

Legislative Assembly of Alberta

Title: Tuesday, May 14, 1996 1:30 p.m.
Date: 96/05/14
 [The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

O Lord, grant us a daily awareness of the precious gift of life which You have given us.

As Members of this Legislative Assembly we dedicate our lives anew to the service of our province and our country.

Amen.

Please be seated.

head: **Notices of Motions**

MRS. BLACK: Mr. Speaker, pursuant to Standing Order 34(2)(a) I am giving notice that tomorrow I will move that written questions and motions for returns appearing on the Order Paper stand and retain their places.

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. Minister of Community Development.

MR. MAR: Thank you, Mr. Speaker. I'm tabling today in this Assembly six copies of what some people refer to as an elusive report. As a matter of fact, I'm reminded of a rhyme from the Scarlet Pimpernel which, with some poetic licence, goes something like this.

They seek it here,
 They seek it there,
 They seek the darn thing everywhere.
 Is it a game,
 Is it a sport,
 Looking for that darn seniors' report?

THE SPEAKER: The hon. Minister of Energy.

MRS. BLACK: Thank you, Mr. Speaker. I don't have a poem, but I am pleased to table responses to questions from Committee of Supply for the dates March 6 and March 14 of 1996.

MR. DINNING: Mr. Speaker, I take pride in tabling on behalf of the government the results of the survey Straight Talk, Clear Choices sent out to Albertans following the 1996 budget. Some 61,000 Albertans have replied and given some balanced direction to the steps the government ought to take in reinvesting any unallocated dollars.

MRS. HEWES: Mr. Speaker, I'm not the Scarlet Pimpernel, but I'm glad the report is tabled and that I won't have to do that.

I would beg leave . . .

DR. WEST: Do you not have it, Bettie?

MRS. HEWES: Yes. Yes, I do, sir. [interjections] I've had it for two years.

MR. DINNING: Why didn't you table it, Bettie?

MRS. HEWES: I did. Mr. Speaker, in answer to the Treasurer, I tabled it in June of '93. [interjections]

THE SPEAKER: Order. [interjections] Order. The hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. I beg leave to table the version of the report that came out about six weeks subsequent to the one the minister has tabled. It's called Looking to the Future: A Report on the Seniors Consultation Process.

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

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to table an excellent report which was produced by the Social Justice Commission of the Catholic Archdiocese of Edmonton. It is entitled Unemployed! A Faith Perspective to Unemployment and puts forward some suggestions in terms of how to provide various types of assistance as well as gives the real-life experiences of 16 people who are looking for work in this province. I hope, unlike some of the other issues that the government delights in making light . . .

THE SPEAKER: Order. The hon. Member for Edmonton-Whitemud.

DR. PERCY: Thank you, Mr. Speaker. I'd like to table four copies of a document entitled Statement of Operations and Fund Balance for the Period Ended December 31, 1995, for the Workers' Compensation Board of Alberta.

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

MR. HENRY: Thank you very much, Mr. Speaker. I have two tablings that with your permission I would like to make today. One is from a meeting I attended last night, a public meeting with the Quality of Life Commission. I'd like to table four copies of the final report of the Quality of Life Commission, called Listen to Me. It's authored by the commissioners: Sudha Choldin, Lois Hole, Virindar Lamba, Lois Loyer, the Reverend Don Mayne, the Reverend Bruce Miller, Chinwe Okelu, and the hon. Doug Roche, OC. [interjections] Some members to my right may think this is funny, but speaking out for Albertans who don't have a voice in this Legislature because of the actions of this government is not funny.

The second tabling, if I may, Mr. Speaker, is a series of four inserts prepared by the Reverend Don Mayne for insert into various church bulletins in the United Church Presbytery of Edmonton summarizing the Quality of Life Commission report and specifically answering the question: "What can congregations and individuals do to alleviate the problems shown in this report?"

Thank you.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I have three tablings. I want to start by tabling a copy of my proposed amendment to Bill 24 dated May 6, which strikes out section 29(a) in order to prevent the Alberta Multiculturalism Act from being abolished.

Secondly, I'd like to table a copy of a letter dated May 13 from the chairman of the multicultural steering committee, that met on May 11, requesting an urgent meeting with the Premier to discuss Bill 24.

Finally, I'd like to table a copy of a letter dated May 13 which is marked "important/urgent" and is addressed to the Premier from the German-Canadian Association urging him to please immediately withdraw Bill 24 and stop the assault on multiculturalism in this province.

Thank you.

head: **Introduction of Guests**

THE SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. I am pleased to introduce to you and to Members of the Legislative Assembly Mr. Russell Gordon Fraser, a former Member of the Legislative Assembly of British Columbia. Mr. Fraser was first elected to represent the constituency of Vancouver South for the Social Credit Party in the general election of 1983, and he was re-elected in 1986. During his years of service he was a Minister of Post-Secondary Education, Solicitor General, and Attorney General. Mr. Fraser is seated in your gallery, and I'd ask that he please rise and receive the warm traditional welcome of the Assembly.

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

MR. DICKSON: Thank you, Mr. Speaker. I'm very proud this afternoon to introduce the two people that run the Calgary-Buffalo constituency office: Donna Stetic and Denis Lapointe. Since Donna Stetic is leaving the province shortly, I'd just like to thank her publicly for four years of excellent service in terms of running the constituency office on behalf of the 38,000 Calgarians that live in downtown Calgary. I'd ask the two of them to rise and receive the customary warm welcome of the Legislative Assembly, sir.

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

MR. SEVERTSON: Thank you, Mr. Speaker. It is a great pleasure I have to introduce to you and through you to members of the Assembly 27 grades 5 and 6 students from Spruce View school. They are accompanied by their teacher Ms McKinlay and parents Mrs. McClelland, Mrs. Gaehring, Mr. Larsen, Mr. Sveinson, and Mrs. Filipchuk. They're in the public gallery, and I'd ask them to rise to receive the warm welcome of the Assembly.

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

MR. CARDINAL: Thank you very much, Mr. Speaker. It's my pleasure to introduce to you and through you to the Assembly 29 grades 5 and 6 students from Grassland in my constituency. They are accompanied by their teachers Ruby Johnson and Anna Johnson along with parents Mr. Casey Bizon and Mrs. Rose Duma and the bus driver, Richard Korb. They are seated in the members' gallery. I would ask that they rise and receive the traditional warm welcome of the Assembly.

1:40

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

MR. BRACKO: Thank you, Mr. Speaker. I'm honoured to present to you and to Members of the Legislative Assembly 54 dynamic grade 6 students from Albert Lacombe school in St. Albert. They're here to observe democracy in action. They are

accompanied by their excellent educators and my educational colleagues Mr. Ernie Klita and Mr. Léo Beaudry and by parent Sheila Roy, who is also the best constituency manager in the province. They're in the public gallery. I'd ask that they rise and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Thank you, Mr. Speaker. It's a pleasure and a privilege to introduce to you and through you nine students from the Fairview College transitional class. They are accompanied by two instructors, Mr. Dave Saunders and Mrs. Lorraine Yerxa. They are seated in the members' gallery, and I would ask them to rise and receive the warm welcome of the Assembly.

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

MR. DUNFORD: Thank you, Mr. Speaker. I'd like to introduce to you and through you today a couple of people that are in the members' gallery. They're young entrepreneurs – well, maybe one's not quite so young – trying to make the Alberta advantage come true. I'd like to introduce Kim Lyall and Emil Gundlock. If they'd stand and receive the warm greetings of the House.

MR. DINNING: Mr. Speaker, it is with mixed emotion that I rise today to introduce somebody sitting in the members' gallery. This is a gentleman who's served in Her Majesty's public service for the last six years. Today is his last day. He is known as a communications director extraordinaire. Others call him a spin doctor extraordinaire. He's a friend, adviser, and a colleague to many of the people sitting on this side of the Assembly. I ask Gord Rosko to rise and receive the warm wishes and good wishes for the future in his next career.

MR. DAY: Mr. Speaker, Rendez-vous Canada is the number one travel trade show in Canada, with 850 delegates here in Edmonton and around the world. Twenty-seven countries are represented with 350 buyers of Canadian products right here in Edmonton. I'd like to introduce to you and members of the Assembly two airline executives from Europe who are attending this conference: Mr. Jack Lawless, who is manager for Canadian Airlines International in Rome and responsible for Canadian Airlines' operation in Italy and the Mediterranean area, and Dr. Ernesto Milani, also from Rome, who is district manager in Italy for Canadian Airlines International. I would like them to stand and receive the warm welcome of the Assembly.

head: **Oral Question Period**
Seniors' Report

MRS. HEWES: Mr. Speaker, in 1992 a 164-page report entitled Looking to the Future, which we've had tabled today, prepared by a government minister and commission at a cost of over \$700,000, was sent to cabinet. Over 2,000 copies of the original report ready for distribution were quietly shredded, and a 36-page sanitized version was released some weeks later. The original report indicated that seniors were already contributing their fair share in fixing the deficit and debt mess created by the government, but subsequently Alberta seniors were subjected to a further 17 percent cut in their benefits. My first question is to the Premier. Mr. Premier, can you tell us now who gave the order to shred the document?

MR. KLEIN: Mr. Speaker, no, I can't. I can't tell her. I've

asked everyone in my office, and they all said no. It wasn't me; I'll tell you that for sure.

MRS. HEWES: Mr. Speaker, I'd like to ask why the shred order was given, but I think I'm going to get the same answer. So I'll ask: why was there a denial that the shredding had taken place?

MR. KLEIN: Well, I don't know if there was a denial. I'm going back and reading the press reports and the television report. It seems to me that there was a denial of any instructions to suppress that report, Mr. Speaker, and there was. I gave no such instructions to suppress it. I gave no such instructions to shred or to do anything else with this report. Even as the report was tabled today, I still haven't seen it.

MRS. HEWES: Mr. Speaker, the Premier referred to it in June of '93, just prior to the election.

If it was a discussion paper, perhaps the Premier can tell us why it was never discussed, why it never surfaced.

MR. KLEIN: Mr. Speaker, obviously it was discussed because the then Minister of Community Development took a lot of that report and condensed it to make it readable, as I understand it having not seen the report. It was so full of bureaucratese as to be almost unreadable, and it was the minister of the day who took the good points, the meaningful points, the readable points of the report, consolidated those points, and made that report public.

Mr. Speaker, the curiosity here is that if the hon. member had the report in 1992 or 1993, why didn't she release it? Why didn't she send it to everyone? [interjections] Now they're saying that they released it. If they released it and it's out there publicly, why three years later is she making such a big deal about it?

THE SPEAKER: The hon. Minister of Community Development wishes to augment.

MR. MAR: Mr. Speaker, I feel compelled to add a little bit of information here, although I don't know if I should be adding it in my capacity as minister responsible for seniors or because all of the ancient documents that are contained within the Provincial Archives are under my responsibility.

Mr. Speaker, this is not a new issue. I'm reviewing *Hansard* from September 13, 1993. Back in 1993 the hon. Member for Edmonton-Beverly-Belmont asked a question about this particular document. I suppose he was so compelled by the answer that he decided to cross the floor. This is a matter of ancient history, but I can say that the document that was tabled today is a document that was used as a starting point for many of the changes that we've made to government programs. As a consequence, it has been a valuable resource material. However, we have done work subsequent to that time, and much of the work that was done in the report of 1992-93 is now out of date.

However, there were a number of things that were contained within that report that were valuable. One of the most interesting things is this. The first question posed by the hon. Member for Edmonton-Gold Bar suggested that we had reduced our spending on seniors, but on page 72 of the report it said that if the 1990 level of expenditure on seniors had continued, by the year 2000 expenditures on seniors would have increased by 30.1 percent and that by the year 2015 expenditures on seniors' programs would be more than double. So the suggestion that the amount of money spent on seniors was reduced is patently incorrect.

1:50 Shredding Government Documents

MR. GERMAIN: Mr. Speaker, the shredding of government documents by a government in secrecy is reprehensible conduct. It leaves Albertans asking: what else got shredded after this man became Premier of this province? Now, for nearly three or four days the Premier has been asked about this, and he tells us today that he still doesn't know. My first question is to the Premier of this province. Will you stand up now in this Legislature, sir, and tell us what steps you're taking to find out who ordered the shredding of that document?

MR. KLEIN: Mr. Speaker, that document, as I understand it, is the full document with all the 161 or 164 pages. Again, I haven't seen it, and I would like to have a look at it. It contains a lot of information relative to policy discussions and so on that had absolutely nothing to do with the recommendations. Certainly it contained generalities relative to the policy discussions as they pertained to seniors.

Mr. Speaker, I know how much the Liberals like paper. They like tonnes and tonnes and tonnes of paper. There is not enough room in this city to contain all the documents that have been produced by government, many of them at the request of the Liberal Party. Not enough room. It is not uncommon for documents that are surplus documents – and in this case this document had been consolidated, had been put into readable form, had been released to the public. Anything that is surplus is shredded and is recycled. What would they do? Would they have piles and piles and piles of documents? Maybe they have room over there – well, they're going to have a lot more room after the next election – to store all these documents. If they do, they can have them all. [interjections]

THE SPEAKER: Order. [interjections] Order, hon. members. The hon. Member for Fort McMurray wants a supplemental.

MR. GERMAIN: Mr. Premier, would you then concede that this document was shredded in the face of your own proposed freedom of information legislation, that you yourself were proposing at that time?

MR. KLEIN: Mr. Speaker, the hon. member's colleague has had the document for three years. You know, what's left of the document was tabled here today. Why doesn't or why didn't the hon. Member for Fort McMurray ask his colleague to simply give him a copy if he's that interested in it?

MR. GERMAIN: Would the Premier advise and confirm in this Legislative Assembly today that there is absolutely no tracking and record-keeping made of what government documents are being shredded in this province?

MR. KLEIN: Mr. Speaker, again I have to say that there is not enough room in all the buildings in Edmonton to contain all the documents that are produced by government, many at the request of the Liberals. There comes a time when you have to get rid of this paper. The best way to do it is to shred it and have it recycled.

There is nothing secret about that particular document. The hon. Member for Edmonton-Gold Bar has had it for three years. It was tabled in the Legislature here today. The minister of the day came to the conclusion that the document in its form was basically a bureaucratic document that was very, very hard to

read. She put it into readable form, it was released to the public, and most of the recommendations now are contained in the seniors' business plans.

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

Multiculturalism

MR. ZWOZDESKY: Thank you, Mr. Speaker. Multiculturalism is a concept and a philosophy that accurately describes our Alberta: many people from many backgrounds living and working co-operatively and harmoniously as one. Yet this positive philosophy of multiculturalism, which costs nothing, is threatened by this government as it tries to abolish everything to do with multiculturalism, including the word "multiculturalism" itself. My question is to the Premier. Why are you scrapping multiculturalism and pushing Albertans toward an American style of forced assimilation, which creates ghettos, gangs, discrimination, and clearly doesn't work?

MR. KLEIN: Mr. Speaker, how ludicrous. How ludicrous. We are thoroughly committed to the fundamental principles of multiculturalism and recognize and understand the wonderful and beautiful multicultural mosaic we have in this province and the contribution to the social life and the economic life and the cultural life that the various groups who have come here from other parts of the world have made to this province and how they have so much added to the beauty and the vibrancy of this province. There is a good understanding of multiculturalism in this caucus here. All you have to do is to have a good hard look at the people who are sitting in this caucus to understand what multiculturalism is all about. We are fully committed to the philosophies and the principles of multiculturalism.

MR. ZWOZDESKY: I'd like to see them remain committed to that. That's why we're asking these questions.

I'd like to ask the Premier: exactly which ethnocultural groups did you consult with specifically on the issue of abolishing multiculturalism from government policy and from usage in government documents such as the Bill before us?

MR. KLEIN: Mr. Speaker, we are working on some amendments. These amendments have come about as the result of meeting with and listening to constituents from throughout the province, both on the human rights side of the legislation and on the multiculturalism side. I believe the hon. minister will be introducing those amendments in due course, and hopefully they will be supported by the Liberals.

MR. ZWOZDESKY: I'm happy to hear that amendments are coming forward. Hopefully they will include something of a positive nature to further this cause.

I would ask as part of that if the Premier would be willing to now undertake a full and proper consultation with Albertans regarding specifically the multicultural aspect and in the meantime perhaps stop Bill 24 before it's too late.

MR. KLEIN: Mr. Speaker, this process relative to amending and hopefully strengthening our human rights legislation and legislation as it pertains to multiculturalism has been ongoing since 1992.

I'm going to have the hon. Minister of Community Development supplement.

THE SPEAKER: The hon. Minister of Community Development.

MR. MAR: Thank you, Mr. Speaker. Well, of course many groups have come forward and expressed their interest in making amendments to Bill 24, and we've not shied away at any time from meeting with them and listening to reasonable amendments from reasonable people. Clearly multiculturalism as a government policy has changed over the years. I think there was a time when multiculturalism in the province of Alberta and federally within Canada meant spending money on cultural retention. Well, the nature of our multicultural community now in the province of Alberta has matured. It is an outstanding community, and it is an outstanding part of why Alberta is a wonderful place to live.

Mr. Speaker, nobody is disputing the fact that multiculturalism is a way of describing Alberta, and nobody would dispute that multiculturalism is a very important part of the province of Alberta. We can see it reflected in the members of the Legislature here today that were elected to sit in this House. I have to say that at a time when multiculturalism and the communities have matured to the point where now communities themselves can take greater responsibility, there's still a role for government to recognize and appreciate multiculturalism. But the highest priorities of this government must rest with issues of racism and discrimination, and to that extent we have certainly maintained our commitment to educational programs that deal with those issues. Issues like heritage languages, in the view of the government and in the view of many Albertans, must take a lower priority to the important issues of fighting racism and discrimination in the province of Alberta.

