

Legislative Assembly of Alberta

Title: **Tuesday, May 17, 1994**

1:30 p.m.

Date: 94/05/17

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

Our Father, we confidently ask You for Your strength and encouragement in our service of You through our service of others.

We humbly ask for Your gift of wisdom to guide us in making good laws and good decisions for the present and the future of Alberta.

Amen.

Would the members remain standing for a moment. On behalf of the Members of the Legislative Assembly I extend our expression of sympathy to the hon. the Minister of Agriculture, Food and Rural Development on the death of his wife, Trudie. Our prayers are with the minister and his family in this time of sorrow.

Please be seated.

head: **Introduction of Visitors**

MR. MAR: Mr. Speaker, it is my pleasure to introduce to you and through you to Members of this Assembly His Excellency John Beck, ambassador and head of the delegation of the Commission of the European Communities to Canada. Seated with Ambassador Beck are his wife, Mrs. Helen Beck, and Mr. Frank Deeg, principal assistant of economic and commercial affairs with the commission in Ottawa. Ambassador Beck was appointed ambassador and head of the delegation to Canada in April of 1993. He is making his first official visit to our province. He has had a distinguished career which has included positions as the economic community's deputy head of the permanent delegation to Geneva and head of the division responsible for the GATT and multilateral trade policy based in Brussels.

In 1993 Alberta exports to the European union member states amounted to approximately \$440 million, with wood, pulp, wheat, canola, and telecommunications equipment comprising the majority of those sales. The European union is Alberta's third largest trading partner following the United States and Asia and represents Alberta's largest number of overseas visitors every year. In the recent past Alberta's European focus has shifted toward tourism, investment, and technology access and away from the more traditional commodities. While in Alberta Ambassador Beck has had an opportunity to meet with government officials to discuss issues relating to market access difficulties and the effects of the European communities' common agricultural policy.

Mr. Speaker, I would like to ask His Excellency, Mrs. Beck, and Mr. Deeg to please rise in the Speaker's gallery and receive the warm welcome of this Assembly.

head: **Presenting Petitions**

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

DR. NICOL: Thank you, Mr. Speaker. It gives me great pleasure to file with the Assembly a petition supporting the Children's hospital and urging that it be kept as an active treatment hospital to serve the children of southern Alberta. There are 1,951 names on this petition.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm rising to present a petition with 2,731 signatures gathered from residents of Edmonton-Avonmore, Edmonton-Mill Woods, Edmonton-Ellerslie, Edmonton-Gold Bar, and other surrounding areas who are petitioning the Legislative Assembly to urge the government to maintain the Grey Nuns Hospital in Mill Woods as a Full-Service, Active [treatment] Hospital and continue to serve the south-east end of Edmonton and surrounding area.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. I beg leave to present a petition today with 1,424 names on it, which now makes over 30,000 names that have been presented in this Legislative Assembly of people who support keeping the Grey Nuns hospital open as an active care treatment centre.

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

MR. DALLA-LONGA: Thank you, Mr. Speaker. I'd like to present a petition with 115 names of concerned citizens in the High River and Longview area who are asking that the Legislative Assembly of Alberta urge the government to maintain the Children's hospital on its current site.

Thank you.

head: **Reading and Receiving Petitions**

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

MR. BRUSEKER: Thank you, Mr. Speaker. I would ask that the petition I tabled on April 26 regarding the Alberta Children's hospital be now read and received.

CLERK:

We the undersigned petition the Legislature of Alberta to urge the government to reconsider the recommendation of the Hyndman Report in regards to the relocation of the Alberta Children's Hospital in Calgary.

MR. SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Speaker. I beg leave to request that the petition I submitted May 2 in regards to early childhood services be read and received today.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government of Alberta to include 400 hours per year of Early Childhood Services (ECS) in the School Act as an essential part of a Basic Education.

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

MR. DALLA-LONGA: Thank you, Mr. Speaker. I now request that the petition which I presented on May 2 concerning the Children's hospital location be now read and received.

Thank you.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to maintain the Alberta Children's

Hospital in Calgary on its current site and as it currently exists as a full service pediatric health care facility.

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

DR. NICOL: Thank you, Mr. Speaker. I'd like to request that the petition I submitted on the 21st of April concerning the Children's hospital in Calgary be now read and received.

Thank you.

CLERK:

We the undersigned petition the Legislative Assembly of Alberta to urge the Government to maintain the existing Alberta Children's Hospital in Calgary as a full service, active hospital which will continue to serve the children of southern Alberta.

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

MR. BRACKO: Thank you, Mr. Speaker. I request that my petition of May 2 regarding removing the Sturgeon general hospital from Edmonton be read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to reconsider the inclusion of the Sturgeon General Hospital within the Edmonton Region and to allow the Sturgeon General Hospital to serve its customers from the City of St. Albert, the MD of Sturgeon, the Town of Morinville, the Village of Legal, the Alexander Reserve, the Counties of Athabasca, Barrhead, Lac Ste. Anne, Parkland and Westlock.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I would ask that the petition I presented on May 2 concerning taking the St. Albert Sturgeon general hospital out of the health region of Edmonton be read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to reconsider the inclusion of the Sturgeon General Hospital within the Edmonton Region and to allow the Sturgeon General Hospital to serve its customers from the City of St. Albert, the MD of Sturgeon, the Town of Morinville, the Village of Legal, the Alexander Reserve, the Counties of Athabasca, Barrhead, Lac Ste. Anne, Parkland and Westlock.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I would ask that the petition which I presented on April 27 regarding the retention of the Grey Nuns hospital as an active, acute care treatment centre be now read and received.

CLERK:

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

head: **Presenting Reports by
Standing and Special Committees**

MR. DUNFORD: Mr. Speaker, as chairman of the Standing Committee on the Alberta Heritage Savings Trust Fund Act and pursuant to Standing Order 52 I hereby would like to table the

1993 committee report. Copies will be distributed to members after question period. I'd like to thank all committee members for their support.

head: **Notices of Motions**

MR. DAY: Mr. Speaker, pursuant to Standing Order 34(2)(a) I'm giving notice that tomorrow I'll be moving that written questions and motions for returns stand and retain their places on the Order Paper.

head: **Introduction of Bills**

1:40

**Bill 36
Teachers' Retirement Fund Amendment Act, 1994**

MR. JONSON: Mr. Speaker, I request leave to introduce Bill 36, the Teachers' Retirement Fund Amendment Act, 1994.

Mr. Speaker, this Act provides for the following: the adjusting of contribution rates, the commuted value of pension and lock-in provisions, and it provides for contributions at full cost for past maternity leave. These amendments provide for the implementation of necessary revisions arising from the memorandum of understanding of the year 1992.

[Leave granted; Bill 36 read a first time]

head: **Tabling Returns and Reports**

MR. ROSTAD: Mr. Speaker, I'd like to table the answer to Motion for a Return 169.

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

MR. HENRY: Thank you, Mr. Speaker. I would like to table copies of a media release dated today issued by the Public School Boards' Association of Alberta, starting off, "The Government has winked, blinked, and shut its eyes."

MR. SPEAKER: Hon. members, order please. I am tabling with the Assembly a letter dated May 10, 1994, from Mr. Glen Braum requesting that his name be withdrawn as the candidate recommended by the Select Special Auditor General Search Committee for the position of the Auditor General of Alberta. A copy of the letter is being distributed to members.

MR. DAY: Mr. Speaker, related to your tabling, I wonder if I might request unanimous consent to revert to Notices of Motions.

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

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. So ordered.

head: **Notices of Motions
(reversion)**

MR. DAY: Mr. Speaker, the motion would be as follows:

Be it resolved that the Select Special Auditor General Search Committee of the Legislative Assembly of Alberta be revived to continue its original mandate pursuant to Government Motion 22, passed by this Assembly Tuesday, November 9, 1993, due to the withdrawal of the committee's recommended candidate in its report to the Legislative Assembly Thursday, May 5, 1994, being sessional paper 656/94.

head: **Introduction of Guests**

MR. SPEAKER: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Speaker. I would like to introduce to you and through you 83 energetic grade 6 students from Stettler elementary school located in my constituency. These students are accompanied here today by teachers Don Falkenberg, Malcolm Fischer, Karyn Hayden, Rod McElroy, Ron Komishke, and Jenn Konshuh as well as parents Sheila Wiest, Carol Dand, Anna Garez, Kevin Sawula, Karen Hummerstone, Donna Jacobs, Mila Barclay, and Marlene Boyer. I would ask them to please rise – they're seated in both the members' and the public galleries – and receive the warm welcome of this Assembly.

MR. SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. It's my privilege to introduce to you and through you to members of the Assembly Mr. P.J. Reimer, teacher; group leaders Mrs. Rachel Reimer, Mrs. Mona Payne, Mrs. Cindy Broadfoot; and 22 grade 10 students from Millwoods Christian school. They're seated in the public gallery, and with your permission I would ask them to stand and receive the traditional welcome of the House.

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

MR. SMITH: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to this Assembly another one of Saskatchewan's great products. We know that indeed one of their greatest exports is their people. I'd like to introduce to you a business leader in Calgary, one of the first air charters from Calgary to Siberia to help open the Russian oil fields for work by Albertans. He's certainly a part of the Alberta advantage, and it gives me great pleasure to introduce Mr. Tom Bugg, who's seated in the Speaker's gallery. I'd ask that you give him a warm round of welcome.

Thank you.

MR. DAY: Mr. Speaker, I'm pleased to introduce to you and to members Philippe Labossière. He's from St-Hyacinthe, Quebec. He's a fourth year political science major studying international relations. Philippe is a participant in the Quebec/Alberta student employment exchange program and will be assisting government members with caucus research until mid-August. I would ask that Philippe stand while we signal *bienvenue* from the Assembly today.

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

DR. PERCY: Thank you, Mr. Speaker. To you and through you I would like to introduce to this House a constituent and another Albertan concerned about education in this province: Mr. Dan Backs in the public gallery. Would he please stand and receive the warm welcome of the House.

head: **Oral Question Period**
School Act Amendments

MR. DECORE: Mr. Speaker, in the last seven weeks the government, particularly the Minister of Education, has caused acrimony and division amongst Albertans over education. The government bullied the Catholic community into accepting a

compromise, and in changing its position, what the government partially solved for the Catholic community they created or made worse for other communities. Now public school representatives are angry at the government, angry at usurping their local autonomy. Is the minister going to continue his style of bully tactics and fumbling and ignore the concerns of public school boards today?

MR. JONSON: Mr. Speaker, if there has been anybody or any group that's been promoting acrimony as far as the education debate is concerned, they're located across the way. During the past number of days and weeks I've been working on providing a series of amendments which will improve Bill 19. As I see it, these amendments provide a number of improvements that provide for fair and equitable funding for all students in this province. I would ask the members across the way to, you know, remember that there are students out there as they bounce around from one side to the other on this issue. These amendments provide for that fair and equitable funding for students in this province, and it provides the mechanism to do so.

MR. DECORE: Mr. Speaker, acrimony comes from writing bad legislation.

Why is the minister adamant in beating down local autonomy and not allowing school boards the right – and this is basic to local autonomy – to choose their own superintendents?

MR. JONSON: Mr. Speaker, I would respectfully suggest to the hon. Leader of the Opposition that perhaps he could read Bill 19 or have someone read it for him, because Bill 19 does provide for local school boards advertising for selecting their own superintendents.

MR. DECORE: Bad legislation leads to acrimony.

Mr. Minister, how can you discriminate by not allowing the public boards the same kind of advantage that you've now given to the Catholic boards in this province?

MR. JONSON: Mr. Speaker, the Leader of the Opposition refers to bad legislation. From his remarks I can only conclude that he doesn't know what's in it anyway, so it's very difficult to assess that. The legislation that we have proposed gives no particular advantage to any school board in this province over another. It provides equitable and fair funding through school boards to the students of this province, where it is important that the funding arrive and be applied. That is not a system that puts any advantage to one group over another.

1:50

MR. DECORE: Mr. Speaker, good legislation doesn't require . . .

MR. SPEAKER: Second main question.

MR. DECORE: Maybe he should do his homework.

Mr. Speaker, the Minister of Education . . .

MR. HENRY: What you have to do is make up your mind over there.

MR. SPEAKER: Order. Hon. Member for Edmonton-Centre, the Leader of the Opposition is trying to ask a question.

School Taxes

MR. DECORE: Mr. Speaker, last week the Minister of Education said that he would use revenue from new assessment to replace the \$30 million in funding from lotteries for education. We now learn that there won't be enough money to make good on this \$30 million. The minister has also said that there will be no new tax increases for education. Mr. Minister, tell Albertans how much short you'll be on the \$30 million that you said would be covered.

MR. JONSON: Mr. Speaker, our projections are that we will obtain the \$30 million required.

MR. DECORE: Mr. Minister, will you agree to table in this Assembly as soon as possible the figures, the financial documents that show clearly how and from where this \$30 million will come? Will you do that?

MR. JONSON: Mr. Speaker, first of all, I would refer the hon. leader to the budget documents that have been tabled with the Assembly. The projections are there.

In terms of reporting on revenue that is taken in by the profits and the sources from which it came, certainly that will be accounted for in due course through the public accounts and through the budget documents of the province.

MR. DECORE: Mr. Minister, what kind of plan do you have when you say that there will be no new tax increases and officials from your department are now negotiating with some municipalities for such tax increases as we speak?

MR. JONSON: Mr. Speaker, officials from the departments involved, particularly Alberta Education, are contacting and are in discussion with local municipal authorities and with school boards, but particularly local municipal authorities, and dealing with the approach, the direction that has been clear from January 18 onward, and that is that in order to meet the \$30 million required for equity payments this year for the benefit of students in this province, we were going to tax the real growth in the assessment of the tax base in the province.

Athabasca University

MR. DECORE: Mr. Speaker, Athabasca University's mandate – this is set out clearly in government statements – is to provide equality of educational opportunity for adult Canadians. A commercial centre has been created at Athabasca with the minister's blessing. This is to award MBAs to wealthy international students. Stephen Murgatroyd, a special friend of the Treasurer and one of the promoters of this centre, received a \$5 million loan and loan guarantee from the Conservative-appointed board of Athabasca. My questions are to the minister of advanced education. Mr. Minister, explain why you have not directed the board of Athabasca to revoke the loan and the loan guarantee that has been given to a profit centre that Mr. Murgatroyd is promoting.

MR. ADY: Well, Mr. Speaker, let's be clear that the MBA program that's being delivered by Athabasca University was not created in an effort to serve, necessarily, international students. As a matter of fact, the last time I checked with Athabasca University, at least half of the applicants are from within Alberta for that program. We have something over 40 applicants that

have applied and been accepted into that program, and it's brand new. It's brand new.

The centre that the hon. leader refers to is a centre that was set up to carry this whole cost-recovery program so that it could be separated out. As far as the loan guarantee, let's be clear: there's no loan guarantee going to Mr. Murgatroyd. The centre that's set up is an arm of the university. It is not a separate corporation. It's there as an arm of the university and there to serve the cost-recovery programs that they may see fit to put in place. Students are paying some \$7,000 in tuition, full cost recovery to the institution, Mr. Speaker.

MR. DECORE: Mr. Minister, why would you deny universities financial resources that keep away 20,000 Albertans who can't get access to postsecondary institutions, but you can without even blinking an eye allow a \$5 million loan to be given to that fellow's friend? How can you do it?

MR. ADY: Mr. Speaker, let's be clear that what has happened with the creation of this centre is not impacting to the extent that the hon. leader would have us believe. In fact, it's there as a creative approach to providing a service to Albertans and others across this country who may see fit to access an MBA, a very coveted MBA, I might add, that will be of value to Albertans and others across this country. I see it as a very positive thing, and I'm surprised that the Liberals across the way would try to cast a negative pall on something that's so innovative and good for Albertans.

MR. DECORE: Mr. Minister, tell Albertans how you could allow this Tory-appointed board to thumb its nose at the government and allow through the back door a government to be in the business when it said that it wouldn't be in business. How can you do that?

MR. ADY: Mr. Speaker, each year the government gives a grant to institutions, and it's administered by the board of governors and the administration of that institution. At that point, they have jurisdiction over programs that they may see fit to bring forward that will serve Albertans and international students if they choose to come here. In this case, the same thing was done to Athabasca University. They received their envelope of funding. They saw fit to enter into this on a full cost recovery at no cost to the taxpayer – the student pays the cost – and will provide an educational service to Albertans in this province.

MR. DINNING: Mr. Speaker, supplementary information. Last fall this Legislature had before it amendments to the Financial Administration Act that would give the government greater influence over the financial control, the financial affairs of institutions like our universities. It was the same Liberals across the way who opposed those kinds of amendments because they said that the government shouldn't meddle in the financial affairs of the university. [interjections]

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

The hon. Member for Lesser Slave Lake.

