

Legislative Assembly of Alberta

Title: **Tuesday, May 10, 1994**

8:00 p.m.

Date: 94/05/10

[Mr. Speaker in the Chair]

MR. SPEAKER: Please be seated.

head: **Government Bills and Orders**

head: **Second Reading**

Bill 20

Regional Health Authorities Act

[Adjourned debate May 10: Mr. Bruseker]

AN HON. MEMBER: Question.

MR. BRUSEKER: I do have some questions, Mr. Speaker. Continuing on and actually wrapping up my remarks from earlier today, one of the concerns I raised was the issue regarding regulations. In particular I just want to raise a concern regarding section 20(k) that talks potentially about user fees. My concern, I guess, with this particular piece of legislation is that it may indeed lead to a contravention of the Canada Health Act. One of the sections of the Bill talks about the possibility that the minister may make regulations with respect to charging fees for goods or services. Under the Canada Health Act, of course, one of the concerns there is that if we – we being the government in the province of Alberta – start charging a fee for services, we end up costing ourselves funds in transfer payments from the federal government. So I'm wondering if the hon. minister has taken that into consideration with respect to section 20(k) that deals with user fees. I'm hoping that when the minister speaks to that, she will address that particular issue because it is a concern that I did want to note and didn't have time for this afternoon.

Finally, Mr. Speaker, there is a section that, quite honestly, I'm puzzled by. Section 22(9) talks about the Financial Administration Act being amended, and I'm wondering if the concept here is to lead to some new kind of hospital. Honestly, I didn't understand that particular section. In speaking to a number of my colleagues, they were not clear on that particular section as well that deals with . . .

MRS. McCLELLAN: You should have tried this side, Frank.

MR. BRUSEKER: Perhaps I should have tried that side, hon. minister. That might have been a good suggestion. However, the concept mentions the Hospitals Act, the Regional Health Authorities Act, and I did have a question in that regard as well. So I'm wondering a little bit about where the intent is leading. I guess the question raised in particular in that regard is: does that lead to the concept of private hospitals, either for-profit or not-for-profit hospitals, and where are we going? And I guess in a sense, does that relate at all in any way to the private Bill – I forget the number right now – that deals with the proposed Gimbel foundation? Because it seems that there's a potential overlap between those two pieces of legislation. That's why I put that forward as a question to the hon. minister.

So, Mr. Speaker, I've put forward a number of issues. I see the time is running short, and so I will cease my comments there and look forward to a response from the minister in due course.

Thank you, Mr. Speaker.

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

DR. NICOL: Thank you, Mr. Speaker. It gives me pleasure this evening to rise to speak to Bill 20. I just have a small number of comments I'd like to make, and these basically surround the composition of the boards. This has raised a lot of concern in southern Alberta. The idea that the boards are going to be appointed rather than elected is really a concern. Even the eventual goal of having the boards partly elected and possibly partly appointed has still raised some concerns.

This ties back into the issue of the potential that the health authorities would have for requisitioning funds through local taxation initiatives. The concerns that get expressed in southern Alberta at the city and other municipal levels surround the idea that the initial board would possibly have the authority to levy taxation, and they're appointed, not elected. What we, in essence, have is a situation where the residents of southern Alberta, of Lethbridge-East, would be subject to taxation by people that they did not have any part in putting into the position of their authority. When we explained to them that this was a temporary initiative that would get the boards operating and that the intent is to have elected representation on there and possibly a mix of elected and appointed, they want to be sure that the result is an elected board at the end of this process. They are very concerned that even if there is a partial appointment to the board, those appointed members could be the balance of power that controls their local taxation. So they want to see that if it couldn't be done immediately, eventually a commitment be made to a very rapid transition to a position where the regional health authority boards are made up of elected representation.

We've had a number of meetings, and unfortunately there's another one going on in Lethbridge this evening which I would like to have gotten to, but we can't be in all places at all times. The main focus has to deal with the idea that as these boards get made up through an elected process – they feel that even with the conflict which is developing in southwest Alberta that basically can be summarized as rural/urban conflict, if they have the option to elect people, they will select people on the basis of their competence, based on their knowledge of the health care system and based on their appreciation for the need for a comprehensive health system to serve the entire region that the authority has mandated so that by an election process they will speak through their vote for the people they feel can best represent them and who they want to reflect their views in the health care system. So I would urge the minister that as Bill 20 is implemented and gets proclamation and becomes part of our program, this become a very strong commitment on her part to make sure that the elected boards become a thing we can count on in the very near future.

Also some concern has been expressed into my office and in phone calls that come both here in Edmonton and in Lethbridge concerning the user fee issue. Basically, there's a lot of confusion out there yet as to how the transfer of dollars is going to occur between regional authorities. If a Lethbridge-East resident like myself ends up going to Calgary for specialized medical treatment, what is the process? How can we be sure that the coverage that comes through the regional authority that deals with the Calgary area is also consistent with the mandate that has been provided for health care through the southwest region, which Lethbridge-East would fall in?

So there's a lot of concern about how these kinds of transitions would be put in place. They recognize that a lot of this will come through the three-year plans from the regional authority and

through the regulations which abound in this Bill. There are a number of occasions where we see that regulations are going to be put in place, either under the authority of Executive Council, the Lieutenant Governor in Council, or through the minister. So there's a lot of concern as to this kind of potential user fee patchwork system, where you'll be paying in one area and not in another. If you live on one side of a road or a street, you'll be subject to one type of authority and another one, another kind of user fee just because you fall into a different health region authority. So they're quite concerned about how these kinds of processes would be standardized, and they would hope the minister would act very swiftly to clarify these, either through regulation or through direction as the regional authorities build their three-year plans and get these made available to the public.

The other issue that has come up quite a number of times in discussions with constituents in Lethbridge-East has to deal with the relationship of the health units. They see a lot of the information that has come out to them focus on acute care, and they still see the regional authority as being a sickness mandated type authority. They would like to see a change in this focus toward the wellness or a betterness type of approach where a lot more emphasis gets put on the prevention of illness as opposed to the actual attempt to fix it up after the illness is diagnosed. So they would like to see a strong mandate given to the regional authorities to deal with the issues of prevention.

8:10

They don't know exactly how a lot of the functions that are currently under the public health units are fitting into the mandate. Our public health units deal with issues of inspection of public facilities, restaurants, other food service units, water supplies. How will these fit under the mandate of the regional authority? These aren't very clearly defined, and they keep falling under this umbrella of regulations to be specified. In the end result they feel the Bill is almost a little bit too loose and that it doesn't have enough of the direction they'd like to see the government have for these health authorities. They feel there's been too much left to the regulation components and that these, then, will be available for change when they're not debated in the public forum like they would be if they had to go through an amendment to a Bill where they come before the Legislature and they're debated in public and they can be addressed through the political process by all their elected representatives. They'd like to see some of that kind of thing brought more to the forefront.

Basically, the final issue we've had a lot of discussions about in the Lethbridge-East, southern Alberta area have to deal with: what will be the relationship between the institutions and the boards that are designed to operate those institutions and the new regional authority? The main concern here is the possibility of conflict coming when institutions have a board that is mandated to operate. Will some of these institutions, even after the deadline for disbanding current boards, choose to maintain their own board for their own decision-making process and their own input to direction? There's no definitive statement in the Bill that would indicate whether or not this is an option. They see that as this conflict comes with the regional authority trying to plan health care, if there still is an institutional board, it will in essence become a rallying point for concerns and also then the possibility of it becoming a rallying point for special interests representing either regions or professional goals or different types of treatment. We've seen that in a lot of the area now where we end up with competition between local boards and local hospitals in terms of the way they provide service, the support they provide to practi-

tioners who use their facilities and to the way practitioners deal with referrals.

So there's still a lot of concern that this, in essence, is a possibility for the regions when they have to deal with the competition that would bring about the difference of opinion, say, between the direction of the regional authority with a planning mandate directly conflicting with an institution that wants to look at its own mandate, and this is controlled by its board. So I would hope the minister would very quickly act to delineate the responsibility of the local boards and bring about some kind of clarification as to whether or not the hospitals or other institutions like the public health units will be able to keep their own boards and how these will interact.

I would hope that in the long run these boards receive a lower priority and mandate because what they do, in essence, is create an extra level of administrative bureaucracy, an extra level of cost, and we have to remember that the mandate we're operating under is to balance the budget and reduce expenditures in these programs. Actions that we can take to facilitate decision-making and reduce costs have to be looked at seriously, and we should be dealing with them.

The final area of some concern – a little bit lesser degree has been expressed through the southern Alberta region – has to deal with the potential duplication of services given our existing makeup of the health care provision in the area. We find that southern Alberta like the rest of Alberta is dotted with small health care services, hospitals, in many of the communities. How are the decisions going to be made? Are these going to be dealt with in terms of the regional authority? What ultimate kind of impact or adjustment process will the regional authorities be allowed to enter into as transition occurs and the mandates for some of these current institutions potentially change in response to the planning that is put in place by the local authority?

Mr. Speaker, that brings to a conclusion the comments that I would like to put into the process from Lethbridge-East in southern Alberta. Thank you.

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. It's a pleasure for me to join debate this evening on Bill 20. I rise this evening to indeed speak against the Bill, although I must say that there are certainly some positive indications of this government's approach to the restructuring of health care in Alberta, where it is we have to go in terms of restructuring. While I appreciate we are certainly heading into a new frontier, I believe that we have to slow down, take a look at what it is that we are doing and what it is that we are saying in Bill 20, and take a very careful, serious look to see whether or not there are some improvements that need to be made before we in fact move forward with Bill 20.

It certainly is a time, Mr. Speaker, for change in our health care system. I think all members in the House agree that a regionalization and a rationalization of health care in the province was an absolute necessity. It required that we stop and take a critical, analytical view of the health care system in this province and come to some terms and some grips with how we can go about restructuring and where we go in the future. So I do in fact commend the minister for taking some leadership in that direction and for tabling with us in the Assembly the first go at this process in the form of Bill 20.

