What they want to do is create a situation where it's easy for them to reward and punish people in the communities. By chronically underfunding various infrastructure programs, what they do is create a hardship within the province for those people operating within those institutions, and they create a serious demand for the money. For the few crumbs that the government is willing to throw out, people are willing to do whatever's necessary to get those moneys, because they know how critical they are in terms of maintaining operating viability for schools, postsecondary institutions, hospitals, regional health authorities in general, and municipalities. But that doesn't make

people happy, that that's the process they have to go through to get any kind of funding.

It's creating a great deal of resentment in the communities, Mr. Chairman, that will ultimately create a large backlash against this government. People just want to be treated fairly. They want to know what the rules of the game are going to be. They want to know that those rules are going to be constant, that they're going to be consistent, that they're not going to change every time the Treasurer changes or the Treasurer changes his ideas on a given matter. They want to know that there's some sort of planning process in place so that they're going to be able to then also build their own planning process in a manner that is sustainable over the long term. This kind of funding isn't sustainable for anybody in organizations and infrastructure in great jeopardy, and it also places more of a burden on us as taxpayers.

When the Treasurer hoards the dollars that he has at his disposal and does not properly plan in the budgeting process and does not go forward in a process where, as revenue projections in the province change, they do timely updates at least, if not quarterly updates, to adjust the budgets to build in sustainable funding for organizations – when they don't do that, they place these organizations in jeopardy in terms of their own operating dollars, and people are not happy with that. They recognize that for what it is, and it creates a stress on the system but also on us as taxpayers. Because as he is hoarding that money, other organizations are downloading the cost to us once again. He's collecting this big cache of money that he wants to dole out when he feels like it, but in doing that what he's done is underfunded municipalities. So municipalities have to go back to the same taxpayer, the same pockets, the same dollars and ask them to pay more money for both the municipal infrastructure side and the school side for the school taxes.

We've seen the consequences of that most recently in Edmonton, where the Edmonton council is receiving an unprecedented number of phone calls and faxes and letters and personal visits from people in this city who are very upset that property taxes will be going up once again in this city. I hear that same thing is happening throughout the province of Alberta as local municipalities are reviewing the consequences of downloading costs by this provincial government on their own budgets.

Local municipalities are doing things in a very correct and proper fashion. What they are doing is saying: we know that we cannot continue to chronically underfund soft and hard infrastructure that we are responsible for, so what we will do is we'll take the hit on the chin and raise the taxes because we really have no choice, because we know as municipalities that to chronically underfund soft and hard infrastructure, we pay a bigger price down the road. They know that, Mr. Chairman. They understand that, and they're prepared to do what they have no other choice to do, and that is, in this case, raise taxes in order to properly fund those operations. But the only reason they have to raise taxes is because the Provincial Treasurer, in the first place, is not properly funding a variety of operations. Instead, he's choosing to go this path of bringing in amendment acts when he feels like it to dump money into areas as he feels there is a need to do so, as compared to properly funding organizations.

So who are people getting mad at? The wrong people in this case, Mr. Chairman. They shouldn't be mad at their municipal councillors for being responsible in their planning processes. What they need to do is look one step beyond that at who caused these problems. These problems were caused by the provincial government.

Let's talk about that municipal funding and the consequences of a lack of a capital asset management plan by this provincial government, which is what they have. For the Treasurer to stand here and claim that he needs a change in the allocation formula in

the Fiscal Responsibility Act, because he finally recognizes that infrastructure maintenance and replenishment are important to maintaining our competitiveness, is just silly. Nobody believes that. This government knows that properly funding infrastructure maintenance is not a onetime kind of cost. It's a cost that is ongoing. In order to have sustainable infrastructure, in order to minimize the costs over a very long period of time, they need to be actively funding it on an ongoing basis.

2:50

This Provincial Treasurer has been here for many years, Mr. Chairman. What has he been doing and what has he been thinking for that time period, and why is he not taking advice from the very capable staff that he has within his department in this regard? Definitely he knows that funding of infrastructure is important, that to properly fund it on a year-to-year basis will in fact save him money over a five- or a 10- or a 20-year time frame. It looks like this Provincial Treasurer only wants to look at three- to five-year time frames, which are election time frames, what gets him elected now, what keeps him elected next time, not what is the best thing for the province in the long run. I'm wondering if he could explain why he is looking at that kind of time frame rather than one that is far more responsible and is the kind of overview that we expect a Provincial Treasurer to have.

The Provincial Treasurer now is asking for this change in this amendment act to pay for deferred infrastructure maintenance and replenishment, but it's funny that in this Legislature the Premier has said that there is no problem in this regard, even though we've heard ongoing cases of schools and hospitals and municipalities having problems. In fact, there are a few schools in my own constituency in Mill Woods, Mr. Chairman, that have real infrastructure problems. I can think of three schools right off the bat that you can walk into any day of the week when the snow is melting or when it's raining and you will see in the hallways and in the classrooms ice-cream buckets or five-gallon buckets collecting water.

MRS. SOETAERT: Oh, no. Not really.

MS CARLSON: Yes. Because the ceiling is leaking. The infrastructure hasn't been maintained properly over the last few years. Roofs need to be replaced or patched, and general maintenance needs to be upgraded. Literally the kids are coming in from recess and having to walk around these buckets of dripping water splashing out on the floor and creating a huge mess. Why would we do that in our school system, Mr. Chairman? Simply a lack of planning and foresight. We need to address that problem.

MRS. SOETAERT: Don't our kids deserve better?

MS CARLSON: I think our kids deserve better too, as my colleague has said.

Not only dripping ceilings and five-gallon pails and ice-cream pails all over collecting the water, Mr. Chairman, but rugs that are absolutely threadbare. There are a couple of schools that I can think of in my constituency that have the original rugs in them from when the schools were first built, so that's 20 years ago. The rugs, I think, depending on the kind of wear and tear they're receiving, should certainly be looked at after 10 years and replaced after 15 years.

Well, look at where 15 years puts these schools in this government's time frame. It was in 1993 when they decided to make the big cuts in this province and defer maintenance costs.

MRS. SOETAERT: Without a plan.

MS CARLSON: No plan, no thinking in that at all, Mr. Chairman. Just a decision that this is what they're going to do.

So now when it's five and six years after that starting point of the cuts and the Treasurer has decided that he's going to dump some onetime funding in here, are those schools on the list that are going to get money for repairs and maintenance? They're not. That's too bad, because when you go into these schools and you see these rugs, in the high-traffic areas they're literally threadbare. What happens when you walk on rugs that are threadbare, depending on the kind of shoes you're wearing, is that often your shoes get caught in the rug and accidents can happen.

MRS. SOETAERT: Oh, that's a safety hazard.

