

Legislative Assembly of Alberta

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

[Mr. Tannas in the Chair]

Bill 20 Regional Health Authorities Act

MR. CHAIRMAN: I'd call the committee to order. The committee is reminded that we have under consideration Bill 20, Regional Health Authorities Act, and that last day we had presented to us for our further consideration a significant number of amendments, not to belabour the point but some 27 pages. So we're open for comments. The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Chairman. When Bill 20 was first introduced, it was criticized for being a somewhat incomplete, somewhat flawed Bill. We heard that from every member of every part of the medical profession. There were concerns that there was too much left to regulation, that there was too much undefined. There were questions raised about foundations. There were questions about the power of municipalities to requisition taxes. There were questions about the new powers of imposing user fees. There were questions raised about what the impact would be on voluntary hospital boards, further issues and concerns around the importance of public health, what would happen to existing public health priorities. Mr. Chairman, as a matter of point the Bill was criticized as being premature, as being really somewhat jumping the gun.

So we did in fact expect that there would be many amendments and that those amendments would be significant, but never did we anticipate that the amendments would be 19 in number and would cover some 27 pages. It was certainly a benefit to myself and to other members of the opposition that when those amendments were tabled, the Member for Rocky Mountain House immediately adjourned debate to give us time to absorb the full weight of these rather hefty amendments, to be able to somehow wade through them and make the best sense of them that we could.

So we have taken the opportunity to do so over the long weekend. What we see, Mr. Chairman, is a bit of a mixed bag, quite frankly. The amendments are helpful in many regards. The changes to the Bill include the mandate of the regional health authorities increased to include public health concerns. The ability of regional health authorities to requisition municipalities has been somewhat restricted to include only certain capital projects as determined by future regulations. I'll get back to the question of regulations in just a minute or two.

Other major changes include the requirement of regional health authorities now to submit audited financial statements, and those statements must be tabled in the Legislature. I, in particular, Mr. Chairman, am very pleased to see this amendment brought to the Assembly, because it's been a major concern of mine and of members of this opposition that there is a lack of accountability on how health dollars are ultimately spent. That's not because we think that hospital boards or others are mispending the money, but simply that it's a lack of accountability through the office of the minister that she does not require those financial statements to be made public nor does she take it upon herself to make those

financial statements of medical operations and health operations be made public.

As a matter of fact, I can recall not so long ago exchanging correspondence with the minister without portfolio requesting that she in her former capacity of being in charge of the Health Planning Secretariat make available to me and to all members of the province the details of the submissions made to the health roundtable process, the so-called public consultation process. Quite unbelievably, the minister without portfolio refused to make those submissions public because she claimed they reflected nothing more than private correspondence, if you can believe that, private correspondence as part of the so-called public consultation process. So we think actually that it's very forthcoming of the government to include amendments that would make the audited financial statements available to the public through tabling them in the Legislature.

Other major changes to the Bill include recognition of the importance of the voluntary hospital boards. They will now be allowed to continue once this Bill is passed, if in fact it does gain Royal Assent. Also, Mr. Chairman, there are changes to do with how employees of health facilities are treated. Employees will no longer fall under the Public Service Employee Relations Act; they will now instead be covered by the Alberta Labour Relations Code. Health unions give this lukewarm approval, and I can understand that. I think we need to have some full debate.

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: The question is whether we can remain this quiet for the remainder of Edmonton-Glenora's speech.

Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Chairman. I know that excited exchange in the background is really just anticipation about a full and frank debate, and I certainly welcome that and I see the Member for Calgary-North Hill? West? I don't know. [interjections] No, no, him, that one nodding in agreement across the floor, Mr. Chairman, that he can't wait to take to his feet and enter the debate, which will certainly be a treat for us all.

I was talking about the fact that the employees will now be covered under the Alberta Labour Relations Code. I think that this amendment, while it's given some approval by the unions – the health care employers may continue to have some difficulties with the form of the amendment. In particular I believe that this one amendment alone deserves complete discussion in the Assembly, and I look forward to perhaps hearing from the Minister of Labour, perhaps hearing from our own Member for Edmonton-Meadowlark, our labour expert, on this point.

Most troubling about the Bill in its original form and what continues to trouble me, of course, Mr. Chairman, with the amendments is that the amendments don't talk at all about original sections 19 or, I believe, 20. Under section 19(1)(i) and under section 20(k), the original Bill calls for the imposition of a whole new set of user fees and broadening the notion of self-managed care beyond anything that could possibly be considered reasonable to something that can only be described as a voucher system, a further commercialization of health. The amendments, unfortunately, are silent on these two points . . .

It worked. Thank you, Mr. Chairman. I'll try that next time. It's like dealing with school children that way. If you pause and wait, they'll eventually come back to you. That's super.

Mr. Chairman, the sections in the original Bill which allow for payments to individuals in the vouchers, as I'm calling them, are really very troubling. I know that the Minister of Health heard from numerous people who are concerned about the erosion of universality, the erosion of a purely publicly administered system. I know that the minister heard from these people in relation to this section of the Bill. So I am quite surprised that the amendments don't address that.

Mr. Chairman, the amendments are somewhat helpful in regard to how foundations may or may not be dealt with. There's more complete mention of, for example, the University of Alberta foundation and also the Calgary General hospital Act and the University of Alberta Hospitals Act. They're now repealed, and amendment R, as it's listed in the government handout, speaks to that, but still there is no clear sense of what would happen to the assets of these foundations or these hospitals if they are wound down. There's no clear sense of what comfort donors to the various foundations could have if they made donations to a foundation with one thing in mind and then they find that their foundation or their hospital is being wound down. They would like to see their charitable gift used for a specific purpose, and they've lost that choice or that control.

8:10

So while the amendments are in fact somewhat helpful, as I've earlier said they are, they are a mixed bag. The Bill still needs a fair bit of improvement before it'll gain the support of this caucus, but I certainly do thank the minister for taking the time to at least listen to some of the concerns, to reflect some of those concerns in these amendments, and again my thanks to the Member for Rocky Mountain House for presenting these in such a way that the opposition had a full chance to review them and take some time to find out what their impact may or may not be.

Of course, it would be important to note that as we've talked in this Chamber about who's prolonging the session and whether or not tactics are being used to filibuster or to delay debate on certain things, I think it's important to note that the government must have been just as concerned to make sure the session lasted at least this long, because if the session hadn't lasted this long, of course the government wouldn't have been able to bring forward these amendments. So we know that it's been on both sides of the House. There's been lots of hard work and lots of honest effort in debating the Bills and motions that have come forward, and we expect this process to continue, because Bill 20, of course, is a very important Bill and deserves full debate. Nothing less would be appropriate.

Mr. Chairman, I will be speaking later on in this debate about the requisition issue. I'll also be talking a little bit more about public health, but at this time I would yield the floor to a colleague.

Thank you.

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

MR. MITCHELL: Thank you, Mr. Chairman. I would like to begin by making an observation about the relative size of these two documents. The original Bill, if I'm not mistaken, was 19 pages long. The package of amendments is 27 pages long. If this indicates anything, it indicates the latest variation on Conservative government policy-making, and you might capture that by calling it making it up as you go along. That in itself is disconcerting, because if the government in bringing out Bill 20 literally just weeks ago missed 27 pages worth of matters sufficiently signifi-

cant that they should be amended in this legislation, one can only ask how many other issues haven't been adequately considered and contemplated in this legislation.

So it's with an uneasy feeling, Mr. Chairman, that I address these amendments, uneasy because I have to question, first, why would it be that we need so many of them? Uneasy because it would seem to me that a responsible government would have thought this through much, much more adequately before they presented this Bill in the first place and nowhere near as many amendments would have been necessary. An uneasy feeling because I wonder just how much else they have forgotten. I don't wonder entirely, because there are many issues that we have raised in this Legislature that remain unaddressed in this package of amendments.

Having said that, I will say that there are some apparent improvements. We gain some encouragement by noting that section B of the amendments and C as well seem to bolster the legislation's commitment to the regional health authorities' responsibility for public health and for the promotion of health and wellness in the general population. It was our concern upon viewing Bill 20, Mr. Chairman, that the Bill had the potential of focusing far too much on the acute care, hospital-focused health care ideology, if you will, that has prevailed in this province. What the amendments do, I believe, in section B is broaden the horizon of the regional authorities to consider more aggressively, to understand more precisely that their responsibility goes beyond acute care to something much, much more difficult to grasp and to pursue but more important, and that is the question of public health.

We're not unhappy with parts D and E in the amendments, which serve to clarify some information about community health centres and underline that they will be required to provide financial information to the minister, but, Mr. Chairman, we are nevertheless concerned that the information remains very, very sketchy. We still have no indication about what exactly a community health centre will be and how it will be run. We have no indication of whether or not community health centres will be privately owned or publicly administered and owned. We are disconcerted that the details that might answer some of these questions have been left to regulations which are not yet available and which will not be open to public scrutiny or public debate prior to their imposition on the people of this province.

Accessibility of information has been addressed in these amendments, and again that is to some extent encouraging. We find under section G that community health centres will be required to present their financial statements audited to the minister. We find under part H that regional health authorities will be required to send audited financial statements for their operations and for all those subsidiary health corporations to the minister. What's interesting, though, Mr. Chairman, is that while the minister will be required to table in the Legislature the regional health authorities' documentation, audited statements, there is apparently no such requirement of the minister to table the community health centres' financial statements. Perhaps this is an oversight. It would simply seem so obvious that if the minister is required to present regional health authorities' financial statements to the Legislature, then why would they not be required to present community health centres'? Unless these are seen to be subsidiary corporations somehow and that therefore these must be tabled in the Legislature. If not, it seems that it would be relatively easy for the minister to rectify this requirement and ensure that the

minister will be required to present the community health centres' audited financial statements in the Legislature.

What's not clear is whether the regional health authorities will be required to present specific financial statements on behalf of each hospital, each acute care facility, and other institutional facilities within their region? The risk, and we've seen it many, many times in the past in reporting by this government, is that consolidated statements offer very, very little information upon which to make the kinds of judgments that legislators and Albertans should be entitled to make, Mr. Chairman, about their public health institutions. Believe it or not, the minister still has never . . . It's awfully noisy in here, Mr. Chairman; I'm sure you're aware.

Chairman's Ruling Decorum

MR. CHAIRMAN: Order. We appeal to your kind and generous nature and ask that conversations occur in a tone low enough so that we may be able to hear Edmonton-McClung loud and clear.

Thank you.

MR. MITCHELL: Thank you very much, Mr. Chairman.

8:20 Debate Continued

MR. MITCHELL: Now, where was I? Oh, yes. We have been denied financial statements for hospitals in this province. This is not public information, by and large, Mr. Chairman, and it just seems to me that that information should have been available and certainly under this new structure should be available, as well. Given that the minister has gone so far as to require in this legislation that she or he will have to release audited financial statements of regional health authorities, it doesn't seem to be too great a stretch that the audited financial statements of specific hospital institutions should be released to the Legislature and therefore to the people of Alberta, as well.

The minister made a commitment as a result of earlier debate in this Legislature and concerns that we raised that she would limit the ability of municipalities to requisition property tax revenues on behalf of regional health authorities. We were very, very concerned about that power. It appeared that the government was creating yet another if not level, certainly area of taxation beyond their control, and it certainly belied the Premier's statements that somehow he could be certain that taxes would not increase. How he could be certain when he had just accorded this new taxing power to another level of government defied logic.

[Mr. Clegg in the Chair]

As it turns out, the minister has responded to that concern and will be limiting, apparently, the ability of municipalities to requisition property taxation. The problem that we have, however, Mr. Chairman, is that the limits will be in regulations. While we're happy to take the minister at her word, by the time regulations are drafted, often they can be different in their application than the original intent expressed in general terms in a Bill might have established. So we have a specific concern with the limitations being in regulations.

We also have a broader philosophical concern that this power of taxation should be extended at all to municipalities at this time to raise money on behalf of regional health authorities, who in turn of course are not elected but appointed. This gives the power of de facto, nonelected people to spend taxation money without

true accountability. We would be very, very concerned about that, and we're surprised that the government isn't concerned about that.

With respect to voluntary boards, it is useful and helpful that the amendments clarify that voluntary boards can exist. Of course, in a sense it really establishes what would de facto have to be the case. It would be very difficult for the government to say that a hospital couldn't ask a group of people to on a voluntary basis provide the hospital with financial, professional, and other forms of advice. But it is useful, and I think it will be particularly appreciated by those nonprovincial hospitals such as Catholic hospitals, who of course depend and have depended for a long time very heavily upon the advice of voluntary boards. In fact, we would support this, in a sense, because it is obvious and it is the right thing to do and it will help.

One thing that would not be productive would be for members of these boards to be allowed in turn to sit on boards of the regional authorities. It is very important that those regional authorities have the ability to take a regional view and not be anchored or rooted in a specific institution or other kind of vested interest within their regional purview.

The amendment that clarifies the ability of certain provincial hospital boards, health boards, such as the Alberta Cancer Board and whatever mental health board might be established, to operate separate from regional authorities has some advantages certainly with respect to mental health and at least for several years. We all know that the mental health strategic plan has in fact just been presented today and has much to recommend it. We're hopeful that mental health won't be consumed and subjugated within regional authorities, which will of course be overwhelmed by the work that they will have to do. At this time, mental health, the strategic plan, is probably quite fragile and needs to have specific attention. We would like to see some set of criteria, some set of principles that determine why it is that one area will be governed by a provincial board whereas other health care areas will be assumed under regional health authorities. For example, there are many strong reasons for the Alberta Cancer Board to exist separately, but I'm sure that somebody could make the argument that we need a provincial heart board. We don't have one. So it would be interesting to know what exactly are the criteria which the government has established such that the Alberta Cancer Board would be singled out as a board which would be allowed to operate and remain separate from the regional authorities.

Mr. Chairman, there are a number of other important points that are raised in this Act. It seems that the material addressing the status of unionized employees and their ability now to work under the labour code rather than under this Act, rather than under the public service arrangements which exist at this time, is being accepted by the parties concerned and seems to be a step, from their point of view, in the right direction to establishing an effective relationship between unionized employees and the various regional authorities. This is an area that will require a great deal of care and attention, because of course there are some profound implications for unionized hospital workers in their relationships with, among others, the Alberta Healthcare Association and now with the regional authorities. So it seems that that provision, the new provision, simplifies the process, and we'll watch with some interest to see whether or not in fact that is the case.

I am, however, as concerned by what isn't contemplated by these amendments as I am concerned in part by what is contemplated by them. Mr. Chairman, I am concerned in particular that the question of appointing versus electing hasn't been addressed,

hasn't been resolved, that data shows that the appointment or election of health authorities doesn't seem to result in differing public policy outcomes. In the absence of any such difference it would seem much, much more democratic by definition and of course would have other advantages to elect the members of these regional authorities.