I think the Bill itself is very clear in its indication that we are attempting to rush a process that needs much more debate, needs

much more analysis, and needs much more of a critical review from all sectors of Alberta society, from all stakeholder groups, from everyone from any walk of life who is interested and concerned about the health care system. We have to understand and appreciate, Mr. Speaker, that the health care system in this province consumes the most tax dollars of any government department. That fact alone requires that what we must do is look at this whole process as a first priority. [interjections]

MR. SPEAKER: Order.

MR. COLLINGWOOD: Thank you, Mr. Speaker.

To look at the restructuring of health care is a first priority because of the amount of dollars it consumes as a department within this government and because of the demands and the expectations of Albertans with respect to their health care system.

We see throughout this Bill – and other members have made mention of it on many occasions in debate on Bill 20 – that there are regulations upon regulations upon regulations as to how ultimately the health care system will be structured. There are regulations in terms of when and how elected or appointed boards will come about after the initial boards. There are several regulations left to the Lieutenant Governor in Council. There are several regulations left to the minister. What it points to, Mr. Speaker, is that the minister is saying and the government is saying: we haven't thought the process through yet, so if we simply defer those decisions to regulations, we don't have to worry about those decisions at this point in time; we can worry about making those decisions later on.

8:20

The hon. Member for Lethbridge-East who just spoke raised with the minister concerns from constituents about the process, the structure, the funding. There is a tremendous amount of uncertainty that exists in his constituency, in my constituency, in all members' constituencies about where in fact Bill 20 takes us in the future, into the next number of years and into the next century. Where does Bill 20 take us in terms of our health care model and our health care system in this province? What's clear is that it's unclear. The government doesn't know where we're going with health care and has simply decided that it's going to leave those decisions to regulation.

This Bill, Mr. Speaker, and the whole aspect of health care deserves better. Albertans deserve an opportunity to be part of a further consultation process that lets them participate in deciding some of the mechanics, some of the detail, some of the decisions about those structures and functions and payments and health care deliveries and models. We've heard from a number of members that there's a concern about the fact that we're not moving. We're not moving to a wellness model. We're leaving the public health units floundering as to where they're going to fit in in the whole structure and in the whole model of health care delivery. We've all heard constituents, we've all heard Albertans say to us as representatives of those constituencies, and certainly I recall in the election we heard people say to us, "We need in our health care system to move to a wellness model." There's nothing in the Bill that gives us a clear indication that the government's desire or intent is to in fact move us to a wellness model. There's uncertainty, and it's unclear whether or not that's the direction that we're going. So we need clarification in the Bill. We need to stop and take a look and think about how we can rewrite the Bill to give Albertans a much clearer picture of the direction that we're taking.

There are some other issues that Bill 20 raises that other members have raised and need to be repeated, as they fit into my concern with the fact that we're not clear and that we don't have clear indication in Bill 20. The Bill provides for regional health authorities to requisition funds from municipalities to meet financial needs for health expenditures. Well, we've talked in this Assembly a number of times about the fact that there is only one taxpayer in the province of Alberta. We're seeing major restructuring occurring in our new municipal government Bill that's coming forward now. We've got the proposal that's put forward in Bill 20 that allows authorities to requisition funds from municipalities for ongoing health care expenditures. How will that fit in? How does that impact on the taxpayer?

I think we heard the hon. Minister of Municipal Affairs speak earlier today, and he said: better get ready; you're going to pay. Well, just exactly how is that going to work for Albertans, Mr. Speaker? They deserve to know. They deserve to have the clarity and the certainty of the model.

The Bill gives the regional health authorities the power to charge user fees for goods and services. That's in the Bill. Now, obviously that leaves the door open to user fees. It leaves the door open for a two-tier health care system. What does that mean? What's the impact of that on Albertans? We've all said in this Assembly that there are some smatterings of a two-tier health care system now. Well, to what extent can we go? Where do we then push the envelope, get to the threshold of where we can and where we cannot cross the threshold and contravene the Canada Health Act? We haven't had that debate. We haven't had that discussion.

You know, medical technology advances so much faster than law. We've never really had the debate in terms of ethics. When do we provide medical services? When do we not provide medical services? Do we provide medical services based on cost, or do we provide medical services because of the health care system that's driving when and how and if health care services are delivered? We haven't had that discussion. We have heard members opposite say: if you've got the dollars, you should be able to buy whatever health care services you need. Well, all right; that's fine. We can have that debate. But what about the individuals, what about the Albertans that don't have those dollars? Do they simply get left out? Where do they fit in the system? How will the model work?

Again, the regulations say that the minister can decide what basic health services are and what nonbasic or nonessential medical services are. Well, let's have that debate. Let's have the discussion. What are and what are not basic health services in the community of Alberta in 1994 and beyond? Let's have the debate. We haven't had the debate. We're moving so quickly on Bill 20 that Albertans will not have had the benefit of understanding the consequences of where we're going and what it is that we're doing in health care.

So I think that's why, Mr. Speaker, we have to be vigilant, we have to be responsible, and we have to meet with our constituents and meet with Albertans and let them have a say and let them have a voice in how we deal with health care in the future.

There is another aspect of the Bill that is of concern and that again in the regulation section. One of the other hon. members – I think it was the hon. Member for Fort McMurray – referred to sections I think 18 and 19 as "the mother lode" of regulations. We have the Lieutenant Governor in Council in section 19 making all kinds of regulations. We have the minister making regulations in section 20. In section 19 the Lieutenant Governor in Council can make regulations with respect to direct payments to individuals. Well, all right; now the door is open to a voucher system.

All right; let's have the debate on the voucher system. Is that where we intend to go in Alberta? Can our constituents understand the consequences of the voucher system? What does it mean to their pocketbook? What does that mean to health care delivery in the province?

As I've alluded to previously, again under the regulations, the minister may make regulations authorizing user fees that the regional health authorities can charge. So built into the Act we've got the user fees; we have the voucher system; we have the power and authority of the regional health authority to requisition funds from the municipality; we have uncertainty about coterminous boundaries; we have uncertainty about health care delivery outside of the region for Albertans that go elsewhere for health care services; we have uncertainty about how community health councils will be structured; we have uncertainty about whether existing hospital boards will be disbanded or not disbanded.

Obviously, Mr. Speaker, the point I'm making is that we haven't answered all the questions, and until we have answered all of the questions and until the Bill can be picked up and read by any Albertan and they can say, "I understand where we're going in health care," we have to stop and let that process occur.

I think fundamentally the difficulty that I have with the Bill is that we are indeed pushing the envelope. We are indeed going beyond where we should be going to tell Albertans that we are committed to universal health care in this province. We are committed to universal health care in this province, and Bill 20 is leaving open the door and suggesting to Albertans that we are prepared to compromise on the universality of health care in Alberta. That, Mr. Speaker, is unacceptable. We have to send a much clearer picture. We have to send a much clearer message to Albertans that we will not compromise, that we will not erode universal health care in the province of Alberta.

8:30

Mr. Speaker, because of the fact that the Bill allows for the implementation of user fees and because the Bill allows for the implementation of a voucher system, I would propose at this point to make a motion that second reading of Bill 20 not occur, that Bill 20

be not now read a second time because the Assembly finds that passage of the Bill would result in a two-tiered health care system because the Bill allows for the implementation of user fees and a voucher system.

I would put forward that motion on behalf of my colleagues in this Assembly and ask the government to support the motion, the reasoned amendment to allow Bill 20 to step down and to allow Albertans to participate in the full debate about where we're going with health care in this province.

What it will do is that it will give the government the time and the opportunity to at least bring forward for our review and discussion the regulations. How will the boards be appointed? How will the boards be elected? How will the community health councils be appointed? How will the boards interact? Will the hospital boards remain? We can deal with all of those issues. We can deal with all of the questions that the constituents of the hon. Member for Lethbridge-East have. We can deal with all of the questions that the constituents of the hon. Member for Edmonton-McClung have. We can deal with all of the questions and all of the issues that people are bringing forward about Bill 20. We can improve it and we can clarify it. We can tell Albertans that we have a much better understanding of what it is that they want, that we must do for them as servants of our constituents in this Assembly and come back with a much better Bill so that we can

move forward into the 21st century with a new health care delivery system.

So with that, Mr. Speaker, I'll take my seat and allow other members to debate the amendment.

Thank you.

MRS. McCLELLAN: Mr. Speaker, I'm pleased to stand and speak to the amendment, which frankly surprises me somewhat. There were a number of questions asked, and rather than allowing the opportunity for some of those questions to be answered, we now have an amendment before the House that states that this Bill not be read a second time. Now, my understanding of legislative procedure is that we go through second reading, where we speak to the principles of the Bill, the principles. Now, I've listened intently this afternoon and this evening and another evening, and I've listened for comprehensive discussion on the principles of the Bill. I've heard everything from a complete discussion of the Hyndman report, which has nothing to do with government, and this Bill that's before the House, to suppositions, innuendos, frankly a complete lack of knowledge of the health system that we have in this province.

Mr. Speaker, I heard about user fees: why are they in the Bill? We have tried to explain to hon. members that we have user fees in our system today. The fact that we have user fees in our system today has nothing to do with the Canada Health Act or whether we would contravene it. I would remind hon. members across the way that if we provided a health system in this province that strictly conformed to the Canada Health Act, which states clearly that our responsibility under the Canada Health Act is to provide reasonable access to medically required services, what kind of a health system would we have in Alberta? We talk about community based. We talk about preventative programs. We talk about education, about healthier life-styles, about health promotion. None of that is covered in the Canada Health Act, none of it. So rather than having an opportunity to debate a Bill in committee where we could get into the detail of this Bill and understand this Bill in detail, we're being asked to not read it a second time. Very irresponsible.