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

2:00 Advanced Education Performance Indicators

MRS. BURGNER: Thank you, Mr. Speaker. I'd like to switch tracks for a few minutes. The students in Alberta continue to benefit from the collaboration between all levels of education and all levels of government. At the 2nd National Consultation on Education, sponsored by the Council of Ministers of Education in Canada, that was held in Edmonton over the weekend, there was some discussion of the 15 indicators that Alberta advanced education has developed and that would be linked to provincial funding for postsecondary institutions in the 1997-98 academic year. To the minister responsible for advanced education: what do these indicators consist of, and will the rating of institutions on this scale be made public?

MR. ADY: Mr. Speaker, there's an important point to remember when we talk about key performance indicators in the postsecondary education system. There are a whole range of key performance indicators that institutions will report on, and they will be made public as public information. In addition to that, there's a smaller subset of indicators that will be used in determining the allocation of the performance funding envelope. Some of those, just to give some examples, are: what is the student satisfaction rate and completion rate in a particular institution; how well do graduates from a particular institution succeed in finding employment after they graduate; how much money does an institution spend on administration versus instruction; and is that figure increasing or decreasing?

There are more, as the hon. member said. There are a dozen or so, but that gives an example of some of them. These and other key performance indicators are currently being discussed in

a document we made available to the public last November. The document is titled Proposal for Performance-Based Funding. It's public, and it hasn't been shredded.

MRS. BURGNER: I'm pleased to hear that, Mr. Minister.

How were these indicators developed, and were institutions asked for their input into what would be effective performance measures?

MR. ADY: Mr. Speaker, the discussion about key performance indicators goes back several years. During our consultation process, institutions and members of the public and MLAs from both sides of the House all suggested that our funding formula needs to be revamped so that institutions don't just get the same plus or minus grant annually, be it an increase or a decrease each year. The feeling was that our publicly funded institutions need to be rewarded for good performance. Since then we've been working with institutions in a partnership manner to help determine which indicators are valuable and which ones can be effectively used for funding. We still have a ways to go in finalizing the KPIs. In fact, we will introduce a pilot year to see how they would work over the next year. We've come a long way, and we've made some very important steps towards improving quality and accountability in our system.

THE SPEAKER: Final supplemental?

The hon. Member for Leduc.

Hotel de Health Inc.

MR. KIRKLAND: Thank you, Mr. Speaker. Today in Alberta we have companies, such as Hotel de Health, which want to lease public hospitals claiming they intend to sell medication to Americans. This is patently unfair according to the precedent set under the North American free trade agreement. Even the Minister of Health surely must realize that Americans will not tolerate this one-way trade agreement. My first question is to the Minister of Federal and Intergovernmental Affairs. How is Hotel de Health's proposal to operate from within the protected Canadian marketplace and also to compete in the American health care marketplace possible under the current exemptions in the North American free trade agreement?

MR. ROSTAD: Mr. Speaker, I haven't seen a proposal by Hotel de Health. If the hon. member has a formal proposal, I'd like to see it, and then perhaps we could answer the question.

MR. KIRKLAND: Mr. Speaker, my second question this afternoon will be to the Minister of Municipal Affairs. Has your department evaluated whether a public hospital that houses a private commercial interest is in jeopardy of losing its tax exemption status?

MR. THURBER: Mr. Speaker, because of the chitchat there I didn't hear the first part of that question. Would he repeat it, please?

MR. KIRKLAND: Mr. Minister, has your department evaluated whether a public hospital that houses a private commercial interest is in jeopardy of losing its tax exemption status?

MR. THURBER: I heard it that time, Mr. Speaker, and again I'll just repeat what my colleague repeated before. We have not seen

any kind of a proposal on this. It hasn't been on our table. They're dealing with a whole bunch of innuendo and misfacts and everything else: maybe if this happened, that would happen, and all the rest of it. So I can't answer it.

MR. KIRKLAND: Okay. My final question will be to the Minister of Health. Madam Minister, why do you continue . . . [interjections]

THE SPEAKER: Order please, hon. members. Allow your fellow colleague to ask his question so it can be understood in the House.

MR. KIRKLAND: Thank you, Mr. Speaker. Madam Minister, why do you continue to shirk your responsibility by not providing solid direction to the regional health authorities on the very legitimacy of such proposals as the Hotel de Health proposal?

MRS. McCLELLAN: Mr. Speaker, the fact is that the Minister of Health has every confidence in the competence of the regional health authorities in this province, unlike the members opposite, to understand the government's policies in this area, to do a complete review of any submission they may receive, and having done that with their competent staff and resources available to them, make a decision and forward it to the Minister of Health.

Mr. Speaker, if I had as much time as some of those folks over there, I would probably research how many times I have answered this question in this Legislature in this session. The answer remains the same. The regional health authorities in this province were given the responsibility through legislation passed in this House to provide health services to their region. They understand that responsibility. They are competent men and women in this province, including Crossroads regional health authority. They have a competent staff, and they are fully capable and will discharge their duties.

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

Emergency Hospital Services

MRS. LAING: Thank you, Mr. Speaker. My questions are also to the Minister of Health. It's reported that the College of Physicians and Surgeons is cracking down on physicians who refer patients unnecessarily to hospital emergency rooms outside of normal office hours. Would the Minister of Health clarify for this Assembly whether this practice has been a factor in the growth of the cost of our health system?

MRS. McCLELLAN: Mr. Speaker, I think there are two issues here that need to be dealt with. Firstly, a large number of nonurgent cases do appear in our emergency departments in Alberta and indeed in hospitals across Canada. The second issue is whether in fact physicians are referring patients with nonurgent needs to emergency departments. Studies consistently find that about one-third of persons who present themselves at emergencies have nonurgent needs. The recent KPMG study that was done in Edmonton suggested that Edmonton has a rather high use of emergency services. However, it was inconclusive as to why that might be.

Mr. Speaker, there is a study that has been just released in the *Canadian Medical Association Journal* where they found that nearly one-quarter of emergencies presented were referred by physicians. I think it's an area that needs to have some work

done on it, and certainly I support the college in reviewing this with the physicians in the province.

THE SPEAKER: Supplemental question.

MRS. LAING: Thank you, Mr. Speaker. Again to the same minister: would the minister tell this Chamber if the college's action will be sufficient to address the problem or if there is some more direct intervention that she might consider to control costs in this area?

MRS. McCLELLAN: Mr. Speaker, I think the college's efforts will be important. However, there is another area of activity occurring in this area, and that's the development of clinical practice guidelines, which will be of assistance to both physicians and patients. The clinical practice guideline development is a result of an agreement between the Alberta Medical Association and Health.

2:10

Mr. Speaker, I think we should remember that we all need educating, and we as consumers of our health system also need to be aware of the costs associated with that system and of the responsibility that each and every one of us carry in using that system responsibly so that those services are there for people when they need them, particularly in the area of emergency services. Emergency physicians and nurses and other staff are under a great deal of pressure with the emergencies they deal with.

THE SPEAKER: Final supplemental.

MRS. LAING: Thank you, Mr. Speaker. Would the minister tell this Assembly how she intends to address the issue raised by the College of Physicians and Surgeons urging doctors to give advice over the phone in order to avoid making inappropriate referrals to the emergency rooms since this phone advice is not covered under the physicians' fee-for-service schedule?

MRS. McCLELLAN: Mr. Speaker, one of the options certainly would be to look at the physician fee schedule. However, another option is one that is occurring in this province under the leadership of the Alberta Medical Association with our co-operation in government, and that is a review of how we deliver primary services in the province.

It is also a subject at a national level. There is a two-day workshop in Calgary that will be hosting British Columbia, Alberta, and the Northwest Territories to review that very issue, and that could be a part of the solution to this issue.

Hazardous Waste Disposal

MR. COLLINGWOOD: Mr. Speaker, one of the things the public expects from its Minister of Environmental Protection is some pretty tight rules on where you can put a hazardous waste landfill. Until this minister took over, we did have some pretty tight rules, but then a few weeks ago this minister and this Premier changed and weakened the rules behind closed doors. Unbelievably, this minister and this Premier now say that it's okay to put a hazardous waste landfill in a wetland area beside an intermittent stream or next to a man-made reservoir. My question to the Minister of Environmental Protection: what in the world are you doing weakening hazardous waste landfill rules without any public input

and behind closed doors? What are you thinking?

MR. LUND: Well, Mr. Speaker, again the hon. member is not totally accurate of course. However, the problem that we had prior to the change was the fact that there wasn't a definition of a wetland or a definition of an intermittent stream. If you take the intermittent stream issue to the limit, in fact any depression in the ground could be defined as an intermittent stream, because in runoff in the spring or after a rain of course the water runs to the low point and then it becomes a stream.

We still have very stringent regulations, Mr. Speaker. As a matter of fact, the hazardous landfill has to be a minimum of 300 metres from any watercourse, and that includes a stream, a lake, or even a man-made lake. So I don't believe we have lessened the regulations. What we've done is simply define what the intent was in the first place.

THE SPEAKER: Supplemental question.

MR. COLLINGWOOD: Thank you, Mr. Speaker. The minister should read Order in Council 129 in the environmental . . .

THE SPEAKER: Question.

MR. COLLINGWOOD: My question to the Minister of Environmental Protection: will the minister confirm that he made these changes for one reason and one reason only: to accommodate waste giant Laidlaw and to legitimize its request to put hazardous waste in its landfill at Ryley, Alberta, a landfill that does sit on a wetland and is beside an intermittent stream?

MR. LUND: No, Mr. Speaker.

MR. COLLINGWOOD: To the same minister, Mr. Speaker: why is it, Mr. Minister, that whenever you have a choice of protecting the environment or accommodating industry, you always choose to accommodate industry?

THE SPEAKER: The hon. minister.

MR. LUND: Thank you, Mr. Speaker. Once again the hon. member is letting his imagination run away with him. The fact is that we are protecting the environment. If we're not protecting the environment, I wonder: why did we manage to get a B from the World Wildlife Fund this year?

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

Job Search Service

MR. DUNFORD: Thank you, Mr. Speaker. The Alberta advantage means jobs. Now, 18 months ago a job search service was put in place for Albertans educated elsewhere to assist them to come and work here in this province. Many of us support this service but at no cost to the taxpayer. So the question to the Minister of Labour: is this service working at no cost to the taxpayer? [interjections]

MR. DAY: Mr. Speaker, the Liberals claim to support multiculturalism, but a service that helps immigrants they seem to scorn and ridicule.

This service was put in place, Mr. Speaker, so that immigrants coming to this country who have qualifications from other parts

of the globe that are difficult for either their prospective employers or their place of education to be able to assess – this service was put in place to perform a massive function, which was to take on an international database of assessments in qualifications and experience from around the globe, have that on site so that an immigrant from some other country coming into our province who is applying either to an educational institute or looking for a job could bring his or her qualifications to the qualification assessment service, have them assessed, and then an equivalency was given to them that they could take to the employer or take to their place of education.

It's a marvelous service. It has helped many, many immigrant people find jobs and education. Five hundred have been assisted. There is a fee to that of approximately \$100. It was initially planned that this would become self-funding. As yet it is not totally self-funded. It's about 35 percent of the way there. It's a wonderful service that immigrants have told us they desperately needed.

MR. DUNFORD: Well, Mr. Speaker, I hesitate to question immigration, but, you know, if it's costing taxpayers money, shouldn't we consider shutting this program down?

MR. DAY: Well, Mr. Speaker, I guess we'd have to ask the over 500 new Albertans who have used that service. We could ask them if it should be shut down.

The fact is that as service increases – and this has only been open since 1994 – then so will the self-funding nature of it. Not only have other educational institutions been asking to use this service, but in fact other governments now are interested in and are looking at contracting with our particular service here. That will also help to increase the amount of self-funding of this project.

THE SPEAKER: Final supplemental?

The hon. Member for Edmonton-Norwood.

Consumer Protection

MR. BENIUK: Thank you, Mr. Speaker. In Alberta and other jurisdictions limited companies can be incorporated without any assets whatsoever, with total shareholder equity valued at a few pennies. Individuals dealing with these shell companies, such as senior citizens who want renovations done to a house, have no way of knowing that they are contracting with a flow-through, short-term company that profits by underbidding on jobs, starting them, possibly not completing them, and the owners are able to walk away with no liability. A search of the Better Business Bureau would initially show nothing. To the minister responsible for consumer and corporate affairs: would the minister consider amending the Business Corporations Act to not permit incorporation of a company unless it has a minimum of, say, \$5,000 in its bank account at the time of incorporation which cannot immediately be withdrawn as salary to ensure that the company has something at risk in starting out in business?

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. THURBER: Thank you, Mr. Speaker. That's an excellent question because unfortunately there are people that are victimized by ruthless people coming around, and particularly seniors are very vulnerable to that. Now, certainly we can consider legislation, but you can't always legislate common sense. I think a

better avenue is to try and educate the consumer so that they can ask for the proper documentation before they have these people come on the place and, if they're actually bidding on something, have them come up with some kind of proof of financial responsibility before they accept the challenge.

2:20

THE SPEAKER: Supplemental question.

MR. BENIUK: Thank you, Mr. Speaker. To the same minister: would the minister consider amending the Act to require a company to file with its annual corporate return certain financial information as to the company's financial viability?

MR. THURBER: Well, Mr. Speaker, we can certainly consider that as we go through any consideration of changes to the Act. It's a good point, and it would protect some people. Still, as I mentioned before, I think the key to it is education of the people so that they know that they can ask for certain documentation and they can go through a process that helps them a little bit so that they're not just taken in by these people that walk down the street.

MR. BENIUK: To the same minister: would the minister consider amending the Act to hold the company directors personally responsible if a company carries on making contracts when it was basically financially insolvent?

MR. THURBER: Well, Mr. Speaker, certainly there are companies out there that are less than legal, you might say. Certainly we can look at any kinds of proposals you might have when we're looking at amendments to this Act.

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

Early Release of Criminals

MR. AMERY: Thank you. Mr. Speaker, a subject of continuing concern in my constituency is the faint hope clause in the Criminal Code. To the Minister of Justice: can the minister explain Alberta's position on the federal Criminal Code section which allows people convicted of murder to apply for early release?

THE SPEAKER: The hon. Minister of Justice and Attorney General.

MR. EVANS: Thanks, Mr. Speaker. This was an issue that came up last week when I attended meetings in Ottawa with other justice ministers and attorneys general from throughout Canada. There was a great deal of time that was spent on this, and Alberta's position on this matter was that section 745, the early parole provision, should be repealed. The reason we said that was because of the impact that this whole process of early review has on the families and other victims who are impacted by the kind of offence that the hon. member is talking about, a murder.

It became apparent that it was unlikely that we would have the complete abolition of that provision, so our fallback position, which was agreed to by all of the members who were there, was that this section should be very restricted in its application and that at the very least there should be a screening process initiated, so whether it be the Attorney General of Canada or the Parole Board or whatever, those most heinous crimes, where it's extremely unlikely that early parole would ever be granted, would

be filtered out early on in the process so that the victims and families of the victims would not be impacted and would not have to go through that emotional trauma of dealing with these early release applications.

THE SPEAKER: Supplemental question.

MR. AMERY: Thank you, Mr. Speaker. With respect to early release, I'd like to ask the minister what input, if any, we are allowed when the National Parole Board makes decisions on who should be given early release.

MR. EVANS: Well, Mr. Speaker, the National Parole Board is an autonomous body and operates independent of what we do in the province. They don't seek our input. However, as part of our serious and violent crime initiative, we have instructed our prosecutors that when they are before a judge in this province and when there is a serious and violent crime matter with a federal sentence being imposed, they will ask that there be no eligibility for early release until at least one-half of the sentence has been served. We'll be asking that as a general rule on all of these serious and violent crimes. Up to now, it's been the rule that one-third of time behind bars would make that individual eligible for parole.

I must say, Mr. Speaker, that the final decision on that kind of a matter rests with the judge. However, as I say, our prosecutors will be asking for the reduced parole eligibility and asking that these individuals who are convicted of serious crimes spend at least one-half of their sentence before they are eligible for parole.

THE SPEAKER: Final supplemental.

MR. AMERY: Thank you, Mr. Speaker. These initiatives at the federal level are at least a step in the right direction. What has the Minister of Justice done at the provincial level to ensure that violent offenders are not threatening our communities and our families?

MR. EVANS: Well, with our temporary release program, Mr. Speaker, for those who are serving two years less a day or shorter sentences – and they can be serious and violent criminals – we're very restrictive in terms of temporary release, and we are definitely not going to allow anyone out who fits into that category without serving half of their sentence.

Now, in terms of what we've been doing on a broader level, we're trying to recognize that at the end of their sentence people will be released back into society, so we've just signed a protocol with Corrections Canada, with the RCMP, and with local police forces to track individuals at the end of their sentence and to notify communities if there is a continuing need to protect the public and if there's a concern that these individuals are very likely to commit another crime. We have a provincial SHOW-CAP program, a significant habitual offenders' program, where caseworkers and Crown and police will track individuals who look like they remain a significant threat to society. I think we do have a comprehensive program in this province. It's working with the police, with our courts, and certainly with Corrections Canada as well to try to make sure that public safety is ensured.

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

Workers' Compensation Board

DR. PERCY: Thank you, Mr. Speaker. Payroll taxes hurt small business and the economy, yet in 1995 the Workers' Compensation Board had a \$271 million surplus. The surplus would have been \$331 million except that \$140 million went into the rate and benefit stabilization fund. Injured workers are not getting this money, and employers were refunded only \$14 million under the VIP program, and this had already been built into the rate structure. It's clear that WCB premiums are not actuarially sound and are nothing more than a payroll tax hurting small businesses. My questions are to the minister responsible for the WCB. Why does the WCB continue to inflict this high payroll tax on small business when consumer confidence is low, unemployment remains too high, and small businesses are finding it difficult to make ends meet?

