

## Legislative Assembly of Alberta

Title: **Thursday, October 20, 1994**

1:30 p.m.

Date: 94/10/20

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

Our Father, keep us mindful of the special and unique opportunity we have to work for our constituents and our province, and in that work give us strength and wisdom.

Amen.

head: **Introduction of Visitors**

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

MR. CARDINAL: Thank you very much, Mr. Speaker. I am pleased to introduce to you and through you to the members of the Assembly Mr. Franz-Josef Meurer, consul general of Germany in Vancouver. Mr. Meurer is accompanied today by Mr. Osmar Beltzner, Germany's honorary consul in Calgary. Mr. Meurer was appointed consul general in Vancouver in 1992, and this is the first official visit to our province since the consulate general in Vancouver assumed jurisdiction for this province.

Germany, Mr. Speaker, is one of Alberta's more important trade and investment partners in Europe. Trade from Alberta to Germany totaled nearly \$61 million in 1993 alone, of which half was wood pulp.

I would ask the consul general and party to rise in the gallery and receive the recognition and warm welcome of the Assembly.

head: **Presenting Petitions**

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to present a petition signed by 3,900 concerned residents of Edmonton-Avonmore, Edmonton-Ellerslie, Edmonton-Mill Woods . . .

AN HON. MEMBER: How many?

MR. ZWOZDESKY: Three thousand, nine hundred.

. . . and surrounding districts who are urging the government to maintain the Grey Nuns hospital as a full-service active treatment hospital in our area.

MR. SPEAKER: The hon. Member for Lac La Biche-St. Paul.

MR. LANGEVIN: Thank you, Mr. Speaker. I beg leave today to table in this Legislative Assembly a petition containing 207 names, mostly residents from the Edmonton area, urging the government of Alberta not to make sexual orientation a part of the Individual's Rights Protection Act.

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

MS CARLSON: Thank you, Mr. Speaker. I rise today to present more than 3,900 names on a petition signed by people from Edmonton and surrounding area which was delivered to us over the summer months in support of keeping the Grey Nuns hospital open as an active care hospital.

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

DR. MASSEY: Thank you, Mr. Speaker. I would like to present today a petition from over 3,900 residents of Edmonton-Mill Woods and the surrounding areas asking that the Mill Woods hospital remain as an active treatment hospital.

head: **Reading and Receiving Petitions**

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

MR. HENRY: Thank you very much, Mr. Speaker. I would ask that the petition I tabled in this House on May 19 requesting that the Individual's Rights Protection Act be amended to include the category of sexual orientation now be read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government not to apply Section 33 of the Constitution Act, 1982 (the Notwithstanding Clause) to uphold the Individual's Rights Protection Act and thereby fully respect the Canadian Charter of Rights and Freedoms.

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

MR. BRACKO: Thank you, Mr. Speaker. I request that my petition of May 26 regarding the Sturgeon general hospital be read.

CLERK:

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

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

MR. ZARIWNY: Thank you, Mr. Speaker. I now would like to have the petition that I tabled on May 31 dealing with censorship read and received.

CLERK:

We, the undersigned, petition the Assembly to urge the government not to pass any law to single out a specific title for censorship through the Legislature.

head: **Notices of Motions**

MR. SPEAKER: The hon. Minister of Community Development.

MR. MAR: Thank you very much, Mr. Speaker. I'd like to give notice that following question period today, I will seek unanimous consent of the Assembly to pass on congratulations to Juliette Kang, who won the first prize laureate in the International Violin Competition of Indianapolis.

head: **Introduction of Bills**

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

### Bill 41 Government Organization Act

MR. SMITH: Well, thank you, Mr. Speaker. I request leave to introduce a Bill being the Government Organization Act, Bill 41.

Mr. Speaker, this Act combines in one Act all the existing department Acts and the Public Service Administrative Transfers Act in order to avoid duplication of provisions and to standardize the wording of common provisions applicable to all ministers. A total of 22 Acts will be repealed. In addition, provisions are being made that will include more flexibility in the way this government conducts its business.

[Leave granted; Bill 41 read a first time]

MR. DAY: Mr. Speaker, with great excitement and anticipation I now move that Bill 41, the Government Organization Act, be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

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

#### **Bill 49 Civil Enforcement Act**

MR. DUNFORD: Thank you, Mr. Speaker. I request leave to introduce Bill 49, being the Civil Enforcement Act.

Mr. Speaker, this legislation will provide the legislative authority to privatize seizures carried out by the sheriff's office. It will also streamline the process for debt collection in Alberta and eliminate unnecessary loopholes to reduce the risk to Alberta creditors of uncollectible debts.

[Leave granted; Bill 49 read a first time]

MR. DAY: Mr. Speaker, I would move that Bill 49, the Civil Enforcement Act, as just introduced be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

#### head: **Tabling Returns and Reports**

MRS. McCLELLAN: Mr. Speaker, I'm pleased to table today the annual report of the Alberta Registered Dietitians Association for the year ended March 31, 1994.

