

Legislative Assembly of Alberta

Title: **Wednesday, April 27, 1994**

1:30 p.m.

Date: 94/04/27

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

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

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

Amen.

head: **Introduction of Visitors**

MR. KOWALSKI: Mr. Speaker, today we have the pleasure and the honour to welcome to our province a high-level delegation from the republic of Belarus. Belarus became an independent country in 1990 and is now facing the challenges of democratization and reform. One of the most important aspects of their reform process is the privatization of land. In Alberta we have the world's finest land registration system, and we're pleased to note that this is recognized in other countries as well. The objective of this delegation's visit to Alberta is to get better acquainted with our surveying, mapping, and land registration system and its applicability and potential implementation in the entire Belarus republic. A consortium of Alberta companies together with the Alberta government are working jointly to promote our system in Belarus. We view this as a tremendous opportunity for the people of Alberta.

Today in your gallery, Mr. Speaker, are members of the delegation, very important individuals from Belarus, and I'd like to introduce them to you, sir, and to all Members of the Legislative Assembly. The head of the delegation is Mr. Grigory V. Tishkevich, chairman of the State Committee on Architecture and Construction of the republic of Belarus; Mr. Nikolai Auramenko, chairman of the Geodesy Committee of the Council of Ministers; and Mr. Anatoli Nichkasov, director of the Minsk Design Institute. They're also accompanied by Mr. Bud Conway, an Albertan, and Ms Lelia Wolanska of Kozakewich & Associates Inc., a company here in Edmonton, along with Mr. Alex Shetsen, their interpreter. I'd ask them to rise to receive the warm welcome of the House.

head: **Presenting Petitions**

MR. SPEAKER: The hon. Member for Lesser Slave Lake.

MS CALAHASEN: Thank you, Mr. Speaker. I beg leave this afternoon to present a petition signed by 95 residents of Slave Lake and area urging the government to provide time to examine the issues and an opportunity for stakeholders and elected government officials to dialogue together for the benefit of children of Alberta regarding Bill 19.

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

MS HANSON: Thank you, Mr. Speaker. I'm pleased to present this afternoon a petition signed by a hundred Albertans urging the Government to keep the current system of funding for Family and Community Support Services and not transfer any FCSS dollars to the Department of Municipal Affairs.

MR. SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. I beg leave this afternoon to introduce a petition signed by 117 Leduc and area residents asking that the Grey Nuns hospital be retained as a full, acute care hospital.

MR. SPEAKER: The Member for Edmonton-Avonmore.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I beg leave to introduce a petition signed by 387 residents of Edmonton-Avonmore and the larger Edmonton area who are concerned and want "to urge the Government to maintain the Grey Nuns Hospital in Mill Woods as a Full-Service, Active" acute care facility.

MR. BRASSARD: I wish to present a petition, Mr. Speaker, on behalf of 102 residents of Edmonton who are opposed to the inclusion of sexual orientation in the Individual's Rights Protection Act.

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

MRS. FRITZ: Thank you, Mr. Speaker. I'd like to beg leave to present to the Assembly a petition signed by 100 Calgarians from the parents of Annie Foote school expressing concern over the restructuring of education.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I beg leave to introduce a petition signed by residents in my area, northwest of me, Westlock, and Onoway. Over a hundred people who've signed the petition are worried about Bill 19, and they feel that it discriminates against Catholic school districts, parents, and ratepayers and will negatively impact public education.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. I beg leave to introduce a petition containing 242 signatures urging the government not to alter funding arrangements for seniors' housing until seniors have been consulted.

MR. SPEAKER: The hon. Member for Calgary-West.

MR. DALLA-LONGA: Thank you, Mr. Speaker. I beg leave to present a petition requesting that the government "maintain the Alberta Children's Hospital on its current site and as it currently exists."

head: **Reading and Receiving Petitions**

MR. SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you, Mr. Speaker. With the concurrence of the Assembly I would like the petition which I filed on April 12, 1994, relating to seniors' benefits cuts to be now read.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government not to alter the level of support for all benefits for Alberta's seniors until seniors have been consulted and have agreed to any revisions.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I beg leave to have the petition read, the one I presented on April 13 that dealt with the Grey Nuns and the request of Edmonton-Avonmore residents and others to maintain that hospital as a full-treatment, acute care facility.

CLERK:

We the undersigned petition the Legislative Assembly of Alberta to urge the Government to maintain the Grey Nuns Hospital in Mill Woods as a Full-Service, Active Hospital and continue to serve the south-east end of Edmonton and surrounding area.

MR. KIRKLAND: Mr. Speaker, I request that the petition I presented on April 11 pertaining to seniors' issues be read and received this afternoon.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government of Alberta to review the qualifying income levels for the Alberta Seniors Benefit and revise them so that they more fairly reflect the economic realities facing Alberta Seniors today.

head: **Tabling Returns and Reports**

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

MR. DICKSON: Thank you, Mr. Speaker. I have two documents to table. The first one is a copy of an address from the Hon. Allan Rock, Minister of Justice, dated January 27, 1994. The address includes a host of measures planned by our federal government to deal with violence and initiatives to prevent crime.

The second item I'm tabling, Mr. Speaker, is a collection of coupons – there are 500 coupons – from Calgary families urging the government to protect public education, not to cut it.

head: **Introduction of Guests**

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

MS CARLSON: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to Members of the Legislative Assembly three parents who are joining us today. These are parents who are concerned about the future of their children's education in this province. Their names are Rhonda Ouimet, Lorna Lerbekmo, and Sonia Varella. I ask that they stand and receive the traditional warm welcome of this Assembly.

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

DR. NICOL: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to the Legislature Mr. Hink Urano. He's a farmer from southern Alberta. We hear the government speaking always about diversification. Well, Mr. Urano has spent much of his life diversifying the agricultural sector in southern Alberta. Mr. Urano, would you please stand to be welcomed.

MR. SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the Assembly a group of 35 students from the New Sarepta community school, a community school that captures community spirit to its utmost and is always a pleasure to visit. They are accompanied this afternoon by their principal, Roberta Hay, parent helper Mrs. Sloan, and the bus driver, Mr. Schlender. Now, I believe the group is broken into

two. We have half with us at this stage, and the other half will join us later in the proceedings. I ask that we give them a very warm welcome this afternoon.

1:40

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

MR. BRACKO: Thank you, Mr. Speaker. On behalf of my colleague from Spruce Grove-Sturgeon-St. Albert and myself I am delighted to introduce to you and through you to the Members of the Legislative Assembly 48 hardworking students from one of St. Albert's finest high schools: St. Albert high. They represent two classes of social studies who are learning more about how our government works. They're here with their teachers and colleagues of mine Tom Feehan and John Dedrick. They are seated in the public gallery. I'd ask that they rise and receive the warm welcome of the Assembly.

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

MR. MITCHELL: I'd just like to give you notice of a point of order that I'll raise after question period, Mr. Speaker.

Thank you.

head: **Oral Question Period**
Catholic School System

MR. DECORE: Mr. Speaker, just days ago the Premier of Alberta told Alberta Catholics that they need only come forward with positive suggestions and changes could be made to accommodate their position on the school crisis, as the Catholic community sees it. Just days ago the Minister of Education and lawyers representing the government and Catholic school boards hammered out a deal. Hammered out a deal. All of the principles were met on the Catholic side, and presumably with the Minister of Education all of the principles were met on the other side, the government side. Astonishingly, we've now learned that the government has scuttled or scrapped the deal. Mr. Deputy Premier, I want you to tell Alberta Catholics why your government has scrapped this deal.

MR. KOWALSKI: Mr. Speaker, as an Alberta Roman Catholic I'm pleased to inform all Roman Catholics in the province of Alberta that the government has not scuttled any deal with the Roman Catholic community in the province of Alberta.

MR. DECORE: Well, I want the Deputy Premier to tell us, then, that the deal that was crafted last Friday or last Thursday that has the support of the Minister of Education is now part of the agenda and is going to be presented in this Assembly with the full backing of the government. Are you going to do that?

MR. KOWALSKI: Mr. Speaker, the Minister of Education has the full backing of the government. He's a member of the government; he speaks on behalf of the government. When this debate on the Bill that's now before the House continues, all members will have ample opportunity to voice all of their concerns and raise all of their questions very specifically. In the meantime the Minister of Education is continuing amicable discussions with the Roman Catholic community in the province of Alberta.

MR. DECORE: That's not what you said the first time, Mr. Deputy Premier. Tell us today: the agreement that was crafted last Friday between your lawyers and the minister and the Catholic school boards, is that a deal that's now set, crafted, done, a done deal? Yes or no?

MR. KOWALSKI: Mr. Speaker, the done deal will be that which will be described and prescribed in law in this Assembly with all hon. members of this Assembly voting and participating.

Just a few hours ago representatives of the Roman Catholic community contacted myself and I'm sure others wanting clarification and wanting continuing discussion, Mr. Speaker. One of the things we have to do in a democracy is make sure that we take the time to understand all issues and work towards a very positive resolution of these issues. We're dealing with the lives and the feelings and the emotions of people and the interests of a very, very important fabric of the society of the province of Alberta. This government does not negotiate in the manner described by the Leader of the Opposition.

MR. DECORE: Mr. Speaker, I can't use the word . . .

MR. SPEAKER: Second main question.

Student Loans

MR. DECORE: My second question, Mr. Speaker. The quality of education in Alberta is falling because of the actions of the government. Access for students in Alberta that are qualified to go to postsecondary institutions is also falling because of the actions of this government, and now the government wants to make it even more difficult for students by making it more difficult to get loans. Mr. Minister, how can you justify having a student pay 5 percent over prime when in British Columbia, Manitoba, and Ontario you pay 1 percent over prime? One percent over prime.

MR. ADY: Mr. Speaker, I have to take issue with the preamble of the hon. Leader of the Opposition. He talks about access falling when in actual fact our institutions have done a marvelous job of increasing access in this province over the past number of years, about a 45 percent increase in access to postsecondary institutions in this province. I don't think that he or we should be criticizing those institutions for the fine work they have done as far as access is concerned.

Now, as to the question that he put – it had to do with the interest that we would be charging students on the repayment – let me clarify one more time that the students will pay no more interest under the new proposed program than they paid under the existing one. They're protected with an interest shielding clause which will set them in the same formula for calculating that repayment interest as they've had for decades in this province, Mr. Speaker.

MR. DECORE: Mr. Speaker, it's called usury, and it's called loan-sharking. You should be ashamed of yourself, Mr. Minister.

Has the bank, Mr. Minister, been ordered to refuse loans to students entering programs with high default rates?

MR. ADY: Mr. Speaker, the bank has no prerogative to refuse loans to any student in this province. That prerogative remains with the Students Finance Board just as it has in the past and as it will in the future. The bank has no opportunity to enter into any negotiations on what loan a student will receive. That will continue to be done in exactly the same manner as it's been done for the last number of years in this province. The bank only becomes involved when it comes time for the student to bring his loan forward and start repayment of it. Then is when the bank becomes involved, prior to that not one bit of involvement.

MR. DECORE: Mr. Speaker, students have tried to negotiate with the minister and the government over this issue of loans for a long time. Mr. Minister, why did you reject out of hand their proposal to you for a simple loan repayment system? Why did you reject it?

MR. ADY: Mr. Speaker, the hon. leader has failed to describe the plan that he's talking about, so I can only assume that he's talking about the so-called income contingent loan that seems to float around. There is some interest in it by some institutions, by some student groups, but there are also those who are opposed to it. Let's be clear that most income contingent models that are out there deal with collection through the income tax system. Sometime in the future when a student reaches a certain level of income, then they would begin to repay their student loan through the income tax system. Frankly, that involves the federal government. That's not in place in this country. So in the interim period if there's another proposal that comes forward, certainly we're going to look at it, but at this point in time, that is not an option that's on the table. It's not available. The federal government has not moved in that direction, and they would need to do that in order for us to be able to cause students to have their student loans collected through the income tax system at some prescribed rate of income that they may reach in the future.

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

Gimbel Foundation Act

MR. MITCHELL: Thank you, Mr. Speaker. Many Albertans including many health care providers are extremely concerned with the Gimbel foundation Bill because it grants special privileges to a single doctor and because it will lead to greater privatization and commercialization of our health care system. The Premier has clearly stated his support for this Bill. My question is to the Minister of Health. Why would this government support a Bill which is such a threat to our public health care system?

MRS. McCLELLAN: Mr. Speaker, the government has not supported the Bill. Perhaps some of the principles in the Bill are worth exploring. I fully respect this Legislature and the work that is done in this Legislature, and I think all members should. This is a private Bill. There is a process that is historical and legislatively available, and I believe that that process should be allowed to work.

1:50

MR. MITCHELL: Given that the minister failed to confirm and to support the Premier's clearly stated position that he's in favour of the Gimbel foundation Bill, is she saying that she disagrees with the Premier's position and is she wishing that he simply hadn't stated it?

MRS. McCLELLAN: First of all, Mr. Speaker, the Minister of Health does not get her information on what the Premier states or does not state through the media, contrary to the opposition. I have outlined my position on this Bill. It is a private member's Bill, and we have a process for private members' Bills. That process is under way. I think as a minister of this government I should respect that process, and I fully intend to do so.

MR. MITCHELL: The minister respects it, but the Premier doesn't. That's an interesting comparison.

Has the Premier told the minister whether or not he is willing to risk contravening the Canada Health Act by supporting this Bill?

MRS. McCLELLAN: Mr. Speaker, the Premier is on record in this House as well as through the media many times as to the complete respect that this government has for the Canada Health Act and that we are committed to the Canada Health Act and intend to work within the Canada Health Act. That is not a question in this House or outside of it.

MR. SPEAKER: The hon. Member for Peace River.

Municipal Grants

MR. FRIEDEL: Thank you, Mr. Speaker. My question is to the Minister of Municipal Affairs. In addition to local taxation, municipalities receive revenue from quite a variety of provincial departments. The percentage that is received from these departments could vary quite significantly depending particularly on the size of the municipality. The accumulative effect of cutbacks could have quite a drastic result on certain programs in the municipalities. I'm wondering if the department has any data as to the accumulative effect of cutbacks on municipalities in this province.

DR. WEST: Mr. Speaker, I know that the hon. member comes from an area where there are lots of small municipalities and districts that don't have the same tax base or population as other areas in the province. No doubt the cuts have a greater effect in some jurisdictions than others. I sit here with a flowchart showing Calgary, and one showing Edmonton, and when I look and analyze the total cuts as to their global budget over the three years, if you took it as a percentage of their global budget and not just the grants they get from the province, you'd be looking at an accumulated effect of around a 4 percent cut. Whereas if I went to another jurisdiction and I looked at the size of dependency because of their requisition and their population on the municipal assistance grants, the effect could be as high as 35 percent.

So in respect to that, you say: have we done a study? Yes, we have. We have communicated. We have taken into consideration all departments: transportation, social services, recreation and parks, and the policing grants. We've done a collective study. The overall average for the majority of municipalities is around a 20 percent cut. Although, as I say, there is a group, probably about the bottom 25 percent, that could be as high as 33 to 35 percent.

MR. SPEAKER: Supplemental question.

MR. FRIEDEL: Yes, Mr. Speaker. To the same minister: has any provision been made to deal with municipalities that are affected significantly beyond the average?

DR. WEST: Mr. Speaker, yes, there has. In the three-year plan at the end of the rollbacks of what we call the municipal assistance grants, we will leave a pool of \$20 million and a side pool of \$5 million to assist municipalities that are at the low end of again assessment base and population. The \$5 million will be for certain amalgamations. If we have volunteer communities and municipalities that want to join to make cost savings in administration, we will have that set aside. The \$20 million will have a formula that's fixed again on assessment and population, an equalization formula that will then address the small villages and counties and municipi-

ties that have been the hardest hit. We have not brought that forward. We will be bringing it forward in the next three-year plan, and that will probably come out in '95-96.

MR. FRIEDEL: Again, to the same minister, Mr. Speaker, and not particularly related to the finances as such: when regulations and such are changed by the departments, is there any kind of a mechanism in place that tries to minimize any kind of an overlap effect?

DR. WEST: We've had various meetings of the mind I guess over the last 14 months to put together committees that look at deregulation and disentanglement of overlap. No doubt when we bring the new municipal governance Act in, we will be streamlining the administration of municipalities, we'll be removing some 80 regulations, and we will be combining some 21 Acts into one Act in order to decrease the amount of regulations. At the same time, we look sideways to see what's going on in the School Act and in some of the other areas of the province to ensure to the best of our ability at this point in time that we don't have overlap or undue regulations for our municipalities to function.

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

Maintenance Enforcement

MRS. SOETAERT: Thank you, Mr. Speaker. This government's unwillingness to use all the provisions of the Maintenance Enforcement Act is hurting families. A mother and four children are waiting to receive \$22,000 in back payments for child support, yet this government refuses to take strong action. My question is to the Minister of Justice. How is it that a debtor parent can rack up \$22,000 in arrears and dodge garnishees by not filing income tax or by hiding employment?