MR. DAY: Mr. Speaker, this reminds me of the misleading and devastating faxes that this gentleman sent to Houston when Alberta businesses were down there trying to attract business to Alberta. I can't believe that his ability is so shredded here today in not being able to comprehend. Allow me to give him the facts, and I'll talk slowly because he obviously has no comprehension whatsoever on the books of the WCB, which the Auditor General has looked at and approved and stamped his seal on.

I'll go on to say that business itself is being attracted to this province because the rates charged to employers continue to go down. Injury rates to workers continue to go down. This picture continues to improve, and he has the audacity to stand up and give a message that is patently false and absolutely irresponsible.

DR. PERCY: Mr. Speaker, obviously the minister doesn't know his own department. How can the minister stand there and say that the WCB, which has a \$271 million surplus – either the rates are too high or you're not paying enough out. You set the rates . . .

MR. DAY: Mr. Speaker, three short years ago this corporation had a \$601 million unfunded liability, \$601 million in debt and headed for a billion. The rates to the employers were going up constantly. Every day the rates were going up. Because of aggressive management and because of workers and employers pulling together to reduce injury rates, those rates have continued to go down. Thankfully, there is a surplus. In consultation with industry and businesses around this province and with the union representatives on the board of directors, one-third of that board of directors union representatives, first it was established that there had to be a reserve fund to protect against a catastrophic disaster of some kind that would wipe out industries because they couldn't afford the contingent costs with that. So the unfunded liability was put in place. Then \$116.9 million was put in place to fund administration costs into the future. Most WCBs in this country do not do that. That has been done in this one.

2:30

Now the ongoing consultation occurs in terms of what to do to continually lessen costs with this surplus. Every year when that question has come up, the answer has come back: reduce premiums, which has been done every year, allow rebates for companies which successfully reduce injury rates, and reduce the rates. On top of all of this, Mr. Speaker, benefits to workers have gone up. Benefits to workers have gone up.

DR. PERCY: Obviously, Mr. Speaker, the minister won't answer the question. How can you suck \$271 million from small business in this province and have the audacity to stand there and say that the rates are not too high? [interjections]

MR. DAY: You know, like trained seals being tossed a salty kipper, they flap their flippers over there, and they don't know what they're talking about.

Mr. Speaker, I have answered the question, and I tell this member to go to the employers of this province, to go to the employee groups, to go to the union groups that support this direction, to go to the businesses across this country, to go to the other WCBs, the other Workers' Compensation Boards across this country, and ask them, say to them: "Why are you rushing to Alberta? Tell us why." They say: "Because the costs are under control. The costs continue to go down. The costs to employers continue to go down. The rates continue to go down. Less workers are continuing to be injured. Less workers."

This is a positive story, and now with another surplus again this year, the member says: isn't that terrible that there's a surplus. The books aren't even out yet. We know there's going to be a surplus. It will continue to go to the workers of this province to see injury reduction. It will continue to go to the small businesses of this province. I defy that member to go into any chamber of commerce in this province with that pile of garbage. The only sucking of wind that's going on is what's going in his ears.

THE SPEAKER: The hon. Member for West Yellowhead.

Timber Allocations

MR. VAN BINSBERGEN: Mr. Speaker, thank you very much. Yesterday I asked the Minister of Environmental Protection about the report on the status of Alberta's timber supply. I pointed out that timber that had last year been classified by the minister as committed pending approval is now in the report suddenly called unallocated. Now, the minister assured us that this was just a change in the verbiage, as he called it, and that existing timber allocations were not going to be affected. His answer prompts further questions. To the Minister of Environmental Protection: if there is no change in intent, why, then, did he move all the timber – that's over 2 million cubic metres per year – out of the committed category into the unallocated category? A 200 percent increase.

MR. LUND: Well, Mr. Speaker, as I said yesterday – and it's too bad that the hon. member wouldn't get a *Hansard* and read the answer on page 1783. The fact is that there is a change in the verbiage. The intent is not different. I personally did not write the report. I'm sorry if the change in verbiage confuses the hon. member, but the fact is that the intent is still the same and will remain the same. The timber that is in fact allocated to projects will remain there. It's not the intent that we are going to take timber away from specific projects.

MR. VAN BINSBERGEN: Mr. Speaker, you have to admit that when you go from committed to nonallocated, it raises suspicion.

I'd like to ask the minister this then: is the minister juggling the figures so that he can justify allocating timber resources to Grande Alberta Paper?

THE SPEAKER: Hon. minister.

MR. LUND: Thank you, Mr. Speaker. I guess there's another thing that I should warn the hon. member is coming, and that is that you are going to see another different figure, and it's simply because of the fact that we will be in the future looking at a different utilization. We will be going to what's known as 7/13 instead of the 11/15. So that will in fact change the numbers, but it still doesn't change the amount of fibre that is in a given area. The answer to the specific question is simply no. It does not change the availability of fibre for the Grande Alberta Paper project.

MR. VAN BINSBERGEN: Mr. Speaker, I'd like, then, to put the last question to the minister and ask him: since the industry and the public and government have all collaborated for about four years to create the Alberta forest conservation strategy, will the minister at least hold off giving away any more timber until that strategy has been adopted?

MR. LUND: Mr. Speaker, the fact is that we haven't given away any timber, so I don't know what the hon. member is talking about. The forest conservation strategy is going to be a very important tool for us in the future. Once again, it does not change the availability of fibre in the Grande Prairie area for the Grande Alberta Paper project. The fibre was identified some time back.

Actually, the most recent report that we just issued shows that in fact there's some 44.5 million cubic metres of timber grown in this province each year. The allocated amount is about 22.5 million cubic metres, and we only cut around 17 last year. That is using the 11/15 number. When we switch to the 7/13 – and I'm warning the hon. member that this is coming so that when you see a different number be careful, because it could be using the 7/13. If you wish, I can sit down and explain some day what is the difference in those numbers.

head:

Members' Statements

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

Unemployment

MR. HENRY: Thank you very much, Mr. Speaker. A couple of months ago I got a phone call from a parent whose adult son was unemployed and who talked with me about the experiences of her and her son. Following up on that she wrote me this letter, which I would like to read into the record.

Re: "Abuse of the Welfare System"

I am so tired of hearing, whenever something is said to politicians re the poor – those on Social Assistance – that "abuse of the welfare system must be stopped." There are thousands of decent, worthy cases that such remarks conveniently ignore – focusing attention as always on the small percentage of so-called abusers.

A member of my family (one of countless numbers of unemployed), who has been looking for work for over a year, is now in a government funded program, to help the hard-to-employ find work – and this is great. I want to tell you something of this one particular group of job-hunters.

They live at the lowest level of poverty, some surviving on \$200 a month. There is barely money for the bare necessities. Some lucky ones have family to help out, some don't have enough for proper food, some have lived close to the streets too long and look ill.

Two in the group have university degrees, others range from high job skills to little experience, some can barely read or write.

All have one thing in common – they are desperate to find a job: they want to stand on their own, to be given a chance. All would rather be earning money than receiving unemployment or social assistance. Most still have dignity, but some look terrible (raggedy), and some are (horrors!) – too old. One man is 59 – who will employ him? Every day they take lots of rejection, on the phone, in their face.

One man has been fighting with Social Services for ages to allow him a bus pass: he is given job leads and can walk to many – but has no money for buses.

Another problem: Social Assistance recipients are not eligible for retraining courses. This is only available for UIC recipients. Why? What's the difference? Isn't the objective the same – to get a job?

Most of all – these poor are fighters – even in the toughest breaks. They are not bums and creeps. There, but for the grace of God, might go you or I. Acknowledge their struggle, and credit them with some respect.

Thank you, Mr. Speaker.

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

2:40

Calgary Sun Column

MR. PHAM: Thank you, Mr. Speaker. Last Friday I received hundreds of phone calls from my constituents, all of whom were very supportive of me as their MLA and how I dealt with the issues. Many of them, however, were very disappointed and disgusted with the article “The strange case of Hung Pham,” written by Mr. Neil Waugh in the *Calgary Sun*.

When Mr. Waugh could not discredit my position on the WCB, he chose to attack me and my constituents instead. Mr. Waugh criticized that I speak “in a thick Vietnamese accent.” Unlike Mr. Waugh I had to learn English the hard way. I do not have English as my mother tongue. I had to learn it the hard way: word by word, day by day. If my accent offended him in any way, I certainly apologize.

Mr. Waugh claimed that I won the last election by riding in “on the coattails” of the Premier and because of that I should keep my mouth shut if I do not want to be challenged at nomination time. Mr. Speaker, thousands of people voted for me in the last election. Some voted for me because of who I am; some voted for me because I'm a member of Ralph's team. I'm very proud of that. When I ran for office, I promised my constituents that I would listen to them and represent them to the best of my ability. I will never break that promise and will never betray the trust that they put in me. Personal attacks and threats only strengthen my commitment to my constituents.

I would have never dignified his article by this statement if he had not chosen to attack my constituents. He described the voting process in northeast Calgary as something dirty by using terms such as “murky ethnic wars.” He even fabricated a quote from Gordie Shrake, a former member of this Assembly, suggesting that even dead people can vote in east Calgary. I talked to Gordie last weekend. He told me he never made such an insulting comment. Personally, I have neither seen “murky ethnic wars” nor dead people voting in Calgary-Montrose. I only saw many Canadians exercising their democratic rights. Mr. Speaker, I am very, very proud to represent each and every one of them.

Thank you, Mr. Speaker.

Oil Sands Interpretive Centre

MR. GERMAIN: Mr. Speaker, today I want to talk about a unique group of individuals in Fort McMurray and the interpretive

centre that they support, and I am talking of the friends of the Oil Sands Interpretive Centre and of course that interpretive centre itself. Now, this is one of the institutions in Fort McMurray that is dedicated to improving the quality of life in our community and also holding out and extending a welcoming hand to visitors to the community of Fort McMurray in terms of one very specific and very unique geological formation in this country; that is, the amazing oil sands. The Oil Sands Interpretive Centre sees thousands of people each year in providing education on matters relating to the geology and the uniqueness of the oil sands.

A few years ago, Mr. Speaker, a group of individuals got together and raised an amazing sum of \$1 million and obtained over 2,000 hours of community volunteer time so that they could walk a backhoe on its slow, stubby mechanical legs all the way from the Suncor plant to the Fort McMurray interpretive centre and there establish the very largest bucket wheel artifact in any museum anywhere in North America. I want on this particular day to commend the good work of the Oil Sands Interpretive Centre and those many volunteers and community members in Fort McMurray who consider themselves friends of the oil sands.

Thank you, Mr. Speaker.

THE SPEAKER: Points of order. The hon. Government House Leader had given notice, but the hon. Member for Edmonton-Centre . . .

Point of Order Provoking Debate

MR. HENRY: Thank you very much, Mr. Speaker. My point of order is with regard to comments made by the hon. Government House Leader in response to the question from Lethbridge-West. I refer you to section 408(2) and section 417 of *Beauchesne*, both of which talk about inciting debate. The hon. Government House Leader stood in his place and pointed over to the side of the House where I sit and indicated that there was less than full support for new Canadians coming to Alberta and seeking evaluation and equal credentials from their homeland. What I wanted to point out, Mr. Speaker, is that that definitely does offend the rules of the House because it does incite debate.

The record is very, very clear with regard to the foreign qualifications review centre in this province that the Liberal caucus dragged this government kicking and screaming for five years after a recommendation was made to then actually put in a centre to review foreign qualifications and assessment. The provincial Government House Leader very conveniently left out the fact that he and his colleagues have chosen to ignore the main recommendation of that report of that commission in establishing the centre in that it has no power to actually enforce the assessment it makes of qualifications.

Mr. Speaker, in making his comments, he also forgot to mention that that may be a significant reason why it is continuing to be taxpayer funded, because people have to wonder why they're going to use it when the centre makes an assessment and that assessment is not binding on any professional association, academic institution, or other trade in this province.

Thank you.

MR. DAY: Well, no point of order. Just a bunch of crying.

THE SPEAKER: The best that could be said is that it's a point of clarification.

The hon. Member for Leduc had a point of order.

Point of Order
Abusive Language

MR. KIRKLAND: Thank you. I rise under 23(j). The hon. Minister of Labour was responding to the question from Edmonton-Whitemud, I would suggest, using "abusive or insulting language of a nature likely to create disorder." I think that if you looked at the Assembly at that particular point, Mr. Speaker, you could certainly see that in fact his response did exactly that.

I would have to suggest that as the Minister of Labour chats ad nauseam about how well the WCB is doing, he presents only one side of the story. He knows full well that emerging in this province today is such tremendous ignoring of the WCB Act that employers today are intimidating employees into actually not filling out accident reports and the likes of that. So when you provide a one-sided story as such and you do it in the terms that the . . .

THE SPEAKER: Order please. The Chair feels that the hon. member is using this point of order to carry on a debate with the hon. Minister of Labour. There is no point of order.

The hon. Government House Leader had given an indication that he wished to raise a point of order.

Point of Order
Provocative Language

MR. DAY: I had indicated that earlier, Mr. Speaker. You know, this is so atrocious.

MR. HENRY: Citation.

MR. DAY: Standing Orders 23(h), (i), and (j) and all of *Beauchesne*.

You know, it is so outrageous the statements that can be made without any pang of conscience on that side of the House, because they know that people will see something on television, and hopefully – they hope for this every day – what they say will simply be reported and not analyzed at all, their statements not analyzed, simply reported. When any member of the government makes a statement, it should be analyzed and critically analyzed by the media, and it is. But members opposite know that opposition statements are never critically analyzed, so they can just say anything. They can say whatever they like.

So in terms of insulting language, which I want to raise today, the Member for Fort McMurray stood and talked about gross secrecy going on, totally cranking out of all shape any kind of reason to do with a report that the members opposite have had for three years – it was released three years ago. Even worse than that, the member who purports to be concerned about multicultural issues stood in his place and prefaced his question by saying: this government which is trying to abolish multiculturalism. Now, if that isn't provoking language, if that isn't being incendiary, I don't know what is.

Mr. Speaker, it goes on and on every day. Prefacing the questions with outrageous and false comments and then expecting a calm reaction from members here on this side as they reply. I wish they would try and do the responsible thing and simply ask the questions.

MR. GERMAIN: To the extent, Mr. Speaker, that the hon. minister directed some of his rambling point of order to my question, my question, with respect, I think dealt with an issue that is current at the time, dealt with an issue that the public has

a right to know. If there were adjectives in my question that somehow offended the hon. minister – I don't speak to the hon. minister; I'm trying to find out information about government practices.

2:50

THE SPEAKER: The Chair would make these observations in regard to this point of order, and it has to do with the preamble to the hon. member's question. Preambles are to lay a factual base for a question. Preambles are not to be giving opinions and other characterizations of the situation leading up to the question. They are there to lay the factual base, and the Chair would ask all hon. members to please remember that when crafting their questions.

head: **Orders of the Day**
head: **Public Bills and Orders Other than**
head: **Government Bills and Orders**
head: **Second Reading**
Bill 213
Ombudsman Amendment Act, 1996

[Adjourned debate May 8: Mr. Severtson]

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

MS CARLSON: Thank you, Mr. Speaker. It's my pleasure, as it is many colleagues' on this side of the House, to rise and support this Bill, Bill 213, the Ombudsman Amendment Act, 1996. The only regret I have about supporting this Bill is that the government hasn't brought it forward. Truly if the government were a thinking and planning government and taking a look at the kinds of pitfalls that their radical changes throughout this province have caused and that are continually occurring, they would have had the foresight to bring this Bill forward themselves, in which case we know that it would have had unconditional support from both sides of the House.

As it is, when a private member brings forward a Bill, we know that the likelihood of the government supporting it is very small, and that's unfortunate because this certainly is at this point in time in this province a very needed and necessary addition to the legislation.

Certainly the objective of this Bill is a strong objective. It could easily be supported by everyone in this House. It's to amend the Ombudsman Act so as to expand the jurisdiction of the agency. All of us, I'm sure, in this House have had occasion to refer something to the Ombudsman and have found out that it's not within his mandate, within his scope of practice, and therefore it ends up being rejected by his office. That's really unfortunate because there are a great many things at this point of time in this province that should be under his scrutiny, that need to be under his scrutiny, and that have been requested by many people throughout the province who have had concerns in dealing with government agencies or in fact in dealing with contractors who are contracted by the government to fulfill roles. So there couldn't be a better timing for this Bill than right now, and I'm hoping that it is going to receive some support from the government side.

Essentially, what we see in the focus of this Bill would be the Ombudsman's role being expanded to include the contract agencies of the government. With the kind of privatizing that's going on and the kind of downsizing that's occurring in government, we're finding many, many more contracted agencies,

companies, and individuals doing work with the government, and if those are not being overseen or subjected to the mandate of the Ombudsman, then there is no one to speak for people in this province who have a concern with them, some of the roles that are going on.

Definitely there's a lot to be concerned with in the privatization. We're seeing many cost overruns come in, particularly in the transportation department, where contracting has not met the mandate that the government has asked for and that the people are looking for, where contractors have not completed their tasks in the kind of manner that would be expected. People do have concerns and complaints and things that need to be looked at from that perspective, and there's no one to go to, Mr. Speaker. At this point in time, with the legislation that we have, there's absolutely no one for the people to go to if they have a concern or a complaint.

It's not just us asking for this. In fact, the Ombudsman himself has made many repeated requests for an increase in his mandate in this area to many people publicly, privately, and in written form. In the latest Remarks of the Ombudsman Harley Johnson has specifically identified privatization as a critical concern of his in this province and talks about: "As the provision of government services is contracted out" on many fronts, there is right now no proper process for reviewing and appropriately accounting for the mechanisms that are occurring in contracting out, and there is "confusion in the minds of [many people] as to how to resolve issues." He talks about this in his report. Some of it is just a matter of the confusion that goes with changes – staffing changes, organizational changes – not having done proper planning when the privatization has been done and frontline staff not knowing whom to refer problems to or what the proper process is because in fact there is no process put in place, no strong organizational chart or lines of reporting authority.