We have spent years in this province with the people of this province, and I use as a benchmark The Rainbow Report, where people told us they wanted a regionalized health system, they wanted a wellness model, they wanted to move away from a treatment or an illness model to a whole-health model. We've gone through extensive consultations and studies on utilization, on long-term care, culminating in the most extensive discussions on health that have ever occurred in this country that I know of involving the public to talk about what kind of a health system we would want for Alberta. We have a Starting Points document, which clearly outlines the principles of the health system for Alberta. Principles: a regional structure, consumer first, basing the system on the needs of the consumer, ensuring that we have a system that meets the needs of the consumer rather than the consumers trying to fit into a system, which, frankly, is what we have today, Mr. Speaker.

The hon. members would not have in this Bill any opportunity for long-term care to operate because long-term care does charge fees for room and board – no fees for medically required services in there – but they do. This gives them that opportunity to continue that service. I would suggest that hon. members either don't understand that or don't think we should have that in health.

The discussion on taxation, on requisitioning. Well, today, Mr. Speaker, health boards can requisition local municipalities for very

specific things. We pay for capital, but if it's for landscaping or a parking area, that is a matter of local requisition, and they can only do that under some circumstances. I have agreed that if the hon. members do not think it is clear enough in this Bill, we would clarify that section. However, we won't have an opportunity to do that if we go with this ill-conceived and ill-thought-out process that has been suggested to us tonight.

We have said clearly that the Department of Health will set standards and guidelines which will be adhered to and which will be common across this province. However, the difficulty that the members opposite have is in community decision-making. What a unique thought: that somebody in Lethbridge, for example, might have a better idea of how to service the health needs of their community than somebody sitting in an office in Edmonton. What a unique idea.

Mr. Speaker, in this Bill it clearly states that the regional health authority shall be responsible for a business plan, a three-year business plan for delivery of health services to their community, and that they should have to deliver that plan to the minister for approval. There is the check and balance in the system, Mr. Speaker. There is the check and balance in the system. We have standards; we have guidelines that are common across the province. The regional health authorities in consultation with the health providers and the consumers identify the needs – the needs – of their communities, do an inventory of the human and physical resources they have, come back and tell us how they're going to deliver health services to their community. That's local decision-making. That's local community input. That's consumer driven, not driven from an office in Edmonton, far removed from the many communities in this province. It's really called, I think, these words that they wouldn't understand, "local autonomy."

8:40

Well, Mr. Speaker, we could delay all of that, and we could move to the model that appears to be desired across the way, which is state control, no thinking for yourself and the community – kind of a scary thought that we would allow people to make some decisions at a local level – and just hoist this until we can write an edict that will cross every t and dot every i. No taking any chance on moving forward with any innovative ideas in this province.

Mr. Speaker, we've laid out very clearly a three-year business plan for health. In fact, I heard it described to some extent this afternoon by a member opposite, and I'm pleased to give him this type of information to develop from their caucus a plan for health delivery. I thought it was quite flattering to have that used in that discussion. To say that there is no plan simply shows that there has been no reading or no study. We have made it clear that our destination is clear: we are going to provide an efficient, high-quality, cost-effective health system in this province. That's the destination. We've also said that through this we have developed a plan, and we have admitted that all of the branches, all of the roads in this plan may not be perfect. We have said that we will listen, that we will be flexible, and that we will move down a different road if that is shown to us to be better. That's involving people in the planning process, and we are committed to doing that. The destination is not negotiable, but how we get there certainly is, and we're willing to work with Albertans to do it the best way. That would not be possible.

We heard about a voucher system. My goodness, I spent four hours with a committee and a couple of members, at least three I believe, from the other party where we discussed this. We talked about a system of self-managed care. Well, on this side of the House we believe that we can give people the dollars to

purchase supplies or homemaking. We have that in our system today. Unless we have it enabling in our legislation, we would have to cancel that. I happen to think it's a very good program. I think the people can make some of those decisions themselves and that we can trust them to utilize those dollars in the best way. That is not for medically required services.

There is no fee in this province nor is there any fee contemplated for medically required services. But let me remind you, hon. members: if that were all we funded, we would not fund physiotherapy, optometry, chiropractic, podiatry, home care, and many others. There are only four provinces in Canada today – and I'm not sure that any of them are Liberal – that fund any physiotherapy, podiatry, chiropractic, or optometry. Those are areas that we do value and we do fund in this province, and they're not medically required under the Canada Health Act, hon. members.

So I suggest to you that your concern about universality, portability, and the other principles of the Canada Health Act are not at danger in Alberta, because in fact today we go far beyond the requirements of the Canada Health Act. We have the basis here for providing an excellent health system into the future, to continue the quality health system that we have in this province, that is contemporary and that is affordable, but we cannot do it if we vote for this motion to quit. That's really what this says: "Let's quit. Let's disregard everything that the people of this province told us over the last four or five years, because there are one or two things in here that we don't understand. Let's not go to committee. Let's not propose amendments. Let's not look for clarification. Let's not ask for the answers. Let's just quit." Well, that is not this government's way, and I urge all members to vote against this amendment.

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

MR. DICKSON: Thank you very much, Mr. Speaker. I'm delighted that the Minister of Health has engaged in the debate on this reasoned amendment. I say that for a couple of reasons. The first one is that all too often in the House we hear members raising genuine, legitimate concerns with a piece of legislation, and too often the minister chooses, for whatever reason, not to participate in the debate. I applaud the fact that this particular minister is not only here to listen to the comments made from members on this side of the House but to respond. Whether I agree or not, I at least respect the fact that she's here and she's prepared to engage in the debate.

Mr. Speaker, the hon. minister started off by suggesting that the opposition is trading in innuendo, is trading in supposition. Well, you know, I want to say this. I like the idea of local decision-making. I like the idea of Albertans having some freedom. I like the idea of Albertans having some range of choice in terms of health care. I think those are important elements in a health care system. I support creativity. I support imagination. There were powerful and, I thought, far-reaching recommendations in the Hyndman report – I'm referring to The Rainbow Report, not the acute care study in Calgary – things that made sense to me, and I like very much the focus on wellness, the focus on investing resources at the front end of the system, where it costs less and you get far more impact in terms of a healthier community. All of that made sense.

The difficulty we have now and the reason I support this particular amendment is that when we look at the Bill in front of

us, when we look at Bill 20, what is raised fully and squarely is a question of the credibility of the government, because really what we're left with, Mr. Speaker, is that we have assurances from the minister, we have promises from the minister that we shouldn't worry, that within Bill 20 even though there are gaps, even though there are wide spaces that aren't filled in, even though there are in fact plenty of things that have been delegated to regulation, the minister says: don't worry; trust us. Well, what are we to make of that if we talk about this issue of credibility? This is the same government that has come along and decided that they're going to centralize education decision-making.

MR. WOLOSZYN: On the amendment.

MR. DICKSON: Well, I am speaking specifically to the amendment.

MR. WOLOSZYN: What's that got to do with education?

MR. DICKSON: It has everything to do. I thought I'd made the point, Mr. Speaker, that when we look at Bill 20 – the reason why I support this amendment and the reason why it ought not to proceed is that we have to make some assessment in terms of whether the government is credible in saying: "Trust us. We're not going to go down a path in terms of a two-tiered health care system. Don't worry about the prospect of user fees. Don't worry about a voucher system." Well, in fact that raises directly the whole question of the credibility of the government and, as I was referring a moment ago, to what we've seen on the education Bill. There's a Bill where the government is centralizing all of that decision-making power. If the government was genuine, if the government was sincere in saying, "We want to bring decision-making down to a lower level, closer to the service being provided, closer to Albertans needing health care," how could you then rationalize, how could you justify going in absolutely the opposite direction on Bill 19, the education Bill, the School Amendment Act? So that's what I mean when I say that we have to access the credibility of the government.

I have enormous respect for this minister because, I said before, she's, I think, been frank and candid. She's admitted that in this Bill there are aspects that are something of a leap of faith. She's acknowledged, I think quite candidly, that she doesn't know exactly where this Bill is going to take us in all of its different elements. I appreciate that candour, and I think all members should appreciate that candour.

8:50

If there's one thing that Albertans and Canadians value beyond almost anything else, it's their health care system in this province. Our job as the opposition is not simply to leap because the minister says that it's safe. Our job is to question. Our job is to raise the concerns that we know Albertans have. Those Albertans that are proud of their health care system are entitled to ask us, as they are entitled to ask members on the government side, "Does this compromise our quality of health care?"

Well, if we look at what we've got here, we have the minister saying: user fees exist today; they exist already. You know, if we look at section 20 of the Bill and we look at section 19 and the broad, broad delegation of regulatory power, it's not restricted in the way the minister suggests. It goes much further. When the minister says: don't worry; we need the user fees, because we're in a situation where long-term care facilities charge fees. Well, the regulation isn't restricted to long-term care facilities. The

regulation is absolutely wide open. What possible confidence can Albertans have that the regulation goes no further than long-term care facilities? If that in fact were the reason why we've got that provision in 19(i), why wouldn't it say that? But it doesn't, Mr. Speaker. It doesn't say that. It goes far beyond that. It's much broader, and it's much wider.

Mr. Speaker, we had what I think was something of a startling comment from the hon. minister. She talked, as I understood it, about the fact that we have a federal statute, the Canada Health Act, that should provide some guarantees to Albertans. Well, this may be one of the first times that we've heard a provincial government in this province say: don't worry about what we're doing because you can look to protection from the federal government. Well, I don't think Albertans want to have to look to the federal government to be the bulwark, to be the protector of the kind of health care system and the quality of service that we've had in the past and they want to continue to enjoy in the future. I think it's far more important that we see within Bill 20 protection if protection is needed, and protection isn't there. It's not in section 19.

What we know in this province is that we have extensive, extensive powers given to the Lieutenant Governor in Council to pass regulations. The regulations do not have to be published in draft form in advance and shopped around, if you will, so health care professionals, public health people, interested Albertans can say: "Well, hold it. That regulation goes too far," or "This regulation is too vague," or "That regulation doesn't reflect at all what we thought Bill 20 was going to set out." Well, we don't have a vehicle now; we have no process in this province for being able to vet regulations in front of even a standing committee of this Legislature.