MR. ROSTAD: Mr. Speaker, in the short answer, I'm not quite certain how that can be. Obviously the person that has racked up the arrears has used every legal trick they have learned to make themselves what is called in the trade judgment-proof. In this particular instance, I think I'm aware of her protestations. The person was to pay \$800 a month and through a default hearing brought by the maintenance enforcement people because they have not been able to obtain any, the court on the information provided reduced that \$800 to \$150. That has nothing to do with maintenance enforcement. That's something to do with the court order from which maintenance enforcement first got their initiative to even act on this case, and on subsequent information again the court has reduced this. If the hon. member has other information on this file which doesn't put political window dressing on it but actual things to help this family, I'd be more than happy to take that under advisement.

MRS. SOETAERT: I'll gladly send the information to the minister.

My second supplemental: why doesn't the minister enforce jail terms as provided for in the Act rather than simply withhold vehicle registration?

MR. ROSTAD: Mr. Speaker, I'm not quite sure what the hon. member means by "enforce jail terms." If in fact the court has ordered somebody to go to jail, they'll be in jail, and other than something within the discretion of the court and not the minister, they'll be kept there.

However, the issue of drivers' licences . . .

MR. N. TAYLOR: You have to ask them to.

MR. ROSTAD: Maybe the hon. Member for Redwater would like to answer the question, Mr. Speaker.

MR. N. TAYLOR: Sure would. I'd love to.

2:00

MR. ROSTAD: He knows less than the hon. Member for Spruce Grove-Sturgeon-St. Albert, so it wouldn't help.

Mr. Speaker, there is a Bill before this House that has the ability to seize joint bank accounts, which is another mechanism used to make people judgment-proof. In terms of drivers' licences, the ability to withhold drivers' licences, which can be very, very difficult on people, perhaps would be another good tool to bring people to the table to in fact pay the arrears or to pay what the court has ordered them to pay. They are only other tools that we can use. It's again something in our society. If a person has a will to avoid something, there are invariably many, many mechanisms, as wily as some people can be, to prevent access to arrears. We are here with the commitment I'm sure of this entire House to ensure that people who have made that commitment, who have been ordered by the courts, will in fact pay.

MRS. SOETAERT: Mr. Minister, condescension does not become you.

My supplemental: would the minister consider hiring investigators to determine the real income of defaulters who manage to hide all their assets?

MR. ROSTAD: Mr. Speaker, in fact what the maintenance enforcement people do is investigate. Through the Act that is before the House, we will enable ourselves to put more people into the field to in fact do that.

If in any way my comments have been condescending to the public or to the people who are in maintenance enforcement, I apologize, because it isn't. I have their interests at heart. If it's been condescending to the yappers across the aisle, I mean it.

Highway Construction

MR. TANNAS: Mr. Speaker, my questions today are to the Minister of Transportation and Utilities. Albertans have long been proud of their primary highways as part of the Alberta advantage. All hon. members realize that these highways are our avenues of trade and commerce and tourism and communication. Would the minister give his commitment to work with the dominion government and the national parks boards to complete the four-lane divided Yellowhead Highway through Jasper national park and similarly the Trans-Canada four-lane divided highway through the Banff national park to the B.C. border?

MR. TRYNCHY: Mr. Speaker, if I heard the question right, it was for the minister to work with the federal government in regard to four-laning through two federal parks. I must admit that my authority in the federal parks is very limited, but, yes, I would continue to discuss this with the federal minister. We're meeting, as I said a while ago, July 3 to 7 in Calgary with all the ministers of Canada, and I would raise it then. As I said, I don't really know how much authority we have in a federal park.

MR. TANNAS: Well, Mr. Speaker, would the minister agree, then, to pursue a timely completion of the export highway, Highway 2, from Edmonton through the heart of central and

southern Alberta to connect with interstate 15 at the Montana border?

MR. TRYNCHY: Well, that's more like it, Mr. Speaker. That's more like it. Yes, a very good question and a timely question. We do have a program in place now where we have some \$60 million through both the federal government and the provincial government in regards to the export highway. In 1993 we had some \$20 million committed, in 1994 we have another \$20 million committed, and hopefully by '95-96 the \$60 million will be committed towards the four-laning of the highway from Calgary to Lethbridge to Montana. I also would like to say that we will continue to work with the federal government to see if we can receive additional funds to continue that very valuable program to Albertans and of course to those who export product both into Alberta and out of Alberta.

MR. SPEAKER: Final supplemental.

MR. TANNAS: Yes. Mr. Speaker, I'd ask the minister to assure my constituents of Highwood that the current undivided portions of Highway 2 south of Calgary will be twinned in the very near future.

MR. TRYNCHY: I guess what the hon. member means by to be twinned is to have the highway separated, because right now it is twinned, unless I don't read him right. Yes, Mr. Speaker, we would like to do more primary highways in the province of Alberta. We could funnel more funds towards that project were we to take funds away from other primary highways in the province, such as Highway 63, and I'm not so sure the member for that constituency would approve of it. We will continue to work as hard as we can to make sure that we allocate the funds in the best possible way to four-lane the highway from Calgary to Lethbridge to Montana.

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

Agricultural Trade Dispute

DR. NICOL: Thank you, Mr. Speaker. Disputed grain exports from Canada have resulted in the U.S. notifying GATT that under article 28 they will impose tariffs in 90 days unless a negotiated agreement can be reached. Last week the minister stated in the House that it was this government's belief that no deal was better than a bad deal. It appears now that we've been struck with both no deal and a bad deal. My question is to the minister of agriculture. How can the minister imply that two staff people going to the U.S. to talk to business about the Alberta advantage will do anything to solve our immediate – and I stress immediate – trade problems?

MR. SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker. I'm pleased to answer the question. Our strategy basically is to enhance agriculture in the short term as well as the long term. Certainly in the studies that we have done, some of the major areas where we can improve agriculture are through value-added diversification and processing. Since we're exporting raw product into the United States, since we're exporting product that doesn't have value added to it, what we are now considering and what we are in discussions

about and what we will be sending our people into the United States to discuss is that people come and locate their facility, add the value right in Alberta, allow for additional jobs. I know that may create some problems for the opposition across the way, which doesn't really strongly believe in that concept. Nevertheless, we'd like to have the jobs done here. Why should we be exporting raw product into the United States when we can actually develop the industry here, add the value here, add the jobs here, and add the benefits here in Alberta?

MR. SPEAKER: Supplemental question.

DR. NICOL: Thank you, Mr. Speaker. Again to the minister of agriculture. The minister has suggested that these people speak with some of the pasta producers in the United States so they can come to Canada to avoid the tariffs. Why is he encouraging pasta producers to come to Canada when the plants here are already operating below capacity and can't get access to the grains that they need here?

MR. PASZKOWSKI: I'm not sure where the hon. Member for Lethbridge-East got the information that the minister has suggested that we talk to pasta manufacturers. What I have indicated is that we will be talking to processors. We have two pasta manufacturers in Alberta at the present time, and certainly if there is opportunity for pasta manufacturing, we would encourage the local manufacturers and local processors to expand their facilities. Our direction is basically to go to Americans who may be interested in additional value added, who'll be using the raw products in the United States, who will be importing it rather than paying the tariffs, locate in Alberta, use the product that we're producing here. It's the best-quality product in the world. Why shouldn't they come here and locate?

MR. SPEAKER: Final supplemental.

DR. NICOL: Thank you, Mr. Speaker. It was suggested in his news release.

Mr. Minister, would it not be better to send these staff people to provide correct information to U.S. legislators who are involved in the bargaining process?

MR. PASZKOWSKI: Could I ask you to repeat the question, please?

DR. NICOL: Would it not be better to send these staff people to the U.S. to speak directly to legislators who are involved in the negotiating process?

MR. SPEAKER: The hon. minister.

MR. PASZKOWSKI: Thank you, Mr. Speaker. The process of the negotiations in GATT and the GATT bilaterals is on a nation-to-nation basis. The federal government is negotiating on a federal basis. What we indeed are looking at is to best utilize the Alberta advantage, and that's what we are selling: the fact that we're going to have the lowest taxes. [interjection]. Edmonton-Centre may not agree; that's unfortunate. But certainly the agricultural community in Alberta does agree.

MRS. HEWES: Well, why isn't it working?

MR. PASZKOWSKI: The process is working. This year, if net projections come true, the net realized income in Alberta will be

the highest it has ever been of any province in all of Canada for the first time ever in the history of Canada. It is working.

MR. SPEAKER: The Member for Olds-Didsbury.

2:10 Provincial Budget

MR. BRASSARD: Thank you, Mr. Speaker. Last night just prior to midnight this Assembly approved second reading of appropriation Bills totaling almost \$13 billion. Coming from a business background, I know the amount of work and soul-searching discussion that goes into any budget. To the Provincial Treasurer: how do I assure my constituents that these Bills have received the level of discussion and consideration they deserve?

MR. SPEAKER: Briefly.

MR. DINNING: Well, Mr. Speaker, I think it's an important question because the hon. member . . .

MR. SPEAKER: Order please. The Chair recognizes that it's an important question, but the Chair says that considering the hon. Provincial Treasurer's intervention in *Hansard* yesterday explaining what had happened, perhaps the answer could be to refer to *Hansard*, but briefly.

MR. DINNING: Well, Mr. Speaker, I want to elaborate a bit further on what I did say yesterday, because I don't think all the facts are there. [interjections]

MR. SPEAKER: If you want to use up the rest of question period making noise, you can do it, but the hon. Provincial Treasurer's going to have the opportunity of answering this question briefly.

The hon. Provincial Treasurer.

MR. DINNING: Mr. Speaker, the fact is that the budget in 1994 went through the most exhaustive process of review of any budget presented in this Assembly ever before. What happened was that some five days before the budget was brought down, there was a review of the budget.

MR. SPEAKER: Order please. Maybe you can amplify on the supplemental.

Supplemental question.

MR. BRASSARD: All right then, Mr. Speaker. To the minister: could you explain the consequences of not proceeding with these Bills?

MR. DINNING: Well, Mr. Speaker, the fact is that with the over 100 hours and 38 days of debate on this budget, the consequence of not passing the appropriation Bills that are before this Assembly is that some \$762 million would not get into the classrooms of this province to ensure the children are properly taught. In addition, what would happen is that some \$44 million that goes to support foster care in this province and another \$21 million for handicapped children's services would not get into the hands of the people who need them.

The reason why I believe the hon. member wants to know the answer is that there was one side of this House last night that supported this Bill. That was the government side of this House. The members of the Liberal Party opposed . . .

MR. SPEAKER: Order.
Final supplemental.

MR. BRASSARD: Given the level of opposition and discussion on these Bills, Mr. Speaker, can I ask the Government House Leader if he has it on his agenda to bring in closure on these Bills?

MR. SPEAKER: Order. Order please. [interjections] Order please.

The Chair will answer that question. The Standing Orders provide for the passage of appropriation Bills. The hon. member should know.

The hon. Member for Edmonton-Roper.

North West Trust Company

MR. CHADI: I'll give you a real question, Mr. Speaker. It's been over one year now since the government announced that they wanted to get out of the trust company business, but no one in the private sector has stepped forward to buy North West Trust. So my question to the Provincial Treasurer is this: can you confirm that one of the prospective purchasers of North West Trust is the credit union system of Alberta?

MR. DINNING: Mr. Speaker, there have been some one dozen companies that have come forward to express interest in the purchase of North West Trust through the agent that we have appointed to field these kinds of offers and expressions of interest. ScotiaMcLeod has been involved in listening to some one dozen offers or expressions of interest. As it has been our custom under Premier Klein's leadership to disclose to members of this Assembly and to all Albertans the contents of a final arrangement, a final deal, once a deal has been done, we make that promise to do that. I will not stand before this Assembly and disclose to the Assembly the nature of the discussions at this point so as not to jeopardize those important discussions. I know both the hon. member and I want those discussions to come to a conclusion that puts North West Trust, a profitable company, back into the hands of the private sector where it belongs.

MR. CHADI: I agree, Mr. Speaker.

Well, listen, Mr. Speaker: how can this government claim to be getting out of business when they're considering selling North West Trust to the credit unions, which are also backstopped by the taxpayers of this province?

MR. DINNING: Mr. Speaker, again I'm not prepared to disclose or share with the Assembly at this time the nature of these important discussions, but on the matter specifically of the credit unions, do I hear the hon. member casting aspersions or doubt on a system that provides deposits of \$3.75 billion from some 500,000 Albertans? He doesn't trust the people of Alberta who invest their money in the credit union system; is that what he's saying?

MR. SPEAKER: Final supplemental.

MR. CHADI: Thank you, Mr. Speaker. I take it that he's dealing with the credit unions for certain now.

Mr. Speaker, can the Treasurer confirm that ScotiaMcLeod will be eligible for a fee, probably \$275,000, for selling North West Trust to the same taxpayers who already own it?

MR. DINNING: Mr. Speaker, ScotiaMcLeod will be entitled to a fee as any agent would be at the end of a successful sale. It's

appropriate that they would be, because they were engaged in the process of selling this company.

Again, is the hon. member saying that the credit union in this province is an entity that ought not to be dealt with? Is that the message he's sending to 500,000 Albertans out there who have placed \$3.75 billion worth of deposits in the system?

MR. SPEAKER: The hon. Member for Cypress-Medicine Hat.

Adult Learning Forum

DR. L. TAYLOR: Thank you, Mr. Speaker.

MR. N. TAYLOR: Nice suit.

DR. L. TAYLOR: Thank you. I'm pleased that the members opposite like my suit.

My questions all are for the Minister of Advanced Education and Career Development. In a recent meeting at Medicine Hat College that I attended with faculty and staff, there were a number of concerns raised. One of the concerns dealt with something called the adult learning forum. I'm wondering if the minister can inform this House as to the purpose of the forum.

MR. ADY: Mr. Speaker, as most people know, we've been busy over the past year convening roundtables and public discussions in an effort to bring forward ideas from the public in an effort to restructure the postsecondary education system, and hence we now have a draft white paper that's out before the public which focuses on the issues that the public have brought forward. Within that draft white paper is a proposal for an adult learning forum. I should tell you that that adult learning forum will be established to monitor the department's progress, to implement the direction that's set from those public hearings, and to ensure that we move in a direction that is in accordance with where the public would have us go.

MR. SPEAKER: Supplemental question.

DR. L. TAYLOR: Thank you. They are very concerned about who will be on this forum and how does one apply for the . . .

AN HON. MEMBER: Question.

DR. L. TAYLOR: That is the question, if you don't mind. How does one apply for the forum?

MR. ADY: Well, Mr. Speaker, inasmuch as the proposal for this adult learning forum is part of the draft white paper, it's a little premature to prejudge. I would assume that the forum would be comprised of stakeholders, that we would have people on it that are from the student organizations, that we would have institutional and business people there and industry, community, and government representatives in an effort to give a cross section of people on that forum that would be able to give advice to the minister and to the department as we move forward to restructure our system and keep it on track with the direction it should take to serve students well in this province.

MR. SPEAKER: Final supplemental.

DR. L. TAYLOR: Thank you. When will the forum be formed, and when will it begin its work?

2:20

MR. ADY: Mr. Speaker, again we have to presume that the hearings that will take place next week, as a matter of fact, to discuss the draft white paper will give approval for us to proceed to establish this forum. In the event that it does, I would move to put it in place by early 1995 so that it will be there to do the job that we expect of it.

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

North West Trust Company
(continued)

DR. PERCY: Thank you, Mr. Speaker. Tomorrow there will be a meeting of the shareholders of North West Trust in Edmonton. The province as the majority shareholder of the company has the duty and the responsibility to be there tomorrow to protect the interests of Alberta taxpayers. My questions are to the Provincial Treasurer. How can the Provincial Treasurer justify the chairman and CEO of North West Trust earning a salary of \$276,000 when the superintendent of the Alberta Treasury Branches only earns \$104,000 and the assets of the ATB are \$7.7 billion and those of North West Trust are only \$817 million?

MR. DINNING: Mr. Speaker, as the Provincial Treasurer I can't justify it, and that is why the government wrote to the chairman of the board of directors of the company asking them to ensure that a review of the remuneration and termination arrangements for executive officers and senior officers of the company be undertaken. I am advised that that matter will be dealt with by the board of directors at an upcoming meeting of the board, and I have every confidence that they will deal with the matter appropriately.

DR. PERCY: Mr. Speaker, what will the Provincial Treasurer do tomorrow to ensure that the golden handshakes are rolled back and that the salaries are rolled back?

MR. DINNING: Mr. Speaker, the hon. member may want to wait until tomorrow, but the government didn't wait. The government acted by directing and requesting that the board of directors of the corporation review the remuneration and termination arrangements of the senior officers of the company.

DR. PERCY: Mr. Speaker, how can the Provincial Treasurer continue to have confidence in a board that wrote its own golden handshakes, set up the botched purchase and sale of Bancorp? How can he continue to have confidence in that board?

MR. DINNING: Mr. Speaker, it was this government that required the disclosure of that information with respect to salaries and remuneration. It is this government that revealed and disclosed the salaries of all of its senior officials. We are waiting to hear from the Liberal Party how much they pay the entourage around the Liberal leader that the Member for Lac La Biche-St. Paul talked about on April 5.

MR. SPEAKER: The hon. Member for Rocky Mountain House.

Special Places 2000

MR. LUND: Thank you, Mr. Speaker. In the Rocky Mountain House area the number one issue is centred around the report titled Special Places 2000. People are concerned that large tracts of land

are going to be protected to the point where you would only be permitted access by foot. As if this wasn't ridiculous enough, now I'm hearing that Alberta parks are going to be the managers of these huge areas. To the Minister of Environmental Protection: given that these large tracts of land of the Rocky constituency are in the forest reserve, why on earth would you put the parks department in charge when we already have a very effective and efficient department in place doing a superb job; namely, Alberta forest service?