Northern Alberta River Basins Study

MS CALAHASEN: Thank you, Mr. Speaker. I think spring is around the corner or it is here, because we seem to be getting quite a lot of chirping. [interjections]

MR. SPEAKER: Order.

The hon. member.

MS CALAHASEN: Thank you very much, Mr. Speaker. The northern river basins study, which is in the final year of information gathering, has many implications for northern Alberta, especially the people who depend on northern rivers for food and water. I was interested to learn that of the \$2.6 million allocated to carry this study to its conclusion of March 31, 1995, \$433,000 has been earmarked to research traditional knowledge. Can the Minister of Environmental Protection tell us what role traditional knowledge is playing in this study and how that knowledge is being gathered?

2:00

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

MR. EVANS: Thank you, Mr. Speaker. A very good question by the hon. member. The input from northerners is extremely important as human history information in the northern river basins study. What we are trying to do, along with the scientific information that's being gathered, is broaden out the perspectives that we have by getting the input from northerners as to what the impacts have been on the changes that have occurred in the northern river basins. Now, how are we doing that? Well, we're doing it through involvement of northerners. Local people who have been given some information and education, really, on traditional knowledge and also on modern interviewing techniques are going to a number of communities in the north. In fact, about 50 people from 10 different communities are going to be interviewed, and we hope that all of that information will then become part of the history of the area. We want this information to be part of the north, and it will certainly be used in connection with the scientific information to give us a final report on northern river basins.

MS CALAHASEN: Mr. Speaker, too often it seems that we get studies done, but nothing gets done. Could the minister then indicate what the results of that northern river basins study and all the components of it will comprise?

MR. EVANS: Well, Mr. Speaker, certainly not only with respect to the Department of Environmental Protection but also with respect to the Department of Health I expect that this traditional information will be used for project approvals and decision-making generally in the north. We also want to compile all of this information and make it available for the communities in the north. I would foresee the information being in libraries, for example, in the north so that the average citizen in the north and students in particular can review it and learn about their history through that information gathering.

MS CALAHASEN: Mr. Speaker, to the Minister of Health then: what is the involvement of Alberta Health in this project? There obviously are health issues related to the work being done under this study.

MRS. McCLELLAN: Mr. Speaker, Alberta Health is a participant in this study, and we are a participant because we feel that the data that can be garnered from this study and that can be analyzed by scientists could give us information as to possible linkages between environmental health, between the health of populations and possible contaminants that are found in the air or

water. We would expect that the results of that information would lead us with better information to make decisions on how to deliver health programs in those areas. So we are a full participant and looking forward to the work and the information gained from that study.

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

Special Waste Treatment Centre

DR. PERCY: Thank you, Mr. Speaker. Over the past six years the government has committed over \$196 million of taxpayers' moneys to operate the Alberta Special Waste Treatment Centre at Swan Hills. That's \$196 million. Meanwhile Chem-Security, the operator of Swan Hills and a subsidiary of Bovar, has received \$34 million in guaranteed profits on its share of the Swan Hills facility since 1989. My questions are to the Minister of Environmental Protection. How can the minister justify a subsidy of \$196 million so a private company can generate a guaranteed return of \$34 million in profits? A guaranteed return.

MR. EVANS: Mr. Speaker, as I mentioned yesterday, when the government of the province of Alberta in the mid-80s decided to site and build the special waste treatment facility in Swan Hills, they did so wishing to have this operated by the private sector. The government of the day, and we continue today, wanted to be leaders in environmental protection, and special waste or hazardous waste is a very serious problem. What we had through that period in the mid-80s were negotiations with a number of private-sector partners or potential partners, and the best deal that could be worked out to ensure that this facility was sited and built was a 60-40 joint venture with a guaranteed return. Now, that was the very best that could be obtained at the time.

Now, if the hon. member opposite is suggesting that we should not be in the business of dealing with hazardous waste in this province and should not have made that decision, then I'd ask him to make that remark clearly to this Assembly. We have taken our responsibility for environmental protection very seriously, and we have sited a state-of-the-art facility the superior of which does not exist in North America.

MR. SPEAKER: Supplemental question.

DR. PERCY: Thank you, Mr. Speaker. Why did this minister – we're not talking about the previous government, as you referred – keep the sweetheart provision of prime plus 3 percent when the contract was amended in April of 1993 just before the election? Why keep that deal?

MR. EVANS: Well, Mr. Speaker, during the time frame from 1985-86 to 1993 the facility was not making money. In fact, it was losing money. We had a number of choices in front of us when we came up to a renewal: let's try to find somebody who'd be prepared to jump in and take over this facility or to give us a better deal. Well, quite frankly, we could not find a better deal. Now, if in the future this facility becomes self-supporting, I think there will be some better deals, but the time was not right in 1993.

MR. SPEAKER: Final supplemental.

DR. PERCY: Thank you, Mr. Speaker. How can this minister claim this is a good deal for Albertans when the actual subsidy and cost to taxpayers thus far is almost \$5,000 per tonne of waste incinerated? Five thousand dollars per tonne.

MR. EVANS: Once again, Mr. Speaker, we have taken a position in this province that we will clean up hazardous waste. Now, we are the only province in this dominion of Canada that has been able to site and build a hazardous waste facility. We have a facility that can eliminate these wastes. In fact, we are essentially PCB free in this province. We have eliminated all the PCBs that were accumulated by industry in this province on an ongoing basis. Now, that's only because we have this facility. I am very proud of the environmental record of this government and the facility at Swan Hills. I believe that Albertans are very proud of that record. They realize that we have taken on a massive environmental responsibility and the cost attendant to that. We will continue to be supportive of this and hopefully turn it into a profit-making facility in the near future.

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

Physiotherapy

MR. FRIEDEL: Thank you, Mr. Speaker. My question is to the Minister of Health. In earlier discussions, Madam Minister, it was indicated that there was going to be more direct access by patients to physiotherapists. More recently we're advised that the Alberta health care insurance plan will not fund physiotherapy services after the community rehabilitation program is implemented. I wonder if the minister can advise us of the present status of the direct access issue and if there are plans to proceed with freer access.

MRS. McCLELLAN: We have accepted in principle direct access for physiotherapists. I met with the Independent Physical Therapists, the College of Physical Therapists, as well as the Alberta association for physical therapists and asked them to provide some information that we would require to complete this process. That group has met, Mr. Speaker, and has provided very, very insightful information, answering many of the questions. I am in the process right now of reviewing that. But I would see that direct access would be available for physical therapists in the very near future.

MR. SPEAKER: Supplemental question.

MR. FRIEDEL: Yes, Mr. Speaker. To the same minister: will the funds that are presently in the Alberta health care insurance plan be transferred to the regional funding for community rehabilitation, or is it expected that this service will be required to be funded from existing budgets?

MRS. McCLELLAN: Mr. Speaker, the three-year business plan for Health does provide for the development of a community rehabilitation program. We have a committee in process now developing the terms of reference for that program, and that committee has representation from all of the various therapies in the province. We presently have committed about \$32 million a year through the health care insurance fund to physiotherapy. We also provide dollars through our hospital-based program, through long-term care, and through home care. I would see that the dollars that are available today are removed from their present holdings and into that program pending the successful development of a program, but we do look at allocating the present dollars to that area.

2:10

MR. SPEAKER: Supplemental.

MR. FRIEDEL: Yes, Mr. Speaker. Again to the same minister: if it were more efficient to do so, could a hospital contract its physiotherapy services to a private clinic or therapist and continue to receive funding through the insurance coverage that it now gets?

MRS. McCLELLAN: Today, Mr. Speaker, hospitals and others can certainly make arrangements for how they fund physical therapy. However, if we are successful in developing a community rehabilitation program in this province, those dollars would be available in the regions for those therapies. Therefore, there would not be dollars available in the health care insurance fund. So when we move to a different program, those dollars will not be there to access.

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

Special Waste Treatment Centre

(continued)

MR. COLLINGWOOD: Thank you, Mr. Speaker. When the government and its joint-venture partner wanted to expand the Swan Hills hazardous waste plant, they said that they needed the expansion to deal with Alberta-only waste and to reach so-called economies of scale. Eighty-five million dollars later the expansion is ready to go, but the story now is that without imported hazardous waste, the expansion can't be used to full capacity. In fact, the minister himself has said that if importation is not allowed, part of the \$140 million newly expanded complex will have to be shut down to protect taxpayers. My first question's to the Minister of Environmental Protection. If there was no hidden agenda on importing hazardous waste, why didn't the government get approval on importation first and then get approval on the expansion after the fact?

MR. EVANS: Mr. Speaker, back in 1990 there was a very, very thorough and transparent review of an application by Chem-Security to expand at Swan Hills. That review was done through the Natural Resources Conservation Board. It involved a number of intervenors, who came forward, asked very appropriate questions, took a look at waste streams, and knew that the proposal was for Alberta waste only. The decision of the Natural Resources Conservation Board, a quasi-judicial body independent of government, was that the expansion of Swan Hills was in the public interest given a review of environmental, social, and economic considerations. That was a decision of the board back in 1990. It had nothing whatsoever to do with importation of waste. It was based on the information that was available at the time and the policy of government, which was Alberta only.

MR. SPEAKER: Supplemental question.

MR. COLLINGWOOD: Thank you, Mr. Speaker. The Liberal caucus at that time said: you're going to have to import with the size of expansion.

My second question to the Minister of Environmental Protection: isn't it true, Mr. Minister, that whether you shut down part of the plant or not, if importation is not allowed, the private company running that facility will still be guaranteed a profit?

MR. EVANS: Well, firstly, Mr. Speaker, whether or not the facility would be shut down in whole or in part is totally hypothetical. When I was trying to answer a question yesterday by the media, I indicated that if the volumes of waste that are being

treated were to stay level or below what they are today, which was exactly the reason that this figure of \$400 million came up from Chem-Security themselves, then remedial action would have to be taken to try to minimize the loss to Albertans. That could include a partial shutting down of the operation. I went on to say, though, that I don't expect that to happen.

One of the reasons that the waste stream has been at lower than capacity is because we've been in a construction phase for the last couple of years on the new kiln. That does curtail the amount of waste that can be handled. Of course our economy in the province has not been great in the past couple of years. It's certainly moving forward now, but during that time of a difficult economy companies in the province hadn't been willing to spend the money to treat their waste. With the improvement in our provincial economy and with the initiatives of our Premier I am confident that the waste stream will increase and that we'll get to viability.

MR. SPEAKER: Final supplemental question.

MR. COLLINGWOOD: Thank you, Mr. Speaker. The question was about guaranteed profit, so my final supplemental to the Minister of Environmental Protection: what are the chances that the government will redo the sweetheart deal with Bovar so that Alberta taxpayers don't have to pay for profits that aren't earned?

MR. EVANS: Mr. Speaker, I am amazed that the hon. member opposite, who is a lawyer, just as I am, doesn't seem to appreciate the sanctity of contract. It's very, very much sanctity of contract if it suits his purposes, but now even though we have a contract, he's saying: well, let's go and rip up that contract and start again. Well, I'm not going to contemplate that, because I don't want to try to presume what the decision of the NRCB will be on importation of hazardous waste. I don't want to try to presume what's going to be the case in the years in the future, but I do want to state again that we believe in the sanctity of contract. That's why this government is respected.

MR. SPEAKER: The hon. Member for Calgary-North Hill.

Provincial Fiscal Policies

MR. MAGNUS: Thank you, Mr. Speaker. My question is directed to the Provincial Treasurer. This government has set a high standard in reporting and public accountability. It's a powerful tool when combined with a well-defined plan to eliminate the deficit. Would the Provincial Treasurer . . . [interjections] Well, the well-defined plan from the members across the way was \$1.1 billion in brutal cuts, but they can't seem to remember where they were going to get it. Would the Provincial Treasurer . . . [interjections]

MR. SPEAKER: Would the hon. member please get to the question.

MR. MAGNUS: I'm trying, Mr. Speaker. Would the Provincial Treasurer advise Albertans when we can expect the fourth quarter report on our fiscal progress?

MR. DINNING: Mr. Speaker, the Deficit Elimination Act calls for quarterly reports after June, September, and December. There is no provision in the Deficit Elimination Act for reports following March, but our quarterly report for March 31 will in fact be our annual report, which is the audited, by the Auditor

General, financial statements of the province, volume 1. Those statements will be out by June 30, earlier than they have ever been out in the history of this province, in compliance with the Auditor General's recommendations, and volumes 2 and 3 will be out by the end of September.

MR. SPEAKER: Supplemental question.

MR. MAGNUS: Thank you, Mr. Speaker. To the same minister: in the absence of a quarterly report can the Treasurer provide an account of Alberta's progress in meeting our fiscal and economic targets?

MR. DINNING: Mr. Speaker, I can, and I could cite from a number of reports, not the least of which was Statistics Canada's recent report on unemployment and employment in this province and indeed in this country, that the year-over-year employment growth in Alberta, April '94 over April '93, was some 40,000 in size. What that says is that Alberta and British Columbia are now the only two provinces in the dominion that have exceeded prerecession employment figures. It's something that Albertans should be proud of, because it's Albertans who have put this province back to work. I can advise the Assembly that our rate of unemployment is the second lowest in the country. It's not yet low enough, but we've made some progress.

MR. MAGNUS: Mr. Speaker, what impact does this have on our credit rating, if any? [interjections]

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

MR. DINNING: Mr. Speaker, this is important. The members across the way . . . [interjections]

MR. SPEAKER: Order please. The Chair recognizes that it's important. That's why the Chair is encouraging the supporters of the Provincial Treasurer to be quiet so he can be heard.

2:20

MR. DINNING: Well, I'm glad, Mr. Speaker, that you recognize the importance of this, because it has a significant impact on our ability to borrow and therefore the cost of our borrowing. I would refer hon. members to comments by the president of the Canadian Bond Rating Service who said that there are three provinces who are in line for a credit upgrade, and they are British Columbia, Alberta, and Saskatchewan. From a credit rating point of view, they are the three provinces that are moving up. I also refer to a report by CS First Boston out of New York who took issue with comments by Standard and Poor's decision to maintain our negative outlook. They went on to say that we "believe that it will change later in the year as the budget deficit plan continues its success."

Exploratory Well in Whaleback Area

MR. N. TAYLOR: Yesterday, Mr. Speaker, the Minister of Environmental Protection made a statement in the House that doesn't quite jibe with the truth. He stated that he visited the Whaleback area and then decided that no environmental assessment was necessary, whereas the media release that I'm turning loose now shows that he visited it a day after he decided that it wouldn't be necessary. Churchill would say: some trip; some plane. I wonder what they serve aboard those things. I'd like to

ask: in view of the minister's statement yesterday that the Department of Environmental Protection would "have a decision-maker in the area" - this is page 1945 - "who will likely be called at the Amoco exploratory well review" . . .

SOME HON. MEMBERS: Question.

MR. N. TAYLOR: That's it. It's coming now. You won't like it. You won't like it.

Could the minister provide the name of that decision-maker and assure the House that the intervenors will be able to cross-examine that person?

MR. EVANS: Well, firstly, Mr. Speaker, I want to point out that I don't make decisions for the department based on a flyover and a landing at an exploratory well as to whether or not a licence of occupation and a mineral surface lease should be allowed. I take the input from my experts in our Department of Environmental Protection. That's the basis for a decision. Now, I did say yesterday that I went out to that site, and it was because I was concerned about what the process was, and I wanted to see it for myself.

In terms of the direct question from the hon. Member for Redwater, he said: well, who's going to be there? We will have a decision-maker from our integrated department and probably one of our biologists who will be in the area at the hearings. If called and if the board feels that it is appropriate for that individual to make comment and give evidence, then we'll deal with it at the time that application is made. We are there, Environmental Protection, as observers to this review by the Energy Resources Conservation Board.

MR. N. TAYLOR: Mr. Speaker, I know a trip with the Minister of Energy is its own reward; nevertheless, I would ask the minister just to listen to the question once again. Will that decision-maker be allowed to be cross-examined by the intervenors? That's the real crux of the question.

MR. EVANS: I guess I'll try to answer this one more time, Mr. Speaker. The point of this exercise is that this is an application for an exploratory well; that is, for the well itself. Okay? As I mentioned yesterday, there are a number of checks and balances before you get to an Energy Resources Conservation Board hearing. Our input is with respect to the licence of occupation and the miscellaneous surface lease. I don't believe at this point in time that that's going to be relevant to the issue of the exploratory well; however, I'll leave that to the board. If the board feels that a representative from Environmental Protection should be called, we'll take that under advisement. Our legal counsel for the application will analyze that and make a decision at the time.

MR. N. TAYLOR: Well, Mr. Speaker, I guess you've had the same experience. They call that a hostile witness; isn't it?

Could the minister then explain why at the ERCB hearings yesterday his department's lawyer said that the Department of Environmental Protection was only providing information and was not willing to be cross-examined? Why did he say that?