With the increase in privatization going on in the province, there has been an increasing number of complaints from people who feel that they're getting the runaround from government agencies and from those who are contracting the services of the government and that there is no person that they can go to to get problems resolved. In fact, Harley Johnson has indicated that he himself and his staff have had problems in trying to tie down exactly who the person is that they go to for the resolution of these kinds of problems. They can't get the answers to their questions, and it's causing a great deal of consternation in his own office. He knows the process and the avenues to go through and how to resolve these issues, and if he can't resolve them, Mr. Speaker, then how do we expect the people of this province to find adequate satisfaction when they try to solve these problems? So that's something that needs to be addressed.

He's tried to in general terms. He's tried to in more specific terms, and he's prepared in the future to specifically on paper identify the departments which have not addressed these problems in the coming year. Hopefully, if they become public knowledge to each and every one of us in this province and are put forward in debate and in question period here in the House, then we'll see some of those problems being fixed, and the lines of authority and reporting structures will be fixed.

That's not the only problem he sees here. Another problem is that of a needed watchdog function on the agencies that have been privatized simply to do what we would expect government agencies or any of those providing services to government agencies to do; that is, provide service in a fair and equitable manner, Mr. Speaker. Not too much to ask for. Certainly if

those services are not provided in a fair and equitable manner, then we would be looking for some sort of recourse. That recourse would be to apply to the Ombudsman to let him take a look at the situation and arbitrate or resolve or recommend or do whatever it is that's necessary there. But he can't because the legislation that we currently have on the books does not allow for that.

What this Bill is asking for in part is to now allow the Ombudsman to take a look at the privatization issues that are arising and to ensure that the people who are affected by these privatized services have recourse if the privatization is not being handled in a fair and equitable manner or the services that are being provided thereby are not or there's some concern with a private contractor or a department or an agency or a commission or an authority, that there is an appeal process in effect, that there is someone who can act on complaints, and that there is some accountability. At this point there is no accountability. Even he states that where he can find accountability, it is watered down at its best, and that isn't fair to anybody, Mr. Speaker. It isn't fair to the government agencies that have the services contracted out to them. It isn't fair to the people of this province who are receiving those services or hopefully finding employment within those services. This is simply what we're asking to address in part in this Bill: to make it fair, to make it equitable, to give the Ombudsman the needed necessary role here, to simply expand his mandate, to do what he's asking for in expanding that mandate, and to include his services in that area of the legislation.

3:00

So I'm hoping that just in this small part we can get some support from members across the floor. If they're not prepared to support this, Mr. Speaker, then I ask them to stand up and speak now in this House and tell us why, tell us why they would not be prepared to expand the services of the Ombudsman and to actually do something that he has requested not once, not twice, not casually but in a very formal process.

So with those comments, Mr. Speaker, I'll take my place.

THE SPEAKER: The hon. Member for Taber-Warner.

MR. HIERATH: Thank you, Mr. Speaker. As I understand it, Bill 213 seeks to add in a schedule a number of authorities that are not currently under the Act. The member would like these authorities to include authorities under the Regional Health Authorities Act, municipalities, schools and school boards, and the bodies that exercise the powers, duties, or functions of a minister or public official under an Act or regulation.

I would just like to briefly expand on the role of the Ombudsman of British Columbia, to which my colleague alluded earlier. Indeed, Mr. Speaker, the role of the Ombudsman needs to evolve over time in order to remain a relevant avenue for appeal for the citizens it serves. British Columbia has taken such a step. In British Columbia there are similar authorities covered by the schedule of the British Columbia Act that the Member for Edmonton-Glenora would like to see included in this amendment Act. In June of 1995 the Ombudsman of British Columbia was assigned an investigative role for the MUSH sector. That is, he or she is now able to inquire into complaints that originate in municipalities, universities, schools, and hospitals. The British Columbia Ombudsman can also review actions of professional and occupational societies.

The provision of the Ombudsman Act in British Columbia that extended to non provincial government bodies was implemented

at the same time as the British Columbia Freedom of Information and Protection of Privacy Act applied to these bodies. Here in Alberta we must consider when our Freedom of Information and Protection of Privacy Act will apply to what we term local government bodies. Therefore, extending the application of the Ombudsman Act to the local government bodies now may well be premature until they are defined. There should also be some consistency between what the Freedom of Information and Protection of Privacy Act will apply to and what the Ombudsman Act should apply to.

Mr. Speaker, there would be benefits derived from expanding the Ombudsman's jurisdiction. Expanding the role of the Ombudsman would allow for an administrative watchdog function for those agencies which are supplying a public service in Alberta. It would allow a comfort level for the public and the government that these agencies are subject to external and independent review, ensuring these agencies follow principles of justice.

However, I believe there are costs that may not make the changes necessarily worth the effort. Expanding the role of the Ombudsman would create tensions between those agencies and the government. The agencies that the member proposes to include hold sacred the right of self-governance, a right that is currently subjected only to the courts. To overcome this tension would require a significant educational component and commitment from all the agencies that would come under the expanded jurisdiction. The present staffing level of the Ombudsman's office is insufficient to investigate complaints that would be increased as a result of expanding the jurisdiction of the Ombudsman. Any expansion would invariably result in another demand on the public purse. Furthermore, Mr. Speaker, the Ombudsman himself suggests that schedules for the proposed amendment may not be the best way to go. Rather, he suggests that a simple definition in the Act may be more appropriate.

Mr. Speaker, as I said earlier, there is a need for evolution of the Ombudsman's role if it is to be a continued service to Albertans. However, at this time, as my colleagues before me have pointed out, I believe there are already appropriate appeal measures in place in the sectors that the Member for Edmonton-Glenora wants included in the Ombudsman Act.

Thank you.

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

MRS. HEWES: Thank you, Mr. Speaker. I want to speak to my support for this amendment to the Ombudsman Act. Alberta, as I recall – and you may be able to tell us more about this, sir – was one of the very first provinces to introduce an Ombudsman. It was quite a step to take, and it was followed by a number of other provinces quite rapidly. I think the Ombudsman's office has served Albertans very well. It was something that was copied from a number of states in the United States, and we've been well served by a number of excellent people who have held the position. I submit that in the 27 years that the Ombudsman has served Albertans, times have changed and have changed very dramatically. As other speakers have mentioned, it's now time to review this Act and to make the function of the office a contemporary one, to bring it into contemporary times.

Mr. Speaker, some interesting things have happened to us in the last couple of years in this province where we've seen a very rapid shift to the contracting out of various responsibilities to community authorities and institutions, and while in some cases I think this has had a positive effect, in others the jury is still out.

We're still in the business of waiting for authorities to be set up relative to child welfare and possibly other activities that the government is mandated to be responsible for. This growing trend to contract out what has heretofore been a government mandate raises the question of what is the public responsibility and what is the private or community responsibility in our province. In many instances that has not been clear at all with the legislation and the activities that the government has involved itself in. The result of that is that we now have authorities, we have foundations, we have educational institutions that do not have the benefit of the Ombudsman.

Mr. Speaker, having been a municipal public official in a past life, it is my memory that municipalities have often asked and discussed the potential of expanding the provincial Ombudsman Act to extend to municipalities. I believe that this is something that has been discussed at some length with the AUMA and between municipalities of our province, and in my view, contrary to what the Minister of Municipal Affairs said a week or so ago, I believe municipalities would welcome this extension. I think that this would serve them well, and I think they would appreciate the opportunity to buy into the provincial legislation to protect their citizens, who could then make use of this same service in this same office.

Other members of this House have commented on British Columbia and their Ombudsman Act. Here we see the signs that the province next to us has in fact made their Ombudsman into something that is relevant to today's needs and has given that Ombudsman in British Columbia the potential and the mandate to investigate complaints regarding educational institutions, schools, universities, and including municipalities and institutions such as hospitals.

3:10

As we see the transition here in our province, which has happened – it's not that it is going to happen; it has happened – to shift the responsibility for health care to community authorities, 17 of them across Alberta, once again we see authorities who have the responsibility to perform a government function being contracted by the government to do it, being given resources by the government to do it, tax dollars, yet I don't have as a citizen access to the offices of the Ombudsman if I believe that I am aggrieved by the actions of those authorities. I believe, Mr. Speaker, that this is a disservice to the authorities as well. They are then forced to have some system in place to deal with complaints, concerns expressed by consumers or by staff members, and there is an inconsistency then that develops from one institution to the next, from one authority to the next across the province, and I think that's not in our best interests.

Mr. Speaker, the Ombudsman's function also performs a very useful service to this province in that as he collects information, he presents to the government a picture, a snapshot, of what's occurring in our province and what is occurring in the institutions of our province. Once again to leave out those new and created institutions, those authorities that are springing up all around us, I believe will leave us with a distorted picture of what's occurring, one that could in fact lead to policies and to programs being developed that are not really related to the experience of citizens of Alberta.

I'm also very aware of what's still left out of the Ombudsman Act. This amendment to the Act would go a long way to repairing that. The office of the mental health advocate has in my view long been insufficient to fill the needs of people who are mentally ill. It has from its inception only related advocacy to the

involuntary patient. Mr. Speaker, I believe this deprives those voluntary patients of a much-needed service that they should be able to access, whether we're talking about patients in our public mental hospitals or under the authorities that now exist. I think they have every reason to expect, whether they are voluntary or involuntary or whether they are outpatients in the community still in the care of outreach of the hospital, that they would have access to the Ombudsman. This has not been changed since the Ombudsman Act nor since the mental health advocate Act came into being. While I congratulated the government on putting the mental health advocate in place, I think we now see that this is an omission. To be sure, the mental health advocate himself has made these kinds of statements and has suggested that this is an omission.

Once again we have the Children's Advocate in the province, Mr. Speaker, a very good step and one that I think has protected children, but it only relates to children who are wards of the province. I believe this is an omission that needs to be corrected.

We see before us now in this session of the Legislature Bill 26 giving the government the potential to create child welfare authorities throughout Alberta, perhaps coterminous with the health care authorities. Similarly, these authorities will have consumers, will have staff people, will have personnel who do not have and will not have access to the Ombudsman, and this is a serious oversight in my view, Mr. Speaker. I believe that we need to correct that. Twenty-seven years, yes, we've had a good experience. Time to look at it, time to make the changes.

Mr. Speaker, I think the amendment as presented by my colleague the Member for Edmonton-Glenora covers these issues that I have talked about. It will give us and give the Ombudsman and give the citizens of Alberta some sense of confidence, when they do believe they are aggrieved, that they have a legitimate place to go that is not a part of the government, that is responsible simply to the Legislature and not beholden to a minister of the Legislature, that is objective, and that will deal with their concerns in a sensitive and confidential and very objective fashion.

Mr. Speaker, just in conclusion, I believe the trends that we've seen in the last two years for privatization in the government give rise to a demonstrable need for this amendment to the Ombudsman Act, and I would encourage all members to support it this afternoon.

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

MRS. FRITZ: Thank you, Mr. Speaker. I, too, am pleased to join the debate on Bill 213, the Ombudsman Amendment Act, 1996, because I feel the current role of the Ombudsman really does provide a vital service for Albertans. I've had the privilege of serving on the legislative review committee with – I can't say his name, so it would be the hon. Member for Taber-Warner as the chairman, that we heard previously debate this Bill.

MR. DINNING: You mean Ron Hierath?

MRS. FRITZ: That's right. Thank you, Mr. Treasurer.

Mr. Speaker, at this committee we've had the Ombudsman explain to us many times the role that he currently fulfills for the province of Alberta. His mandate, which we've heard in the House, is to investigate complaints against departments, boards, and agencies of the provincial government. As was stated as well, he is appointed by the Legislature and is an official who provides,

I believe, the concepts of fairness to scrutinize actions of the government.

Now, Mr. Speaker, exempt from the Alberta Ombudsman's jurisdiction are the actions and decisions of the courts, the Legislature, as well as federal or municipal governments and contract agencies. The primary purpose of the Ombudsman lies in providing an avenue of investigation on behalf of a citizen who feels unjustly treated through the actions of departments, agencies, or officials in the government of Alberta. The office of the Ombudsman also assists citizens in directing complaints to the appropriate department or other established mechanisms outside the jurisdiction of the Ombudsman.

The Ombudsman's office is established there to serve as a last resort for complaints. He often tells our committee that that is his purpose. It's the last resort for complaints. He cannot intervene until all avenues of appeals have been exhausted by a complainant, and many government departments, boards, and agencies have specific in-house methods of appeal designed to resolve the complaints. I think that's critical for the Assembly to know, Mr. Speaker, because those mechanisms are in place, and the various complaint mechanisms are endorsed through legislation, regulation, or policy to provide internal processes within a particular government body.

Mr. Speaker, when a citizen exhausts all available avenues of appeal and remains dissatisfied with the outcome, then that citizen is encouraged to write to the Ombudsman. Investigating complaints is currently provided at absolutely no cost to the individual requesting the service.

The office of the Ombudsman currently has 17 staff members which are located in Edmonton and Calgary, and with what the Ombudsman has brought before our committee this year in regards to budget, I know that he is looking at efficiencies and streamlining his department. People living elsewhere in the province can easily access the Ombudsman's office through a toll-free number. A high priority is placed on being accessible to the people of Alberta, and as such, the Ombudsman at times undertakes presentations across the province.

Mr. Speaker, the majority of investigations occurs in response to letters of complaint from individuals who allege to be adversely affected by the administrative actions of the government. If it turns out through an investigation that there's a need for a departmental policy or procedure to be revised or provide a more equitable method of dealing with an issue, then it is the Ombudsman who acts as the catalyst for that positive change.

3:20

Mr. Speaker, there are many examples that have been brought before us. The Department of Justice, which includes the correctional services division and the maintenance enforcement program, and the Department of Family and Social Services are often where the complaints originate from, the two largest areas of those being Justice and Family and Social Services complaints, which when combined form 2,819 of 3,836 oral complaints for 1995.

Now, Mr. Speaker, the Ombudsman has made recommendations after he has reviewed the complaints and made the recommendations I believe in a responsible way.

The Member for Edmonton-Ellerslie, I think it was, asked that members of this House stand and say reasons why they, in joining in debate on Bill 213, do not believe that this Act should go ahead in the way that it's put here, Mr. Speaker, and I'd like to comment on that just briefly as well. I really think that this Bill might cause some concern among organizations affected, espe-

cially if they interpret it to be an unnecessary burden on their operations, especially for smaller organizations. The Ombudsman's investigations – as I indicated, there are thousands of complaints – can often be very time consuming, and they also can be very expensive, and people from other areas may look at that as a burden.

Also, Mr. Speaker, the present staffing level, that I talked about, where we discussed that there are 17 staff, and the budget of the Ombudsman's office at this time are insufficient, I believe, to investigate complaints, especially if there's a proposed expansion of jurisdiction, and he's put that forward to our committee as well. So I believe that would cause a significant increase in cost, implementing this Bill.

Although it may seem like it's the nice thing to do, to add this Bill so that we are looking at assisting municipalities, just as the Member for Edmonton-Gold Bar indicated that she'd been a member of a municipal council, I also have had that privilege, Mr. Speaker, for a fairly lengthy period of time. I can tell the Assembly this from that experience; that is, I believe that municipalities are very sensitive to the subject of provincial intervention in municipal decision-making. Quite frankly, Mr. Speaker, they will tell this Legislature that they do a far better job when they're taking their grassroots issues and they're listening to the appeals and that they have those structures in place. Although municipalities are not a separate order of government constitutionally, I believe that few, if any, municipalities consider themselves as just local agencies of the provincial government, and they would rather have hands off as far as we're concerned in this area.

I think it was well stated by the Minister of Municipal Affairs when he said that that is reflected in the MGA, which provides municipalities with a broad authority to conduct their business and to pass their own bylaws, and those bylaws are reviewed through council and evaluated and often changed to reflect their local municipality, which we know in the Legislature from the representation here is very different. Municipalities and towns and villages are very different from one another. Therefore, I believe that having the Ombudsman review municipal decisions and actions, as proposed in this Bill, is very unlikely to be favourably reviewed by the municipalities as well as the municipal associations.

Thank you, Mr. Speaker.

THE SPEAKER: I regret to interrupt the hon. member, but pursuant to the Standing Order governing this matter, debate must now close and the hon. sponsor may conclude debate.

MR. SAPERS: Thank you, Mr. Speaker. I have to say with apologies to my colleague from West Yellowhead, who had some comments which maybe he'll table for the Assembly's illumination.

Mr. Speaker, I've only got a couple of minutes to summarize debate, and listening to the debate on this Bill caused me a little bit of concern. I heard several inconsistent positions being put forward, internally inconsistent arguments, such as the one, for example, made by the Member for Calgary-Cross: on the one hand, the Ombudsman's office is very important and has contributed well and Albertans need to access the important office of the Ombudsman, but on the other hand, if we were to expand the jurisdiction of the Ombudsman, this would be a duplication of effort and this would somehow harm the good governance of this province, and besides which, it's just too darned expensive to give

Albertans the kind of access to review and redress that the office of the Ombudsman could offer.

In fact, if I understood the gist of the speakers from Calgary-Cross and from Innisfail-Sylvan Lake and perhaps from Olds-Didsbury as well, part of the argument is that the government operations shouldn't necessarily be subject to an independent review, that there are some areas of government which the government would like to put into the jurisdiction of either contracted agencies or other delegated administrative organizations that the government would not like to have complete and public review of. The argument is not made on any substantive terms, Mr. Speaker, but the argument is made instead that this would be a burden on those organizations.