MR. EVANS: Well, firstly I'd like to thank the hon. Member for Rocky Mountain House for his complimentary comments about our lands and forests division in the Department of Environmental Protection. Indeed they've been doing a tremendous job in dealing with our Crown lands in the Eastern Slopes and other areas of the province of Alberta.

The Special Places 2000 initiative, which began in October, November of 1992, is a joint initiative of the Department of Environmental Protection and the Department of Economic Development and Tourism. The report that the hon. member has alluded to is a report that has come to government after a panel was struck and went around and took input from various parts of this province to deal with an important initiative, which is protecting representative examples of our six natural regions and 19 subregions. Whether or not that report is endorsed in whole or in part or whether it has some aspects that become government policy remains to be seen, hon. member. We are going to be reviewing this at the standing policy committee on natural resources and sustainable development.

If in fact the policy is endorsed by this government, then we will be looking at who the managers of the policy will be. Clearly, in our Department of Environmental Protection we take an integrated approach to all of those very important staff members we have in various areas of the province. So I think there is a place, certainly, if the policy is endorsed, for both those who are in the lands and forests part of my department and certainly those in the parks department as well.

MR. SPEAKER: Supplemental question.

MR. LUND: Thank you, Mr. Speaker. My supplementary is to the Minister of Economic Development and Tourism. I'd like to know how on earth sterilizing large tracts of land could possibly add to economic development or tourism.

MR. KOWALSKI: Mr. Speaker, well, it wouldn't. Let's put this whole Special Places 2000 in the context that it needs to be put into. In essence what my colleague the Minister of Environmental Protection has outlined is a process to get public input with respect to proposals. The most recent document that's out for review is one that was chaired by a member of this Legislative Assembly, the Member for Innisfail-Sylvan Lake, who then responded and reflected on what people of Alberta had recommended to a certain point in time. In the last couple of months and the time in which this document was put out for additional comment, there has been a large amount of mail that has been received by all members of this Assembly. No decision has been made in moving forward with any recommendation on the report called Special Places 2000. No policy would be implemented without the approval of this Assembly. In essence we are in the review process, so you have ideas around there and people debating the ideas.

MR. SPEAKER: Final supplemental.

MR. LUND: Thank you, Mr. Speaker. I'm not sure which one I should be asking this question of, but I do want to know how much that report cost, whichever minister's responsible.

MR. KOWALSKI: Mr. Speaker, not a great deal of money. The specific cost will be reported back to the hon. member in the next number of days.

MR. SPEAKER: The hon. Member for Calgary-West.

Low Productivity Gas Wells

MR. DALLA-LONGA: Thank you, Mr. Speaker. In March of 1993 the Premier announced a pilot project to sell the Crown's royalty share in low productivity gas wells. Over one year has elapsed since that announcement, and we still have no pilot project in place. Now, this is an issue that the industry would like to see addressed soon and not two or three years down the road. My question is to the Minister of Energy. Madam Minister, why has it taken your department over one year to come up with a reasonable proposal to sell the Crown's royalty share in low productivity gas wells?

MRS. BLACK: Mr. Speaker this initiative actually arose out of a meeting with the natural resources sector in the Chamber of Commerce in Calgary at a meeting that came forward. I embraced it and felt it was an excellent idea and still in fact do. What proceeded from there was a request for the industry players to come forward and meet with the department and design the outline for the program so it could in fact proceed. I believed and still believe that this is a good project. However, once the industry players came to the table, there was some disagreement as to how the framework should evolve, and as usual there was no consensus. We hit election time, and I went off, as all of us did, and campaigned, and when I got back I asked the question, "Where is the pilot project for low productivity gas wells?" The project had not been put together. So we started all over again to develop this program. In fact, last Friday I had a meeting with the Small Explorers and Producers Association and said, "Where is the project?" I want this project to go forward. I think it's important for the industry, and as well it is important for the government.

MR. SPEAKER: Supplemental.

MR. DALLA-LONGA: Thank you, Mr. Speaker. Madam Minister, isn't your department creating a mountain of paper work for industry by continuing to levy royalties on over 25,000 wells that have less than .2 of 1 percent of natural gas royalties collected on an annual basis?

2:30

MRS. BLACK: Mr. Speaker, there aren't enough people left in my department to create a mound of paper. With the restructuring that has gone on in the Ministry of Energy and the streamlining, I can guarantee the hon. member that any way that we can eliminate any additional paperwork, we would be delighted to see it come forward. So we're anxious for the industry to come forward with the framework.

MR. SPEAKER: The hon. Member for Medicine Hat.

British Donations to Food Bank

MR. RENNER: Thank you, Mr. Speaker. For the past two years the British army training unit at Suffield has been donating surplus

army rations to the Medicine Hat & District Food Bank. Last year this generous donation amounted to over 14 tonnes of canned food. Recently a decision by agriculture Canada has stopped this generous action and has left the local food bank with fewer resources to meet its area needs. Can the Minister of Agriculture, Food and Rural Development advise as to whether or not his department has any involvement with agriculture Canada in this matter and if his officials were involved in the decision to disallow these donations?

MR. SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker. A question very important to the hon. member's area, because obviously this has provided a very useful function to the food bank. Through the generosity of the British army they've been able to fulfill a need in the immediate area. In answer to the hon. member's question: no, our department has not been involved in any discussions regarding the decision, and up until now we have not been party to the decision that was made.

MR. SPEAKER: Supplemental question.

MR. RENNER: Thank you. Does the minister have any insight into what prompted federal officials to take such an action?

MR. SPEAKER: The hon. minister.

MR. PASZKOWSKI: Thank you again. No, we don't have any insight as to why the final decision was made. As a matter of fact, it seems to be somewhat unclear in that we have talked to the acting chief of importation, and he references health concerns as being the reason for this change in policy, yet the animal health manager indicates that this has been a long-standing policy that's actually been in place and has not been enforced. So in essence we seem to be getting conflicting answers from different branches that have obviously been involved in the final decision.

MR. RENNER: What will the minister be doing to try and achieve a positive resolution to this problem?

MR. SPEAKER: The hon. minister.

MR. PASZKOWSKI: Thank you again. We've been in touch with the federal minister regarding this issue. Unfortunately, at the time he was not aware of the whole situation. He has indicated that he will be looking into it and responding to us. It is our hope that indeed we'll be able to deal with the issue in a positive and firm way that will allow the food bank to continue to use the product that apparently will just be dumped if indeed we can't come forward with some sort of a resolution to this.

MR. SPEAKER: Order please. The time for question period has expired.

The Chair has had indication that the hon. Opposition House Leader has two points of order and the hon. Member for St. Albert has a point of order.

Point of Order Scheduling Government Business

MR. SPEAKER: The hon. Opposition House Leader.

MR. MITCHELL: Thank you, Mr. Speaker. I rise for my first point of order under Standing Order 7(5), which relates to

scheduling. Under that Standing Order I would like to draw the Speaker's attention and the attention of the members of the Legislature to an allegation that's been made publicly by the Government House Leader concerning – and I quote his statement to the press – "Liberals Stalling Hurts Help to AADAC." He goes on to say that he "will not permit time-wasting tactics which cost the taxpayer thousands of dollars and which hurt Albertans who are in desperate need." He diminishes the importance of his own government's Bill by inferring that it cannot be important because it is so short.

I would like to point out, Mr. Speaker, that we are not the only caucus or members of a caucus who believe that's an important Bill. It is an important Bill, and I quote the Deputy Premier, who said on April 26 that "Bill 21 is not a lengthy Bill, but it is an important Bill." It is an important Bill because it addresses a very important social problem, and we felt that nine Liberal MLAs and three Conservative MLAs were not too much time to spend debating that Bill. Let me point out: if that Bill were so important and if Albertans were being hurt by its not being passed, I would like to ask why it is that the House leader did not bring it in on February 10 or February 11 when we began to sit. If we are hurting Albertans by delaying it for one night, I would have to argue that he has hurt Albertans by delaying it for two and a half months.

My second point . . .

MR. SPEAKER: Order. Order. Did the Chair understand that the hon. member was going to launch his second point of order?

MR. MITCHELL: No, no.

On the second point I want to point out to the Members of the Legislative Assembly and to the people of Alberta that we did not adjourn debate on that Bill. We did not stop that Bill. He adjourned debate on that Bill last night at 10 o'clock without calling for a vote. He never once called for a vote. We were prepared to see that Bill to its end that night.

Finally, Mr. Speaker, and this is very important, I believe that the House leader has misled the people of Alberta, because on April 25 – that was the night before last – the member responsible for AADAC, the MLA for Calgary-Bow, made it very clear in the House that this program which is outlined by this Bill has not been delayed at all. I quote:

The AADAC staff have been brought in and received special training. They in turn are training people in the community-based agencies . . . Twenty-five AADAC and community agency counselors have completed 60 hours of extensive training. An additional 320 community agency and AADAC staff have received a short course in gambling addiction assessment and counseling . . . Guidelines for funding community projects are now under development, and an advisory group made up of key stakeholders in the gambling area is being formed to provide input and advice.

She concludes:

So the program is moving ahead.

Mr. Speaker, if we delay this by delaying this Bill, then this government is breaking its own law, because it has not got the legislative authority to proceed, or this government is wasting the time of the Legislature to bring in a piece of legislation that is not needed to proceed with this particular program.

The real issue is that last night this government closed debate after one hour on a \$10 billion appropriation Bill. Mr. Speaker, I believe that to be unprecedented: two Conservative speakers, one Liberal speaker. Today they tried to claim that they didn't use closure. Of course not, because closure is in the Standing Orders. As a rule, we would debate that from 8 o'clock until 11:45, and then the question would be called by virtue of the rule. They will

say that we had 25 days to debate estimates. We had 25 days to debate the specifics of department by department by department in a format that is largely restricted and often restricted to questions and answers. Appropriation Bills, the legislation that legitimizes and sanctions the expenditure of \$10 billion in this case, give members the opportunity to speak in more general, more philosophical, more broad terms about what that expenditure means to the people of Alberta.

This is the eighth consecutive deficit budget brought in by this government. I can see why they would want to rush debate on the appropriation Bills, Mr. Speaker. Because they don't want us to see that yet again they have voted for a deficit budget, yet again they have sustained over a \$30 billion debt. The fact of the matter is that they are beginning to stifle debate because they don't like what they hear, and the people of Alberta have a right to hear what must be said under the rules of this Legislature. [interjections]

2:40

MR. SPEAKER: Order please. The Chair does not find this to be a point of order. That's why the Chair is not calling on the Government House Leader to say that it's not a point of order. The only point that . . . [interjections] Order please. [interjections] Order. [interjections] Order please.

The Chair would point out that the use of the words "misleading" or "misled," the hon. member knows, is unparliamentary.

MR. MITCHELL: They've used it before, Mr. Speaker, in this House.

MR. SPEAKER: Well, then, all members should know. It's been ruled many, many times to be unparliamentary.

The government by our rules has the right to call the order of business. It's not a matter for the Chair to make a ruling on what business is to be dealt with by the government. That's why this is not a point of order. The Chair would urge the hon. Opposition House Leader, if he has serious trouble with the Government House Leader, to have a conversation with the Government House Leader.

MR. DAY: I do every day.

MR. SPEAKER: Order please. The Chair was making that suggestion to the Opposition House Leader. Both House leaders have the duty and the obligation to be communicating with each other and trying to resolve this. It's not a matter for the Chair to be dealing with.

Before proceeding to the next point of order, would the Assembly kindly agree to reverting to Introduction of Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?

The hon. Member for Olds-Didsbury.

head:

Introduction of Guests (reversion)

MR. BRASSARD: Yes, Mr. Speaker. It gives me a great deal of pleasure to introduce to you and through you to the members of this Assembly 64 students from the Olds junior high school. These students are accompanied by Mr. Dale McFarland, Mrs. Thelma Hilton Wenc, Mrs. Jan Skaluba, Mrs. Joanne Prefontaine, Mrs. Janet Strabel, Mrs. Doreen Curniski, Mrs. Carol Shipley, Mr. John Doyle, and Ms Fern Corsiatto. Would they please stand and receive the warm welcome of this Assembly.

Point of Order Anticipation

MR. SPEAKER: The Opposition House Leader, second point of order.

MR. MITCHELL: Thank you, Mr. Speaker. I rise under *Beauchesne* 489 just to address the issue of . . .

MR. DAY: A point of order, Mr. Speaker. [interjections]

MR. SPEAKER: Order. [interjections] Order, hon. members. [interjections] Hon. members, order.

MR. MITCHELL: Under the question of anticipation with respect to the question that was asked by the Member for Olds-Didsbury concerning the appropriation Bill and what happened last night with it, of course that would be anticipation because the appropriation Bill is raised again this evening. If he were concerned about that, he could raise it then. I would just like to thank you for ruling the way that you did, Mr. Speaker, at that time.

MR. DAY: Speaking to the point of order that has been raised by the member opposite, not on my point of order, as far as the question on the appropriation Bill, and to elucidate the member, if that's at all possible, if people will review the debates of the Assembly, there have been over 100 hours of debate on this budget, over a hundred hours of debate in this room on this budget. So when the member talks about an appropriation Bill, once the debate is over and the hundred hours or so are complete and the estimates have been done on every department, then a Bill is brought in to appropriate those funds. That's what an appropriation Bill is.

The member has talked about a shortening of time on that particular debate. Over a hundred hours has been permitted on the budget, and I don't know where the member was, because he refers to it as if somehow there's a divine right that that debate would go until 11:45 nonstop. I don't know where he has been in the Assembly . . . [interjections]

MR. SPEAKER: Order please. Order. Perhaps, in view of the time, the Government House Leader could bring his remarks to a close briefly, because this seems to be rehashing of things that have already been decided.

MR. DAY: There's been so much hash thrown in our direction, Mr. Speaker. I have to scrape a little bit off the windshield so we can see here.

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

MR. DAY: Related to the appropriation Bill question, which was the point of order, there is no divine right that somehow from 8 o'clock to 11:45 every night there should be debate on one particular item. As a matter of fact, the member obviously wasn't here the night of Monday, November 1, 1993, when debate was adjourned on a variety of issues that came up on all these at 9:23 or Wednesday, November 3, 1993, when debate was adjourned at 8:39 or April 14, 1992, when debate was adjourned at 9:12 or June 11, 1992, when debate was adjourned at 9:12.

MR. SPEAKER: The Chair doesn't need any more information on this subject. [interjections] Order please. Discussion is closed on these two alleged points of order.

The hon. Member for St. Albert.

Point of Order Imputing Motives

MR. BRACKO: Thank you, Mr. Speaker. I rise on Standing Orders 23(h), (i), and (j). Earlier in question period the Minister of Justice, the Member for Wetaskiwin-Camrose, made some comments about myself, the Member for St. Albert. I'm not really sure why he made comments about myself. I wasn't involved in the question period.

MR. SPEAKER: Order please. The Chair will resolve that. The hon. Minister of Justice was referring to the hon. Member for Spruce Grove-Sturgeon-St. Albert. That's who he was referring to. That matter is closed.

The hon. Member for Sherwood Park.

MRS. SOETAERT: That's not what he said.

MR. SPEAKER: Hon. member, the matter is closed. The matter has been explained, trusting it will be to your satisfaction.

The hon. Member for Sherwood Park.

Point of Order Provocative Language

MR. COLLINGWOOD: Thanks, Mr. Speaker. I was rising also on Standing Order 23(j) just in respect to the manner in which the hon. Government House Leader is leading this debate. We have a great deal of things to do. Perhaps we can get on with that, and perhaps we can call both sides to order so that we can get on with the business of the House.

MR. SPEAKER: I wonder what the hon. Member for Sherwood Park thought the Chair was doing.

Orders of the Day.

The hon. Government House Leader.

MR. DAY: I had risen earlier on a point of order, Mr. Speaker.

MR. SPEAKER: Sorry.

Point of Order Debate on a Point of Order

MR. DAY: Mr. Speaker, it again reflects 23(j), (h), (i), and I would just ask for your ruling. I appreciate that your patience has been tested, and truly you have dealt wisely with us today. I would ask for a ruling that when a member is having allegations made against him, is having false motives imputed against him and abusive and insulting language under a purported point of order, which indeed you've ruled was not a point of order – but the fact of the matter is that the member opposite was able to go for a considerable number of minutes with an outrageous list of fabrications that we had no opportunity to respond to. When the degree of fantasy, fibbing, and ethical disorientation is so intense, I would just ask for your ruling: how do we respond when those types of misleading statements are made for so many minutes? How do we respond?

MR. SPEAKER: Well, the Chair would feel that if there's absolutely no substance to the point of order and indicates that by not calling upon the other side, it would be clear to everybody that the hon. member didn't have anything to say in the first place.

Another point of order? The hon. Member for Redwater.

Point of Order**Factual Accuracy**

MR. N. TAYLOR: It's a new point of order too. It's under 23(i) and (j) too, Mr. Speaker. Seeing as everybody's skin has got so thin in the House, I thought I'd rush in and take part in it too.

The House leader said that we'd had 100 hours to debate a \$10 billion budget. He's quite correct, but that's \$100 million an hour.