MR. EVANS: Mr. Speaker, I think that was with respect to Mr. Lorne Fitch, who had been requested to take the stand and to justify the contents of a letter that was made public early on, not dealing, hon. member, with the exploratory well but rather the

potential consequences of exploration in the area. It was found not to be relevant, and that's the position that our lawyers have taken.

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

Cardiovascular Surgery

DR. L. TAYLOR: Thank you. [interjections] Please, Mr. Speaker, could we have some quiet on the other side to hear my question?

Some figures I have obtained for the year 1991-92 indicate that there are a number of cases of cardiovascular surgery being performed on out-of-province patients. Unfortunately, Alberta Health only recovers between 50 and 70 percent of the costs. This means that Alberta taxpayers subsidized patients from out of the province to the tune of \$1.5 million. To the Minister of Health: if these figures are substantially correct, do you expect similar figures for '92-93?

MRS. McCLELLAN: Mr. Speaker, that is quite possible. I should explain to the hon. member, though, that provinces across Canada have set per diem rates under reciprocal agreements, and certainly this is in keeping with the portability principle of the Canada Health Act, which I know everyone in this Legislature supports. So while we may not receive a benefit to the full extent in one area, we may receive more benefit for another procedure. So these are per diems, and it depends on activity as to how much is expended.

DR. L. TAYLOR: How does the minister justify this expenditure when we are cutting back on health care dollars for Albertans?

MRS. McCLELLAN: Well, again, Mr. Speaker, I have to emphasize that this is a principle of the Canada Health Act. It is the portability of the Act. It is reciprocal agreements with other provinces. When Albertans receive treatment in other provinces, they receive it at a per diem rate that has been set. I think that's important, and I think that we have a commitment to the Canada Health Act to that portability. So I believe that it is very justified.

DR. L. TAYLOR: Does the minister have an estimate of the benefit of this reciprocal agreement for Alberta, and would it not make more sense to proceed toward a hundred percent recovery so as to reflect reality?

MRS. McCLELLAN: Mr. Speaker, in a perfect world it might be considered that we should move to 100 percent costing. However, this would be quite complex. We do not have similar costing methodology across provinces. I think that Alberta is certainly moving in this direction of having good costing methodology here, but to have each province do their costing methodology the same way is difficult. I still believe that the more important point in this is the portability of medical care in Canada, and to do that we must have reciprocal agreements with other provinces. We will be discussing this matter at our ministers' meetings to see if we should indeed be putting specific areas in. I think the hon. members would be interested to know that we do have special costing for some procedures: MRI, transplants, et cetera. Whether cardiovascular should be a part of this is a question that we will examine.

MR. SPEAKER: The hon. Member for Calgary-Varsity. Sorry; Edmonton-McClung.

2:30

Children's Hospital

MR. MITCHELL: You can do a lot of things to me, Mr. Speaker, but please never mistake me for Calgary-Varsity. He's much shorter than I am. In fact, I'm as tall as he is round.

Over 55,000 southern Albertans have signed a petition telling the Premier to stop playing politics with the southern Alberta Children's hospital. They are especially concerned that the Premier simply does not understand the role of the Children's hospital and its relationship to the Foothills hospital. Does the Minister of Health agree with the Premier when he says that the Children's hospital is not really all that important anyway because the really sick children are transferred to the Foothills hospital, or is she simply embarrassed by what the Premier has to say?

MRS. McCLELLAN: Mr. Speaker, it's a well-known fact that the minister does not comment on third-party discussions, because I have ordinarily and most commonly found that those have been misinterpreted. However, I would say that the minister understands the importance of children's health services, as does the Premier, as does this government. Our commitment to the people of this province is to ensure that we have the best health services delivery mechanism for children as well as for others in this province, and those will be the determinants that make the decision as to children's health programs in this province, wherever they are.

MR. MITCHELL: How can the Minister of Health continue to disregard the wishes of 55,000 Albertans, who unlike the Premier and probably unlike the Minister of Health know all too well that you can't save one cent by closing the Children's hospital or by relocating it to the Foothills hospital.

MRS. McCLELLAN: Mr. Speaker, there is one very significant difference between the Minister of Health, in the way that she would arrive at that decision, and the member opposite. I will not receive all of my information from newspaper clips or others. I will take the best information that can be developed on a clinical and a cost basis. That information is being developed today by a group that involves people from the Children's hospital, people from the Foothills hospital, and people from the community. They will bring forward recommendations to the minister.

Mr. Speaker, let me point out one more time to this Assembly that no decision as to where the Children's hospital should be sited or how those programs should be delivered – no recommendation has come to this minister or to this government, and no decision has been made.

MR. MITCHELL: Mr. Speaker, why would the minister be moving to close the Alberta Children's hospital in Calgary before the new Calgary regional board, which would much more aptly be able to make that decision, has been structured?

MRS. McCLELLAN: Mr. Speaker, there has been no – no – movement to close the Children's hospital in Calgary by this minister or by this government. It is another example of information that is being given out incorrectly in this House. I would ask the hon. member to provide some documentation that shows that the Minister of Health or this government has recommended closure or is considering closure of the Children's hospital. That is what is wrong with this discussion. We have said that we will base the delivery of health services to children on the best

information that we have available to us, both clinical and financial.

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

Classroom Instruction Time

MR. SMITH: Thank you, Mr. Speaker. I'm sure the constituents of Calgary-Varsity are very pleased that the hon. member identified himself as being from Edmonton-McClung.

Mr. Speaker, it is this government's job to provide an environment where individuals in the system can manage and indeed be accountable at the local level. There's irrefutable evidence that decentralized management can be geared to providing maximum results at all levels of government.

AN HON. MEMBER: That's three.

MR. SMITH: That's two.

The Department of Education has emphasized the importance of decentralized management, local accountability, and teachers all over Alberta have indicated how much additional time they spend to ensure quality education for our children.

SOME HON. MEMBERS: Question.

MR. SMITH: Thank you.

To the Minister of Education: why does this government legislate a maximum of 1,100 teaching hours per annum?

MR. JONSON: Mr. Speaker, the current provision is a maximum of 330 instructional minutes per day. It is proposed to go to a maximum of 1,100 hours to allow more flexibility in scheduling, which is a conversion to 330 minutes on a yearly basis. The reason for that is one that goes back some time in history, but it was a provision that was put into legislation rather than being left to collective agreement negotiations. It was put into legislation to define the most important function of teachers and to provide that there is a maximum amount of time assigned there. This, I think, has shown its value over the years, because teachers have found some sense of security in that and have not pursued a wide range of technical clauses and additions to collective agreements which would detract from the extra work that they currently do and the flexibility that they exercise in their jobs.

MR. SPEAKER: Supplemental question.

MR. SMITH: Thank you, Mr. Speaker. To the Minister of Education: what can be done in the regulations to more accurately reflect the work schedules and duties of those in the management process?

MR. JONSON: Mr. Speaker, I think that certainly there could be additional regulations and requirements put in to define this or to limit the roles and time that people put in the educational system, but the preferred approach, as far as this minister is concerned and as far as the government is concerned, is that we look at the performance of the overall education system. We assess that. We measure that. We hold people accountable within the system in terms of what is done by way of production performance in the school system. That's where we focus our attention in terms of measurement of outcomes.

MR. SPEAKER: Final supplemental.

MR. SMITH: Thank you, Mr. Speaker. Well, if the government bargains on a local basis and the Alberta Teachers' Association seeks its guidance from local agents, why is not the issue of maximum and minimum hours of work negotiated locally?

MR. JONSON: Well, Mr. Speaker, it is provided for in legislation. The reason is that it was deemed – and I think there's still merit in this – that this very important aspect of instructional time be decided and determined provincially. That has shown to have, I think, some good results in that we do not have collective agreements between school boards and teachers in this province that are three or four inches thick with all kinds of stipulations and controls and things that people will do or won't do. Therefore, that particular protection in legislation has led, I think, to teachers doing a great deal beyond the 330 minutes of instruction in a very flexible way and in a way that can be very effective in the schools.

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

head: **Members' Statements**

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

Sexual Assault Awareness Month

MRS. SOETAERT: Thank you. One in four girls and one in 10 boys will be sexually assaulted during their childhood. So, Mr. Speaker, if you'll allow me, I'd like to share this letter with the House. It may enable all of us to make Albertans more aware of this issue.

The Alberta Association of Sexual Assault Centres have designated the month of May 1994 as Sexual Assault Awareness Month. Plans are underway to inform as many Albertans as possible as to the role of the . . . centres. This will encourage those who are in need of support to be knowledgeable of the services provided.

I'd like to share some quotes from survivors who have benefited from these centres.

You and your organization are a very necessary service to anyone who has had to endure what I had to endure. Without your service I could not have done what I had to and my assailant would have been free and undeterred and would most likely have found another victim.

2:40

A second quote:

I am a survivor of abuse. For fourteen years, I was abused every day and night. I have, on my body, over twenty cigarette burn scars. However, I have unseen ones as well. They include: Sexual, Physical, Mental, Verbal, and Emotional scars. When I moved to this community, there was no Agency or counselling for men who were abused . . . Because I have looked and acted normal, people have doubted me when I have said I am a survivor. No one except the Sexual Assault Centre.

Sexual assault centres are financially supported by agencies such as the United Way, the secretary of state, the provincial government, community fund-raising, and private donations. The theme of the month of May will be: Believe . . . Healing is Possible. This choice of words was selected to emphasize that the first step towards recovering from sexual assault is believing that change is possible.

Thank you.

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

MR. SMITH: I'm just giving the hon. Member for Edmonton-McClung another opportunity to see what he's missing.

Home-based Businesses

MR. SMITH: Thank you, Mr. Speaker. It's with great pleasure that I rise in the House to speak about challenge and success in the province of Alberta. In a recent business article in the *Calgary Sun* and in the April issue of *Business in Calgary* there are articles about an entrepreneurial spirit which is alive and well in the city of Calgary. Leslie Roberts, a master of business administration student at the University of Calgary, released a study on home-based businesses in Calgary. She found that one out of every seven households, or 15 percent of all Calgary households, has a home-based business operating from it. Interestingly, this figure is double the national average. The study found that a further 11 percent of Calgary households have plans to start a home-based business within the next two years, suggesting that a home business will be operating in one out of every four homes in Calgary within the next two years. The study predicted that each home-based business would create 2.26 part-time jobs, .83 full-time jobs, that spending would be around \$1.5 billion in wages and salaries, with revenue generated by each business at \$35,000. The study also suggested that two-thirds of Calgary's home-based businesses are operated on a full-time basis in comparison to a national average of 50 percent.

Alberta's economy has depended very much on the success of the agriculture and oil and gas sectors. Both industries require risk-taking flexibility and a need to look onward. They're capital intensive and subject to government interference and export pricing beyond their control. The federal government controlled by central Canada has also bred a great deal of independence, self-reliance, and perseverance into Albertans.

While the entrepreneurial spirit is most visibly identified within the city of Calgary, there are many stories that are successful provincewide. The city of Calgary has already acknowledged the importance of home-based businesses in their city and is looking at ways to streamline licensing and other regulations governing home-based businesses. As legislators we must streamline our regulatory process to allow small business in Alberta to flourish.

Thank you, Mr. Speaker.

MR. SPEAKER: Order please. Before recognizing the next member for her statement, could there be unanimous consent to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.

The hon. Member for Leduc.

head: **Introduction of Guests**
(*reversion*)

MR. KIRKLAND: Thank you, Mr. Speaker. It's my pleasure this afternoon to introduce to you and through you to the other members of the Assembly here 18 young and bright students from the Round Hill school in my constituency. They're accompanied this afternoon by Mrs. Brenda Johnson and Mr. Dan Adrian. They are seated in the members' gallery, and I would ask that they rise and receive the warm welcome of the House.

head: **Members' Statements**
(*continued*)

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

Drug Abuse Resistance Education

MS CARLSON: Thank you, Mr. Speaker. This year over 55 million schoolchildren will learn the skills they need to resist pressure to take drugs or join gangs thanks to the drug abuse resistance education program. DARE has already taught drug resistance skills to over 20 million students worldwide. Canada, the United States, Australia, New Zealand, Costa Rica, Mexico, American Samoa, Puerto Rico, and the department of defence schools are all participants in this program.

DARE is a police officer-led series of classroom lessons which teach children how to resist pressure to experiment with drugs and alcohol. Veteran officers are used because they can answer students' questions based on their training and experience.

This program goes far beyond traditional drug abuse programs which typically emphasize drug identification and the harmful effects of drugs and alcohol. Traditional programs warn children not to use these substances but don't teach them how to resist the pressures to try them.

Over the course of a 17-week program DARE gives children skills to recognize and resist the subtle and overt pressures that cause them to experiment with drugs and alcohol. These skills include providing students with accurate information about alcohol and drugs, teaching students ways to say no to drugs while providing alternatives to drug use, teaching students decision-making skills and the consequences of their behaviour, building students' self-esteem while teaching them how to resist peer pressure.

The Edmonton Police Service is the third city in Canada to offer this program. This year this program was a pilot project in three schools.

I urge the government to remember that long-term cost cutting means greater emphasis on preventative care. Outstanding, successful programs such as this are needed and necessary. I urge the government to ensure that this program will continue and will be available to all of the students in this province.

head:

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Second Reading

Bill 212

Whistleblower Protection Act

[Adjourned debate May 11: Mr. Dunford]

MR. DUNFORD: As I recall, Mr. Speaker, last time I was so rudely interrupted and I had to take a minute to find my place.

To carry on, Mr. Speaker, the government is in the middle of a complete restructuring of the way that government operates, and a major part of the restructuring process is finding ways to do things better, more effectively, and at a lower cost. It is important that the system does not stifle such innovation and imagination, especially amongst the public servants who work day in, day out within the system. It ought to be both the right and the responsibility of employees to bring forward new ideas that make their departments more efficient.

Mr. Speaker, let's be realistic. Without a system in place that encourages employees to be innovative and imaginative while protecting their interests, few of these ideas are brought forward. Employees deserve the opportunity to present new ideas to their superiors. They deserve to be able to point out inefficiencies and

to make suggestions as to how to make positive changes. The employee must be free of the possibility of reprisal for pointing out defects in the system. If Bill 212 is to be a positive Bill, a Bill that will help government to become more effective and efficient, it must accomplish this end.

Mr. Speaker, some of the principles behind Bill 212 would conceivably accomplish this goal to some extent. The importance of enshrining the protection of individuals within the bureaucracy that want to make changes cannot be denied. Frontline workers will be protected from reprisals for making positive suggestions. Through this protection workers may very well feel comfortable in bringing forth new and innovative ideas. The results will hopefully be more cost-efficient government departments and agencies, a concept consistent with this government's commitment to openness and accountability.

Mr. Speaker, my interpretation of section 1(e) of Bill 212 – and I will welcome clarification from the hon. Member for Calgary-Buffalo if I am mistaken – is that the various entities in the MASH sector will come under the investigative jurisdiction of the provincial Ombudsman. The municipalities, academic institutions, schools, and hospitals have long avoided the scrutiny of the Ombudsman. These alone happen to be areas of the public sector that need considerable restructuring when it comes to cost efficiency. If the frontline workers in these sectors are free to voice their opinions, we are likely to gain immeasurably from their expertise and experience. It is time that we ensure that the people who are directly involved in the provision of services have the opportunity to come forward with their own original concepts to aid in the restructuring process.

2:50

However, Mr. Speaker, the objectives of Bill 212 are really just a small piece of a much bigger pie. The real issue that we need to be dealing with is that of productivity and performance evaluation. We should have undertaken a more comprehensive evaluation of the public service in line with the three-year business plans. It is this type of investigation that would go a lot further in terms of the accountability of the public service to the people of Alberta.

I would also like to have seen Bill 212 examine more thoroughly the idea of incentives for employees who take the initiative and come forward with a suggestion, proposal, or comment. What I'm getting at here, Mr. Speaker, is that employees should be rewarded for coming forward with ideas that result in a more effective and efficient system. We have the opportunity to be proactive in this area. We should be instituting a system that rewards initiative. I think we all know that incentives are a great way to elicit exceptional ideas and concepts, so that is why I am pleased to see some of these issues that are implicit in Bill 212 come to the attention of this House.

I have already indicated that there are some good ideas in this Bill. I recall reading it over quickly for the first time and thinking to myself: this is something I could support and vote for in the House. But then I read it again and then another time, and I became more concerned with some of the provisions of the Bill. My first understanding was that public service employees could bring instance of serious government wrongdoing to the attention of the Ombudsman for a fair and impartial investigation into the matter. In fact, the first nine pages of the Bill outline the expanded role of the Ombudsman and the protection that would be accorded to such employees if they brought these matters to light in good faith. So far so good, Mr. Speaker.