Well, I guess it's the view of this caucus and certainly of this member that if an organization is providing services to taxpayers on behalf of the government with tax funds, then those organizations must be subject to the same sort of external and fair review that the Ombudsman's office could offer as any other department of government. I'm a little bit disturbed that a government that campaigned on being open and accountable would turn that around and say that that kind of review is a burden. So those internal inconsistencies do concern me.

I'll also say that as the Member for Calgary-Cross commented on being a member of the legislative standing committee that oversees all the legislative offices including the Ombudsman, I was looking forward to her comments about the presentation that the Ombudsman made just this past December asking in fact the Legislative Assembly to consider broadening his mandate and if not doing that, at least giving a thorough review of his role. The Ombudsman is very concerned that as this government changes the way it does business, the Ombudsman is being cut out, pushed aside. So certainly when the Member for Calgary-Cross was talking about the discussions in that committee, I would have hoped that she would have mentioned that, that the Ombudsman himself has asked for this kind of a very thorough review.

Now, many, many departments of government do in fact have a complaints process or a review process. This is precisely the reason why we need to have the Ombudsman's jurisdiction expanded to cover regional health authorities, for example, because regional health authorities don't, Mr. Speaker, yet they are responsible for spending over \$3 billion of tax money.

Mr. Speaker, an alternative to this Bill was suggested by the hon. Member for Innisfail-Sylvan Lake. It's a workable alternative, but again I would have hoped that he would have asked his colleagues to support him, to get this Bill past second reading into committee so we could deal with amendments. Perhaps we could have this Bill work in tandem with the privacy and freedom of information Bill so that we could see the Ombudsman role expanded at about the same time those agencies and departments will be subject to the freedom of information and privacy law, a good suggestion that I think warrants further debate. So I would hope that it actually gets to that stage of the Bill.

Mr. Speaker, the Provincial Health Council of Alberta was referred to by a couple of speakers during debate. I'll note that the Provincial Health Council is not a complaint-taking body. Many people who have commented on the Provincial Health Council have also noted that there have been numerous independent calls for an Ombudsman-like office in regard to health care. The AMA, the AARN, certainly members of the Liberal opposition, several other organizations and individuals have said that what Alberta needs at this point is an independent body to review people's concerns as they relate to health services. The Ombudsman's office would certainly be a reasonable place to start.

Thank you, Mr. Speaker.

THE SPEAKER: The Chair regrets to inform the hon. member that his time has expired.

The question, therefore, before the Assembly is on the motion for second reading of Bill 213, Ombudsman Amendment Act, 1996. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: The motion fails.

[Several members rose calling for a division. The division bell was rung at 3:30 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Dickson	Kirkland
Bracko	Germain	Nicol
Bruseker	Hanson	Sapers
Carlson	Henry	Van Binsbergen
Collingwood	Hewes	Zwozdesky
Dalla-Longa		

Against the motion:

Ady	Gordon	McFarland
Amery	Haley	Mirosh
Beniuk	Havelock	Pham
Brassard	Herard	Renner
Burgener	Hierath	Rostad
Clegg	Jacques	Severtson
Coutts	Kowalski	Stelmach
Day	Laing	Tannas
Dinning	Langevin	Taylor
Doerksen	Lund	Thurber
Dunford	Magnus	Trynchy
Evans	Mar	Woloshyn
Friedel	McClellan	Yankowsky
Fritz		

Totals: For - 16 Against - 40

[Motion lost]

head: **Motions Other than Government Motions**

Health Care System

512. Mr. Doerksen moved:

Be it resolved that the Legislative Assembly urge the government to implement strategies aimed at reducing the overutilization of and, therefore, the demand on the health care system, giving consideration to the following: increasing public awareness of the costs of the system, providing incentives through the health insurance plan to encourage responsible utilization of the system, using the health care premium as a deductible, and allowing for the rebate of any portion of the health insurance premium that is not used through access to the health care system.

THE SPEAKER: The hon. Member for Red Deer-South.

MR. DOERKSEN: Thank you, Mr. Speaker. It is a pleasure to begin debate today on Motion 512. I am bringing forward this motion to the members of this Assembly to generate discussion on possible strategies aimed at reducing utilization of Alberta's health care system. Health care expenditures consume a significant and growing proportion of our spending capacity. Many of the figures that I will use today come from a task force report completed by the Canadian Institute of Actuaries.

This report notes, Mr. Speaker, that Canadians spent about 10 percent of their gross domestic product on health care in 1993, compared to 7 percent in 1968. This is less than the amount that is spent in the United States, but it is more than any other developed country. Our total health care costs are increasing and at a rate that is faster than the growth of the GDP. In Alberta the cost of our health care system has grown dramatically over the past years. In fact, the cost doubled between the years 1980 and 1992. In 1980 health spending was 20 percent of the provincial budget. By 1992 it was 30 percent of the provincial budget, and in 1996-97 Alberta will spend \$3.7 billion on health care. This is 27.1 percent of our total expected spending for the fiscal year.

Why has the demand for health services increased so dramatically over the past years? What new or growing forces are exerting pressure on our health care system? Mr. Speaker, we are an aging population. Our health needs are different than they were 10 or 20 years ago. We are experiencing a demographic shift to an aging population. Statistics show that demographic changes have a profound impact on the cost of health care. The task force report on Health Care Financing, which I referred to earlier, released by the Canadian Institute of Actuaries shows that the baby boom is at the heart of the anticipated rise in the proportion of the population age 65 and over.

A tidal wave effect of shifting demographics has been created by the baby boom and subsequent baby bust. As the baby boom wave moves through the years and the population ages, there is an increased demand on the working age population. By the year 2000 the largest proportion of the baby boomers will reach the age of 55 and begin to retire. Not only will the high health care user group expand, but the work base will begin to decrease. The result is that by the year 2031 active workers will each have to produce almost 60 percent more than they did in 1991 to provide for persons of 65.

AN HON. MEMBER: How much was that?

MR. DOERKSEN: Sixty percent more.

Mr. Speaker, it is estimated that if all working people in Canada were to put aside sufficient funds to pay for their own health care in their retirement years, that fund today would have over \$1 trillion. This is \$1 trillion that future generations are going to have to pay.

Our health care is financed on a pay-as-you-go system. This means that the current workforce must support these costs. The shrinking base of active workers coupled with the demographic shift to an aging population and budget constraints will not allow us to support the current rate of increased health care spending. Clearly, Mr. Speaker, there has never been a greater need for a review of the alternatives, to look at new ways to address the pressures on the health care system. Now is the right time, the critical time to examine new ways of reducing the cost or the demand on our health care.

How do we go about reducing utilization of and therefore the demand on our health care system? Mr. Speaker, our health care

system is cost driven by both the consumer and the provider of services. These factors are contributing to the increased demand on our health care system. Under the present system physicians work on a fee-for-service basis. This payment method is used predominantly in all provinces in Canada. Health care expenditures are determined directly by the number of services provided by the physicians and the number of physicians delivering these services. The problem with this system is that it does not provide incentives to physicians to reduce costs and the demand on the system. In fact, it does just the opposite. The more services that one provides, the more income one receives. This is irrespective of who receives the service and the expected effect of providing that service, the patient's health status.

Mr. Speaker, consumers of health care services are also placing an increased demand on our health care system because they are not motivated to do otherwise. Consumers are not provided with incentives to reduce the utilization of our health services. To illustrate the increasing usage, I have examined the statistical supplements of Alberta Health for the years 1982 and 1994. In 1982 the number of services per patient was 11 per year compared to 1994 where the number of services per patient per year reached 16. That is an increase of five per patient per year. With 2,400,000 patients times the average cost per service of \$25, that equates to a dollar amount of \$300 million.

Under the present system most consumers have little knowledge of the cost of their health care. This is partly because the health care that they receive does not directly affect their pocketbooks, and therefore again we see little incentive provided to be responsible for those costs. Consumers should be encouraged to use the health care system responsibly. I'm suggesting today a number of strategies that are aimed at encouraging Albertans to reduce utilization.

Put simply, the utilization strategies suggested in Motion 512 are aimed at the demand side of the supply and demand equation. If we can reduce the demand for services by whatever strategies we employ, the supply side will have to adjust automatically. Several supply strategies now in effect include targeted beds per thousand or using spending caps or limiting the numbers of providers. These targets may be entirely appropriate, but I think they can be reached through alternative and less conflicting methods by looking at the utilization or the supply side of the equation.

3:50

One possible strategy is to provide incentives to consumers through the health insurance plan. For example, responsible utilization of the system may be encouraged through lower premiums for those people who choose to live healthy lifestyles. Another similar option that merits discussion is to rebate any portion of the health insurance premium that is not used by the consumer. It is important to note that under this strategy I am not envisioning a change to the premium rate. Albertans would continue to pay their Alberta health insurance premium each year. Consumers that access the system would receive a rebate on the portion of their health insurance premium that is not used. Every time a patient visits their physician or the hospital, an amount would be deducted from their account. At the end of the year the portion of the premium not used would be rebated to the consumer. The entire premium could be rebated if the person does not access the health care system during the year.

This strategy could also be implemented through the income tax system. At the end of each year consumers could receive a statement of consumption, which would include a list of the

services they have received and the cost to the system. This cost would be deducted from their premium total. If the cost is less than the premium amount, consumers would then be able to use that remaining amount as a tax credit. For example, the total yearly premium for individuals in Alberta is \$408. If an individual spent \$200 for health services during that year, they would have \$208 to use as a tax credit at the end of the year. A secondary benefit to that through the income tax system would be the awareness of the cost of health care services that were received.

One other option under that which is not mentioned in my motion, Mr. Speaker, might be that you could look at a system of using your health care cost as an imputed tax benefit. You could cap that amount at, say, \$1,000, and then you would pay income tax on that amount based on your marginal tax bracket. That could be used to replace the current premium system. Again, we're trying to look for incentives to encourage responsible usage of the health care system. I see that that got the Treasurer's attention.

Mr. Speaker, in fairness, there are a number of objections that could be raised. These include the argument that the incentives might discourage those with true health needs from receiving the care and attention that they need. Another objection is that the chronically ill and higher users, such as seniors, would be penalized. I do not have a good answer to these objections, but I do know that the debate on health care cost is only going to escalate over the coming years. I also know that if we can find ways now to save dollars, these dollars could be made available to those who need the care the most.

Up to this point I have been discussing utilization on an individual basis, how much an individual accesses the health care system, but we can also look at utilization on a regional basis. Utilization rates vary across the province. It may be high in one area but low in another. Utilization rates are based on factors such as age, gender, and the size of the population. The present emphasis on institutional funding rewards increased utilization.

Mr. Speaker, residents of each region have unique needs. As a result of these unique needs, they access and utilize health care differently. A strategy that may best accommodate the health care needs of each region is population needs-based funding. To clarify, population needs-based funding is funding based on the size, age, and gender of a population. Population funding recognizes that health care services are used most in the first year of life, during the reproductive years for women, and again with advancing age. We need to design a funding mechanism which sends the right signals. These signals should align the incentives to institutions, physicians, and other providers with the objectives of the health care system in which they work.

We could discuss a number of other strategies as well. There are a number of managed care models that have merit. Other members of this Assembly may have other strategies that they wish to discuss today, and I would welcome that opportunity. But I would like to reiterate that the strategies I've suggested today are just that: they're suggested strategies. I'm not presenting them to you as the best response to increased utilization but as a means of generating discussion.

Clearly the present demand on our health care system is not sustainable. It is imperative that we address this fact now to ensure that future generations are not saddled with the task of paying for the consumers of today. I would remind the members of the Assembly that support for Motion 512 is not necessarily support for each of the strategies presented for consideration.

Rather, it is aimed at the support for reducing the utilization and therefore the demand on our health care system to ensure an affordable health care system today, tomorrow, and into the 21st century.

Thank you.

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

MR. SAPERS: Thanks, Mr. Speaker. When I first read Motion 512, I was tempted to bring an amendment to the floor of the Assembly. The amendment would have been to change the motion to simply read: be it resolved that the Legislative Assembly urge the government to implement strategies aimed at reducing the utilization and demand on the health care system. Then I compared that potential amendment against the business plan of Alberta Health and the stated objectives in that business plan. I realized that if we are to believe the Department of Health when they put forward their business plan and the Minister of Health when she defends the business plan of her department, then we would be led to the conclusion that that's in fact the gist of their business plan. Therefore, it didn't make sense to make that particular amendment.

Then I went back and reread this motion to see what it was that led me to conclude that it couldn't pass in the form as presented and should be amended or should be voted against. I guess the ultimate conclusion I came to, Mr. Speaker, is that this motion both says everything and says nothing. This motion says that we should get rid of overutilization, we should reduce demand, and we should give consideration to a number of strategies, but if it passes, it doesn't really bind the government to do a darn thing. It doesn't lead the government down any particular path they're not already pursuing or at least musing about. I guess because there is in fact a debate raging in this province about health care and because in fact there is a tremendous level of concern about health care in this province right now, it would seem to me inappropriate for this Assembly to give credence to a motion which really doesn't further that debate, which really doesn't take us any closer to a solution.

So what we have, Mr. Speaker, is a motion that on the one hand would be easy to support if you really didn't read it very carefully and on the other hand a motion that we can't support because it would give some kind of false notice to the people of this province about what it is that would be the intent of the Legislative Assembly in passing it. To simply ask the Assembly to give consideration to "increasing public awareness of the costs of the system" isn't good enough.

The business plan of Alberta Health says that they have a core function of providing education and providing information on the operation of the health system so that people can make informed choices. Of course, Alberta Health has taken to calling patients consumers, Mr. Speaker, or clients, but that's another debate for another time.

MR. DINNING: It's because you think of everybody being sick; that's all. You don't care if they're healthy. You just want to look after the sick.

THE SPEAKER: Order.

4:00

MR. SAPERS: Thanks for calling the Provincial Treasurer to order, Mr. Speaker. I appreciate that.

Mr. Speaker, the member in speaking to his motion made

reference to a number of statistics to do with the funding of health care and the costs regarding health care. It's too bad the speaker, who I know was an accountant in his professional life, didn't analyze some of the numbers that were given to him by his researchers. If he had analyzed those, I'm sure he would not be feeding into the myth that it's health care costs which have gotten out of control and that's it's health care costs which have put this government into bankruptcy or into the debt situation that it's in.

Mr. Speaker, if the member had done the kind of analysis that I suggest he should have, what he'd find is that health care spending has been remarkably consistent over the last decade. In fact, once you adjust for inflation and you adjust for population changes, you'll see that health care spending has been hovering around 23 to 25 percent of total provincial spending.

MR. DINNING: Oh, adjust, adjust, adjust.

MR. SAPERS: The Premier has taken it upon himself to talk about health care costs spiraling 220 percent. Now, we know that that's simply not true. We know that when you run the figures, you see that health care spending has not been . . .

MR. DINNING: You just defend the old status quo; huh? Defend the old status quo.

MR. SAPERS: Mr. Speaker, is it time for the Treasurer to take his pill again, or do we need to take a break?

Once the Premier and the Treasurer pay attention to the spending record, they would notice that health care spending on a per capita basis is now at its lowest point ever, that Alberta spends less per capita than any other jurisdiction, that Alberta has been spending less, that costs have been controlled. In fact, if this government – and I know they wouldn't want to do this, Mr. Speaker, because of their penchant for privatization and for embracing more commercialization of health care – was to take a careful look and make a comparison in those areas where costs have truly grown in health care, they'd see that it's something like 3 to 1 where the costs have grown in those private areas of health care, things like prescription drugs and dentistry and other private charges. In fact, the spending on the public side has been remarkably restrained. It's the spending on the private side that seems to have gotten a little bit out of hand.

I think what we have to look at is whether or not this motion would do anything to control costs in the way that the sponsoring member would want them to be. Unfortunately, the motion doesn't really talk about that at all. The motion talks about cost as a result of utilization, and perhaps what we should focus on is utilization and not overutilization. As the member talked about overutilization and the potentials for abuse, I was struck by the fact that he didn't talk about any studies or any reports or any evidence so that we know what this so-called abuse is. He didn't talk about whether it's abusive doctors. Is that what the hon. member is saying and the Treasurer is saying, that it's abusive doctors? Or are they saying, perhaps, that it's abusive patients? It's those darn, pesky Albertan taxpayers who have just the bad judgment to become ill or injured or elderly and have to utilize the health system. Perhaps those are the people that the hon. member was talking about when he talked about overutilization.

The fact is, Mr. Speaker, that people utilize the health care system, and sometimes the professionals in that system whom they interact with have to guide them down different paths to make sure that that utilization is appropriate and meets their need in the

most efficient and affordable way. But to turn around and say that it's overutilization and that's the problem is to cast aspersions on every Albertan that goes to a doctor's office. Even worse, it's to point a finger at every professional in the health care system and say that these people are milking the system, that these people are taking advantage of it. That's not my view of the health care system, and it's not the view of this caucus. If we want to really enter into a debate, we have to get beyond these naive and simplistic notions that it's just greedy doctors and abusive patients who are taking advantage of the public purse. In fact, there's no evidence to support that, and that's another reason why we can't support this motion.

Now, the motion goes on to talk about health care premiums, and this is a very interesting debate that we could have. The question I would pose, Mr. Speaker, is: why is Alberta one of two jurisdictions in Canada that still has the very inefficient method of collecting taxes known as health care premiums? Why is it that we spend millions and millions of dollars every year to collect health care premiums and then try to tell Albertans that they're not taxes? Now, these are definitely taxes. They're taxes because you don't have a choice whether you pay them or not. They're taxes because they affect us all equally. They're taxes. If they were really health care insurance premiums, they would act like insurance premiums. There would be some actuarial basis to them. There would be some . . .

THE SPEAKER: The hon. Member for Red Deer-South rising on a point of order.

Point of Order

Questioning a Member

MR. DOERKSEN: Mr. Speaker, I'd like to ask the current speaker whether he'd entertain a question in debate.

MR. SAPERS: No.