MR. SPEAKER: Order please. [interjections] Order please. It's quite clear that the hon. Member for Redwater wants to pursue this subject that the Chair has ruled was not a point of order. The Chair is not going to dignify that any further by hearing any more on that subject today.

head: Orders of the Day**2:50**

head:

Written Questions

MR. SPEAKER: The Chair has received notice that the hon. Member for Fort McMurray wishes to withdraw written questions 194 and 195, so the Chair assumes that the motion of the hon. Deputy Government House Leader will be amended accordingly.

The hon. Deputy Government House Leader.

MRS. BLACK: Thank you, Mr. Speaker. I move that the written questions appearing on today's Order Paper do stand and retain their places with the exception of the change that you've just noted and with the exception of Written Question 191.

[Motion carried]

Accelerated Management Program for Women

Q191. Ms Hanson asked the government the following question: What was the status of the accelerated management program for women within the Department of Family and Social Services at March 21, 1994?

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

MR. CARDINAL: Thank you very much, Mr. Speaker. We are rejecting this particular question because the Department of Family and Social Services does not have such a program as requested by the member. In management the Department of Family and Social Services presently has 98 female managers out of 280 managers. I also would like to tell the Assembly that only 5 percent of my department's staff is management. The balance of the department are front-line workers providing services to the clients out there.

In addition to that, Mr. Speaker, we have over 5,000 staff in the department, and more than 50 percent are women. So I believe that when you have 98 female managers out of 280, we are doing quite well, but that does not mean it stops there. We'll keep providing equal and fair opportunities to all our employees within the department.

MR. SPEAKER: There's a deemed motion before the Assembly that Question 191 be rejected. All those in favour of this motion, please say aye. [interjections] Oh, the Chair apologizes. The Chair will put the question after the hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Thank you very much, Mr. Speaker. I wanted to clarify what the request was with the minister. The initiative was

created under the Getty government to encourage more women in the civil service in management positions. My question was to determine the status of the program within the Department of Family and Social Services, and you have answered that question. You don't have it in your department.

There was a round of shuffling in your department, I believe, with senior levels of management earlier this year, and we'd hoped that some women would have been appointed to senior positions. Unfortunately we didn't see any evidence of this happening, and therefore we were asking for information about how many women are in senior management positions.

Thank you.

MR. SPEAKER: Well, the hon. minister has the right to reply in order to close debate on the motion.

MR. CARDINAL: Mr. Speaker, I advised earlier that out of 5,000 staff more than 50 percent are female. Again, you know, we only have 280 managers in the department, which is only 5 percent of the total overall staff, and 98 are female managers. In addition to that, when we recently readjusted the executive level of my department, we ended up with only one assistant deputy minister. That one assistant deputy minister, I'm proud to say, is a female. In addition to that, in my office at the Legislature my executive assistant is a female. The director of my office at the Legislature is female in addition to pretty well the balance of my staff. So I feel the department is doing very well in having a fair opportunity for the female population.

[Question rejected]

head:

Motions for Returns

MRS. BLACK: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of motions 190, 192, 193, 196, 197, and 198.

[Motion carried]

Professional Development in Department of Education

M190. Mr. Henry moved that an order of the Assembly do issue for a return showing all professional development activities including conferences, seminars, and training sessions attended by the deputy minister, assistant deputy ministers, and division directors from the Department of Education for the period April 1, 1993, to February 28, 1994.

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

MR. HENRY: Thank you, Mr. Speaker. Very briefly, the motion for a return asks for a report outlining professional development activities that would include conferences and seminars and training sessions attended by senior members of the Department of Education for the period indicated. I would expect such a report would simply be a complete listing of the various professional development activities and perhaps the number of employees.

The reason I bring this to the Legislature is that I've had several constituents come to me with some suggestions that the level of professional development activity has been cut in certain departments more than others and at certain levels more than others. I want to be very clear, Mr. Speaker, that I believe very strongly that when we ask public servants to do a job, we need to ensure

that they have an adequate level of support with regard to continuing education, upgrading, networking, conferences, and that sort of thing. The intent here is not to hold up and say simply that these folks are going to all these conferences and whatnot, because very clearly we need to continue upgrading our employees.

Again I would ask the House to support this motion so that I can pass that information on to my constituents.

Thank you.

MRS. BLACK: Mr. Speaker, on behalf of the Minister of Education I'm please to accept Motion 190.

[Motion carried]

Regulations and Practices Review

M192. Dr. Percy moved that an order of the Assembly do issue for a return showing copies of any reports prepared by or for the government between January 1, 1993, and March 21, 1994, regarding the governmentwide review of regulations and practices undertaken during 1993 as described on page 21 of Budget '94: Securing Alberta's Future.

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

DR. PERCY: Thank you, Mr. Speaker. This motion requests the government to provide copies of any reports prepared by the government between January 1, 1993, and March 21, 1994, regarding a regulatory review. We've awaited the regulatory review for some time. We wanted to see these reports prepared that assess the criteria used to assess regulations and the type of input that went in for the final document. We did not request internal memoranda, just reports that are or should be available. So the object, then, is to understand the process and to see the criteria that were applied and then to see the report, hopefully, at some stage.

Thank you.

MRS. BLACK: Mr. Speaker, this is a very important area, and our government takes this very seriously, the regulatory review process that we embarked on last year. We're still in the middle of the process of going through that, and we've asked many players to participate in the process. I know in particular that in the energy field we have now put together and compiled a number of regulations that are going back to the various task force groups that were involved in this process for the review and then will come back to us for ratification of final input from those groups. A number of departments are in the same situation, because I can tell you that this has not been an easy job to go through every regulation and look and identify whether it's appropriate today, whether it's handled somewhere else, whether it's necessary, or whether in fact it does the job it was intended to do and it has to be modified somewhat.

So, Mr. Speaker, the process is still under way, and we are not in a position to provide those copies of those reports. I'm going to ask the member to please be patient with that. We're anxious to see this regulatory review completed as much as you are. So unfortunately I would have to say that we are going to have to reject Motion 192.

[Motion lost]

3:00

Environmental Monitoring

M193. Mr. Collingwood moved that an order of the Assembly do issue for a return showing copies of the logs recording the location and duration of each operation conducted by the four mobile air monitoring vehicles and one mobile laboratory operated by Alberta Environmental Protection from January 1, 1992, until December 31, 1993.

MR. SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. This is in relation to the . . . [interjections]

MR. SPEAKER: Order. Order please.

The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Yes. Thank you, Mr. Speaker. This motion for a return is with respect to the data and information relating to the use of the mobile air monitoring vehicles and the mobile laboratory which is operated by Alberta Environmental Protection. The information requested is for the period 1992 and 1993 and, in essence, is intended to give us some information as to how those particular vehicles are being used, being operated, and where the monitoring is occurring. Air quality monitoring is certainly an important aspect of the role of Environmental Protection. We're looking to see how those units have been used, where they've been mobilized, and we look forward to receiving that information from Environmental Protection.

Thank you.

MRS. BLACK: Mr. Speaker, on behalf of the Minister of Environmental Protection we would be pleased to accept Motion 193.

[Motion carried]

Swan Landing-Grande Prairie Railway

M196. Mr. Germain moved that an order of the Assembly do issue for a return showing a copy of the October 1, 1965, agreement between the government, Alberta Resources Railway Corporation, and Canadian National Railway Company regarding the leasing of the Swan Landing-Grande Prairie railway assets, including the option to purchase the leased assets and copies of any annual lease renewals undertaken since January 1, 1990, including the option to purchase the leased assets.

MR. SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you, Mr. Speaker. With the leave of the Assembly and prior to the vote being called on Motion 196, I would like to propose an amendment to the motion, which has been, I believe, circulated to the members. Without reading the entire amendment, it adds to what is in the Order Paper, at the end the words "for which all parties to these agreements allow release."

MR. SPEAKER: The question, then, will be on the proposed amendment before, I guess, the decision is made on accepting or rejecting the motion. Is there an agreement to the amendment?

MR. TRYNCHY: We accept the amendment.

[Motion on amendment carried]

MR. SPEAKER: Now, on the motion as amended.

MR. GERMAIN: I would ask that the Assembly call the question on the motion as amended.

MR. SPEAKER: Okay. Thank you.

[Motion as amended carried]

Peace River Daishowa Railway

M197. Mr. Germain moved that an order of the Assembly do issue for a return showing a copy of the November 30, 1989, memorandum of understanding between the Alberta Resources Railway Corporation and the Canadian National Railway Company regarding the granting of the right for the CNR to occupy and operate the Peace River Daishowa railway.

MR. GERMAIN: Thank you, Mr. Speaker. Before the question or debate on Motion 197 is called, I would like to move that the Assembly accept an amendment to Motion 197 by adding to the end of the motion the words "for which all parties to these agreements allow release."

MR. TRYNCHY: We accept the amendment.

[Motion on amendment carried]

MR. SPEAKER: On the motion as amended.

MR. GERMAIN: I would ask that the question be put on the motion, sir.

[Motion as amended carried]

Seniors' Information Line

M198. Mr. Yankowsky moved that an order of the Assembly do issue for a return showing the written record of all telephone calls and the nature of the issues raised by the callers made to the seniors' information line from February 1, 1994, to March 28, 1994.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. On behalf of our seniors I requested a written record of all telephone calls and the nature of the issues raised by the callers made to the seniors' information line from February 1, 1994, to March 28, 1994. Seniors are concerned that all they have told the government during the consultation process be brought forward.

MRS. BLACK: Mr. Speaker, on behalf of the Minister of Community Development I'm pleased to accept the motion.

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

HON. MEMBERS: Question.

[Motion carried]

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

Bill 209 Commencement of Actions Act

[Debate adjourned April 19: Mr. Kirkland speaking]

MR. SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. I concluded my comments of last week by speaking of accessibility and fairness in this Bill. I would just like to refresh everyone's memory of exactly what the Bill contains before we close debate. When we look at commencement of actions, we were dealing with attempting to ensure that there was fairness and accessibility for legal proceedings such as debt collection on foreclosures, removal and sale of personal property, financial litigation as a result of a motor vehicle accident, and also those areas that deal with matrimonial cases, such as custody, maintenance, and visitation rights.

I want to address one in specific, Mr. Speaker, because I have had some hands-on experience with it since I was elected. That pertains particularly to matrimonial cases. There are many who call upon the office to receive the assistance of the local MLA, and one always attempts to remain objective in these particular situations, but it has become obvious to me that in many cases there is a clear distortion or manipulation of the process. I would say that that manipulation of the process, generally speaking, is used by starting an action that would disadvantage one of the parties that is aggrieved. It's very unfortunate. It results usually when there is a marriage breakdown. Unfortunately, when we have a marriage breakdown, the statistics will show that most women suffer a tremendous reduction in their standard of living and most are thrown into a situation of poverty.

I would suggest that this is further complicated by the fact that you end up with a transportation problem; that is, required to travel to a distant city to hear or defend the litigation or the charges that have been brought against individuals in this case. There's a further trauma added to this, Mr. Speaker. That, generally speaking, is the fact that you remove somebody from a rural area and force them into a large city where they have to familiarize themselves with that.

Bill 209, as the hon. Member for Fort McMurray clearly indicated, was the least intrusive way to attempt to deal with this manipulation of process. It embraces a formula, Mr. Speaker, that attempts to ensure a fairness. For example, if there's land involved, the litigation should start in the judicial district where the land is located. If it's a motor vehicle accident, the court proceeding should start where the accident occurred. If it's a custody or a matrimonial situation, it should start where the family lives. It's a fair and reasonable proposal. It's a proposal that does not disadvantage any party.

It also includes in the Bill, Mr. Speaker, a process where if in fact one of the parties feels that they are aggrieved because the commencement has started in a jurisdiction that is not fair, they can apply before the court or look for a court order requiring the transfer to an appropriate judicial district.

So there are benefits to ensure that fairness persists and prevails throughout. I would suggest that even the foggiest of minds in this House have certainly experienced manipulation that occurs within the court system. We've seen it in the selection of judges on occasion or court dates. One that is particularly easy to address, I would suggest, Mr. Speaker, is the location of the hearing.

Again, Bill 209 attempts to capture fairness and a reasonable access to the courts. I have listened to the critics of this Bill, Mr. Speaker, and to the best of my ability I can see that the opposition clearly exists simply because it has been proposed by the Liberals. I listened very intently, as you know, and I have not found a criticism that is based on the merit. One member from the side opposite indicated that this Bill is not worth framing, and I would suggest that it is a very quality piece of information, and the hon. Member for Fort McMurray should be very proud of introducing this as his first Bill. I would suggest that it certainly is worthy of framing. It unfortunately will not pass or fail on merit, and I think that's very unfortunate.

3:10

I would have to ask all members in this House, particularly the rural members, and they would have to ask themselves why they would be in favour of continuing to let a process be ongoing in their constituency that clearly disadvantages their constituents. Specifically, I would identify the rural women of Alberta as being one of the largest groups that is disadvantaged by a lack of reasonable commencement of action in this province of Alberta. I would also have to ask all rural members in this House why they would not support their own legal community. Certainly this would give benefit, Mr. Speaker, to supporting the rural lawyers in this province. I have a large concern about the manipulation that has existed. As I indicated to you earlier, I have been privy to some of those cases that have come into my particular office to ask for assistance. I think it's very unfair and very unfortunate that through a quirk in today's present legal proceedings someone can be disadvantaged. Believe me, when you're into the marriage breakdown aspect of it, the last thing one needs is further pressure and further trauma in their lives.

So what we're asking for here in this Bill is fairness, fair access, and I think the Bill captures that very well. We have listened for amendments. None have been forthcoming. One has to conclude by that, Mr. Speaker, that the Bill itself as it stands, certainly the reading of it, is very, very good. We can rest assured and be very comfortable with the quality work that the hon. Member for Fort McMurray has put into this piece of legislation. If there were some shortcomings or deficiencies, I would like to think that the side opposite clearly would have pointed them out to us, being the open-minded group that we are. I'm sure the hon. Member for Fort McMurray would have been very receptive to any amendments or deficiencies or shortcomings that were identified in the Bill.

Mr. Speaker, I would ask all to give very serious thought to supporting this legislation. There are many rural MLAs on this side, more so on the other side. They will, by supporting this Bill, support their community and their constituents very clearly. When we look at those that are disadvantaged in the greatest proportion, I would suggest that the rural women of Alberta need this break, and certainly it will give them the benefit.

So with those comments, Mr. Speaker, I would conclude my debate, and I would call for the question on Bill 209.

MR. SPEAKER: Would the hon. Member for Fort McMurray like to conclude debate on this Bill?

MR. GERMAIN: Thank you, Mr. Speaker. I understand that there are two minutes left in the time allotted, and I want to use those two minutes to deal with only one issue that was raised by members opposite, and that is that there is a Rules of Court Committee that is supposed to be dealing with these issues and not the Legislature. Well, it is the Legislature that sets out whether

people will lose their land in foreclosures. It is the Legislature that sets out the law relating to motor vehicle lawsuits. The Rules of Court Committee has a very well-defined role to play once a court case has started. Their mandate with respect to those who hold a contrary view is to referee and regulate the proceedings after there has been a commencement. The issue of where something should commence is substantive legislation in the province of Alberta and should be dealt with on the floor of this Legislature. Remember, my friends, that the government has already seen the wisdom of this approach in the provincial small claims procedure, which already exists in the province of Alberta. Any constructive criticisms to this piece of legislation can be dealt with at committee stage. This piece of legislation helps rural Alberta, but it does not prejudice urban Alberta, and I urge you to vote on a nonpartisan basis for this legislation.

MR. SPEAKER: Having heard the motion for second reading of Bill 209, Commencement of Actions Act, all those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: Call in the members. Put them on the spot.

[Several members rose calling for a division. The division bell was rung at 3:16 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Havelock	Nicol
Beniuk	Henry	Percy
Bracko	Hewes	Renner
Bruseker	Jacques	Soetaert
Carlson	Kirkland	Taylor, L.
Chadi	Langevin	Van Binsbergen
Collingwood	Leibovici	Vasseur
Decore	Massey	Yankowsky
Dickson	Mitchell	Zwozdesky
Germain		

Against the motion:

Ady	Fischer	Oberg
Black	Friedel	Pham
Brassard	Fritz	Severtson
Burgener	Haley	Smith
Calahasen	Herard	Sohal
Cardinal	Hierath	Stelmach
Clegg	Kowalski	Tannas
Coutts	Laing	Thurber
Day	Lund	Trynchy
Dinning	Magnus	West
Doerksen	McClellan	Woloshyn
Evans	Mirosh	

Totals: For – 28 Against – 35

[Motion lost]

Bill 210**Workers' Compensation Amendment Act, 1994**

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

MR. DUNFORD: Thank you, Mr. Speaker. I rise to move second reading of Bill 210, the Workers' Compensation Amendment Act, 1994.

By way of introduction, Mr. Speaker, I would first like to commend the Workers' Compensation Board of Alberta for appointing Dr. John Cowell as the chief executive officer of the WCB. I've known Dr. Cowell for, I believe, at least 10 years, and I have a great deal of confidence in his ability to manage the affairs and the functions of the Workers' Compensation Board.