It is when we get to page 10 of the Bill that I begin to have some concerns. Bill 212 would have a clause added to the Public Service Act that names the Ombudsman to be the hearer of complaints and the investigator, as the previous nine pages of text would confirm. But members should notice that there is another party besides the Ombudsman that grievances under the Whistleblower Protection Act could be brought before, and this other party would be a Member of the Legislative Assembly. This is part of the Bill that I have some real reservations about, because the ability for an employee to take his concern directly to an MLA on either side of this House could detract from the neutrality that I consider to be essential in dealing with these matters. I cannot see how justice will be served by politicizing the investigative process that has been thus far reserved for the provincial Ombudsman. The members of the Official Opposition claim to be interested in making government bureaucracy more efficient. I suggest that this Bill, if passed in its current form, could do just the opposite and make the various workplaces in the public sector virtually unworkable. The whole climate would be extremely adversarial.

I would like to suggest that perhaps there is middle ground that can be reached. Maybe we should examine the current structures for settling employee/employer disputes, and if there is a consensus that they are not as effective as they could be, another framework could be developed. The Legislative Assembly Office might look into the feasibility of setting up an interdepartmental committee that could act as a dispute resolution facilitator. This could be an intermediary step with the office of the Ombudsman being used as an appeal of last resort.

Mr. Speaker, as I have said, efficiency and accountability within government departments and agencies is something that we definitely ought to strive for. There are some decent intentions behind Bill 212, but there are also other aspects of this Bill that I am finding a little difficult to swallow. I agree with the assertion that a simple amendment to the Ombudsman Act would be sufficient in providing protection from adverse employment action for employees who express concerns.

So to sum up, the goals of employee protection and bureaucratic efficiency are very desirable ones to say the least. However, the approach that has been taken by Bill 212 would not be the most effective way to implement these initiatives. I believe there are more effective ways to address the concern of complainant protection, and I hope we will see a realization of this goal in the near future. As far as increasing accountability and efficiency in government agencies and departments, I think we need to take a look at the big picture and co-ordinate more appropriate measures in conjunction with each department's three-year business plan.

In conclusion, Mr. Speaker, the hon. Member for Calgary-Buffalo has brought some very important issues to this Legislature within the context of Bill 212, the Whistleblower Protection Act. I think we should take these issues and incorporate them into an overall scheme of making government departments and agencies as efficient and effective as possible. I do have concerns with some of the provisions of this Bill, but as I have said, I campaigned on many of the principles that are in the Bill, and I congratulate the hon. member for bringing them forward.

MR. SPEAKER: Before recognizing the hon. Member for Edmonton-Whitemud, might there be unanimous consent in the Assembly to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.

The hon. Member for Lac La Biche-St. Paul.

head: **Introduction of Guests**
(reversion)

MR. LANGEVIN: Thank you, Mr. Speaker. It is my pleasure today to introduce to you and to all the members of the Assembly a group of 19 students from the school at Heinsburg, which is in my constituency. They are from grades 10 and 11, and they are accompanied today by two teachers, Mrs. Terry Fleming and Mr. Shannon Leskiw. I would like to ask them to rise and receive the welcome from the Assembly.

head: **Public Bills and Orders Other than**
head: **Government Bills and Orders**
head: **Second Reading**
Bill 212
Whistleblower Protection Act
(continued)

MR. SPEAKER: The hon. Member for Edmonton-Whitemud for the remaining one minute.

DR. PERCY: Thank you, Mr. Speaker. Certainly the Member for Lethbridge-West has emphasized an important point; that is, the issue that the Bill also focuses both on the role of the Ombudsman and of MLAs as potential recipients. That's the least important aspect of this Bill, and it's easily amended. The overall principle is ensuring, then, that government is accountable and responsive. What this Bill attempts to do is ensure that those civil servants who perceive that there are problems in this system can come forward and get that information to a concerned individual who will act upon it and they don't have to fear that their jobs are in jeopardy by so doing. I certainly concur with some of the sentiments that have been expressed about the need to get incentives into the system so that the overall system works more efficiently.

This Bill is tight, nicely tailored, and with amendments in Committee of the Whole it will address any of the concerns that have been raised. The principle is what we are concerned with here, and the principle is ensuring, then, that we no longer have NovAtels emerging or any other types of fiascos that could easily have been eliminated had information been provided, for example, to the Ombudsman.

So I certainly strongly support this Bill, and I think some of the issues that have been raised can be easily debated in committee stage and that the Bill can be further improved along the lines suggested by the hon. Member for Lethbridge-West.

Thank you, Mr. Speaker.

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

HON. MEMBERS: Question.

MR. SPEAKER: All those in favour of second reading of Bill 212, Whistleblower Protection Act, as proposed by the hon. Member for Calgary-Buffalo, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: Call in the members.

[Several members rose calling for a division. The division bell was rung at 2:59 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Havelock	Sekulic
Beniuk	Henry	Soetaert
Bracko	Hewes	Tannas
Bruseker	Kirkland	Taylor, L.
Carlson	Langevin	Taylor, N.
Collingwood	Leibovici	Van Binsbergen
Decore	Massey	Vasseur
Dickson	Nicol	Wickman
Dunford	Percy	Yankowsky
Fritz	Sapers	Zwozdesky
Hanson		

Against the motion:

Ady	Friedel	Mirosh
Amery	Gordon	Oberg
Burgener	Haley	Pham
Calahasen	Hlady	Severtson
Clegg	Jacques	Smith
Coutts	Jonson	Sohal
Day	Laing	Stelmach
Dinning	Magnus	Thurber
Evans	Mar	Trynchy
Fischer	McClellan	West
Forsyth	McFarland	Woloshyn

For - 31 Against - 33

[Motion lost]

3:10 Bill 213
Loan Guarantees Statutes Amendment Act, 1994

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

MS CARLSON: Thank you, Mr. Speaker. It's with pleasure that I rise to introduce Bill 213, the Loan Guarantees Statutes Amendment Act, 1994. This Bill provides an opportunity for this government to actually do exactly what it said it's going to do: to take an initiative, to take a step forward, and to prove to the people of this province that they really will enact the kind of legislation that they said they would.

What this Bill does is remove the authority of the Minister of Economic Development and Tourism to grant any further loan guarantees to businesses. Existing loan guarantees would continue to be honoured for legal reasons through a transition clause. The three department Acts that were amalgamated to form the Department of Economic Development and Tourism would be amended by repealing the loan guarantee provisions in each of them.

The Official Opposition has long taken a strong stand that the economy should not be diversified by government providing direct financial assistance to individual companies, because this unnaturally skews the private business sector and provides an unfair

advantage to some businesses. Therefore we're introducing this Bill.

Since 1985 the Conservative government has written off or made payment of \$2.1 billion due to bad loans and loan guarantees. Agreements with only 10 companies account for 80 percent of these losses. Now, if that didn't provide an unfair advantage in the marketplace for some businesses, then I can't possibly think of another example that would display that to such advantage. The names of these companies have become household words in this province, and the losses are just incredibly staggering. We've seen NovAtel at \$646 million; Gainers, \$209 million; Myrias Research, \$20.5 million; the export loan guarantee program, \$22.1 million; Nanton Spring Water, \$20.8 million; Ski-Free Marine, \$2.8 million; Golden Gate Fresh Foods, \$11.3 million; Northern Steel, \$11.2 million; and the list goes on and on. Future losses can also be anticipated on other companies such as MagCan and the North Saskatchewan River Boat company.

In Seizing Opportunity this government promised to reduce or eliminate direct financial assistance to business. In the Speech from the Throne they promised a major shift in economic development policy, in that government would as much as possible get out of direct business subsidies. Well, ladies and gentlemen, I believe legislative changes are needed to ensure that these promises are in fact kept.

We should point out that we got this Premier on December 15, 1992, and that it was on December 18, 1992, just a mere three days later, that a \$50 million loan guarantee was announced for Pacific Western Airlines. Members from the government side are applauding the decision of a \$50 million loan guarantee. I don't believe the people of this province believe it's a proper thing to have done. Under this Premier's stewardship on March 25, 1993, the government approved \$9,247,000 in funding to support Gainers Inc. for working capital requirements. Again this is a government that says that they're getting out of business, but the captain of their ship is the very person who has encouraged this kind of behaviour. I believe this Premier's commitment to get out of the business of being in business is cold comfort to the people of this province and that nothing short of legislative changes will stop the government from continuing to dabble in the practice of picking winners and losers in this province.

Our position on loan guarantees is endorsed by the Canadian Federation of Independent Business who stated that the government should eliminate all grants, subsidies, and loan support programs to business. In fact, in their January 1994 members' opinion survey when asked, "What priority would you place on cost-cutting measures in business grants and subsidies?" 72.8 percent of their membership indicated that it was a high priority, with an additional 15.3 percent listing it as a priority. This means that a total of 88 percent of their membership believes loan guarantees should in fact be completely eliminated.

I'd like to speak for a moment to some good reasons for eliminating loan guarantees because of their ongoing costs to the taxpayers of this province. This isn't a matter of all those dollars that I read off a moment ago having been finished and over with. This government has an ongoing liability and responsibility, and that means the people of this province have an ongoing liability and responsibility. In fact, we're still on the hook for millions of dollars.

I would refer to the February 8, 1993, provincial budget shortfall based on oil and gas revenues and exchange rate shortfall. Now, these projections were based on 1993-94 results ended January 31, 1994. Point F on this page predicted losses re

loans and loan guarantees, \$130 million. What this refers to are interest payments for the 1993-94 year on the \$102.7 million loan guarantee provided to Magnesium Company of Canada, which was taken over by the province of Alberta in April 1991 and was subsequently mothballed to the tune of \$15 million. This also refers to interest payments for the 1993-94 year on the accumulated operating deficit of 354713 Alberta Ltd., another \$10 million. This also refers to payments made pursuant to loan guarantees provided to Gainers Properties and Gainers Inc., \$23 million.

So not only have we in fact here been on the hook for the promised loan guarantees, but there are additional requirements for this government to uphold when they make this kind of a commitment, and in effect it is a good portion of the reason why we have to see such drastic cuts to core programming now. I would like any member of this government to stand up in front of the people of this province and explain in particular why they had to cut funding to kindergarten so that they could give away money to a company like Gainers. I find that any member would have a very tough time defending that position, yet in fact it's exactly what has happened and the course of action we have had to take because of irresponsible decisions on behalf of the government.

3:20

This Bill in sections 1, 2, and 3 is actually an amalgamation of three former departments here: economic development and trade; technology, research, and telecommunications; and tourism, parks, and recreation. Therefore, in order to make this Bill work, the loan guarantee provisions need to be repealed from each one of these Acts. I would like to point out that by amending just these three Acts, acceptable loan guarantee programs such as those to farmers or to those that come in the form of student loans will not be affected in this process. It's business loans that need to be rejected, business loans that skew the marketplace and give one person an unfair advantage over others, which then affects employment in the province, affects job security, affects the way people in this province can live and provide for their children, and it affects their hope for the future. So it's long been our position that government should just simply get out of these kinds of transactions.

Section 4 in this Bill ensures that current commitments for loan guarantees made under these sections will not be affected. Without this section the government on your side may try to argue that they can't repeal the loan guarantee sections because they've got some legal commitments, but in fact that's not at all true. I hope that when you're speaking to this Bill, members on that side of the House will properly address this. Section 4 in fact ensures that this Bill will only have the effect of preventing any future guarantees from being granted.

I'd like to turn to the Alberta Financial Review Commission and their Report to Albertans on March 31, 1993. They had some very, very serious concerns about the direction of this government in terms of loans, guarantees, and investments. In fact, four full pages of comments arose from their discussion about the problems that the government has had in terms of how they have addressed loans and guarantees in the past and with the expectation that some significant changes would be made in the future. The scope of the review of the commission was to review

the process of initiating, authorizing, valuing, monitoring and acting upon the loans, investments, guarantees or indemnities issued by the province.

They had some pretty significant major findings in their report. There was a great concern that loans and investments had been accelerated in recent years: "Over the years, the government has

made a series of investments, loans and guarantees for a variety of public policy reasons." Many of those reasons have not been shared with the balance of this province.

In fact, since 1985, the Alberta Government has accelerated a program of using loans, guarantees and investments as an economic diversification instrument.

I would suggest to this House that had they been successful, we would be facing a much different deficit reduction program than the one they're currently putting forward. It seems that in particular this government should not have been in business.

The government made, as of March 31, 1992, outstanding loans, guarantees, and investments in the amount of \$12.2 million compared to \$7 million in '81-82. So that's a pretty significant rise. We have to really wonder about the reason for them having done so, because those reasons have never been tabled in this House.

The high degree of risk [involved in these guarantees] is illustrated by the fact that the government has written off or provided for \$2,100 million in loans and guarantees since 1985 . . . It is apparent that the government has been very active in the economy . . .

and certainly with very, very mixed success. Again, they have caused one of the major reasons for us to be in the economic downspin that we're in now where we have to cut core programming beyond any reasonable feasibility in order to maintain their goal of trying to achieve a balanced budget. Had they stayed out of business, I have every belief that we would have had balanced budgets many years ago.

By the very nature of the transactions that the government's been involved in, their role has been that of a "lender of last resort", taking on risk that the private sector was not prepared to, or could not, take on." This commission stated, therefore, that they were "concerned that such risk may not be fully reflected in the financial statements" or that in fact the government was not adequately prepared or had the knowledge or the background to enter into those situations at any point in time.

There was also a grave concern raised by the commission that an issue [here] for the future will be whether Alberta can [actually] realize the book value on some of its major investments, should the government implement a liquidation strategy to reduce its debt.

We don't know in fact if that's true, because these investments are not booked at a net realizable value. So what we see reported in the financial statements for this province are distorted numbers that may not in fact have anything to do with the reality of the financial situation.

The commission also found that there was real lack of consistent procedures. They were "concerned that the monitoring of loans, guarantees and investments is not consistent from one department or agency to another." We have seen that emphasized and reinforced on a daily basis in this House. If you can't have any consistency, how can you ever expect to have any results that turn into tangible results that would be for the benefit of the people of this province? We've never seen any indication that that'll be forthcoming because of the inconsistent acts.

In addition, something that we've seen on a daily basis in this House is a lack of adequate debate on these issues.

Guarantees, which are all provided for by statute, are approved by a minister or by Cabinet and are not normally debated in the Legislature,

regardless of the facts that the dollars spent by this Legislature are the dollars of the people of this province and that the people of this province have every right to have an open and full debate on all types of issues where the government spends money and, I think, particularly on loan guarantees.

MR. SPEAKER: The Chair regrets to interrupt the hon. Member for Edmonton-Ellerslie, but the time provided for consideration on this item has now concluded pursuant to Standing Order 8(2)(b). We must move on to the next order of business.

head: **Motions Other than Government Motions**

3:30 **High-speed Chases**

514. Moved by Mr. Woloshyn:

Be it resolved that the Legislative Assembly urge the Minister of Justice to implement a high-speed chase policy whereby a person found guilty of initiating a high-speed chase would be subject to a mandatory two-year operator's licence suspension and a person found guilty under this policy who does not possess an operator's licence would have their suspension take effect immediately upon that person's being issued a licence.

MR. SPEAKER: The hon. Member for Stony Plain.

MR. WOLOSHYN: Thank you, Mr. Speaker. I rise this afternoon to initiate debate on Motion 514, which deals with the issue of stronger penalties for those who initiate high-speed chases by trying to evade the police. This would be in addition to any other charges which might have evolved out of the incident, such as careless or dangerous driving and whatever have you. High-speed chases are far too numerous and very dangerous to the people in the vehicle that's being pursued, to the police that are doing the pursuing, and to the public in general who should have a high degree of comfort in using the public roadways in safety.

A couple of examples that have occurred that I would like to relate to the Assembly are as follows. For example, in April of last year police initiated the chase of a stolen vehicle at 3 o'clock in the morning in downtown Edmonton. They had followed the vehicle for a few blocks to confirm the identification of the vehicle, then turned their lights on to pull over the vehicle. The chase wound through Edmonton reaching speeds of 110 kilometres per hour. The car then headed west on Highway 16X, where speeds reached 160 kilometres per hour. That, Mr. Speaker, for those of us who are still on the old system, is a hundred miles an hour. The stolen vehicle ran over a spike belt placed on the road by the Spruce Grove RCMP and still didn't stop. It was finally boxed in by RCMP cruisers in Stony Plain. The car collided with a police car, hit another one trying to escape, causing several thousand dollars' damage to the cruisers.

Unfortunately, Mr. Speaker, the people in the car were all young offenders. The passengers were two girls aged 12 and 13. They were charged with possession of stolen property and went to court. The question then leaves: what happened to the driver? The answer is: nothing. The driver of the stolen car was an 11-year-old boy. Police could only take him home to his mother, because he could not be charged under the Young Offenders Act. Unfortunately, this was not the boy's first run-in with the law. When the police were asked about the chase, the spokesperson said that for an 11 year old to have total disregard for the danger he's placing other people in is frightening. No social conscience at that age is frightening to think about. It's a sad, sad story. I think perhaps that young fellow would not be ready to have a driver's licence at age 14 or 16 or perhaps even 18.