Once we finish dealing with Bill 20, that's it. We have no further opportunity as a Legislature to be able to express concern, to raise questions about this Bill. Once it's done in this Chamber, we're finished with it. No matter how hard members on this side try, we can't get it back in here. So I say to you, Mr. Speaker, that it's a preposterous notion to suggest that we simply take Bill 20, with section 19 as it now stands, with that vast delegation of regulatory power and sit back and hope – because that's really all that the minister invites us to do, to hope – that when those regulations are enacted or put into law, they represent something that Albertans want to see.

The minister spoke of the Hyndman report as being the benchmark. No question; the Hyndman report did set out, I think, some excellent models in terms of where we can go in terms of health care reform. But, you know, here we are in 1994, years and years after the Hyndman report came out, and what I suggest to you, Mr. Speaker, is that we haven't seen a commitment. We see a commitment to cut hospital beds, the plans to cut numerous beds out of my city, Calgary, and other places in the province. What we haven't seen is the corresponding commitment from the government to follow the path charted by the Hyndman report: to be prepared to make an investment in the wellness models, to make an investment in low-cost community health services. When we look at the fact that the Hyndman report's been out for – what? – perhaps three years, maybe longer, and we see how little has been done by this government to implement what I thought were the more far-reaching recommendations in that report, we have to ask now, "How can we take the government simply at faith when they say that we're still following down the same road?" I don't know that, and I certainly don't see it in Bill 20.

The minister talks about checks and balances. She said there are standards. Once again, in the kind of candour that I appreciate and I think all members appreciate, she said that we haven't crossed every t, that we haven't dotted every i. I say this with respect to the hon. minister: to get into an obsession with detail may be indeed a polar extreme, but what we've got in Bill 20 is at the very other end of the continuum. This isn't a midway point on the continuum. In fact, what this does with its broad, sweeping regulatory powers delegated to the Lieutenant Governor in Council: it carries us too far the other way.

I think all that this amendment, introduced by my friend from Sherwood Park, attempts to do is give Albertans a chance to weigh in with their views, to give Albertans a chance to tell this government what kind of specificity, what kind of detail they want to see in this legislation. It's not here now, and if to hold up Bill 20 to be able to allow that kind of input is what's necessary, then clearly I think that's the appropriate course of action.

You know, the minister says – and I believe she's genuine when she says this – that the destination is clear. She said that all of the road, all of the branches may not be perfect, but the destination is clear. Well, Mr. Speaker, I think what members have said in speaking to second reading of Bill 20 in the last few evenings when this Bill has been up for debate – people have said that the destination is not clear. It can't be clear when you have a statute that delegates so much power to the Lieutenant Governor in Council. So one has to ask: what is the government afraid of? What's the possible reason that the government refuses to set out with a reasonable degree of clarity, with a reasonable degree of specificity where they're taking us, where they're taking Alberta? It's not in this Bill, and it won't be in this Bill as long as so many of the key decisions are buried away in section 19 and what must be one of the longest provisions I've seen in a statute in terms of delegated authority by way of regulation.

I was disappointed to see when the amendment was passed out, Mr. Speaker, that my colleague for Three Hills-Airdrie crumpled the amendment up as soon as it came to her attention and threw it out. I thought to myself when I witnessed that being done whether in fact that suggests a kind of closed mindedness on the part of government members to what the opposition has been trying to raise over the last number of days on Bill 20. We've got the minister acknowledging firstly that there are areas in here that she's not entirely clear in terms of how they will fill out in time. You've got the minister acknowledging that although the destination may be clear to her, all of the branches, all of the roads may not be perfect. Well, Mr. Speaker, why would we not attempt to do our very best in this Chamber . . .

Point of Order

Allegations against a Member

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

MR. SPEAKER: The hon. Member for Calgary-North Hill, rising on a point of order.

9:00

MR. MAGNUS: Thank you, Mr. Speaker; 23(h), (i), (j), (k). The member opposite is making allegations based on something that he appears to have witnessed. He seems to feel that the Member for Three Hills-Airdrie may have destroyed his amendment or the piece of paper. I mean, God only knows. He's making an assumption. It could have been any piece of paper on

her desk. Then he goes on to suggest that the whole darn government is not open to any kind of suggestion because of it. I think that's simply ridiculous. [interjections]

MR. SPEAKER: Order please. [interjections] Order please. The Chair would only say those could be debating points.

The hon. Member for Calgary-Buffalo.

Debate Continued

MR. DICKSON: Thank you very much, Mr. Speaker. The other observation I'd just make is that I'm disappointed that on May 3 I raised a concern with this Bill at page 1,680 of *Hansard* that still hasn't been responded to. That had to do with what happens to the funds in the Calgary General hospital foundation and the University of Alberta foundation. There are huge dollars we're talking about. One would have thought that would have been essential to address in a Bill like Bill 20. It's nowhere to be seen. There's no regulatory power in section 19 or section 20 that deals with that, and that is but one more reason why I think that not only will I support this amendment but I encourage other members to support the amendment as well.

Thank you very much, Mr. Speaker.

MR. SPEAKER: The hon. Minister of Environmental Protection.

MR. EVANS: Thank you very much, Mr. Speaker. I now move that we adjourn debate on Bill 20.

MR. SPEAKER: Having heard the motion by the hon. Deputy Government House Leader, all those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: Carried.

[On motion, the Assembly resolved itself into Committee of the Whole]

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

[Mr. Herard in the Chair]

MR. ACTING CHAIRMAN: Order please. The hon. Minister of Health has requested that we revert to Introduction of Guests. Do we have concurrence with that? All in favour, please say aye.

HON. MEMBERS: Aye.

MR. ACTING CHAIRMAN: Opposed?

The hon. minister.

head: **Introduction of Guests**

MRS. McCLELLAN: Mr. Chairman, I would like to take this opportunity to introduce through you to members of the Assembly a group that has joined us in the gallery tonight. I've had the opportunity tonight to discuss a number of issues on the restructuring of health care with a very important part of our health

system, the Independent Physical Therapists Association of Alberta. I would like to introduce their president, Donna Larocque, and ask her and the other members of her group to stand and receive the welcome of this Assembly.

head: **Government Bills and Orders**
 head: **Committee of the Whole**
(continued)

MR. ACTING CHAIRMAN: For the benefit of the people in the galleries, we are in Committee of the Whole. We will be considering Bill 31, Municipal Government Act. You'll probably notice that this particular session is much less formal than you would expect in this Chamber. Hon. members are able to take off their jackets and have coffee at their desks and carry on very inaudible conversations, hopefully, so we can hear the debate.

With that we'll move on to Bill 31, Municipal Government Act.

Bill 31
Municipal Government Act

MR. ACTING CHAIRMAN: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Chairman. I am pleased to stand before the Assembly tonight to start the debate and discussion on Bill 31 as we proceed through Committee of the Whole.

This very large and significant piece of legislation will provide municipal governments with the flexibility and autonomy they need to adapt to change and respond to the priorities of their local communities. I would like at this time to thank the members opposite who spoke on Bill 31 during second reading. I appreciated your positive comments regarding the principle of the Bill.

As I mentioned yesterday, this legislation is written from a different perspective. It is enabling rather than restricting. This legislation has been a long time in the making. As we discussed yesterday, over the last five years this legislation has been drafted, and the municipal associations and governments have had a great say in what is before you today.

I would like to once again just go over the strengths of the legislation. It creates greater autonomy for municipalities by providing them with powers of a natural person, provides greater flexibility regarding their bylaw-making authority, provides enhanced financial mechanisms to facilitate operating flexibility along with increased financial responsibility. The legislation is presented in a simplified style.

I look forward to standing before you again as we debate this very significant piece of legislation.

MR. ACTING CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thank you very much, Mr. Chairman. It's my pleasure again to chat to Bill 31 at the committee stage. The hon. Member for Lacombe-Stettler is absolutely correct; it is a very large and significant Bill. I indicated at second reading that the Liberal caucus was in support of the Bill in principle. We will give it our support when it comes down.

I've also taken the time to approach the hon. Member for Lacombe-Stettler to chat about possible amendments. They are not large nor significant that I'm suggesting. They are in some cases more editorial changes, and they do not change the intent of the Bill. They do not diminish the power of the councils them-

selves. As we have heard many times from the side opposite here, there is a great deal of confidence in municipal councils in the province of Alberta. I share that confidence, and I would tell you the Liberal caucus also shares that confidence in the municipal level of politics, having spent some time there, and I know the hon. Member for Lacombe-Stettler has also spent six years or so at the municipal level, so we both bring some background to it.

9:10

Just prior to submitting the amendments to legal counsel, I would like to put forth – and perhaps the hon. Member for Lacombe-Stettler can clarify this for me. I'll outline a few concerns that I didn't address initially at the second level. One that did cause me concern when I read it was the power that was given to a municipality to actually charge higher fees for businesses that operated beyond their boundaries. Now, that under normal circumstances perhaps is nothing too startling, and it would give the businesses within the community that pay the taxes and that have the buildings a bit of an advantage that they deservedly should have, I guess.

I look at the ability of the municipality to move into a corporation or parts of a corporation, and I'll provide an example to see if I can bring clarity to my point here. If, for example, the city of Leduc was to move into the garbage collection business itself and was doing that because they felt it was more reasonable costwise for their residents, the way I read section 8(c)(ii), the city at that point could actually pass a bylaw preventing any competition from entering the community. I find that a little inward looking. It's not the Canadian way, and it does cause me a concern, if I am reading that right. So at some time in the debate tonight I would ask the hon. member if she could bring clarity to that or whether I'm reading something into that particular section that actually doesn't exist. We have to look at the corporation status and the abilities and powers once a community enters into a corporate status there.