Having that confidence, however, doesn't preclude me, I believe, Mr. Speaker, from attempting through the amendments of this Act to assist the WCB in its stated attempt to remove its unfunded liability. I have some satisfaction as I stand in front of you today, and that is because some of the specifics of this Bill that we'll be discussing later have been part of my philosophy for quite a number of years. As a matter of fact, the first time I ever made a speech whereby I was a proponent of employees being assessed under a WCB program was in 1969.

3:30

MR. YANKOWSKY: You were young then.

MR. DUNFORD: A member is indicating that I was young then. I'm young now, and I'm still as tenacious about this situation as I ever was.

Despite all of the criticism that has been directed toward me for this particular proposal of an employee assessment, I want to say how I appreciate all of the support, however, that I've already received from across the province to at least have the courage to bring this forward. We'll deal with this in a matter of minutes.

Now, some people might say that only a fool will never change his mind, but I say that tenaciousness and persistence are values that are to be treasured. Therefore, I don't hesitate at all in still trying to get into play a piece of philosophy that I've had all these many years.

With the principles and some of the specifics of this Bill I've been accused of trying to destroy the WCB. I want to indicate to all the members present that that is the furthest thing from my mind. What I truly believe: if this Legislature were to adopt Bill 210 and put these amendments into force, rather than destroying a WCB system, we would alter a WCB system as we now know it, but we would ensure – we would ensure – that it is going to be part, then, of our worker/employer structure as we head into the next century.

I found some of the controversy that was raised over this particular Bill rather interesting. The question came up: was I representing a stakeholder in this particular area? I want to say to all of the members of this Assembly that I am not representing a stakeholder group. To me there is magic in the opportunity for a private member to bring forth an idea and now to have it fully debated and have a vote at the end of that particular debate. No longer is a government nor are Members of the Legislative Assembly able to simply dismiss a situation and let it die on the Order Paper. This will have to be dealt with, and for that I am particularly pleased. So I want to answer, then, to the critics at this particular point in time that it is this process that has the value and that we must bring these things forward. We must have them debated in a free and open debate so that members of this Assembly who have been placed in charge of leadership will have

an opportunity to decide for themselves and decide on behalf of their constituents as to whether or not Bill 210 should go to the committee stage. So I don't feel particularly concerned, embarrassed, or uncomfortable in bringing forward something that I have believed in for oh so many years.

The basic principles of Bill 210 are two. The first one, and the overriding, important one in my mind, is to assist the WCB with its efforts to reduce the unfunded liability. Many small business-people throughout this province talked to me in years past and have now phoned me with the presentation of this Bill. Unfunded liabilities are very, very scary to them. They need a workers' compensation system. They need this system to be operating effectively and efficiently for them, and unfunded liabilities are a danger to that continuing. The second principle of this Bill, and the one that I believe is most misunderstood – and it deals specifically with the employee assessment – is that workers will have more ownership in workers' compensation should this Bill ever go into law.

Now, I want to take the opportunity as quickly as I can to move into the specifics of the Bill, because I think that is the best way for me then to describe and, I hope, to solidify in your minds the principles. To deal with them in order: under section 2, a revision of the board of directors. Currently what we have is a situation where the board of directors of the Workers' Compensation Board will have three directors that represent the interests of the employees in this province. What I am proposing is to clarify that situation and to make it very, very specific as to where the appointment of these directors will come from and, I think, then by definition where their interests will lie. As you can see, the three directors would represent, first, a public-sector union, one member to represent a private-sector union, and one member to represent non-unionized workers.

Now, I think we can discuss in debate later, if we can get this to the committee stage, as to me showing a preference for two-thirds, or two out of these three people, being represented by unions when we understand and know that of the workers within this province two-thirds of them are not organized. However, I would submit to you at this particular point in time that where a union is present, you have a more formal structure, then, to provide opportunities for joint worksite health and safety committees, which I will talk about in a few minutes.

Under section 3, the seven-day deductible period. I would like to say that this has been the most controversial aspect of this Bill, but it isn't quite so. It certainly has created a lot of calls. Why I'm proposing a deductible period – and we can argue at some time, if you like, whether it should be three days, five days, seven days. My argument is that a short-term injury is not a problem of the Workers' Compensation Board. It is site specific. There is something wrong at that particular worksite, and as such I feel it is the responsibility of the employer and the employee, Mr. Speaker, at that particular worksite to deal with that situation.

There are many ways to deal with it. An employer could simply carry that employee for whatever period of deductibility we're talking about at full salary or at 90 percent or at half or whatever. Most employers in this province today already have a sickness and illness benefit package in place that handles short-term illness and injury, and it would be very simple to move that private system then into that deductibility period. What I'm saying, although I don't have the statistics here at my desk to prove this: I believe that if you went to this period of deductibility, you would decrease the expenditures out of the WCB system by as much as 30 percent. With a decrease like that, unfunded liabilities would simply become a scary little ghost that

we had in the early part of the '90s that we no longer have to deal with.

3:40

Section 4(a) is a reduction in the payment to 66 and two-thirds. That, ladies and gentlemen of this House, is simply a starting point. I believe that the level of payment has to be dealt with. I believe that there is an opportunity for injured workers under the current system to be actually away from work and gaining a financial benefit, and I don't think there's anybody – there's not a union, and there's not a worker, and there's not an employer, and there's not a politician – in this province who would stand and say that that is what we are trying to achieve in the WCB. What we are attempting to achieve is to prevent a catastrophic loss of earnings. So again I would say to you, and I would want it on the record, that the 66 and two-thirds, which lines up to the old UI system, is simply a starting point. I don't care whether it's 70 or 75. I don't care if it's 90. I don't care if it should be 95. I do care about the fact that it must be debated. Now, other jurisdictions are making some moves in this area: Manitoba and New Brunswick, to be specific. They are dropping there – again I don't have the notice with me – I believe to the 80 to 85 percent area.

Section 4(b) talks about \$10,000. If I could do this over, I would rewrite section 4(b), but I would want to keep intact the principle of a red flag. A red flag must go up at a point in time that is critical to the treatment plan for the injured worker. I have documents here. They don't cite the specific studies, but studies have shown and I know that intuitively we will all recognize that the longer a worker is separated from the workplace, the harder time we will have of ever getting them back into gainful and meaningful employment. So where I used \$10,000, maybe I should have used four weeks or six weeks, but at some point in time there must – there must – be an opportunity where the employer, the injured worker, the doctor, and WCB officials sit down and look at his treatment plan and say: "Yes, this is working. This is the proper treatment plan." If we don't do that, if we keep delaying or if we have a treatment plan that is not being effective, we're going to lose that worker. His family and he himself or she herself will then pay a terrible, terrible price that no WCB payment can ever account for. Interestingly enough, and hopefully quickly, why I would rewrite this Bill is that when workers read the Bill and it said, "to be reviewed," they read the black word on white paper to mean "cut off." I couldn't believe they would actually think that, but that's what they think. So we must make it clear that we're simply talking about a review.

Indexing payments. Well, everybody wants it indexed at a hundred percent, but we even see the socialist government in Ontario now making some moves on the indexing so that we don't have cost-pushed inflation. We can deal with that at committee level.

Now, I want to spend the rest of my time on employee assessment. There are at least five points that I want to make as to why you folks should agree with employee assessment at the WCB level. The first thing I want to say is that I totally reject a formula, as night follows day type of thing. Because there's an employee assessment does not mean – does not mean – that we give the employee the right to sue the employer. Something else would have to happen in order for that. I am not – I repeat I am not – suggesting that. As a matter of fact, I have said publicly and I'll now put it in the record that if to have an employee assessment meant that an employee could sue the employer, I would withdraw this Bill. I am not withdrawing this Bill, because I do not believe that that is a natural consequence.

Now, the five things that I think happen. First of all, the worker knows that he's covered by the WCB because he has the deduction on his pay stub. Two, he will be able to track how his employer and how his industry are doing in terms of health and safety, because over the months and years that assessment that he has been levied will fluctuate. So I believe that he has valuable information. Three, as he sees the fluctuation, and especially if it goes up, he now knows that he has a direct responsibility on his own take-home pay not only to be safe but to watch out for his peers, because he now knows that if something happens to a fellow employee, then something happens to his take-home pay. I believe that peer pressure – there is not a stronger motivational item in all of the world of work that is as strong as that. I think truly then we will start to have workers looking after each other.

Fourth. Now an employee can walk into an employer's office and say to Mr. Employer, "Look, I am paying for this as well, and I think it is time that we had a joint worksite health and safety committee." Now, this government – and I support this government – is unlikely to mandate joint worksite health and safety committees. I don't think mandated safety committees work, so I don't support them on that. But with the acceptance of this type of assessment, I believe that the worker who is paying into the system now has some ownership, and he can go to the employer and say: "Look, I am here to help you. The assessment's not only affecting you, Mr. Employer. When your assessment goes up, because I'm at some percentage of yours, mine is going up, and we don't like that. We can help you. We want to help you. The best way to do that is through joint worksite health and safety committees."

The fifth point. Remember I was talking about having that little session about the treatment? What happens now is that the injured worker is sitting there while all of these experts around him are making the decision on his treatment plan. He is sitting there, and these people are deciding his future. I believe strongly that if he is paying into the system and has ownership of the system, he can say, "Look, this is my life, and we're going to do it this way."

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

MR. BENIUK: Thank you, Mr. Speaker. I rise to speak against the principles of this Bill. May I start off by pointing out that in section 6 there will be a fee of about 40 percent to the employee and 60 percent to the employer of the employer's portion. It is crucial to note what this means to the social contract that has existed since the foundation of the Workers' Compensation Board: that employees do not sue their employers; in exchange the employers look after the injured workers in wage compensation and in rehabilitation. There is a note in the Canadian Manufacturers' Association Alberta News, March-April of 1994, part 5, which says – and I will quote here – that this

is possibly one of the most regressive bills ever put forth in Alberta.

Bill 210 would open up the possibility of employees suing employers for injuries suffered in the workplace and would place the responsibility for the unfunded liability, currently the fault of the government, in the hands of employees. This bill [will have] the potential to make the developing relationship with the stakeholders extremely divisive.

The former employer of the hon. member that introduced this Bill was very concerned.

3:50

If there are going to be lawsuits, then I would like to hear from the Minister of Justice what provision he has made for funds to be directed to the courts of this province to handle the court cases that will come forth. There are 37,000, more or less, people each year filing claims with the Workers' Compensation Board. There

are cases going back five, 10, 20 years. Some of these people have approached me, as they have other members of this Legislature, for help dealing with the WCB. They end up going into court. The hon. Minister of Justice should be pulled into this discussion to let us know how much it will cost.

Let us look at other provisions here. While the employees are going to be asked to provide 40 percent of the funds going into the WCB, they will be restricted as to benefits. It says here – this is part 3 – that they will not receive any compensation for the first seven days. Mr. Speaker, 44 percent of the people that filed claims with the Workers' Compensation Board in 1993 would have been excluded. They're going to be asked to pay, but they're being excluded. Forty-four percent. Now, in the first seven days there are a number of bills that come forth. There is the ambulance; there's the medical, doctors, hospitals, et cetera. Who is going to pay this? Is it going to be the employee, the employer, or Alberta health care? I would like to hear from the Minister of Health to see if she has made provisions for the extra costs that will be placed on the health system which now are covered by the WCB. It is crucial because a lot of the costs are front-end costs.

Now, this also brings forth the Minister of Labour, who is also responsible for the Workers' Compensation Board. In Bill 1 and Bill 4, which have been before this Legislature this session, there are user fees coming forth, Mr. Speaker. When you have a provision here that for the first seven days no compensation will be paid, who is going to say that the employee and the employer will not appear before a government body to try to resolve this before they go to the court system? User fees are going to be implemented here. We have to deal with this. I'd like to hear what the Minister of Labour, who is also, as I indicated, responsible for the Workers' Compensation Board, has to say.

This provision opens up an area of liabilities against employers which employers are not going to be comfortable with. It opens up provisions of bills coming forth that this Bill does not address. Who is going to be paying for them? The employer, the employee, the government through the health care system? Who pays for them? It is crucial. Forty-four percent – I repeat 44 percent – of the claims that were dealt with during the past year, 1993, at the WCB were seven days or less.

Mr. Speaker, there is a provision here in part 4(b) that says "upon the amount of compensation paid to a worker reaching \$10,000." The definition of "compensation" in the Workers' Compensation Act under 1(1)(d) is: "'compensation' includes medical . . . and vocational rehabilitation." Ten thousand dollars, Mr. Speaker. Ten thousand dollars. There is an article which appeared in the *Occupational Health and Safety* magazine, volume 17, number 4, January of '94. I'll just read one sentence here. This deals with the cost if one hand were lost. The loss of a hand "could cost the WCB up to \$75,000 a year for the next three years for lost wages, medical services and permanent disability costs." This Bill says that when it reaches \$10,000, automatically it goes to the services review committee to be reviewed.

We all know that there is a massive backlog before the claim services review committee. People have to wait for months: four months, five months. I am told that the number of claims has increased by 40 percent during the past few months. So people are going to wait. What happens? Do they get compensated during the waiting period? Are they totally cut off? This Bill does not address it. This is a crucial factor, Mr. Speaker, absolutely crucial. What happens to people who have legitimate injuries and cannot get compensation? I turn to the Minister of Family and Social Services. Do they turn to him? Has he made provisions for the costs that are going to be inflicted on the system by this Bill coming forth? We are taking the costs now being

carried out by the WCB with funds provided by the employers for the benefit of their employees and we are now going to go to other departments to pay for this.

Mr. Speaker, there is a provision here that 90 percent – I'll read the exact section, 4(a): "in subsection (5) by striking out '90%' wherever it occurs and substituting '66 2/3%'." The implication is that 90 percent – at least I believe this is the implication – is the total wage a person makes prior to injury. In actual fact there is a formula that is used at the WCB. It is 90 percent of net, and the net is calculated to take into account normal costs and some other costs. So it's 90 percent. There is no compensation – no compensation – for pain, for suffering, for anything other than wage supplements to assist people for the wages they are losing and also for rehabilitation. There is no compensation for pain and suffering the way there is in a normal lawsuit if you're injured.

So this 90 percent is not a bonanza. The 66 and two-thirds is definitely not exactly something the employees will be happy to accept considering that now they're going to be asked to pay 40 percent of the total bill coming into the WCB. We must remember, Mr. Speaker, that the amount of money that comes into the WCB is determined by the WCB. They set their own rates. They charge various companies what they feel. In sectors of those industries it is their decision, and there is no appeal right now out of that system. Under this Bill there will be no appeal. There will be ability for employees to sue employers, but there will not be a provision to appeal. So what an employee will be paying, 40 percent of the employer's portion, will vary from industry to industry without those employees having any right of appeal of that amount. Yet they are going to be provided with very little in compensation. Forty-four percent automatically. We get nothing. Those that do after \$10,000 have to endure the humiliation of having to either go without, turn to social services when they should be getting compensation from the WCB.

MR. CARDINAL: We put them out to work.

MR. BENIUK: Pardon? I didn't hear what the minister said. Something about work. [interjections]

MR. SPEAKER: Order please. The debate is through the Chair, not between hon. members.

MR. BENIUK: Yes. I agree, Mr. Speaker. I agree. I would just like to point out to Mr. Speaker that while the Minister of Family and Social Services says he'll try to get him a job, he's overlooking the fact that they are injured and therefore are getting therapy, rehabilitation. So they cannot work at the present time even if he would be so kind as to give them a job. They are injured, and that's why they are on WC. [interjection]

4:00

MR. SPEAKER: Order please. The hon. member will have to learn that there is a certain amount of chitchat that has to be ignored. All hon. members have to undergo that.

MR. BENIUK: Yes. I thank you for your advice, Mr. Speaker.

The problem at WCB, the hon. member who presented the Bill says, is a massive unfunded liability. I would like to point out to the hon. member that in this House in this session the minister responsible for the WCB rose and said – and correct me if I'm wrong – that during the past year at WCB they have reduced the unfunded liability by \$200 million. Mr. Speaker, I believe it was the president and chief executive officer, Dr. Cowell, who shortly after that said that it has now gone up to \$300 million that they

have reduced it by. In actual fact, over half of the unfunded liability has been wiped out in a year or just over a year, so the hon. member's concerns about the unfunded liability can be diminished by these figures.

Before I was sidetracked here with some comments across, I would like to just go back to a point I started to make. I pointed out that the WCB sets its own rate for how much money it raises. Employees, by this Bill, will be required to pay 40 percent. That amount comes out to employees and employers having to pay a total of half a billion dollars. Forty percent of that is \$200 million, Mr. Speaker. That's a lot of money to take from employees and then turn around and tell them that what they're getting is virtually nothing, in the case of 44 percent, and in the remaining 56 percent, \$10,000. Then you have to fight to get extra compensation. Compensation, I repeat, includes medical and vocational and not only wage compensation.

Mr. Speaker, the fundamental problem, if I could point out, at WCB is not addressed in this Bill. It is the fact that there is no uniform provisions for how compensation is paid out. Two people injured at the same worksite with the same injury can appear at the same time before two different people at the WCB: one gets rejected and the other gets the Cadillac treatment. That is a problem.

The other problem, as addressed in the Horowitz report, which has been raised over and over again from this side of the House is the fact, Mr. Speaker, that when medical reports are provided, right now the WCB can selectively choose the report it wants to use. Under the provisions of the Horowitz report, three independent people who have never before looked at that file would take a look at it, all the medical evidence, and use their impartial judgment, which will be binding on all sides. This will remove a lot of the appeals that have been going on for 20 years because the employees will realize that they are being treated fairly. When you have five, 10, or in some cases, believe me, 15 or 20 medical reports and one is chosen, you're bound to have appeals, because it shows that in the opinion of the injured worker they are not being treated fairly.