MS CARLSON: It is a safety hazard. When you think about kids running through the school, they're not looking at the rug to make sure that it's safe to walk where they're going. They're just charging right ahead, and there have been instances, Mr. Chairman, where kids have got their toes or their heels caught, and they go flying. Books go flying, papers go everywhere, the other kids laugh at them, they're late for class, and the destruction to the rug is greater than it was before, not to mention how filthy dirty they are. You can't get them clean, and I think that is also a health hazard for our children, particularly with the amount of asthma and allergies that we see these days. The dust and the dust mites and other stuff that's gathered in those rugs that can't be cleaned is an issue. These are the kinds of things that are small issues in the overall picture of the kinds of budgetary dollars that we're talking about in this province, but they're very real issues for those people who have to live with them on a day-to-day basis.

So when the Provincial Treasurer refuses to properly fund infrastructure and have a capital asset management plan, is he saying that those children and those schools aren't important to him, that he doesn't care about what happens to them? He's threatening to say to us that he'll tell those schools that they're not getting the money. Well, in fact, there have been five or six years of chronic underfunding in those areas. He didn't give them the money then, and he's not prepared in any large amount or sustainable way to give them the money now. People recognize that. They see that for what it is, Mr. Chairman, and they know that he isn't doing his job properly.

Now, to get back to what the Premier said when he denied that there was even a problem in deferred infrastructure maintenance and replenishment. I'm going back to May of this year, Mr. Chairman, in fact May 5, 1999. The Premier responded to a question, and the question was:

What assurance can be given to Alberta's seniors when the [capital investment planning] committee points out that there is a \$180 million shortfall in capital requirements including insufficient and rundown long-term care facilities?

The Premier's answer to that was, "I don't believe that to be true at all."

Well, we've just finished talking about some of the problems in the schools. Let's move on and talk to them about these long-term care facilities and how rundown they are. The Treasurer doesn't care about children. We see that in terms of the lack of repairs in schools throughout this province and from personal experiences that I know of in my own constituency. It seems that the Premier doesn't care about seniors, Mr. Chairman, because he refuses to acknowledge that there is a problem in terms of maintenance.

I think that most of us as politicians spend some time in long-term care facilities throughout this province. I don't personally have one in my constituency, but I have visited facilities in other cities and other towns, particularly over the last couple of years in towns in

northern Alberta. Once again, like in the school systems, what we see there is often appalling: cracks in the walls and ceilings, dripping water, worn linoleum, rugs that are worn out and dirty, chips off the corners of walls and doors, cracked windows, serious infrastructure problems, Mr. Chairman.

I'm surprised the Premier would say that he doesn't believe that's a problem. Is that because he doesn't care about seniors enough, that he doesn't visit the facilities? If he's visiting the facilities, why doesn't he have his eyes open to see the kinds of problems that are there? Perhaps the Premier would be prepared to answer those questions for us. [interjection] Well, some people think that he won't be in, and maybe he won't. But certainly we hope he will, because we would like to remind the Premier that seniors vote. Seniors care about what happens to them, and they're quite prepared to organize, and they have the time to do so. I think the Premier has recently experienced that with regard to Bill 40 and the kind of organized protest that seniors in this province are mounting in that regard.

Mr. Chairman, if seniors get upset about health care and they get upset about the lack of funding for infrastructure dollars, which this \$600 million doesn't address directly, only a onetime project instead of any sort of long-term commitment to be sustainable in terms of the dollars – if he's not prepared to address those, then I think seniors are going to be organizing on more than one front.

On one hand, we as the Official Opposition are quite happy to hear about that, because that opposition helps us. But, on the other hand, it really isn't the best thing for the province, Mr. Chairman, because what we want is a province that is sustainable for everybody, a province that provides an environment where everyone is happy to live and has the best possible facilities to live in that could be available to them, and that isn't what we have in this province right now. That's too bad.

3:00

I haven't even had an opportunity to talk about what is not addressed by this \$600 million that is being dumped into the system in a onetime fashion. Mr. Chairman, I will soon have to take my seat, but I will be back in committee to talk about the areas in this province that this onetime funding doesn't address, and there are many of those. Particularly, when I come back later this morning, I will spend some time focusing on the chronic underfunding in Environment and how a part of this money could have been spent there.

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

DR. NICOL: Thank you, Mr. Chairman. It's a pleasure to speak to the Fiscal Responsibility Amendment Act, 1999. This, basically, is a chance to talk about how the dollars that are allocated through the additional \$600 million condition that's put onto it are effectively being allocated. The government needs to look at how these onetime expenditures can actually contribute to the needs of our economy, to the needs of the people of Alberta, and this is kind of a reflection of where priorities come out.

I know from our region in southern Alberta one of the major things that doesn't seem to be addressed here is the issue of long-term care in the health care system. This has become a real issue because of the shortage that exists there. We've got individuals in southern Alberta that are being put in very distant facilities, where one member of a family goes in one direction, one goes in another direction, and the core community, the core home is left where they were originally located. They end up having to travel back and forth, and sometimes one of the spouses is not able to travel that

much, and they have to rely on family and friends because the public transportation system doesn't provide them with the option to move to the location where their loved one has been assigned.

What we have to look at is this expenditure pattern that the government has put together for that \$600 million, if it is really providing us with any effective solution to that condition, because what, in effect, we're having is a backlog now in our region that's varying between 25 and 32 individuals who are using acute care beds in the hospital system when they should be in long-term care facilities. This creates a backlog, a condition in our acute care provision where we don't have the opportunity to get people in when they need to. I know we've had some close family experiences recently where people have had to spend hours and hours and hours waiting on a gurney in the emergency room while they found out what room, what bed was going to be available so they could move them into it.

Mr. Chairman, we all know that we have to be able to deal with the queuing and scheduling issues that come with effective use of health care facilities, but in this case I think we're looking at it from the point of view that we're actually becoming inefficient because we're spending a lot of time trying to determine where a bed can be put or where a patient can be put in terms of a bed rather than just having a system developed that allows for a rational and a supporting system of assignment. We've had a lot of concerns raised by families who end up having to deal with how their long-term care access affects their lifestyle, affects their access and the communication that they can have with their loved ones. We didn't see any of that kind of debate, at least in a public way, when we saw the government allocate this \$600 million. Now, when you put it with the 25 percent original authorization ability, we're now talking about almost a billion dollars that are being allocated.

This went out into areas where we effectively said: let's use it to pay down debt either in the health care system or in the education system, or let's deal with some of the shortfalls and some infrastructure in the highway system. Mr. Chairman, I think from the perspective of rural Alberta the improvement that's going to occur now in the highway system with those extra dollars is quite appreciated, because there is getting to be a lot of pressure now on our transportation infrastructure because of the shifting in the rail use for the transport of grain. We're now ending up with large facilities being located on some which used to be secondary or even local roads, and now they're having to be upgraded to handle the large trucks, the heavier weights that are associated with that.

We have to look at that and how those priorities are put together. We seem to be focusing a lot on the Canamex highway that's out there that's going to look at how we can get our products to export. We also have to look at the feeder roads that come in to serve the transportation network, that come onto that major export highway that we're developing. We don't see that kind of priority put in the debate or at least the public expression of the debate that went on in terms of setting the priorities for this \$600 million or the effective \$998 million that was associated with the new allocation.