One of the particular difficulties that we see is that in appointing, the government has to begin to make arbitrary exclusions of who will be able to sit on these boards and who won't. Clearly they've made the decision that no health care worker or doctor can sit on the boards, or we hope that we understand that that is their decision. It means that this is quite a patronizing and paternalistic point of view on the part of government. I can remember one senior health official saying to me, "Well, you know, these boards have to spend so much money that we really need handpicked professionals to do it." Well, that's interesting, but I guess the same argument could be made that these Conservatives spend so much money and so poorly that somebody should probably have handpicked people who could do it better. The fact of the matter is, Mr. Chairman, that elections would do away with any kind of arbitrary distinction or differentiation between who could run for these positions and who couldn't. The public is eminently well qualified to make a decision as to whom they would like to have in these positions. While we agree that immediately appointments are necessary, over a specified period of time, say two years, elections would, I believe, make a great deal of sense.

We are very concerned that the boundaries of the regional health authorities remain in some cases contentious, particularly with respect to St. Albert. My colleague from Spruce Grove-Sturgeon-St. Albert this afternoon raised a very important, interesting question in the Legislature about how the Sturgeon general hospital will be in one region and the municipality of Sturgeon will be in another. It doesn't make a lot of sense. We believe there should be at least some process of public input into the finalization of these particular boundaries.

8:30

Taxation remains an issue for us, Mr. Chairman. We are very, very reluctant to see taxing powers in the hands of nonelected officials. In effect that's what this Bill does. We believe democracy would be further and importantly served by the election of regional health authorities.

Thank you very much, Mr. Chairman.

MR. DEPUTY CHAIRMAN: The hon. Member for Rocky Mountain House.

MR. LUND: Thank you, Mr. Chairman. I'll be very brief. I just wanted to make a couple of comments. The hon. Member for Edmonton-McClung . . .

MR. MITCHELL: You're not going to pick on me, are you, Ty?

MR. LUND: No, I'm not. I'm going to just answer a couple of your questions.

The hon. member commented about why there would be a provincial mental health board. Well, the fact is that currently in excess of 80 percent of the budget for mental health is spent in the two institutions, so to try to move that out immediately into regional health authorities - we're really concerned about the mental health patients and in fact that they would suffer a lapse in services if we moved that out immediately. One of the things that

the provincial board will have to do is work very closely with the regions and make sure there is an infrastructure established so that the regions can take on that authority and provide those services in the very near future.

The discussion about whether members of the regional health authority should be elected or appointed: I listened with a great deal of interest to those comments. As you're probably aware, for example, the city of Edmonton is very anxious that they be appointed, not elected, and we're hearing that in some other quarters.

The issue about taxation or the ability of a nonelected body to requisition. That's currently the situation. They have that ability, and they're not all elected at this point. I'm not saying that makes it right, but that's what's currently happening.

Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Chairman. To speak to the amendments, I've placed them into three groups. In the first group are those amendments that promote the objectives of Bill 20 and specifically amendments under part B, part D, part E, parts F, G, H, and J. Now, they aren't exclusively concerned with the objectives, but in part they do address the objectives of the Bill.

I think both sides of the House and indeed all those Albertans interested in health care delivery agree that regionalization of services is long overdue. The goal as stated in the Bill captures that feeling; that is, to ensure that a comprehensive range of health services is available in each region. Now, coupled with that effort is to ensure that citizens get maximum benefit from every health care dollar spent. Professionals and laypersons alike have set sights on a more balanced system, a system that focuses on illness prevention and health promotion as well as treatment. More of us recognize that the life-styles we lead, our diet, pollution, and even unemployment can have an impact on individual health. So I think that as far as those amendments supporting the general objectives of the Bill, they add to it, Mr. Chairman.

The second group of amendments I think address the question of how regionalization should take place. Again, specifically amendments B, D, F, G, H, J, and K seem to address the how of regionalization. To look at that, I'd like to draw on the complaints of an N. Holland in an April 15 letter to the editor of the *Cardston Chronicle*. The writer in that letter in an article entitled "Regionalization - We've Only Just Begun!" I think outlines some of the complaints that these amendments don't adequately address. The writer makes a number of points, including that in that part of the province a power struggle has begun between Cardston and Lethbridge over representation on the board. The fear, of course, is that Lethbridge will dominate and control the purse strings and hence the allocation of health resources. The writer further goes on to say that the present local board is excellent, making appropriate local decisions and dealing in a very personal way with local citizens and their health needs. So obviously the writer isn't sold on regionalization.

A further point. The Klein government makes unwarranted attacks on local health boards based on incorrect information. For example, their honoraria is really modest and worth it to leave decision-making in local hands. The writer says that regionalization is a ruse to wrest away local control. The writer doesn't want some huge, nonlocal board to place patients in whatever bed is empty in whatever town or city. The writer goes on to agree

that regionalization will help reduce the debt but not at the price of giving up local control over hospitals or schools, and ends with this quote. "I'll be darned if I want to die in some hole in the wall foreign town. I want to spend my last days right here at home."

I think letters like this, Mr. Chairman, and the petitions filed in this Assembly indicate that regionalization is not proceeding as one might expect a change of such magnitude to proceed, and of course you have to ask why.

That leads me to my third grouping of the amendments, those that govern the development of both the Bill and the amendments, and those specific amendments that address development are B, C, D, E, F, G, H, K, L, and P. It seems that if a Bill such as this is going to have any chance of success, those amendments and the Bill itself should be sympathetic to the social context in which that change is going to occur. I think that overall when you look at health care and these amendments, Mr. Chairman, the sense of security in our province has been disturbed. A population which had faith that we had the best health care system and that it would be there when they personally needed it has had that faith shaken. Public discussions, a history of procrastination in terms of decision-making, conflicts between the position taken by the minister and a whole host of others interested in the changes have helped to erode this public confidence. As Holland's letter indicates, there is great potential for pitting board against board, community against community, and Albertan against Albertan. So I think it and those amendments ignore that social context.

There's a feeling that citizens have lost control and that their views won't or don't count. The gathering of 15,000 people adjacent to the Grey Nuns hospital in Mill Woods makes that argument very powerfully. Here and elsewhere Albertans have taken to the streets fearing that their voices are not going to be heard. On a personal level cutbacks have sensitized citizens to stories from users of the present system who have received unsatisfactory service or who have actually been harmed by the system. Newspapers across the province on an almost daily basis add to the apprehension of those health care users.

8:40

The amendments have to address the issue of those being affected by the decisions being involved in the decisions. The selective roundtables have I don't think done the job. Those of us who attended those roundtables were astounded by the way in which the agenda was often manipulated, the limited number of individuals who took part in some of the discussions given the hundreds in attendance, the lack of any explanations as to how the data would be analyzed, the lack of any accountability back to roundtable participants for conclusions drawn, and the lack of an accountable trail from roundtable discussions to this piece of legislation and particularly to these amendments. Where, for example, did participants ask the Minister of Health to be given the sweeping powers that this Bill proposes? Which roundtable overwhelmingly adopted the position that regional boards would account to the minister in minute detail for their actions? In which communities did the roundtables suggest that regional boards should be the weak entities this Bill might have them?

The health roundtables were not helped, of course, by the education roundtables, which, given the subsequent tax grab and diminution of kindergartens, have discredited roundtables, at least as practised by this government, as a legitimate way of securing public input.

The process should be such that it allows for public education to occur. Most Albertans, Mr. Chairman, are not experts in

health care governance or health care delivery. One of the major reasons health care has been pushed onto the public agenda is the budget slashing that has taken place. The implications of regionalization were not clearly understood by the public in general. The government's efforts have resulted in the public's agenda being hijacked from a concern about regions and how those regions might be effectively organized and governed to a "make any changes you want but not to my local facility" mentality.

Regionalization makes good sense. Advocates and experts have long recognized the move to this type of organization. Unfortunately, the N. Hollands of the world don't. They needed a chance to be truly involved, to think through the problem, to have reliable information available, and to be assured that their opinion would count. If the N. Hollands of the province, those people who have been involved in hospital governance for years, don't support regionalization as envisioned in this Bill, how can we expect others not so intimately involved to understand the problem? The history, I think, of the communities involved should be taken into account and respected. Again, I'm not sure that these amendments do that job. This again is in the plea of N. Holland and other Albertans. They feel that this is a top-down bureaucratic move that ignores who they are and the communities that they have built.

Another principle that I think the amendments should have addressed – and it's important in the development of a change of this magnitude – is that resources should be clearly defined and the basis on which allocation will be made should be made public. Fairness is at the heart of this principle. Citizens want to be sure that they and their region are receiving their fair share of the resources. The plea in N. Holland's letter will be echoed again and again across the province. Not only do Albertans want to make sure that fairness prevails; they want to know that special circumstances are being taken into account when the situation demands. They want the rationale that is being used to justify the changes. They want the changes to be clear. They want the changes to be put in front of them before those changes are finalized. I think the number of amendments we've seen tabled, Mr. Chairman, can do nothing to make them feel confident that this is a clearly thought through Bill.

Another principle that should govern development is that there should be careful co-ordination with existing volunteer and government agencies. Citizen Holland makes this point extremely well. Here is a person who has served on a local board of health and feels that that service has been undervalued. How can the government dismiss so easily the N. Hollands of the province? As with school boards there seems to exist a fear of those who have been involved to the present point in time, a fear that has the government bypassing those individuals as much as possible. Such action ignores a wealth of experience that would be useful at this time. Such action alienates a critical group of individuals who could help Albertans understand regionalization. Such action plays into the hands of those bureaucrats who distrust citizen participation.

A final principle that I think is important is that it should be made clear that the changes will support and enhance the Canada Health Act. Much of what is contained in this Bill and other changes proposed by the government would be acceptable to Albertans if they were assured up front that the principles of the Canada Health Act will be preserved. Given current circumstances, Albertans need to hear that loud and they need to hear it often. It would do much to allay their fears about proposed changes. It should have been made abundantly clear in this Bill that

accessibility, universality, and affordability will be concepts that are supported and promoted by proposed regionalization changes.

These are but some of the principles that one might have expected the Bill and the amendments to have followed in the developmental and writing stage. They haven't, and the price to pay is the N. Hollands across the province, the very people who should be the greatest advocates. Mr. Chairman, the intent of the Bill remains sound. The provisions of the Bill remain suspect. The need for detailed consideration of the amendments remains urgent.

Thank you very much.

MR. DEPUTY CHAIRMAN: The hon. Member for Calgary-West.

MR. DALLA-LONGA: Thank you, Mr. Chairman. I guess I'd like to start off by talking about the 27 pages of amendments to a 19-page original Bill. While I don't mean to be critical, it's always good to see changes, and I'm glad that we were able to help in the process of improvement. But this just points out that the debate that's gone on so far has been necessary. After all, this Bill appears to have been improved somewhat, and it was through debate and through, I would like to think, assistance from our side that some of these positive changes have come about, although now what's starting to slowly evolve is that this thing is getting very difficult to follow. We've got amendments over here, a lot of them, and we've got the original Bill, and we're waiting for the regulations, which is a whole other story in itself. This thing is getting to be complicated.

AN HON. MEMBER: Just pass it.

MR. DALLA-LONGA: The comment was made across the way, "Just pass it." I'm afraid we can't do that, not just yet.

Mr. Chairman, I guess we have to look a little bit at the history of what's gone on here. I mean, this province has had a history of building hospitals all over the place, in some places that couldn't even support a restaurant, and now we're looking to have to shrink the system down. We're having to redefine health care, redefine what kinds of services we can offer. We're really building on previous mistakes, I think.

I'm going to focus in on a number of small issues, and then I'm going to spend a little more time on one issue that I have a little bit of firsthand experience with. I guess I'll start off by saying that I am glad to see the amendments and that there still are some concerns in this Bill. I think one of the things is that this Bill still allows the opportunity for user fees. It still allows the opportunity for the regional health authority to charge fees for goods and services. In different regions they'll be able to determine what are essential and what are nonessential health services. It's there for those who can afford it, and those who can't must settle for a little more basic version of health services, and I'm not sure that's good.

The amendments dealing with the public health units, specifically in part B, have probably been one of the more significant moves for the positive. It's a little clearer. Something that isn't clear that just came tonight - we were out for dinner, many of the members on our side and members on the opposite side, with the chiropractors. They still don't know where they fit in in the overall scheme of things. That's still unclear. I don't know. Is this going to come out in the regulations? That's still unclear.

I guess one of the things that I'd like to just mention at this point and maybe come back to a little bit later is the aspect of

audits, the fact that the board will have to submit audited financial statements and that the statements will be tabled in the Legislature. That is a positive move, I think. However, it doesn't go far enough, and I'll explain why a little later on.

8:50

Mr. Chairman, I guess some of the concerns that still remain are the possibility of increasing taxes. The Treasurer says no taxes, and we now have the ability for the regional authorities to increase taxes on the municipalities. We have the taxes possibility through user fees, which, I don't need to mention, violates the Canada Health Act. A concern still is the possibility of using a voucher system. Now, a voucher system itself is not necessarily bad, but we're not sure how it's going to work.

Now, a good feature - and it's still in here - is the decentralization of the decision-making. I think that's a positive aspect. It sort of goes against what Bill 19 was trying to accomplish, so you sort of wonder where the central thinking is here. But I think the decentralization of the decision-making down to the community should give the community more control over its choices made with regards to allocation of funds.

I guess the one thing that I'd like to spend a few moments talking about, Mr. Chairman, is the business about audits. I spent a reasonable amount of time a number of years ago doing audits of hospitals, and I've got to tell you that it was one of the most useless exercises. I don't know how the government ever got anything beneficial out of it. The fees that the accountants charged - and I notice this happened after I got out of the auditing business. The fees charged by auditing firms were so low that they were to the point of ridiculous. In a hospital, for example, in Calgary, which shall remain nameless, that had a budget in the neighbourhood of - I can't even remember - multimillions, the audit fees were \$30,000, \$40,000. In industry you could probably add another two or three times that. Now, if you want to save money, you can get rid of the audits as they existed back then when I did them, and I gather they haven't changed much. I'd finish these audits, and then I'd get a call from somebody in Edmonton, some mole would say, "I don't understand why box 64 and box 32 don't add up to box 112." That was the kind of control the government had over the results of these audits. They were useless forms, a bunch of numbers going all over the place.

What would be more beneficial - and I've been critical - is a system where the auditors would look at the budgeting system. In many areas the regional director's success was measured by the board on the basis of how much money he could procure from the government, particularly in smaller municipalities, smaller areas, how much funding he could get for a particular program or if he was able to get a particular piece of equipment. The board would measure his success by his ability to be able to build it into the budget. I always found that very offensive, because one hospital, realizing that the government had a problem in spending, didn't care as long as it got its needs met. There was never any control over the budgeting process, never any rationalization. I did the audit of a hospital that had computer equipment lying around. It was really fashionable to have all the computer equipment and software, but nobody knew how to run it. They had some space or dollars left in their budget, and they'd go off and buy this computer software or computer hardware, and nobody'd know how to use it.

So I think we should have a look at - it's very well and good to receive an audited set of financial statements. I would defy even accountants to make sense of a lot of the information that's audited. I think that has to be taken just a little bit further. The

concept is good. Many people think, "Well, as soon as it's audited, it's going to be okay," but I think more consideration should be given because we are in a cost-cutting mode. We need to know how we can get the biggest bang for our dollars, and the budgeting process is one place we can start. It's impossible for this government and its department to keep tabs on all of the hospitals in this province, to keep effective financial tabs, understanding that each jurisdiction, even though we have regional boards now, is going to be looking after its own self-preservation and its own good. It's just human nature, and the controls still are not in place.

