

## Legislative Assembly of Alberta

Title: **Wednesday, May 11, 1994**

**8:00 p.m.**

Date: 94/05/11

[Mr. Speaker in the Chair]

MR. SPEAKER: Please be seated. Before proceeding, might we have unanimous consent to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.

The hon. Member for Vegreville-Viking.

head: **Introduction of Guests**

MR. STELMACH: Thank you, Mr. Speaker. It is indeed a pleasure to introduce to you and through you to the Members of the Legislative Assembly . . .

MR. SMITH: Especially on your birthday.

MR. STELMACH: Yes, especially on my birthday.

. . . a number of young Albertans who are participating in a forum this week, the Forum for Young Albertans. We found our discussions with our youth very invigorating and quite interesting. Mr. Speaker, we do have an excellent, very responsible group of individuals visiting with us this evening, so I would encourage the elected Assembly here to greet our individuals with warm applause. They are seated in the members' gallery. Please rise, and we'll give you a traditional warm welcome.

head: **Government Bills and Orders**

head: **Second Reading**

### Bill 20

#### Regional Health Authorities Act

Moved by Mr. Collingwood that the motion for second reading be amended to read that Bill 20, the Regional Health Authorities Act, be not now read a second time because the Assembly finds that passage of this Bill would result in a two-tiered health care system because the Bill allows for the implementation of user fees and a voucher system.

[Adjourned debate May 10: Mr. Evans]

MR. SPEAKER: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. I look forward to speaking to the amendment on Bill 20. To begin with, I want it to be known that I know that changes have to be made in the health care system and support the changes that have to be made.

I've had the privilege of being on the Sturgeon health unit board for two years and see the needs and the changes that have to take place. In fact, our party supported regionalization of health care back in 1988, five years ago. If the changes had been made then, we perhaps would have saved hundreds of millions of dollars by now.

We must look for more ways of delivering more efficient services, and through regionalization, through other ways, this can be accomplished. We must move from an acute care centred health care system to a community-based centred one using the team approach, moving away from the doctor-centred health care to the medical team, the health care team. Of course, very

important in this is preventative health, where you prevent the tremendous costs that are involved in the health care of someone who is injured or in an accident, things that can be prevented. In St. Albert we use the healthy community concept, where we have development that takes place to make for a more healthy environment for our citizens. This again must be part of the changes made to the health system, the healthy community concept.

We look at modern technologies that we have today that are changing the face of health care. Some are very costly, but some can make a hospital stay or a hospital visit very short. I was out campaigning in the last election, and I went to one door visiting a lovely young lady. She had a baby in her arms. Of course, the first question I asked was, "How old is the child?" The mother answered, "Eighteen hours old." She had gotten out of the hospital after 12 hours and was standing there, with two or three other children, in her own home, saving thousands of dollars to the health care system.

Of course, we must look at improving the palliative care for our aging population. We know that by the year 2013 our senior population will have doubled.

Again one area where I have pushed and of course fought for change is in the computer technology area. I discussed this several times with the deputy minister: that we need to move into the office of the future. Instead of building buildings, we need to use portable computers. We need to use cell phones. We need to use the staff members working out of their vehicles. That would improve and cut the cost of our system. Staff do not have to come into a building every morning. They can get their assignment and move out from their homes. They can do the documentation from their homes. I also fought to have the same computer system throughout Alberta in the different health units. It didn't make sense for health units to have different computers so the information could not be transferred. Work towards the elimination of waste. So, Mr. Speaker, I am one that supports the many changes that are taking place in the health care service delivery system.

To get back to St. Albert, St. Albert was founded on service to others. The Grey Nuns and the Oblate Fathers served the people, many of the residents of the area, through their hospital services, schools, agriculture. These values continue today. In fact, because of the values of the past that have been continued on, the value of service with thousands of volunteers in our community, many of our former students who moved away came back.

We look at St. Albert. St. Albert provides leadership in many areas. Our school districts: the first to promote year-round schooling. Our parishes: after Vatican II the St. Albert parish implemented the new changes, and they came from across Canada to visit and see what was happening. Our city council has given leadership in many areas. The community through the Winter Games: 4,500 volunteers. We also have arts and culture, sports. We can go on with the many areas that St. Albert gives leadership to.

As we look now at the regions that have been formed, St. Albert looks at this and they ask not to be in the Edmonton region. They asked that they be taken out of the Edmonton region even in the early planning stage, but this did not happen. They were forced into a shotgun relationship with Edmonton. I don't know how many times a shotgun relationship works well, but I don't think too many times, unless someone can correct me. Mr. Speaker, with this in mind, St. Albert has asked that they not be included.

I just want to put on the record for the minister the information that has come from St. Albert and the surrounding areas to the north, east, and west. This comes from the MD of Sturgeon No.

90. At a meeting on April 7 at the office of the municipal district of Sturgeon they proposed the following: that the city of St. Albert be excluded from the proposed region 10, which is Edmonton, and be included in the region to the north. The people involved there were the mayor of St. Albert, Anita Ratchinsky; city manager Norbert Van Wyk; councillor, town of Stony Plain, Donna Cowan; alderman, city of Spruce Grove, George Robin; a relative, I believe, of our Member for Stony Plain, Peter Woloshyn, reeve, county of Parkland; Ross Quinn, the chairman of the Sturgeon hospital district; Mary Anne Balsillie, the mayor of the town of Morinville; the mayor of the village of Legal, Richard St. Jean; Maisie Metrunc, manager of the town of Gibbons; Frank Schoenberger, the reeve of the MD of Sturgeon; Cal Putnam, Jerry Kaup, Jack Pearse, councillors; and Larry Kirkpatrick, the administrator. Mr. Speaker, they have written and asked that St. Albert be excluded from the Edmonton region.

Further, we have letters from the Health Plan Co-ordination Project Steering Team. They've written to the minister asking that there be an integrated triangle, with the St. Albert Sturgeon general hospital at the southern boundary serving as the regional hospital.

The region would thence generally extend in a northwesterly direction bounded in the west by Highway 43 to include Fox Creek, to include Smith, to include Highway 28, Highway 63 north to 19th baseline and ID 17. The argument for this, Mr. Speaker, is the fact that we recognize the guidelines in looking at the different regions, what the guidelines were. They recognize that the cultural, economic, transportation related corridors flow into St. Albert from the northern region, and the tertiary services would again flow to St. Albert into Edmonton. So with that, they've requested that the minister again make sure that St. Albert would not be included in the Edmonton region.

Further, the businessmen, the economic people involved in the business and commerce of the area know who they deal with. They deal with the population to the north and in various directions.

**8:10**

DR. WEST: St. Albert has the highest per capita cost operating a general hospital in the province.

MR. BRACKO: Is the Minister of Municipal Affairs voicing an opinion?

AN HON. MEMBER: Always.

MR. BRACKO: Okay. Well, thank you for that. I don't know what you said, but I'm very open to seeing it anytime. If you listen, I can inform you on some of the other areas. But thank you. Same old trick.

The chamber of commerce: very supportive of the decision of the government to rationalize and regionalize the health services. They're supportive of what is happening. They want change, they want it to be more efficient, but they also have some concerns. One of the concerns is the assessment. We are not in agreement that the local property taxes should be used to fund health care. They also do not believe St. Albert should be in Edmonton. They know the area. They know the client route. They know the area it serves. They also feel that it would be beneficial to – in fact, they say it would be more harmful to change it than keep it the way it is today. That comes from the chamber and the businessmen whose input we of course made sure we had and received.

Further, Mr. Speaker, from the city council of St. Albert: they passed a resolution supported by all council members after they

talked with the various groups in St. Albert that St. Albert not be included in this plan.

Further, there's a health plan co-ordinating project steering committee made up of the area to the north, and they again did not wish St. Albert to be in the Edmonton region. They want it to serve the north, as we have in the past. I just want to name the people in the different areas that support this position: Glenda Bobbie, the mayor of the town of Bon Accord; Richard St. Jean, the mayor of Legal; Berkley Ferguson, the reeve of Athabasca.

MR. DINNING: Is the member going through the telephone directory?

MR. BRACKO: Margaret Plain, Sturgeon general hospital.

MR. GERMAIN: His supporters.

MR. BRACKO: You bet.

R.A. Wilkinson, the Athabasca general; Edgar Koehler, Athabasca health unit; Mr. Hermanson, mayor of Athabasca; Anita Ratchinsky, mayor of the city of St. Albert; Jean DeChamplain, Sturgeon health unit and also lives in the Westlock area – so we know that we even have strong support from Westlock here in this – again the mayor of Morinville, Mary Anne Balsillie; Jack Pearse, the MD of Sturgeon.

#### **Point of Order Relevance**

MR. SPEAKER: Vegreville-Viking, rising on a point of order.

MR. STELMACH: Thank you, Mr. Speaker. Under *Beauchesne* 459 I question the relevancy of listing all of the names of the individuals for the past five minutes. We're discussing the amendments of the Bill and not listening to those who support or don't support the inclusion of St. Albert in the region.

MR. SPEAKER: The hon. member should be addressing some of his comments towards the amendment that is before the Assembly, making them relevant.

MR. BRACKO: Mr. Speaker, I am. We have a situation where the city of St. Albert is included in a region that it does not wish to be in. I wanted to bring it to the Legislative Assembly's attention that the whole area to the north, including Westlock, has support for and that we have had in our petitions, Mr. Speaker . . .

MRS. BLACK: A point of order, Mr. Speaker. *Beauchesne* 459, relevancy. If I'm not mistaken, the amendment to this Bill has nothing to do with what the hon. member is discussing tonight, and I would ask that he try and speak to the amendment and get back to it as quickly as possible.

MR. SPEAKER: Yes. The hon. member may not realize that we are not on the main motion for second reading. We are on an amendment proposed by the hon. Member for Sherwood Park which relates to a two-tiered health care system and the implementation of a user fee and voucher system. The debate is much more restricted now than it was when we were on the main motion.

The hon. Member for St. Albert.

#### **Debate Continued**

MR. BRACKO: Thank you, Mr. Speaker. I appreciate your words of wisdom and your comments. These are the two-tiered

system, and the others are geographically driven. I saw the Member for Lesser Slave Lake support what I'm saying. She shook her head, and I thanked her for it earlier.

As we look at reasons why, I will conclude very briefly. We've served this area, and we don't want a two-tiered system to develop. If we're put in with Edmonton, the region to the north may become . . .