When we look at this in the context of how this amendment act is going to change the Fiscal Responsibility Act, what it does is set a precedent now that basically reduces the public's confidence in this bill, that we're going to be able to see governments in the future say: "Well, precedent was set in the fall of 1999 where we had extra dollars, we had a political need. Let's just change that, and let's not look at it in the context right now of whether or not the actual dollars were allocated correctly." But it creates a precedent so that each time now, if there are surpluses and we want to move away from that 25 percent: "Well, it was done before. We're just going to do it again." So the first time is always a precedent-setting situation that



has to be looked at with the greatest critical eye in the context of: is it the kind of thing that we want to be doing and that we should be setting up as a normal practice?

The government also needs to look right now as they deal with this in terms of whether or not the surplus that's getting projected and built into the calculation of these expenditures is a structural surplus. Is it still considered to be a onetime surplus? If it is going to be part of a structural surplus, how do we then look at it in the context of taking our information from here and moving it into the next budgeting phase and not having that biased by the kind of information that we're providing in support of what we see here?

Mr. Chairman, the other areas that we need to look at in this context can include things like how the rural community can be served through provision of their infrastructure. We're seeing a number of communities now where the livestock producers were finding their dugouts drying out last fall, late last summer. We haven't had a lot of moisture yet this winter. This could be a potentially critical area.

I know some of those farm district groups have asked for some support from the government in providing them with mechanisms to replenish some of these water supplies, yet we don't see anything here in that debate. I know in southern Alberta a number of the farmers have access to government equipment that will allow them to pump and move water into their dugouts, yet that same kind of infrastructure hasn't been provided for the farmers in, say, the northeast or the north where they're having similar problems with the drought and the drying up of their livestock dugouts.

So what we need to do is look at how we can be providing some kind of corresponding infrastructure in the sense that these investments are not necessarily ongoing. Once you get the capital equipment in place to support that, the equipment can be used year after year to provide that support for farmers. In some cases they may not use it for a year or two, but still the depreciation in terms of loss of use of it is minimal as long as it's properly stored. This can be used then to support them on an ongoing basis.

### 3:10

So these are the kinds of things that we have to look at. Even in southern Alberta, in irrigation areas a lot of the bridges, a lot of the infrastructure that's associated with water delivery, which is under the authority and mandate for maintenance by the provincial government, are falling behind in their maintenance schedules and their replacement schedules. We need to look at the risks that are associated with those conveyances or those structures in the middle of our roads that could at some time not live up to their expected capacities, and we end up with basically risk situations developed for users of those roads.

The other area that we're not seeing here is really the commitment that we need to have to our advanced education community. I know the university in southern Alberta is growing very rapidly. It's now reached in excess of 7,000 students on a full-time equivalent basis, yet they haven't been able to keep up with their capital. We now have authorization from the government for them to borrow money to build their library, but what we need to do is have some mechanism in place for them to pay off that loan, not take it out of operating grants; you know, do this in a way that we could be setting aside some of this money into a fund that would support the infrastructure of the universities across Alberta, not necessarily just the University of Lethbridge, but I use that as the example.

We need to be able to make sure that the technology and the structure and the equipment that are available in those universities both for instruction and research are at the forefront. After all, our academic institutions are where we expand the frontier of knowledge

and the potential to apply technologies as they are expanded and shown to be useful. In particular areas we do research and look at how they can be modified or expanded into other areas. These are the kinds of things that don't show in the priorities that are being discussed and proposed by the government.

When we look at this simple formula structure, we don't see any kind of commitment in it to a debate that addresses how those priorities are set. What we've got is just a \$600 million addition to a formula that divides up money without talking about the direction that those dollars need to go. Should they go into social infrastructure? Should they go into the economic infrastructure? How do we build those priorities into where we want to go?

Mr. Chairman, as we look at the major areas of concern that come out in our debates across the province, we see that at this point in time people are not as concerned about the economic infrastructure as they are about that social infrastructure. Yet when we look at the allocation of the dollars that have been proposed by the government on that, there's a large amount of it that effectively is going into the support infrastructure for the economic system as opposed to the true expansion of capacity or the expansion and retention of the maintenance systems that are associated with our fundamental social programs like health and education.

We all hear a number of stories, examples that are given about how our schools need to be improved. We have maintenance that has to go on. I think the school boards in Alberta have put forward a request for ongoing repairs to their buildings. They're falling behind. In effect, they're saying that the allocations they get don't keep up.

I know that the schools in southern Alberta are in need of repair in a number of places, and if we don't have a public debate on how those dollars get allocated, we end up, then, without the options of letting the people of our province understand how we make the decisions that support this kind of infrastructure or that kind of infrastructure when we're dealing with onetime expenditures like are authorized and like are allowed under the Fiscal Responsibility Amendment Act.

So, Mr. Chairman, I guess in summing up on this, I would suggest that the fact that the government is responding to needs is good. I know a number of the areas that are receiving some of these dollars are going to be very pleased with them. We're going to have a number of the health authorities that will be able to eliminate their debts and will now be able to use those debt-servicing dollars to provide service. We're going to see the same thing in some of our education institutions through the school boards. They'll be able to take dollars that are now allocated to servicing their debt and use those for frontline delivery.

So those are improvements, in a sense, but we see nothing here that deals with a review of the management that created those debts in the first place, a review of the fundamental cause of the need for those debts and putting more money in. Unless we actually look at the cause of those debts and address that cause, we're effectively saying that continuing the same kind of operation will probably provide us with another debt situation in future years rather than addressing that fundamental cause, which is probably as much associated with the ongoing funding and the capacity. By not addressing that, we're essentially using these onetime expenditures to cover up the symptoms of a problem that we've got in our ongoing funding levels.

From that perspective, I think the government is making a good choice here in providing extra dollars to the needs of Alberta. What we need to do, though, in conjunction with that is carry on the debate about the structural capacity that's in our budgeting system. Is this a structural surplus that needs to be looked at in the context of

possible tax reduction or other allocation to ongoing services? How do these onetime allocations that are being allowed through this \$600 million amendment provide us with true solutions to the spot problems that these dollars are being used solve?

I think that's something that we need to address and make sure that we have put in place by the time we develop our ongoing budget and our continuing allocation budget for the next fiscal year. That's going to be a reflection of whether or not we've learned anything from what we're doing here in the context of using these dollars to alleviate a symptom. We've got to now be able to go back and make sure the budget that's allocated in the spring addresses the root causes of those.

So with that, Mr. Chairman, I think I've addressed the concerns and the hopes that I have that by using this experience, we can actually make better budgets in the future and have a situation where the services provided to Albertans are improved by the experience we're having here.

Thank you very much.

3:20

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

DR. MASSEY: Thank you, Mr. Chairman. I'm pleased to have an opportunity to speak to Bill 43 in committee, having had a chance to speak to it previously last evening at second reading. This examination allows us to look in closer detail at some of the provisions of the bill. It's a short bill, and really the two factors are the 25 percent and the \$600 million.