If you were to take the financial control aspect to a large corporation – and there are many corporations that are larger than our whole hospital system – they'd have much better financial controls in place for controlling our costs, and I think we need to have a look at that. Even though we're dealing with human lives, health care and stuff, there's no reason why we can't control the dollars that we spend. I think if we do that, Mr. Chairman, we can eliminate or at least reduce a lot more of the suffering that's going to have to happen in order to get our books back in shape in this province.

So, with that, Mr. Chairman, I'll let someone else have an opportunity. I hope the government takes this to heart.

Thank you.

MR. DEPUTY CHAIRMAN: Hon. member, would you just sit down for a minute, please. Before I call the next member, could we have unanimous consent to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

MR. DEPUTY CHAIRMAN: Opposed, if any? Carried.
The hon. Member for Edmonton-Mayfield.

head: **Introduction of Guests**

MR. WHITE: Thank you, Mr. Chairman. I rise tonight to introduce to you and the members that are assembled here Berry Brunner and Shirley Durocher from Edmonton-Centre. They have a particular interest in the Bill that's being discussed tonight, Bill 20, which changes the health Act, and in fact are sitting in the public gallery. If they could just rise and be recognized. Thank you kindly.

Bill 20
Regional Health Authorities Act
(continued)

MR. DEPUTY CHAIRMAN: The hon. Member for Rocky Mountain House.

MR. LUND: Thank you, Mr. Chairman. Just a few brief comments to Edmonton-Mill Woods' concerns about representation on the regional boards. Certainly the intent is that we would make sure that on a regional board there is representation from the entire region and not just from the location that happens to contain the regional hospital. Just exactly how that will all be accomplished is something that is still being developed. The reason I say that is that it would be very desirable if you could have a representative from every community. However, we've got to recognize that some of these regions have upwards of 30 communities, and to have a board that would have 30 persons on

it seems like it would be one that would be very dysfunctional. So we have to be sure we work that out.

He talked briefly about the fairness in funding. Well, one of the things, Mr. Chairman, that's going to happen that has never happened before is that the regional authorities must provide the minister with a financial statement. Those statements will be tabled in the Legislature. They'll be open for public scrutiny, and if a region feels that they are not being treated fairly, certainly they'll have the ability to point that out to the minister.

Another issue that he raised of great importance is: how do the amendments in the Act fit in with the Canada Health Act? Well, clearly I would welcome it if any member of the Assembly could show where in fact anything in the Bill violates the Canada Health Act. Certainly we have said right from the start that it will not be in violation of the Canada Health Act, and I don't think anybody can find where it is.

Calgary-West mentioned a few things – and I guess probably for about the fifth time I will go over them again – dealing with user fees. Members, user fees are currently being used. If you're in an extended care facility, you pay a user fee. If you're getting services from a health unit, you have user fees. This is not changing anything that is currently in practice today. You talked about increased taxes. Well, if you go and check the Hospitals Act, you will find that what is in Bill 20 and the amendments is very similar and doesn't give the regional authority any more power to tax or requisition. That's not being increased.

9:00

The voucher system. I still can't determine where in Bill 20 or the amendments it talks about a voucher system. If you're feeling that when an individual has to go across a regional boundary, something drawn on a map, and get a service, somehow they need a voucher to go to the other region to get the service, that is absolutely not the case, and you won't find anything in the Bill that indicates that is the case. So unless some hon. member can point out to me where this voucher system is, I wish we would get off that one.

There was very interesting talk about the regional health authorities determining where the funds go. I'm at a loss here because at one time they're saying that the Bill is not definitive enough, yet we're supposed to have the ability of the community health councils making that decision. Yes, we are. That's what the Bill is. We can't have it both ways. We can't say that the Bill should direct the funds, yet let the community do it.

[Mr. Herard in the Chair]

I notice that the hon. Member for Redwater is going to get up and speak. I strongly suspect that one of his concerns is going to be the fact that the health authorities are appointed for two years and then what? Of course, we are determining that in fact over those two years a decision will be made in each region. Each region may be somewhat different, but we will determine that. So if that saves a bit of time for the hon. Member for Redwater, I'm glad he raised it earlier.

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

MR. N. TAYLOR: Thank you very much, Mr. Chairman. Indeed, it did save a few seconds. I am concerned that the next general election of reeves and councillors is less than two years away, yet we have in the Bill here a two-year appointment. If the government suddenly decided that democracy is one of things they

should be promoting and that we should have elected individuals, it looks as if the most logical time to hold that vote would be at the time of the municipal elections, and it will be going past it. In effect, then, we're going to get stuck with, at least it looks like, five years of appointed government.

Now, I mean just that: five years of appointed government, not of appointments. This government makes all kinds of appointments that it gives money to, and they go visit this or that convention, one of the things that involves the public, sometimes for unselfish reasons, other times for selfish reasons. Very few governments in the western world appoint people that have the power to requisition, and the appointments in this case have the power to requisition. In other words, it's taxation without representation. That is supposed to have been anathema or definitely not acceptable in democratic North America since the time of the Boston tea party.

Now, I don't think that the good burghers of Smoky Lake or Morinville or Redwater, the area I represent, are suddenly going to gang up on the good ship Alberta and dump their tea leaves out into Fort Saskatchewan harbour or something like that because they don't get a right to vote for whoever is setting taxes. But this is exactly what we have. Something as old as the Boston tea party is happening again, and the genial, jovial, rotund monarch that's putting it in is not George III but Ralph the Great. He's putting in a system whereby the public is going to be taxed by appointed minions and friends of the government. That surely would be enough in nearly any other province but Alberta to bring out the press, fill the galleries, and get everyone debating how could we put in a system of people that are going to be appointed by government that had the right to requisition? Not only that, but as the hon. Member for Rocky Mountain House that's pushing forward the Bill pointed out, the two-year appointment is going to take them past the next election period. Consequently, we're going to have them for quite a while.

Lastly, when we talk about elected individuals, we have fought in Calgary and Edmonton – those of you who have a memory that's longer than maybe 10 or 15 years will recall when we went from the at-large system to the ward system. Apparently these appointments, I guess, are going to be at large or they're going to be a ward. Whether the appointments are at large or to represent wards was the very guts – if you'll pardon the expression – of democratic self-expression in Alberta for over 50 percent of the population. The populations of Calgary and Edmonton fought hard and long for the right to put in a ward system so that you know who your representative is.

Here we have a government that's not only putting in representatives that are not elected and have the right to tax, but they are not going to put in a ward system. They're going to be at large, but they say, "Don't worry; trust us." Well, could you trust a government that's just passed the education Bill, that took a raid on property taxpayers, the first one since Alberta joined Confederation, something that was so sacred that nobody thought any government would have the gall, the unmitigated gall, to reach in and put on property taxes? So now they're saying: "Trust us. Don't worry about wards. Don't worry about elections. We'll just appoint these people." Consequently, this is a very, very important matter that should be spelt out and refined much more closely than the amendments, some of which are good.

The government has naturally improved the Bill. I would hardly think it's possible to put forward 15 percent more pages in the amendments than you had in the original Bill without improv-

ing it. It would be hard to make it worse. The point is that some of the main things were entirely overlooked.

Now, we come to another part. In part B they've made it a little better. They've added the requirement that regional health authorities include within their mandate the need to maintain the health of the population as a whole. I think that's a good motive. But here again, regional health now has traditionally for a long time concentrated a great deal on sewage, water treatments, water tests, and the physical things of the earth or beneath the earth. We're right now in the world going through a transition and realizing that you can get poisoned by the air around you as quickly as you can by the fluids and soil around you.

Consequently, I would like to ask the hon. Member for Rocky Mountain House whether it's the intention by these amendments in part B, pages 1 and 2, to move the regional health authority into the environment and clean air. Actually, I think it's not a bad idea. It's not a bad idea to be looking at public health from the point of view of air quality. There's no question if you study hospital records in Alberta that the increase in bronchial illnesses in our towns and hospitals around Edmonton, where we process a great deal of our hydrocarbons and where we're so worried about a carbon tax – many respiratory diseases in this area wouldn't normally exist. So I would be interested if the hon. member is indeed thinking of possibly bringing in environmental controls under the health board, because if you're controlling water, you're controlling sewers, then why not have some control on air? It's just as important.

9:10

The next item I'd like to touch on, Mr. Chairman, is with respect to part C, pages 2 and 3, where it says the regional health authority – the requisition has been cut back a bit, and it only applies to capital costs. Well, that to me is very difficult indeed. Now, that can slide by all the city slickers in this House real fast, because who cares? But when you're out rurally – for instance in my area, you've taken the MD of Sturgeon, and we lie in two health districts. Many of the MDs, which are the natural taxing and administration areas – that will be a restriction – lie in one or more health districts. So it would be very interesting indeed as to just how you're going to apply a capital cost. If you can requisition, do you requisition the MD? Do you requisition the north part of the MD, the west side of the MD, the south side of the MD, or just how do you requisition? You get different notices, I gather, from where you live in the MD.

Which leads to another question: if you can requisition to back capital costs, are you not setting in motion the right of people, elected or otherwise, to say: "Well, heck. We built that hospital. Why are these schmoes from over in the next MD coming over and using it? If I have to pay \$50 more a year per quarter section on my taxes to build this hospital over here, why shouldn't the people over in the next MD have to pay user fees to come over and use the hospital to make up for the taxes I paid?" This is something that comes up rurally. I think the hon. Member for Rocky Mountain House is rural, but I think he's overlooked the whole system of how, if you're allowed to requisition for capital costs, those capital costs will be paid for those people that do not live within the area. Maybe they don't even pay if they requisition it as a property tax. Today the concept of property as being a measurement of wealth means nothing. You might have a millionaire stockbroker living out in Redwater. He's living in a rented place, using it, and he or she will not be paying taxes to the establishment of the hospital. I submit, Mr. Chairman, that this is an antiquated approach, and maybe the best way to do it is

to forbid these appointed boards from the George III relic era to have any right to tax at all. Then we get some idea of uniformity around the province. But we are going to turn these people loose with the right to tax. I think we will know what we will run into down the road.

The other thing that's missing when I look at the amendments is: is there a possibility now . . . This one I may have missed, and I would trust the Member for Rocky Mountain House, who has been shepherding and herding this sheep in wolf's clothing through the Legislature, to maybe inform me whether the appointed people will be allowed to change the boundaries. After all, we're appointing them at large. They may think: "Well, the MD of Sturgeon is a pain where you can't scratch. Maybe we want to trade this boundary for that" or "I'll trade you that boundary for that boundary, because you have fewer problems over here or you have more Tories over there, more Liberals over here." I guess that equates with more problems; I don't know which. But how much authority will the members have themselves to renegotiate boundaries amongst themselves? They may well find that is the easiest way to do it, yet when I read it I don't see that right to do so.

Also, Mr. Chairman, when speaking to the amendments, I'll jump all the way now to part I, which is on page 5. We're back again to requisitioning for capital costs. We have a number of ifs here. If we're going to have appointed boards, if they're going to be at large, if they're going to be allowed to requisition, why not put the same controls on them that you wish to put on school board who are elected? That is, that they can't ask for any more than a 3 percent increase in their budget, and that's only after a referendum. Why so niggardly and why so restrictive with elected representatives like all school trustees that have been here long before this party came to government?

Why put restrictions on them, saying, "You're only allowed 3 percent," but you're going to give these appointed people – appointed at large when probably the only qualification they have is that they wear blue and orange underwear – the right to requisition unlimited amounts for capital costs? Isn't there some fear that this thing is going to take off? Your hospital is bigger than mine. No, mine is, and wait till I requisition next year. You've got a fancier entrance than mine. Oh, no, now wait; we're going to have a carriage and four come up ours, and all lights and everything glistening. Why worry about it, because we're not going to be elected? We're going to be able to requisition. And capital costs: can you imagine the competition? It won't be a case of whether you're driving a Cadillac ambulance anymore; it'll be just how many capital buildings you have that you could requisition for that you weren't elected to do.

You know, there's one very sure thing, I would like to tell the Member for Rocky Mountain House, from just before the time of George III or the Boston tea party: those that are appointed soon come to think that they were anointed. That is true as true as true. It's one of the political rules of our society, yet we would appoint all these people, not elect boards, around the province.

Another area that I thought might be interesting: part K. Maybe the member could enlighten me a bit. That's pages 6 and 7. It appears the amendment allows the provincial health boards to operate certain areas that may be taken away, really, from the regional authorities. The Alberta Cancer Board would remain separate, say. What I was interested in was if the Mental Health Act would remain separate. It seems to me that mental health is something better run by the province than by each area. It'd bother me to know that I could get certified in Fort McMurray but be declared sane in Rocky Mountain House or, worse still, vice

versa. I kind of like the idea that mental health would be an overall thing, that it shouldn't matter the area that you live in.

The other one was to the Minister of Labour, who I notice is in the House. You notice I put that in a very cute way. I didn't say that he was missing or had been absent or wasn't paying any attention; I said that he was in the House. I'd like to direct a question to the Minister of Labour, if I may, through the Member for Rocky Mountain House, and that is on part P. I wonder if the Minister of Labour would take a moment, if he would look up from his work. Is the Minister of Labour aware that I'm addressing a comment to him? Could I call him the hon. House leader? How about the hon. member for Edmonton-north? How about the born-again democrat? How about the hon. member in the yellow shirt?

What I'd like to know is whether the hon. member has studied part P, pages 11 and 12, and whether or not he has a statement to make on how contracts between different hospitals and different unions now will be handled if we move it into a regional authority. Now, I understand that the way the Bill reads, the minister has the right to make a decision for the parties involved. Knowing what a great democrat the minister is, it seems that he wouldn't want the unilateral power, as it indicates in this letter, to decide who should be bargaining agents, and he may well have a process as to who are going to be the bargaining agents. If that were so, I would like to hear later on.

That, Mr. Chairman, is as short and succinct as I can make it. "Succinct" is not a bad word, Mr. Chairman.

Thanks.

9:20

MR. DAY: Well, Mr. Chairman, I've been called a yellow shirt and a few other things, but the worst, the unkindest cut of all, was when he referred to me as the member for Edmonton-north. Now, that one really hurt. At that point I could no longer restrain myself.

His questions are good on the labour questions. What has been done here – the whole intent is to keep things simplified. As I'm sure the member would be aware, the whole process of certification – you've got site certification; you've got regional certification. You've got a variety of employers against site employers; you've got employers that may come from a group like a Caritas group. There's a wide range of different arrangements. What we have wanted to do is maintain maximum flexibility for the groups involved and maximum simplicity. There are hospitals – for instance, the Glenmore, Calgary Foothills, the Cross centre, Alberta Hospital Edmonton, and U of A hospital – where those employees are under the Public Service Employee Relations Act. All others are under the Labour Relations Code. This will allow for any cases there to be adjudicated under the Labour Relations Code. Any cases presently under PSERA will stay under that and be finished and resolved under that particular administrative cloak.