In Edmonton last week a young man on a motorcycle led police on a high-speed chase. He was unfortunately killed when his motorcycle crashed into a police cruiser that had set up a

roadblock to prevent the motorcycle from getting onto the Whitemud freeway. His friends said that the reason the 20 year old fled police was because he didn't have a valid licence and he didn't want to be caught.

Mr. Speaker, high-speed chases, as I indicated, put everyone at risk. The driver of the vehicle is risking his life as he tries to avoid the police. Passengers, who may or may not be willing participants, are at risk. The law enforcement officers who have the responsibility of protecting the public are at risk. The general public, the unsuspecting motorist traveling down the road, is also at risk.

I've only mentioned the two cases: one involving a young boy who wanted to experience the thrill of a high-speed chase just for the fun of the thrill; the second case was a young man who was afraid he would get caught riding his motorcycle without his licence during a program by the Edmonton Police Service to target those riders who do not have valid licences. Neither case involved a hardened criminal fleeing a bank robbery, as the movies normally portray and sometimes even glamorize high-speed chases. These are what you would call normal young people.

Mr. Speaker, I'd like to emphasize very strongly that I do not propose a change to the motor vehicle pursuit guidelines that were drafted in 1990 by the former solicitor general. I feel that those guidelines strike a necessary balance between allowing police to apprehend suspects and protecting the safety of the general public. I don't think the activities occurring during a chase itself are the problem. I do, however, propose that we need to develop a policy that will be much tougher on those who endanger the public by staying involved in high-speed chases.

The problem with the current policy is that there is no single charge for high-speed chases. The suspect may be charged with a variety of related charges under the Criminal Code or the Highway Traffic Act: dangerous driving, dangerous operation of a motor vehicle, failure to stop for a police officer, speeding, plus a host of other related offences. Motion 514 suggests a penalty of a two-year licence suspension for a high-speed chase. This is not at all an unreasonable penalty. Perhaps we should look at this one if this motion passes. Ontario, for example, has a three-year suspension for failure to stop for a police officer. New Brunswick has implemented a specific high-speed chase offence with a licence suspension of one to three years. Obviously, a two-year suspension is nowhere near too harsh for this type of activity.

The second part of Motion 514 is directed towards cases such as the 11-year-old boy who was caught in Stony Plain. The two-year suspension will be placed on the convicted person when he or she receives a valid driver's licence. I think that just because a boy in a car is under 16 he shouldn't get away with a lesser sentence. Perhaps in some manner he should be dealt with more firmly.

Since I drafted this proposal, I've received some concerns about the process proposed. There may be difficulties with imposing a future sentence, as the motion suggests. In addition, I've been an advocate of speeding up the judicial process so young offenders are able to recognize a vital link between crime and punishment. I am concerned that my own motion to some degree would not allow this connection to exist. Given that, however, I'd be open to suggestions for a more efficient way to administer the punishment, for I feel it is extremely important that some form of consequence for all offenders be in place. I would leave that in the capable hands of the Minister of Justice as he develops this policy. Perhaps a more feasible solution would be to incorporate a penalty whereby the young offender would be prohibited from applying for or receiving a driver's licence for a two-year period,

until he was 18 years old. If these young people were aware that their actions would delay them receiving the privilege to operate a motor vehicle, perhaps that would serve as a deterrent. That would be the whole intention, Mr. Speaker. If the hon. minister were to make a suggestion of that nature as a part of his new policy, I certainly would be supportive.

Mr. Speaker, I think it's equally important to recognize that the two-year suspension would also apply to adults. For example, I would like to see that the case where a person on suspension for an impaired driving conviction tries to outrun the police. I feel strongly that a two-year suspension would apply to that person. His suspension for the high-speed chase would not be concurrent with the other suspension but would be consecutive. It would be over and above the penalty. So if he was suspended for whatever period of time and in order to try to avoid being caught – he would know before he even initiated the attempt to avoid being caught that that would be an automatic two years.

3:40

I would also like to address the other side of the public safety issue this afternoon, and that is the question of whether stiffer penalties will provoke more chases. People have come to me with concerns that once a person has initiated a high-speed chase, it is in his or her best interest to keep running if penalties are made tougher. I acknowledge that point, but I respond by saying that the primary purpose of our justice system is to punish those who contravene the values and morals of society and to protect the public interest as well as to act as a deterrent. Stiffer penalties do punish those involved and I believe will act as a deterrent once people see the effects on their friends of being without wheels for two years. They benefit from knowing that a person who totally disregards public safety by speeding through a neighbourhood will be dealt with severely and will not be on the highway for the next two years.

In closing, Mr. Speaker, I would ask all members of the Assembly to support Motion 514 to allow the Minister of Justice to develop a policy to deal with those who have total disregard for the safety of our roadways. This motion may appear to be a strong one, but it is one that I feel will go a long way to creating safer highways for us and for our families and for all Albertans. I would close by emphasizing to the Assembly that by supporting this motion, they are opening the door to the Minister of Justice, with some direction, to address what I think is a very serious problem that is not diminishing at all.

Thank you, Mr. Speaker.

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

MR. DICKSON: Thanks very much, Mr. Speaker. There can be no question about the seriousness of high-speed chases. They represent a very real risk to members of the public whether they're pedestrians or other motorists on the highway. They certainly represent a risk to the police involved in a high-speed chase, and certainly not least they also represent a risk to passengers in the vehicle involved in the chase itself. I think the last speaker is quite right in terms of identifying the high level of public concern about motor vehicle chases, high-speed chases.

As the law now stands, although there's provision both in the Criminal Code dealing with dangerous driving, in the Highway Traffic Act dealing with careless driving, there's really only one specific section that deals with an offender avoiding apprehension, not stopping for a policeman. That's section 169 of the Highway

Traffic Act. That offence now has a maximum, not a minimum but a maximum, penalty of \$500 or six months in default.

Now, the member who has just spoken introducing Motion 514 talked about some of the recent cases that Albertans will be mindful of when they're considering this motion, but I think it would be worth while to spend a moment talking about some of the background to this whole business of high-speed chases and the way we as a community respond to them. This isn't a new concern. I had been involved with some people in Calgary that had concerns about high-speed chases in the early 1980s. In fact, it was the former Member for Calgary-*Buffalo*, Sheldon Chumir, who had been instrumental in encouraging the city of Calgary to develop a high-speed chase policy. There had been none before that time. In fact, my predecessor had continued that campaign when he came into this House. I think it was in 1989 that he raised the matter of the need for the province to deal with high-speed police chases at a provincial level. What my predecessor urged on the Legislature at that time was that the province adopt the same types of standards and policies that Mr. Chumir had been involved in seeing brought in in the city of Calgary when he chaired a citizen panel on regulation of high-speed chases.

So this isn't a new issue. It's an issue that's been of concern to Albertans, to police, and to legislators for some time. What happened was interesting. When the government that had been elected in 1989 dealt with it, they did it in an interesting fashion. The solicitor general then was Mr. Fowler. Mr. Fowler set up a task force to look at the problem of high-speed chases. His task force came up with three specific recommendations. What was interesting was that Mr. Fowler, then solicitor general, and the Conservative government of the time adopted only one of the three recommendations. What were the three recommendations?

Well, the first one was that there be a policy developed, a policy that set out very clearly minimum standards to all police services involved in high-speed chases. In fact, that has been adopted. I'm delighted that the Legislature at that time saw fit to urge the solicitor general and that the solicitor general then implemented a policy which is now followed by RCMP on a provincewide basis. That was the only recommendation that was accepted.

The second recommendation, that was not accepted by the government at the time, had been to impose a minimum penalty, not a maximum but a minimum penalty, for failing to stop for a police officer and that that minimum should be set at \$500. The decision of the then Conservative government and the then solicitor general, Mr. Fowler, was as the previous speaker indicated: if a young offender or an adult offender is in the process of being chased by police, knowing that if he's caught he's going to have a heftier penalty, is that going to encourage that offender to then tromp on the accelerator and attempt to elude apprehension, or is it going to deter the chase before it begins? On this one I think I favour the view of the last speaker: that while that may be an element, I'm not persuaded that simply having a stiff penalty for being involved in a high-speed chase is going to encourage other chases. Unlike the recommendation from the 1990 task force or advisory panel to the then solicitor general, what this motion talks about isn't fines; what it addresses is suspension of the operator's licence. What makes sense to me about that is we're dealing with the very instrument involved in the offence, and it's a more direct kind of public response than looking at minimum fines and maximum fines and so on. So I think that makes some sense.

Just for the sake of completeness, the third recommendation from the 1990 panel, that was not accepted by the government, had to do with the immediate suspension of a licence. The

moment the police stopped an offender, the offender's licence would be suspended for a period of time, without any judicial process or any finding of guilt. I think that recommendation wasn't well founded, and I think it was appropriate that that recommendation not be pursued at that time and it wasn't.

It seems to me, with respect, that what we come down to is this: the issue is whether the prospect of a two-year suspension is going to deter more high-speed chases. That really is the issue. I think that reasonable men and women in this Chamber and reasonable Albertans may have different views on that. I'm prepared to support the motion, because I think that while there may be members in this Chamber that take a contrary view – and I understand that – my inclination is that imposing a stiff suspension, letting Albertans and particularly Alberta youth know that that stiff sanction exists hopefully will deter some of the high-speed chases that I think all members want to see deterred. But I qualify that and say once again that the issue is: is this going to make our streets safer? I understand, I think, why Mr. Fowler at that time took the view that it may encourage more chases rather than discourage them. So I guess all I could invite members to do is to exercise their own best judgment on the basis of their own life experience in terms of whether that's going to make our streets safer.

I think the one observation I'd just make is that this isn't uniquely a problem of young offenders, although clearly, I think, the highest number of police chases involve youth. I take issue with the last speaker when he says the purpose of the criminal law is to punish. I always thought the purpose of the criminal law was to make our community safer; that's the number one issue.

3:50

DR. L. TAYLOR: And punish.

MR. DICKSON: Well, if we get into a situation where sometimes we're too preoccupied with punishment, in some cases certain kinds of punishment have a boomerang effect, Mr. Speaker, and end up making our communities less safe. So I just want to express that concern. And while I may be voting for this motion, I'm not accepting necessarily all of the analysis and all of the reasoning set forward by the previous speaker.

I think we want to move on. I think we want to show Albertans that this Legislature is responding to the legitimate concern in terms of high-speed chases. I think the motion is a way of expressing that collective concern, if indeed I'm accurate and a majority of members feel that concern.

The last speaker talked in terms, Mr. Speaker, of whether or not it's problematic to in effect suspend somebody's operator's licence before they're eligible for an operator's licence. I think there are legal problems, constitutional problems with that sort of deferred punishment. I think the previous speaker spoke aptly when he said that one of the things we often talk about in terms of punishment for young offenders or any other offender is swift punishment, and the closer the tie between the offence and the punishment, the more effective that punishment is likely to be.

It seems to me that this is only a motion we're voting on, members. This isn't a piece of legislation. I think what the motion does is simply send a signal that we treat this, firstly, as being a serious matter. We suggest a way that it can be addressed. I agree with the previous speaker that hopefully the Minister of Justice and his policy advisers will look at this and look at how this type of a policy could be incorporated into the Highway Traffic Act, into provincial legislation, and achieve what we all want to achieve, which is safer streets and safer communities.

Thanks, Mr. Speaker.

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

DR. L. TAYLOR: Thank you, Mr. Speaker. I find myself in the relatively unique position of agreeing with the member opposite on two issues in a row. I think that means his viewpoint has certainly become considerably more Conservative, and I'm sure it's my good influence on him.

MR. SMITH: It means the session's been too long.

DR. L. TAYLOR: No, I don't think it means the session's been too long. I think it's just that the member opposite is learning.

As my colleague from Stony Plain mentioned, high-speed chases are a threat to public safety. I personally spend a lot of time on the highways. I have a constituency of about 10,000 square miles, and the only way to communicate in that constituency is in my truck. As well, I drive back and forth to Edmonton consistently. So I spend a lot of time on the highway, and I'm certainly concerned about high-speed chases. I'd hate to run into one someday.

Although it is recommended that police generally refrain from participating in high-speed chases, in some cases the assailant is found to be more dangerous than in fact the risk of a chase. It is in these instances that we need to find a method for punishing and dealing with those individuals who jeopardize the safety of our communities, our citizens, our police officers, and other drivers on the road.

Punishment such as Motion 514 advocates is necessary in order to preserve the safety of the community and to justifiably punish those who disrupt it. What I would like to see come about is an addition to the Highway Traffic Act. Currently Alberta does not have any legislation that deals with high-speed chases, nor do we have legislation which adequately outlines the penalties for failing to stop for a police officer. A person guilty of initiating a high-speed chase in Alberta may be charged under the Criminal Code with dangerous driving, criminal negligence, criminal negligence causing death, resisting arrest, or obstructing a peace officer. The individual would also be in violation of several sections of the Highway Traffic Act. That would include careless driving, failing to stop for a peace officer, speeding, and any other related offences such as signal violations, and you can be sure people in high-speed chases wouldn't signal. [interjection] That might be the signal they give, all right, hon. member.

I don't think these charges adequately address the severity of the problem which high-speed chases create. If a clause were developed to deal solely with the issue in addition to the provisions already in place, the punishment would more adequately reflect the crime. New Brunswick has a clause in their motor vehicle Act which I think is worth considering. The beginning of the New Brunswick clause is similar to Alberta's stopping for a police officer clause. It begins by outlining that every driver shall immediately stop when requested by a police officer. The New Brunswick clause, however, goes on to address what would happen if in fact the driver fails to stop. It reads as follows: every driver who, having been signaled or requested by a peace officer to bring his vehicle to a stop, fails to stop or wilfully continues to avoid a peace officer who is recognizable as such and who is pursuing him commits an offence. The clause also states the immediate punishment for such an offence. If a person is convicted, he or she will have their licence revoked for a period

of one to three years automatically, and that's an appropriate punishment. If their licence is already suspended, the subsequent suspension will begin on the day the reinstatement occurs. The individual is also subject to penalties under other clauses, which may include a fine of up to \$10,000 and imprisonment for up to 180 days.

This punishment in New Brunswick is similar to that in other provinces. In British Columbia, for example, failure to stop for a police officer requires a mandatory court appearance. The fine is from \$100 to \$2,000, and the jail term is from seven days to six months. Ontario has similar penalties for failing to stop. Those found guilty may lose their licence for up to three years. In addition, they may be fined between \$500 and \$5,000 and jailed for up to six months.

So Alberta is sadly lacking. Alberta would not be in a unique position by calling for mandatory relinquishment of licences in this sort of situation. Two years, as seen in relation to the policies of other provinces, does not seem like an unreasonable time.

I realize that some people feel that if you impose a stiffer penalty for instigating a high-speed chase, the assailant will just drive all the more dangerously to try and get away. However, I'm not sure this is a legitimate concern. The assailant must already feel it is in his best interest to outrun the police because of other consequences he will face on apprehension. It does not seem reasonable to avoid punishing someone so they do not try to get away. We don't try to avoid punishing drunk drivers because they may try to drive much faster to avoid losing their licence, so there's really no difference here. I would suppose that someone who is already endangering public safety because he doesn't want to get caught is not going to drive any faster if he knows that his licence is going to be revoked. It may be that in some cases he or she may already have committed an offence and will face punishment at least as severe as mandatory licence suspension.

Furthermore, if we had an actual high-speed chase clause, we would be able to effectively monitor their incidence and adjust our policy accordingly. As it is, it is difficult to determine how often high-speed chases occur because we do not have a specific clause which refers to high-speed chases. In 1992 over 300 people were charged with failure to stop, but is this high speed or not? We can't determine that.

Motion 514 is not calling for an unreasonable or unwarranted degree of punishment. It is a privilege to possess a driver's licence, and that privilege should not be abused. Someone who's unwilling to follow the rules and regulations of the road does not deserve access to a driver's licence. It would seem to me that licence suspension, in addition to penalties resulting from violating other sections of the Criminal Code and the Highway Traffic Act, would be a just punishment for those who risk our safety.

For these reasons, I urge all members to support this motion in the House. Thank you.

4:00

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

MR. BRUSEKER: Thank you, Mr. Speaker. I, too, want to follow up that spontaneous comment from the Member for Cypress-Medicine Hat that was just delivered to the House very well. I, too, want to just mention a few comments about this Motion 514.

The motion talks about a mandatory two-year operator's licence suspension, and while I have no difficulty with that, I do have some concern with the enforcement of such a proposal. The member that introduced the motion talked, for example, about a young lad of 11 years who is well known, I guess would be the

way to describe it, for going out and about and driving without a licence. What this motion proposes is that he be delayed from getting a licence for an additional two years when he finally is of an age where he could qualify for such a licence.