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

MR. SPEAKER: Order please. The hon. member is stretching things altogether too far in attempting to connect geography with a two-tiered medical care system. That is not in order.

MR. CHADI: Mr. Speaker, I'd like to speak to that.

MR. SPEAKER: Well, the hon. Member for Edmonton-Roper may wish to speak to it, but it is not in order for the hon. member to speak to it. The Chair has made a ruling that it is not in order for the hon. Member for St. Albert to continue speaking about the geography of his region when we are supposed to be talking about the amendment proposed by his colleague, which no doubt had some discussion in his caucus, and he should not be a total stranger to that amendment. There is an amendment on the floor that the hon. member should direct his comments to.

The hon. member.

### **Debate Continued**

MR. BRACKO: Thank you, Mr. Speaker. Again we get into the taxation and user fees. The user fees could be higher in one area than the other, and we don't want that to happen. We want a system where it will be most cost efficient, and we believe that by having the Sturgeon general hospital stay in St. Albert, it will be the most cost efficient.

The minister has the report that St. Albert is at 88 percent efficiency. I'm not sure exactly how to explain it, but it's one of the lowest, most efficient systems, and we want to make sure this continues and serves the needs of the people to the north, to the other areas. We don't want a two-tiered system, a very costly system. It's going to cost them more to go into Edmonton if the Sturgeon general hospital is closed down because of this regionalization concept. We don't want them to have to pay extra. It's much cheaper to stay in St. Albert for accommodation than in Edmonton. I know they could drive back and forth, but that's additional cost.

So with that, I will conclude my remarks, Mr. Speaker, and thank you for this time.

MR. SPEAKER: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. I'm speaking in support of the amendment on this Bill. I want to be very clear that all of the remarks I make this evening are in support of this Bill being delayed. The reason why I believe that it should be delayed is because there are aspects of this Bill that have not been well thought out at this stage.

In fact, the Regional Health Authorities Act, Bill 20, I do believe to be about 80 percent right. But the 20 percent that is wrong is very wrong, and I believe that that 20 percent content has more to do with the commercialization of health care than with regionalization. This is somewhat frightening when you think about the questions that will come up in terms of the

contracts that are going to be entered into and the lack of knowledge at this date about how the boards will operate and proceed.

For those fundamental reasons, postponing any action on this Bill until the public and the interested parties can be fully and totally contacted and have had a chance to input their thoughts in terms of how this Bill would be acted out is necessary and fundamental to maintaining any kind of consistency in health care as we have known it in the past and as we would hope to be able to see it in the future.

### **8:20**

The regional health authorities will be able to requisition funds from municipalities to meet the financial needs for health expenditures. I find this to be a very real concern when it's put out in this type of a broad aspect without any amendments with more explanation there. I find this to be yet one more example of this government downloading taxation responsibilities to the municipal level. I believe that in fact this entire provision should be deleted, and I believe the minister should be in contact and in consultation with the municipalities and taxpayers of this province to get their feedback on this particular provision.

In the community the concerns that have been raised with me from every level of constituent and municipal authority are that the issues here really are that a vote for this Bill with this provision in it as it stands is really a vote for an increase in municipal taxes. I think that's an issue that needs to be addressed. It's certainly a concern for a great many people out there.

This Bill gives the regional authorities the power to charge user fees for goods and services they provide. Now, this is a concept that needs to be debated at some length. What this provision actually does is entrench the right for user fees for health care services. Different regions in fact may make different decisions about the amount and for which services user fees will be charged. Well, if that's in fact the direction that this government wants to take, I hope they would consult with the people of this province. In order to do that in a thorough manner, then this Bill has got to be postponed. So that's another very good reason to speak in favour of this amendment.

We can see that if this provision is allowed to go forward, people living in different areas of the province will not be assured the same level of health care as they are now. Again I believe that this provision should entirely be deleted, and I think if the minister gave this Bill the time, as we are recommending, and she consulted with the people of this province, she would also find that to be a good move forward.

Bill 20 authorizes the Minister of Health, the regional health authority, or a community health council to make payments directly to an individual. When I look at this and when I consult with my constituents and we've discussed it, the indication would be that this provision paves the way for a voucher system where individuals are issued a specific amount of funding and allowed to purchase whatever amount of health care services they choose. This may also allow them the provision to purchase more health care services by supplementing the amount from their personal finances. So I think the government really needs to be clear about their reasons for making this provision. I think that addressing a voucher system or in fact the advent of two-tiered health care, as this introduces, is a situation for a debate under this amendment, because if that's the direction the government wants to take, then it's not a step that should be taken overnight. So I think it's definitely a relevant topic for discussion here.

The boundaries of many current public health units have not been preserved under the new regional boundaries, and that brings

forward many concerns for many areas. There's certainly a danger here that regional authorities may focus on hospital-based health care, and the wellness model which focuses on the maintenance of health rather than the treatment of diseases may under this model be neglected. As we all know in this House – and I would assume that the Health minister would be promoting this – prevention and education remain the most cost-effective measures of addressing health needs.

This brings me to an area that was recently addressed in my constituency when I went to the graduation of 78 grade 6 students at Holy Family high school who had just completed the DARE program, which is a drug awareness program. That program is a pilot project in this city. Only three schools participated in it this year. In fact, what they do is teach children of that age the perils of becoming involved with drugs – that includes alcohol and cigarettes – and teaches them how to say no and how to maintain their own integrity in dealing in the kind of climate and environment that promotes drugs of any kind. Now, I would suggest that a program like that would cost far less if it saves one child from becoming involved in a drug environment than the total cost of the program for the entire city when you consider the long-term consequences. Under the changes that the minister is promoting in Bill 20, we will see less emphasis on those kinds of preventative programs, and that in itself would be a crime for this province. I would certainly hope that that area would be addressed before we would move forward on it.

Health units have a responsibility to consider the health needs of the community as a whole with these kinds of programs. Under this Bill it's unclear what body would consider the needs of the community and not just those of the individual. Public health deals with concerns regarding contaminated sites or pollutants. It also has a mandate to educate Albertans regarding the prevention of disease. Well, can the minister truly stand up in this Assembly and tell us that every single one of those wrinkles and concerns has been addressed and is available to the general public and is available to the users of the health care system and to those who work within the health care system so that everybody can be apprised of exactly what the next step is under this model? Well, I certainly haven't seen them, the constituents that I have talked to haven't seen them, and any of the interested parties who work within the system have not seen these items specifically addressed. In light of that, I can't see how the minister would do anything but postpone the advancement of this Bill until those areas have truly been fleshed out and addressed to the satisfaction of not one but of all people in this province.

Another concern with this Bill is that regional board members can be either elected or appointed. Well, decisions made by regional boards will determine the character of health care services.

#### **Point of Order Relevance**

MR. LUND: Mr. Speaker, a point of order.

MR. SPEAKER: The hon. Member for Rocky Mountain House, rising on a point of order.

MR. LUND: Well, Mr. Speaker, *Beauchesne* 459. When are we going to get on to the amendment? The hon. member has gone on and on and on about things that are totally unrelated to the amendment. I would request that she get on the amendment.

MR. SPEAKER: Well, the hon. Member for Rocky Mountain House has raised the point of relevancy. The Chair did notice that the hon. member made passing reference saying that it would be a good idea to debate user fees as a result of this amendment and to debate the two-tiered system, which are mentioned in the amendment, but then the hon. member passed on, and the Chair hadn't noticed too much debate on those subjects. Now the hon. member seems to have strayed away from the amendment. Perhaps the hon. member could flesh out her comments about the two-tiered system of user fees and things of that nature that are specifically mentioned in the amendment.

MS CARLSON: Well, thank you, Mr. Speaker. I'll certainly keep that in mind as I continue with my concerns about this Bill.

MR. SPEAKER: Hon. member, the Chair would respectfully remind you that this is not the forum for you to raise all of your concerns about the Bill. The only concerns that you can raise about the Bill are those that are mentioned in the amendment that your colleague from Sherwood Park put before the Assembly. That's what this amendment is about. If we dispose of this amendment and then get back on the main motion, well, then of course you'll have the opportunity of dealing with your general concerns of every nature and kind that you have about the principle of the Bill.

**8:30**

#### **Debate Continued**

MS CARLSON: Thank you, Mr. Speaker. Specifically addressing, then, reasons why this Bill should be delayed in terms of the user fees and how this Act will look in the province in the future if it proceeds without any further debate in this House, without a postponement so that the Health minister has a chance to fully debate these outstanding issues with community members, I would refer to some concerns raised by Dr. Gerry Predy, the deputy medical officer of health with the Edmonton board of health. He talks about that as we change the system, there are going to be difficulties and that the difficulties need to be ironed out prior to this Bill being put in place. That in fact requires a postponement of this Bill until there has been sufficient debate and compromise and progress step by step laid out in terms of how this Bill is going to be implemented.

These specifically talk about with the downsizing that we see and with the advent of the potential of user fees and the lack of accessibility for people to the health care system because of lack of money, there's going to be greater need out in the community for support services. Already in fact in all areas of the province we're seeing definitely an increase in the demand for nursing services and support services, particularly acute care after patients are released from the hospital system. A lot of these people that are currently being released are very ill or have chronic conditions, and they're looking at a substantial increase in support services in that area. As the demand for home care services increases, they don't in fact under this Bill know the details about which hospitals will be closed and what kind of funding will be available to them. This is a real concern for people out there. There is an expected increase, 40 to 50 percent, in the demand for home care services, and that's based on some of the preliminary research they've done. In fact, the demand may be much greater than that. Then the home care boards will need a corresponding increase in funding.

Well, if they're looking at an increase in funding of 40 percent, there's nothing in this Bill at this point in time that addresses that need or says that it will be met within a timely time line. From

all over the province we are receiving reports that health units are not getting adequate money right now. In fact, they're not meeting the terms of these agreements, so there's a great deal of concern that they won't be met in the future, because there's nothing in this Bill to address that need.

So speaking in terms of this being postponed until a further date when the minister can work out those kinds of details, I think it's something that should certainly be of great concern. Is the province in fact going to meet that 40 percent increase? If they are, then when are they going to do so? We're seeing these boards being stretched to the absolute limits now and that people being released back into the community are more ill than ever before and therefore need more home care support. It's important I think that all Albertans and the government members understand that many people will in fact require additional assistance and that they are going to be looking for that service to be provided and that the funds and the people have got to be in place to provide that service. As this Bill goes forward at this point in time, there simply has not been enough time to address those issues, and that's a very, very serious concern for all of them out there.