To allow maximum flexibility, we want employers, as this regionalization moves along, to be able to work with the employee group, small or large, with maximum flexibility. If they've got any concerns or any issues that they can't resolve between themselves, the Labour Relations Board right now is drawing up a bulletin, based on these very amendments, which will suggest the guidelines on how to work these out so as to allow maximum flexibility. For anything that's unresolved, employers and employee groups and representatives have already agreed, "Yes, we will subject it to the normal practices and normal resolutions of the Labour Relations Board."

You mentioned certificates. Once it comes into effect, everybody will be granted by the Labour Relations Board their certification as they stand now. Again, they'll be given that maximum flexibility to do their negotiating. For any conflicts, both sides have agreed to take it to the Labour Relations Board under the guiding framework that they're putting out right now, tying it in with these legislative amendments.

MR. ACTING CHAIRMAN: The hon. Member for Rocky Mountain House.

MR. LUND: Thank you, Mr. Chairman. Just a very few brief comments. The hon. member talked about the membership on the regional health authority and the ward system. Well, I'm not sure where he gets the idea that there won't be a ward system, because this legislation is enabling so that it would allow a ward system to be set up if that's in fact what the people in the region want. That hasn't been determined yet, and to say that it won't happen is certainly very premature.

Talking about the environmental issues, the amendments allow for the environmental services provided through the health units to continue to be provided. It wasn't the intent that those would be expanded but rather to make sure that they could continue.

Talking about the requisitions and how that would work, if you look at the Act, it clearly says that a regional health authority would have the ability to requisition a municipality, in whole or in part, that is within a regional health authority. That means that if there is a requisition, it will apply to the entire health region, not just where the facility is located.

The regional boundaries, and can they be changed? Well, if you look at section 19(1)(b), it says:

The Lieutenant Governor in Council may make regulations . . .

(b) respecting the size and composition of regional health authorities.

I think that once the three-year business plans are developed, if there are some problems within a region and something doesn't fit, it will be identified. Certainly there is the ability to change those in the future if in fact it makes more sense to have the areas changed.

The requisitioning, I don't know. I guess I'll say it for the sixth or seventh time.

MR. DINNING: Say it again, Sam.

MR. LUND: Should I say it again? Okay.

Well, currently in the Hospitals Act there is the ability for a hospital board to requisition. Now, any hospital board has that power. They do not have to be elected, and in many cases they're not. This is no different, and if you check the regulations under the Hospitals Act, it clearly defines, and that's what this Bill and the amendments say will happen. So I would strongly urge the members to get their researchers to go back. They'll find that we have said this many, many times over, and this will be the last time that I respond to that.

Thank you, Mr. Chairman.

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

MR. WICKMAN: Thank you, Mr. Chairman. Just a few comments on the amendments to Bill 20. Ironically, we've heard references in the Legislative Assembly questioning the role of opposition and as to whether the opposition cause unnecessary

delays in the process and allow debate at times to go on too long. I guess this Bill 20 is an example of the usefulness that this process can provide, in having an opposition that will scrutinize every Bill, will point out the shortcomings, keep harping away. Eventually the message does tend to get across, not only on this Bill but we've seen it on several other Bills, and we do see amendments come forward as a result.

What's particularly startling with these amendments, however, Mr. Chairman, is that we are talking about 27 pages of amendments which relate to a Bill that is 19 pages long. So they are indeed very, very significant, and one sits back and wonders as to what might have happened had opposition in this case chosen to sort of rubber-stamp that Bill, let her go through. Does that mean that somehow there's a mechanism on that side so that some of these shortcomings would have been pointed out, or would we have had a Bill that would have been deemed to be totally inappropriate? Then, of course, that leads to the question that if that could happen to Bill 20, is the same thing happening to Bill 19? Is the same thing happening to Bill 35, where we've now seen closure invoked? These amendments point out that the system does work. The system of having opposition as a watchdog keeping an eye on the government members does work.

Now, when we look at these amendments as they relate to Bill 20 and we talk in terms of the regionalization aspect, the question has been asked by the Member for Redwater: will these regional health authorities have the opportunity to redefine their boundaries? What's going to happen in those situations that have been pointed out by this caucus where some hospitals appear to be in very inappropriate regions? Will there be the opportunity to do that restructuring, or is it going to be very, very restricted? Now, there's no argument, I believe, that the concept of the regionalization is good in creating more efficiency, more effectiveness within the system, and regionalization certainly has been proposed many, many times before. In 1989, when the Liberal Party was running, regionalization and rationalization of the health care system was high on the list of priorities had we become government at that particular time. Again, similar references were made in 1993; never talk of complete closure of hospitals, but regionalization was the discussion that took place.

There are some questions, too, in the minds of many board members of existing hospital boards and long-term care boards as to what's going to happen to their role. Are they going to have a role, period, or are they going to become defunct? That's a communication that has to go on from the government side of the House to those individuals. I'm not completely clear in my own mind as to exactly what the government visualizes is going to happen, the transition periods that occur, how long they take place, and so on and so forth.

9:30

There have been a number of issues that have been raised, and the Member for Rocky Mountain House has attempted to respond to them. User pay. Without question the provision for user pay is part of Bill 20, including the amendments. There's no doubt in my mind. It appears that there is some objective on the part of government to open up the health care system, to privatize it more and more and more, and to allow for more instances of user-pay situations.

As to how far government is prepared to allow it to go, I don't know, but already there has been impact by the federal government in terms of the Canada Health Act. My understanding is that there has been a loss of some transfer payments already. We saw what happened with the so-called Gimbel Bill, where there

were some very, very strong indications on the part of government that they were prepared to support that concept of privatization to that degree.

So this Bill does not clearly define as to how far the government is prepared to go in terms of privatization to meet that objective that they have or that mandate they feel they have. I disagree, but they feel they have that mandate to privatize virtually everything in sight. I'm surprised that this particular building hasn't been privatized.

When one looks at privatization, one has to look at the downsides of it. Any experiences with the health care system in the United States quickly point out the shortcomings, the double standard that can occur, the high costs that can occur. Certainly there are health caregivers, professionals, doctors, specialists, and such that like that type of system. We have that here in the city even, where doctors are pushing for that type of system because it allows them to make more money than they're making even now. That's one of the reasons, I gather, that Alberta does lose a fair number of doctors to the United States.

We don't want to destroy our health care system. Canada has a right to be proud of the health care system that was put into place. Other provinces seem to be fighting to retain it, improve upon it. It's only the government of Alberta that seems intent to destroy it, and I don't understand why, because we all – we all – to varying degrees utilize the health care system.

The question of requisitions. The Member for Rocky Mountain House said that he was not going to respond to this anymore. He doesn't have to respond to it. I know what's in the current Bill. Nevertheless, let's just look at what's happened. We can see the philosophy of the government not only in Bill 20, but we can see it in Bill 31. We see it in Bill 18. In Bill 19 requisition authority is being granted to school boards. Expanded requisition authority is given to regional health authorities. We see in the new Municipal Government Act additional taxation powers given to the municipalities – in other words, the ability to tax, tax, tax – although we have repeatedly heard that the problem is not revenue shortfall; the problem is too much spending. But if government is committed to that particular philosophy that we get our house in order by reducing expenditures, why then suddenly is the government so hung up on expanding the ability of these various groups to tax, tax, tax? It is clearly in here, and in Bill 20 the government had the opportunity to close the ability for these additional requisitions.

The additional requisitions that will be provided, of course, will turn around and be collected by the municipalities and turned over to the particular regional health authority. They're the ones that are going to get the finger pointed at them for raising more tax, but they're going to have their own problems because the new MGA is going to allow all this new taxation power. So the government is speaking from one side of its mouth, yet they're allowing for the other side to speak as well. So there is, in my opinion, encouragement for additional taxation through requisition. Yes, it was there before. I realize that. I think we all realize that.

Mr. Chairman, there has been reference made to the voucher system, section 19, that gives the interpretation, I guess, that vouchers become a possibility. Again, the Member for Rocky Mountain House has said that, no, it is not there, to forget it. Well, I'm not convinced it's not there, and I'm not sure what it's going to take to convince me it's not there. When section 19 gives the interpretation that it is there, then it becomes very, very questionable.

So even with the amendments – and the minister has to be given credit for having responded to the concerns of this caucus to a limited degree by bringing forward those 27 pages of amendments – the Bill will still be far from perfect. There still is going to be opposition out there within the field. There is still going to be the ongoing concern about the government's clear goals in terms of health care. Is it the government's intent to privatize the system? Is it the government's intent to set up a two-tier system where those with money get a different level of health care than those that don't have the same financial resources? Just how far will the ability to requisition, to impose additional tax go? Is the voucher system going to be there, or isn't it going to be there?

So the Minister of Health in addition to the Member for Rocky Mountain House have a great deal of explaining to do before I feel that Albertans, in particular those involved with the health care system, are satisfied that Bill 20 in fact is going to improve the health care system, is going to make the level of health care better, that we in the long run will benefit from Bill 20, that it will not restructure the health care system to the point that five, 10 years down the road Albertans are shaking their heads and saying, "Why did we ever allow that government to dismantle the health care system and convert it into what it is?" That's one of the gambles that the government is prepared to take or it appears they're prepared to take: gambling with the future of Albertans, gambling with programs such as health care and education that are so, so very important and are basic components of the life-style of any Canadian, whether one be an Albertan, from B.C., Ontario, or whatever.

On that note, I'm going to conclude.

MR. ACTING CHAIRMAN: The hon. Member for Rocky Mountain House.

MR. LUND: Thank you, Mr. Chairman, and I'll be even briefer this time. I find it very unfortunate when a member comes into the Assembly and makes statements like: we are already losing transfer payments. I don't think that the hon. member can find one instance that we have lost transfer payments in the health care system, and I think it's very irresponsible for a member to come in here and say that.

In talking about the voucher system – and this will be the last time I address this one as well – they keep on talking about section 19. There are about 20 different sections in there, but finally I've determined that in fact it's 19(1)(i) that's causing the problem, and let me read what it says.

The Lieutenant Governor in Council may make regulations . . . authorizing the Minister, a regional health authority or a community health council to make payments directly to an individual to enable the individual to acquire health services or health related services, and respecting terms and conditions under which such payments may be made and to which they are subject.

Well, Mr. Chairman, the situation today is that for some of the programs under Aids to Daily Living there are moneys flowing directly to an individual, and they go purchase the service. In the Red Deer regional health unit they ran a pilot project that turned out to be very successful. What happened in that case: if an individual needed some home care, there was an assessment done; so many hours were allocated to that individual; money was given to the individual; the individual went out and bought the service. That's what that's talking about. So I don't understand this nonsense and this idea that it's a voucher system. It's not a voucher system, hon. members. If you're going to let your

imaginations run away with you, you can imagine all kinds of things.

9:40

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

MS HANSON: Thank you, Mr. Chairman. I'm going to just confine my remarks to the amendments that affect public health. I was really pleased to note that the regional health authorities will have included in their mandate the need to maintain the health of the population, because this was pretty well ignored in the first draft of the Bill. Public health is really a very important segment of the health care system, and it's becoming more important all the time, but it's not exciting. You don't get headlines. There are no heart transplants. So it's something that people are inclined to forget.

I believe that as time goes on with more chronic illness, more environmental problems, more population we are going to have to turn more and more to public health and more and more to self-responsibility. I'm hoping that in the regulations of this Bill there will be some very specific regulations in regard to how the regional health authorities need to deal with the public health issue, because still, even being mentioned, hospitals are pretty powerful things, and it's very easy to forget it.

We often forget, too, I think, that public health's been around in Alberta for about a hundred years and may have had more effect on the health of Albertans than treatment, because when you think about hygiene, infectious diseases, well babies, all of those things have improved the health of people over the years, ever since 150 years ago in England when it was first made a priority. Of course, there's the connection between the health of the public and poverty. Public health always becomes more important when poverty increases.

As far as the medical system is concerned, with the way we've operated our medical care system over the last 20 years or so we have become a society that has come to believe in technical medicine. We go to the doctor for small things, and we hope to get a pill or some procedure that won't be much trouble, that will make us well without much effort. Sometimes because of the system doctors as well as patients allow that to happen without even stopping to think about it.

Our health system badly needs reform, and Liberals support regionalization for many reasons, one of which is the differential in health needs across the province. There are different health needs in rural and urban areas. There are different environmental problems, a vulnerability to infectious disease. I think that dividing the province into regions will probably improve things.

About 10 or 12 years ago I spent six weeks in India traveling around to different hospitals and learning a little bit about the Indian system. With their lack of money to spend on health care and very short money to spend on public health, with their poor sewage systems I was just amazed at how in hospitals they combined treatment and self-care and prevention and nutrition and all of those things that you do when you're looking after yourself. That was all combined with the treatment of the patient in the hospital. Probably some of the reason is because they don't have the technology, but also I think it's a recognition that that's the only way you could keep large populations healthy: the whole business of exercise, drinking, smoking, personal care, and all of that.

The environment is an expanding concern. The Member for Rocky Mountain House briefly mentioned the environment, but

we have more chronic illness now, much of it connected with the environment. We have more respiratory disease. There are many things coming up commonly that researchers are beginning to realize are connected with the environment in some way.

The whole business of day care and restaurant inspection that we've depended on public health for. In the future I think we're going to have to teach staff in those facilities to keep their places in a way that is not a danger to the public. Probably our inspections will become less, but we have to be careful that they don't disappear altogether.

The whole business of teaching and modeling well babies and mothers: with family breakdown it's obvious if you work in one of the helping professions in the community that many, many women now didn't have mothers to model them, don't know how to look after their children. Public health clinics are just crucial to allow us to have healthy babies and to . . . [interjections] Is everybody finished now?

Other changes in the status of health of our population that we've noticed over the last two years are infectious diseases. TB is coming back. We thought we had it totally beaten 10 or 15 years ago, but it's becoming more prominent. There are drug-resistant viruses and AIDS - with TB coming back, the increase in poverty, the overcrowding, and much of our good housing that we built during the '50s, '60s, and '70s is starting to deteriorate.

Mr. Chairman, I believe that in our efforts to improve the health of Albertans and to get costs under control - we've got those two goals that are very hard to rationalize - and, also, to push decision-making down to the communities, we will have to turn more and more to an emphasis on life-style, self-care, self-responsibility, and the environmental concerns. I believe that public health will play an increasingly greater role in the years to come.

Thank you.

MR. ACTING CHAIRMAN: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Chairman. It's a pleasure to see you in the Chair this evening.

I must say I was pleased to see the amendments initially as they came across my desk from the government side, 27 pages of amendments. I was full of optimism and hope that indeed they had listened to my comments and sagacity that I offered at second reading and that the . . .

MR. DINNING: Spell it.

MR. BRUSEKER: S-a-g-a-c-i-t-y, for the hon. Treasurer. I was hopeful that what comments I had made would receive consideration. The comments that I addressed particularly at the second reading stage dealt with the issue that a number of my colleagues had mentioned earlier, Mr. Chairman: the issue of regulation. Unfortunately, I don't see that addressed in the amendments before us.

In fact, there's one section in particular that I want to refer to on page 5, section J, that not only says we will have regulations to come in the future at some point but struck me as going in exactly the opposite direction. This is at the very bottom of the page. It says:

An agreement under subsection (1) may provide that it is to operate notwithstanding this Act, the regulations or any other enactment.