I thought I'd reference a statement about the Fiscal Responsibility Act in *The Right Balance* on page 12. There's a boxed section in that report that talks about the Fiscal Responsibility Act. It says in part:

No more than 25% of the economic cushion and any revenue increases over budget may be committed to in-year spending increases or revenue reduction initiatives. This new limit on unbudgeted spending during the year increases the importance of good three-year business planning to ensure all essential funding is adequately provided for in the budget.

It joins a series of statements about the Fiscal Responsibility Act, Mr. Chairman, that I think were designed to give Albertans some assurance and certainly to create the impression that there are instruments, that there is legislation in place that is designed to govern the province's fiscal affairs and that Albertans can have confidence that that legislation will truly impact government behaviour and that government, having created those laws, will be the first to see that they're adhered to.

So when we find that one of the very first things before us is an amendment to that act nine months after it was first passed, it calls into question, I think, the believability of that framework that has been developed and calls into question the believability of statements that would have Albertans believe that framework is really a good mechanism for controlling our fiscal affairs. I think that's unfortunate, because these laws and these provisions have not been put in place without a lot of agony. It's taken a number of years, and the government has finally been able to get out of the situation that it created, but that was based on a lot of hoopla around this fiscal framework that was being created.

I think this is a chink in that framework. It calls into question whether or not an amendment such as this one that's before us right now was the appropriate means to handle, for example, infrastructure funding. I think one of the questions that immediately came to mind when we first saw this amendment presented was: what exactly were the infrastructure needs of the province?

In June of 1998 a report was prepared by Alberta Treasury by the

Capital Investment Planning Committee. It described the effects of the lack of a provincial infrastructure strategy over the past six years. That committee was chaired by the Member for Calgary-North West, and it was charged with coming up with a provincial planning strategy for infrastructure. In the report the members have pointed out that we have an aging infrastructure, that much of the infrastructure was built in an expansion period in the 1970s, and that a lot of it is reaching a point where it's in need of major renovation, rehabilitation, and in some cases even replacement. The report goes on to indicate that lengthy deferrals can result in even higher costs as problems become worse, and I think we have all had that experience within our own households, where repairs that at first seem minor, when left untended, can result in some rather hefty repair bills.

I think that's what that committee was trying to point out to the government. The combination of aging infrastructure and deferrals is creating significant pressures for more spending on preservation activities. So it's sort of a snowball effect: the less work that's done, the more work that as time goes by we find ourselves having to do.

Ministries in the past budget identified pressure points, places where money was to be spent, and the report indicates that if all these pressures were fully funded, spending would have to rise to almost \$2.3 billion annually from the 1997-98 level of \$940 million, a tremendous increase. The report went on to list a number of the places in the infrastructure that needed attention, and the list is rather extensive.

Water infrastructure. There is need for money for canals. There's need for money for bridges and outlets. On average across the province these facilities are beyond their design lives, so it's becoming a matter of public safety that attention is given to this infrastructure.

In advanced education a 20 percent expansion to the system is required, and they went on to indicate that of the 23,000 expected student graduates by 2005, only about half can be accommodated through increased use of the current space. So our postsecondary institutions – the colleges, the institutes, and the universities – across the province are really feeling a crunch.

In fact, the infrastructure problems at places like the University of Calgary are reaching crisis proportions in terms of laboratory and technological equipment, and the lack of replacement of that equipment is placing some programs in jeopardy. So advanced education, one of the departments that was hit most severely by the original budget cuts, the cuts of 21 percent, is still struggling to catch up, and one of the real victims to those cuts was infrastructure. Forced with making a choice between operational dollars and infrastructure dollars, those institutions under pressure put money into programs and left the infrastructure aside.

In Agriculture, Food and Rural Development, again, their indication is that rehabilitation of main canals is required. In Community Development the archival collections are in need of better curatorial care and access.

In education 976 schools out of 1,483 need essential upgrading. That's a mammoth task and a mammoth amount of work. The report went on to indicate that in 10 years 84 percent of those nearly 1,500 schools are going to be more than 25 years old and that to accommodate the growth, which they estimate at about 11,000 students a year, there's need for a number of new facilities.

3:30

Under environmental protection: the "maintenance and replacement of infrastructure is inadequately funded."

We've heard a lot about the problems of infrastructure in health care, insufficient long-term care facilities. We've heard of patients

being transported across regions, out of their towns, out of their communities because there's lack of accommodation, that much of the accommodation in some communities is in poor condition and in need of major upgrading and repairs. Also, there is the reference to the mental health centres and the condition of those centres and the need for money to bring them back to a state where they are fit for looking after patients.

Under Municipal Affairs the lack of affordable housing in high-growth areas is a problem, particularly in urban areas. It's a major concern for members of urban communities.

Under public works, supply and services the report indicates that "some facilities require replacement or rehabilitation to meet client needs," again an aging infrastructure that needs repairs. In a special note they indicated that there was going to be a need for court facilities in both Edmonton and Calgary.

After having that rather extensive and almost frightening list of infrastructure needs, the report went on, Mr. Chairman, to make some recommendations. One of the recommendations was that there be a "sinking fund to sustain preservation activities in periods of low revenue" so that when there isn't a lot of money around, at least there's a fund that can be drawn upon to make sure that buildings and infrastructure are kept in a state of good repair.

A second recommendation was that the "Treasury Board require preparation of a . . . capital overview early in the annual business planning cycle" so that those infrastructure needs are addressed early in the planning.

That's linked to the third recommendation, and that is that "ministries include their capital plans in their business plans." That's something we haven't seen and I think is probably one of the strongest recommendations in terms of making sure that the infrastructure needs are addressed: including capital plans in the business plans.

The fourth one is related to those business plans, and that is that "ministries report performance measures for infrastructure and collaborate to develop common . . . measures" that can be used across the province. So four sound recommendations. Were those recommendations in place, we may not have had the amendment with us that we're looking at this evening.

That 1998 report was reinforced by the Auditor General, who also has addressed infrastructure concerns. The Auditor General in 1998-99 indicated that deferring capital maintenance, replacement, and expansion will result in the deterioration of the capital asset base and will eventually affect service delivery and result in higher costs long term. He goes on further in that same report to make the point that "proper planning will make the difference between a reactive mode, which merely distributes allocated funds," the kind of thing that we're involved in this evening, "and a predictive mode, which anticipates and justifies funding required."

A third comment that the Auditor General made in that report is that

the availability and usefulness of information on the capital asset base and on capital investment requirements is hampered by deficiencies with current consolidated financial reporting. These deficiencies stem from the cash-basis [system] of accounting . . . and an incomplete reporting entity.

So we're not tracking financially the infrastructure needs.

He was particularly critical of the hospitals and the acute care facilities, indicating that about 160 of those facilities are approaching 20 years of age and that of the 160 about 44 are more than 25 years old.

The average age of long-term care facilities is about 24 years with 58 [of those] facilities (about 1/3) in the range of 30 to 40 years old.

You only need to go through a facility like the General hospital in this city and move from the older portion to the newer renovated

areas to see what a dramatic difference the care and upgrading of the infrastructure can make to patient care. He also indicated that there are 88 facilities reported as being older than 30 years, housing about 27% of acute care beds and 42% of long-term care beds in service.