This Bill talks about the reorganizing of health care with things such as a two-tiered system when none of the details there have been fleshed out but could be, given enough time to talk about it. So if we're talking about reorganizing health care, then the efficiencies to be found need to be on the basis of improving health care delivery at a lower cost. Now, I think that is what the minister had in mind, but it doesn't seem to be what's happening here.

Actually what needs to be addressed, then, is the structural reform of the health care system, reform that's based on consultation. Consultation cannot be done overnight. It can't be done in a week, and it can't be done in a month. So for those very reasons this Bill needs to be postponed until a future date, until that consultation process with the communities and with all of the users of the system can adequately be addressed. What we have with this Bill basically is a reshuffling, not a reorganization.

So if you postpone this Bill and go out and assess the needs of the communities, assess them not from the perspective of political advantage but from the perspective of meeting a standard of universal health care, which has become a basic expectation of not only every person in this province but in fact of every person in this country – it's what makes us different from other countries in this world, and it's what makes us a good country to live in. One of the reasons people immigrate here is because of that basic philosophy that they will have universal health care in this system.

This means accessibility to all communities. As we see this regionalization come forward – and perhaps this is something the minister missed when they were drawing up the boundaries, another good reason for postponing the passing of this Bill at this time – there are some serious concerns about region 10, which is the Sturgeon General area, which has been included in an area that it's very unhappy with. They're going to require extensive consultation in order to have their needs met in that area. It's something that I think the minister would be happy to do if she were given the time to do so.

Again, when we talk about accessibility of all communities, a very interesting thing happens when you look at region 8, which is the minister of economic development's riding. The way the boundaries are drawn, this whole process cannot proceed in region 8 unless a new hospital is built there. Well, it's very interesting – and I think this might have been an oversight on the minister's part – that that region would have been drawn requiring a new

hospital in a time of fiscal restraint, in a time of major cutbacks in all areas. The minister, I'm sure, would not deliberately draw a region where there would have to be a huge capital expenditure. I'm sure that if she were given the time to re-examine that area and to consult with the concerned people, we would see some changes made. I think that it would be very commendable if she took a look at that.

The problem really with the regional boards is that they don't have full authority, which is contrary to what we've heard in debate from the government side on this Bill.

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

MR. SPEAKER: Order please. According to the record the government members who have spoken have not spoken to this amendment. Therefore, the hon. member really has strayed off the amendment again. The Chair hates to be interrupting all the time. Nevertheless, the rules are the rules, and the hon. member should be speaking to the amendment.

#### **Debate Continued**

MS CARLSON: Well, thank you, Mr. Speaker. I'll close my remarks, then, with a real concern in terms of addressing the amendment in this Bill, in terms of talking about the government not actually practising what it preaches and again another concern about why we're looking at the advent of user fees in this system, which is something that's got to be addressed. That has to do with the Alberta health care redesigning that's gone on in there and the concerns that the AHA board of directors have around the restructuring, which has really failed to consider downsizing within the government department itself. A letter has been forwarded to Alberta Health concerning this, that the government in fact does not practise what it preaches by unveiling a plan which does not call for a significant reduction in expenditures or staffing levels.

So, ladies and gentlemen, all of the concerns that I have raised here this evening I certainly think more than adequately explain the problems and concerns around here and why this Bill should be delayed at this point in time. Thank you.

**8:40**

MR. LUND: Well, Mr. Speaker, I wasn't going to enter into this debate tonight, but this diatribe has just gotten to me. It started back when the amendment was introduced. You look at who introduced it. It was the Member for Sherwood Park. I thought when I read it: well, he's a new member in the Assembly, so you could excuse him for that. But he is a lawyer, so you have trouble accepting that. Then when you get the amendment, you see that it's a Mr. Mitchell that actually is the mover of the motion. I don't know what his motive was. It probably was so that he'd have a brand-new platform when he's out on the leadership campaign this fall.

#### **Point of Order Relevance**

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

MR. SPEAKER: The hon. Member for Edmonton-Centre is rising on a point of order.

MR. HENRY: Mr. Speaker, 459, relevance. The Liberal leadership, which is likely to come up in 1998 or 1999, is not relevant to this debate.

MR. SPEAKER: Order please. [interjections] Order. On the point of order, the Chair always gives a little bit of introductory time.

The hon. Member for Rocky Mountain House.

MR. LUND: Well, thank you, Mr. Speaker, for that ruling, because clearly I'm speaking to the amendment. Clearly the mover is part of the amendment and . . .

MR. SPEAKER: Order please. Just for the record, hon. member. The name on the paper – if you look at the bottom, you'll see that it is signed by the hon. Member for Sherwood Park. In fact, the hon. Member for Edmonton-McClung may have prepared the amendment, but it was moved by the hon. Member for Sherwood Park.

MR. LUND: Well, I certainly would never disagree with the Chair, but Mr. Speaker, my amendment is stamped Parliamentary Counsel, and it looks like an F something W down on the . . .

MR. SPEAKER: No, no. Read just above Parliamentary Counsel. There's a signature there.

MR. LUND: Well, there isn't on mine, so I apologize to the Chair for making that assumption. As far as the leadership, we all know that the hon. leader is going to take that political plum and run very quickly.

Moving on, Mr. Speaker . . .

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

MR. HENRY: Point of order, Mr. Speaker, again. I mean, the record's very clear; the only plum that the hon. Liberal leader intends to take is the seat across from him in three years' time.

Thank you, very much.

MR. LUND: Well, Mr. Speaker . . .

MR. HENRY: Do it again, Ty.

MR. LUND: No, we'll save that for another day. We'll have a debate on that one.

#### **Debate Continued**

MR. LUND: Then, Mr. Speaker, one of the members got up and spoke on it, Calgary-Buffalo, and he talked about the credibility of the government. Well, this amendment is nothing more than another one of these stall tactics. The fact is that we will debate this for over an hour, and we know that it costs \$2,500 approximately to keep this Legislature open for an hour. So this bit of nonsense is going to cost the taxpayers of the province at least \$2,500 . . .

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

MR. ZWOZDESKY: Point of order.

MR. SPEAKER: The hon. Member for Rocky Mountain House has provoked another point of order by the hon. Member for Edmonton-Avonmore.

MR. ZWOZDESKY: Not only is he engaging in irrelevant matters and beginning to repeat himself, which is contrary to 459, but I think he's also starting to impute additional false and bad motives under 481(e). I would ask the Chair to ask this member to please reconsider his remarks in light of those standing orders.

Thank you.

MR. SPEAKER: The latter part of the point of order is not a point of order, and the Chair doesn't recall anything being repeated. The hon. member is still in his introductory remarks, but the Chair would urge the hon. member to conclude his opening remarks fairly quickly and get to the amendment. [interjection] You'll have to wait until the next opportunity. This matter is closed now.

The hon. Member for Rocky Mountain House.

MR. LUND: Well, thank you, Mr. Speaker, for that bit of advice.

#### **Debate Continued**

MR. LUND: Moving, then, more directly to this bit of garbage that we've got in front of us, talking about the two-tiered health care system . . .

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

MR. SPEAKER: The hon. Member for Edmonton-Avonmore.

MR. ZWOZDESKY: Mr. Speaker, you know it's very uncharacteristic for me to rise on these occasions to raise a point of order. This is the second point of order I've ever raised. The first one was 20 seconds ago.

So I rise under 481(e), which speaks specifically to imputing of bad motives. For this Member for Rocky Mountain House to accuse the Liberal opposition of using stall tactics is imputing false motives and bad motives. Secondly, for him to call this garbage is . . .

MR. SPEAKER: Order please. [interjections] Order. The hon. member may recall members on the government side rising and saying that they were offended by some terms by members of the Liberal caucus because the government was characterized as being this, that, or the other thing. The Chair had to say that the remarks were not out of order because they covered a group. If an individual is accused of bad motives or improper allegations, then the Chair can deal with that, but when the whole organization, the whole caucus or the government is accused of those things, that is not out of order. That's a matter of debate.

The hon. Member for Rocky Mountain House.

MR. LUND: Thank you, Mr. Speaker. It would be nice if I could complete my remarks, because this is a very expensive process that we're in. I want to get through it, but they continue to interrupt my comments.

#### **Debate Continued**

MR. LUND: Moving along, then, and talking about a two-tiered system and the Bill introducing that by user fees – well, Mr. Speaker, it is most ridiculous that they are spending over \$3 million on research, and they can't even go out and find out that in the health units today, in home care and other services that they provide, we have user fees. That's going on today. On top of that, for our extended care facilities and that sort of thing we have

user fees. Now, to say that the Bill is changing anything is most ridiculous. I believe that if they would get their *Hansards* out and read my introductory remarks to this Bill, they'll clearly see that in fact that is not the case, that we're not introducing something new and different.

Now, they didn't bring it up tonight, and it's not in the amendment dealing with requisitions, but once again in the discussion of the Bill earlier they had alluded to changes there. Well, spend some of your research money. Get a researcher to go and check, and you'll find out that in fact it's no different in the health Act today.

#### Point of Order Relevance

MR. HENRY: Point of order, Mr. Speaker. You previously ruled that the Member for Edmonton-Ellerslie should not be referring back to debates on the main motion, being second reading of the Bill, and I'd ask you to ask the Member for Rocky Mountain House to stick to the issue of the amendment.

Thank you.

MR. SPEAKER: Well, the Chair must say that it was occupied and didn't hear those last comments. But if the hon. member did stray in any way, continue with the amendment, please.

MR. LUND: Well, Mr. Speaker, in all due respect, they just hate to hear me talk about their \$3 million in research and where they're spending it, so I'm not going to go over that and replot that ground.

MR. HENRY: Mr. Speaker, point of order. The hon. member persists in doing a typical Tory tactic in using inaccurate figures. I suggest he take his multimillion dollar budget and perhaps go and do some research himself and get his figures straight.

Thank you.

MR. LUND: Oh, I'm sorry. I thought that was a point of order.