So originally we had a piece of legislation that said: trust us; regulations are coming, and the regulations will spell everything

out. Then this one particular section says: gee, even when we get the regulations, the minister really doesn't have to follow the regulations under this particular section, under this one provision, which admittedly is just one section. It said that we can ignore the Act; we can ignore the regulations. Under that particular section: in an agreement between a minister and a regional health authority we can ignore the whole shooting match and go with whatever it is that is written into the agreements, which then begs the whole question of why we are bothering with this at all.

Mr. Chairman, the issue of government by regulation is one that we have talked about on this side for some time. A while ago, in a previous life and a previous Legislature the Member for Rocky Mountain House introduced another Bill on safety codes and indeed did table at that time copies of draft regulations that proposed to flesh out that particular piece of legislation, if you will.

Bill 20 and the amendments that we have before us today, that we are debating this evening, sadly are lacking in that particular area. We don't know exactly what those regulations will be . . . [interjections] Not even approximately, as pointed out by one of my learned colleagues as well, nor any really clear indication, yet we have a government that introduces a Bill of 19 pages, as has been mentioned before, 27 pages then of amendments, and one wonders in the years perhaps to come what further amendments are going to have to be made either to the legislation or to the regulations. The amendments we have before us again today, Mr. Chairman, talk in a number of places and again on that same page up at the top about "other performance information specified by the regulations." That's amendment H, section 12(2)(b)(iii). Trying to get all those different subsections in there is sometimes difficult to follow.

9:50

So again in this particular set of amendments there are many places, and I've just given one indication, that again talk about the issue of regulations, yet we have none of those regulation in draft or in final form or even any indication as to what those regulations will be. Further, as far as I am aware, there's not been any indication of even when those regulations will come forward. So, on one hand, we are being asked to support Bill 20 and now the amendments before us this evening that refer to some regulations without actually having them before us. To me that's tantamount to writing a cheque, putting in the date, signing it, leaving the amount open, and handing it to someone in the trust, in the hope that when they do the job they said they would do, they will fill in the right amount. I'm afraid that I am not quite so trusting, I guess, with respect to where we are going with the regulations. So if regulations are coming soon or tomorrow, hopefully, so that we can have them before us, I would like to hear that information from the Member for Rocky Mountain House as he pilots this through the Legislature.

With respect to some other issues that have been raised, just a couple of brief comments, Mr. Chairman. The section that I would like to refer to deals with the winding up of foundations. I'm looking at page 9 of the amendments, and amendment 17(1)(m)(iv) talks about "governing the winding-up of the affairs of foundations." Now, the Hyndman report in Calgary talked about proposing the closure of a number of hospitals, that being the Alberta Children's hospital, the Grace, the Bow Valley centre, and the Holy Cross hospital as they currently exist as active treatment facilities. Two of those at least, of which I am aware, that being the Children's hospital and the Grace hospital, indeed have foundations that have been created by various community

fund-raising events. Those events are a variety of different kinds of things to support the activities and operations that are undertaken in those two facilities.

Now, this particular section talks about – again that word – "regulations." It says in the overriding part that "without limitation, regulations" will govern how these things are wound up. The difficulty with that: that just says there will be some regulations that deal with this issue, that address that issue. Well, I guess it's good that the government has recognized that that is an issue with which the government must deal. However, it doesn't provide those individuals who through their volunteer activities at the Alberta Children's hospital or at the Alberta Grace hospital have given of their time – it doesn't give those individuals a great deal of support and comfort as to what's going to happen to the products of their labours. In other words, what's going to happen to those foundations if those two hospitals that I mentioned are closed? Where are the dollars that are in those foundations going to go? This particular section says that there will be regulations; those foundations will be dealt with. My question is: how? What's going to happen to those dollars? In some cases, I understand the money we're talking about is quite substantial.

Chairman's Ruling Decorum

MR. ACTING CHAIRMAN: Hon. members, things are getting a little bit loud again. Actually, we were doing quite well this evening on both sides. I don't know if my hearing on the left is weaker than on the right, but I've been hearing a lot of noise from this side. So if we could just be a little quieter, please.

Thank you.

MR. BRUSEKER: Thank you, Mr. Chairman. I appreciate your intervention there.

Debate Continued

MR. BRUSEKER: I guess I'm wondering how it is that those foundations will be addressed, because that's an issue not only of dollars and cents but an issue that is near and dear to the hearts of those individuals that have given time to support those foundations. From that standpoint I think it's incumbent upon the government that has recognized volunteers – in fact, I recall the Minister of Labour one time doing I think an international trip talking about appreciation of the volunteer efforts and how much the government supports the concept of volunteerism. Certainly the Calgary Stampede could not operate without volunteers. So, on one hand, the government supports – and I appreciate and I know that the volunteers appreciate that their work and their efforts in whatever aspect are appreciated – yet here it seems to be a bit of a slap in the face, saying, "Trust us; we'll look after you." Well, I don't think that's good enough, Mr. Chairman, and I wish that that could be clarified for those individuals.

One other section that I wanted to refer to, and I guess it's a bit of a concern. It appears in a number of places. I'm looking right now at page 22, the top of the page. Let me just find the right reference. Section 20.1.1(3): "An agreement under this section is ineffective until it is approved by the Minister." Right at the very top of the page, it's the second clause. Now, I circled that because that's only one example, Mr. Chairman, of where that particular reference is made. In fact, if you thumb through the amendments, you will find that particular reference in a number of locations. So as I looked at that, I thought: you know, you could go ahead and you could have these regional boards and the

regional health authorities that are created, but ultimately it comes down to ministerial veto, I suppose, is the way I would describe that.

Further on down at the very bottom of that same page, page 22, we're now looking at section (6). It says, "If the board and a regional health authority" can't get in agreement, then

the Minister may make an order providing for the winding-up of the affairs of the board and the assumption of the affairs of the board by the regional health authority or provincial health board.

So, on one hand, it says that the minister has the final say in terms of whether this agreement is effective or not, in the earlier section, and then it says, "in the Minister's opinion" if they are "unable or unwilling to enter into an agreement." So it gives the minister tremendous discretionary power to virtually do whatever it is that the minister chooses to do. As I said, although I'm referring to it in this one particular section, 20.1, in fact phrases of that nature appear in a number of locations throughout this set of amendments, which again to me seems to give very broad scope to the minister's authority, to the minister's power. When we look at again tying that broad scope, that broad authority that is being handed to the minister, on one hand, to the broad scope of regulations that we anticipate are to come at some point in the future, to me it leaves very little of real substance here to sink one's teeth into in terms of where exactly we in this province are going to go with the delivery of health care in the province of Alberta.

[Mr. Tannas in the Chair]

It seems clear that we are going ahead with something that we're going to call regional health authorities, and it seems clear that they will have some tasks, but they can opt in or opt out of some of those tasks, based on what we've seen in Bill 20. They can opt out and they can opt in, and here they can have an agreement or they may not have an agreement. They might be in existence or they might be opted out of existence by the minister. All that is related to regulations that at some point are going to come into existence, and the government says to us, at least on this side of the House and certainly to their own colleagues: we want you to support this. Well, I am not comfortable enough with that direction to want to be able to support this. I see that even one of the members is so incensed that he's moved over and come to join us, and we welcome that support. I'm sure looking forward to it.

10:00

The other section, just briefly again, that I want to refer to – and this is probably the final section I think I've highlighted. At any rate, section 20.1, page 23:

The Lieutenant Governor in Council may make regulations

- (a) prohibiting a board from engaging in any activity specified in the regulations that results in a financial commitment without the prior consent of the Minister.

I appreciate, I guess, the intent behind that, but I'm concerned that if we start getting individual boards – this was raised earlier in terms of the concept of local taxation, Mr. Chairman – it may lead to increased debt being incurred by a number of these boards. That ultimately, of course, could impact substantially on the delivery of health care in the province of Alberta, and I'm really concerned about that. [interjections]

MR. CHAIRMAN: Order. Hon. Member for Calgary-North West, please do not awaken sleeping lions or they'll begin to roar.

MR. BRUSEKER: My apologies, Mr. Chairman. That had the adverse effect from what was intended. However, I appreciate that they're now listening intently to everything I'm saying.

Mr. Chairman, just in closing – because I have addressed the issues that I wanted to address about this Bill – between Bill 20 itself and the 27 pages of amendments that we have before us, I must confess that I'm more than just a little bit puzzled with this whole process. As I read through the two, which must really be considered as a package, both the amendments and Bill 20 itself, it seems to me that the Bill that could have been written could have been substantially shorter. Perhaps the Bill – I'm offering this by way of suggestion to the hon. Minister of Health and to the member who has introduced the Bill – could have been much shorter and could have been written along this way: "Regional health authorities shall be created by and operate at the whim of the minister," because ultimately it seems to me that that's what this Bill says. Then we wouldn't have to have long debates about this because then, indeed, the government would be being honest with what it is it's trying to do. I think that's really what the intent is of both the amendments and the original Bill, and for those reasons, I can't support the Bill.

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

MR. LUND: Thank you, Mr. Chairman. First of all, I want to just briefly comment on the comments from Edmonton-Highlands-Beverly. She mentioned the importance of home care and community health, and certainly we agree with those statements. She indicated that there was going to be some problem because of the funding. I want to remind the hon. member that over the next three years in the Health business plan there is some \$110 million being added to the current budget as it relates to community health.

Dealing with the comments from Calgary-North West, he was concerned about section 14 and entering into agreements with other governments and the fact that section 2 seems to indicate that you could throw this Act out and in fact disregard it. Well, in some cases, for example with penitentiaries or the national parks, yes, that could be because you've got to remember that you're dealing with another level of government and they're going to have something to say about what happens in that agreement. So we must have a paramountcy clause in the Act, and section 14(2) is that very section to allow that to happen.

Dealing with foundations, the amendments clearly spell out how a foundation can continue or how one can be established. Now, the hon. member raised a very specific point related to the example of the Children's hospital. Well, I must remind the House that there has been no decision made to wind down the Children's hospital. That is a report that was given to government. There has not been a decision made on that. Certainly I envision that in communities, if there is a health care facility and in fact that facility is discontinued and there is a foundation, then there is really no reason why the foundation couldn't continue to operate and in fact that money be used to provide some comparable service in the community that it was originally set up to provide.

Talking about the minister's power – I think it occurs about three times in the Act, and it's talking about the winding down of very specific classes of institutions. Yes, the minister does have a lot of power, but if someone can tell me how you're going to have the system work and get off the ground and be running without the minister having the ability to bring this about, I'm at a loss how we could be assured that it's going to happen.

Hopefully, the minister won't have to use this power, but this is enabling legislation, so we must be sure that it is in there.

Dealing with section 20.1, where

the Lieutenant Governor in Council may make regulations

- (a) prohibiting a board from engaging in any activity specified in the regulations that results in a financial commitment without the prior consent of the Minister,

yes, once again that gives a lot of authority to the regulatory power of the Lieutenant Governor in Council. However, particularly as this gets up and running, it is very important that the government have that ability to define in regulation what in fact money can be used for.

With those comments, Mr. Chairman, I will conclude.

MR. CHAIRMAN: Okay.

The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Chairman. I appreciate those answers from the Member for Rocky Mountain House. I want to just take one minute on the issue of foundations. I appreciate his response where he says that the reason for that is to wrap up the foundation so that the money can be used somewhere else. I appreciate that intent, and it's obvious that that's what the purpose of that is. My question is: how is that going to occur, and will that be made clear to the people who have been involved with those foundations before in fact it occurs? It's incumbent, I think, upon the government, before something is wrapped up and concluded, that it's clear to the people that have been involved with those foundations as to what will happen and how those funds will be disbursed, rather than just simply what we have in the Bill today, which says that regulations will be created "governing the winding-up of the affairs of foundations." I know the intent is there that it will be used for something in the health care field, but can we get some more specifics as to how that proposal will occur?

MR. LUND: If I understand the hon. member correctly, he's talking about in a city, for example, if there was a foundation of a specific institution and that institution was closed down and discontinued, what would happen to those foundation funds? Once again, just because the facility is wound down, doesn't mean that the foundation is wound down. Now, the people that are governing that foundation will have the ability to use the money for whatever purpose they see fit. I don't think there's a major problem in that. If the hon. member feels there is, then I would be very anxious to hear how he would like to see that operate.

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

MR. GERMAIN: Thank you very much, Mr. Chairman. It's again my pleasure to speak to Bill 20. I didn't realize when I spoke the last time for 20 minutes that I would so soon have the opportunity to again speak on amendments that exceed the size of the original Bill. This Bill was promoted and discussed as being a very significant step forward for the government. It was a Bill that was promoted as having been based on wide consultation with Albertans. What do we find in this Bill? We find what is virtually a duplication of a Bill with an entire series of amendments.

10:10

The only comment, Mr. Chairman, that comes to mind out of the last 20 minutes of debate that I had in the Legislature is that

I made a nasty allegation that the Provincial Treasurer had slipped in simply to hear my debate on the issue. He stood up with some ferociousness, and he made me recant that, and he said that it was imputing false motives. I notice coincidentally that he's right back here again tonight to hear chapter 2. I only wish I had more than 20 minutes to give to the hon. Provincial Treasurer. In fact, I've even confused the *Hansard* recorders because they're miking me off the wrong desk now. That's how enthusiastic the Provincial Treasurer has them in this particular debate.

Getting on to the issues at hand, Mr. Chairman, this must be a disappointing day for the sponsor of this Bill and a disappointing day for the government that you would have a Bill that is so flawed and so imperfect that the amendments would exceed the size of the original Bill. I must say that we have seen a lot here since many rookies came to sit here on June 15 and joined the few returning senior members of the class, but this is the first time that a government Bill has come forward so flawed that it requires more pages of amendments to deal with it than the original Bill.

Now, when we talk about this Bill, we sometimes hear the suggestion that the Official Opposition, doing its job for all Albertans, is keeping people in this Legislative Assembly unnecessarily long. I want to ask rhetorically to all the members opposite – the members from Calgary-East, Calgary-Currie, and all the members opposite – what exactly they were going to do and what exactly the government was going to do up to and including May 19, 1994, when these amendments that we just had to have got filed. That should debunk once and for all the notion that it is the Official Opposition, doing its legally legislative job, that is keeping members in this Legislative Assembly when they would rather be doing other things. Well, frankly, Mr. Chairman, I can't think of anything more important that anybody here could be doing right now than standing up and speaking for Albertans and standing up and speaking for health care in this province.

Now let's talk about this particular thing.

MR. DINNING: So where's Laurence?

MR. GERMAIN: Listen; we don't know whether he's the Galvinator, which is a mixmaster for mixing fruit, or the Galvanizer, which is to motivate and precipitate quality debate, but I'm grateful that the Provincial Treasurer has come back again tonight to hear me give this speech. [interjections] I appreciate your enthusiasm for my debate. Maybe, Provincial Treasurer, you'll be motivated to get up, stand up and speak for Albertans, speak for health, speak for the issues of health care that Albertans care about, instead of hollering from your seat.