[Mr. Deputy Speaker in the Chair]

So I guess the question that begs to be asked when reflecting upon a case of that type is: how much of a deterrent is a two-year suspension going to be to an individual who has probably been driving at that point for five years without a licence anyhow? From that standpoint, I think the concept of enforcement becomes very, very difficult. Now, fortunately there are not many such instances where young offenders or, for that matter, not necessarily young offenders but someone over the age of 18 has been guilty of this situation, driving without a licence for whatever reason, either because they've never gotten a licence, they're not of age to get a licence, or they've had a licence and it has now been suspended. I'm concerned about the difficulty of enforcing that. I know that we had discussion in this House on that issue not long ago in the 22nd Legislature wherein stiffer penalties were proposed, which would include impounding the vehicle regardless of who in fact owned the vehicle, whether the driver was driving his own vehicle or someone else's vehicle. Certainly that could be given consideration, but the concept, I guess, of licence suspension would certainly work and is a valid proposal for those individuals who are inclined to follow the law anyway.

I guess the difficulty that I have with this motion is that it proposes to have a mandatory two-year operator's licence suspension for those people who are found guilty of being involved in a high-speed chase. Most individuals, I suspect, who are involved in high-speed chases are not going to be overly concerned about having a two-year licence suspension. So, on one hand, I agree a hundred percent with the Member for Stony Plain that high-speed chases are certainly a serious issue, but I'm not sure that the two-year licence suspension logically follows as a sufficient deterrent.

Certainly the former solicitor general had a policy, which was created in 1990, I believe it was, that dealt with the issue of high-speed chases. It was interesting that in there one of the original concerns which was raised with respect to the issue of high-speed chases was that certainly we need to be concerned about public safety. It says:

The guidelines stipulate that pursuits must be undertaken only when a police officer has reasonable and probable grounds to believe the seriousness of the offense and the necessity of immediate apprehension outweigh the level of danger created by the pursuit.

That was the announcement that came out which accompanied the news release that accompanied the official release of October 1990.

When I reviewed controlling factors that guide peace officers in the operation or facilitation or however you want to put it of a police chase, there are, in total, 11 general controlling factors that are listed. In all cases the controlling factor says that a police unit shall or unmarked vehicles shall not and that police officers shall not, and there are some pretty strong guidelines. But then in many of the controlling factors that are listed, there is an "except" or an "unless" or a "however" and another "unless" and so on and so on. I thought to myself that it's one thing to have guidelines, but if the guidelines and the policy are written in such a loose fashion, then the end result could be that you could have a serious police chase where individuals are put in danger.

I think many members think back to only a couple of nights ago, where there was a situation on the TV news about a tractor trailer unit carrying all-terrain vehicles that was roaring through

Edmonton at high speeds and damaged, as I heard, three police vehicles. I'm sure that one was marked, at least one was unmarked, and I'm not sure about the third one. I thought to myself that something clearly has gone wrong if a situation like that can occur over a huge distance and a huge amount of time. By a huge distance, I believe the distance that was indicated was 80 to 100 kilometres in terms of distance that the unit traveled, and the chase occurred over several hours, as I understand. For a chase to continue a long – and of course in the statement from page 3 of the policy that came out of the solicitor general's department, the motor vehicle pursuit guidelines, it says that

public safety is the paramount consideration in any decision to initiate, to continue, or to terminate a motor vehicle pursuit.

I guess on one hand I certainly agree that we need to clamp down on high-speed chases. There's no question about that. Calgary recently had the unfortunate situation where a police officer, in attempting to put down a spiked belt on Deerfoot Trail, was killed by a young offender, and that was absolutely wrong. There's just no other way to describe it. Certainly, from that standpoint I think we need a tougher approach to what goes on and what happens to the individuals who are involved in high-speed chases.

This is a serious issue, and the member is to be commended for raising it. I certainly agree with him in that regard. I will support the motion not because I'm a hundred percent in agreement with the two-year suspension, but because I think the intent of what the member is raising in this motion is worthy of support. For that reason I will vote in favour of it.

I guess on one hand we have a policy that was put forward by the solicitor general's department. It's one thing to see a nice little policy in black and white on paper, but I guess it's something else when you're out there on the front lines. I must say that I have nothing but sympathy and admiration for the police officers that find themselves in what must be at times a very frightening situation, when they're involved in a high-speed chase. So if passing Motion 514 causes the Justice minister and causes our police forces to review and relook at what it is that happens during and after a high-speed chase, and if it can in turn save the life of even one young individual who is in the car or a police officer who is attempting to stop that car, then Motion 514 will have been worth it, Mr. Speaker. From that standpoint I would encourage members to support Motion 514.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Three Hills-Airdrie.

4:10

MS HALEY: Thank you, Mr. Deputy Speaker. I rise today to speak in support of Motion 514, sponsored by my colleague from Stony Plain. High-speed chases have the potential of ruining lives, not only the lives of the people involved but the lives of the innocent people who were in the wrong place at the wrong time. In his opening remarks the Member for Stony Plain mentioned the tragedy of the young man who lost his life after his motorcycle crashed into a police car after he had tried to avoid being stopped. The very next day police had to handle another dangerous situation, also a high-speed chase, but at the end of this chase in St. Albert two cars burst into flames when the vehicle being chased crashed into a second uninvolved vehicle. Four people were sent to the hospital because of this needless crash.

Mr. Speaker, we hear a lot about how the police are somehow at fault for these dangerous crashes. I can't support that belief.

It concerns me that some members of society would feel that it's more important for our law enforcement officers to avoid pursuing suspects than it is for them to apprehend them. I do recognize the need for public safety. I would not be in favour of a police car continuing a chase if it places more than the public at risk. For example, I would not want to see an officer make the decision to continue a chase through a busy recreation area, or I would not expect them to chase a person who was suicidal or had a death wish. I think a chase in those instances would be counterproductive.

I would like to put the members of the Assembly in the position of a police officer who was chasing a young man on a motorcycle last week. Imagine turning on your lights to signal a driver to pull over and all of a sudden that person takes off at a high rate of speed, obviously to avoid being stopped. You assess your options. It's late, so traffic will be relatively light. You have no idea why that person is running. Is the bike stolen? Does the person have a warrant issued against him for another crime? Is he carrying drugs or maybe impaired? You decide to chase the vehicle because it's your responsibility to protect society. You follow the motor vehicle pursuit guidelines established by the provincial government for use by all law enforcement officers. Only one vehicle is directly involved in the chase. Spiked belts are not used because of the potential danger involved if a two-wheeled vehicle hits a spiked belt. The chase is on a major roadway, so there is a reduced chance of public harm. You radio that the bike is heading for the Whitemud Drive, knowing that if he reaches the freeway, apprehension could be impossible. A roadblock is set up by another police unit. Unfortunately, the bike crashes into the police car with enough impact to spin the car around. The suspect dies of his injuries. As a police officer you begin to question yourself: should I have let him run and maybe let him live?

Mr. Speaker, police officers will always have to ask these questions of themselves. Police chase guidelines have been designed to eliminate as much doubt as possible for the police officers, so our goal as legislators should be to create laws that truly penalize those people who break laws and put our law enforcement officers in that situation.

I look at the suspension proposed by Motion 514. It's two years. I feel that's not an unreasonable suspension for somebody who has been involved in a high-speed chase. They are placing innocent lives at risk through their irresponsible actions. The two-year suspension proposed in Motion 514 does not presume guilt by the person. Others have suggested that suspension might be immediate. I would not support that, and I'm glad my colleague from Stony Plain did not propose an immediate suspension. I believe that every person should have the right to a fair trial to prove their innocence, but if they are guilty, a two-year suspension is a suitable punishment. I agree with the sponsor that we should allow the Minister of Justice the flexibility to change the penalty from a suspension imposed in the future to a prohibition in cases where the guilty person does not currently have an operator's licence.

I would like to address the argument that we commonly hear; that is, how you justify a two-year suspension for a high-speed chase when a first-time conviction for impaired driving only carries a one-year suspension. Mr. Speaker, other jurisdictions – Ontario, British Columbia, and New Brunswick – all recognize the need for stiffer penalties for those who get some sort of thrill from a high-speed chase. I would also suggest that those driving under the influence of alcohol do have their judgment impaired. I'm not rationalizing the reasons people drink and drive. It's

intolerable, and perhaps we should look at stiffer sentences there as well. But I look at those who initiate a high-speed chase as doing so with a clear vision of what they are doing. They make a conscious decision to try to avoid the police. I look at that as a deliberate attempt to break the law, and those who make that decision should be punished accordingly.

In conclusion, Mr. Speaker, I would like to say that many of the problems of high-speed chases come from the glorification of them by television and the movies. There are a countless number of movies a day that show high-speed chases as glamorous if not sexy hobbies. After the high-speed chase that ended in St. Albert, almost every media report joked about it being a Thelma and Louise chase, referring to the fact that there were two females involved in it. There is little we can do to change the types of programs watched on TV or in the theatres, but what we can do is put harsh penalties in place for those who try to outrun the police. When people see a friend walking for two years because he tried to outrun a Check Stop or radar trap, they'll soon realize the serious nature of a high-speed chase. Perhaps that is the best form of education we can expect for our youth.

I would encourage all members of this Assembly to support Motion 514, and I congratulate the Member for Stony Plain for bringing the initiative forward this afternoon.

Thank you.

MR. WICKMAN: Mr. Speaker, speaking to it for a few minutes – I'll allow the Member for Sherwood Park to speak as well. If we look at Motion 514 very, very carefully, it follows the normal format that the 64 other Motions Other than Government Motions have with the exception of two, and that's motions 532 and 542. One says "endorse," and the other is "establish." Every other one, the other 62, all "urge" a minister or "urge" the government. So when one looks at this, it's proposing a solution. It isn't directing the government to establish a new policy or to change legislation. What it does is provide a mechanism. It throws an alert to the Attorney General that this Legislative Assembly is concerned about the provisions within that particular piece of legislation at this time and requests that that minister change it to implement higher penalties when this legislation pertaining to high-speed chases is violated.

Mr. Speaker, there's no downside to it. The very, very least that can happen is that the Minister of Justice looks at it and says, "No, I don't feel there's any need to have changes to the existing policy." We went through the process of a standing committee a number of years ago, and the former minister responsible chose to rationalize as to there not being a need. Nevertheless, I've heard the comments in the Legislative Assembly by the various members who appear to be very supportive of urging the Minister of Justice to implement this change. So I think that makes it very, very clear that there is strong support for that type of review mechanism, that type which would lead to possibly some change, and I would anticipate that most members of this Assembly will in fact support the motion that has been brought forward.

Reference has been made to a number of incidents. I guess the most classic is the recent one dealing with the tractor trailer. I go to quite a few movies myself, and it is something that one visualizes would come out of a movie. But it wasn't out of a movie; it was for real. Now, there's some doubt as to whether in that particular situation increased or harsher penalties would have made any difference to the individual. That's questionable, looking at the number of charges that were laid and looking at the circumstances of the person being involved being out on manda-

tory parole. Obviously, he had a great deal of incentive to try to avoid being cornered by the police that were involved in the chase. But there are other instances, and again a reference was made to the motorcycle incident. There's the case of a young fellow avoiding being questioned because of what could be perceived as a relatively minor offence that occurred previously, yet it led to his death. Possibly tougher penalties might have led to him re-evaluating and thinking a second time before he sped off on that motorcycle, thus saving his own life.

We've seen instances in rural Alberta. The Member for Olds-Didsbury brought a matter to our attention through a private member's statement fairly recently. I recall – I believe it was down in the Airdrie area – where a young person caused the death of others as well because of a high-speed chase. Again, some question as to whether tougher penalties in that instance would have made a difference, but I guess one can try and second-guess everything.

Mr. Speaker, I guess in reality, when we look at what's happened, existing policies don't always seem to work that well, and when they're not working that well, it means it's time to look at ways of making things a bit tougher. And there is a cry out there. Without question, there is a cry by the public at large that we tend to go a bit too soft in certain areas and that harsher penalties in fact may send a more appropriate message.

4:20

I guess when one looks at this type of legislation or this type of motion, of ultimate concern has to be of course the lives of those involved as private citizens, particularly innocent victims that may happen to be in the wrong place at the wrong time. But probably equally important are the lives of those peace officers that are involved. We have had instances pointed out where death has occurred as a result of a peace officer attempting to do his or her job. They are, I believe, in a very difficult situation, as has been pointed out by the Member for Three Hills-Airdrie. They do have to make a rash decision. Possibly sometimes the decision made is not the most appropriate in hindsight, but those kinds of things can happen.

Any measures that reduce the possibility of those types of occurrences certainly help the various police departments throughout the province of Alberta and I think would send a message. So I would urge all Members of this Legislative Assembly to support motion 514 as presented by the Member for Stony Plain.

MR. DEPUTY SPEAKER: The hon. Member for Wainwright.

MR. FISCHER: Thank you, Mr. Speaker. I, too, want to commend the member for bringing forward Motion 514. I believe that he has certainly brought out and recognized a problem, but I do disagree with the motion itself, and I want to tell you why.

This kind of driving and racing the police is something that we don't take seriously enough. Many, many times it ends in death. We have statistics which show that last year 22 people were involved in high-speed chases that resulted in deaths. We have under the Criminal Code all kinds of charges that can be laid against these people. Now, under the Criminal Code in 249 we have dangerous driving; 220 is criminal negligence causing bodily harm, 222 is criminal negligence causing death, 129 is resisting arrest, and there are a number of them here. But when we catch them, what do we do with them? A two-year suspension of a licence is about the last thing that I think we should do. The first thing we do is forbid them to go to work almost, because they haven't got a vehicle to drive. So I think we have to do a lot of

review on how we penalize people. Taking their driving licence or a fine really isn't a deterrent anymore. Years ago when there was no money, a fine was a big deterrent.

So we have to find different ways to treat these people. Although this motion is here because there's a big need for it, I think we should further it and develop ways, whether it's through the Young Offenders Act or – I think it can be for all of the people that are involved in high-speed chases. We'd better find another way for a penalty for them. I know that with many of the people that get involved in this, liquor is involved in it. There's a certain amount of daredevil involved in it, and they don't realize the seriousness of this crime.

I would like to encourage members of this House to not support this motion and to think about how we can develop further penalties so that we stop this serious offence that has been carrying on.

I think another member across wanted to speak for a minute, so I'll give him five minutes.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Sherwood Park in the less than five minutes remaining.

MR. COLLINGWOOD: Indeed in less than five minutes remaining, Mr. Speaker. Thank you. I also want to just make a few comments, and I appreciate the . . .

MR. DEPUTY SPEAKER: I hesitate to interrupt the hon. Member for Sherwood Park. Apparently the bell has gone to indicate the appropriate amount of time under Standing Order 8(4). I must now put all questions to conclude the debate on this motion.

[Motion carried]

MR. DEPUTY SPEAKER: Hon. members, we now have approximately three minutes left. Would you give unanimous consent to moving on to Government Bills and Orders?

HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: Opposed? Carried.

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

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

[Mr. Tannas in the Chair]

MR. CHAIRMAN: I'd call the Committee of the Whole to order.

Bill 30
Environmental Protection and Enhancement
Amendment Act, 1994

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

MR. EVANS: Thank you very much, Mr. Chairman. I have very carefully reviewed the comments that were made by the Liberal opposition about some of the provisions in the Environmental Protection and Enhancement Amendment Act, 1994, Bill

30. One in particular that I believe does have some merit are the recommendations made with respect to section 38 of the Bill, and those are proposed to make changes to section 106(1)(b).

The comments on the opposite side essentially were that if we have a report of a spill, they are concerned that we would eliminate the need for a written report on that spill and whether or not that was reasonable. What we are trying to do in making this change is to eliminate as much as possible the need to have a written report if there is no adverse effect. That was clearly the intention of the amendment, and I have, after consideration of this, I think – I hope – a provision that will meet the approval of all members of this Assembly that does concentrate on the fact that so long as there is not an adverse effect on the environment, or if there was an adverse effect if it has been adequately controlled, then there would be no need to force that well-meaning and proactive citizen of the province of Alberta who makes a verbal report to actually file a written report as well. I believe that amendment is at the Table. I would ask that it be circulated to all members of the Assembly . . .

Chairman's Ruling
Decorum

MR. CHAIRMAN: Order. Hon. minister, we have a number of people standing and speaking, and the order of the House is that only one member be standing and speaking at a time. Hon. members, would you please take your seats or remove yourselves from the Chamber.

Sorry, hon. minister. We could not hear you. Hon. minister.

4:30

MR. EVANS: I know that hon. members have a great deal of enthusiasm here in committee and like to take advantage of the opportunity to discuss matters with their colleagues.