There was also a concern, and perhaps it's editorial, but we refer frequently throughout the Act to the Public Utilities Board. Now, before this Assembly is Bill 15 – and I could stand corrected on the Bill – which was the amalgamation of the Public Utilities Board and the Energy Resources Conservation Board. I would just point that out. Potentially it should be in concert with what is being proposed. I think that Bill is going ahead, as best as I can understand. Maybe in fact it simply is an editorial change, or maybe there will be a clearly defined Public Utilities Board arm of that new body and it will fit.

There was a concern raised particularly when I think of the clauses related to ambulances. If in fact there was a dispute with ambulances, then they could take that to the Public Utilities Board for a final resolution. It gave the benefit of having the rate actually reviewed by the Public Utilities Board but not the rate structure itself. I'm not overly concerned about that.

There was a clause – and I mentioned it very briefly – in the business revitalization zone area. Now, the duties of that particular board in any community are clearly defined. Speaking in the vein of confidence we have with those boards that are elected or appointed, I felt it was a bit heavy handed to give them very clearly defined rules, regulations, and guidelines to follow. Those guidelines went as far as to say that if a BRZ member actually overspent the budget, they were personally responsible. That being the case, I think that safety net is certainly adequate. The following clauses, which indicate that the minister actually may appoint, may set regulations, and may shut the BRZ down I

think is overkill in this situation, and I would suggest that it really is not necessary to deal with it.

I did also have a concern in part 4, and that was formation. One formation was overlooked, and I would like some clarification brought to it by the hon. member that has proposed the Bill, if she would be so kind. That is the lack of addressing a county in formation. It seems to me we can have formation of a municipality or a village or a town or a city or a special municipality, but there is no reference to the formation of a county. Now, I know when we look towards the end of the Bill, there are a few amendments associated with the County Act. I did ask and suggest it was a little unsettling to see that the County Act itself was not rolled in there. Then when we look at the county being missing from the formation section, I wonder if in fact the Bill is actually suggesting that the status quo will exist for those counties today, but ultimately counties will be a thing of the past. It was very difficult for me to actually extract that. If that's the intention, it's a not a large concern to me, but I think one and all certainly should have a look at it.

I spoke, again in a casual sense, with the hon. member about the minister's power when it came to formation of some of these municipalities or towns. I'll use clause 108 as an example. Well, the amalgamation will work, but it surfaces also in the formation. But when we're talking about a minister that wants to make an amalgamation, it gives the minister the option that he

may invite comments on the proposed amalgamation from all local authorities that the Minister considers would be affected by the amalgamation

and other persons. I think that "may" really has to be "must." I think that in fact when we're looking at any sort of amalgamation, we should not hesitate to include all parties involved there. The "may" is permissive; I have a concern with that.

It goes on to say that he or she "may invite comments on the proposed amalgamation from the public." I think it's very important, regardless of whether we think the interest is out there or not, to go through that small step. It's not a lot of work, it's not onerous, and I think it will give the benefit of ensuring that all bases are covered so we wouldn't have the backlash or those that maintain they didn't have the opportunity. It also gives the option to hold one meeting, and I think if the meeting is advertised, if certainly the people become aware at that particular point, then we will find that we get a very – large or small response, those people still deserve the right to be heard in this province. You will see amendments that I will submit that will address areas like that.

I hesitate to be repetitive; it is more my own personal thought than it is any Liberal caucus position. Again we deal with permissiveness, and when we're moving from one form of municipality to grow into another form of municipality – I would use the situation of from a village to a town to a city. Now, there are specific population numbers set down in those circumstances, and there are some regulations tied in as far as dwellings are concerned. The Act has been in place, as the hon. Member for Lacombe-Stettler has pointed out, since 1912. I certainly do not want to disadvantage any municipality in this province, but it would seem to me that when we would meet the guidelines that are set aside, that transition from one form of municipality to the next should automatically take place. So I would suggest that "may" become "must" in that case, and the amendments that I submit or table will indicate such. Now, that is not a strong position, I would tell you. I throw it out there for some debate.

When we look at the reduction of grants that is ongoing, I could not see any financial disincentive to force somebody into the

natural next growth pattern that they wanted, and I would see that it gives a bit of a safety net to ensure that somebody who does not qualify claims a particular status. No harm to be done by the change there that I could foresee, so if the hon. Member for Lacombe-Stettler sees some, then certainly I would rethink my position on it.

Another amendment I will submit – I will share it with you at this point so you can focus or think about it – was the requirement in a petition to collect 10 percent of the signatures of a municipality. I think in a community like Leduc, with 15,000 people, that is not difficult. It means that we have to find 1,500 people, and you'd get a good cross section. But when you deal with a city such as Edmonton or Calgary, we're dealing with between 60,000 and 70,000 signatures. That, I would suggest, is somewhat onerous, and I think if we looked at 5 percent, we're looking somewhere in the vicinity of 30,000 to 40,000 signatures. I think if somebody has the time and the energy to generate that sort of interest, they certainly shouldn't be deprived of it. So I will submit an amendment to that effect, and I would give all notice that we should think about that aspect as well.

9:20

One area that has come up in many, many of the debates in the House here, regardless of whether it was education or whether it was the health sector, was the appointments by the minister to the new municipal government board. Now, we have often heard that we are an open and accessible government. That being the case, and when we consider that the Auditor General's report of so many months ago indicated that we should move towards a competitive situation based on merit to fill such important positions in the province of Alberta, I will be putting forth an amendment indicating that the selection for that municipal government board be based on merit and be based on an open competition for one and all Albertans to apply. We cannot be afraid of attracting the very best in this situation. It does remove government from the potential of interference. That is positive. There may be some days where government influence is desirable, but there are other days when it's not desirable, and I'm sure that they would like to avoid it in some situations. This will provide the continuum of both that discussion to carry on and be such.

The other area when we dealt with the municipal government board. One of the last clauses under that, when it came to the final decision of a municipal government board, stated only that it had to submit a report to the minister. If we go through the expense of setting up such a committee and we go through the expense of holding many meetings throughout the province and soliciting the opinion and the thought for a fair and just settlement, I would take it a step further and suggest that the decision of the municipal government board, after weighing all factors, certainly should be binding. If it's not, then we have wasted a lot of time and energy. Again, if the municipal government board is driven by competent individuals, we have no fear of the decision they will make. It gives the government the opportunity to justify the decision, and the board will be nonpartisan. It will extract, I'm sure, all the necessary information required to make sound decisions and will hear all sides of any application when it comes to annexation itself.

Mr. Chairman, I will send forth the amendments that I intend to discuss at length throughout the debate on the MGA. If they are distributed to one and all, it will assist each and every one to start thinking about how they might like to approach it. When we take that sheet of amendments – in the interest of conservation I put them all on one particular page – it would be my submission

that in fact we deal with each amendment one at a time as they are numbered. There are presently six on that particular Bill.

The Member for Lacombe-Stettler was I guess enthralled, if I could choose that word, with the new bylaw-making ability of the council. I think certainly that's desirable. Again it's a vote of confidence to that group. I would give it to them unconditionally.

I did have a concern with the freedom of information section. I suggested that it was more restrictive than the present Bill 18 that we have before us in the Assembly today. In my estimation, we should be in concert with that particular Bill; otherwise, we'll end up in a clash.

The other aspect that I thought was important to address – and I do not believe I addressed it in the last debate – was disclosure by council members or municipal politicians. We as MLAs certainly are bound by some fairly strict rules and regulations. The bylaw that it is suggested be passed in this is again permissive. I would suggest that since we as MLAs have to meet a specific standard, councils also should and must meet a specific standard as far as disclosure is concerned. Now, that disclosure as it is in its present form is permissive. I would suggest that we have arrived in this province where all government business, to the degree possible, should be conducted in the open. It would be to the benefit of all Albertans if in fact we did that, Mr. Chairman.

I would at this time, Mr. Chairman, if all the amendments have been distributed, take you to the first one on the page of amendments. It deals with clause 8(c)(ii). The amendment reads that in fact that particular clause should be struck out. If you'll just bear with me here one minute, I will give you the rationale for that particular thought. That was that concern I raised in regards to establishing fees for licences, permits, and approvals that are higher for persons or businesses who do not reside in or maintain a place of business in the municipality. The example I gave was that if Leduc was in the business of picking up their own trash or their own garbage, as I see it they have a closed-door policy there. I do not think that's fair to private enterprise in this province. I believe it's a bit of the socialistic approach that we would all like to leave behind in this Assembly. We would, unless I can be convinced otherwise, be wise to strike that particular clause from it if we're into a province that is open for business. We know full well that it's the small businesses of Alberta that generate the larger percent of employment. If we are giving municipalities the power to run monopolies, I would suggest it is not the open concept that we are attempting to embrace by the present policies of the government of the day.

With that I will conclude my debate, and I look forward to some of the comments from both sides of the House. As I indicated the other day, it is a very large Bill. It has some very positive implications for all municipalities. It includes 266 pages. With all due respect to those who have drafted the Bill, there is liable to be the odd error there. I would call upon everyone in this House to scrutinize it to ensure that we have covered our bases. There is nothing untoward in my comments as far as the drafters are concerned.

I thank you, Mr. Chairman.

MR. ACTING CHAIRMAN: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thank you, Mr. Chairman. The concerns I've got relate to sections 216 to 218. They relate to what I'll call the freedom of information provisions in the Municipal Government Act. I guess I have this concern that we have Bill 18 in front of

us and it's clear that the Bill ultimately will cover municipal corporations, so then one has to look at this knowing that municipalities are going to be subject to freedom of information and wonder how helpful or unhelpful it is to have sort of a stand-alone provision in this Act.

One of the things that the people on the all-party panel heard time and time again was that it's important to bring all of the statutory provisions that deal with freedom of information or access to information together in one place, in one statute, so people didn't have to go and look. If they wanted information about a university or a college, they had to go and look under one statute. If they wanted information at the municipal level, they didn't have to go to a different statute than they would for a government department. It should all be combined in one Bill.