As the Provincial Treasurer you would recognize and you would know that in both Bill 20 and the amendments that go with Bill 20 is a voucher system for voucherized health in the province of Alberta. If that's what you intend to do, if that's what you say it's all about, then that's what going to happen, but it's in there, and don't sugarcoat it. The other day I talked about that great big cod-liver pill and the mother putting jam all around it and shoving it down somebody's throat. Well, don't sugarcoat it. Stand up and be prepared to be counted. If you're going to have a voucher system, if you're going to have a two-tiered health care system, stand up and be counted. Don't sit there and chatter and natter from your desk. [interjections] Yeah. Well, okay. I'm going to move on anyway, Provincial Treasurer, because I know that there are numerous members on that side opposite that are very concerned about the issues that are raised here tonight. They know that if these value-added amendments . . .

MR. DINNING: Where's Laurence?

MR. GERMAIN: All right. Mr. Chairman, I've been attempting to referee on my own, but I'm happy for your help.

MR. CHAIRMAN: Hon. members, although we don't now know officially what the result is in the hockey game, we would hope that those who are inclined to cheer would go to some appropriate room to carry on that cheering.

MS CALAHASEN: Yes. Please go out.

MR. GERMAIN: Why would I go out? I have the floor. I'm speaking for health care in Slave Lake too.

MS CALAHASEN: Lesser Slave.

MR. CHAIRMAN: I wonder if we could ask the hon. Member for Fort McMurray to continue.

MR. GERMAIN: And Lesser Slave Lake.

AN HON. MEMBER: And High Prairie.

MR. GERMAIN: And High Prairie. I'm speaking for health care up there in all of northern Alberta, everywhere. I'm speaking for health care in Fort Chipewyan tonight. I'm speaking for health care everywhere from the south to the north of Alberta. You can blame it all on the Galvinator. He got me going.

I want to say that the government has now paid lip service to a function, a community function of protecting and promoting the health of the population in the health region and working towards the prevention of disease and injury. This is a very useful amendment if the government meant it because I want to suggest to the government that with this amendment comes the liability for the failure to provide that service and the failure to perform it. We will now have issues confronting us as to whether the regional health units moving to protect, for example, the health of the population should be attempting to ban cigarette and liquor consumption in their communities.

We now have the issue of whether certain work hazards or industrial hazards will now be the mandate and the program of the regional health unit as opposed to the minister in charge of workplace health and safety. We run some tremendous risks here, but I am grateful that the government has seen fit to put this particular section in, but they want to be sure they really mean it. The sponsor of this Bill has to ask his colleagues, ask his caucus, and ask his conscience: do we really mean it? Before, the only issue that confronted a hospital was whether they performed fairly and properly or negligently once somebody came through their hospital doors. I suggest now to them that we are going to get into constant definition problems. I know the minister of the environment will recognize this and recognize this concern. What is a regional hospital to do now if a mill, for example, is in the area, ready to open, and in fact is going to be discharging some effluent into the river system that the hospital may have concern about? Will they be obliged now to intervene? Will they be obliged now to attend and present their case or will they, by failing to do so, be in breach of this particular section and expose the regional health to liability? It is an interesting hypothesis and one that certainly bears some examination.

The Provincial Treasurer . . . I'm sorry, did I hear a point of order, Mr. Chairman, or no?

SOME HON. MEMBERS: No.

MR. GERMAIN: All right. If I'm the only one concerned about it. The minister of the environment sits there and says, no, it won't happen. Well, we didn't think that we'd have 21 pages of amendments on a 20-page Bill either. We didn't think that would happen, but everything can happen here.

The other area of concern in these amendments is the continued focus on downloading of health care to municipalities. That should be of concern to all Members of this Legislative Assembly. Do we want to do that, or is health care going to be a provincial responsibility? Why, by golly, the Premier here in Gimli last weekend was saying how health care is a provincial responsibility: we deliver the load; we deliver health care. Well, why are we now downloading the cost of that delivery to municipalities in whole or in part? We either are the deliverers of provincial health care or we aren't. The concept of splitting it up and downloading seems to me to be foreign to the concept of a provincial delivery of health care, which is the political public position that the government appears to be taking, certainly in their negotiations with Ottawa. I urge all members opposite to consider that point.

My friends, if you want to find astounding things to talk about, if you want to have astounding things to go and mention at your next cocktail party, just take a look at page 5 of these 18-page amendments. I know you all have them right there. Take a look at page 5. The minister of social services will want to take a look at page 5 and he'll want to take a look at section 14(2). Now, that sections says that

an agreement under [this Act] may provide that it is to operate notwithstanding this Act, the regulations or any other enactment.

That agreement under the Act – I've paraphrased a little bit – is the basic delivery of health care service.

Can you believe that in this province we have now come to a point, my friends, where we are putting forth legislation that says this: notwithstanding the Act or the regulations, we can contract in this province out of the Act and out of the regulations. Last week and since this session began, we were concerned about government by regulation. Now we have a new concern. We have, my friends, a concern about government by contract, where a contract can supersede the principles of health care in this particular province.

10:20

If that is not worrisome to all Members of this Legislative Assembly, take off your political hats. Do you want to see a piece of legislation in this province that says that individuals by contract can circumvent the Act, circumvent the regulations? What are they circumventing? They're circumventing this: to provide any other health services, they "may enter into agreements for the purposes of this Act" that "provide that it is to operate notwithstanding this Act, the regulations," or other amendments. Does that make sense to anybody here in this Legislative Assembly? In the 20 pages in Bill 20 and the amendments that followed, we thought that we might have seen the government embark on a 90-degree turn away from government by regulation. Do we see that? One would hope that with the size of the amendments, we are going to some substantive law and less regulations. We don't see that at all. What we see is increased regulation. Take a look at 15.1 and you'll see another spat of increased regulation courtesy of the provincial government of this particular province.

Now, I've heard the Provincial Treasurer speak of it sometimes. He views some of the pieces of legislation – for example, the federal Income Tax Act – as complex and hard to understand. Other people say that. If you want to see complexity and hard to understand, take a look and wrap yourself around this definition that is found on page 10 of the amendments, where it says that you can have in the Act regulations "defining terms that are used in this Act but are not defined in this Act." We're now going to have definitions by regulation. Does that type of paragraph instill confidence in anybody in this particular province?

Now we go on to the new section 21.1. Shortly after this Bill was introduced, I presume, and sometime before May 19, 1994 – and I have to assume that because the Bill was introduced and now it's being amended – the government woke up to the fact that they may have some regulatory problems in transitioning from the hospital system that they have now to the regional health care system. Did the government come forward and say: "Look, regional health care systems, we know you have a lot of problems. You're going to have to close down hospitals. You're going to have to continue laying off employees. You've got labour disputes. You have labour contracts. We're going to start you off with a clean slate." Did the government say that? Well, no, they didn't. Would it have made sense to say that? Yes, Mr. Chairman, it would have made sense to say, "Regional health board, we're going to start you off with a clean slate." But they don't do that because in section 21.1 they say that the new regional health centre will take over all of the debts and contracts of the old. So what we're doing is just consolidating administration, perhaps, and saddling the administration of the new regional hospitals with the same old problems.

What we have, Mr. Chairman, is a government that read a book on how to make change. One of the sections of that book that they read said to do it all quickly and get people off base. But there was another section in that book that they didn't read, and that was to start and finish with authority. When you have to bring in this many pages of amendments on a very short Bill, it sends a clear message to Albertans that you are not starting with authority, and you do not have authority.

Now I want to finish, Mr. Chairman, with a little anecdote. Most people in sports would be technically able to be a major league umpire. Most people would be able to get behind the plate and call balls and strikes. You crouch right down and you watch the ball coming to you, and you shoot your hand up in the right direction and you call a ball or a strike. Now those are high-paying and good jobs, so why isn't everybody a National League or an eastern league baseball umpire? Well, one of the reasons, in addition to the obvious that not everybody wants to pursue that job – but many try for that job and few succeed. They don't succeed because when you call a play, you have to call a play with enough conviction, enough sincerity, enough honesty that people will believe that is the right call whether it is or not. That's why not everybody can be a major league umpire. That is why not every government can govern with authority and with conviction and with pride.

This particular Bill exposes what I suggest are already significant weaknesses in the government's attempt to push ahead reform without any consultation, with gleeful abandonment of first principles, burying everything in the regulations, pushing ahead without a plan, and then you get caught and hooked right up with a regional Act and a Bill like this. This would be a good piece of legislation for all of the MLAs to take back to their ridings over the summer and stew on a little bit and try again in the fall.

That concludes, Mr. Chairman, my comments about these 22 pages of amendments.

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

MRS. FORSYTH: Sit down.

MR. SAPERS: Thank you, Mr. Chairman, and thank you very much, Calgary-Fish Creek. It's nice to know that you're paying attention.

Mr. Chairman, the amendments have been debated at some length. I'd like to just conclude my comments, as I started off this evening saying that I would come back to speak in a little more detail about a couple of the amendments. I note that the Member for Rocky Mountain House has taken the opportunity to try to respond to some of the concerns raised, and he's done a valued effort, but still those doubts persist. It's like when somebody from the government stands up and says, "Well, I'm from the government; I'm here to help." You know, it still leaves a doubt in your mind.

From the standpoint of this caucus, the amendments in part B can be supported. They don't trouble us. In fact, we had contemplated some similar amendments because we believe in the importance of public health and making sure of that part of the mandate of public health.

The amendments in part C, which talk about the regional authorities' right to requisition, now have been somewhat restricted to only capital costs. Our problem there is that it's still largely to be determined by regulation, so we're lukewarm when it comes to C.

For parts D and E, these certainly clarify some of the information about community health centres and the fact that they will be required to provide some financial and other information to the minister, but there is still insufficient information about these community health centres. We don't really know how they'll run. We don't know whether they're to be privately owned or publicly owned. We don't know much about their details, and in fact once again we find that too many things are being left to regulations.

The amendments specified in F, G, and H refer to public accessibility, more information about regional health authorities, community health centres. We can support these in principle. We applaud them. All health facilities and institutions receive their funding directly or indirectly from the provincial government, and for this reason we think that their financial statement should be open to public scrutiny.

Part J is another package of amendments that we can in fact support. It makes it clear that voluntary boards will be able to continue under the regional authority. That's a net good.

The amendments in part K, the amendment that allows provincial boards to operate, such as the Cancer Board and potentially now the mental health authority as announced by the minister today, seems to make some sense. But we're not sure with this amendment whether these will be one-shot-only considerations or whether they'll be sort of at the whim of the minister or whether they'll be order in council. What specialties are considered for provincial boards and what are held within the regions?

The amendments in part L. Mr. Chairman, financial assistance had been replaced with the words, "grants or payments of any kind." Now, maybe that's good; maybe it isn't. Again what we're left to is interpretation, and we're left to regulations. This causes me some concern.

Part M certainly notes that inspectors can inspect existing health authorities and their subsidiaries, and I think that's good.

Part N unfortunately really simply flags how much of this Bill is in fact left to regulation and how much of health care administration is going to be left up to the whim of regulation and regulators, and we're concerned a little bit about that. The same could be said for the amendments in part O.

So what we have, as I started out saying, is a bit of a mixed bag. It's unfortunate that we didn't hear more specifically from the Minister of Health, from the Minister of Labour, from the Minister of Community Development on some of the things that concern us in this debate, because it would have certainly made it clearer to our caucus what the real intent of government is. We wouldn't have been left so much to interpretation or, as the Member for Rocky Mountain House has said, subject to our imagination. Well, Mr. Chairman, you don't need much imagination to see that there could be some difficulties here, but on balance the government has attempted at least to respond to some of the concerns raised about Bill 20. Certainly you've heard some good discussion and some good ideas about those amendments from this caucus.

With that, Mr. Chairman, I would call the question.

10:30

HON. MEMBERS: Question.

[Motion on amendments carried]

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

MR. SAPERS: Yeah, Mr. Chairman. Thank you again. With those amendments passing this committee stage, as I had said earlier, it's unfortunate that the Minister of Health and the government did not take the opportunity to listen and respond to all of the concerns. It seems that in particular the concerns raised by this caucus and by other observers, the concerns about the user fees and about the potential for an expanded voucher system, weren't really heard, because they weren't addressed.

As well, we find that section 2, which deals with the definition of health regions in Alberta and how they'll be set up – we saw some deficiencies there that weren't addressed. Likewise in section 3 and in section 4, primarily having to do with the composition of those regional boards and whether they're elected or appointed. We also have a difficulty in section 4 with the period of the term of office.

MR. CHAIRMAN: Hon. member, it would appear from the context of what you're saying that you're about to propose some amendments.

MR. SAPERS: I may.

MR. CHAIRMAN: Do you have copies, or do you wish a later moment?

MR. SAPERS: In politics, Mr. Chairman, timing is everything.

MR. CHAIRMAN: Even in more things than that, hon. member.

MR. SAPERS: I was building up to it, but if it would please the Table, I'll certainly have these amendments circulated at this time and then speak directly to them.

MR. CHAIRMAN: Sure. That would be good.

MR. SAPERS: Thank you. All right. Thanks, Mr. Chairman.

As I was saying, there are still a number of concerns that we have about the Bill. I was on section 4, particularly subsection 2, which deals with the time period that a regional board will be in place. We also note that there continue to be concerns about the kind of assistance that can be provided. Section 16, Mr. Chairman, was noted as one of the sections that was deserving of amendment, and it didn't receive the attention that we thought it deserved.

Then that brings us to our most serious issues, those to do with user fees and the voucher system and the real fear, the real potential that what we're dealing with here is an opportunity for the further commercialization of medicine and in a way that might be perceived as a clever way to perhaps circumvent the publicly funded tenets of the Canada Health Act or even the principle that speaks to universality. In particular, of course, I'm talking about the provisions in section 19 and section 20.

Mr. Chairman, if all members now have a copy of the amendments in front of them, my intent is to move the entire package of six amendments – that's six amendments on two pages – at this time. These amendments would amend section 2(1), section 3(2), section 4(2), and section 19(1). The fourth amendment would amend section 16, the fifth amendment would strike out section 19(1)(i), and the final amendment would eliminate section 20(k).

Mr. Chairman, I think it was reasonable of the Member for Rocky Mountain House to give this caucus an opportunity to review the government's amendments, and I would like to give the government caucus the same opportunity to review these amendments before they're debated. I do look forward to that debate, but at this time I would move that we adjourn debate on these amendments.

MR. CHAIRMAN: The hon. Member for Edmonton-Glenora has moved that we now adjourn debate on Bill 20. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no. Carried.

Bill 30
Environmental Protection and Enhancement
Amendment Act, 1994

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

MR. COLLINGWOOD: Thank you, Mr. Chairman. It's a pleasure to rise this evening to speak at the committee stage to Bill 30, the Environmental Protection and Enhancement Amendment Act, 1994. I recall that when we left off, the Minister of Environmental Protection had introduced an amendment that specifically dealt with an issue that had been raised by certain members of the opposition, with a concern respecting the requirement for a written report in terms of a substance release that was not an authorized release. Now, the minister did provide to the Assembly an amendment to this, and that amendment, as you'll recall, did pass through committee at the time we last dealt with Bill 30.