8:50

#### Debate Continued

MR. LUND: To talk about a voucher system in this amendment, or this hoist basically is what it is, I don't know where on earth that comes from. They never even came close to demonstrating that in fact Bill 20 even talks about a voucher system. I heard one hon. member talking about some lines and some regions and that you weren't going to cross these lines. Well, once again, Mr. Speaker, if they would go back and read *Hansard* and see what I said in the opening comments as I introduced second reading of this Bill, they would clearly find out that we said that the regions don't mean that people can't cross the line to get service. Maybe if you want to hear that again, hon. members, the region, the lines don't mean that you can't go across it for service. So I hope you've got that clear now.

SOME HON. MEMBERS: One more time.

MR. LUND: You mean, I've got to do it again?

SOME HON. MEMBERS: Yes.

MR. LUND: Hon. members, if you are in one region and you need services in another, you can cross the line to get the service. Will that do? [interjections] No, I had better not do it again.

Then, Mr. Speaker, another bit of nonsense that they've brought into this debate: talking about too many regs and that we've got to go out and get the public more involved. Well, let's take a look at that. We have had at least 5,000 people at our roundtables. They've given us advice. The reason for having a lot of regs – and once again if they would go and read *Hansard* and see what we said in the opening comments, they would clearly see that we said that this is enabling legislation. Enabling legislation. Maybe if you take some of your research money and get your researcher to tell you what that means, then I don't have to do it, but I'll do it if you persist.

What's going to happen, Mr. Speaker, is that as we continue this consultation, there will be some changes. So you've got to have the ability in enabling legislation, through regulations, to do things that the community is telling you you need to do, and that's why we've got a lot of cases in the Bill that talk about regulations.

They don't want to pass Bill 20 at this point because there hasn't been enough debate. Then they come out with something like this that says: we're going to stop discussing it. I can't believe it. In getting back to my opening comment about it being a stall tactic, if they can figure out any other explanation for this, I want to hear it.

Thank you.

MR. SPEAKER: The hon. Member for Edmonton-Roper is going to oblige.

MR. CHADI: I most certainly am. Fasten your seat belts everybody. Just sit back, relax, and enjoy the ride. You've heard the windup toy. You've heard him say time and time again and repeat himself: enabling legislation, crank, crank, enabling legislation, crank, crank, enabling legislation. Yeah, we all understand that. It's quite clear, Mr. Speaker.

I am compelled to rise today and speak to this amendment, which I had no intention of doing until earlier this evening. The amendment to Bill 20, Mr. Speaker, is one that says that it be not now read a second time because the Assembly finds that passage of this Bill would result in a two-tiered health care system because the Bill allows for the implementation of user fees and a voucher system.

Mr. Speaker, it may not spell it out exactly in this Bill, but it's left wide open, and that is why we want to see it tightened up. I don't think there's a member anywhere – anywhere – not only in the Alberta Legislature but any Legislature across any province in this country, that doesn't want to have or strive to have the best possible legislation presented and passed in their Assemblies. No one, certainly not in Alberta, where we all are sitting here, grown adults, my goodness, and having to go through exactly what the Member for Rocky Mountain House just put us through this last 10 minutes. I don't know if he can go 10 minutes. I think 10 minutes is too much. It was probably about 5 minutes. That's about all the windup could crank there.

Mr. Speaker, quite clearly, when the Member for St. Albert was speaking about Bill 20 being region driven, he wasn't off . . .

SOME HON. MEMBERS: On the amendment.

MR. CHADI: With respect to the amendment, let me explain, Mr. Speaker. Quite clearly, section 20(k) – and I'm going to read it for the hon. Member for Rocky Mountain House, and I'll read it very slowly. I kind of figure maybe he didn't read this part yet, even though he sponsored it. Maybe I should read it real slow. What it says is that

the Minister may make regulations . . .

(k) authorizing regional health authorities and community health councils to charge fees.

Mr. Speaker, to charge fees. My goodness, here we are saying that it was going to create a two-tiered health care system because it would create user fees.

MR. GERMAIN: That's pretty relevant.

MR. CHADI: I would say so. It says here, ". . . they provide and respecting the amounts of the fees that may be charged for those goods and services."

Mr. Speaker, I'm going to get to my point now: being region driven. Let's take region 17 up in the High Level/Fort Vermilion area. I know that many of you don't know where that is. Many of them don't care where that is. But I can tell you one thing: the good people from High Level and Fort Vermilion deserve better. They deserve better because they're going to be put into a health region that is no doubt going to have to impose these user fees. They're going to have to do it in order to meet their budgets and their targets because of the downloading that this government is imposing on each municipality in each district up in the north, as it is in the south, in all parts of this province.

You know, what's wrong with having a system? All I'm trying to do is speak to maybe better this Bill, give some good concrete suggestions that might make this Bill better. What's wrong with the other side of the House listening to some of those suggestions, Mr. Speaker?

This Bill has no set limits, no set limits whatsoever, for the requisitioning of any funds from any municipality by any health authority in this province. Now, even the school Bill, Mr. Speaker, the School Amendment Act, has set out a certain level . . .

#### **Point of Order Relevance**

MR. SPEAKER: The hon. Minister of Health rising on a point of order.

MRS. McCLELLAN: I may have to ask for relevance, because if I hear the hon. member correctly, he cannot be speaking to the amendment, which clearly closes debate on this Bill, removes it from further debate, and he has just said that he wants continued debate. Perhaps he would clarify.

MR. SPEAKER: The hon. Member for Edmonton-Roper.

#### **Debate Continued**

MR. CHADI: Thank you, Mr. Speaker. The idea of requisitioning those funds with no set limit for requisitioning the funds would mean that user fees would have to be imposed, because the costs up in the High Level/Fort Vermilion area would undoubtedly be higher than the health authority down in the Edmonton region, for example. All I'm telling you is that region 10 or 9, say, would have to be, in my opinion, far cheaper than region 17. So when I say to you that it's going to create a two-tiered system, there's no question about it, because it will create a system where the poorer areas will have to pay more money for health care than the richer areas. The Fort Saskatchewan area, with its megaresources in terms of industrial taxation, is certainly far better off than an area like Fort Vermilion and High Level. So these areas here, these authorities are going to be sitting rather pretty compared to the ones up north. All I'm doing and all

members on this side of the House are doing is taking care of our good friends up north, everyone of us.

MR. GERMAIN: Let's hear it for northern Alberta.

MR. CHADI: For northern Alberta.

MR. CHADI: Now, Mr. Speaker, with regard to the amendment, I would say to you that I would encourage everyone that if we cannot better this Bill, then vote for this amendment and let's get it off the books until we have given this Bill a sober second thought.

Thank you very much.

**9:00**

MRS. BLACK: Mr. Speaker, I move that we call the question on the amendment and get on with the discussion on this right away.

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: No.

The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you. Patience, hon. Deputy Government House Leader.

I wanted to speak to this amendment, being that the Bill "be not now read a second time." [interjections] Mr. Speaker, I'd be more than willing to relinquish the floor and let it be a free-for-all, if that's your judgment.

MR. SPEAKER: Order please.

The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you. Mr. Speaker, I have some concerns with the Bill, relative specifically to the amendment. I've spent some time going through the Bill and talking with constituents of mine as well as colleagues and former colleagues in the health care field. I won't take the House's time right now to speak to the specifics of the geographic breakdown; perhaps I can do that when the time comes for us to get into second reading. But other members have raised some points, and I simply want to highlight some of those points.

We have to be careful when we are talking about health care reform that we don't simply talk about doing less of what we do now and charging people more for doing it. That's a concern with moving to user fees or to extra billing and leading to a two-tiered system. Fundamental to the argument for this amendment, Mr. Speaker, is whether you agree that user fees and extra billing will in fact lead to a two-tiered system. Now, we know that the members on the other side are fond of user fees and extra billing or other kinds of taxes, and some of them do not believe that that does lead to a two-tiered health care system. But if we have user fees and more and more user fees, more taxes on individuals, that will lead to a two-tiered system.

I think in order to understand the arguments against creating a two-tiered system, it's important briefly – and I will be brief, Mr. Speaker – to understand where our medicare system came from and how it evolved in a very brief history that would be useful for the members across, I believe. The medicare system in Canada, a national insurance scheme, was first proposed in the 1930s by the Canadian Medical Association because in the '30s they had concerns about doctors not being able to make a living and not



being able to collect, as well as knowing that a lot of people were not getting services. The discussion continued into the '60s, and of course we had the Royal Commission on Health Services. The hon. Justice Emmett Hall, who chaired that, was appointed by the then Prime Minister, Mr. John Diefenbaker, to look at the feasibility of a national health care system, also taking into account the experience in Saskatchewan to that date. That led to the Liberal government, under Lester Pearson, bringing in national medicare. What that was intended to do was to ensure that every Canadian had equal access to basic health care services in this country and that there wasn't a two-tiered system, one for those who can pay and one for those who can't afford to pay.

Mr. Speaker, we've had ongoing medicare in this country for almost 30 years, and it wasn't until about 10 or 12 years ago that many of us became very, very concerned that the future of medicare and a universal health care system and equal access to health care was in jeopardy. Many Albertans – and I was involved quite heavily in that – formed an organization called the Alberta Friends of Medicare and lobbied very hard on behalf of Albertans for the tabling and passing of the Canada Health Act.

I just want to relate a brief story from that experience that describes to me why user fees are wrong and why we should not move that way. I was in Red Deer at a public meeting regarding the lobby to create the Canada Health Act, and I was quite astounded when I looked around the room. We were breaking into small groups, and probably over three-quarters of the group were senior citizens. I spoke to a couple of the members, and I said, "I don't understand why you're here," because even with user fees and extra billing, at that time in Alberta senior citizens were exempt from premiums. They were in those days, at least, exempt from health care premiums, before this government decided to add that tax to seniors. I said: "Well, what are you doing here? Why are you concerned? You're not going to have user fees or extra billing or premiums." One gentleman, whom I still keep in touch with today, said: "Michael, we remember when there was no medicare. We remember when you went to the doctor if you could afford it. We can remember when there were two sets of health care delivery systems, one for those who can afford to pay and another one for the rest of us."

Mr. Speaker, we passed the Canada Health Act. It received unanimous approval from three parties – the Liberals, Conservatives, and New Democrats – in the House of Commons in 1984. That told provinces they had to come in line and not charge user fees or extra billing. They could, but there would be a financial penalty for doing so. The Liberal government of the day was gracious enough to allow provinces three years, three whole years, to think about this and to contemplate it and to see the error of their ways. Certainly it took the Conservative government in Alberta three full years. Finally cash spoke, and the Conservative government outlawed user fees and extra billing. From that day on we had an end to user fees and extra billing, and the amount that the provincial government received from the federal government increased retroactively to 1984.