So the acute care facilities are in dire need of attention, and the long-term care facilities need considerable replacement and expansion.

In addition to what the MLA report indicated, the Auditor General has added to the point that they were trying to make. One of the major points is that there has to be some planning, some very detailed and some very serious planning, that will keep our facilities and our infrastructure current and systematically rehabilitated.

That dealt with the infrastructure problem at the general level, and you don't have to go very far to find specific examples. In Edmonton one of the local boards has outlined the kind of infrastructure, the kind of building problems that they are facing in terms of accommodating students. The shifts in population in urban areas, particularly in Edmonton, are really very dramatic. If you look at the total inner-city area of Edmonton, in 1976 that inner-city population was about 400,000. In 1996, 20 years later, it had dropped to 327,850, so a dramatic shift in population. In some of the neighbourhoods, the downtown fringe, the population shifted from 53,000 to 41,000 in that 20-year period.

So we have a dramatic shift in population, the school facilities in place there no longer filled, yet in the suburbs the population has grown from 54,000 to 285,000. Those young families have moved to suburbs where there are no schools, presenting tremendous infrastructure problems that boards have to address. The question is: what does the amendment do to meet these needs? Mr. Chairman, I suspect that the answer has to be that the amendment is really wanting in terms of the recommendations and the needs out there, and the problem calls for something much more than what we have before us in this bill.

With those comments I'll conclude, Mr. Chairman.

3:40

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

MR. GIBBONS: Thank you, Mr. Chairman. As I stand to speak on Bill 43 in committee and speak to it for what seems like the fourth time, maybe we can get through and have something realized on this one.

Would anybody run their house in this fashion? Isn't this like the carpenter whose cupboards are falling apart at home and the plumber whose sinks at home are leaking? Mr. Chairman, what we're asking for is that this government build a plan. Isn't it embarrassing that we would be back in the same fiscal year talking about revising the Premier's number one bill, which was introduced in February 1999? You know, I think maybe this should go on CBC TV, like the health system did last night, and be telecast right across the whole country. It should be embarrassing that we'd come out with a bill, produce an act deciding on how to spend our money, deciding how to be good managers, and then we go back and revise it because of a lack of planning or whatever.

Certainly there were strong views and strong agreement that the deficit that had accrued in Alberta in the early 1990s needed to be eliminated. The government chose to take the deficit that had accumulated, and through reductions in transfer payments to local governments the deficit was passed down to the local governments. This debt was taken off the backs of this government but put on the backs of another government, which we should be recognizing in its full credibility as the third level of government.

I asked a question today, and the minister came back and said: don't you people from the opposition know that there has to be a

constitutional change? Of course, we know there has to be a constitutional change. We do know that. Maybe this minister or this government would start working with the other provinces to be able to bring this in. If they didn't want to treat the local municipalities and the hardworking communities as a child of the government, then they would be looking for a constitutional change.

The government basically has off-loaded onto health regions, our school boards, our municipalities the deficit that is being carried by them. We need a fundamental change to the budget system and the management process in Alberta to create certainty, predictability, stability, and sustainability for all our local authorities.

Over the years members on our side have proposed a number of other different elements to improve credibility and stability of the budget planning process to sustain our core programs in health and education, to ensure the fiscal human balance in both the good and bad times. The good and the bad times are what this total amendment is all about. A short eight months ago, supposedly, we were in bad times in this province. Well, I don't believe that's so at all. I think we've been very lucky and very fortunate in this province that we've had a number of good years and whatever. But because a barrel of oil was priced at below what is the credible amount of \$24 or \$27 now, we're bringing back an amendment to figure out how to spend. Infrastructurally we did need that money. Infrastructurally this whole province has suffered and has been put in a position over the last few years where that money had to go back.

Mr. Chairman, we talk about the bricks and mortar. The bricks and mortar are what we have to keep. We have built them. We have put lots of tax dollars into building hospitals. Maybe there was a lack of planning. Maybe in past decades we built hospitals where we shouldn't have, but in the major centres we should not be blowing them up. We should be developing a system that is going to work. If somebody wants to push for private, then they should not be paid out of the public kitty. They should be running like any other company. What has happened over the last few years of giving to all the companies in the province to start up here or keep them going here is that we've already given out \$2.3 billion and another 2 point whatever billion to a lot of these companies. Al-Pac and different companies like that are a thing of the past, but we do not have to publicly fund and bring back amendments like this particular one to figure out where we are and where we're planning.

I'm not wanting this bill to fail by any means, because the dollars that are promised – and they are probably next year's dollars that have actually been promised in education and infrastructure – are very, very important. So we cannot stop anything like this, but at the same time we have to put on the record how important it is that we don't get in this position again. We talk about this government all the time in terms of business models. Mr. Chairman, I for one am very proud of the province we live in, but we want to make it better. We want to make sure that we have the right business perspective, and the right business perspective is: where are we going, and where are we pushing this into the future?

Mr. Chairman, I'd like to state that this government has the knowledge, the understanding, and the information available to them to do the right thing. Certainly people that work within the departments have the excellent background, and we heard tonight the praise going to people working on Bill 40. Well, I'm not against it in its entirety. We're against certain items, but we're not against our public servants. We know that they are good businesspeople. We do know that they will help us plan and hopefully get us out of some of these shortfalls.

We do not question the need for new expenditures. What we question is the Treasurer who doesn't have the budget management and planning system to anticipate at the start of the budget year, and

that is throughout the budget year. We would never want to accuse the Treasurer or the government of playing politics with the revenues and expenditures, but remember that this is the government that talks about outcomes and has missed 200 of those outcomes just over the last three years.

Mr. Chairman, we have created a hidden deficit in this province. We are creating a hidden deficit in the condition of our infrastructure and equipment and in the reduction of service capacity, in the lack of sufficient long-term preventative programs, the inability for some Albertans to participate and benefit from the prosperity, and our inability to attract and retain the best-qualified staff in the public sector.

Now, this could be in the health system, where we're losing people. This could be in the education system. This could be the fact that we're not training enough people. We have insufficient schools of nursing, insufficient in the nursing profession. We've got insufficient trained people that are going to take over in the ORs, the intensive care, and home care.

In home care we can see what's happened. Over the last years we've been pushing people out of hospitals very quickly. But have we got the staff? Do we have the manpower, the health care workers out there to make sure that these people stay healthy? Last night on CBC Radio they interviewed a fellow that had a WCB-related accident, was released from the public system in too big of a hurry, yet WCB will pay for him to be in a private system. There's really something wrong with that. Maybe this individual could have been at home. Maybe this individual could have been as well treated if home care would have been more available.

3:50

You know, with budgeting for home care, maybe we can get training programs where we can fast-track a system, take some of our overworked – it is interesting to hear the Treasurer and his cohorts talk about their commitment to full consolidation within the government financial reporting entity. This is the same government that has failed to comply with the annual recommendations of the Auditor General to include regional health authorities, universities and colleges, and school boards within the government reporting entity.