9:30

Now, if we look at section 216, it starts off, "Every person has a right to obtain information . . . unless there is a reason why the information should not be disclosed." Well, Mr. Chairman, what does that mean? Is it a subjective test? Is it an objective test? That's not at all helpful in terms of what we have in section 216. I think that's a real problem.

Chairman's Ruling Clarification

MR. ACTING CHAIRMAN: Hon. member, just for clarification. I believe that the hon. Member for Leduc moved the first amendment, that section 8(c)(ii) be struck out. I'm wondering if you're speaking to that amendment or just what it is that . . .

MR. DICKSON: My understanding, Mr. Chairman – and I appreciate you putting the issue squarely – was that all of the amendments are out. I hadn't understood that we were only dealing with the first amendment. Is that the case? Okay. If that's the case, then I've got numerous comments to make relative to part 7, as well as other parts. Since they're not reflected on this amendment sheet, I'll sit down, and other members can speak to it.

Debate Continued

MR. ACTING CHAIRMAN: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Chairman. I stand to speak in favour of this amendment. I have a concern that indeed from my perspective this does not reflect the policy of this government. It's always been my understanding – and certainly it's one that I have always supported – that we should have open procurement practices, that we should always be seen to be open for business, whether it be within the municipal area, whether it be within the provincial area, or whether it be within the federal area. So I'm somewhat puzzled why under section 8, powers under bylaws, we would have:

Without restricting section 7, a council may in a bylaw passed under this Division

(c) provide for a system of licences, permits or approvals, including any or all of the following.

You look at (ii):

establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality,

That's discriminatory. I can't understand why we would want to charge people more for coming into our municipality to do business.

Now, if that's not the intent of this section, I think we need clarification, because that's the way I would interpret it. It certainly doesn't fit in with anything that I have heard when we're looking at open boundaries and procurement for the province of Alberta and indeed, as I've stated, hopefully for Canada as well. So, Mr. Chairman, if that's not the intent, I would ask for clarification from the Member for Lacombe-Stettler.

MR. ACTING CHAIRMAN: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Chairman. I would just like to make a couple of points here. The operative word here is "may", "a council may in a bylaw passed under this Division," and this particular section is very important. Oftentimes in a municipality there are vendors and other agents that will come to a community and decide to set up for a day or two days or a week or something like that. These people are not on a regular basis paying property tax, business licence, or in fact giving anything back to the municipality. The municipality must be able to charge more for these out-of-town vendors and businesses. More and more they are frequently setting up in communities liquidation sales and this type of thing. This would fall under this section right here, and the operative words are "a council may".

MRS. ABDURAHMAN: Thank you, Mr. Chairman, for that clarification. If indeed it is the intent – and it could be suggested that these operations that move in overnight indeed have an advantage over the local businesses – I can see some merit in that. That's what I'm hearing from the hon. member.

Thank you.

MR. ACTING CHAIRMAN: The hon. Member for Edmonton-McClung.

MR. MITCHELL: Thank you, Mr. Chairman. I rise to speak in favour of the amendment that's been moved by my colleague from Leduc, because I see some very serious implications for clause 8(c)(ii). While I accept the explanation of the Member for Lacombe-Stettler that somehow this clause is in its intent limited to temporary or transitory kinds of commercial enterprises that might come into a community and that don't pay the regular range of taxes and contributions to the community, that therefore there is some justification for charging them a higher fee for a licence, a permit, or approval than would be charged to some other longer term established business in the community – if that is the case, then why isn't this particular clause more clearly delineated? The way this clause reads, there is nothing to stop communities from balkanizing commerce within this province. There is nothing to stop them from creating protective barriers within very small community boundaries, which runs right in the face of what this government says it believes in. It believes in interprovincial trade. It believes in North American free trade, but it's allowing in this Bill a clause which does not read the way the Member for Lacombe-Stettler has just explained that it is meant to read. If that's the case, then at the very least . . .

DR. L. TAYLOR: The sky is falling, too, Grant.

MR. MITCHELL: Well, I'll get to the sky falling.

If that is the case, then at the very least it should be limited in this Act. How could the Member for Lacombe-Stettler expect

Members of this Legislative Assembly to give carte blanche to municipal authorities across this province to create whatever kinds of differential fee structures they want to create on the basis of her intentions, which she's described for 30 seconds in this Legislature? I doubt that there's one municipal authority – maybe one or two – who will actually read *Hansard* and know: whoops, we'd better not charge that special fee to a contractor outside of Whitecourt or Barrhead who wants to work for several days on the Paddle River dam; we'd better not charge that extra fee, which would be discriminatory, because the Member for Lacombe-Stettler has just said that she didn't mean it that way, that it's not really intended to do that.

Well, it's like asking us to sign a blank cheque. Worse than that, it's like getting municipal authorities to sign a blank cheque to implement who knows what kinds of policies that will run directly in the face of the government's purported position on free trade, open commerce, commercial enterprise, entrepreneurial enterprise. It may be okay for Conservatives to put up barriers to trade, but in the Liberal caucus we don't want to see barriers to trade.

9:40

What's the very interesting thing? Imagine – well we don't even have to imagine. Witness the havoc that was created by the members from Whitecourt-Ste. Anne and Barrhead-Westlock without wielding this particular authority to limit trade and commerce and work to those commercial enterprises within their own communities, within their own boundaries. They divided up work on the Paddle River dam 75 percent, 25 percent by fiat, by fiat at the MLA level, if you can believe that, Mr. Chairman. Not only that, but at least one of the members went to great lengths to specify what companies would get business and what companies wouldn't get business.

Point of Order Relevance

MR. EVANS: A point of order, Mr. Chairman.

MR. ACTING CHAIRMAN: The hon. Deputy Government House Leader is rising on a point of order.

MR. EVANS: I know the House leader on the opposition side is very interested in this topic, and I know he loves to wax eloquent in his own view on this topic. We have more than enough time in question period and in committee and other times in this House to deal with the topic when it's relevant. We are dealing tonight with the Municipal Government Act, Mr. Chairman, and reference by the hon. member opposite to issues brought up in question period regarding two hon. members and the Paddle River dam is totally irrelevant to the Municipal Government Act, and I would ask that you so find.

MR. MITCHELL: Mr. Chairman, I can see his point.

MR. ACTING CHAIRMAN: Excuse me, sir.

MR. MITCHELL: Mr. Chairman, I can see his point.

MR. ACTING CHAIRMAN: Thank you. But I was listening for a citation, and I didn't hear it.

MR. EVANS: Relevance, 459 in *Beauchesne*.

MR. ACTING CHAIRMAN: Thank you. Given that this whole subject will be discussed with respect to the point of privilege, I agree that it perhaps may not be appropriate to be using that example, as I know the hon. member could find any number of examples to use.

MR. MITCHELL: That one seems particularly pertinent though; don't you think, Mr. Chairman?

MR. ACTING CHAIRMAN: Hon. member, it is the subject of a ruling, and I think we should perhaps stay out of it. Thank you.

MR. MITCHELL: I'm finished. He's completely interrupted my train of thought.

Debate Continued

MR. ACTING CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Chairman. I rise in somewhat of an unusual situation tonight because I'm going to speak against the amendment despite the articulation of my learned friend. As well, in my debate on speaking against this amendment I wanted to say that I heard a suggestion today that some members of this Assembly were not free and did not vote freely. I want to say on the record publicly – and it can be circulated across the width and breadth of this province – that I vote as I want to vote on each and every vote that I take in this Legislative Assembly, and if there's any member of this Assembly that says and alleges otherwise, then I ask and suggest that they retract that commentary. Members must appreciate that there is a difference between a motive, a motive to vote . . . [interjections] I'm talking about this amendment, and I'm talking about the reasons why I'm going to speak against the amendment.

Point of Order Relevance

DR. L. TAYLOR: A point of order.

MR. ACTING CHAIRMAN: Yes. The hon. Member for Cypress-Medicine Hat.

DR. L. TAYLOR: Relevance, 459. What the hon. member said in a member's statement earlier today is completely irrelevant to the proposed amendment, and for him to stand there and berate the hon. member is totally inappropriate.

MR. GERMAIN: Listen; in response to the point of order, Mr. Chairman, I did not berate anybody. I was simply affirming my freedom of vote in this Legislature and confirming it. [interjection] I'm never sure when the hon. member rises if he's talking about relevance or relevance, but I want to deal specifically with the issue that he's raised, and that is that it is part and parcel of the reason why I feel constrained tonight to speak against this particular amendment.

Now, there have been other issues raised in this Assembly that will give my friend for Cypress-Medicine Hat a chance to rise on relevance again, because I'm going to talk about the Charter. I'll give him another chance to get his citations all in order and get his books all open and his ducks in line.

MR. ACTING CHAIRMAN: Hon. member, I believe you've made your point. If you could get on to the amendment, please.

MR. GERMAIN: Thank you. I appreciate that favourable ruling.

Debate Continued

MR. GERMAIN: Dealing with this amendment, I am moved by the commentaries of the speaker of the Bill, and I recognize that in rural Alberta and in municipal Alberta there is a concern about, for want of a better word, the carpetbagger or the traveling salesman or the traveling vendor that comes into town and sets up a shop or sets up a little roadside stand. So I'm sympathetic with the member's concern about the municipality having the power, a power which they do not have to exercise, to create a differential fee.

Now, why can I vote against this amendment? Why do I have the freedom to vote against this amendment? I have the freedom for three reasons: first, because I vote as I want to vote on each and every matter before the Assembly; and secondly, I have a leader that allows that in a free and open party; and thirdly, specifically on the amendment, I am fortified by the fact that the Charter of Rights and Freedoms will protect any merchant or traveling vendor if they can make a case that the fees set and the fees prescribed in differential constitute not simply a reasonable fee by way of markup to entertain a visiting businessman and the paperwork and the attendant material that goes with that. If the fee becomes so outrageous and so ferocious that it has the effect of in fact balkanizing the province and preventing somebody the mobility of trade and freedom, then of course they can resort to the Minister of Municipal Affairs' favourite piece of federal legislation, the Canadian Charter of Rights, for the relief they need. So I'm confident that those two legislative pieces in balance will assist the government with this particular section that is under debate now.