Shortly after that, Mr. Speaker, I became very concerned when the Hyndman report, which looked at our health care system, was tabled in the Legislature and released to the public. It was shortly after 1987 when this government agreed to not have user fees and extra billing. The Hyndman report said some very important things about the future of health care and some very valid things about health care reform. We all recognized at that point that we needed to limit the growth of dollars in terms of health care expenditures, and one way to do that is to bring real reform to the system. One of the things that was suggested was smart cards. They've been around, and I know the hon. Minister of Municipal

Affairs has talked about that in this House. The smart cards would detail the medical history of an individual so that we would avoid the kind of doctor shopping, we would avoid the kind of duplication of services. The problem with that is that the smart cards also were tagged with having a budget for each individual, therefore creating a two-tiered system and essentially a system of user fees. That was thrown out the window because of it, and it's unfortunate that in that instance the baby was thrown out with the bathwater and that we didn't proceed, perhaps, with the smart card idea and drop the user fees.

Mr. Speaker, I am aware that the Minister of Health, with regard to I believe it's section 13, has said that in committee she'll be bringing in some amendments. I believe I'm correct, Minister of Health. I'm trying to catch the Minister of Health's attention. I understand that there are going to be some clarifications in committee on this, and I applaud the minister for recognizing that and bringing in those clarifications.

I'm not going to take a lot more time, Mr. Speaker. I simply wanted to point out that it was a regressive step to move to user fees and extra billing. I appreciate the hon. Member for Rocky Mountain House's comments with regards to health unit boards and the charges – and I assume he was talking about home care and that sort of thing – that are in place now and that the provision in this Act was simply going to allow for that to continue. I appreciate that, and I'll certainly be looking for clarification of that in the debate in committee. [interjection] Perhaps I could talk with the minister later.

There is a concern that's been expressed to me with regard to the amount of discretion that's allowed in regulation. I understand the argument that says we're not through with reorganization and we need some flexibility down the road, but perhaps one should have done the consultation, come up with a plan . . .

#### **Point of Order Relevance**

MR. RENNER: A point of order.

MR. SPEAKER: The hon. Member for Medicine Hat is rising on a point of order.

MR. RENNER: Yes. Thank you, Mr. Speaker. Standing Order 23(b), speaks to matters other than the question under discussion. I appreciate what the member is saying, but earlier in his speech he talked about further discussion at second reading. Now he's talking about discussion at committee. The amendment under debate is to kill the debate, to not have second reading, so how on earth are we going to introduce amendments in committee if we support this motion? And how can this member be speaking to this amendment if he's saying that we're going to go into committee later on?

MR. HENRY: I take the member's point, Mr. Speaker, but I guess we all learn lessons from history. Certainly the short history of this Assembly since June 15 has shown, hon. member, that whenever this government decides they're going to do something, damn the torpedoes, and if they have to bring in closure after one day's debate, then they're going to do that. The record's very clear.

9:10

#### **Debate Continued**

MR. HENRY: I was speaking about the regulations and specifically 20(k), which authorizes regional health authorities – this is the minister – to make regulations and "community health

councils to charge fees for goods or services they provide," et cetera, et cetera. That's the concern with regard to user fees and extra billing, and I will appreciate the clarification of that.

I also want to point out that there are other sections of the Bill that I think need to be spoken to. I really appreciate the Speaker's previous rulings of sticking to the point, and I'm going to anxiously await committee to see some more clarifications and see if we can narrow this down. I'll look forward to speaking to the main question on the Bill.

Thank you.

MR. SPEAKER: Is the Assembly ready for the question?

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. SPEAKER: The hon. Member for Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Speaker, for allowing me to speak to Bill 20, Regional Health Authorities Act. On March 31, 1994, Bill 20 was tabled in this Assembly by the Health minister. The reaction from the existing health boards – the Alberta Healthcare Association, United Nurses of Alberta, and other organizations – was immediate. Now, on the surface, doing away with area boards and establishing 15 regional boards sounds great, but deep down there are too many unanswered questions. Questions regarding boundaries, the appointment of the first board members, and the appointment or election of the remaining board members for each board were left largely unanswered. All that was said was that it would be dealt with in forthcoming regulations. Shouldn't the regulations have been developed along with the Act?

Each regional health authority under section 5 of the proposed Act will have broad powers in that it will have absolute and final authority in respect of provision of health services for the health region. In accordance with section 5 of this Bill,

a regional health authority has the absolute and final authority in respect of the provision of health services in the health region and, for that purpose,

is responsible for ongoing assessment of the health needs in the health region, determination of the priorities for the provision of health services in the health region and allocating the resources accordingly, ensuring that reasonable access to health services is provided in the region, promotion of the provision of health services so that the focus is on the needs of the individual and which support the integration of services and facilities at the local level, expropriation of land for any purpose related to provision of health services, and requisitioning a municipality within the health region for the local responsibility portion of the regional health authority's capital costs in accordance with the regulations. These are sweeping powers indeed.

Over and above the powers I have just listed are other powers, such as that the regional health authority in conjunction with the minister will also have the power to

enter into agreements for the purposes of the Act with the Government of Canada, the government of another jurisdiction or any person,

which could be any individual or corporation. Such agreement can be operative

notwithstanding this Act, the regulations or any other enactment administered by the Minister or the regional health authority.

Therefore, the provisions of the Act would not necessarily have to be applicable to such agreements. Is this not cause for concern?

The regional health authority will also have the power to delegate any of its powers, except the power to expropriate, to committees of the regional health authority – employees, officers, or agents – or a community health council. In view of this large responsibility, it can be argued that for the same reasons a most important decision of government will be the appointment of the regional health authorities. Hopefully, these health authority jobs will be duly advertised and the most qualified person will be chosen, not friends of the government.

With an appropriate composition of the authority the foundation will be established on which to develop sound business decisions for the future operation of the health regions. Without a good foundation the whole system can soon crumble into a heap of rubble, with the taxpayers and the sick paying dearly.

The Alberta health association has suggested criteria to be considered when appointing the initial members to the regional health authorities. It's excellent criteria, and I want to outline it for this Assembly.

Number one, commitment to public accountability. Trustees must be accountable for the matter in which they have fulfilled responsibilities entrusted to them. They must be accountable not only for fiscal matters but more importantly for the safety and best interests of patients and consumers.

Number two, commitment to health reform. As the key decision-makers in reshaping health services in the region, it is necessary to believe in and be committed to the restructuring of the health system, management and governance structures, for the purpose of an affordable, high-quality health system consistent with the principles of the Canada Health Act.

Number three, commitment to a comprehensive, integrated health system. The members cannot view the system in parts. It is necessary to think in terms of a whole system with all components contributing to the overall betterment of the health of Albertans. To this extent a number of the members in each regional health authority should be trustees who have current knowledge of the health system.

Number four, ability to develop a vision and health goals with an emphasis on the longer term. The new authorities will be required to establish health goals for the region and a strategy for achieving such goals over a period of time.

Number five, commitment to the fiduciary responsibilities of trusteeship. Trustees are in a legal relationship of the trustee and as such must demonstrate characteristics that put the interests of the consumer and service ahead of all personal motivations. Such characteristics include acting with integrity and good faith, good judgment, diligence, and maintaining the confidentiality relative to patients and staff.

Number six, commitment to health care workers. The new trustees will be making decisions which impact the lives of many health care providers. It is necessary to be aware of the impact of such changes and to implement changes in a fair and humanistic manner.

Number seven, commitment to participate. The new trustees will be called upon to commit considerable time and energy, especially in the first couple of years. It is necessary that they have the time and energy and are willing to participate both at the board table and other required times.

Number eight, ability to delegate responsibility and authority. The new trustees must be capable of both sharing authority amongst themselves and delegating administrative responsibilities

to the chief executive officer. There will be too many issues to discuss them all at the board table, and a structure must be established to delegate with effective accountability.

9:20

Now, what about special interest groups wanting representation on the new authorities? This could indeed be a very serious problem through the introduction of conflict of interest situations. Once precedent is set through the appointment of one special interest group, then all kinds of groups may want appointments saying that their involvement is imperative to the authority. Once begun, there would be virtually no stopping this flood of special interest groups, and chaos would rule.

[Mr. Deputy Speaker in the Chair]

Medicine and nursing units should also be considered for support representation at the roundtable. They have much practical advice to offer. Regionalization will certainly have some large implications regarding labour. A redefining of the ground rules between labour and management will no doubt be necessary to accommodate the management of the work force. Maybe a series of meetings between government, employers, and unions would be helpful to discuss common matters before the Act is approved. Again the Alberta Healthcare Association has outlined five issues that they feel are very important and that should be addressed before this Act is proclaimed.

Number one, unify legislation. Currently there are two separate pieces of legislation governing labour relations in our health system, the Labour Relations Code and the Public Service Employee Relations Act. In a regionalized health system it will be imperative that these be consolidated into a single piece of legislation. This legislation should take into account the unique requirements of the restructured health system.

Number two, define the employer. The authorities and responsibilities attributed to regional health authorities in Bill 20 lead to the conclusion that they will be the single employer. Any ambiguity around this matter must be removed through the inclusion of a definition designating regional health authorities as the employer in both a consolidated labour relations Act and Bill 20, unless the regional health authority specifically delegates the responsibility of an employer to a community health council. Agencies providing health services as independent contractors should be treated as distinct employers.

Number three, define the bargaining unit. There are five standard bargaining units for hospitals and nursing homes and three for community health units. This configuration does not accommodate the intermingling of staff between previously distinct worksites necessary for successful integration of health care and achievement of financial goals. The new legislation must make provisions to rationalize the number and the definition of bargaining units to better reflect logical communities of interest relevant to a regionalized health system.

Number five, basis of collective agreement. Assuming redefinition of employers and bargaining units, a means of determining the basis for first collective agreements must be addressed. The employers do not believe this matter should be addressed on the basis of successorship or assignment of any current collective agreement. The new parties should be able to negotiate first collective agreements. This would enable both parties to redesign fundamentally their agreement to better reflect the circumstances of a restructured health system.

Mr. Deputy Speaker, the delivery of health care is very labour intensive. Addressing the labour issues put forward by the AHA makes a lot of sense. Hopefully, they will be addressed before this Bill becomes law.