Debate Continued

MR. SAPERS: So these premiums masquerading in the form of taxes are very regressive. In fact, Mr. Speaker . . . [interjections] They do that very well; don't they? I knew that they could cluck if they wanted to.

Well, these taxes which masquerade as premiums are very regressive and very hurtful, and they do damage our ability to fund health care in a way that would be the most efficient. So what I'm wondering, Mr. Speaker, is if in the debate that the hon. member is contemplating, would this be a debate where he would like to see the elimination of health care premiums? He wants to make them a deductible. He wants to play other games with them in terms of the way that they affect people's personal taxation. So I'm wondering whether or not on the one hand he's saying, "Yes, they are taxes of course," and if on the other hand he's suggesting that perhaps we should eliminate them and we should fund all health care services out of general revenue, certainly many questions about health care premiums but not particularly the ones addressed in this motion.

Again I'll go back to the wording of the motion, which would simply compel the government to give consideration, not really to do anything. I think Albertans are a little tired of this government, when confronted with problems to do with health care, simply giving consideration to ideas or forming committees. We know that's not good enough, I think he knows that's not good enough, and the taxpayers of the province know that it's not good enough at all.

So, Mr. Speaker, what we're left with is a relatively hollow motion about health care. What we should be pursuing in this Legislative Assembly are solutions to a number of significant problems, a significant problem such as how to make sure that the integrity of our health care system is maintained in the face of an increasingly stingy Provincial Treasurer, a Treasurer who's gone on record saying that he will not write a big enough cheque to fund health care, certainly in the city of Edmonton, and that he will not, in spite of all the evidence to the contrary, fund particularly the Capital health authority to the extent that they've demonstrated the need. So how is it that we protect the integrity of that health care system?

Now, I would suggest that there are several things we can do. The first thing we can do, Mr. Speaker, is we can settle the grievance the Premier has created with Ottawa. We can no longer afford, for the Premier's pride, to have this fight with Ottawa maintained. It's costing us about a half million dollars a month. It has cost us about \$3 million in transfer payments, and it's simply not acceptable. So if you want to maintain public health care, the first thing we have to do is commit to public health care and stop allowing private clinics to charge facility fees for medically necessary services. This would bring an immediate half million dollars a month back into the health care system. I would say that Albertans would like the government to be accountable for that loss of funds. That's something that's concrete which we can do something about right now.

The second thing we'd have to do, Mr. Speaker, is we would have to defend equally all five principles of the Canada Health Act, including the principle of public administration and universality. Now, the way to do that would be for the Minister of Health to demonstrate some leadership and just say no to proposals that would see a public/private blending in a way that would jeopardize public administration. A good example is Hotel de Health. You would see this government stand up and tell Hotel de Health and other private promoters of commercial health care that that will not be allowed in Alberta, that we simply won't allow for the erosion of our publicly administered health care system for the sake of the profit of a few.

Now, that's not just because of ideology, Mr. Speaker; it doesn't really matter what side of the political spectrum you're on. That's because we want to make sure that our health care system provides the best quality service to the most people in the most efficient and affordable way. Study after study after study have indicated that in order to accomplish that, what you have to do is protect public administration. The mover of the motion himself spoke about the fact that the Canadian health care system is not as expensive as the United States health care system. One of the major reasons for that is single-payer public administration. We do not have to pay for the multiple of administrations that the United States does. We don't have to worry about insurance company profits dictating medical service costs.

4:10

There are other comparisons that you can make internationally. Canada falls about the middle of the pack. Now, why is that? That's because Canada has a growing population. Canada has a population that in some ways is also aging. We have a population that is still in transition from rural to urban. We have a population in some locations which is increasingly divided in terms of gender and economic ability. If you take a look again at the city of Edmonton, for example, you will find that Edmonton's population is older than the average in Alberta. It has more

women than the average in Alberta. It has more single-parent families headed by women. It has a lower socioeconomic status overall than the average in Alberta. All of those things, according to people like Fraser Mustard and others, indicate that Edmonton will have a very high utilization of health care services.

I noticed that when the member was talking about utilization and he talked about some factors, he didn't really tie those factors together in such a way that it would help us understand why there will be differences, why there will be a discrepancy between how health care is utilized in one part of this province or another. There are very sound reasons. It's not just because you have a collection of greedy patients or greedy doctors in one part of the province versus another. It's because you have very real demographic and social factors which create different patterns of use.

I also note from the hon. member's comments that he neglected the whole area of environmental impact on health care utilization. Why is it that some parts of this province have a very high incidence of asthma, Mr. Speaker? Why is it that some parts of this province report a very high incidence of autoimmune diseases versus others? It's because there are very definitely environmental factors that come into play. So it is far too simplistic to simply say, "Well, we're going to go to a population-based funding formula, and we're going to treat everybody everywhere all the same." That kind of across-the-board thinking, that kind of one-size-fits-all mentality means that one size fits none. It just doesn't work. It particularly doesn't work in health care.

Mr. Speaker, we are certainly far too sophisticated for that. If you want to address population-based funding, you have to address population-based funding not just on the basis of raw numbers but also all of those variables. You have to provide a floor of funding to make sure that base needs are met. Then you have to look at the sociodemographic indicators region by region, and you have to adjust and moderate your funding formula so the dollars not only follow the people but follow the environment that surrounds the people so that you know in fact that adequate funds will be made available to meet need.

Now, this is something that should have been done before the regionalization experiment began, Mr. Speaker. This is something that should have been done on day one. We should have taken a look at what we know about health care in this province, about the patterns of use in this province, and we should have used that as the framework to develop our regions, instead of just drawing lines in some kind of arbitrary way on the map. We should have looked at where people go for their health care. We should have looked at the circumstances and conditions under which they utilize their health care, and then we should have developed a funding matrix that we could lay over top of that. That would have given us certainly a head start on dealing with some of the funding inequities which still plague the system.

What's happened instead is that some arbitrary decisions have been made about regionalization, some arbitrary decisions have been made about funding, and now we see all of those arbitrary decisions coming back to haunt us all. Every day, Mr. Speaker, I daresay every member of this Assembly gets a message from a constituent regarding their concerns about their inability to access health care and about the inequities – the inequities – in health care somewhere in the province.

THE SPEAKER: The hon. Member for Cypress-Medicine Hat rising on a point of order.

Point of Order Imputing Motives

DR. TAYLOR: Yes, a point of order: imputing motives. The

idea that every member gets a call every day regarding access to health care is an out-and-out falsehood. I maybe would get 10 or 12 calls a year. I do not get calls every day regarding people's concerns with access to health care, and I would ask you to ask the member to withdraw those false comments.

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

MR. SAPERS: Thanks. On the point of . . .

THE SPEAKER: Continue the debate.

Debate Continued

MR. SAPERS: On the debate? Thank you, Mr. Speaker.

So what we have is a situation where if you want to address funding, then it has to happen at a substantive policy level.

Now, I note that the report we've all been waiting for regarding population-based funding, Gunter and Forrest, is back in front of the Minister of Health. [interjection] It's not back in front of the Minister of Health? Mr. Speaker, I guess that begs another question: just where the heck is that report on population-based funding that we've all been waiting for?

SOME HON. MEMBERS: They shredded it. It was shredded.

MR. SAPERS: Mr. Speaker, they're saying it was shredded, and I hope that's not true. Of course, it wouldn't be inconsistent with the past behaviour of this government if it were shredded.

We have been told that the population-based funding model will be a fact of life by '97-98. I hope that's true, but I hope it's long before that and I hope the kind of debate that the hon. member is bringing to the floor of the Legislature is the kind of debate that's already gone on in cabinet, in caucus, and in the standing policy committee on health restructuring. I hope, Mr. Speaker, the reason why the hon. member has brought Motion 512 forward is not because he has been frozen out of having this debate within his caucus the way the Member for Calgary-Montrose was frozen out from raising his concerns about the Workers' Compensation Board within the government caucus. You know, I would hope that's not what we're seeing happening here, that in fact this is not a reflection of that kind of secrecy and heavy-handedness within the government caucus.

Mr. Speaker, I would say in closing my comments on Motion 512 that Motion 512 is an attempt to further the debate. It's a rather simplistic one, but it's an attempt nonetheless to further the debate on health care. I believe it would have been acceptable if it had been phrased in positive words, if it had talked about utilization instead of overutilization, if the mover of the motion could have in fact backed up his assertions about abuse with some facts, and if it had actually compelled the government to do something substantive as opposed to just more talk about some areas that have already caused a tremendous amount of concern because of the government's action or inaction.

So Motion 512 I'm afraid couldn't even be saved by some simple amendments, such as those that I made reference to at the beginning of my comments, and on that basis Motion 512 should not pass. I will certainly be voting against it.

MR. DOERKSEN: A point of order.

THE SPEAKER: The hon. Member for Red Deer-South is rising on a point of order.

Point of Order**Questioning a Member**

MR. DOERKSEN: Mr. Speaker, I'm wondering, since the member still has some time left on his time, whether he would now entertain a question in debate.

MR. SAPERS: Certainly.

THE SPEAKER: Sorry. The time has elapsed.
The hon. Member for Lethbridge-West.

Debate Continued

MR. DUNFORD: In rising to speak on Motion 512, if I have any criticism at all of the Member for Red Deer-South for doing this, it's that the motion of course sets one Member for Edmonton-Glenora onto us, again set loose in the Legislature. I was very sure that when you stood up with your point of order, hon. Member for Red Deer-South, there couldn't possibly be enough time to entertain a question, because the one thing we know about the Member for Edmonton-Glenora, the Member for Calgary-Buffalo, and perhaps the Member for Sherwood Park, amongst others, is that it's going to be 20 minutes, and he just about made it. Thank heavens for the Member for Edmonton-Gold Bar and the Member for Clover Bar-Fort Saskatchewan. They at least are short and succinct. Well, short anyway. [interjections] Well, I'm also short and succinct.

Now, Mr. Speaker, I know you want me to speak to the motion. Actually, I have to tell you, though, a little aside. Last Tuesday I actually lost a dinner to my friend from Calgary-East. He said that in my performance on Bill 212 I did not speak to the Bill three times in what turned out to be 17 minutes. It turns out that he's right, and I owe him dinner. So I'll do better today.

I want to support the Member for Red Deer-South on this particular motion. I understand that with millions of dollars of research and that type of thing, you know, an ordinary member such as the Member for Red Deer-South and myself could perhaps have put together a motion that would meet even the most cynical criticisms of the Member for Edmonton-Glenora. But we don't have that time, we don't have those particular resources, so I want to compliment the member for doing a fine, fine job given the resources that he had available. At last we have at least some member coming forward instead of criticizing, being cynical, victims of weeks, all of this other unsubstantiated information, false information. At least now we have a member trying in a positive way to indicate to this government a way in which they might approach. So I'm rising not only to support the Member for Red Deer-South but to actually encourage as well our government to take a serious look at some of these particular areas.

4:20

Now, I understand that if we wish not to delve into this very deeply, the term under (a) as indicated in the motion here, "increasing public awareness of the costs of the system," could be rhetoric, but I think it is time to take a very serious look at how the government and how we as individual MLAs actually communicate to the people. It's an extremely difficult job. In fact, there are consultants running around North America that are making an extremely good living in terms of how to market social programs.

Health, of course, has the economic attachment to it, but any serious observer of this particular government understands the absolute dedication that we on this side of the House have toward

not only the Canada Health Act but really to those constituents in our constituencies who are in need of some service. The problem is that when they become in need of some service, it's actually almost too late; isn't it? We're now dealing with an illness kind of situation. It wasn't too long ago I was speaking at a public meeting. In fact, I believe it was a meeting where I did recognize the Member for Edmonton-Glenora.

DR. TAYLOR: Shame. Shame.

MR. DUNFORD: No, no. He's a colleague. When we're out in public like that, he's a colleague, and I would encourage . . .

MR. AMERY: Oh, you're so nice, Huggy Bear. They don't call you Huggy Bear for nothing.

MR. DUNFORD: Mr. Speaker, I am a warm person, and I will fight to the death. I will fight to the death to maintain that warmth about my character and personality.

MR. DINNING: Teddy bear. Teddy bear.

MR. DUNFORD: Well, I like Huggy Bear better than teddy bear actually. A huggy bear, for those interested in the genus, is actually one who is capable of cuddliness and giving, without the connotation a teddy bear has that one must have a certain physique. I'm trying, Mr. Treasurer, to work on that physique as hard as I can.

DR. TAYLOR: Your teddy bear's got fleas, and it's called Howard.

MR. DUNFORD: Oh, no. I didn't deserve that, Mr. Speaker. I'm trying to spread within this House some joy and happiness. As elementary and ridiculous as it might be, that is the way in which I'm trying to do that.

So back to the point I was trying to make. It was the fact that at that public meeting I talked in terms of utilization of the health care system and who was really the enemy in this particular area of concern. It's not the doctors. It's not a regional health authority that's trying to provide some assistance. It's not nurses. It's not LPNs. It's not any health care provider. The enemy is in the mirror when we look at it, Mr. Speaker; that is, we have lifestyles that continue to cause an overutilization of our health system. We smoke. We drink. We stay out late. We chase women. We sit in the Legislature for hours and hours.

I seem to be losing my audience somewhat, Mr. Speaker. I was hoping to get an ovation while standing, but perhaps that's too much. [interjection] See, there. Thank you very much.

Well, I want to get back to increasing public awareness. I know that in the business plan for Alberta Health there's concentration on this particular area. We need to move funds from an illness model to a community health model, and of course one of the ways in which you do that is public awareness.

By the way, Mr. Speaker, we have a very active group called Health Promotion – I forget their real name – that has started now in Lethbridge. They work extremely hard at trying to provide some awareness to the public on those things that we can do in order to have healthier lifestyles, in order, then, to not only bring overutilization to a neutral stance but in fact have some way in which we'll reduce this.

Now, I'm being mindful of the clock, but I do want to talk

about some of the incentives that the Member for Red Deer-South has brought forward in this particular motion, in his speech, because I think this is really what we need to do. We need to take a new look at how we are delivering and paying for health in this particular province. As well as we're doing, there's always an opportunity, if we could have open minds, if we could have both sides of the House combine and look for new and inventive ways perhaps, to then start providing some of these incentives and, of course, through the health insurance plan itself.

At some other time when I get to perhaps engage in debate on Motion 512 again, I want to talk about how we might use a health care premium as a deductible. I like that idea. I like the concept of insurance deductibles because it creates, then, not only an awareness but certainly a self-responsibility. Once again, to try to drive this point home – because I know in health promotion you have to have a message and you have to repeat it and repeat it and repeat it so it gets through to the public – I want to say that there should be opportunities for self-responsibility, and one thing about an insurance deductible is that it does create a self-awareness and a self-responsibility.

I'll probably want to discuss some of the concerns and limitations that I have on allowing for rebate of any portion of a health insurance premium. I think the concept perhaps is good, hon. member, but rather than it being rebated, we may want to look at some other alternatives.

THE SPEAKER: The Chair sincerely regrets having to interrupt the hon. member, but according to Standing Order 8(2)(c) we must now move to the next order of business.

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

Bill 42
Wildlife Amendment Act, 1996

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

MR. AMERY: Thank you very much, Mr. Speaker. It's indeed a pleasure to rise and move second reading of Bill 42, the Wildlife Amendment Act, but before I do that, I would like to outline to the Assembly what this Bill is all about.

[The Deputy Speaker in the Chair]

Mr. Speaker, consistent with promoting the Alberta advantage and sustaining Alberta's natural resources, the 1996 Wildlife Amendment Act strengthens our ability to protect and manage provincial wildlife resources. It enhances our department's ability to protect Alberta's biological diversity and to restore threatened and endangered species. The Bill also strengthens the Alberta government's commitment to the Canadian biodiversity strategy and sustainable development.

The Wildlife Amendment Act is being brought in to include all the wild flora and fauna of Alberta, including vertebrates, invertebrates, plants, lichens, and fungi. It enhances the protection and restoration of threatened and endangered species and their habitats. It provides for greater public participation in the development of provincial conservation initiatives. The Bill ensures public input for the conservation and recovery of endangered species.

It requires that an endangered species conservation committee, made up of multisector stakeholders and government representa-

tives, be established to ensure that the best available science and expertise is utilized in the assessment and designation of endangered and threatened species.

4:30

The Act requires the establishment of an independent scientific committee. Public review of endangered species recovery plans, which describe population goals, critical habitats, and recovery strategies, is assured.

Mr. Speaker, to maintain Alberta's biological diversity, we will continue to monitor and assess species to ensure that healthy and viable populations are sustained. Our primary emphasis will be to encourage and foster sustainable land practices that ensure that species do not become at risk. Through special initiatives such as this amendment, the Alberta forest conservation strategy, Special Places 2000, and the National Network Centre of Excellence and Sustainable Forest Management at the University of Alberta, I'm confident that the wildlife resources of Albertans will be sustainable for future generations.

Mr. Speaker, in addition to the above measures focusing on sustainable wildlife resource management, a number of revisions to the Act are in support of Alberta's commitment to streamline our administrative and regulatory approach in order to eliminate unnecessary regulatory requirements while maintaining adequate provisions to ensure the protection and proper management of the resource. These amendments will help to enhance Alberta's competitive position by improving the regulatory climate for resource users and ensuring our regulatory framework is consistent with that of other provinces so as to facilitate commerce across provincial borders.

The current Wildlife Act was originally passed in 1984, and the bulk of it came into force in 1987, when the previous Act was repealed. During the subsequent 12 years a number of amendments of an administrative nature have been recommended with the intention of strengthening our ability to protect wildlife resource from abuse. Some of these amendments, Mr. Speaker, were initiated by examinations by the courts, while others were proactive in that they removed ambiguity and addressed legal technicalities in the Act.