Debate Continued

MR. EVANS: As I was saying, Mr. Chairman, we are circulating the amendment. I think it is straightforward and addresses the concerns that have been raised. Clearly this was the intent in any event, but now we have made the change to speak about adverse effect. I would hope that all members of the committee would agree with the amendment.

With respect to the other comments made by the Liberals, Mr. Chairman, I don't have the same degree of charity for their other amendments, and I'd like to get that on record.

Certainly I think this is a positive amendment, and I would like to call the question on it if members don't have any additional comments.

MR. CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

[Motion on amendment carried]

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

MR. EVANS: Thank you, Mr. Chairman. I raise an issue that I hope the Liberal opposition will give me some enlightenment on. Earlier in the day our House leader on the government side spoke with the opposition House leader, and it was, I understand, the agreement that we would begin this afternoon at 4:30 with Bill 34, as opposed to Bill 30. Now, I have had a number of conversa-

tions with the hon. Member for Sherwood Park on Bill 30, and I understand that he has an amendment which he's prepared to introduce at this time. However, we're trying to move things along as well as we can and not get things off the rail and to hold true to the discussions that we've had, so I would leave it to the hon. members opposite as to whether they feel that they would want to proceed with the amendment to Bill 30 or whether they in fact would wish to move on to Bill 34, as per the earlier agreement between House leaders.

AN HON. MEMBER: Adjourn debate.

MR. EVANS: Okay. I'm hearing, without the member rising, that they would prefer to adjourn debate at this point in time. Accordingly, Mr. Chairman, I would now move that we adjourn debate on Bill 30.

MR. CHAIRMAN: The hon. Minister of Environmental Protection has moved that we adjourn debate on Bill 30 at this time and report progress when we rise. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no. Okay.
Hon. member, you have a point before I name the Bill?

MR. WICKMAN: No. I wish to speak on Bill 34.

Bill 34 Alberta Housing Act

MR. CHAIRMAN: I'd call on the hon. Member for Calgary-Bow.

MRS. LAING: Thank you, Mr. Chairman. I just have a few questions that I wish to respond to from second reading as we go into committee. The Member for Edmonton-Rutherford had a concern that the

management board is not clearly defined as to what role it's going to have [and] if that role is going to be simply to resolve disputes.

The Act refers to the management bodies – and these are the bodies established by the minister – that will assume the positions of existing housing authorities, foundations, and nonprofit organizations. Management bodies will be direct providers of social housing under this Act.

The Act will also provide the minister with the authority to make regulations

governing the settling of disputes between a management body and a municipality or between 2 management bodies with respect to matters arising under this Act.

This authority will be used to refer disputes to the municipal government board to be established under the new proposed Municipal Government Act. If disputes arise prior to the effective date of the new Municipal Government Act of January 1, 1995, then the minister may make a regulation to deal with that situation. The municipal government board is not related to management bodies except that it may determine disputes that arise from a management body's operations under the Act.

For disputes arising between two residents of housing accommodations, recourse is available the same as it is for any other housing. The remedy is private and outside the scope of the Act. For disputes between a resident and a management body employee, there are two alternatives. If the dispute is widespread and involves the majority of residents of an apartment or a lodge,

then the majority of tenants may request the minister for special inspection under the Act. Then the recourse may be to the appropriate Landlord and Tenant Advisory Board. If the dispute is solely between a single resident and one employee of the management body, then the resident's recourse is to the management body.

Another question that the member had was on how the Act was going to impact on a housing complex such as Ritchie Pioneer Place. Specifically referring to Ritchie Pioneer Place, this is seniors' self-contained housing managed by the Ritchie Community League. The community league has put forward a proposal to operate a stand-alone management body. The staff of Alberta Municipal Affairs are now working with Ritchie Pioneer Place to find the best suited working arrangement for the accommodation and the services provided. Consolidation of operations is not being forced on any housing authority or foundation. This is a voluntary process, so it's by volunteer and not by armament.

The other question that the Member for Edmonton-Rutherford had was that the management boards at the present time are very concerned as to what's going to happen with the amalgamation. The scope of this Act is much broader than either the Senior Citizens Housing Act or the Alberta Mortgage and Housing Corporation Act. Bill 34 will allow the management bodies to provide much more than accommodation without a human element. The new management bodies will be able to provide a full range of housing and other services to their residents. Under existing legislation, foundations and housing authorities can only act within specific parameters. The housing authorities cannot provide lodge accommodations, and foundations still cannot provide community housing. Now, this distinction is not statutorily imposed on the organization; the choice is theirs. Furthermore, if services not associated with housing are requested by residents, the management body may provide them, but it's not constrained by the present legislation.

Another one from the Member for Edmonton-Rutherford was on the deregulation of rents. The Act itself does not state that rents will be deregulated. This is an issue that arises from programs operated under the Act. The Act allows the minister to provide for regulations that prescribe rents and other charges or the manner of determining rents charged for housing and lodge accommodations provided under the Act. However, it does not mean that deregulation of rents isn't a necessity. It also allows limitations that can be put on rent. So it has both capacities. The key is that the Act is flexible to deal with the needs of the changing population. Changes in rent schedules are done in conjunction with the Canada Mortgage and Housing Corporation, where federal funding is received, and these are issues that are currently being discussed with the Canada Mortgage and Housing Corporation.

4:40

Another question from the member was if the Act was not going to impact on other forms of social housing; for example, the Edmonton Housing Authority. The answer to that is that the Edmonton Housing Authority is affected by this Act, as all housing authorities incorporated under the Alberta Mortgage and Housing Corporation Act. The housing authority continues to operate as it is until it is superseded by a management board under the Act. As the rents change on the 1st of July, 1994, all rents for community housing and seniors' self-contained are going to 28 percent of the income. On April 1, 1995, these rents will go to 30 percent of the income. The rent increases are being phased in to allow adjustments to be made. As the hon. Minister of Municipal Affairs had explained previously, this was done in

agreement with the Canada Mortgage and Housing Corporation, and it's a policy that applies across Canada and is not just the decision of this government.

Another concern was that lodges would end up in the position of having to provide a great deal more care than they're qualified to give and that they may try to make the service provision as economic as possible. The management bodies will be able to provide services beyond basic housing, but this is an aspect of having the natural person's powers. Provision of services of whatever type must still follow the provincial rules. If the management body running a lodge begins to provide health care, then it may be necessary to review its operations and consider the appropriateness of it being considered a health facility rather than a lodge. If the services provided by a lodge continue to be provided in the same manner as they are now, then the minister, through inspections and special inspectors, can oversee them.

Another question was on removing the lodges from the Health Facilities Review Committee. It was felt that this lent it to some abuse. The removal of the Health Facilities Review Committee does not mean that inspection of lodges does not occur. What is intended is for the minister to institute a periodic type of operational review to examine the ongoing operations of the management bodies. These operational reviews will be taken on a regular basis by government employees, and the minister may appoint any person to undertake these reviews. It is intended to be a co-operative process across government. For example, if there are concerns with health care, then someone from Health may be appointed to go in and review that. If there's a concern about maintenance, then someone from Public Works, Supply and Services would be asked to go and review. It's possible that the Health Facilities Review Committee would also be asked to go in and do an inspection on behalf of the minister. So, you know, the boundaries won't be as strict as they are, and the appropriate people can come in and review the lodge or the facility.

For the hon. Member for Edmonton-Beverly-Belmont social housing was a concern, and the primary concern was the so-called superboard structure. The Act allows service delivery to be at the community level. This is where the management body determines what type of housing should be provided. Again, the Act does not impose a superboard structure. It allows consolidation but it does not force it, and if a small community wishes to provide housing, it can do so.

MR. CHAIRMAN: Hon. members, I'm sure all are enjoying the comments of the hon. Member for Calgary-Bow, but your appreciation for those comments is now drowning out the comments.

The hon. Member for Calgary-Bow.

MRS. LAING: Thank you, Mr. Chairman. In a small community they can continue to provide the housing, and there's no size or unit to the threshold. If a special-needs housing management body needs to be on its own for the best type of service to be provided, then this is allowed for under the Act.

Spruce Grove-Sturgeon-St. Albert had a question about people who should be in nursing homes that are now in lodges and the lodges don't want to be liable for things that can happen here. The type of services that are being provided, again, are a local issue. However, the periodic inspection undertaken at the minister's direction will be directed at ensuring that lodges do not overstep their boundaries and become health care facilities. If this is what happens and this is the service required, then we would

again look at the status of the lodge as a health facility in co-operation with the Minister of Health.

This is not what the Good Samaritan clause has directed. This section is to allow employees and volunteers who assist lodge residents with everyday activities – going for walks, taking the right medication, et cetera – from being liable for actions done in good faith. A lot of the lodges arrange field trips for their residents, and this is another example of an activity at which the clause is directed. So it gives them protection in the normal line of their duty in a lodge.

I look forward to the other comments. Thank you.

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

MR. BRACKO: Thank you, Mr. Chairman. I want to thank the Member for Calgary-Bow for bringing forward this Bill. As we look at the situation, we know that changes must be made. We know that we have to look at the demographics. We know that the seniors population will double by the year 2010, and we know that the needs of seniors will have to be met. We also look at social housing needs, and we need to know where we're going not only now but into the future.

I'm one who strongly supports local decision-making. I believe the local level knows what their needs are, and they're the best ones to find the solutions to their needs or supply the lodging or the facilities to meet those needs. They can be creative in doing this. I know that in Linden, Alberta, they have come up with a unique program where a charitable group came up and built a lodge for eight or 10 people. They sold the facilities to each person, and once they move out, they get all their money returned except for \$5,000. So what we need in this is decision-making at the local level.

This can be a cost saving. I know that I have fought for five years and through two budgets here in the Legislative Assembly the formula used to fund the foundation program. What we have is that if you're a lodge or a foundation, if you spent more money, you were given more money by the Department of Municipal Affairs. You reward incompetence and penalize efficiency. This, of course, has to be removed, and we have to work in an efficient way with the wise use of our taxpayers' dollars.

The Minister of Municipal Affairs also maintains that when his government does something, it costs 20 percent to 40 percent more than private enterprise. I don't know where the facts are for that, but I can believe it with this government. I've experienced it.

One of the reasons I do support local decision-making is because they can determine the most cost-efficient size of a lodge. When we were getting a new lodge in St. Albert, the first question I asked was: what is the most cost-efficient size? So, of course, I phoned Municipal Affairs – I know they have a \$15 million research budget in the department – and they came up with a 44-room lodge. Now, I thought that would be accurate and would be true, although I suspected that there was some political expediency in that decision, so I decided I would search further. I called around the province to different lodges, foundations, the private sector, and I was told that an 80-room lodge was the most cost-efficient. That cost me about \$15 of my research budget, which I supplied, and I got the information that an 80-room lodge was the most cost-efficient.

So then I approached the department, and when I presented them with an 80-room lodge, their answer to that was: "Be lucky that you've got a 44-room lodge. Everyone else in the province would be happy to have this lodge, and they wouldn't complain."

I couldn't accept that answer, Mr. Chairman. It was our tax dollars, my constituents', Albertans' tax dollars, and I wanted them to be used in the most efficient manner. No changes were made. They said that the 44-room lodge was the only size that was going to be built. However, four months later Lethbridge got an 80-room lodge in two cabinet ministers' ridings. So we were left with an \$80,000 additional cost each year because of the 44-room lodge instead of an 80-room lodge, and that gets into the millions of dollars as we go over the 35-year period.

Another one was the years of mortgages. At the local level we wanted to reduce the mortgage to 10 years, save \$4 million or \$5 million, and we approached the government to do this. At first they were open to it, and then they came up with a number of reasons why it couldn't be done. In fact, they were looking at increasing the years of mortgage from 35 to 50 or even 100 years.

So these are some of the reasons why I feel very strongly that decisions should be made at the local level. We can live with our own decisions, our own mistakes, but we don't want to live with the mistakes of the province or the federal government. It's good to see that this Bill moves in that direction, giving more power and control to the management boards.

4:50

Also, there are concerns over the regulations: we don't have them before us; we don't know what they will be. We've experienced that also in regulations that were changed overnight with our new lodge. We were told that their means test would be a requirement to get into the lodge. They told us to put people in the lodge and then they'd tell us the rules after. We found that hard to deal with. We wouldn't accept that. In fact, we wouldn't take the keys to the lodge until that was straightened out. How do you move somebody into a new lodge, a new facility, and then tell them the rules after they have moved in? It just didn't make sense. So we also had to inform the minister responsible for seniors at that time of what was happening. The communication in his own government wasn't there. Then they had to go around spending thousands of dollars in damage control. So we're concerned about the regulations, concerned about the individuals, probably the most vulnerable in our society, that need to be taken care of and looked after and to make sure that happens.

Also, the AMHC has moved into this Act, and that's an attempt to get rid of the losses and move out of, I guess, government building and controlling of social housing. We've lost close to a billion dollars in that, and we need to make sure that doesn't happen again.

The other concern we have is with the market-value rents again in the lodges, as we move to it. Market-value rent is a direction that the government is asking the foundations to move in. I guess, first of all, I'd like to know why they would not have found information or done the research to see what the incomes of lodge members are. This hasn't been done across the province. In fact, it's starting to be done by the Sturgeon Foundation, the Greater Edmonton Foundation, as well as the Leduc one. When you have the information, then you can make the changes that are needed, not make them without having the information, which could lead to greater costs.

So with those general comments on the Bill, Mr. Chairman, at this time I will move now to make some amendments. I will speak briefly to them, followed by a member or two from our side who will also comment on them. I would like to move the

following as they're passed out. I move the amendment to 16.1, which reads:

- (1) The Minister shall appoint a Housing Review Committee.
- (2) The committee will advise the Minister on and review all Regulations to be made under this Act.
- (3) The committee will monitor services provided in social and seniors housing and advise the Minister on the development of operational standards.

In speaking to the amendment, Mr. Chairman . . .

MR. CHAIRMAN: Hon. member, are you going to introduce them all now? Since we seem to be passing them all out, I'm under that assumption.

MR. BRACKO: Yes.

MR. CHAIRMAN: So while we're waiting for the pages to pass them out, perhaps you would continue to read amendments 2, 3, and 4. Okay? Then go back and begin to talk on 1.

MR. BRACKO: Okay. Thank you, Mr. Chairman. I will pass them all out, but we want to vote on them individually.

Amendment 2 to Bill 34, the Alberta Housing Act, 1994, reads that under section 2, add the following after section 34(1):

- (1.1) Provided that, in exercising its power under subsection 34(1)(i)(ii), the Lieutenant Governor in Council shall phase in any increase in rent or other charges over a period of not less than 4 months phased.

The last word, "phased," should be eliminated; phased is eliminated.

Amendment 3. Add the following after section 5(3)(b):

- (i) at least one member of the management body must be a tenant representative.

The fourth amendment. Section 39(8) is amended by adding the following to section 128(2) after "Alberta Housing Act":

- and 25% of housing be made available for special needs housing.
- (i) Special needs housing is defined as housing intended for individuals who are homeless, have a mental or physical disability.

That concludes the amendments, Mr. Chairman.

MR. CHAIRMAN: Hon. Member for St. Albert, are you now going to talk about 1?

MR. BRACKO: Yes.

MR. CHAIRMAN: All right. That's okay. Proceed.

MR. BRACKO: Okay. I will be brief to it. The Health Facilities Review Committee has been shut down, and this is of course also supported by the foundations. The Lodge Standards Review Committee was also removed shortly after the minister took over. So we feel there's a need for a review committee to be there to look at and ensure that lodges are providing the services they're supposed to and not going beyond into the medical area, as the Member for Calgary-Bow had talked about. As well, to ensure that standards for all housing meet a minimum standard across the province is a reason we're putting this forward. So they would have a body to go to to look after their needs and make sure that it's being looked after and reviewed.

With that, I will turn it over to another one of my members.

MR. CHAIRMAN: Okay. The hon. Member for Edmonton-Gold Bar, followed by Edmonton-Rutherford.

MRS. HEWES: Thanks, Mr. Chairman. If I understand, you're going to take comments about amendment 1, not all amendments together. Is that correct?

MR. CHAIRMAN: That was my understanding, that St. Albert wished to deal with them separately but was handing them out for the courtesy of the committee.

MRS. HEWES: Thank you, Mr. Chairman. Then speaking to the first amendment, the appointment of a housing review committee, I can support this most heartily. I'm fortunate enough to have a number of seniors' housing units in Edmonton-Gold Bar, and there's a high proportion of seniors in my constituency. These are, I'm grateful to say, well run. I visit them often, and I find the people to be happy and contented and well looked after. I'm anxious that that kind of service be available in all of our communities and that it not change. That's my concern when we introduce this Bill, that there is a potential here that the kind of housing that we offer to seniors and special needs might in fact deteriorate, and I think we all need to put our minds to ensuring that those needs are protected.