HON. MEMBERS: Question.

MR. DEPUTY SPEAKER: The question's been called. Are you ready to vote on the amendment that is moved by . . .

AN HON. MEMBER: No, no. We did that.

MR. DEPUTY SPEAKER: Oh, good. All right. That's what goes when you're sitting out on the balcony.

We have under consideration Bill 20, the Regional Health Authorities Act.

[Motion carried; Bill 20 read a second time]

**Bill 32**  
**Fuel and Tobacco Tax Statutes**  
**Amendment Act, 1994**

MR. DINNING: Mr. Speaker, I rise with pleasure to move second reading of Bill 32, the Fuel and Tobacco Tax Statutes Amendment Act, 1994.

In pursuit of this government's stated objective to be very serious about illegal tobacco smuggling in this province, this is an important piece of legislation that attempts to take the wind out of the potential sails of anybody thinking that this would be a lucrative business to get into in the province of Alberta. We're taking some bold steps, bold for Alberta in that we haven't marked our tobacco product for quite some time. We are making it illegal in this province to sell Alberta tobacco products without those products being properly marked for sale in the province of Alberta. That's found on page 4 of the Bill at section 3.2(2). That's the first important step.

The next one is to ensure that those who are in possession of a product that is not marked for sale in the province of Alberta beyond a certain amount – that is an illegal act and has got the full force of the law to stop that kind of illegal activity.

Mr. Speaker, I should advise the Assembly that where section 8 and section 9 of the Bill refer to "no consumer shall possess more than 400 cigarettes," that was a misprint when it came to the legislation being printed. I will be bringing forward a government amendment to make that 1,000 cigarettes. So rather than someone being found to be in violation of the Bill if they hold more than two cartoons of cigarettes, they will instead be found to be illegal if they hold more than five cartoons of cigarettes.

MR. CHADI: Is that like your tie?

MR. DINNING: Got your attention, Sine baby; didn't I?

Mr. Speaker, the other part of the Bill at section 22 brings the offences and the penalties section and puts much stronger penalties in place for those who choose to violate the law, especially as it relates to marking. Section 15.1(3)(b) makes it clear that any person who decides to go into the marking business and do it on his or her own without authority from the government is eligible for "a fine of not more than \$1,000,000 or to imprisonment for a term not exceeding 3 years, or to both a fine and imprisonment." I think that sends a strong message that we are not going to condone this kind of illegal activity in the province.

I would encourage all members to support Bill 32 at second reading.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Whitemud.

DR. PERCY: Thank you, Mr. Deputy Speaker. I rise to speak in support of the Bill. I think it embodies two principles that we ought to support. The first principle that I think it embodies is in fact that there is a legitimate role for government in ensuring that individuals bear the costs of their actions. There are certain types of actions where if a person makes a mistake, does something stupid, they bear the full costs. However, when it comes to an issue such as smoking or helmet legislation, there's always a trade-off between the individual's rights to do something and the costs that are borne by society as a whole. I think in the case of cigarette smoking, for example, people have the legitimate right to smoke. On the other hand, I think there is a legitimate right that they bear the costs related to that. In part, the variety of sin taxes that we have in place both reflect the fact that it's an easy source of revenue because these are habits that are hard to shake and you can tax them because of that, but also it's an effort, then, to ensure that they bear some of the increased costs that they inflict on society as a whole through health care demands and the like. So in that sense I think this Bill is a step in the right direction. I much prefer this approach to dealing with the issue of cigarette smoking than prohibition, because I think people have the right to do what they wish to do but should bear the costs if they impose them on society as a whole. So I have no problems whatsoever, Mr. Speaker, with the principle embodied in the Bill in that regard.

9:30

I think there is another issue here as well that I fully support, and that is the issue that we cannot choose to enforce laws on the basis of what people like in the sense that if people smuggle and society condones it, then incrementally you're breaking down respect for legislation and making an issue of choice of whether or not laws are enforced. I much prefer, then, an approach where if there is legislation in place, you are willing to invest the time, effort, and resources to enforce that legislation. So with regard to cigarette smuggling I think there's only one solution, and that is in fact to enhance enforcement as opposed to reduce the taxes, because I think the taxes are tied into this issue of cost being borne by society as a whole. I think in this instance it certainly ties in with my notion that laws are there to be respected and that if people break the laws, then you ought to have some mechanisms in place to enforce those laws. So that principle I certainly support.

The third point I would make is that I think all of the evidence I have seen, Mr. Deputy Speaker, suggests that . . .

#### Point of Order

##### Addressing the Chair

MR. TRYNCHY: Mr. Speaker, a point of order.

MR. DEPUTY SPEAKER: The hon. Minister of Transportation and Utilities is rising on a point of order. Your citation, please.

MR. TRYNCHY: *Beauchesne* 357, respect. I've been listening to this speaker for a quite a few minutes, and he says: Deputy Speaker. There is no Deputy Speaker in this Assembly; that gentlemen there is Mr. Speaker. I've heard this so many times. We've been corrected before. Could we use the proper term?

MR. DEPUTY SPEAKER: Hon. members, 357 . . .

MR. TRYNCHY: Well, that was close.

MR. DEPUTY SPEAKER: That may not be a bad idea if you're in the finals of the Brier, but we're in fact consulting with the worthy book *Beauchesne* or Standing Orders, and of course it doesn't fit Standing Orders nor *Beauchesne*. Nevertheless, there is a point that in a sense when you're addressing the Chair, regardless of who the person is in it, it is the Speaker. Although I may carry the title Deputy Speaker, I answer to both.

Hon. member.

#### Debate Continued

DR. PERCY: Thank you, Mr. Speaker. The third point I was making is that the statistical evidence is very clear that cigarette consumption is very, very price responsive. Certainly the evidence suggests that consumption among minors is very, very price responsive, that it's well in excess – in terms of responsiveness, for a 1 percent fall in cigarette prices, there is perhaps a 2 to 3 percent increase in consumption among youths.

So I think when I look at this Bill, I ask myself: is it consistent with the fundamental principles? Do I support the principles? The answer is yes. Do I like the penalties that are put in place? Yes, and I also support the fact that they're on both sides of the margin, both the supply side and the demand side. I think it's certainly consistent, then, with in a sense forcing individuals or groups to internalize the costs they might impose on society as a whole.

So with those comments, Mr. Speaker, I'll conclude. Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Roper.

MR. CHADI: Thank you very much, Mr. Speaker. I would also like to stand in support of Bill 32. I think, after going through the Bill, that there are some very, very good ideas in the Bill, and I would like to see them implemented in our province; no question about it. I know that other jurisdictions across Canada have struggled terribly with this same problem. I wondered, when we looked at this – and I certainly had a difficult time in coming to terms with whether or not to support this Bill – what the governments of Ontario and Quebec had to deal with and why they had to do what they did in lowering of the taxes on cigarettes. Obviously, it's a very drastic measure, and there isn't a government in this land that would like to see, I would think anyway in this day and age, a reduction in their revenue. So there must have been something that compelled them to do that.

I remember seeing on TV, Mr. Speaker, times on the news when it seemed like the RCMP were indeed afraid – and it was reported that they were afraid – to pursue some of these smugglers that were coming through some channel waterway from the United States and into Canada. The way they filmed it, these people were coming through on some kind of jet boats, et cetera, with machine guns or automatic guns mounted on these vessels. It was incredible. I couldn't believe that in a civilized country like Canada we would have to face something like that and we'd actually see where the RCMP or our law enforcement was actually afraid to step in and do something about it. I know that we're a bit different here in the province of Alberta inasmuch as we are land locked. We don't have that kind of problem with respect to waterways, et cetera.

I commend the Provincial Treasurer and his department for the move to bring on side B.C., Saskatchewan, Manitoba, the Northwest Territories, and the Yukon Territory. I applaud the move that all of those jurisdictions are now together in a co-ordinated approach to enforce these smuggling activities in tobacco.

Mr. Speaker, I have a little bit of concern with regard to the section whereby we are going to remit a certain portion less an administration fee to local governments. I'm wondering: did we really need to do that in this day and age – and I question whether or not we aren't paying enough for law enforcement as it is in the province of Alberta – whereby we'd actually give a piece of the fines less an administration fee? In section 17(2) it's clear that subject to any administration fee determined by the Minister, any fine imposed in respect of a conviction for an offence . . . where [it] occurred in a city, town or village, other than on a primary highway, enures to the benefit of the city, town or village.

I take it a step further. What about things like any vehicles or property that were also seized? Is that forfeited, obviously to the Crown? But is that also going to then go to enure to the benefit of the city, the town, or the village, or a portion of it? I'm wondering if we couldn't have tightened that up slightly. I think we could open up to some problems down the road.

I also note section 11.5, the disposition of things forfeited. I would assume that it's the tobacco that is being forfeited here, the cigarettes and the tobacco products. It says:

Things seized that are forfeited to the Crown in right of Alberta under this Act shall be disposed of or destroyed under the direction of the Minister of Justice and Attorney General.

I agree with that wholeheartedly. I'm wondering if we couldn't have tightened it up slightly. I'm looking to use the word "sale" here, Mr. Speaker, because "disposed" could mean a lot of different things. I'm hoping that we could have used a term that is quite clear whereby the Crown and Alberta would actually benefit from the sale of those seized items. We spend a fair amount of money on law enforcement in the province, and there's nothing wrong with something that is seized. It actually comes back and it goes to the general revenue fund. You know, it's high time we started to get serious about this stuff, simply because we spend an awful lot of money, a lot more than we take in. I know that our court systems are costing us a fortune. All together and all around, we're paying an awful lot more than we're bringing in, so let's start bringing in some of those revenues from the seized items that we deserve to turn into cash.

With those comments, Mr. Speaker, I encourage all members to support Bill 32. I would hope that the Treasurer would answer my concerns by way of, perhaps, amendment or if they fit within the Bill and I am reading it incorrectly, I would rest, then, and allow other members to comment. Thank you.

9:40

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

MR. WICKMAN: Mr. Speaker, just very, very briefly. I can understand the need for this type of Bill to come forward. There is a problem, a very serious problem, and I'm not sure that that problem is created so much by Alberta as by persons from other provinces that will see an opportunity to make dollars. I guess it's part of the free enterprise system, so government then has a responsibility to react. Smoking – and I can sympathize with those that still do smoke; I myself quit a few years back – is a difficult problem. If people do have an opportunity to cut down on some of these vices, one has to do those types of things.