Additionally, I am tabling the financial statements of the Alberta Children's provincial general hospital, the Alberta Family Life and Substance Abuse Foundation, Alberta Hospital Edmonton, Alberta Hospital Ponoka, the Children's health centre of northern Alberta, Foothills provincial general hospital, Glenrose rehabilitation hospital, the health care insurance fund, the University Hospitals Board, and the Wild Rose Foundation. Those are for the year ended March 31, 1994.

**1:40**

MR. SPEAKER: The hon. Minister of Advanced Education and Career Development.

MR. ADY: Thank you, Mr. Speaker. I'd like to table four copies of a report known as New Directions for Adult Learning in Alberta. This document is the policy paper that has been prepared to form the policy for adult learning in the province of Alberta.

MR. DINNING: Mr. Speaker, as has been our practice with respect to agreements that the government has signed as it disposes of various assets, I am filing in the Assembly today

copies of the agreement regarding the amalgamation of North West Trust with the Canadian Western Bank.

MR. SPEAKER: The hon. the Minister of Justice.

MR. ROSTAD: Thank you, Mr. Speaker. I'd like to table with the Assembly the '93-94 annual report of the Victims' Programs Assistance Committee.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I rise today to table some calculations done by this side of the House that show that the hundred million dollars this government has committed to the Bovar loan guarantee could have paid the fees for every 4-H member in this province for the next 490 years.

Thank you, Mr. Speaker.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise today to provide calculations prepared by the Alberta Liberal caucus which indicate the following: the \$100 million which the government committed to the Bovar loan guarantee could have created 21,276 spaces for students in Alberta's postsecondary institutions. That's 21,276.

#### head: **Introduction of Guests**

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

MS CARLSON: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to Members of the Legislative Assembly 53 visitors from Satoo elementary school, located in my constituency of Edmonton-Ellerslie. They are accompanied today by their teachers Mrs. MacDormand and Miss Deyell and parents Mrs. Volkerink, Mrs. Sulyma, Mrs. DeSarkar, Mr. Schultz, Mrs. Veltri, Mrs. Barnes, Mrs. Brickman, and Mrs. Ickert. I would ask that they all rise and receive the traditional warm welcome of this Assembly.

MR. SPEAKER: The hon. Minister of Health.

MRS. McCLELLAN: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of the Assembly some 18 visitors from the community of Altario in Chinook constituency. We have with us members of the grade 5 and 6 class, and they are accompanied by their teacher Mrs. Rosemary Murphy, by parent helpers Marcine Evashkevich and Bonnie Gramlich and also special consideration to their bus driver Jackie Lourance, who has brought them safely on their four-hour trip to Edmonton. I would ask that they rise and receive the very warm welcome of this Assembly.

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

MR. HENRY: Thank you very much, Mr. Speaker. I would like to introduce to you and through you to members of the Assembly a constituent of mine. Mr. Andrew Irvine is in the public gallery. Mr. Irvine works with physically and mentally challenged young children, and I'm informed by the Member for Clover Bar-Fort Saskatchewan that he's a pretty good kid, but then of course she

says that about all her grandchildren. If Mr. Irvine could rise and receive the warm welcome of the Assembly.

MR. MAR: Mr. Speaker, I wish to introduce to you and through you to members of this Assembly a young woman who has acted as Alberta's musical ambassador for over one decade, Ms Juliette Kang of the city of Edmonton. I had the honour earlier today to host a luncheon on behalf of the Premier and the government to celebrate Juliette's recent achievement in winning first place laureate in the International Violin Competition of Indianapolis. As well as a gold medal, Ms Kang will also be appearing at Carnegie Hall and has 50 engagements in Europe and the United States. In November the *New York Times* will be announcing that Juliette Kang is the critics' choice for classical music under the age of 30.

Mr. Speaker, Alberta is the home of many things that are world class. Juliette Kang shows that Alberta is also the home of the world's best. The Alberta Foundation for the Arts and other benefactors are proud to support this young Albertan. Accompanying Juliette are her parents Carol and H.K. Kang. They're seated in the members' gallery, and I ask that they stand and receive the warm welcome of this Assembly.

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

MR. WHITE: Thank you, Mr. Speaker. It's a pleasure today to rise in this House to introduce to you and through you to the Members of the Legislative Assembly 15 members of a class at Winnifred Stewart school, the Alberta Vocational College. They're in English as a Second Language, and they're coming to listen to the debate today and to try to learn some new words. Hopefully they won't learn the wrong ones, sir, and in your good graces they'll learn all the right ones. I'd like to ask them to rise along with their teacher Ms Ellen Whybrow and receive the warm welcome of this Assembly.

MR. SPEAKER: The hon. Minister of Advanced Education and Career Development.

MR. ADY: Thank you, Mr. Speaker. It's with pleasure that I introduce to you and to members of the Assembly two prominent members of our advanced education community: Mr. Fred Clarke, who is chair of the Students Finance Board, and Mr. Jake Thygesen, who is the presiding officer over the Alberta Apprenticeship and Industry Training Board. Would both gentlemen please stand and receive the warm welcome of the Assembly.