These provincial organizations are responsible for over \$6.4 billion, or 40 percent of the total program expenses in the province of Alberta, but they are not included in the government reporting entity. That is really, really something that we should be very concerned with, and this goes back to when regional health authorities were set up and the medical people – the doctors, nurses, whatever profession in there – were not included on the boards because they had a vested interest. Vested interest? This is our province. These are people that should have the best knowledge. I think I would totally want to listen to somebody that is in the industry rather than a person who sells garage doors for a living. At the same time, I do not want to knock the management skills of the person who sells the garage doors.

The Alberta Urban Municipalities Association infrastructure task force survey of October 1999 estimated that the underfunding of infrastructure is at \$1.77 billion over the next five years, including \$889 million in nontransportation infrastructure; for example, storm drainage and wastewater systems, water supply and treatment systems, parks, recreational facilities, protection and emergency services, solid waste management, and mobile equipment. Six hundred million dollars is being allocated to infrastructure, and a welcome sight of \$425 million in funding has been allocated to municipalities to address transportation infrastructure. The remaining \$175 million is expected to be allocated to regional health

authorities, postsecondary institutions, and schools and to address infrastructure priorities throughout all other portfolios.

Now, we talk about the \$425 million for local transportation, a very ideal way of looking at it. Did some of this plan come out because of the meetings throughout the province, or have they finally caught on? After a number of years of infrastructurally depleting our province and watching the roads crumble, have they finally woke up?

Here we've got a case in this city where we had very, very few schools that had any maintenance done over the summer, and that means painting. Now, you're not going to put money into the maintenance of schools while the schools are running, so it's next year's dollars. It means that the painting and the structural work will be done next summer. So here we are promising money in September that will be next year's dollars. At the same time, if we hold up this particular bill, maybe the dollars won't be there next year. I think they will be. I think they've caught on, Mr. Chairman, that infrastructurally we're in terrible shape.

Mr. Chairman, for this government to finally say that it recognizes that infrastructure maintenance is important to maintaining our competitiveness – where has this government been for the last six years? The Premier still denies that there's even a problem.

A question that was asked and pulled out of *Hansard*, May 5, 1999:

What assurance can be given to Alberta's seniors when the [Capital Investment Planning] committee points out that there is a \$180 million shortfall in capital requirements including insufficient and rundown long-term care facilities?

You know, the kinds of answers that we get from some of these things, Mr. Chairman – it's almost laughable that the Premier and the Treasurer talk about onetime spending. It shouldn't be onetime spending; it should be continuous spending. I can repeat this for the fourth time in *Hansard*: only a fool believes that infrastructure investments are onetime. What does the government propose to do? Not repair a bridge? We saw dollars spent on the bridge in Fort McMurray this past year. While in other parts of the province it's 50-50, let's pay to make sure that municipality is going to work and let's pay 90-10. That's what actually happened up there. I was sitting in a council meeting when they were complaining that they had to pay 10 percent. I just kind of chuckled about that one and told the reporter afterwards that they should learn to shut their mouths.

That is why we really need long-term maintenance planning, long-term repair planning, and infrastructure is the major way we have to keep pushing. This government has failed to develop a provincial strategy for infrastructure maintenance. If we look at what has happened to highways over the last few years, the particular minister of the day decided that he wanted to save 20 percent. Typically, what he says with every portfolio he takes over: save 20 percent for this province.

Mr. Chairman, maybe highways is something we really, really should be looking at planning. We come back and dump secondary roads onto municipalities throughout the province. Then a number of years after they've already bought their equipment, set up the amount of personnel they need to run it, and get to the point that they're running it very well within their grid system – and the grid system works like a farmer going around a field; that's like driving a grader around from one road to the next – all of a sudden now we're going to take back the secondary roads. Are we going to let these municipalities bid on it? I know we've got until April 2001, but a lot of municipalities are set up for it, and I hope that they are going to have the chance to bid on the tender. If they're successful, they're successful. That's what business is all about. I believe in the

tendering process. The business I've been in for a number of years: you bid, and if you know how to bid properly, you're going to get the jobs.

The secondary road system, which is taken back by the province, is one of these things that the municipalities complained about: the amount of dollars that we're putting into it. They were wanting help because of the big up-front costs for paving and everything like that. Then when it came to the 75-25 in their split on secondary roads, it was proven that a lot of municipalities were cash strapped or had depleted anything that they had as slush funds to keep the secondary roads going. Not all of them, because there are a lot of municipalities that are still doing quite well. A lot of municipalities finally, after a couple of years of not spending any money, had to dip into their surplus. I don't think there are very many municipalities in the province that have a huge surplus like, some of us remember, they did have a few years ago.

The infrastructure deficit really has hit a lot of municipalities and is not something that occurred overnight. This is something that has actually occurred over the last few years. It is a result of poor government planning. You treat municipalities like children: wave the carrot in front of their nose, hand out grants for a number of years, and then all of a sudden deplete that totally right back. They will run into an infrastructure deficit, and this is what I'm talking about.

Secondary roads are a big item. Now, we know of municipalities in this province that have very few secondary roads, so it's not as big.

4:00

But you get closer to the larger city centres, and there are major roads that are going every which direction, which is going to be the main concern with them.

You know, Mr. Chairman, immediate cost reductions have been sometimes achievable only by delaying or reducing investment in long-term prevention and maintenance. Doesn't this sound familiar? This goes back to what this amendment – and you know, it might be called Bill 43, but it is a major amendment to Bill 1, and it's really talking about . . . [Mr. Gibbons' speaking time expired] Oh, gee, I didn't think I was that long, Mr. Chairman.

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

MR. MacDONALD: Thank you, Mr. Chairman. I'm delighted to speak to the fiscal responsibility act. It seems that perhaps if the government had looked in March of 1999, before it defeated the Liberal amendment to establish a fiscal stabilization fund, this bill we're debating this morning would not even be necessary.

We have to look at where we're going, what everyone in the province is going to think of this bill. Sure, it is welcome recognition that there are many programs that have been underfunded, but one can't help but notice the cautions that are thrown out in the Auditor General's report on this whole process. People in this province respect the office of the Auditor General and the officials with the Auditor General. When he speaks about the whole budgeting process, not only should the members of Executive Council listen keenly and hon. members of this Assembly listen keenly, but the public should listen keenly as well.

Now, the Auditor General would like to see many improvements to the budget management process in this province, and so would many hon. members in the Official Opposition. We should note that there are many steps involved in this process, but now we should look, Mr. Chairman, at the steps that the Auditor General would follow in any process that he, or she in the future, would have for

improving our budget management process. I can only imagine that the first part of this improved process would be a method used by the ministries to collect and calculate all the performance data and also setting up criteria as to how this performance data would be utilized, not from one budget year to the next but for many, many years.

We need to look also in the ministries at how we would implement this whole process. We'd also have to look at documentation to test the accuracy of the performance measures. When we speak so proudly of performance measures, that's fine. It's fine that everyone speaks very proudly of their performance measures. But, Mr. Chairman, we just can't eliminate as we see fit. If a performance measure is not working, the simple solution is to remove it from the process, or if the performance measure is giving us indications that things are not right or perhaps that there are problems – and we all know about the problems that were noted in the department of labour.