The Bill does not address the fundamental problems, which can be addressed very easily. I realize that the member who presented this Bill did so with sincerity, and I accept that. I do believe, though, that it would be to his advantage and the employers and employees of this province that if he had brought forth a Bill that had addressed the basic problems at WCB, without creating many more problems – like, I made a reference to the legal system, which is going to be impacted. I made a reference to the Health department, which will be impacted. Maybe the minister will be so kind as to explain how the first seven days are going to be handled when employees are injured and they're not covered by WCB. Perhaps the Minister of Labour will respond. Perhaps other ministers will be able to respond to explain how their departments are going to be impacted by this so that we on both sides of the House will be able to have a better view of the implications of this Bill.

Mr. Speaker, I urge all members not to support this Bill.

I should mention that there was one item here which I didn't refer to. He made some comment here about how people are appointed to the board of WCB. My understanding, from having talked to a number of people, is that the actual members on the board have very little power. The real power is in the president and chief executive officer, followed by some power in the chair of the board, but the members of the board, from my understanding, really don't have some powers. If there's going to be a structural change, let's make it into a more democratic structure with more input from workers and employers. I have no prob-

lems, but I don't believe this addresses the full issue. It helps, but it definitely does not change what is happening at WCB.

The injured workers and the employers of this province are very, very concerned. I know that I have received many phone calls from many parts of this province expressing – how can I put it very mildly? – great concern over the implications to workers, to employers, to all Albertans. We are dealing with an entity whose assets are \$2 billion, whose income every year is half a billion dollars approximately, and now we are being asked to reduce the benefits to employees, to give them a bill that will be around \$200 million a year, 40 percent of half a billion. It doesn't make any sense, Mr. Speaker. If it's driven by the unfunded liability, I would like to remind everybody in this House once again that the minister himself said that that unfunded liability was reduced by \$200 million, and as the present chief executive has said, it has been reduced by \$300 million. We're halfway, actually over halfway, through the unfunded liability that is the concern of the hon. member. So the main purpose, if I understand correctly, of bringing this Bill forward is evaporating.

So I urge all members to vote against this. I know many of my colleagues are very anxious to rise and express their opinions.

I thank you.

MR. SPEAKER: The hon. Member for Cypress-Medicine Hat.

DR. L. TAYLOR: Thank you, Mr. Speaker. I would like to stand and speak in favour of the principle of Bill 210, sponsored by my colleague from Lethbridge-West. This is a time for change; it's not a time for status quo, like the Member for Edmonton-Norwood wants. We must have change. It's time for a new direction, Mr. Speaker. We must argue for new ways, not old ways.

Mr. Speaker, Bill 210 is an attempt to modernize the Workers' Compensation Board. The operation of the Workers' Compensation Board has not changed over the past 76 years, although there have been many changes to the workplace in that time. That's why I'm surprised the member opposite is arguing for no change. I suppose it's a typical Liberal position: no change, no change, no change; status quo, status quo, status quo.

MR. SMITH: Spend, spend, spend.

DR. L. TAYLOR: Spend, spend, spend; tax, tax, tax: a typical Liberal position.

Unlike the early 20th century the workplace of the 1990s has better educated, more specialized workers. We have come a long way in improving the safety of the worksite, Mr. Speaker. Employees, employers, and government agencies such as the WCB and occupational health and safety have worked together successfully to increase injury awareness and injury prevention. I know that in our own construction company when we have workers working with us and for us, we go through a deliberate safety training program.

One of the things we teach them is to not walk under a loaded forklift. For instance, if you've got to lift the plywood up in the air on a forklift, you don't walk underneath it. Unfortunately, it doesn't matter how much you try and teach people that and explain things to them; they still walk under the forklift. We had a case last year where a person did that, and the plywood fell on the individual. He's injured and has unfortunately not been able to return to work. What this Bill does is address situations like that by making the worker more responsible for some of his own safety, making the worker responsible to observe what's going on in the jobsite.

I do believe, however, Mr. Speaker, that the WCB is an important institution in this province. Any debate over the future direction of the WCB is quickly overtaken with emotional arguments. Witness the opposite side: emotional arguments. However, this is an important issue for workers in Alberta and must be looked at from a logical and intellectual perspective as opposed to an emotional one. People who suffer injuries while at work face a loss of income and high medical expenses. Without the WCB benefits many families would find themselves in very difficult financial situations quite quickly.

4:10

Now, I want to be very clear. We, I in particular, are not advocating the elimination of the Workers' Compensation Board. Workers need the insurance it provides, but – and this is a very important "but" – employers also rely on the WCB for protection. Small business is where much of the economic growth is coming from in the 1990s and where the job market is going to grow. In fact, we expect to create 110,000 jobs in Alberta, mostly in small business. We have to promote this type of industry; we have to promote small business. If the Workers' Compensation Board was eliminated, workers who are injured at work would be quick to bring lawsuits against their employers. A lengthy court battle would not benefit either party, either the worker or the business, and the costs of additional liability insurance would be too much for many small businesses to afford.

Having said that, I feel that the initiatives brought forward by Bill 210 deserve discussion in this Assembly. Bill 210 does not – we must repeat, does not – abolish the WCB, but it does change the operation of the board and allows it to modernize its operations. It's high time it was modernized. It's time for change in the WCB. Bill 210 recognizes the fact that employees should take more responsibility for their injuries. The Meredith principle, developed in 1915, has placed 100 percent of the liability for . . .

MR. HAVELOCK: Is that Meredith Burgess?

DR. L. TAYLOR: No, it's not Meredith Burgess, hon. Member for Calgary-Shaw.

. . . worksite injuries on the employer. As I've stated earlier, that certainly isn't the case. That's simply not fair in the 1990s or isn't realistic.

I mentioned earlier that workers are better educated today. They are more aware of the environment they work in. They have been given safety courses, and they are able to decide for themselves the safest way to conduct their work as an employee. They have to decide which is the best way to conduct their duties, which is the safest way for me to do this particular thing. For that reason, I think it is time for the employee to take some of the responsibility for an injury. He is responsible. I don't say full responsibility because employee safety is not the full responsibility of any single person. It is the joint effort of the job site milieu.

Employee assessments would force many employees to be accountable for their actions on the worksite, and we must have accountability. That's what this government is about: accountability. It would be fair for employees in high-risk occupations to pay higher assessments. In most cases these workers in high-risk occupations are better off than others in less dangerous occupations. They're paid more, so why shouldn't they pay more in premiums?

I think the workplace has developed to a point where we can begin to implement more employee responsibility. Employee contributions to the accident claims fund deserves the consideration of this Assembly. Why should it be the employers' responsibility only to pay for the . . .

Point of Order

Questioning a Member

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

MS LEIBOVICI: No. I'd like to know if the member would entertain a question.

DR. L. TAYLOR: No, thank you.

MS LEIBOVICI: Was the answer no?

DR. L. TAYLOR: Yes. No.

Debate Continued

DR. L. TAYLOR: As I was saying, the employee must make contribution to the accident claims fund, and we as an Assembly should be considering this.

Bill 210 addresses the benefits paid to an injured worker by implementing a seven-day waiting period to collect benefits and reducing the benefit level to 66 and two-thirds percent of the salary. Once again, it's an incentive for the worker to be safe on the jobsite. If he knows he can't collect benefits for two weeks, he won't be in a situation where accidents may happen. If he knows he can only collect 66 and two-thirds percent, he will be more careful to make sure accidents don't happen. By implementing this waiting period, many workers who have minor injuries – minor injuries – will be encouraged to go back to work.

Many Albertans who have concerns about their WCB benefits have said that people who miss one or two days of work are often able to continue their job duties with little discomfort. I know of a particular case where some young fellows just out of university, working on a construction site in the sun, got badly sunburned. They came home and explained that their foreman, a union man on the jobsite, had explained to them that because of their bad sunburn and because it happened on the jobsite, they could then take three or four days off and get paid by workmen's compensation. Now, fortunately, the father in this case had enough sense to put Solarcaine or something on the boys and send them back to work the next day, but in many cases that doesn't happen.

Quite often claims for benefits under a week are more of a specific problem with a specific employer or a specific employee, not a problem with an entire industry. Having said that, I think we could look at other provinces to see how they implement the waiting period. For instance, Quebec has a 14-day waiting period. I think we should study this type of model. It does not harm the worker but puts responsibility on specific employees and specific employers, not a whole industry.

Bill 210 will reduce the benefit level paid to workers. I think we can reduce the level of benefits paid. Perhaps we should look at the level currently suggested by Bill 210, and that can be done at the amendment stage. There are jurisdictions that pay lower than our current level of 90 percent. I personally find 90 percent excessively high. New Brunswick pays 80 percent, for instance, for the first 39 weeks and 85 percent after that. New Brunswick seems to be a model held in high regard by the members opposite. They're constantly quoting New Brunswick. Perhaps it's time we should look at the benefit level.

Turning to the review process outlined in Bill 210, it is an important improvement to the Workers' Compensation Act. It requires review of the case at a set level: \$10,000 of benefits paid. It is certainly necessary to do this. We cannot continue on paying benefits constantly with no review. Bill 210 requires that

an employer receive notice of the review so that he may participate. Many times in some of these cases where the benefits are mounting up, employers have some good information and some good knowledge that they can contribute, but they're never asked. This is very important: to talk to employers. However, we must realize that Bill 210 will not give employers control over case management, but it will bring together the employer, the employee, and the WCB so they can discuss the best future course for the claim. We must get all parties involved in these discussions, not just a few of them or not just one or two of them.

Given that employees are more specialized than ever before, employers have a vested interest in that worker returning to work as soon as possible. I know in our own particular case that I mentioned earlier, we had to go and train somebody else, and it cost us money and job dislocation in terms of getting somebody else trained. It would have been much better if this individual could have come back quickly and easily, much better for him and much better for us, the employers. Everyone should be at the table to offer alternative actions on their part to assist the employees in returning to work. I believe most employees want to return to work.

In conclusion, Mr. Speaker, I would encourage members of this Assembly to support the principles of Bill 210 and not vote with the negative doomsayers on the other side. I do not think we should shy away from debating the future of the WCB. Earlier this session we debated a motion that would have changed the mechanism by which WCB made policy decisions. While I personally didn't agree with the motion, it proved to be a good debate. I look forward to the rest of the debate on Bill 210 and hope we can pass it to the committee and discuss it line by line.

Thank you very much for your time, Mr. Speaker.

4:20

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

MR. YANKOWSKY: Thank you, Mr. Speaker. Why is it that some goals excite us while others don't? Worthy goals can excite us, and worthy goals are characterized by the fact that they benefit everyone. They harm no one; there is no loser.

Well, when I look at the Bill before us, I don't see a worthy goal. I don't see a benefit here for an injured worker or his employer. The only benefits forthcoming if this Bill should pass – and I certainly hope that it's defeated – are for WCB and this government. I see a benefit here for WCB, as this Bill is intended for the purpose of reducing board spending, thereby allowing the board to pay down its unfunded liability. I see a benefit here for the government in that this unfunded liability is no doubt of concern to this government. But the unfunded liability should not be balanced on the backs of injured workers. By paying down this liability, will the government then apply it to its total deficit reduction figure for this year?

Now, what about this Bill benefiting an injured worker or his or her employer? Well, it's difficult to find any benefits. In fact, Mr. Speaker, the Canadian Manufacturers' Association has termed this Bill as one of the most regressive they have seen. Why a Bill such as this was even brought forward leaves one shaking his head. Possibly, as someone has said, it's someone's pet rock, so it was allowed to proceed.

[Mr. Deputy Speaker in the Chair]

Let's look at the scenario of an injured worker named Joe. Joe, a power lineman, had to be resuscitated back to life when he came

in contact with an energized high-tension power line while doing some hot-work repairs. The contact with the power line left Joe with severe burns to his one hand and both feet, the points of entry and exit of the electricity. Joe is resuscitated and rushed to hospital, where his immediate needs are looked after.

Joe begins his recovery and comes face to face with reality when he learns that his benefits will be under the newly amended WCB benefits Bill. Joe learns that he will not receive benefits for the first seven days. Joe wonders who will pay his hospital and doctor bills. Will he have to, will his employer, or will it be downloaded onto Alberta health care?

Joe also learns – and this is not going to help his recovery any – that his compensation benefits have been reduced to 66 and two-thirds percent of his salary instead of the 90 percent previously. Joe wonders if he'll be able to meet the needs of his family on such a small amount of compensation.

He further learns that when he has received \$10,000 worth of WCB claims, his benefits will be reviewed. Ten thousand dollars is what Joe was earning every three months. Again Joe wonders: will they review my file and cut me off whether I am able to go back to work or not? This really worries Joe.

On top of all the bad news he's already heard, he is also informed that if he indeed has to be on WCB benefits for a long time, a cap has been placed on inflation adjustments to his benefits to keep them in line with the consumer price index. Adjustments to Joe's benefits will be limited to a maximum of 60 percent of the rise in the consumer index. By now Joe is ready to give up and die.

This story of Joe, Mr. Speaker, is not a figment of my imagination. It will be real if this Bill passes.

Now, let's turn our attention to Joe's employer. What changes can he expect if this Bill passes? The employer, on the one hand, will be happy because his employees, including Joe if he returns to work, will be paying 40 percent of his share of the WCB premium. On the other hand, he may not be so happy when Joe sues him for negligence. And why shouldn't he? The deal was that Joe would not sue his employer as long as he did not have to pay premiums. But now that Joe is paying 40 percent of the premium, that's gone. With Joe having suing powers, his employer will be forced to carry accident liability insurance. This he will view as an unnecessary extra tax and of course will pass the extra costs on to the public.

This Bill, if passed, would degrade WCB benefits to the lowest in Canada. Claimants forced off WCB and not having the money to hire a lawyer to sue their employer or WCB may be forced onto social assistance, something also that is undesirable when the government is trying to decrease the number of welfare recipients.

Bill 210 is bad in all respects. I urge all hon. members to give this Bill their utmost consideration and vote against its passage.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Deputy Speaker. I rise this afternoon to speak in favour of Bill 210 as sponsored by the colleague on my right, the hon. Member for Lethbridge-West. I don't think there's any doubt, having heard my colleague's opening comments, how he feels about this Bill or of his conviction of the need for change.

Mr. Speaker, any debate on workers' compensation tends to turn into a highly emotional issue. There isn't an hon. member amongst us who hasn't dealt with WCB matters in their constituency offices and isn't aware of how highly emotionally charged those dealings can be. This is an important issue to workers, and

I believe some type of insurance plan must be in place to assist those workers who suffer worksite injuries. Most injuries are serious enough that without WCB's benefit plan families would be placed in serious financial difficulty.

Mr. Speaker, the Workers' Compensation Board is an arm's-length corporation that has existed in this province since 1918. Does that mean that it need not change? Its operations are based on the Meredith principle, named after the former Ontario chief justice credited with developing the concept. The Meredith principle maintains that employers shall pay into an industrial accident fund for employees. Employees could receive wage compensation from the fund if they are injured, but in doing so, they would waive the right to bring legal action against their employer.

The Workers' Compensation Board has worked quite well in the past but is now looking at an unfunded liability of approximately \$448 million for the year ended 1993. I must say that the unfunded liability is not due to mismanagement of the WCB operations. Assessment rates for employers were frozen from 1982 to 1987 to allow businesses to adjust to the economic pressures created during the last recession. In 1983 the WCB had an unfunded liability of \$173 million. With assessment rates but not benefit levels frozen for the next five years, the unfunded liability of WCB had grown to \$367 million. In 1990 a legislative change transferred \$165 million in pre-1974 pension liabilities to the WCB. From 1988 to 1992 administration costs at the Workers' Compensation Board rose sharply, as did the number of work-related accidents. By August of 1992 the WCB's unfunded liability had peaked at approximately \$643 million.

Mr. Speaker, I acknowledge that the WCB has a plan in place to reduce administration costs and that it proposes to eliminate its unfunded liability over the next five years. That is a laudable effort by the WCB's board of directors. But I believe that Bill 210 addresses the future of workers' compensation and not just the current liability.

It's been 76 years since Alberta created the Workmen's Compensation Board and adopted the Meredith principle. I think it is time to look at modern times and decide whether the Meredith principle applies in today's workplace. The Meredith principle developed during a time when industrial accidents were a fact of life. There was little education by government or employers as to worksite safety, but that's changed over the past 75 years. Employers and employees are working together to reduce industrial accidents and worksite injuries. Government, through the Workers' Compensation Board, is working with industry to educate workers so industrial accidents become the exception to the rule.

4:30

There will always be some worksite injuries. We would be naive to think otherwise. But it is time to realize that our work force is more educated than before, more specialized than before, and knows much more about the job at hand than the workers of the early 20th century. We can no longer just assume that injuries are the employer's fault. The key here, Mr. Speaker, is that employees have to begin to accept some responsibility for their actions on the jobsite. The Workers' Compensation Board represents an insurance system where the employee is prevented from accepting any responsibility for his actions while at the workplace. It is a system that automatically places 100 percent liability on the employer. This is no longer a viable system of workers' compensation for the next century. We must not be afraid to review the entire compensation system.