I think, Mr. Speaker, we've got to recognize that when we deal with this Bill, this may only be the first step and we may see steps that have to be taken further down the road to control what can become a real, real problem. On that note, Mr. Speaker, I'll conclude.

MR. DINNING: Mr. Speaker, I want to close debate just quickly and respond to some of the comments by my colleagues across the way. A question from my colleague from Lethbridge-East on the matter of mail order: I must advise the Assembly that we considered the mail order provision in the Bill, but we realized that the province really has very little authority and ability to control the post. As a result, we were persuaded: why put a piece of law in place that you can't enforce? Clearly it is a concern. Clearly you can have a standing order of some four or five cartoons a week that would come in by post, and that's quite legit. So there is a concern about that, and we would hope the federal government, the Liberal government, would get to work on that.

The second thing is disposal, in 11.5 on page 13. I am advised by my learned colleague the Attorney General and Minister of Justice that that is a sufficiently broad, very broad term that allows for the sale of this seized product and allows us to sell it and remit those revenues to the Crown.

The Member for Edmonton-Rutherford is right. He talked about this perhaps being step one. The problem could rear its head, and we would have to come back with other actions. We hope not, but the Member for Edmonton-Rutherford is quite correct. This is a serious problem. There wasn't a problem until the Liberal brain chest in Ottawa decided to make this a problem. You know me well enough, Mr. Speaker. I don't like to enter into this partisan debate. I know what my colleagues across the way have said in relatively, for them, scathing terms about their Liberal brethren in Ottawa. It's tragic, because today Canadians, depending upon where they live, are taxed differentially by the Liberal government because they live in a different place. In the case of Quebec, Mr. Speaker, the . . .

#### Point of Order Relevance

MR. CHADI: A point of order, Mr. Speaker.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Roper is rising on a point of order, and the citation is . . .

MR. CHADI: Yes, *Beauchesne* 459. I'm wondering about the relevance of the . . .

MR. DEPUTY SPEAKER: Citation 459 is relevance.

MR. CHADI: Relevance. The Provincial Treasurer goes on speaking about the different parts of Canada that are being taxed differently, and I wonder what that has to do with Bill 32. Please rule on that, Mr. Speaker. I think it's high time we brought this debate in order here. You know, we stood on this side of the House, spoke quite clearly and concisely with regard to Bill 32 and spoke in favour of it. There's no reason for him to sideswipe anybody and sidetrack the debate here.

MR. DEPUTY SPEAKER: The hon. Provincial Treasurer is rising on the point of order.

MR. DINNING: I would simply refer members to section 7 of the Bill, which talks about rates of taxation in Alberta and rates of taxation generally. I simply advise the Assembly. I think it's important that they know that the Liberal government in Ottawa is imposing a \$7.23 tax in Quebec, a \$7.76 tax in Ontario, and a \$13.56 tax in Alberta and in B.C. and in Saskatchewan, especially in Alberta. I think it's unfortunate. I think it's misguided, bad public policy.

MR. DEPUTY SPEAKER: On the point of order on relevance, if I understand, the point of bringing up the Tobacco Tax Act now is because indeed there are differential rates of taxation on tobacco products. As to the reference to the political stripe of what government is receiving what, that's another matter entirely, but certainly it is relevant. Although there may be some extra words that are difficult, under the circumstances it certainly is relevant.

#### Debate Continued

MR. DINNING: Thank you, Mr. Speaker. I'll say just one more thing. I feel that those things are important to have on the record. Instead of taking the kind of approach that eastern Canada has been forced to take, we in western Canada, governments in Alberta, Saskatchewan, Manitoba, and British Columbia, as well as the Northwest Territories and Yukon, have taken a very different approach by focusing on a co-ordinated strategy on investigations and audit activity; increased co-operation among provincial officials, including police forces and the RCMP; stiffer fines and penalties for possession across all four western provinces; legislation such as we've got here today; and an inter-provincial sharing of resources, including the possibility, if it's necessary, of the movement of officials to combat – sort of like a SWAT team – illegal activity.

This is the kind of approach that the Alberta government is taking. I think it's the right way to go. I hear my colleagues across the way for Edmonton-Whitemud and for Edmonton-Roper saying exactly the same thing. I think it should be clear and on the record that the Progressive Conservative government in Alberta takes a very different approach from the Liberal government in Ottawa, and I would encourage that government to get serious about crime and stopping this kind of criminal activity rather than caving in with lower rates of taxation.

So I welcome the members across the way in their nonpartisan approach, but I simply couldn't resist the temptation and so move second reading of Bill 32.

HON. MEMBERS: Question.

MR. DEPUTY SPEAKER: The question has been called.

[Motion carried; Bill 32 read a second time]

9:50

#### Bill 30 Environmental Protection and Enhancement Amendment Act, 1994

[Adjourned debate May 9: Mr. Germain]

MR. DEPUTY SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I'd like to briefly discuss some of the issues that come out in Bill 30, the Environmental Protection and Enhancement Amendment Act, 1994. We find that this Bill basically is going to expand the jurisdiction of

the enhancement fund. This is an issue where I think the minister is going to have a little more leeway in terms of the kind of uses that this fund can be put to than what were allowed under the previous Act. I guess this brings about some concerns in terms of how the judgments will be made by the minister. We see that this necessarily doesn't mean that it will be used only for environmental enhancement, but it can be used for many of the other provisions under the jurisdiction of the minister and also has the option that the fund, if there are surpluses in it, can be transferred back into general revenue.

This creates a kind of an interest in terms of how the fund was mandated, the reasons that the fund was put in place, and effectively it creates an option now for this environmental fund to become a supplement to general revenue. In the original Act it was specified that the revenue that was put into the fund could be used to alleviate emergency measures: basically, spills or any other kind of contamination that would result from an environmental issue. Also, it was possible to use the funds for conservation or reclamation, but under the new Bill it basically leaves it totally open to the discretion of the minister in terms of environmental protection enhancement in emergencies. These kind of get broadly interpreted as being anything under the mandate of the minister, and I think it would be advisable if the minister could clarify a little more in terms of the possible amendments to the Bill how that actually could be restricted or defined so that we would be able to direct the funds to the issues that the fund was put up for.

The Bill goes on to talk about the changes in the way the inspection investigations will be carried out. This basically takes on a form of deregulation to the extent that these kinds of inspections can now be done by persons under contract to the government, a government agency, or even local authorities. Essentially, what we're doing is seeing that the actual supervision of these kinds of provisions are going to be divested out to other agencies and possibly under less supervision and less control by the minister. This also brings up some concerns that we need to look at how this would be done, get a little better view of what kinds of regulations would be provided to these people who would be doing this on behalf of the minister. So it essentially is a concern that we'll possibly see some movement of the authority of judging and determining what constitutes an environmental threat away from the minister out into local interpretations, different levels of interpretation from different groups. We may end up with different interpretations by different authorities, different firms that are contracted to do it having a different interpretation, and it basically leaves the possibility of less uniformity in the way the Bill is applied.

I guess the main concern about Bill 30 is the change in the discretionary powers that are allowed by this Bill. It starts off by leaving a lot of discretion to the director, basically the director's opinion in terms of the kind of definitions that they put in, but also in many places allows for the minister or the Lieutenant Governor in Council to make regulations. Again what we see is movement away from the legislated approach to environmental control toward the regulatory approach, and this again takes it out of the public debate focus that would come about by debating legislation and making the conditions and the definitions open to discussion in the legislative process.

There's also concern, and I think the minister has addressed this briefly, in the sense of the requirements for a written report when toxic substances are released. I think this requires further

definition, and I hope that the minister will deal with that, possibly accepting an amendment during committee.

The other concern in terms of the discretionary power deals with the certificate required for land reclamation and conservation. The minister in this area has the option to provide for an exemption. If we could possibly clarify under what conditions these exemptions could be issued by the minister – again this is just clarification that's needed to make this Bill uniform and understandable so that the conditions are brought out into the debate on the Bill.

Also in terms of the discretionary power, I think this is probably one of the areas that we'd like to see a lot more clarification on. It allows the minister and the authorities under the Act to deal with the importation, collection, and treatment of disposable hazardous wastes, I guess, under the conditions that we would end up with wastes being brought into Alberta. What kind of controls would be put on these? This is an issue that we'd have to address in terms of the safety and consideration of Alberta residents. Under the original Act it was kind of an Alberta-only policy for our hazardous waste disposal processes. The changes in the wording in this Act now make it very easy for the minister or the director to approve and bring in non-Alberta wastes for consideration and disposal in Alberta. So this is one of the issues. I think the implication in part of the Bill is that the Environmental Appeal Board may not be required to hold hearings on these kinds of activities. So there's no real control or authority to evaluate at a public level any changes that may occur in connection with the importation of hazardous waste. I guess this does raise a concern in terms of the deal.

Again, the changing in the wording of the agreement in several places states that the wording is changed from references to the government of Canada when they're dealing with intergovernmental agreements to governments of other jurisdictions. Again this leads us to believe that it opens the Bill up to dealing with other jurisdictions including the United States or states in the south. If this is a change in the provision to allow for uniform environmental standards between our neighbouring provinces and the United States, this would be good, but if it is going to be a deal where we have to look at other jurisdictions under this context in terms of the interface with our hazardous waste agreements in Alberta, I think this is one of the areas we want to have clarification on as well.

Now, the next issue that I think I would ask the minister to clarify a little is the reference to the changes that go on in the Bill where previously the Bill dealt with money as a security, and now they're talking about just security given. Does this mean that companies, when they put up a security deposit, can put up assets as opposed to a cash bond or a money component? What kind of security is being considered as possibilities under this clause? Could the end result be, if we have put down land as a security, that this land then could become an environmental concern? If it gets put up as a collateral or as a security and defaults to the government, are they going to then be responsible for cleaning it up? It's a circular kind of an argument. As long as we're sure we're getting good, quality assets, I think we need to deal with that in consideration of the definition of what constitutes security given.

The last consideration that I'd like to have clarified a little more is section 53 where the government talks about the recycling fund and the opening up of the uses to which that fund can possibly be applied. It seems to be now not restricted to just the applications of these moneys to recycling efforts, and the concerns there have to be dealt with. I think the idea that the Bill also goes on – and

I think this is a good provision of the Bill, that it addresses protection to the individuals who are under contract with the government in the context of protection against liability. So it also tends to expand the protection for individuals working for the government under the context of their exposure and their interface with people who are indeed being dealt with by the department under this Act. So the increase in the protection from liabilities is a very good provision for this new Act.