The problems were so large in the department of labour that the Premier took one look at the key performance measures and thought to himself: the only way I'm going to be able to solve this is get rid of the entire department. So that's exactly what he did. In this government reorganization the hon. Premier, for the first time in the history of this province, took his eraser and eliminated a department, handed the ball to another member of Executive Council to carry. That is an unusual step. To me it indicates, "Well, perhaps I was wrong." Perhaps the hon. Premier saw that the key performance measures in that department were not working.

Now, there are many, many more things that I can say about this bill at this time, but the lack of fiscal stabilization in any budgeting process is a major concern. It's a major concern not only to myself, not only to the constituents of Edmonton-Gold Bar, but to all Albertans. I still think of this bill as the binge budgeting act. The hon. Member for Edmonton-Calder spoke about this binge budgeting. This is exactly what we have to avoid, Mr. Chairman, laws that are protecting us from ourselves and what we consider to be sound budgeting but in reality are not when we have to come back not eight months later and request a change to a law that we seemed to feel that we had bragging rights to in the spring.

With those remarks, Mr. Chairman, I shall take my seat. Thank you.

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

MR. SAPERS: Thank you very much. With that excellent presentation and summation from my colleague from Edmonton-Gold Bar, there leaves little left to be said at this point on Bill 43. Many of the observations made by my colleagues were right on the mark.

I was just reading a quote, Mr. Chairman, by a mining promoter by the name of Joseph Hirschhorn, who said: after a couple million bucks all the rest is just baloney. It just made me think about where we're at with Bill 43. The government brings in a law one day and then wants to amend the law the next day. You kind of get this feeling that the Treasurer and the government – there are just so many zeros over there in terms of their budgeting that you tend to lose track.

Now, many of my colleagues have talked about the very prudent suggestions of the Official Opposition when it comes to improving the budget management process. One of the points that we've made, of course, is that onetime spending won't solve chronic problems. One of the other points that we've made is that if you continue to avoid putting away money for a rainy day that you can access without having to go through this charade of having the law and changing the law and having the law and changing the law, we're doomed to repeat this like some sort of strange version of *Groundhog Day*. It's just going to haunt us over and over and over again.

4:10

Speaking of haunting, Mr. Chairman, the last time I had an opportunity to rise in the Chamber this morning was on a different bill. At that time the debate was rather heated because the Government House Leader had just introduced a procedural shenanigan in terms of how we were going to proceed on that bill. I made a comment that was intensely personal about the Government House Leader and Minister of Justice and that comment was an inappropriate personal jibe at that member. I'll simply say that I have no excuse except my own intemperance of the moment, and so hopefully we can move on.

Mr. Chairman, the Liberal opposition has proposed for some time a fiscal mechanism called a fiscal stabilization fund. We believe such a fund would bring balance and stability to the process and that such a fund would be available to governments and would allow governments of this province forever and ever to be able to manage the peaks and valleys of the commodity cycles and of the other revenue cycles. We think that in combination with all of the other good suggestions of the Liberal opposition, that would bring integrity and openness and transparency and a fundamental honesty to the entire budgeting process.

Now, I don't want to take the few minutes that I have remaining this morning to repeat all of those suggestions, but I do want to focus on this notion of the fiscal stabilization component in the budgeting process. The current allocation formula for economic cushions established under the Fiscal Responsibility Act doesn't allow the required flexibility to respond to new priorities. [interjection] I'm going to move that in a second. You anticipate me. I think because the current formula doesn't have the required flexibility, we need to do something else.

Now, there are two options available. One is reducing expenses, and the other is adjusting the allocation formula. We believe these options are not sound financial management and don't embody good business planning. Therefore, it is our submission that we should develop this fiscal stabilization fund.

At this point I'd like to move an amendment to Bill 43 that would, in fact, create such a fund. If we can have that amendment circulated, I'll pause for a moment. It's being circulated now?

THE CHAIRMAN: Just when you stood up.

MR. SAPERS: Oh. Perfect. All right. Well, if all members have a copy of it in front of them, I'll take the opportunity to read the amendment into the record. Section 2 is amended (a) by adding the following before the proposed section 4(1.1):

- (1.01) In this section, "fiscal stabilization" means a mechanism
- (a) to assist in stabilizing the fiscal position of the Crown in response to the cyclical nature of the Alberta economy, and
  - (b) to protect the sustainability of social programs.

and (b) in the proposed section 4(1.1) by striking out "for program expenditure initiatives or revenue reduction initiatives" and substituting "for fiscal stabilization initiatives, program expenditure initiatives or revenue reduction initiatives." That is the substance of the amendment.

The purpose of this amendment would be to create the fund that I've referred to, and the purpose of the fiscal stabilization fund is to stabilize the fiscal position of the government on a year, two-year basis in response to the variable nature of the province's revenue base. We have seen, of course, the nature of this volatility. The Provincial Treasurer has explained that it's beyond his ability and those of his colleagues to make the predictions with the requisite accuracy that would mean the budget would be far more in balance.

What he said is that nobody could predict the kind of revenue growth. Now, I question some of that explanation that the Treasurer has offered, but I do acknowledge that we live in a very cyclical economic environment, and the creation of a stabilization fund, as I said before, would smooth that out.

Social programs aren't onetime expenditures. Capital maintenance and upgrading aren't really onetime expenditures. In fact, they require constant replenishment. To maintain infrastructure that serves our schools and our health care system, the roadways throughout our province, et cetera, can't really be seen as only onetime expenditures, which is what's happening right now with the \$600 million that this amendment to the FRA would free up. In fact, these have to be seen as ongoing expenditures and part of the ongoing budget planning cycle. Because of that, we believe that the fiscal stabilization fund, as a pool of money that would be available to government to draw from on a year-to-year basis, would be a far better way with a far higher degree of integrity of dealing with these spending issues than these supplementary supply estimates coming in one at a time.

Now, if I can provide an example of what a fiscal stabilization fund would mean to the province, it would be this. If only three-quarters, or 75 percent, of the year-end surplus had been dedicated to net debt reduction, over \$2 billion in residual funds would have been generated between 1994 and 1999. This 2 billion plus dollars could have been placed within a fiscal stabilization fund to address revenue forecast variability and respond to emergent spending priorities as required. Under the government's current fiscal plan there are no residual funds set aside, and that leads us to this whole issue that we've been dealing with in the Chamber, this second supplemental supply estimate, a request for over \$1.4 billion in unbudgeted spending. If we had the stabilization fund, the money would be available. Government departments could plan with more efficiency. The partners of government could have more certainty in terms of their expectations. We believe that that predictability would benefit the general economic health of the province.

Mr. Chairman, the case, I think, is clear for a fiscal stabilization fund. It's a responsible amendment. It enhances the position of the government. It's another one of those good ideas whose time has come. I would not be at all hurt if I heard the Government House Leader stand up and say that he wants to move this amendment as a piece of government business. If he just wants to appropriate it, you know, if there's a mechanism to do that, I'd be happy to do that. If that makes it more palatable to his colleagues, that would be okay with me.