Putting some responsibility on the employees for their injuries is not an unreasonable idea. Governments over the years have

eliminated most personal responsibility of society. We've just recently debated things like the Young Offenders Act and whether or not the Bill of Rights is in fact doing the right job. Overgenerous social programs have taught people to look to government for help first, rather than looking to their family or community. Governments have taught people that their circumstances are not their fault, and governments have encouraged people to take less and less responsibility for their own actions. This attitude has to change, and I'm happy to be part of a government that is working to change the atmosphere where that mind-set can flourish. I feel that this same philosophy of highlighting personal responsibility can be extended to employees and the Workers' Compensation Board.

I see Bill 210 as an initiative to modernize the WCB's operations. It promotes a more co-operative approach between workers, employers, and government agencies. Section 2 outlines who sits on the board of directors to ensure that all workers – union and non-union, public and private – are represented. As an arm's-length corporation the WCB does not answer directly to this Legislature. Section 2 ensures that all workers' interests are represented.

I also feel that section 4 promotes co-operation. Section 4 calls for a review of the case once it has reached \$10,000 paid out. Employers are given notice of the review so that they may input into the future of the worker's case. I realize that cases may be reviewed under the current Workers' Compensation Act, but Bill 210 is more proactive or uses a more proactive approach. Opposition to this Bill says that employers should not have the right to control the cases. Bill 210 doesn't give employers that control. It does create a forum where workers, employers, and the WCB can sit down together and come up with the best solution for the injured worker.

Mr. Speaker, I do think the changes to benefit levels will allow the WCB to eliminate its unfunded liability even faster. We should reduce the debt as soon as possible so that the WCB gains control of its future once again. No one can predict when we will see another dramatic increase in claims, as we did in the mid-80s. Reducing benefits to two-thirds is not unreasonable. Implementing the seven-day waiting period is also reasonable. We want workers with minor injuries to be at work, not collecting benefits. Workers with serious or painful injuries will not be forced back to work sooner because of it, but the waiting period will reduce the number of small claims caused by injuries that are based on discomfort rather than pain.

Mr. Speaker, I would conclude by saying that it's time to review the mandate of the Workers' Compensation Board. The Meredith principle has remained untouched for over 70 years. I think that as we approach a new century, we should let the WCB evolve into a corporation that serves injured workers but keeps the interests of the employers and the business owners in balance with the needs of those workers.

Thank you very much.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I can only shake my head at some of the rationale and reasoning that I've heard from the members for Calgary-Egmont, Cypress-Medicine Hat, Lethbridge-West. I just don't I guess get it in terms of what the government members are talking about. They keep talking about industrial accidents. Do you not realize that you are covered by WCB, and that, God forbid you should hurt yourself walking up these stairs to the Legislative Assembly – maybe it's because your

skirt's too long, Madam Minister of Health. Maybe it's because you tripped on the cuff of your pants. Maybe when you're driving from one constituency to your meeting, you happen to have a car accident, and God forbid something should happen there, but maybe it's because you didn't watch where you were driving. Maybe you run into a constituent that isn't too happy with you, and maybe – God forbid something should happen there – that's because you've gotten them angry at you. It's your responsibility, and that's exactly what these members have been telling you.

Let me just say one other thing. When you talk about industrial accidents, the people who are guarding this state, in terms of the police force and the fire fighters, are also covered by WCB. Does that mean that when they go out and protect your home and your business, it's their fault they get shot? Because that's exactly what you've just said.

Now, I want to get to some facts in terms of what WCB is about and what the Meredith principle is about. When we look at a recent Supreme Court decision that was in 1989 – this is not 1917 or 1913 we're talking about, but 1989. The Supreme Court upheld the principles of the Meredith principle, and there's a very simple fact for that. The fact is that this is a business deal. This is good for the employee, and this is good for the employer.

The other fact is that I do not think the hon. member, whom I must congratulate for sticking to his convictions – unfortunately, even the best of us have to admit when we are dead wrong. In terms of the actual stakeholders who are involved, I don't think we've heard one person, one member in here indicate that there is any support from any stakeholder group. I would challenge the member to bring that forward. When you can have Bob Saari of the Canadian Manufacturers' Association say that this is the most regressive Bill ever put forward in Alberta – and we've seen a lot, and we have yet to debate on some of those Acts in this particular Legislature – I would think that would tell this government something: that they need to sit back and really listen and not just do change for the sake of change. There are times that there is a need for certain items. In fact, this has nothing to do with changing WCB. It has nothing to do with the case management system at WCB.

4:40

Again the hon. member who has put this Bill forward – as one industrial relations practitioner to another, you know that this Bill has nothing to do with the actual operations of WCB. What it has to do with is laying blame, and this government is good at laying blame. It says that children are inherently bad and therefore they get into trouble. They're born bad. It says that seniors are inherently bad, so we need to cut off benefits. It says that workers are inherently bad, and therefore we have to get rid of WCB.

Point of Order Relevance

MR. DEPUTY SPEAKER: Calgary-Shaw is rising on a point of order.

MR. HAVELOCK: Yes. Thank you, Mr. Deputy Speaker. *Beauchesne* 459, relevance. While I appreciate the hon. member is somewhat emotional, I would ask that she stay on topic as opposed to treating us to one of her typical vitriolic diatribes.

MS LEIBOVICI: If I might, Mr. Deputy Speaker, it is right on topic, because what I am talking to is the philosophy and the basic intent of this Bill, and that's what second reading is about.

MR. DEPUTY SPEAKER: Hon. member, it seems to the Chair's rather feeble recollection that at one time we made the comment

on private member's public Bills that a Bill sponsored by a member of the opposition did not make it a Liberal Bill and that a Bill sponsored by a government member did not make it a government Bill. So it's an awkward situation to then address the provisions of a particular Bill as being the government's intention or the Liberal Party's intention.

On that fine point of relevance, maybe we would ask you to continue with that in mind.

MS LEIBOVICI: I appreciate your guidance, but I guess it's hard for me at times to distinguish because of the intertwining of the philosophies between the government and the private member.

Debate Continued

MS LEIBOVICI: I think there are certain philosophies that are at work here. We've heard the rational ones, the ones that talk about cost savings, about paying down the liability and that this is really the primary reason for this Bill. Well, the liability is being paid down, and the only reason there was a liability to begin with was because of the government's inability to recognize that there were increases that were occurring in WCB that needed to be dealt with. So that's a mismanagement issue. That is not a reason to bring forward this particular Bill, because now, fortunately, it is being managed. What we are seeing at work here is the philosophy, the inherent conviction that it is somebody's fault that something happened so somebody has to pay. Unfortunately, when it comes to WCB, it is not always somebody's fault. It is sometimes just happenstance that you happen to be in the way of a bullet or that you happen to be at the scene of a fire or that you happen to be dealing with a constituent who doesn't like what you are saying. So those are the realities in terms of the situation we are dealing with right now.

Now, when I think about some of the particular comments that another individual made – well, no. I'm going to stay away from that actually. What I'm going to talk about is the fact that we have provisions within this Act that are regressive, to say the least. What those provisions talk about is looking at rolling back from 90 percent to 66 and two-thirds. The provisions also say – and this is all based on the fundamental belief that it is somebody's fault. It is the worker's fault that this has occurred.

The other provision that works hand in hand with that is that there should therefore be a penalty. Not only should you be penalized with regards to the amount that you are paid, but you should also be penalized with regards to the length of the period or when the benefit kicks in. And the benefit doesn't kick in the day after or the day of the accident. It kicks in seven days later, which is a week's wages, which maybe to some of the government members is not a lot of money, but to a lot of working people it is a lot. That week's wages will pay for food for their family or it will pay part of their rent or it will pay a car payment: that's what a week's wages mean to people who budget down to the penny. So if you take away that week, you may decide perhaps it wasn't the fault of the worker, but I see nothing in this Bill that talks about giving back that week's wages. All I see is the withholding of the week's wages whether it's the worker's fault or not.

So when you talk about that, I think you need to keep that in mind, that this is a Bill that penalizes. That's all that this Bill does. It does not change the workings of WCB. It does not change the way cases flow into WCB. It does not change the case management other than if you hit a dollar figure. It doesn't talk about the kind of injury you have and that perhaps assessments should be made on the kind of injury, whether it's the loss of a limb, whether it's paralyzation, whether it's a burn, whether it's

a nick to the finger. Those are all items that need to be looked at. What it looks at is only whether it hits that magic figure of \$10,000, and that's when you'll have a review board kick in. Well, before you get into the system is when the review should be made, and those are changes to WCB. This is not a Bill that talks about that.

The other items that you need to look at, in terms of changes to WCB and what this Bill talks about, is the fact that the original covenant, the original contract was that if I as an employee can receive benefits that will keep me and my family going until I can get back to work, then I will not sue you as the employer. That's the intent, pure and simple. It's a business deal so that the employer has a measure of security. The employer has a measure of understanding that they will not be sued, will not be dragged through court, will not give – as the government members, I know, will indicate – dollars to lawyers. It is a strict arrangement that if I get injured, if you get injured, there is no dispute. I will receive some form of salary, of continuance so that I can keep going with my life, so that I can then get back to work.

Now, you take that away. You take that contract away that was made between employees and employers. It doesn't matter if it was made a hundred years ago. Just because it was made a hundred years ago doesn't mean it's bad. Just because there are Ten Commandments that were made in the Old Testament doesn't mean the Ten Commandments are bad and we should change them just to change. So I think when we talk about what's right and what's good, then what we need to do is look at what the original intent of this was and the reason for this to remain as it is, because if you open the doors to say, "Fine; employees will now pay," then employees will sue. This will then become the province that can claim that we are the province that can boast of the Alberta disadvantage. I would like to know how many businesses are going to want to locate in Alberta. If they can go to Manitoba, if they can go to Saskatchewan, if they can go to British Columbia, why would they come into Alberta, where they're going to get sued? Why? Do we want to emulate the United States of America? Do you, if you are a small business operator, want to spend your time in court? That is what the problem is.

Now, I think there are a lot of other areas that definitely we can go into. I would hope the government members realize the problems that are inherent in this particular Bill and realize that it is not logical, that it is not supported by either business or the individuals, the workers in this particular province, and that this is a Bill that just penalizes. That is what the real intent of the Bill is.

I think what we need to look at is to be rational with our approach to WCB. There need to be changes made within WCB. The changes that are inherent in this Bill are not changes that will affect the workings of WCB. They are not, and if anyone in this room, in this Assembly, thinks that they will, they are fooling themselves and they do not know how WCB works. To change the benefit levels, to change the one day to seven days does not change the workings of WCB. It's as simple as that.

Thank you.

4:50

MR. DEPUTY SPEAKER: The hon. Member for Calgary-Currie.

MRS. BURGNER: Thank you, Mr. Speaker. I rise this afternoon to speak in favour of Bill 210, as sponsored by my colleague from Lethbridge-West.

[Mr. Clegg in the Chair]

Mr. Speaker, any debate on workers' compensation turns into a highly emotional issue – the last 15 minutes from Edmonton-Meadowlark are a clear presentation of that fact – but it is an important issue to workers. I believe that some type of insurance plan must be in place to assist those workers who suffer worksite injuries. Quite frankly, I don't see that there's any stepping away from that principle or premise or commitment in this Bill. Most injuries are serious enough that without the workers' compensation benefit plan families would be placed in serious financial difficulty.

Mr. Speaker, the Workers' Compensation Board is an arm's-length corporation that has existed in this province since 1918, and as has been discussed, its operations are based on the Meredith principle. The principle maintains that employers shall pay into an industrial accident fund for employees and that employees could receive wage compensation from the fund if they are injured, but in doing so, they waive rights to bring legal action against their employer.

Mr. Speaker, the Workers' Compensation Board has worked quite well in the past, but it is now looking at an unfunded liability of \$448 million for the year ended 1993. I must say that the unfunded liability is not due to mismanagement from the WCB operations but due to the fact that assessment rates for employers were frozen from '82 to '87 to allow businesses to adjust to the economic pressures created during the last recession. In 1983 the WCB had an unfunded liability of \$173 million. With assessment rates, but not benefit levels, frozen for the next five years, the unfunded liability of the WCB had grown to \$367 million. In 1990 a legislative change transferred \$165 million to pre-1974 pension liabilities of the WCB. From 1988 to 1992 the administration costs at workers' comp rose sharply, as did the number of work-related accidents. By August of '92 the WCB's unfunded liability had peaked at approximately \$643 million.

Mr. Speaker, just in that last series of information is a key factor in the need to reform WCB – and I think the Bill addresses it – that regardless of whether you freeze payments or whether you look at the economic realities, we continue to have a number of work-related accidents and they continue to have significant cost to the employment situation in Alberta, something that we must deal with if we are going to bring the Alberta advantage to full reality.

I acknowledge that the WCB has a plan in place to reduce administration costs and that it proposes to eliminate its unfunded liability over the next five years. That no doubt is a laudable effort on behalf of the board of directors. But I believe that Bill 210 addresses the future of workers' compensation and not just the current liability, and that, Mr. Speaker, is the key focus and something that has been overlooked in some of the debate we've heard this afternoon. It's not just a review of what's happened in the past that we must look at and a question of whether or not we have adequate compensation or whether we can fund the liability. The fact of the matter is that we have to look at the future of workers' compensation. It has been 76 years since Alberta created the Workers' Compensation Board and adopted the Meredith principle. I think it is time to look at modern times and decide whether or not that principle applies in today's workplace.

My colleague from Lethbridge-West spoke earlier about changes in the education of the work force and indeed changes on behalf of employers to take into account the workers that they have in their charge. We have a variety of different insurance policies – long-term disability, a number of private plans that employers and employees can interact with – and I think the fact that we have developed these other models of insurance is something that we should not disregard in this debate.

The Meredith principle was developed during a time when industrial accidents were a fact of life. There was little education by our government or employers about worksite safety, and that has changed over the past 70 years, to the credit of both employer and employees. Employers and employees are working together to reduce industrial accidents and worksite injuries. Government, through the Workers' Compensation Board, is working with industry to educate workers so industrial accidents become the exception to the rule.

Mr. Speaker, there will always be worksite injuries. We would be naive to think otherwise. But it is time to realize that our work force is more educated than before, more specialized than before, and knows much more about the job at hand than the workers of the early 20th century. We can no longer just assume that injuries are the employer's fault.

In making that comment, it's important to note that employees have begun to accept some of the responsibility for their actions on the jobsite. A key shift in how we interpret worksite injuries is that we are not simply looking at an employer who has been grossly negligent in forcing workers, in order to access the minimum wage, to put themselves at a high risk. We have significant environmental protection legislation. We have a labour relations Act. We have a number of significant documents which put onus on the employer to provide adequate care and responsibility. In addition, in contracts for employees who are members of unions we have regulations strictly addressing the issue of the number of hours they can work, when they need to have their shifts, how they work with assembly line routine. All of these issues address the fact that we have in place a number of processes which have addressed that very factor of trying to eliminate and reduce fatigue and a variety of problems that have led to on-site injuries and that the employer has taken significant responsibility for.

On the other side, we have employees who take time on their professional development, who don't accept employment unless they're wearing appropriate shoes and helmets, who use masks, who buddy, who do whatever it is they need to do to be safe on the worksite. We have had a tremendous shift in the working relationship on behalf of safety. It's important that we now look at workers' compensation as an Act to reflect those mutual and co-operative and in fact legislative responsibilities that have now been undertaken.

The Workers' Compensation Board represents an insurance system where the employee is prevented from accepting any responsibility for his actions while at work. It is a system that automatically places 100 percent liability on the employer. This is why the Meredith principle that has been discussed is such an issue, because we have a system wherein the employer is the only one responsible, and therefore protection from suit or liability is a key factor. We are so far beyond the issue of who should sue whom and on to safety in the workplace that it's time we revisit it. This is not a viable system of workers' compensation for the next century, and we must not be afraid to review the entire compensation system.

Putting some responsibility on the employees for their injuries is not an unreasonable idea. Governments over the years have eliminated most personal responsibility from society, and overgenerous social programs have taught people to look to government for help first, rather than looking to themselves for responsibility.

I can talk personally, Mr. Speaker, of an item that I reviewed in a negotiation contract, wherein the employer was asked to provide 100 percent full coverage on the off chance that the employee while on the worksite wearing some dress or clothing might get ink

on it or it might be damaged by mud. The employer would provide 100 percent replacement for that rather than have the employee say, "I work in an environment where my clothes might be at risk, and perhaps I should either wear a uniform or protect myself with an apron, or perhaps there's some reason that I should not bring my car to work." The way the negotiations have been going is that employees say, "It's the employer's responsibility to protect me in the work force."

5:00

We now have a shift in that, ladies and gentlemen, and I think it's recognizable that employees would like to have an opportunity to be more responsible. We have to shift from the fact that only the employer is responsible for any accident on the worksite. This attitude has to change, and I'm happy to be a part of a government as a private member that is working to change the atmosphere where the mind-set can flourish. I feel that this same philosophy of highlighting personal responsibility can be extended to employees and the workers of the compensation board.

I see Bill 210 as an initiative to modernize the Workers' Compensation Board's operation. It promotes a more co-operative approach between workers, employers, and government agencies. Section 2 outlines who sits on the board of directors to ensure that all workers, union and nonunion, public and private sector, are represented. As an arm's-length corporation the Workers' Compensation Board does not answer directly to this Legislature. Section 2 ensures that all workers' interests are represented.