This Bill includes a variety of amendments intended to strengthen enforcement measures in the Act by clarifying the authority of wildlife officers and guardians and by ensuring the Act applies to all animals intended. In other areas it adjusts prohibitive sections in the Act to ensure that they are interpreted to apply as they were originally intended.

It should be noted, Mr. Speaker, that intended within the wording of the Act itself is that a variety of regulations under the Act are used to further refine how the Act is applied. These offer the ongoing flexibility to wildlife managers to recommend changes in keeping with current management objectives. This flexibility is necessary to effectively manage a renewable resource like wildlife by allowing management strategies to be adjusted in response to changing resource status and needs.

Mr. Speaker, this Bill also includes administrative amendments to clarify the purposes of the fish and wildlife trust fund, where, for example, dollars from the sale of hunting and fishing licences and generous donations from generous Albertans are injected directly into programs for the protection and enhancement of fish, wildlife, and now all wild flora and fauna and their habitats. All aspects of the use of these funds are now addressed by the clarifications entered into this Act. This entrenches these principles and preserves the expectation of Albertans that their contributions be used for the purposes intended.

Also addressed in this Bill, Mr. Speaker, are certain amendments dealing with firearms and weapons. Authorities for a wildlife officer or guardian to inspect weapons are adjusted and strengthened to ensure weapons are possessed in accordance with the Wildlife Act and its regulations.

In the case of firearms the Wildlife Act is additionally adjusted to make it possible to provide an acceptable alternative to federal criminal charges being pursued for a firearms offence if a youth is found to be hunting by himself when he is not yet old enough to possess a firearm under federal law. In this change dealing with youth, Mr. Speaker, along with a second change dealing with loaded firearms in vehicles, the Act is made more consistent with federal firearms law but actually provides a decriminalizing effect by creating alternatives for dealing with offenders who are involved in recreation hunting as opposed to criminal activities.

Mr. Speaker, the revisions include the elimination of a cumbersome fur royalty system, which costs more to administer than the amount of revenue generated while complicating the business dealings of trappers and fur buyers unnecessarily. Revenue will be maintained by adjusting trapper and fur dealer fees and directing these funds to the fish and wildlife trust fund. This revenue will then be reinvested in the trapping industry through the provision of a grant to the Alberta Trappers Association to be used for the purposes of trapper and public education, trap research and replacement, as well as trapper compensation. This is an example of government working closely with a user group to ensure programs are delivered in a way that meets the needs of the industry.

Mr. Speaker, the Act was reviewed to ensure maximum flexibility, to work effectively with all client groups. Amendments include provisions to improve the competitiveness of the tourist/hunting industry and streamline the regulations of the outfitting/guiding industry.

Further, Mr. Speaker, provision is made for the simplification of restrictions concerning the possession of nonindigenous wildlife and focuses control on ecological considerations, which is the real issue from the standpoint of protection and conservation of Alberta's native wildlife. These measures eliminate complications for individuals moving to Alberta with animals legally possessed in other provinces while retaining the responsibility and the authority to address concerns and situations that may pose a threat to Alberta's wildlife resource.

Finally, Mr. Speaker, many of the authorities to establish routine regulations and changes which are now vested in the Lieutenant Governor in Council are transferred to the minister. This provides for a much more efficient regulatory amendment process and limits the more complex and time-consuming government review process to those more significant items of greater consequence which require more substantive discussion and deliberation.

Mr. Speaker, to summarize, this amendment provides for the assessment, designation, and listing of endangered species. It reaffirms our commitment to public participation and consultation. It is supportive of sustainable resource development and the Canadian biodiversity strategy. It is complementary to the national approach to endangered species conservation by other jurisdictions across Canada, and it promotes co-operative approaches to solving problems. Finally, it simplifies the regulatory framework by eliminating unnecessary regulations and providing for a streamlined regulations development process.

Mr. Speaker, last but certainly not least, I would like to acknowledge the invaluable input and support for this amendment

by the wildlife management advisory committee and the many agencies and organizations representing business, industry, and the environment. Their efforts are sincerely appreciated.

With this, Mr. Speaker, I move second reading of Bill 42. Thank you.

THE DEPUTY SPEAKER: The hon. Member for Sherwood Park.

4:40

MR. COLLINGWOOD: Thank you, Mr. Speaker. I rise to enter debate on Bill 42. I will acknowledge, Member for Calgary-East, that some of the provisions that are contained in the Wildlife Amendment Act, 1996, are important and good amendments to the Bill that tighten up some of the hunting regulations. What I want to spend my time on is not so much the fundamental positive aspects of the Bill but certainly some concerns with the Bill and indeed some of the things that are not in the Bill that one would have expected to find in the Bill.

I'm going to start my comments talking about the provisions that are contained in Bill 42 that deal with endangered species. From my perspective, Mr. Speaker, what this Bill represents is that there is indeed no commitment by this government to the protection of endangered species in the province of Alberta. The Premier himself made a promise to a number of environmental groups in September of 1995 at the environmental summit that Alberta would indeed introduce endangered species legislation into this Legislature.

MR. LUND: Done.

MR. COLLINGWOOD: That would have been consistent with the Canadian government's agreement to sign the UN convention on biological diversity in 1992, which by that convention, Mr. Speaker, commits us to passing legislation to protect endangered species.

Now, I hear the Minister of Environmental Protection saying that it's all been done and here it is in Bill 42. As we see from Bill 42, Mr. Speaker, all that Bill 42 does is establish "a committee." It establishes a committee to review and advise the government on endangered species.

I have to admit, Mr. Speaker, that I have not gone back to review the UN convention on biological diversity, but I expect that the commitment we made to that UN convention was not that we would agree to introduce legislation to set up a committee. What I believe we would have done is we would have agreed to introduce legislation to actually take some positive steps and take some positive action in the area of endangered species. What it represents is an absolute broken promise by the Premier of this province of Alberta to Albertans who relied on his promise, and it is a breach of the promise under the UN convention on biological diversity to pass legislation to protect endangered species.

What we need in endangered species legislation, Mr. Speaker, and what we don't have in this particular Bill is a piece of mandatory legislation to protect endangered species and their habitats in much the same way that Manitoba has now enacted endangered species legislation. What we don't have in this legislation is a commitment from the government that they will actually act on the advice of the committee they're setting up and prepare proper endangered species legislation that will in fact do what this Bill was supposed to have done and instead of just talking about the problem, actually be doing something about it.

It was about seven years ago that there was draft endangered species legislation prepared by the government. Nowhere in Bill 42 is that particular draft Bill seen in any way, shape, or form.

The Member for Calgary-East spoke about the components of Bill 42 that deal with endangered species. He mentioned in his comments, if I heard him correctly, that he was going to assure us that endangered species recovery plans were going to work. Well, as I read the legislation, that's not what it says at all. It says:

Endangered species recovery plans may include population goals and identification of critical habitats and of strategies to enable populations to recover.

"May include"? Well, if it doesn't include those integral components, then what in the world is it going to include? Hon. member, that's like saying that every car on the road may have a steering wheel. I mean, it's a fundamental component to an endangered species plan. Why does the government use the word "may", Mr. Speaker? Because the government never, ever, ever commits to anything. That should be a mandatory statement. It should be a "shall"; it should not be a "may." The government never commits to anything, and they certainly have not in Bill 42 made any attempt to commit to actually acting on the problem of endangered species legislation.

The federal government, Mr. Speaker, has endangered species legislation, but I think it's worth pointing out that their legislation only covers federal land, and that in total constitutes about 4 percent of the land base of the dominion of Canada. That's obviously insufficient. If we're serious about endangered species legislation to protect not only the species but their habitat, we would be doing it for the province of Alberta as well. There are other provinces, as I mentioned, that have indeed enacted endangered species legislation.

The essence of the legislation is that it has a purpose clause. It requires protection of both endangered and threatened species, vulnerable or threatened species. It prevents the destruction of critical habitat. In fact, Mr. Speaker, we had the debate in this Assembly that members will recall about the bull trout, where the Member for Stony Plain rose to speak of the bull trout and the fact that it is an endangered species in the province of Alberta. Why? Because of the destruction of the habitat of that particular fish.

So we glorify the fish in this Legislative Assembly, but what do we do about it? We don't do anything about it except make up little pins that have a picture of a bull trout and some T-shirts that say: No Black, Put It Back. Where's the action plan in this legislation to deal with the critical habitat problems of the bull trout and every other species in the province of Alberta that is an endangered or threatened species? Nowhere do we find it in Bill 42, because the government is simply not committed to it.

So I want to put on the record, Mr. Speaker, that that is certainly the way I see the legislation as it deals with endangered species. It is hollow, it is shallow, it is insufficient, and it fails miserably in absolutely every regard, other than for, of course, the remuneration that the minister can give to the members of the committee who will advise him. Now, the minister was quite clear and quite certain to make sure that he put that in the legislation, that his next advisory committee will certainly be paid for their efforts. Whether, as I say, there will be anything that comes of it or whether their recommendations will simply be shredded, we will have to wait and see of course.

I want to move on, Mr. Speaker. I mentioned to the Member for Calgary-East that I would be asking him to give some explanation to section (6) of the Bill. This is really a mouthful

for anyone to understand. I know that the government tries in every way it can to introduce plain language legislation, but as I read section (6), it takes about six times reading it to figure out what exactly it says.

Now, as I understand it, to assist the Member for Calgary-East, I think it says this. I think it says that if you appear to believe that you're hunting and what you appear to believe to be "purporting to hunt is actually a representation of a wildlife animal that has been set out by a wildlife officer" and "having regard to the time" and location that all of this is taking place, if the representation was a real wildlife and not a representation of the wildlife, then that would "constitute an act of hunting that would be an offence," and if that all comes together, then it's "deemed for the purposes of the Act to be hunting." Now, I think what it means, Mr. Speaker – and I'm also referring to the explanatory notes in section (6) – is that the government is saying that hunting something that isn't a thing but is only a representation of the thing is still hunting. I think that's what it's trying to say.

There's apparently a court case out there somewhere, Mr. Speaker, and this is what I want the Member for Calgary-East to tell us about. I think what it means is that the court has said that that isn't hunting, and I think what it means is that the government is appealing. I think what it means is that if the appeal is successful, then they'll repeal the section, but if the appeal is not successful, then the government is going to say: "Who cares what the courts of Alberta think? We're going to change the law and the section stays." So if that occurs, then the section stays, but if not, then the section goes, I think, except that section (8) only gives the Lieutenant Governor in Council the ability to repeal subsection (7), which is even more difficult to understand than subsection (6).

I want to again give the member from Calgary some opportunity to come back in Committee of the Whole and explain subsection (7), which appears – and I'll try again to give my perception of this section. What it says is:

Except where specified or where the context otherwise requires and subject to limitations on the Legislature's territorial jurisdiction, a reference in this Act to any organism or any kind of organism is to be construed as a reference to that organism or that kind of organism regardless of whether or not the organism or the kind of organism may have originated or have lived in Alberta and regardless of whether or not, if a specific organism is dead, it may have died or been killed in Alberta.

I'd like the Member for Calgary-East to give us an explanation, Mr. Speaker, of what in the world we're talking about with this particular section.

I mean, as difficult as all of that is to understand, what is really repugnant about this is that the next section says that "the Lieutenant Governor in Council may by regulation repeal" a law of the province of Alberta. That's exactly what that says. The Lieutenant Governor in Council is going to simply ignore the Legislative Assembly of the province of Alberta and is going to repeal legislation. I will leave it, Mr. Speaker, to the Member for Calgary-East to inform the cabinet that they can't do that. They can't do that, hon. member, and you'll want to inform the cabinet of that. Anybody who wants to repeal legislation brings an amendment Act to this Legislature, and this Legislature repeals a section of legislation, hon. member. So I will leave it with the Member for Calgary-East to explain how the Legislature works to the members of cabinet and to his colleagues.

4:50

I would like to move in my time to talk about the fish and wildlife trust fund, which the Member for Calgary-East referred to. The way the fish and wildlife trust fund currently exists is

that it is an independent fund, and the member made some reference to that. Well, that's all changing. Now the fish and wildlife trust fund is going to be carried on through prescription by the Lieutenant Governor in Council. Well, that wasn't there before. There was nothing in there before about the Lieutenant Governor in Council being included. In fact, if I can quote for you, Mr. Speaker, from the 1994-95 annual report of the Alberta fish and wildlife trust fund, at page 2 it says:

The Trust Fund is regulated by government. It contains receipts held by the Crown as trustee under an express trust. The fund comprises public money over which the Alberta legislature has no power of appropriation. Program advisory committees advise on the management of programs in the Trust Fund.

I assume from the change that's being made in this piece of legislation that that's all gone and now it's all going to be left to the Lieutenant Governor in Council. These are dedicated funds. What happened to the advisory committees? I'd like to leave that with the Member for Calgary-East, to explain why that change is occurring in this legislation and why the government in this case is once again seizing power over these particular funds.

The new section now says that money from the fish and wildlife trust fund is going to be used for enforcement. Historically, Mr. Speaker, enforcement was a cost to the taxpayer through the general revenue fund. Now, the member is going to say: "No, no. There was some money from the Report a Poacher program, and that was used for enforcement in the past." But now it appears by virtue of this Act that that's all going to be thrown wide open and any of those moneys from that fund are going to be used for enforcement programs. This is a dedicated fund. Why is a dedicated fund which is supposed to be for the protection and enhancement of fish and wildlife in Alberta now going to be used for enforcement? I want the Member for Calgary-East to explain that one to us, why there's this extra downloading provision that is now going to require the fund to be paying for enforcement.

I refer the Member for Calgary-East to section 100, because in my view, Mr. Speaker, this is very unclear. Right now the fish and wildlife trust fund has a number of fund components to it that pay into that fund: the Buck for Wildlife trust, the fish and wildlife habitat trust, the wildlife damage fund, and the wildlife depredation trust. Those all pay into and form part of the fish and wildlife trust fund. What section 73 of this Bill does is it repeals that whole section, and to my way of thinking it's not clear what happens to those other funds. Do they stand independent? Are they then not collectives of that amount of money to go into the fish and wildlife trust fund? Do they operate separately? I don't think, hon. Member for Calgary-East, that those funds are in any way being changed in terms of their purpose and intent and sources of funding and so on. They were all collectively the fish and wildlife trust fund, and I can't tell from section 100 whether or not that's the case any longer. I'd like the member to give us some indication of that.

I want to next deal with section 17 of the Bill and make some reference – no, that's not right. Well, let me move to section 97, because this is another section, Mr. Speaker, that I find to be very offensive. There are in Bill 42 pages and pages and pages of ministerial regulations and regulations by order in council. Of course, one of the things that's been included in this Bill that we've seen many times over is that "the Lieutenant Governor in Council may make regulations" establishing delegated authorities. Once again we see in Bill 42 that a delegated authority can take on the role and the function of absolutely anything that the minister has the responsibility to do.

I look at that, Mr. Speaker, and I say: aha; that would be the Rocky Mountain Elk Foundation amendment to regulations. I know that the minister thinks I don't think particularly highly of the Rocky Mountain Elk Foundation, but in fact I'm going to tell the minister that he's wrong. I think the Rocky Mountain Elk Foundation does a tremendous job in the province of Alberta, but it is highly improper for an organization like the Rocky Mountain Elk Foundation to become a delegated authority of the Minister of Environmental Protection. It is improper and it is inappropriate for anyone to become a delegated authority of the minister on these kinds of issues in the province of Alberta. But I suspect – and time will tell – that once the minister gets this piece of legislation through the House, he is going to announce that the Rocky Mountain Elk Foundation will be one of the delegated authorities for some purposes under the Act.

MR. LUND: Thanks for the idea.

MR. COLLINGWOOD: Mr. Speaker, the minister says, "Thanks for the idea," but I can't believe the minister has not thought that one through and that's in fact why that amendment is there.

One of the other things that's happening now is that the description of open season is changing as well. It used to be that the Lieutenant Governor in Council prescribed the length and time of open season, but now that's going to change so that the minister is going to establish open seasons. I call this one the Rocky Mountain Elk Foundation amendment as well, Mr. Speaker, because you'll recall last year when I asked the minister about the special hunting season, or at least the hunting of elk and bighorn sheep out of season, and why he was allowing American visitors to come into Canada and hunt those animals out of season, the minister rose in his place and he said: it's not out of season; it's a special season. That's what the minister explained to us. Well, now he's going to have the ability under Bill 42 to simply name whatever season he wants to name and say: "Well, there. I have the authority to open the bighorn sheep season or the elk season to American raffle ticket buyers and American bidders to come in and hunt whenever they feel like. I mean, as long as it puts money in my pocket, what do I care when they come into this country and hunt our wildlife?" That's what the minister is saying.

MR. LUND: Point of order.

THE DEPUTY SPEAKER: The hon. Minister of Environmental Protection is rising on a point of order.

Point of Order Questioning a Member

MR. LUND: Mr. Speaker, I wonder if the hon. member would entertain a question.

THE DEPUTY SPEAKER: Just yes or no.

MR. COLLINGWOOD: No, Mr. Speaker. Time is short. We're in second reading, so I'd like to continue my debate.

Debate Continued

MR. COLLINGWOOD: I want to move on, Mr. Speaker, to talk about this government's commitment to wildlife with respect to the offence sections that are going to be added to the Wildlife Act. Now, there can be under the new sections of the Act prosecution

of someone who is a guide or an outfitter. What's interesting is that in the legislation there's actually a statement that says "a person . . . (in this section called a 'client')." They're not people anymore. When they come in from the United States to hunt our wildlife, they're not individuals anymore; now they're clients.

I know that my colleague will want to continue speaking about the offence sections.