Just a couple of comments on that. The amendment was certainly in order. There was no debate; the question was called, and we were happy to do that. Just to indicate for the record, what the amendment will do, then, to allay that fear and satisfy

that concern is that if there is no adverse effect or if there is no adverse effect likely to occur as a result of the release or if in fact the adverse effect has been adequately controlled, then there is no requirement for a written report. So I think what that does, Mr. Chairman, is in fact deal with the issue that was raised by the opposition caucus to prevent an adverse effect from a substance release that was not then reported in written form to the minister.

Now, in dealing with issues in committee, members will recall that the major concern we had with the changes to Bill 30 dealt with the environmental protection and enhancement fund. The Minister of Environmental Protection stated on a number of occasions and certainly in terms of the business plan and budget indicated that there were going to be some certain specific uses of that environmental protection and enhancement fund. The Bill as it came forward did not deal with that fund in the fashion that the minister had indicated it would. In fact, it's much, much broader than was originally anticipated.

It was suggested in previous debates, in budget debates and in discussions dealing with the business plan, that in fact this fund would be used to supplement or to complement general revenue funds that had been set aside and voted upon for fire suppression measures, flood control measures, disease control measures, and those emergency measures that were needed. In fact, the minister has stated that the purpose for doing that within the environmental protection and enhancement fund is to prevent a situation where the government had to come back into this Assembly for purposes of a special warrant so that the government could obtain funding sufficient to deal with issues like a very high fire year, for example, in a dry summer. So that was how we had been given information as to what and how this environmental protection and enhancement fund was to be used.

[Mr. Clegg in the Chair]

Mr. Chairman, the way that the provisions originally existed in the Environmental Protection and Enhancement Act were satisfactory from the perspective that it was clear what the authority of the minister was as to how those funds could be used. Indeed, under that Bill the authority was in fact given for specific expenditures under specific provisions of the Bill. Certainly it was up to the director to determine whether or not those expenditures were necessary, but it was clearly for a particular purpose such as a substance release under the Act. The minister or the director could also recover funds where in fact funds had to be paid out and there was a person responsible for an environmental cleanup, for example, and the minister could in fact access that fund to recover funds due to it and owed to it by the persons responsible for that emergency cleanup from the number of areas that were allowed.

10:40

So what I think is important to do, Mr. Chairman, is, while we recognize that the minister is attempting to use the fund for a broader purpose than exists presently under the Environmental Protection and Enhancement Act, to avoid giving the minister absolute, full, complete, and ultimate authority as to how that money can be spent in the fund, as is suggested by Bill 30. I would propose at this time to introduce an amendment to Bill 30, that is now being circulated to all members of the House. In fact, the amendment deals with an amendment to section 12 of Bill 30, the Environmental Protection and Enhancement Amendment Act, 1994. Section 12 is the specific provision of the Bill that deals with an amendment to section 28 of the Act. So in essence the amendment is put forward to repeal what is included in Bill 30

right now as section 12 and to in fact replace that section 28 with the amendment that I'm now proposing and that I'm now moving.

Now, Mr. Chairman, as the amendment is being circulated to members, my intent in putting forward the amendment is to hopefully marry for all members what was originally in the Environmental Protection and Enhancement Act with what the intent was that the minister has stated he needs and wants this particular fund to do.

Members will see that the amendment gives the authority to the minister to use the environmental protection and enhancement fund to pay for "emergency measures taken under this Act," which is already given but is provided here in the amendment in a broader form to give the minister greater discretion but not ultimate discretion; for "reclamation and conservation measures taken under this Act," which essentially falls from the same kinds of incidence that deal with, for example, substance releases, where we do have the requirement for reclamation or conservation, which would be a legitimate use of the funds under the environmental protection and enhancement fund;

forest fire suppression, flood control and mitigation, and disease control and mitigation where, in the opinion of the Minister, there is or may be an adverse effect to human life or health, or the environment.

Mr. Chairman, the wording of the proposed amendment in subsection (c) continues to use wording that is consistent with wording that already appears in the Environmental Protection and Enhancement Act, "where, in the opinion of the Minister" or in fact in some cases in some provisions of the Act as it stands now, in the opinion of the director "there is . . . an adverse effect to human life or health, or the environment."

So to accommodate making some appropriate amendments to the environmental protection and enhancement fund authority provision, it was my intent to stay with wording that was consistent in the Act, that is reasonably fair in the Act, that gives the minister and the director some discretion as to whether or not those funds can be used for a particular purpose but again, as I say, does not give the minister ultimate authority.

The final provision in the amendment, Mr. Chairman, again allows the department to recover costs which the department had in fact paid or incurred from any persons responsible for the costs set forth in sections (a) to (c) above. Now, "persons responsible" is also a term that is used in the Environmental Protection and Enhancement Act, so we can rely again on provisions that are already in the Act as it stands presently to give some greater clarity, some greater certainty, and a greater level of understanding as to how, when, and where the minister is entitled to access the environmental protection and enhancement fund for those particular purposes. The notion, then, is to try and find a balance between providing the minister some discretion in how the fund is to be used and creating some level of checks and balances for those uses.

Now, what I did not do in the amendments is deal with the revolving fund, although I would comment that while the revolving fund as it presently stands in the Act does set out in some detail specifically what the revolving fund can be used for. In the new Bill that has come forward, Bill 30, the specifics have again been removed, and there's a complete generalization as to when and where the revolving fund can be used for various purposes.

Mr. Chairman, I think the amendment is important. I would ask that all members support the amendment, because there will be certainly some concern as to how the fund will in fact be funded and where those dollars will be spent. The minister has presented to us a budget, a three-year business plan, that clearly

demonstrates that the fund will be funded up to the tune of about \$30 million in the first year. According to Bill 30, there could be any number of sources that the minister could levy where more money will come into the environmental protection fund, any number of sources that the minister, with the approval of the Treasury Board, determines is an appropriate levy to that particular fund.

There is obviously some great concern as to the number of dollars that will go into that fund and how those dollars will be spent. The minister has made commitments, certainly we've heard in this Assembly, to various projects around the province including irrigation projects, headworks projects. My concern, Mr. Chairman, is that the minister could determine at any time that any particular project would be an appropriate project under the environmental protection fund or in fact all of a sudden every project in the province will become an emergency. As the Bill stands right now, with the very wide open discretion that's given to the minister, he simply has to say, "Well, it's an emergency." Anytime there's an emergency under the provision of the Bill as it stands, money can be spent by the minister at his whim and at his discretion.

Mr. Chairman, I don't think this is what Albertans want to see in government. They want to see greater accountability. They want to see less discretion. They want to see a clear understanding of what government will spend the money on and how it will spend the money. I believe the amendments that I put forward here amending section 12 of the Bill will again, as I say, find at least some level of a balance between what the minister is asking the Assembly to approve and the way the Bill presently exists.

Mr. Chairman, the environmental protection fund I believe will become a very significant tool for this government to move expenditures out of the general revenue fund and into the environmental protection and enhancement fund and to spend those moneys and to use those moneys without the benefit of debate in this Assembly as to how those dollars will be spent. The minister has currently into the fund increases in stumpage fees, water hydro rental fees, increases in hunting licences, fishing licences, gravel fees, a variety of other fees that are going into the fund right now to the tune of a hundred million dollars.

10:50

We've also heard and I've mentioned before in this Assembly that the minister is currently talking to municipalities about the imposition of a water consumption fee. Probably when those agreements are completed, there will be a water tax, which will be money that goes into this particular fund. That could, Mr. Chairman, at least double or triple the amount of money that is in fact going into this environmental protection and enhancement fund.

How will it be used? As it stands right now, the minister can use the money any way he feels for any matter that falls under the administration of the minister. Because of the potential to have this fund take in significant amounts, tens upon tens of millions of dollars into this fund with the discretion given to the minister to spend it willy-nilly, I believe, Mr. Chairman, it is appropriate to make an attempt to tighten up the reins, to use the fund for what the minister said it was intended to be used for, and to support an amendment that gives a clear definition on how the environmental protection and enhancement fund should be used.

So, Mr. Chairman, on this particular amendment those are my comments. I urge all members to support the amendment and to give clear definition and more certainty to how this fund can be used by the minister.

Thank you.

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Chairman, and thanks to the minister. I'm speaking in favour of this amendment put forward by my colleague from Sherwood Park. It seems reasonable that section 12 should be amended. The environmental protection and enhancement fund, left undefined, is very troubling to us, and the purposes for which the fund will be potentially used, as specified in this amendment, make some sense. "Emergency measures taken under the Act." That's reasonable. "Reclamation and conservation measures taken under this Act." That makes sense. "Forest fire suppression, flood control and mitigation, and disease control and mitigation" are all legitimate purposes of the fund potentially. "Action taken by the Director to recover costs paid or incurred by the Minister from persons responsible for any costs set forth" in the other three categories also makes some sense. But it would make no sense to leave it entirely to the whim of the minister, and that's not because the minister is a bad guy. It's just that we shouldn't be leaving it simply to whim. We should be putting this kind of detail into legislation.

Now, the original Bill, Bill 30, expands the scope of the environmental protection and enhancement fund to such an extent that the minister could use it for anything that is under the jurisdiction of his department, and that's just not acceptable. In the Act it specifies that the fund would be used, for example, to pay for emergency measures and perhaps the costs of conservation and reclamation under certain circumstances, but left largely undefined, and this amendment tries to deal with that problem. Bill 30, in fact, left unamended would create what we could best characterize as a slush fund. It states that

the Environmental Protection and Enhancement Fund shall be used for the purposes of environmental protection and enhancement and emergencies with respect to any matter that is under the administration of the Minister.

This could mean that the minister could spend it literally on anything he chose.

Now, why are we concerned about this? Well, Mr. Chairman, it's estimated in the three-year business plan that the fund will receive approximately \$32 million in fiscal year '94-95, this from new and from incremental revenues. Now, of this, about \$21 million will come from increases in timber stumpage fees, hunting and fishing licence fees, hydropower and mineral surface lease fees.

A question is: why is it no longer specified that the fund will be used for its original purposes, with this broadening of the scope, to cover the uses introduced under the three-year business plan? The Act, and now this Bill, if left unamended, makes provision for any excess money in the fund to be transferred to the general revenue fund. This troubles us as well because all along we've been assuming that the Premier and the Treasurer could be taken at their word when they say that what we have in this province is an expense problem, a spending problem, not a revenue problem. Why would they be looking for backdoor ways, we would ask out loud, to transfer funds that haven't been debated through the Legislature, that haven't gone through the regular sort of appropriation process, to take this revenue in and then transfer it to the general reserve fund?

Now, as the uses of the fund appear to be left to ministerial discretion alone, the government of course could put pressure on the minister. Again this isn't because of this particular minister, but any minister could be subject to the pressure of his cabinet colleagues to transfer a large proportion of the fund to general

revenue. Now, it's true, of course, that transfers can go both ways, to and from the general reserve fund, and they have to be approved by Treasury Board, but again that doesn't give this caucus all that much comfort because we've seen some other questionable decisions made in that regard.

Now, Mr. Chairman, I think that before we could give anything near support to Bill 30 in its present form, it would be very, very responsible for this Assembly to consider the amendment put forward by Sherwood Park and restrict the uses of the fund in a responsible way, to give some meaning to the words transparency and openness. In fact, what we're hoping for is that the Assembly would quickly pass this amendment so we can get back to debating the relative strengths and weaknesses of the Bill once it is amended.

Thank you, Mr. Chairman.

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

MR. EVANS: Thanks, Mr. Chairman. I appreciate the comments that have been made by members opposite on this section. Clearly, when I brought this matter forward with my colleagues, it was intended that we would be able to react quickly to emergencies that might very well occur with respect to natural resources. We thought as well that it was appropriate, since the Minister of Environmental Protection has responsibility for both environmental protection and enhancement, to cover that ground as well so that in the appropriate circumstances, with accountability through the Financial Administration Act, through the Treasury Board process, through the public accounts, where we will be reporting back what has occurred with respect to moneys in the fund, we had covered off the issue of accountability and that members on both sides of the House would recognize that this is in fact a very important, positive step in the right direction to ensure that the province has the means at hand to deal with the emergencies that do inflict themselves upon our natural resources from time to time.

Of course, in the past we had access to something called the special warrant, but quite frankly, Mr. Chairman, that was not a very appropriate way to deal with problems because it was not financially, fiscally accountable. It resulted in a situation, or could well result in a situation, where amounts that have been accounted for in a budgetary process and through the estimates were in fact exceeded, and we didn't want that to happen. We wanted to be sure that we had a fund that, yes, would be reviewed from time to time through the Financial Administration Act, through Treasury Board, and certainly through public accounts, that would be able to deal with these issues so that we would be able to, when we brought forward estimates, be much more accurate in terms of the description of amounts that might well be spent.

I do want to thank the hon. Member for Sherwood Park, though, in the reference in 28(2)(c), providing for some discretion. I think it is important that there be some discretion, and I'm glad that the hon. member opposite has seen fit to put that into his amendment. Nonetheless, I cannot in good conscience support the amendment because I think we do have the controls that are necessary and the accountability of the Assembly and the committee to ensure that Albertans will have a sense of confidence that this fund is being administered for the purposes for which it's set out.

[Mr. Tannas in the Chair]

There was another comment made about the revolving fund. Well, of course, with the changes that we're making to our budgetary process, again we are trying to eliminate revolving

funds in a reasonable period of time. This is really an interim measure during the time frame that we consolidate all of those revolving funds. We will have a mechanism, of course, through the Treasury Board process to move funds into this environmental protection and enhancement fund as time goes on. I believe that this again, Mr. Chairman, is a step in the right direction. I think it's a creative and responsible way to deal with a specific issue of importance to all Albertans.

Accordingly, although I appreciate the comments that have been made from both hon. members opposite who have spoken on the amendment by Sherwood Park, I cannot support that amendment, Mr. Chairman, and I would ask hon. members to vote the same way.

Thank you.

11:00

MR. CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: Okay. The question's been called. We're ready for the question. We're dealing with the amendment to section 12 known as A-2, proposed by the hon. Member for Sherwood Park.

[Motion on amendment lost]

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

MR. COLLINGWOOD: Thank you, Mr. Chairman. Well, I appreciate the comments from the hon. Minister of Environmental Protection, and I guess time will tell whether accountability has in fact been instilled into the provisions for the use of the environmental protection and enhancement fund as it presently stands in Bill 30. Obviously, I'm disappointed that we were unable to give greater certainty and greater clarity to how that particular fund would be used.

As the Minister of Environmental Protection did comment on the revolving fund, there is provision in Bill 30 that one of the changes to that revolving fund is that the fund can now acquire land. That was a change to what was originally in the Act. At this point, Mr. Chairman, I'd just leave that as a question to the minister as to the government's reasoning and the government's policy behind including the authority to purchase land through the revolving fund as a change to the policy as it exists presently in the Environmental Protection and Enhancement Act.