If the minister would note the concerns that I've had and deal with some of them either in response or possible amendments, then I think this Bill would have to be considered. Thank you.

**10:00**

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Avonmore.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise tonight to speak briefly about Bill 30. It's a time in our history when as people in a province there are a great number of individuals everywhere who have tremendous concerns about the environment and environmentally related issues. Certainly I count myself among them. There are a great number of issues that have to be flushed out with regard to Bill 30. Some of them concern, of course, how we go about the business of protecting and preserving that which we've got and improving and/or correcting that which we wish we had or once had. Yet we see in this Bill a number of issues related to deregulation and expansion of the scope of the minister's discretion here with regard to environmental protection and enhancement.

I know that the hour is wearing on, so I will reserve my comments for another time, because I do have some substantive and substantial notes that I'd like to bring forward.

I would at this stage, then, move adjournment of this particular debate.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Avonmore has moved adjournment of Bill 30. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Opposed, please say no. Carried.

## Bill 22

### Maintenance Enforcement Amendment Act, 1994

[Adjourned debate May 4: Mr. Bracko]

MR. DEPUTY SPEAKER: Just give me a moment, Edmonton-Roper, while I get my book in order.

Edmonton-Roper.

MR. CHADI: Thank you very much, Mr. Speaker. I rise to speak in favour of Bill 22. Although it's very difficult to believe that a member from that side of the House could come forth with a fairly decent piece of legislation, for once, I think, it's a small step forward, and I have no choice; I feel compelled to rise and speak on behalf of all of those Albertans that are going to be looking forward to seeing some of those maintenance funds come to them. It's been a long time coming that the province of Alberta actually makes amendments to the Maintenance Enforcement Act, amendments that would be in the right direction. I think it's a small step forward. There are many people in my constituency and I know in other constituencies across the

province that have been coming forward and asking Members of the Legislative Assembly to please do something about maintenance enforcement. It's a provincewide, it's a Canada-wide problem. I think it's not only a nationwide but a worldwide problem, and it has to be addressed. Some of the concerns are addressed in Bill 22. I think it could go a step further though.

When I look at Bill 22 and see what it is that we're actually bringing forward here and asking us to vote upon, it's not so much different from what Motion 503 did, that a member – I believe it was Spruce Grove-Sturgeon-St. Albert – introduced some time ago. I voted in favour of the motion that member brought forward because I felt that something had to be done in terms of maintenance enforcement. That motion was to

urge the government to improve the system of maintenance enforcement . . . by examining enforcement procedures and payment schedules in other jurisdictions and implementing those procedures best suited to Alberta.

There's a lot of merit in that, and to have that voted down was in my opinion not a wise move but coming before the House today in Bill 22 has some legitimate merit.

So when I look at the Bill, I see that particularly in 57.2(2)(b) it says that

if the Director notifies the Registrar pursuant to section 16.1(2) of the Maintenance Enforcement Act, the Registrar must . . . refuse to register the vehicle in the name of a new owner if the ownership of a registered vehicle passes from a person who is a debtor under the maintenance order directly or through intermediary owners to a person described by the regulations.

Well, Mr. Speaker, it's not so much different from what's been happening now. I think if a financial institution has a lien on a car, an unsuspecting buyer I would imagine could be caught and left hanging with a bill or cannot maybe register that vehicle.

This area must be, I think, and can be tightened up somewhat. I also would like to see some changes here as well, because I know that those people who have maintenance payments to make can bypass the system quite easily by perhaps maybe registering in different entities. Things like corporations: it's not difficult in this province, as it is in any other jurisdiction, to go and register a company, a numbered company perhaps, and all of a sudden you've incorporated a whole new identity. You've got a whole new person, if you will, and that would just bypass this Bill 22 immediately. I mean, this would mean nothing. Bill 22, the enforcement amendment Act, would really be meaningless if they really wanted to find that loophole. I think what we could do is tighten up the amendment Act so that we've in fact plugged that loophole. That is, quite clearly we could probably come in with an amendment later on where it would say: to refuse to register the vehicle in the name of a new owner if the ownership of the registered vehicle passes from a person who is a debtor, a shareholder in a corporation, the shareholder of a corporation being the debtor. Somehow we might be able to fix that up so that we can ensure that these debtors do not in fact get away.

There are pros and cons, of course. I've heard both sides of the argument. I've heard arguments that say that it's going to encourage more violence in the family. I'm not one to argue that it wouldn't, Mr. Speaker. I just think that we have to move forward now, and we have to take a step at a time to ensure that every move we make is a step forward and not a step backward in this.

#### 10:10

I think we also could look at other areas to make the Bill better. I believe that establishing a length of time instead of a garnishee for, say, a month or one paycheque or something like that – but

establish some kind of a garnishee where it would be an ongoing attachment, a continuing attachment, Mr. Speaker, so that we don't continuously go and plug up the court systems with these garnishees. If we can have some kind of a system in place where we would have a garnishee and upon the direction of the director, who notifies in the court system whomever that may be, the registrar or whomever, we could in fact remove it, lift it, or keep it in place, I think you could probably find that we would save ourselves an awful lot of money if we had some kind of a mechanism like that. I know that Revenue Canada, for example, has third party demands that are enforced quite effectively. People can walk in and blanket a demand on your employer, on any corporation that you hold and own, any bank account that you may have. I mean, they're merciless. They go in and they ensure that they get their money, and I think that's what this province has to do in terms of maintenance enforcement. I believe that we ought to be able to have the mechanisms in place where we can go in and ensure that that debtor pays the debt to whomever is entitled to receive those funds. So we should look at those ways.

I think things like Motion 503, which asks for looking at other jurisdictions across the land, are a good idea, and I think maybe we ought to incorporate something like that in Bill 22 so that we could in fact go out and look and see what has been happening in other parts of the country, in other jurisdictions, and come back and make a good Bill. That's the intent of every Legislature in this country: to come up with the best possible Bill.

I think Bill 22 is a step in the right direction, and having said that, Mr. Speaker, I am going to support the Bill. I encourage members to support this Bill. I rest my case for now, and I'd allow other members to speak to Bill 22.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I want to just bring out a couple of points on Bill 22. This won't take much of the time of the Assembly this evening.

One of the issues that comes up that makes this Bill difficult to support deals with the kind of overlooking of the real issue that's involved here, the idea that individuals who are committed by the courts to make payments in support of children have chosen for some reason not to make those payments. The idea is that we have to develop a system that is equitable to the spouse and the children who are receiving the payments and that is also equitable to the person paying. One of the issues that I had to address as a newly elected MLA almost on my first day was a call from an individual concerning their maintenance payments. The discussions with this individual carried on for a long time, dealing with what the conditions were so that the payments were not being made. I started at that time, and as I have had similar calls over the past almost a year now, I've inquired from individuals what kinds of things could be done to better facilitate the issue of maintenance payments, whether it's spousal maintenance or child maintenance.

Mr. Speaker, none of them mentioned the provisions that are outlined in this Bill. None of them wanted to enter into a situation that created more stress for the individual who was obligated to pay. They wanted to deal with the system on a more open basis. They suggested a lot of options that were associated with some of the programs that are in place in other jurisdictions, other provinces, other states. They dealt with the idea that the current system creates an adversarial approach between the



separated members of the previous family, and they wanted to see a system that separated and didn't bring confrontation between the two separated members, the person paying and the person receiving.

They were talking about issues like the government taking on the role of making the payments and then taking on the collection. This would just be an expansion of the power that we now give to the courts when we have the payments paid by the spouse that's paying into the court and then the court pays them back out, but right now the court only pays out if the other individual pays in. They don't take a great initiative in collecting from the individual that should be paying in. It creates a lot of hardship for the individuals that are expecting the payments on a monthly basis when they don't show.

The reference in this Bill to penalties such as dealing with the driver's licence. Mr. Speaker, I would contend that we already have enough people on the roads driving without a driver's licence. To create another situation which would encourage this kind of behaviour on the road is not what I think is an acceptable means of deterrent. We end up, then, with a situation where we're in essence penalizing people in a way that's totally separated from the issue at hand, their maintenance payment. We end up, then, with situations that in essence create an incentive for individuals to break other articles of law that are relevant in the province.

I would also suggest that the references to penalties on vehicle registration at the time of transfer again puts the burden on the wrong individual, not the person who should be making the payment. If this vehicle registration component wants to be put in as part of this Bill, what we should be dealing with is a refusal to renew a registration for someone who is delinquent in payments. This could be tied through the registry. It's going to have to be tied through the registry to deal with transfer of ownership. Why not deal with it in the context of: if a delinquent payee comes in to renew a registration – this has to be done on a yearly basis – refuse to renew their registration? Do it at that point. That gives us a contact with the individual. We may even want to consider going so far as to impound the vehicle as a means of collecting the dollars that are necessary to make the payments.

So what we need to do is tackle the problem straight on with the individuals that are not making their payments rather than deal

with penalizing people who are the third party involved in the issue, like someone who is buying a vehicle from a delinquent payee. We want to deal with this from the perspective of a straight on, front approach to the problem, not dealing with it by trying to create other incentives and other disincentives that in essence create more conflict and encourage people to break other laws.

*10:20*

The issue that comes up, Mr. Speaker, basically has to deal with the payee not living up to their responsibility. We don't want to go so far as to take that person and penalize them to a point where they don't have the opportunity to earn income that can make the payment. So throwing them in jail is not really an option. It's a matter of creating a system that is equitable in terms of collecting the money, whether we garnishee their wages or whether we deal with them through other methods. But indirect methods like are proposed in this Bill I don't think will work, and basically the individuals I've spoken with concerning different approaches to this would concur with that.

So I don't think I can support this Bill, because it doesn't approach the issue direct on in a way we need to; it only creates incentives for other activities by the individuals.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-East to sum up.

MR. AMERY: Thank you, Mr. Speaker. At this time I'd like to thank all members from both sides who participated in this debate on Bill 22. I'm looking forward to answering all the questions and addressing all the concerns that were raised when we get to committee stage.

With that, Mr. Speaker, I move second reading of Bill 22.

[Motion carried; Bill 22 read a second time]

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