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

MR. GERMAIN: Mr. Speaker, thank you. It's my pleasure today to rise and speak to Bill 42, the Wildlife Amendment Act. As the debate will reveal on this particular piece of legislation, this is an Act that of course further restricts and attacks hunters' rights and in some circumstances without any demonstrative benefit to the wildlife that is sought to be protected. This is a Bill that embarks again on that journey towards extensive regulation and ministerial lawmaking and Lieutenant Governor lawmaking. With no disrespect to the offices of those positions, Mr. Speaker, the law should be made in this Legislative Assembly in open forum and open debate so that all of the participants involved in the relationship between wildlife and the encroachment of civilization into areas that were previously identified as wildlife habitat can be properly aired.

5:00

Once again, Mr. Speaker, we see that the government wants to escape its liabilities. Even if they should be liable morally or legally, they nevertheless want to escape their liabilities. Once again, this Bill indicates that this government, with respect, has very little respect for the courts. In fact, we have come to the point here where we have a specific section that seeks to circumvent a judicial ruling in a most cumbersome and most obvious way, and that is particularly troubling.

In addition, the government reveals in this Bill . . .

MR. LUND: Point of order.

THE DEPUTY SPEAKER: Citation, hon. minister?

**Point of Order
Questioning a Member**

MR. LUND: I wonder if the hon. member would entertain a question.

MR. GERMAIN: At the end of my 20 minutes, sir, if time is remaining, I'd be happy to entertain a question from the hon. minister. In the intervening time, then, the hon. minister could craft his question.

THE DEPUTY SPEAKER: The hon. Government House Leader is rising on a point of order.

**Point of Order
Clarification**

MR. DAY: In all sincerity and seriousness, 23(h), (i), and (j). I wonder if the member could just clarify. I thought I heard him say that this government has no respect for the courts. That would be accusing us of contempt of court. I wonder if he could just clarify that for us.

THE DEPUTY SPEAKER: The hon. Member for Fort McMurray on the purported point of order.

MR. GERMAIN: I think that the hon. minister has overstated my comments. I personally have the highest respect for the courts. I suggest that I suspect the government does as well. The Bill reflects some interpretive opportunity to interpret a disrespect for a decision of the court, because of course it's a section of the Bill seeking to create a reversal of a Court of Appeal decision even before it's occurred.

THE DEPUTY SPEAKER: The Chair would refer to 23(h), (i), and (j). Citations (h) and (i) both deal with "another member." Since neither the mover of the point of order or the responder have spoken about the reputed point of order dealing with another member, we are only left with "uses abusive or insulting language of a nature likely to create disorder." The hon. Member for Fort McMurray has presumably clarified that point.

Fort McMurray.

Debate Continued

MR. GERMAIN: Thank you. Continuing with that matter and following up directly on the area that the Minister of Labour has brought me to, in addition the government in this Bill appears to misconstrue the duty of the courts. The government imposes duties and obligations on the court to effectively become the ad man of the government in certain preventative notifications and preventative remedial steps as part of a sentence package that goes way beyond the issue of judicial disposition of cases that come before the courts. As we proceed through the Bill in discussing its principles, some of these points that I've made in these opening comments, Mr. Speaker, will become clearer by example.

Let me pick up where the hon. Member for Sherwood Park focused the Legislative Assembly: on pages 4 and 5 of this particular Bill. It is the policy of this Bill, as expressed in the draftsmanship of the Bill and brought forward by the sponsor, that the government is going to reflect disagreement with court decisions in advance of the court decision being concluded, is going to put a piece of legislation forward that says that if the court decision goes badly against us, we will have this standby retroactive legal position. If the court decision goes well for us, the Lieutenant Governor in Council will repeal the odious section. Of course, it will be an odious section, even based on the government's own interpretation, if the court rules the way they want the court to rule.

This seems to me to be, with respect, opening this debate to the possible argument that they are in effect trying to prejudge a decision of the court. It may be a good argument, Mr. Speaker, and not an unduly inflammatory argument to suggest that they are trying to presettle the legal issue. Can you imagine how the individual whose legal rights are affected and who might be before the court would feel on a review of that section? How would a panel of Court of Appeal judges reviewing that section for the first time in connection with the case rule? Would they be inclined to say that their ruling is obiter because the issue is no longer a live issue in the court structure because the government has prejudged it by expressing this attitude, the attitude that if we don't like the decision of the courts, we're going to correct it in advance and we're going to send that signal in advance?

Now, I'm not going to read the section that the hon. sponsor of this Bill obviously could not have interpreted or was not able to interpret, but I think that the hon. Member for Sherwood Park very fairly suggested that he should find an interpretation before he next stands in this House. I would think, with the greatest of respect to all members who might disagree with this thesis, that

if you bring forward and sponsor a Bill, you would have analyzed the Bill and you would know what the provisions of the Bill are and you would know exactly why you have put your signature to the original copy of the Bill and brought it forward as a good Bill.

If that is not the case, Mr. Speaker, then what I suggest should happen is that a fundamental Bill that affects wildlife in this province should come forward under the signature and name of the minister of the environment. What we see now are these trial balloon Bills coming up, catching the wave. If you're catching the wave – and I'll use that expression because some hon. members have a hero in Ottawa who is catching the wave all the time – then the minister of the environment grabs the idea. Otherwise, if the wave turns out not to be a wave but a dead muskrat instead, it is the hon. sponsor of the Bill that must catch the muskrat's tail, keeping it in the context for the hon. minister of wildlife.

MR. DAY: Who's the guy in Ottawa?

MR. GERMAIN: Now the hon. Minister of Labour engages in debate, as he often does. I'm going to move on on the Bill, Mr. Speaker. I'm not going to participate in debate with him. The man who's trying to catch the wave in Ottawa, as a clue to the minister, has the letters PM as his name, not his title.

MR. DAY: Pierre . . .

MR. GERMAIN: Yeah. His name, not his title.

Let us now look at the surcharging on hunters that is uncontrolled, going to be set by regulation with no opportunity to debate those points. What the government is going to do is begin fund-raising through another group of user fees and taxes. You know, it's on the sick, it's on the kindergarten children, it's on the gravel producers up in Fort McMurray, and now it's going to be on the hunters. It was on water, you know: taxes on water. We have user fees and taxes, and this Act is no different. Even in an Act to protect wildlife, Mr. Speaker, we see in the pages of this Act more user fees, more opportunity to collect fees from individuals, giving them no opportunity to respond whatsoever.

Now, the minister proposes to establish a committee that he calls the endangered species conservation committee. I think that that's a laudable objective, and it's laudable that it's spelled out in the law. What isn't spelled out in the law, unless the hon. sponsor of the Bill can direct me to it, is how that committee is going to be selected. Who are going to be the groups that sit on that committee? What particular selection process is going to take place? Is there going to be any opportunity for special interest groups in the areas of wildlife management, ecology, and sports hunting to select and to put forward suitable candidates?

Remember that the discredited gaming Act, that created a self-perpetuating board, still purported to have a definition in it as to how members of that committee would be selected. In this particular piece of legislation we have no selection criteria laid out here, and the minister once again has carte blanche ability to name who he wants to the committee. The minister will undoubtedly look for people who have his similar attitudes rather than look for people who the government might describe as being self-interested whiners, which is often the expression that is attributed to people who come forward with constructive criticism in this particular province.

5:10

Now, let us look at the other comment that I made, and that is that the government restricts its liability further in this particular

Act. Let us look at page 8, and I say to the hon. sponsor of this Bill that I hope he will come up with an answer to the anecdote that I'm about to discuss in this Legislative Assembly. In section 13 of this particular Bill the government absolves itself completely of liability "for death, personal injury or property damage caused by an animal." Now, you may say to yourself: "Well, that seems fair. If there's a rampaging grizzly bear somewhere or a rabid wolf in the province, why should the government pay?"

I want to turn that scenario around, hon. Members of this Legislative Assembly. You have situations where it is in fact government laws, government regulations, and government rules that, for example, create landfill criteria. Let us suppose that the government's landfill criteria is such that it is considered that the landfill criteria become an attraction to wildlife, including bears. Then you have somebody that happens to be walking by the landfill area and are in fact mauled or attacked by a bear and injured. What this particular section says is that the government washes its hands completely of all responsibility for the damage, death, or personal injury caused by that particular animal.

I would have thought that the minister of the environment and the sponsor of the Bill would have come forward and said that they will have no liability unless it can be shown that government policy, law, or regulation in fact has led to a condition of safety that has directly resulted in the loss or the occurrence that has caused the damage or taken the life or caused the injury. Now, that makes sense and that seems fair, Mr. Speaker. This absolute carte blanche restriction and loss of all rights of recourse against this government is a theme that we see in the legislation of the government, and it is a theme that I suspect should be reviewed.

Now, I mentioned earlier, Mr. Speaker, that this Bill continues the government's approach of removing the lawmaking process from this Assembly and into regulations. Of course, we have had and we will have I'm sure innumerable future debates on how regulation should be handled in this Legislative Assembly. Once again, we see on page 8 of this Bill and elsewhere through the Bill a generous sprinkling of the government's policy as it relates to this Bill to control wildlife, and that is an increasing control by regulation for which there is little opportunity for feedback, little opportunity for input, and of course little opportunity until after the fact to debate the merits of the regulation.

While the hon. sponsor of the Bill is working through definition sections that grab at you and rip at the hair on your hairline, you might also take a look at the definition on the service provision on the cancellation or suspension of a licence, found on page 9 of the Act, and see if maybe with a sharp pencil and good editing, you might be able to take a hundred or so words out of that 400-word paragraph that simply says that the government will send a notice of cancellation to the last known address of the licence holder whose licence is being canceled.

Now, I also want to talk about some of the practical implications of this particular Bill, Mr. Speaker. The fines and penalties are very hard in some cases. Now, people might say: "That's good. We're protecting wildlife. We should have hard fines and tough fines." But let's ask the sponsor of the Bill at some point in this process of this Bill – and other members in this Assembly may wish to dialogue in second reading – what concept and what policy is being expressed on page 13 of the Bill, which says that if you're out with a big-game hunter, you have to be close enough at all times to that big-game hunter so that you can communicate "without the benefit of any radio, telephone or other similar device for electronic communication." What if your guide has laryngitis that day, or what if somebody happens to be a very

mild-spoken individual? I mean, some Members of this Legislative Assembly could go out with a wild-game hunter and be in the next county and still be heard. You know, out in the bush, if you're more than 20 or 30 feet away, it's very hard to communicate.

I would ask the hon. sponsor of that section if that section really stands the test of practicality. Are you going to allow them to be a half a mile apart if they communicate by signaling device? Are you going to allow them to be a mile apart if they communicate by a series of pyrotechnic flares? How exactly are you going to determine what is the appropriate distance? I would be interested in having the hon. sponsor of the Bill explain that section to us as part of the government's policy to get tough on wildlife in this province. It's a get tough on wildlife government policy, Mr. Speaker.

Now, the hon. Member for Sherwood Park very graciously tried to set the stage for me to use some of my time today in second reading on talking about the penalty sections and about the manner in which the judiciary and due process are dealt with in this particular legislation. So let us do that, Mr. Speaker.

What is the policy? The policy of the government in this particular Bill is: if it's going to sound good, we're going to put it in the Bill; we're not going to think about civil liberties; we're not going to think about due process; we're not going to think about fairness; we're not going to think about any aspect of good law and order, except we're going to put stuff in this Bill that sounds good.

Part of that package is the way guides are treated in this particular legislation. Now, I think all members of this Assembly would agree that responsible hunting and responsible fishing in the province of Alberta are activities that for public policy reasons we want to encourage because they encourage tourism in the province of Alberta and in some cases they replace the natural cycle of harvest of wildlife, the cycle which has been disrupted because carnivores have been the most seriously threatened by encroaching civilization and encroaching urbanization. If we accept that that's a policy of the government, what is the government sending out in terms of a message when they say in this particular Bill that you will be guilty by association? If somebody that you are guiding or somebody that you are working with or somebody that might be residing in your home commits an offence under this particular Act, why is it that there should be a presumption of your own guilt, Mr. Speaker, without due process, without any concern for the legal niceties of it?

Once you get around those issues, you then have to ask yourself: why? Then you would say, "We'll make it easy to convict you." But now we're a little worried about that, of course, because the policy is, as I've just stated it, that responsible hunting and responsible fishing are encouraged in the province of Alberta because of their contribution to the economy of the province and because they do, as I've said, replace some of the natural cycle that has been disrupted by the loss of the large carnivores. Okay. So why would you then say: we're going to slap you hard and abuse your process and then we're never going to collect the fine? That's what in fact this government says. They say, on page 29 of the Bill: "But, by golly, if we convict you, we aren't ever going to collect the fine. We're not going to throw you in jail. We're not going to send you to jail. You could get a \$100,000 or a \$10,000 fine or a \$10,000 fine for 10 counts concurrently up to \$100,000, but we're never going to throw you in jail. We're just going to let the fines sit there, and maybe we'll collect, or not."

Now, what message does that send out? On the one hand you make it easy to convict someone, and on the other hand you make it hard to collect. Wouldn't it be better to convict only those people based on fair due process and then make every effort to collect from those people? Or if they fail to pay, then maybe perhaps, like any other fine process, they should consider some of the fine options, which include working it off or doing default time in jail.

We then look at the role of the judges in this particular situation, and we again find some very peculiar comments. You will recall, Mr. Speaker, that I already spoke about one peculiar comment when I talked about the issue of the retroactive legislation and the automatic repeal of the legislation and when I talked of all of those issues earlier.

5:20

Now we go and look at another section of this particular legislation, Mr. Speaker, and the section of this particular legislation that we look at is the section that is found on page 30 of this particular Bill, which again mirrors the public policy of this particular government. The public policy of this particular government is to turn members of the judiciary into part of the ad agency for the department of the environment. Here's what a judge now has to do. A judge who convicts somebody of an offence may give these following instructions. He may ask the guilty party "to refrain from doing anything that may result in the continuation or repetition of the offence." Well, frankly, when a judge finishes his decision, sir, unless he's prepared to put somebody on probation with terms and conditions, he has no jurisdictional right to influence future behaviour. That particular sentence is over. So that seems to be very, very peculiar.

Then the judge is also going to do this. He's going to get to take action to remedy any harm to any animal or endangered organism or its habitat that resulted, or to avoid any such harm that may result, from the act or omission constituting the offence. Well, what is the basis on which a member of the judiciary is going to get the resources to handle that particular issue? There is no concept here, Mr. Speaker, of the judges having these broad powers to deal with the issue.

MR. VAN BINSBERGEN: Mr. Speaker, in view of the hour, I move that we adjourn debate on this Bill.

THE DEPUTY SPEAKER: The hon. Member for West Yellowhead has moved that we adjourn debate. All those in favour, please say aye.

MRS. McCLELLAN: No.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Defeated.

MR. VAN BINSBERGEN: Mr. Speaker, I've been able to collect my notes here in the meantime, so I shall gladly proceed. I'm very pleased that the Minister of Health would dearly love to hear what I have to say on this Bill.

Mr. Speaker, the usual commendations to the sponsor of the Bill. I'm always pleased to see when members opposite put their

brains to the task of hammering out a Bill, and I'm generally loathe to shoot too many holes in them because of the positive atmosphere that has been created. Nevertheless, I will say right off the bat that I will support this Bill in principle, and during Committee of the Whole stage I would like to assist in perhaps plugging a few holes that the Bill has acquired along the way.

The fact that a committee has been established, an endangered species conservation committee, is good. It is important that some attention be paid to this particular topic because I think we're all aware that several of our wildlife species are in danger of becoming extinct. Now, the question of course is: is establishing a mere committee going to do the job? That is where I tend to think that this Bill lacks the legislation that is required to make sure that these animals are being protected and particularly that the habitat of these species that are endangered is being protected. It is extremely important.

Now, the question that I pose is: when? When we will see that kind of legislation? That's sort of like the other shoe that needs to be dropped now. It's been quite a while since the government first looked at a study. I think, if I'm not mistaken, that it's about seven years. Nothing has come out of this. Several drafts have taken place for proposed legislation, if I'm not mistaken, but nothing has really materialized, and that is a pity.

Now, Mr. Speaker, I'm turning to section 9, on page 7. I would like to point out a shortcoming. The shortcoming is in section 9(3), which reads thusly.

Endangered species recovery plans may include population goals and identification of critical habitats and of strategies to enable populations to recover.

That's precisely – and I don't think I'm the first speaker who has pointed this out – at the heart of the problem with the shortcomings of this Bill. What is lacking is the shell. There are no teeth in this. If it's up to the minister, then it may well be, particularly if he keeps extending those special hunting periods, that there may

never be any protection for those animals. That, I think, is something that we all should insist be done.

I think, Mr. Speaker, that there are other items here that I'd like to speak to. Particularly, as I go through my notes, I was very intrigued to listen to the Member for Sherwood Park, who was pointing out the complexity of section 6 as that particular clause now reads. I had marked it off as an example that needed some clarification, and I was going to quote it. He's already done that, so we'll leave that out.

There was another item that really struck me as being rather complex, if I can find it here. It's on page 10, I believe. No, actually it's not on page 10. Nevertheless I found another item I'd like to speak to. That is on . . . [interjections] It's a little chaotic, Mr. Speaker, I admit, but, you know, when you just have the Bill to deal with . . .

I was interested to note the change, Mr. Speaker, in that a person now has to be 18 in order to hunt all by himself. Until now, of course, until this Bill takes effect, one can hunt alone, apparently, at 16 or 17. I didn't realize that, not being a hunter. Now, what I'm interested in finding out is – and perhaps the minister or perhaps the sponsor of the Bill can enlighten us here. What sort of basis is this change made on?

MR. LUND: It's in the Criminal Code.

MR. VAN BINSBERGEN: Yeah, but that's an important change. I know of lots of 16, 17 year olds in my neck of the woods who love hunting, and I wonder whether there is in fact a reason for it. There have been a number of . . .

THE DEPUTY SPEAKER: Order. In accordance with Standing Order 4(1), the House is adjourned until 8 this evening.

[The Assembly adjourned at 5:30 p.m.]