I also feel that section 5 promotes co-operation. Section 5 calls for a review of the case once it has reached \$10,000 in payout. Employers are given notice of the review so that they may have input into the future of the worker's case. I realize that cases may be reviewed under the current Workers' Compensation Act, but Bill 210 is a more proactive approach. Opposition to this Bill says that employers should not have the right to control the cases. Bill 210 doesn't give employers that control, but it does create a forum where workers, employers, and the WCB can sit down together and come up with the best solution for the injured worker. Isn't that a novel approach?

Mr. Speaker, I do think the changes to benefit levels will allow the Workers' Compensation Board to eliminate its unfunded liability even faster, and we should reduce the debt as soon as possible so that the Workers' Compensation Board gains control of its future once again. No one can predict when we will see another dramatic rise in the increase of claims as we did in the 1980s or changes in the economy, and reducing benefits to two-thirds is not unreasonable.

I'd like to speak briefly about the implementation of the seven-day waiting period that I also believe is reasonable, and I just bring to bear at the discussion today that we want workers with minor injuries to be at work and not collecting benefits. Workers with serious or painful injuries will not be forced back to work sooner because of it, but the waiting period will reduce the number of small claims caused by injuries that are based on discomfort rather than pain.

I'd like to speak briefly on that issue because we're not discriminating against what type of an injury or the level of pain or tolerance that someone who has sustained an injury on the jobsite might have to endure, but we must look at what it means for an employer who has an employee that he knows has a claim that could potentially keep him out for two or three days. Instead of having any mechanism to sit down with the worker, talk about what already exists in their health benefit, find out what is the most effective way to bring that person the comfort they need so they can recuperate without enacting an incredible bureaucratic

system to keep it rolling, the employer must have a way to effectively deal and assist his employee without an administrative headache that can go on for months. I challenge anyone in this Assembly if they have ever calculated or worked on a workers' compensation claim, which I have done. It is no mean feat and should be reserved for the serious scrutiny that is required for injuries which effectively take the worker out for a longer period of time, but seven days as is recognized here is not an unreasonable process.

Mr. Speaker, I would conclude by saying that it's time to review the mandate of the Workers' Compensation Board. The Meredith principle has remained untouched for over 70 years. I think that as we approach the new century, we should let the Workers' Compensation Board evolve into a corporation that serves injured workers but keeps the interests of employers and business owners in balance with the needs of those workers.

Thank you, Mr. Speaker.

MR. ACTING SPEAKER: Thank you, hon. member.

The hon. Member for Edmonton-Roper.

MR. CHADI: Thank you very much, Mr. Speaker. Before I start my commentary this afternoon, please allow me for a moment to say that I have the utmost respect for the Member for Lethbridge-West. I believe that he had good intentions when bringing this Bill forward, but I have to express my concerns. This is a bad piece of legislation. It's a bad Bill. I would like very much to speak to why I think it is a bad Bill. I don't want to cast any light whatsoever from it being a bad Bill onto the Member for Lethbridge-West, because I do have that respect for the man.

To start off with, Mr. Speaker, the WCB is an insurance system that was put in place and the government was one that would be a steward for that system and nothing more than that. We don't pay any funds to the WCB for the premiums. The \$500 million that are collected annually that go to the WCB are paid for by the employers, not the employees. Indeed, \$500 million perhaps isn't enough, but we have a system now, a board of directors that is working very hard within the WCB to resolve the problem of the unfunded liabilities. Now, that is another issue, and I hope to get to it just in a moment.

The fact is that the WCB is getting better. We know that because there isn't any other board across Canada that was able to reduce that unfunded liability without decreasing benefits to injured workers. Now, that's got to be a feat in itself, Mr. Speaker. They're doing it. They're on course. There's a plan of action, and it continues to be on course. I applaud the WCB for its efforts in what it's doing.

There have been many times discussions on whether or not private enterprise would be able to do the insurance of workers better than what the WCB does. Well, I used to think that perhaps maybe they could. I've changed my mind somewhat on that, Mr. Speaker, only because when I started to think about it, I realized that there are high risks and low risks in the insurance business, and one may not be able to cover the other. What I mean by that is you have high-risk groups like pilots, miners, and others, and they will have to pay undoubtedly exorbitant premiums to cover those employees. Now, I'd say to you that the system that is within the WCB now is something that functions quite similarly to a mutual fund. Those funds are pooled, and they spread that risk amongst each other.

What's wrong with that? It has nothing to do with us. The only thing that the government has to be concerned with is the very fact that we have this unfunded liability that seems to be straddled around us, the government of the province of Alberta. The only reason that we have this unfunded liability is clearly our

fault. I mean, it's the fault of the government of the day. What happened was they froze the premiums in the early '80s and said: "You can't raise them any more. That's it." What they did was they meddled. They got involved, and they said: "Don't bother raising these premiums. You don't have to. You don't need to." Look what happened, Mr. Speaker. They got themselves into a huge mess. It wasn't because the WCB couldn't handle it.

Can you imagine the government meddling with all the major insurance companies and saying that they can't raise auto insurance? What would happen there if they went to General Insurance and said: "You can't raise any more auto insurance. It's just not right, and you don't need that money," or went to Royal Insurance or went to Guardian or any one of those major companies that are doing business in the province of Alberta today and told them that they can't raise it? What would happen to their unfunded liabilities?

I question how that would turn out. I really wonder, because I can tell you right now that insurance premiums are continually going up for car insurance and other types of insurances, home insurance for a reason. There's an increase in claims, and it's a type of increase that continues to happen. So all that the insurance companies want to do is to cover their losses. God forbid that they might make a buck at doing it, but they just want to cover their losses. I know in the province of Alberta with automobile insurance they haven't been able to do that. I'm not defending the insurance companies of this province or this country, but I'm just telling you that automobile and personal property have been ones that haven't been able to cover their losses. The only thing that's been making money for them is the commercial insurance business. It's the only part that offsets and maybe makes them a buck.

5:10

This Bill, Mr. Speaker, is one that introduces a fundamental change to the way the WCB operates, and I don't know why a fundamental change now when the WCB is in the process of healing itself. It doesn't make sense at all. Why are we doing that?

Another thing that comes to my mind is: why do we want to get involved in the first place? Why does politics have to play a role in the WCB? It ought to be an insurance system, as it was set out to be, funded totally by the employer. These are assessments that are paid for by the employer, and it's not a tax. It's not a revenue that we ought to meddle with in that system. Many times I've heard the Provincial Treasurer in this Assembly say that this is an insurance system and not a payroll tax. Well, I firmly believe that, me for the first time that I can remember in a long time agreeing with the Provincial Treasurer. He is right. That's exactly what it is. It's an insurance system and not a payroll tax. Therefore, we ought not to be involved in that.

[Mr. Deputy Speaker in the Chair]

I heard the Member for Cypress-Medicine Hat say – and I'm going to paraphrase because I can't recall the exact words – that no matter how much you teach people, they just won't listen. You teach them safety, and they're going to go ahead and do it anyway. They're going to do whatever it is to get themselves perhaps injured. He went on to say that if they had to pay premiums, why they'd be more careful now. I can't imagine somebody saying that. I can't imagine for the life of me, Mr. Speaker, somebody wanting to go and get injured. He used the comment that: you try to tell them not to walk under a backhoe when the bucket is up. I can't imagine somebody walking underneath that thing just to get injured so that they can go and

make an application for workers' compensation benefits. This is incredible. That's an incredible comment, and I had to mark that down, and I had to comment on it.

He says that the employees have to become more involved in their safety, and by paying insurance premiums themselves, they would become more involved in their safety. Well, I really question that one. I can only think of perhaps maybe when we all buy auto insurance. Does that make us that much more conscious of our safety? I mean, we all are, but accidents happen. There are accidents every single day. People get injured and people get killed on the highways of this province and on the highways of Canada and around the world. It's not because they wanted to; it's because it happens. It's not because they had bought insurance on that automobile that they were just a little more careful. No, I don't agree with that at all, and I would hope that hon. members in this Assembly on both sides of the House, Mr. Speaker, would take this Bill and not pass it.

I'm going to go on to section 20(2) of this Bill. It says that "the Board shall pay compensation to the worker in respect of every day after the seventh day following the day of the accident." It means that insurance would kick in after the seventh day. After one week the person gets paid. I wonder why. Why is it seven days? What on earth do we have to wait for? Why does an injured worker have to wait a single day before his benefits would kick in? I note that in automobile insurance – and one only has to relate it to automobile insurance because they're closely related. Insurance is insurance. The accident benefits that you're entitled to, you pay those whenever you buy automobile insurance. For everybody who has automobile insurance, it's an automatic. You get the liability, and the next step is your accident benefits, and that's what you pay. I think it's probably about \$30 annually for a private passenger vehicle, Mr. Speaker. That accident benefit pays you a certain portion of your earnings in the event of an injury while you're in the vehicle, while driving. That kicks in immediately. There is no seven-day waiting period. Why is it that we have to consider seven days in this case? I can't believe that we'd even put it in there. Why would you put in seven days for an injured worker? He loses a week or she loses a week.

We go on. Compensation will be reduced to 66 and two-thirds instead of 90 percent of the worker's net earnings. Why 66 and two-thirds? What possible benefit is that going to be for anybody? When an employer pays WCB premiums, that employer is covering his employees or her employees for their earnings. Now, if they get 90 percent of it, that's a pretty decent arrangement. I as an employer wouldn't mind. When I'm going to pay my premiums, I don't want to see my injured worker getting 66 and two-thirds percent. Why is it that government has to meddle in there and change what it is when I as an employer am paying the premiums? It's got nothing to do with the government. Why does the government stick its nose in here?

Another thing that concerns me greatly is the fact that there's no stakeholder support here. I've spoken to a number of people in business and labour, and I've spoken to people in the WCB. There isn't anybody that has come forward and said: "Hey, yeah, this is a good idea. Why don't we have the government change the way the WCB functions in this province? Why don't we consider doing something?" I wouldn't mind if I heard one person say that to me, Mr. Speaker. If I heard somebody in authority, either in WCB or somebody who is credible in the business world or in the labour field, come and say that this is a good idea and give me some good arguments why, I guarantee that I'll support this Bill. I will do whatever – whatever – industry and the stakeholders would like to see done. But in this case, nobody has come forward. They think it's a bad Bill. Therefore, I think it's

incumbent on all Members of this Legislative Assembly, including the person that introduced the Bill, to vote against this Bill and do the right thing. Politics has to be removed from the system. It has to be.

Each and every one of us here has had WCB claimants come to us. I'm positive of that. I know that I have, time and time again. It seems that all that comes into the constituency office are problems: problems with WCB, problems with social services, problems with areas that the government deals in and meddles with. So in this case why is it that we would want to get more involved in something? I think: stay away from it. Get out of the business of being in business. We keep preaching that. Not only members on this side of the House; we've all been preaching it: let's get out of the business of being in business. Let's get out of the business of the insurance business, because it doesn't belong to us. Leave it to the people it belongs to, and that's the stakeholders. The employers who pay the premiums and the injured workers will resolve their problems with the WCB and with the court systems in place to handle it.

Mr. Speaker, I'm now going to conclude, and I'm going to allow other members to speak. Thank you very much.

MR. DEPUTY SPEAKER: Okay.

The hon. Member for Olds-Didsbury.

5:20

MR. BRASSARD: Thank you, Mr. Speaker. There are many parts of this Bill that it is difficult to argue with certainly, and one would be hard pressed to reject it out of hand. I don't want to reiterate all of the points that have been raised here today, so I'm just going to touch on a few.

Bill 210 is indeed an interesting package of changes to the way the WCB operates. It doesn't take away from the board's ability to manage its own affairs, and it wouldn't allow this Assembly to grab control of the WCB. I think it's important that the WCB remain at arm's length from the government, independent of this Assembly. They do a good job of managing their affairs, and they do so without any money from the general revenue fund. They also have the second lowest assessment rates in Canada.

That doesn't mean that the proposals in Bill 210 would necessarily improve the WCB. The board's founding principles have undergone significant changes since it was created in this Legislature in 1918. The workplace has evolved over this time as well, and I agree that we shouldn't be afraid to study the evolution of the Workers' Compensation Board in the same context.

Bill 210 places more responsibility and accountability in the workplace on the employee. Given the modern workplace I think this is fair. Workers in the 1990s are better educated than the workers of the early 1900s, and many of them are highly specialized. They are aware of all aspects not only of their job but the environment that they are working in.

I also believe that Alberta workers are ready to take more accountability for their actions in the workplace. Employees and employers have worked together to create a better, more efficient workplace. They have worked together to create education and safety programs for employees to reduce the number and severity of worksite injuries. Maybe it is time to review the placement of full liability for workplace injuries on the employer, such as the Meredith principle implies. However, I do worry that a violation of the Meredith principle would open business up to lawsuits from injured workers. If we did proceed with Bill 210, I would sincerely urge the sponsor to clarify this point before we continued. We would not want to put Alberta businesses in a poor

position by opening them up to legal action every time one of their employees suffered an injury.

The second point of Bill 210 that I would like to discuss is the seven-day waiting period in section 3 of the Bill. Section 3 will attempt to reduce the number of frivolous claims to the WCB, and that is valid. Quite often claims are made for minor injuries that most people would work through with only a small amount of discomfort. I've always felt that the business should not be held totally accountable for this type of claim.

Other provinces do have waiting periods. Quebec has a 14-day deductible period where employees cannot claim benefits from the WCB, but the employer does cover the 14 days at full wage. Nova Scotia has implemented a three-day waiting period, but if the claimant is off work for more than 30 days he receives benefits for those three days at that point. I agree that we should study these two provincial models to see how we perhaps could implement a waiting period in Alberta, specifically the Nova Scotia model. Nova Scotia's model doesn't place the burden on either the employer or the employee if the claim is legitimate.

I also agree that WCB is essentially an insurance program paid for by others, and we need to have a benefit package that offers incentive to return to work as quickly as possible. But we should study the level of benefits received more than simply approving the 66 and two-thirds proposed in Bill 210. I agree with the concept of benefit reductions but would like to see the benefit a bit higher. The lowest benefit level in Canada is in Newfoundland. They offer 75 percent of salary for the first 39 weeks of the injury and 80 percent of the net salary after that. I think that our benefits should be more in line with other provinces and would be happy to propose a level of around 80 percent of the net salary during committee stage if this Bill does proceed.

Mr. Speaker, I think the review process in Bill 210 is also an excellent initiative, but claims can be reviewed under the existing Act at any time and employers have the option to attend. I do not see section 4 of this Bill as being more proactive, more co-operative than the existing mechanism.

Bill 210 ensures that all types of employees have representation on the board of directors. One director must represent the interests of a public-sector union, one must represent other unionized employees, and one director must represent the interests of non-union employees. I think this structure is designed to cover all employees in Alberta regardless of what their job is. If this Bill proceeds, I would ask that we should also consider the same type of delegation for the directors that represent the employers' interests on the WCB.

As you can see, Mr. Speaker, there are some aspects of this Bill that I do not oppose. In fact, I am in agreement with some issues that it presents. I sincerely appreciate the Member for Lethbridge-West bringing Bill 210 forward for consideration, and I respect the thought and attention given to its content. However, given the changes that have been implemented recently to the Workers' Compensation Board and in particular their success in bringing their unfunded liability under control, I feel that their program is finally on track. I thank my colleague for bringing this Bill forward, and I regret that I am unable to support it.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you. Have we time?

MR. DEPUTY SPEAKER: It's the understanding of the Chair that we have approximately three minutes left but before the three minutes fall, at the second minute the Chair would have to interrupt the speaker and indicate that at 5:30 p.m. we'd adjourn.

If you wish to move the question now, it would require, I presume, unanimous consent to move the question. Then we would move the question.

HON. MEMBERS: Question.

MR. DEPUTY SPEAKER: Okay. All in favour of moving the question on Bill 210 – this is not voting on the Bill but moving on whether we move the Bill – please say aye.

HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Opposed, please say no. Okay. Unanimous consent.

Would you wish to move the Bill?

MR. DUNFORD: Thank you, Mr. Speaker. I'd like to move second reading of Bill 210.

MR. DEPUTY SPEAKER: The hon. Member for Lethbridge-West has moved that we do now vote on Bill 210, the Workers' Compensation Amendment Act, 1994. All those in favour of this Bill, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: Defeated.

[Several members rose calling for a division. The division bell was rung at 5:28 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Burgener	Friedel	Lund
Dunford	Herard	Taylor, L.

Against the motion:

Abdurahman	Haley	Paszkowski
Ady	Havelock	Pham
Beniuk	Henry	Renner
Black	Hewes	Rostad
Brassard	Hierath	Severtson
Cardinal	Jacques	Smith
Carlson	Kirkland	Sohal
Chadi	Kowalski	Stelmach
Clegg	Laing	Taylor, N.
Collingwood	Langevin	Thurber
Coutts	Leibovici	Trynchy
Dickson	Magnus	Vasseur
Doerksen	McClellan	Woloshyn
Evans	Mirosh	Yankowsky
Fritz	Oberg	Zwozdesky
Gordon		

5:40

Totals:	For – 6	Against – 46
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[Motion lost]

[The Assembly adjourned at 5:42 p.m.]