Mr. Chairman, I spoke about Bill 34 briefly yesterday because I see it as being a very significant part of the conversation that we've been having, the dialogue in this House about seniors regarding Bill 35 in particular and the changes in programs to seniors.

I see Bill 34 as being very connected to Bill 35.

5:00

What we've got to think very carefully about, Mr. Chairman, is that these are people with certain kinds of requirements in our communities. I think Alberta has been very progressive in developing seniors' housing over the years. I supported Mr. Speaker when he was the Minister of Municipal Affairs in doing an update and rehabilitation of housing for seniors' lodges. I think that was a good idea because our contemporary thoughts about housing are not the same as they were when that housing was developed 20 or 30 years ago.

But I am worried. We've agreed that this should not be in health care, and I agree with that. I think that's the right decision, but I am concerned that the Health Facilities Review Committee will no longer have an opportunity to review lodges. While I believe that they shouldn't be in the Department of Health, I think we have to have some mechanism whereby we can have a group of citizens who will from time to time review the circumstances in lodges and in subsidized housing.

Mr. Chairman, this can be a very vulnerable constituency. While the seniors who are in lodges are assumed to have a certain degree of independence, they are, as I find them, often quite fearful, often concerned about what will become of them, whether or not they'll be able to maintain themselves.

MR. CHAIRMAN: Order. Again we have four or five people standing and talking. We should have one person standing and talking.

Hon. Member for Edmonton-Gold Bar, we apologize for the interruption.

MRS. HEWES: Thank you, Mr. Chairman. They want to maintain themselves, and they are sometimes frightened to speak out, perhaps without reason but that does not change the fear.

They're fearful to complain. I occasionally have in my constituency – and I'm sure others have shared this – a family member who will come and say: mother or dad isn't happy with their accommodation. The temperature is too high, or it's too cold, or they don't like the people. But they're fearful, because they fear that they will be ostracized or that their friends will ignore them. So we have to have some independent third party that will from time to time drop in and ensure that the people are okay, that they're safe.

I know that when I go to visit the lodges, I ask them questions very openly, as I'm sure other members do, and they tell me very openly. They tell me that they're concerned about the rents going up. They tell me that they're concerned about the food. Sometimes some of my lodges have changed to cafeteria style. Some members don't like that because they're not as fleet of foot. They do tell me those things, and I in good faith speak to the manager about it, and often we've been able to correct little things that trouble seniors. Perhaps those fears or those worries are unfounded, but if they're there in the minds of the seniors, then they need to be dealt with.

Mr. Chairman, I'm concerned about how the income testing will apply. I believe we need the housing review committee to ensure that people are comfortable and that if their income's changed, they're comfortable with how that is done, how that is going to work. Now, we haven't heard anything about that. We don't know how that will take place. I'm assuming the income testing for Bill 34 will be the same as the income testing for the ASB. Perhaps the member who presented the Bill can answer that question, because I haven't really heard that as yet. I believe that's something we need to resolve before this Bill comes to its completion.

Mr. Chairman, the thing we've got to really have in the centre of our minds is that seniors' housing is not warehousing. I think we have to be very careful as we move to change the management style of seniors' housing that we don't get into the business of commercial housing. While we have a mixed enterprise in subsidized housing now – and I think that's served us well – I would hate to see it all go into commercial housing, and I'd like to ask the member if in fact this is intended, that it will be restricted to nonprofit and municipal management of the housing.

I have some other comments about the other amendments, but just let me finish by saying that one of my greatest concerns is the amount of power and control that is given to the minister in this Act, and it's the same situation as we have in Bill 35, where we do not have the regulations. We do not know exactly how these things will be applied. Possibly if we had some of that, some of my fears would be allayed. I believe we must ensure that we have a mechanism in place in the Act, in the Bill that allows for a housing review committee to move around and have a look at these from time to time.

Mr. Chairman, I'll yield.

MR. CHAIRMAN: Would the committee give unanimous consent to revert to the introduction of special guests?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.

The hon. Minister of Advanced Education and Career Development.

head: **Introduction of Guests**
(*reversion*)

MR. ADY: Thank you, Mr. Chairman. It's both an honour and a pleasure for me to introduce to you and through you to the Assembly the federal Minister of Human Resources Development, the Hon. Lloyd Axworthy. Mr. Axworthy is accompanied today by, I believe, Mr. Russ Brown. I'm sorry; it may be Mr. Jeff Angel. Mr. Jeff Angel. Thank you. I've not met those two gentlemen before. These two gentlemen are seated in the Speaker's gallery, and we're very pleased to have them here with us today. We'd ask them to rise and receive the warm welcome of the Assembly.

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

Bill 34
Alberta Housing Act
(*continued*)

MR. CHAIRMAN: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Chairman, for the opportunity to speak in support of the amendment to Bill 34. Now, the amendment that's before us at the present time recognizes the need to have a mechanism in place to monitor the services and basically the operational standards within the lodges and other seniors' projects throughout the province.

Mr. Chairman, when we were dealing with second reading, in general comments I made reference to having sat as chairman of the Greater Edmonton Foundation and some of the very, very positive experiences that I saw occur as a result of the health services review committee. The Member for Edmonton-Gold Bar has pointed out that we are dealing here with a segment of the population that can at times be very frightened, very insecure about what's happening to them, because so often their destiny is in the hands of persons like ourselves. Equally concerned are relatives, particularly sons and daughters, of those that live in lodges and other seniors' projects throughout the province. Not only in my experiences with the Greater Edmonton Foundation but also with Capital Care very, very often I would receive phone calls from persons, relatives concerned about the operational standards or the conditions in a particular facility. I always, always referred them to the health services review committee because I found that that committee was a good mechanism to evaluate the operational standards, and without some type of mechanism in place, it concerns me. It concerns me a great deal that there will be a fear by those residents that will be occupying these facilities.

Now, Mr. Chairman, I want to thank the Member for Calgary-Bow for responding in such detail to the numerous questions I raised when we dealt with second reading of Bill 34. It is appreciated when a member on the government side does take the time and the care to elaborate and address the concerns that we raise. We raise those concerns not to be obstructionist, but because we're speaking for our constituents that voice concerns to us. [interjection] So we pass those concerns on, and the Member for Calgary-Bow is good enough to listen to those concerns and respond. I refer here to the member at the back that is kind of heckling a bit, poking a bit of fun. I tell that member: don't poke fun at one of your colleagues; that's not very, very nice.

5:10

Mr. Chairman, I would hope that the Member for Calgary-Bow, that is guiding this Bill through on behalf of government, will take this amendment and the other three amendments that will be introduced by our Member for St. Albert and will come up with a consideration and possibly a mechanism to be able to accept some of the amendments, portions of the amendments to strengthen the Bill that is in front of this House. If it does come forward as a government amendment, that's acceptable. The intent is of course to make the Bill, the legislation as good as possible for the Albertans that it will affect. So I would hope that before the Bill is concluded during this session that member will take the opportunity of doing that and that we can strengthen the Bill in a much more positive fashion.

Mr. Chairman, I'm going to conclude my remarks on the particular amendment at this time, and I understand that we are prepared to conclude debate from our point of view on this amendment and to proceed with the next amendment that will then come forward by the Member for St. Albert.

MR. CHAIRMAN: Okay; are you ready for the question?

[Motion on amendment lost]

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

MR. BRACKO: Thank you, Mr. Chairman. Moving on to the second amendment. I've read it, so I won't read it again. What this amendment is is a grandfather clause. We know that there are many seniors, many others out there who when they do get into a lodge facility or any other facility have counted every penny that they have going for them. They have calculated their expenses, their costs, and so on to look at what they need to live in the lodge or social housing. If their rent increases, all we're asking for is that they're phased in over a period not less than four months to give them the opportunity to look at their financial status and to perhaps make some adjustments in that four months. Maybe they'd pay off some of their areas that need to be paid off so they could put the money into rent or whatever it is in this area.

So we put forward this amendment and ask for the government members' support of this. It would be in the best interests of people involved, whether they're seniors or social housing development communities.

With that, I will turn it over to another colleague to speak.

MR. CHAIRMAN: The hon. Member for Edmonton-Rutherford on amendment 2.

MR. WICKMAN: Go ahead. You want to speak now?

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

MS HANSON: I wanted to speak on amendment 4. Do I have to wait?

MR. CHAIRMAN: Yes.

MS HANSON: Okay; thank you.

MR. CHAIRMAN: On amendment 2, then, Edmonton-Rutherford.

MR. WICKMAN: Mr. Chairman, I want to speak just briefly again on amendment 2. I did have the opportunity to speak on these very same matters during the principle of the Bill, second reading. At that particular time – and I'll just elaborate again very briefly – I expressed my concern about the potential impact to seniors, to residents in the facilities that will be affected if there isn't some type of device, grandfather clause to give them a degree of protection.

There is concern out there, and I know at times the government members tend to downplay it, but we are hearing from dozens, from hundreds – I believe thousands of seniors are speaking out, not necessarily on this particular Bill, but they're speaking out as to what is happening in terms of their programs, in terms of the Seniors Benefit Act that affects about six or eight pieces of legislation, affects all types of particular programs. That fits in with what's happening here, because this is another factor that is compounded on that fear that is out there, the fear that many seniors throughout this province are not going to have sufficient disposable income to provide for their very, very, very basic needs that we all take for granted. The fear of rents escalating – in some instances it would escalate, depending on the individual's condition – just adds to that fear, just compounds it. So this amendment simply attempts to minimize somewhat that fear, attempts to minimize the impact as a result of increases that may occur. It allows for a mechanism to phase those increases in so that those affected can plan accordingly, so they're not just hit bang, bang, bang, bang, so they don't find themselves in an extremely difficult situation, although I maintain that this is one of those that is going to affect them in the long run. Many seniors throughout the province I believe are going to find meeting their basic needs very, very, very difficult.

This is one amendment that I think is very, very significant. If there is any way at all that the government side can see fit to take this amendment and incorporate it in the Bill and give the seniors a certain degree of relief, I would think it would be appreciated by thousands and tens of thousands of Albertans throughout this province.

On that note, Mr. Chairman, I'll conclude.

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

MRS. HEWES: Thanks, Mr. Chairman. I just want to get on the record that I, too, support this amendment. I've already spoken to my concern that we don't understand exactly how income testing will take place. It occurs to me that the people in our lodges and in subsidized housing for the most part are on fixed incomes, and if the rents are raised quite rapidly, they may require income testing, and they may need a fair amount of lead time in order to be able to plan for it.

I think this is a simple amendment and should be supported by all members. It doesn't say that the increase can't take place. It simply says that it would give the seniors sufficient time to plan for the increase and to have their income tested again if that appeared to be necessary.

MR. CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

[Motion on amendment lost]

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

MR. BRACKO: Thank you, Mr. Chairman. I would now move the third amendment. This is one that concerns everyone in both the seniors and social housing groups. What we're asking for, after talking with the various groups, is to have one member of the management board be a tenant representative. This of course serves a very important purpose. They can bring the concerns of the tenants to the management board. They have direct access. They would be living in that lodge or social housing community, and they would understand. The residents could also go to them with their concerns. It would greatly assist in the smooth running, in the efficient running of the management board.

[Mr. Clegg in the Chair]

We ask the government members to support this for the many people who are involved in these housing projects.

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

MRS. HEWES: Thank you, Mr. Chairman. Once again I fully support this. This is a principle that I think should be paramount in this kind of legislation, and that is that the consumer should be represented. We speak about consultations, and we all know about the faults of some of the consultations that have taken place in regard to seniors. This Bill is a good example. Seniors didn't ask for this. This is simply being thrust upon them, being imposed upon them. Seniors didn't ask for the cuts and the changes that are in Bill 35. They're being imposed upon them.

Mr. Chairman, I think it's incumbent on us to ensure that the consumer, the constituency, is always represented. This is one way they can protect one another within the context. This, after all, is their home. This is not simply a conglomeration of people. This is a home, and it probably in most cases will be the last home that most of these people will ever have. To suggest that someone is going to make rules and regulations and impose ideas upon them without their having any representation in how this is done I think flies in the face of the kinds of things that we now know and put in place to protect people, particularly people who are vulnerable.

It's a simple principle, Mr. Chairman. I can't imagine why anyone would not support the principle that a tenant should be represented on the board.

Thanks, Mr. Chairman.

5:20

MR. DEPUTY CHAIRMAN: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Chairman. I'd like to speak for a moment to the amendment. I've had a number of seniors on boards speak to me about this. It seems almost incomprehensible to them that many of them who are as alert as any one of us and a whole lot more than some cannot make simple suggestions to certain boards and management groups about their lodge or their apartment house and that kind of thing. So I certainly support the intention of this. It can be achieved in several ways. It can be either here in the legislation or it can be in regulation, but there should be at least a tenant representative on these boards that have so much power over the lives of our seniors who are in subsidized housing.

Thank you, Mr. Chairman.

MR. WICKMAN: Mr. Chairman, I'm delighted to hear the comments from the Member for Highwood, because it illustrates

two things: that open government, that recognition of all of us being Members of the Legislative Assembly and having something to contribute. It illustrates that.

[Mr. Tannas in the Chair]

Secondly, it illustrates what I think is a very, very basic point. When I first saw the Bill and when the Member for St. Albert pointed out that this shortcoming had to be included, my first reaction was: "Well, it's got to be in the Bill somewhere. It must be a typo. Something must have happened that government for some reason forgot to put it in the Bill, or it's in there someplace and we can't find it." We searched high and low. We couldn't find it in there. So I've got to give the benefit of the doubt to the government side and look at this as an oversight and assume that this is one that the Member for Calgary-Bow will very responsibly jump up and concur that, yes, this has to somehow be incorporated. The concept has to be part and parcel of what we are dealing with here because it's so basic. I don't think any more than that has to be said. It's just so basic.

On that note, I'll conclude.

MR. CHAIRMAN: Okay. The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you. I, too, would like to speak in favour of this amendment. Given what we're seeing happening right now with regards to seniors' benefits, we only need to look at Bill 35 to recognize that seniors do have a reason to be worried as to what is going to happen with regards to their situation. We've seen their benefit packages massaged, massaged in such a way that they have less than they had before the massage started. We are now seeing that there is a situation with regards to this particular Bill where in fact the lodges – their rents will go up.

Now, seniors have indicated that they are worried in terms of consultation. This amendment in particular allows for seniors to have a voice with regards to the management body that will be controlling and will be dictating some of the conditions in which they live. Again we looked at a very reasonable amendment that was just voted down with respect to the grandfathering of rental increases and charges. Now we're looking at another very reasonable amendment, that at least one member of the management body must be a tenant representative. Now, we've heard that perhaps regulations will take care of this. The problem is that we don't know what the regulations are going to be, and in effect, this particular Bill should at least outline that tenants have access and are able to make their own decisions. This government ran on a platform of listening and caring. What better way of showing that than to ensure that at least the residents of a particular lodge or a particular home have the ability to have that input?

Again, I think, given that the Bill will potentially be taking away some of the security that seniors feel, this is an amendment that needs to be looked at very seriously.

Thank you.

MR. TRYNCHY: Mr. Chairman, as I look at the amendment, it does make sense, but if you look at the Bill, under section 5 it

says: "The Minister may by order establish management bodies." Under 5(3)(b): "the members of the management body," which of course I would assume the minister would take into consideration the thoughts of the seniors and the plans of seniors. You go on to 5(3)(c):

The number of persons comprising the board of the management body and the method of appointing or electing the members of the board.

So that gives a second option where the minister will, can, may establish the management board and, of course, establish the members of the management board. So you don't need to be specific in saying that they must have a tenant representative because the minister should put that in just out of courtesy to the seniors.

Mr. Chairman, if you look at sections 5(3)(b) and (c), that fulfills the request of this amendment, and I would suggest that we move along and accept the Bill as is, without the amendment.

MS LEIBOVICI: If I might just respond to those comments. I think that when we look at other pieces of legislation that this government has in place, there are many areas where the representatives or the components of a committee are defined and the actual numbers are even defined. If I might just take issue with one of the comments that the hon. minister of transportation has made: this is not a courtesy to the seniors; this is a right that they should enjoy.

Thank you.

MR. DAY: Well, it's been a fascinating discussion, Mr. Chairman, and . . . [interjections] Sorry? [interjection] No, I'm being very sincere.

MR. CHAIRMAN: Through the Chair.

MR. DAY: To and through the Chair.

It is a situation that I think people need to, as the member opposite has already said, try and be sincere about and really look to the intent of what's being said and the reasons for it and really analyze what it's going to do and accomplish the task at hand.

Given the hour, I would move that we do adjourn debate on Bill 34 at this time.

MR. CHAIRMAN: The hon. Government House Leader has moved that we adjourn debate on Bill 34. All those in favour, please say aye.

HON. MEMBERS: Aye.

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

It is 5:30. The Chair will declare that the committee stands recessed until 8 o'clock this evening. Agreed?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.