One other issue that I would like to bring forward to all members of the Assembly, in the form of an amendment to the existing Bill 30, deals in particular with section 19 of the Bill and subsequently some amendments that I propose to follow section 18 of the Bill. For the benefit of the members, Mr. Chairman, some background on this particular issue. The minister has brought forward in Bill 30 some amendments to the provisions of section 42 of the Act by changing some of the particular wording as to how the director deals with issues in terms of the environmental impact assessment process. Now, the amendment that I propose is to repeal that particular section and yet, as members will notice, keep the wording that is proposed by the hon. minister in the form of the Bill but to in fact repeal and replace section 42 with a provision that I believe more clearly characterizes the intent of the minister and the government in terms of the environmental impact assessment process.

Mr. Chairman, by way of background, the Minister of Environmental Protection repeated on a number of occasions when the Bill was first enacted that there was provision in this Bill for a mandatory environmental impact assessment. In other words, when a proponent came forward with a project that was designated as mandatory by the minister or the Lieutenant Governor in Council, there would automatically be an environmental impact assessment required from the proponent for that particular project. Within the Environmental Protection and Enhancement Act itself the provisions in sections 39, 41, and 42 presumably dealt with an environmental impact assessment on a mandatory project and an environmental impact assessment on a nonmandatory project where there were grounds for believing that the environmental consequences of that particular project warranted further consideration. That's essentially the way the Act presently reads.

But if you look more carefully at sections 39 and 41, Mr. Chairman, there is discretion left to the director as to whether a director refers a project on to section 42, which is in fact the section that deals with the issue of mandatory versus nonmandatory environmental impact assessment. What that means is that ultimately, the way the sections are worded now, there is no mandatory environmental impact assessment. Politically there may be a mandatory environmental impact assessment, but legally there is not, because the discretion has been left to the director as to whether or not to forward that proponent, to forward that project on to the director to make an assessment as to whether it's mandatory or nonmandatory. Again, what that means is that until you get into section 42 and the wording of section 42, you don't even have to think about whether or not it's a mandatory project or a nonmandatory project. Ultimately, what that does is leave discretion in the hands of the director as to whether or not even a mandatory project has to be referred to the director under section 42.

I don't believe, Mr. Chairman, that was ever the intent of the Environmental Protection and Enhancement Act. I believe it was the intent of the minister and the government to indeed have a mandatory environmental impact assessment process on a mandatory project and to have the director determine whether or not an environmental impact assessment is required on projects that are nonmandatory. I say that recognizing that section 45 of the Act still allows the minister discretion to determine whether or not an environmental impact assessment report should occur regardless of the specific provisions of 39, 41, or 42.

What the amendment attempts to do, Mr. Chairman, is to restructure section 42, leaving the director with decisions to be made only with respect to nonmandatory activities. It takes away any discretion for the requirement of an environmental impact assessment for a mandatory project. In the amendment the proposed section 42 does exactly that.

As I say, Mr. Chairman, if members compare the proposed 42(1)(a) in the amendment and the existing wording in section 19 of the Bill, they will see that the wording is consistent. In other words, we accept the wording of the minister for the change to section 42 as the minister has proposed that change in Bill 30 through section 19. That becomes the wording of 42(1)(a), and 42(1)(b) remains as it presently exists in the Act.

11:10

The proposal, Mr. Chairman, in the amendment at 2(b) is to add three sections to Bill 30, being sections 18.1, 18.2, and 18.3, and they specifically deal with sections 38, 39, and 41 respectively. Members will note that the proposed section 38.1 of the Environmental Protection and Enhancement Amendment Act,

1994, is in fact the same wording that presently exists in section 42, but in an effort to remove any discretion for the environmental impact assessment on a mandatory project, it's necessary to put that requirement ahead of the discretionary sections. So the proposal is to remove that wording from section 42 and bring it further up front in the Act to a proposed section 38.1, which requires that where there's a mandatory activity as defined under section 57 of the Act, the director "shall direct the proponent" to prepare the environmental impact assessment report whenever we've got a mandatory activity. That becomes the starting point. From there, the discretion is open to the director whether or not to require the environmental impact assessment on anything other than the mandatory activity as defined by the minister. So we've simply taken the wording from 42, brought it forward, and put it in a proposed section 38.1. We start with the position that there's no discretion on mandatory and then move down to discretion in the nonmandatory.

The proposed amendments at 18.2 and 18.3 deal with sections 39 and 41 respectively. We take out the word "warrant" after "a proposed activity" and in fact we then say in 39 and 41 where it is "not a mandatory activity." Again, what it does is take away the discretion on the part of the director as to whether or not to refer the matter to section 42. It can only be done now under the proposed amendment where it's a nonmandatory activity, and then the director decides whether or not to require the environmental impact assessment report or to waive the requirement for the environmental impact assessment report.

Mr. Chairman, with the tabling in this Assembly of Bill 30, which was essentially a whole array of amendments to the Environmental Protection and Enhancement Act that have been worked through by the minister and his department staff, it strikes me that this is the appropriate time to come forward with an amendment to those particular provisions because, to my way of thinking and in my opinion, that is really the intent of Bill 30. It's to take a very comprehensive, a very sweeping, broad piece of legislation that has had a year of history, to now work through some of the wording that was perhaps inaccurate or inappropriate or didn't work well or was misunderstood, to take some of those words, clean them up, and come out at the end of the process with an Environmental Protection and Enhancement Act that is clearer and more concise, easier to understand, and has words cleaned up and to have at the end of the process a better piece of legislation. As I've said, I don't believe that the minister or the department intended the result which appears to be the result from sections 38, 39, 41, and 42. If we're going to take the time in the Assembly to work through a number of amendments in this particular Act as the minister has brought them forward, we may as well deal with this anomaly, with this misconstrued section of the Act and set it right while we have the opportunity now.

I was intrigued, Mr. Chairman, that a member of the staff of the department has in fact made the same arguments, that section 38 through 42 read the way that I and our caucus have interpreted those sections at this point in time, that there is no such thing as a mandatory environmental impact assessment, as the minister has suggested, because of the specific wording of the sections as they presently exist. It's a simple change – not a simple change but a relatively easy change to make to restructure those sections and to give much greater clarity and, most importantly, to remove any discretion to either the director or the minister that when a proponent comes forward on a mandatory project, that mandatory project must have an environmental impact assessment report.

So, Mr. Chairman, in keeping with the spirit of the Bill, in keeping with the intent and the purpose of coming forward with this legislation now to clean up the Act and make it a better Act, I would ask all members to support this particular amendment, which does that: helps clarify and helps Albertans understand when an environmental impact assessment report will be required and when it will be left to the discretion of the minister or the director on the nonmandatory activities.

With those remarks, Mr. Chairman, I look forward to a response from the Minister of Environmental Protection and from other members of the Assembly.

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

MR. EVANS: Thank you, Mr. Chairman. Very briefly, with respect to the revolving account, as was pointed out earlier in debate, with Bill 17 we're moving to one uniform revolving account, and that's to be administered under the Financial Administration Act. In the interim it's intended that all of the revolving accounts be consistent. That's the reason for the wording change with respect to lands. So I hope that clarifies that for the hon. member.

With respect to Sherwood Park's concerns and interpretation of sections 38 through 42, I must say that I don't share his opinion, his conclusions. I think it is very clear by section 42 that we do have, in fact, mandatory activities and then we have non-mandatory activities. The purpose of the amendment of section 19 of Bill 30 was clearly to point out that in nonmandatory activities, you needn't have a requirement for an environmental impact assessment if one is not justified, and that's a decision that's made by the director. So I can't in good conscience agree to or recommend the amendment by the hon. member, but I'll certainly spend a little more time reviewing his concerns, and we may have another chance at some later time to debate this further. Accordingly, I'd move the question on the amendment.

MR. CHAIRMAN: Okay. Are you ready for the question on the amendment?

HON. MEMBERS: Question.

MR. CHAIRMAN: We have under consideration the amendment known as A-3 as proposed by the hon. Member for Sherwood Park, an amendment to Bill 30.

[Motion on amendment lost]

MR. N. TAYLOR: Mr. Chairman, I don't have an amendment, but I did want to get a clarification from the minister. I don't think it'll take long. It'd be on the record. The minister in his three-year business plan talks about the \$32 million he expects to get from, among others, timber stumpage and water taxes. What bothers me in here, Mr. Chairman, is that this is opening a door for a tax on material that is used in our society or quite often necessary for life. With water, you might call it, you're not taxing air, but with the idea that the use of it has an environmental side to it, if it has an environmental side to it – in other words, the public has to pay a penalty for using wood or a penalty for using water – that goes to environment. That's different from royalty.

What I'm worried about is that this is the old story of the camel's nose in the Arab's tent. If, indeed, we can put a tax on

water and put a tax on timber, not from a royalty point of view but for environmental reasons or to keep society clear – the only thing that our four Premiers could agree on was that we shouldn't have a carbon tax, which is something that we all use, and a carbon tax is nothing more than a tax similar to one on water. You could call the water tax a hydrogen tax if you wanted to. You could call the wood stumpage tax a cellulose tax. Now, if you can tax cellulose and you can tax hydrogen because it's being used by society, what's to stop you from making the next move to a carbon tax?

So, Mr. Chairman, once again, the real devil we have does not lie on the other side of the fence but lies and lurks within the hearts and minds of our own cabinet, or front row. What little sneaky trick has this started on the way? What have we started on the way towards? It sure looks like a carbon tax to me, that they're moving in that direction. Right now, of course: heaven forbid, it couldn't be that, and so on and so forth. I mean, after all, as he tweaks his moustache, "Have one more drink, and we'll go on up to the room and talk about it." The point of the fact is that this is very seductive reasoning indeed that the minister is using to try to seduce the public into thinking that once you can accept taxes for the use of something, not royalty but a tax, to clean up the environment and to put it – worst of all, the addition of the tax, if there's any surplus to it, the minister has reserved the right to direct this into general revenue. Well, if you can direct from a cellulose tax, from a hydrogen tax for water into general revenue what you don't use – I would actually, if I didn't know his actual height, think he was standing up here. Actually he was standing tall.

I wanted to mention to the minister and I just want to have on record that I am highly suspicious of this being the start of the long, slippery slope to a carbon tax.

11:20

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

MR. WHITE: Yes, Mr. Chairman. Just a few questions of the minister. I heard him say something earlier about this particular Bill's provisions for acquiring properties. We have just gone through some kind of a consolidation of acquisition of properties in the department of public works so as to minimize the potential errors that have occurred a number of times with governments in the past and all governments in fact, where one particular end gets a little more zealous about the acquisition of property for their end and it doesn't fit the overall policy to acquire those properties nor do they have a common definition of use, like how far in the future one would be using these properties and for what.

I can understand the minister wanting – he went through the need for some emergent powers. Certainly there's a need for having, at the discretion of the minister, something that has to be acted upon very quickly. I can understand that. But as a general rule, would there be this provision and therefore some bright light in your department deciding that, "Oh, yes, now we need an administration for property; therefore, we have to have an acquisition officer, and then we have to have a property manager, and then we have to have those that service the property and do all of those other things"? I'm wondering if perhaps there isn't some area of amendment within the Act so that maybe not this minister but future ministers aren't in fact sucked in and brought along with administrations that are intent on doing that which they usually do, which is to propagate.

Thank you for your time, Mr. Chairman. I look forward to the minister's response.

MR. EVANS: Firstly, with respect to Redwater. We are not in the business of carbon taxes in this province. We are totally opposed to it. I don't know whether he's been spending too much time close to a muffler or whatever that he would even come up with that kind of a notion. It's very clear what the purposes are for the funds. They are very clear in the legislation, and the rationale for charging is to have a reasonable return for the use of our renewable natural resources in this province, Mr. Chairman.

With respect to Edmonton-Mayfield's comments, again, the only reason that there's a reference to land is so that we can be consistent with the Financial Administration Act with respect to revolving funds. All amendments that are coming in are intended to be consistent with Bill 17 that the hon. Provincial Treasurer is bringing forward. So there's no intention to create a land grab in this department; it's consistent only with that overall view of what should be in a revolving fund to deal with all of the issues that various parts of the government administered under the Provincial Treasurer may have to deal with in the future.

HON. MEMBERS: Question.

MR. CHAIRMAN: Okay. The question has been called.

[Title and preamble agreed to]

[The sections of Bill 30 as amended agreed to]

MR. EVANS: Mr. Chairman, I move that the Bill be reported when the committee rises and reports.

[Motion carried]

Bill 34 Alberta Housing Act

MR. CHAIRMAN: The hon. Member for Calgary-Bow.

MRS. LAING: Thank you, Mr. Chairman. We were discussing amendment 3. If the members opposite would like to look at 34(1)(b), it says that

the Minister may make regulations . . . respecting the manner or method of appointing or electing the members of a board of a management body.

This would be the opportunity to appoint to the board a member who's a tenant. So it's done through regulation rather than legislation, and the minister is quite favourable to doing this at the time.

Thank you.

HON. MEMBERS: Question.

MR. CHAIRMAN: We're going to have the question. The Chair is wanting to credit – the hon. Member for St. Albert has moved amendment 3, which deals with section 5(3)(b).

[Motion on amendment lost]

11:30

MR. BRACKO: Mr. Chairman, moving amendment 4, the last amendment, it reads as follows. 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.

We talked with the various groups involved, and they suggested 50 percent. We said we would ask for 25 percent. As we know that they are the most vulnerable in society, we need a compassionate government to make sure they are looked after. In social housing, of course, it's more costly to look after these individuals. They may need special equipment or special platforms to get in the homes, and it may not be what the owners of social housing would want to supply. So we ask that this be included in the Bill and ask for the support of the members across.

MR. CHAIRMAN: The hon. Member for Calgary-Bow.

MRS. LAING: Thank you, Mr. Chairman. Both Edmonton and Calgary and, I know, several of the smaller communities have local housing groups. It's those local housing groups who work in connection with the department that help set the priorities for the areas that housing is in. I would not like to see this in legislation because right now the move is to use rent supplements in many cases. How can you specify that 25 percent has to be for social housing? Also, in the federal regulations 10 percent of most projects have to be handicapped accessible, so you already have that portion set aside for handicapped accessible. You know, I think it's better to leave it to the groups who are helping the department set those priorities so that we don't have housing set aside that may not be needed in some areas. Let the local groups and the department and the minister make the priority for these special needs groups, and they will certainly be well looked after.

Thank you.

MR. CHAIRMAN: Okay. Are you ready for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: We have before us, then, amendment A-4 as proposed by the hon. Member for St. Albert. This an amendment to Bill 34.

[Motion on amendment lost]

MR. CHAIRMAN: Okay. Are you ready for the question itself?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 34 agreed to]

MRS. LAING: Mr. Chairman, I move that the Bill be reported.

[Motion carried]

SOME HON. MEMBERS: Hello. Hello.

MR. CHAIRMAN: Yes, we just have to get these niceties of signing all these wonderful pieces of paper.

MR. DAY: Mr. Chairman, I move that the committee rise and report.

[Motion carried]

SOME HON. MEMBERS: Aye.

[Mr. Clegg in the Chair]

MR. ACTING SPEAKER: Opposed, if any?

MR. TANNAS: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills and reports Bill 34, reports Bill 30 with some amendments, and reports progress on Bill 31 and Bill 20. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

SOME HON. MEMBERS: No.

MR. ACTING SPEAKER: Carried.

[At 11:37 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]

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