At this point those are my comments on the amendment, and I look forward to hearing perhaps other comments or a response from the government.

[Motion on amendment A1 lost]

THE CHAIRMAN: Edmonton-Glenora.

4:20

MR. SAPERS: Thank you. Well, I'm very disappointed in the response to the amendment. We'll be coming back to deal with this issue, Mr. Chairman. I'm sure this won't be the last time the government will come to the Legislature asking for permission to spend outside of its legal authority, so we'll have another opportunity, I'm sure, to remind the government of its obligation to be more responsible and how Albertans can be better served through the creation of this fiscal stability fund. It's unfortunate that we didn't receive a more sympathetic hearing, but the Liberal opposition will

be here to keep holding the government's feet to the fire, and we'll be doing that until, of course, the day we form the government.

Thank you, Mr. Chairman.

[The clauses of Bill 43 agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

#### Bill 44

#### Insurance Statutes Amendment Act, 1999

THE CHAIRMAN: Are there any questions, comments, or amendments to be offered with respect to this bill?

The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Yes, Mr. Chairman. I have at this time two amendments that I would like to put forward, please.

THE CHAIRMAN: I didn't hear you at all.

MR. MacDONALD: I'm sorry, Mr. Chairman.

THE CHAIRMAN: The chairman is trying to say that he can't hear a word you're saying.

MR. MacDONALD: Okay. I am also having difficulty understanding the chair.

THE CHAIRMAN: I called Bill 44 and then recognized you, and in the noise and with the softness of the speaker, not the person but the device, the chair could no longer hear you.

MR. MacDONALD: Mr. Chairman, I would like to put forward to the House for consideration an amendment to Bill 44. I would like to at this time take the opportunity to read it into the record, please. I would like to move that Bill 44 be amended as follows: in section 2(3) in the proposed clause (b) by striking out "under sections 1 to 12;" and substituting "under sections 1(bb)(v) and 7(b);"

Mr. Chairman, I have major concerns about Bill 44, but one of my concerns will be addressed by this amendment. When we're looking at this bill, we're not only looking at the current Bill 44. We're also looking at the present statute and also Bill 25. Bill 44 has to do with the need to expand the power of cabinet to make regulations to the interpretation clauses of the Insurance Act in sections 1 through 12, as I said earlier. While everyone recognizes that there are provisions throughout the Insurance Act to prescribe by regulation the definition of insurance agent and the contracts of group insurance that the individuals may be enrolled under, I am once again troubled about the broad application to those sections, that do not even reference the word "prescribe."

If the intent is to limit the regulatory power to these sections in the interpretation of the act, why not include – and I think this is a suggestion that all hon. members of the Assembly should consider – section 1(bb)(v), which reads:

(bb) "insurance agent" means a person who, for compensation . . .

(v) enrolls individuals in prescribed contracts of group insurance,

but does not include an insurer.

Mr. Chairman, section 7(b) reads:

An individual is ordinarily resident in Canada if the individual is . . .

(b) a Canadian citizen who does not live in Canada but is a member of a prescribed class of individuals.

This should be included.

One has to seriously question the need to further expand the power of cabinet to make regulations. Does this have anything to do with the decision by government to allow regional health authorities to contract insured and noninsured services to private, for-profit health care providers?

MS OLSEN: Of course it does.

MR. MacDONALD: My colleague the hon. Member for Edmonton-Norwood said, "Of course it does," and she is absolutely right. We need to be very cautious in this province when we talk about providing further provisions for the contracting out of such services. As I understand it, over \$660 million of the current regional health authority budgets are disbursed in this way.

Now, there has been a 30 percent increase, I believe, in the value of private health care contracts in the province, and this has occurred since 1994. This trend, Mr. Chairman, indicates that there is merit to this amendment, and I encourage all hon. members of this Assembly to support it.

Thank you.

[Motion on amendment A1 lost]

MR. MacDONALD: Mr. Chairman, I'm very disappointed that that amendment did not go forward.

Now, I have another amendment, that I believe you have received. I would propose that Bill 44 be amended in part A in section 1(2) in the proposed clause (e. 102) by (a) striking out "of the opposite sex," (b) by striking out "or" at the end of subclause (i) and by adding the following after subclause (i):

(i.1) have entered into a written agreement, duly executed by 2 witnesses who then execute affidavits of execution, with the intention of creating legal obligations and duties, or.

It is amended in part B in section 2(2) in the proposed clause (i.1) by (a) striking out "of the opposite sex," (b) by striking out "or" at the end of subclause (i) and by adding the following after subclause (i):

(i.1) have entered into a written agreement, duly executed by 2 witnesses who then execute affidavits of execution, with the intention of creating legal obligations and duties, or.

Now, Mr. Chairman, in its present form it is very difficult to support Bill 44. We are, with the present form of this proposed legislation, just allowing constitutional challenges to occur, and there's no need for it. There's no need to tie up the court system; there's no need for individuals to have to spend so much money doing this.

4:30

Bill 44 does not recognize the variety of mutually supportive living arrangements that are chosen by all Albertans. It doesn't matter whether they're in Calgary or Edmonton. They could be in Whitecourt. They could be in Medicine Hat. They could be living in Grande Prairie. Anywhere, Mr. Chairman. I believe this is a proposal that would ensure that all Albertans are treated equally under the Insurance Act and will avoid any further section 15 challenges. I said earlier in my remarks that this is certainly a growth industry in the legal profession, and it need not be.

I do not believe, Mr. Chairman, that this is a proposal that is in any way redefining the terms "spouse" or "marriage." This proposal could easily be adopted to apply to a large number of other provincial statutes.

Now, on the issue of same-sex partners, Mr. Chairman, this proposal recognizes the right of partners to contract, and the contract can be governed by provisions, I believe, of the Insurance Act. Partners can be of the same sex. It could be an adult child living with their parent, two siblings living together, or another relationship. This amendment, I believe, is a concrete proposal. We do not need to change the definition of marriage. We need to respect people who choose to live in mutually supportive relationships.

Finally, Mr. Chairman, I believe that any law in this province, not only Bill 44, the Insurance Statutes Amendment Act, should reflect how people in Alberta actually live, and it should protect their expectations.

With those remarks, I encourage all hon. members of the Assembly, when they vote on this amendment, to consider any further challenges that will occur to section 15, because I think this will prevent any challenges and it will comply with our Charter of Rights.

Thank you, Mr. Chairman.

[Motion on amendment A2 lost]

[The clauses of Bill 44 agreed to]

[Title and preamble agreed to]

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

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. I would move that the committee rise and report Bill 43 and Bill 44.

[Motion carried]

[The Deputy Speaker in the chair]

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

DR. MASSEY: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration and reports the following: bills 43 and 44. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

MR. HANCOCK: Mr. Speaker, I really regret saying this because I was so looking forward to watching the sunrise, but in light of the hour and in light of the progress we've made, I would move that we adjourn until 1:30 this afternoon.

[At 4:37 a.m. on Wednesday the Assembly adjourned to 1:30 p.m.]