[Mr. Tannas in the Chair]

Now, there is one last and final issue that I want to raise in connection with this. I do not want people in rural Alberta and around this province to be insensitive to the fact that I am appreciative that one of the things that the traveling vendor does to rural Alberta is sometimes bring in fresh, unique, novel produce and sometimes is in fact the competitive balance that the local businessman requires. It is wrong for us to support a municipal government Bill that in fact encourages people to buy only locally if they cannot get the appropriate level of service and quality. So I believe the provision in the legislation creates an appropriate balance between the concept of free trade and an appropriate balance between the reasonable surcharges that a municipality must charge for administration. As a result and with regret to the sponsor of the amendment to whom I hold in inestimable high regard, I will vote against this amendment on this occasion.

MR. CHAIRMAN: The hon. Member for Dunvegan.

MR. CLEGG: Well, thank you, Mr. Chairman. Certainly I'm going to vote against this amendment too. I hesitate to agree one hundred percent with what the hon. Member for Fort McMurray has just said, but I'm going to in this case, because if you read this Act, this is natural persons' power and with this amendment is totally against this whole municipal Act. As you remember,

yesterday I spoke on the principle of this Act. Who should have a better authority to know what is good for their municipality? You're right when you say that in a lot of cases businesses that are in a municipality have maybe paid \$10,000 or \$20,000 taxes and a fly-by-night person will come in and have a real advantage. This whole Act is to give authority to local, truly elected people, and I would be dead opposed to removing that on the first amendment.

Thank you.

MRS. ABDURAHMAN: Mr. Chairman, after hearing the explanation from the Member for Lacombe-Stettler, I too will not be supporting this amendment.

Thank you, Mr. Chairman.

MR. CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Chairman. We'll speed the process up. I was in a bit of a dichotomy. As I read it, I felt that it created a monopoly situation in a municipality. I take some enlightenment from the members for Lacombe-Stettler, Dunvegan, and Fort McMurray. They've made their points well. There's no sense belabouring the issue. Let's call for the question.

9:50

MR. MITCHELL: I'd like to be on the record.

MR. CHAIRMAN: Hon. Opposition House Leader, you would like to say something?

MR. MITCHELL: Yes. I am now convinced that the Member for Lacombe-Stettler is right, and I will not be supporting this amendment.

MR. CHAIRMAN: All right. The question has been called.

[Motion on amendment lost]

MR. CHAIRMAN: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Yes, Mr. Chairman. I rise to speak to Bill 31. My comments are going to focus more on getting clarification with regards to Bill 31.

Chairman's Ruling Clarification

MR. CHAIRMAN: Just a moment, hon. member.

I have before me a whole series of amendments. You just moved the one, and now we're going back to anywhere in the Bill. Is that correct? [interjections] Thank you very much.

Sorry. Go ahead, Clover Bar-Fort Saskatchewan.

Debate Continued

MRS. ABDURAHMAN: Thank you very much, Mr. Chairman. The first area where I have some concern and I'm looking for some clarification is in section 8(d). It allows a municipality to pass a bylaw that provides for an appeal body, which is not unusual. That is presently within the Municipal Government Act. But one thing that always concerned me when I was still involved in municipal politics was that we as a council indeed were the development appeal board body, so I always saw us as being judge and jury, and that certainly did not sit well with me. I'll be

quite frank with you, as mayor I was never successful in convincing my councillors that indeed we should make some changes in that area. So looking at section 8(d), I firmly believe this legislation, Bill 31, should truly represent the people, the individual and that the development appeal board, or the appeal body as it's stated in 8(d), should be arm's length from the government. In other words, it shouldn't be made up of municipal councillors. That's the first area.

Now, the other – and once again it's clarification because I'm not sure what I'm reading into it. In section 48(3) we're looking at rates being set for ambulances, and we're also looking at municipalities, if I'm interpreting this correctly, having the ability, if they believe that ambulance services are not charging appropriately, to indeed refer the matter to the Public Utilities Board. Of course, with the most recent Bill before us, that enters an interesting question: are we looking at a provincial ambulance service here? Is this what we're doing in Bill 31 through section 48(3)? Because certainly it would appear that the municipality can indeed influence how the ambulances are charging, other than through their contracts.

Moving on, Mr. Chairman, I'm having some difficulty again trying to understand what a "specialized municipality" is going to be. One thing that comes to my mind is: is this a way of getting into regional government? What indeed are we talking about when we're talking about a specialized municipality?

MR. CHAIRMAN: Do you have a section number?

MRS. ABDURAHMAN: Yes. Section 83. I apologize; I should be referencing them when I'm speaking.

Section 83 gives the power to the minister to form a specialized municipality. The minister may form a specialized municipality whenever he is satisfied that an area could not be defined under other designations for municipalities. So it leads me to the question: when we're looking at what's happening in education, and we look at the County Act and counties as we know them today, where they have the responsibility for education, now if we're going to a regional form that is separate from municipalities for all educational authorities, where does the county school system fit in?

I want to just quickly move from section 83 and go to page 241 of the Act where we're starting to deal with division 2, consequential amendments, repeal and commencement, and we're dealing with counties.

MR. CHAIRMAN: I think the hon. Member for Lacombe-Stettler is having some difficulty, assuming that you were going off of this list when in fact you're not. We are having our own difficulties following you.

MRS. ABDURAHMAN: Oh, no. I'm literally taking the Bill and the areas, Mr. Chairman, where I have concerns as the Member for Clover Bar-Fort Saskatchewan and wanting clarification more than anything, quite frankly, right now so I can understand what Bill 31 is indeed telling me. So as the hon. Member for Lacombe-Stettler understands, I'm tying it also to Bill 19, Bill 20, the County Act, and the School Act to try and understand what Bill 31 is saying to us.

So going back to section 83 and talking about specialty municipalities, I certainly would like more clearly defined what we're talking about, because I have some suspicion. Are we looking at some form of regional government here, or is it

somehow tied into the county system? I need to have an understanding what is going to happen to the county system as we know it today with Bill 19. What will the regional education authority look like under Bill 19, and how will that influence the county system as we know it today? Certainly we see still mention of it through division 2, consequential amendments, repeal, and commencement, and it's still clearly showing under 13.

The chief elected official of a county has all the rights, duties, privileges and powers of

- (a) the chief elected official of a municipality, and
- (b) the chairman of the board of trustees of school division.

So if we're once again reinforcing what I believe is presently in the County Act, are we being told through Bill 31 that Strathcona county school board as we know it today will continue to exist and that Bill 19 and Bill 31 don't change the county school system? That's the question I'm trying to get at, Mr. Chairman. So I certainly look forward to getting clarification there.

Now, the other area that I have a concern about is section 107, where it allows the minister to initiate the amalgamation of two or more municipal authorities. Looking at section 108, it doesn't appear to require the minister to invite comment, conduct public meetings, or hold a vote on the proposed amalgamation. Now, what are we talking about here? Is this improvement districts into MDs, or is it a city into a county system? Is it a town into a regional form of government? Mr. Chairman, what I want to get at is: is indeed the intent of Bill 31, when we're looking at annexations and amalgamations and specialized municipalities, a form of regional governments?

Mr. Chairman, I would like to adjourn debate, and I look forward to continuing my discussion on Bill 31.

10:00

MR. CHAIRMAN: Okay. The hon. Member for Clover Bar-Fort Saskatchewan has moved that we adjourn debate on Bill 31, the Municipal Government Act. All those in favour of adjourning debate at this time, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no. Carried.
The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Chairman. I move that the committee report progress on Bill 31 when the committee rises and reports.

[Motion carried]

Bill 23

Provincial Offences Procedure Amendment Act, 1994

MR. CHAIRMAN: The hon. Member for Fort McMurray adjourned debate, but that must have been on second reading. Is that right? In any event, since you can speak unlimited times, and at times it seems so, we would invite hon. members, whomever.

The hon. Member for Calgary-*Buffalo*.

MR. DICKSON: Thanks very much, Mr. Chairman. When this matter came up in committee last evening, I indicated that I had some amendments I thought were necessary for the Bill. On further reflection and discussion, I'm now in a position where I'm going to advance only a single amendment. What I'm proposing to do is amend section 6 of Bill 23. I've got the copy of the amendment here.

MR. CHAIRMAN: Maybe we might just take a one-moment meditation break while the pages bring around the amendments. The Chair would observe that it has the necessary signatures. A moment more and Calgary-*Buffalo* can continue.

Hon. Member for Calgary-*Buffalo*, continue with your amendment.

MR. DICKSON: Sure. Thanks, Mr. Chairman. The only portion of Bill 23 in the end result that I'm proposing to amend is section 6. Members, section 6 is the one that creates a new procedure. The other provisions in the Provincial Offences Procedure Amendment Act, 1994, are housekeeping-type matters. Section 6 does something different. This section says it will now be possible, particularly in speeding offences, that the police officer need not attend court at the time of trial, that in fact all that's required is an affidavit from the police constable, and the affidavit is tendered in court. If the accused wants the right to cross-examine the police officer, the accused can make that application to the provincial court judge, who would then presumably reschedule the matter, and it would come back in. Now, the amendment would take and amend – this is section 6, and using the numbering of the actual Bill, it would be 38.1(3). What I've added is the words "14 days before."

So it now means that if we've got a speeding trial, the affidavit can be used, but just as an element of basic fairness a copy of the affidavit of the police officer would be served or given to the accused at least 14 days before the trial. So all that means at the time of the hearing is that the accused person at least knows what's coming, and it gives that person ample time to decide whether to make application to have the police officer attend. The only reason it's in there is an element of fairness. Members will note that currently in section 38.1(3) there's no time limit. I'm sure this wasn't the intention of the Member for Calgary-*Cross*, but at least there's the potential that the police officer could give the affidavit to the accused person an hour before the trial starts, the day before the trial.

I'm pleased to advise, Mr. Chairman, that the Member for Calgary-*Cross* represented to me – and I don't know whether she's going to be able to speak to this before it comes to the vote, but I simply wanted to stress to all members that my understanding is that the Member for Calgary-*Cross* is not opposed to this particular amendment. She put it to me that she thought this was a reasonable amendment. So in that spirit I encourage all members to consider supporting this amendment. It does build in an element of fairness that isn't currently there.

I just finally say it's important. Because we're going with a new procedure, I think it's important that we accommodate that sense of fairness so that people don't feel we've taken away their right to a trial. In introducing this particular amendment, I don't think the 14 days' notice is going to compromise or prejudice any of the objectives of the Member for Calgary-*Cross*.

Now there may be some other members that wish to speak to this. I guess the only other comment – I just say this because I don't plan on getting up again on this Bill. I had some concerns that the material can be served by ordinary mail, and one would have thought that if it was at least single-registered mail, there's some assurance that the thing can be tracked and so on. Now, that provision is not in here, but I think my view is that we want to get this Bill passed and out there working. I'm just going to be watching, and I expect others will be watching, to see how this new process works. If there are problems with it, then, Mr.

Chairman, I'll be back suggesting amendments to it at a future time.

With that I think I've exhausted the arguments I wanted to make. I just sum up again by saying the Member for Calgary-Cross had indicated that she was not opposed to this one amendment, and I'm proposing no other amendments to Bill 23.

Thank you very much.

MR. DAY: Speaking to the amendment, Mr. Chairman, I can verify and say on behalf of the hon. Minister of Justice and the Member for Calgary-Cross that indeed they have indicated that it looks like this wouldn't create difficulties. With them not being able to address it right now, on their behalf and to the Member for Calgary-Buffalo I'd like to indicate that one way or another it looks like we want to accommodate this. There needs to be some further discussion just in checking it out, a few things to be looked at. Given the fact that I'm speaking on their behalf – and I'd like them to be here actually to address it – I want to give that positive indication that this could find favour in one form or another.

On that, and until they can address it themselves, I will move to adjourn debate on the amendment and come back to it with that understanding.

MR. CHAIRMAN: Okay. The hon. Government House Leader has moved that we adjourn debate on the amendment proposed by the hon. Member for Calgary-Buffalo dealing with section 6 of the amendment Act that we're dealing with, which is really section 38.1(3). All those in favour of adjourning debate on the amendment at this time, please say aye.

10:10

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Adjourning debate has been moved on the amendment.

The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Chairman. I would now move that we adjourn debate on the Bill.

MR. CHAIRMAN: The hon. Deputy Government House Leader has moved that we adjourn debate on Bill 23. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Carried.

The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Chairman. I move that we report progress on Bill 23 when the committee rises and reports.

[Motion carried]

Bill 27 Rural Gas Act

MR. CHAIRMAN: The hon. Member for Three Hills-Airdrie.

MS HALEY: Thank you, Mr. Chairman. The other day when we were adjourning debate in second reading, one of the hon. members from across the way raised some questions, and I would like to take an opportunity to just answer them very quickly.

One of the questions was that the hon. member from across felt that the Bill had not been in circulation for a sufficient time to allow for input by interested parties. Our position was that all stakeholders directly or indirectly affected by any new or amended provisions in this legislation had been part of an extensive consultation process which ranged over the last two years. The groups that were involved included the Federation of Alberta Gas Co-ops Limited, Canadian Western Natural Gas Company, Northwestern Utilities Limited, central gas Alberta incorporated, Alberta Urban Municipalities Association, the Alberta Association of Municipal Districts and Counties, the Improvement Districts Association, the city of Medicine Hat, and the Public Utilities Board. In fact, all of the major and minor stakeholders in this have been involved.

The second point that was raised was with regard to the minister's powers. Under this legislation they are unchanged since the original 1973 statute. These powers are reflected primarily in section 3, which permits the minister to waive compliance with any provision of the Act where warranted. In other words, the minister has the power of waiver, which is not the same as the power to act. Where the power to act is provided, it is necessary for the administration of the Act. In summary, we believe that powers conferred on the minister by this legislation are reasonable and necessary for the effective administration of this statute.

The standards for inspection services are more appropriately reflected in policy rather than legislation, and currently our technical standard policy requires that no conflict of interest may exist in inspection services. In other words, a contractor's work must be inspected by an independent third party.

The provision under which an owner of gas must supply the gas to Gas Alberta is contained in section 31. The section has also been in place since 1973, and it is important to note that it contains a specific provision that a reasonable price must be paid for that gas. Gas Alberta has today competed very effectively in gas price negotiations, and we see no reason to have this provision covered up a little bit, as the hon. member from across suggested.

The final suggestion was that customers be polled on the provision of gas service when an area is annexed. Our provision is that the elected municipal council which is accountable to those customers should decide who serves an annexed area with natural gas, and this position is reflected in section 22.

That covers the points raised in second reading.

Thank you.

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: Are you ready for the question?

The hon. Member for Leduc.

MR. KIRKLAND: No.

MR. CHAIRMAN: Oh, sorry. I mistook your movement to indicate an eagerness to enter into debate with the hon. Member for Fort McMurray.

MR. GERMAIN: Thank you kindly, Mr. Chairman. Given my slim build I could understand how I could be confused with the Member for Leduc. [interjections] Normally the hon. members opposite clutch the chairs in the front row so that they don't have to raise their voices as loud when they want to do this quality heckling.

MR. CHAIRMAN: I didn't hear the citation 459 at this time, so we'll continue with the speech, hon. Member for Fort McMurray.

MR. GERMAIN: Thank you. Thank you and indeed an anticipated fine one it hopes to be too. It's off to the usual start, I must say.

Mr. Chairman, this Bill has been debated at some length. It is not particularly controversial, as the member opposite has indicated; it is an amalgam of other legislation. So I only want to address the Legislative Assembly this evening from the point of view of: is it the best it can be?

I want to suggest to the member opposite that she may wish to consider, and there will be opportunity before third reading, referring it back to committee for some quality amendments that the government may want to put in. The members opposite may want to consider that it would be appropriate to take a hard look at the minister's power under section 3. You've dealt with it specifically, but it might be reasonable to outline some form of codification under which the minister will act or won't act.

Dealing with section 4 of the legislation, there is one potential loophole in this section that should be addressed, and that is whether an inspector can inspect a pipeline or facility that he has a vested interest in either by being connected to the line, having an interest in the line, or being a member of the organization that holds an interest in the line. The movement of natural gas through lines is a potentially dangerous item, and it would seem that as a first principle those who do the inspection should have no vested interest with the inspected material. Now, that can be dealt with, I acknowledge, as a policy of the provincial government, where they could simply say that inspectors must disclose any lines that they have a direct or indirect interest in and be dealt with accordingly. The member opposite may wish, however, to refer back to committee at third reading for the purpose of that value-added amendment, which would be of some use and would indicate some fairness in the inspection process.

The chief officer and the inspectors have a tremendous power of revocation of a franchise area given to them in section 19 of the legislation. In that particular section there can be some very severe consequences, because the franchise can be revoked. Now, it is fair and it is appropriate to draw to the Assembly's attention that in section 21 there is an appeal of that process, but under the appeal process to the Public Utilities Board there is no automatic stay of the revocation of the franchise if there is an appeal taken. The member might wish to consider whether it would be appropriate, when safety issues are not compromised, whether a person who appeals in fact can have a stay of the revocation during the course of their appeal to the Public Utilities Board.

It is also to be noted that the government I believe does run some risks in the power of inspection that is set out in this legislation insofar as – and I hate to raise the Minister of Municipal Affairs' favourite piece of legislation – there are powers and controls upon which people in a position of authority can enter onto other people's land or into their facilities, and the government may wish to consider whether the obligations and protection

of the public in terms of the inspection without notice or without any formal appointment offend any of the sections of the Charter.

Mr. Chairman, that concludes my comments on this particular legislation. I am going to try a different approach this evening. I have in the past come forward with value-added amendments. They have to a one been defeated in this Legislative Assembly, and as a result even the most stubborn mule hit with a two-by-four on the nose sooner or later will perhaps decide that the nose should not be bruised any further, at least until the scars from the last whacking heal. As a result, the approach that I'm going to try with the member opposite on this occasion is to suggest these value-added amendments on the theory that it would seem to me that the government would be interested in putting out the best Bill they are capable of doing. Those are my submissions this evening.

Thank you.

10:20

MR. CHAIRMAN: The hon. Member for Three Hills-Airdrie.

MS HALEY: No. I just wanted to thank him for his comments. I will refer them to the department to be looked at. We do believe we have the best possible Bill here. It has been negotiated and renegotiated, and some very tough people with some very tough opinions on what would be right and what is wrong have finally come to an agreement that this is the best possible work that we can put together that satisfies their needs and ours to rid ourselves of old and stagnant legislation. I do appreciate his comments.

I move the motion to go into third reading.

MR. CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 27 agreed to]

MS HALEY: Mr. Chairman, I move that the Bill be reported when the committee rises.

[Motion carried]

MR. CHAIRMAN: The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Chairman. I move that the committee now rise and report progress and request leave to sit again.

[Motion carried]

[Mr. Clegg in the Chair]

MR. TANNAS: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports the following Bill: Bill 27. The committee reports progress on the following Bills: Bill 31 and Bill 23. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

MR. ACTING SPEAKER: Thank you, hon. member. All in favour of the report?

HON. MEMBERS: Agreed.

MR. ACTING SPEAKER: Opposed, if any? Carried.
Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Speaker. We've had some good debate this evening, and I would now move that the Assembly adjourn.

[At 10:25 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]