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

DR. MASSEY: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to members of the Assembly teacher Mrs. Kathryn Gillespie and three parent helpers Mrs. Addi Johnson, Mr. Michael Gushnowski, Mrs. Josi VandenBrink, and 26 students from Millwoods Christian school. They're in the gallery, and with your permission I would ask them to rise and to receive the warm welcome of the Assembly.

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

MRS. SOETAERT: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to members of the Assembly

a constituent of mine, Mike Partington, who is seated in the members' gallery. I'd ask him to please rise and receive the warm welcome of this Assembly.

MR. TRYNCHY: Mr. Speaker, it's my pleasure today to introduce a rose amongst a couple of thorns sitting in the members' gallery. This lady has traveled all the way from Cardston to be with us today, and I'd ask Mrs. Darlene Ady to please stand and receive the warm welcome of the Assembly.

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

MR. SEKULIC: Thanks, Mr. Speaker. It is my pleasure to introduce to you and through you to the Assembly several very special people from the constituency of Edmonton-Manning. With us today is the Thomas family, and they're here to watch the proceedings of the Assembly. I'd ask them to stand and receive the traditional warm welcome of the Assembly.

head:

### Ministerial Statements

#### Advanced Education Restructuring

MR. ADY: Mr. Speaker, it is with great pleasure that I rise today to present to you and to the Members of the Legislative Assembly a document outlining a policy framework for meeting the future learning needs of adult Albertans. Today marks the culmination of an extensive planning and consultation process which involved more than 7,000 Albertans to review, renew, and re-energize the Department of Advanced Education and Career Development and also our entire adult learning system. The adult learning system will strive to achieve the expectations set for it by Albertans, measure performance, and report results.

#### 1:50

New Directions for Adult Learning in Alberta is the name of our new government policy framework. At the very centre of this framework, Mr. Speaker, is the learner. I use the term "learner" because it underscores what this document is about: learning. Using the term learner is a way of emphasizing the result of the learning experience. Students in our colleges, universities, and technical institutes are not the only learners discussed in this document. It also refers to apprentices, workers in occupational training programs, adults in basic education or academic upgrading programs, newcomers learning English as a second language, Albertans pursuing noncredit continuing education, and people learning on the job, at home, or in the community.

The goal of New Directions is to create a more accessible, responsive, affordable, and accountable system of adult learning. Each of the 22 strategies in this document works towards achieving these goals. As members take the time to read through this document, they will find strategies that improve transfer of courses, create new paths for completing degrees, assist students obtain the skills and experience to find employment, develop initiatives to help Albertans overcome barriers to learning, stimulate more on-the-job education, explore new educational technologies, and establish new accountability and performance measures. Albertans must be assured that public funds provided for learning opportunities are well spent.

Mr. Speaker, Albertans have told me that they want to be recognized nationally and internationally for the excellence of their knowledge, skills, attitudes, and experience. Our system of learning enables us to enrich the quality of our lives, improve our employability in a changing economy, create new knowledge

through research, and take responsibility for securing the future. This document brings into focus how Albertans working together can meet the challenges of achieving this vision.

I'm proud of the work that has gone into this document and the leadership it reflects to chart a new direction for a new future in adult learning in this province. There is an old saying that says:

There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things.

Mr. Speaker, we have great confidence in meeting our goals with success.

Thank you.

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

DR. MASSEY: Thank you, Mr. Speaker. Along with a number of other people, a few minutes ago I had an opportunity to examine the white paper at the press conference that was held by the minister, and I have to say, Mr. Minister, that I'm struck by the lack of boldness: \$500,000 and the involvement of what you say is 7,000 Albertans. We hear exactly what the government wanted to hear and what you told them they were to hear when you met with the heads of 27 institutions in July of 1993. What appears in the paper is exactly what you want. I mean, it's more a testimony to how roundtable materials were structured and the manner in which meetings were conducted than a government that's listening to Albertans.

What the government wanted to hear appears in that white paper which the minister sketched in that meeting, as I said earlier. The underlying metaphor for our advanced adult learning system is a production model – and that production model was described by James 20 years ago – with dollars as the input, schools the machines, and students as the output. James indicated 20 years ago that that was an unacceptable model for education, and it remains so today.

Some of the specifics in the paper are worth noting. First of all, power is going to be concentrated more in Edmonton, and that follows the fashion of the K to 12 actions by the government. The access fund is an example of how this is being done, where \$47 million is being put into the hands of a nonelected board to dole out to institutions that come begging.

As the minister indicated, students have been declared the centre of the production system, but that is a rather empty statement when you look at the rest of the paper. If you're looking for actions that truly bear testimony to them being the centre of such a system, you'll have to look far and hard.

Evaluation of personnel and programs in schools is going to play a much larger role than it has in the past. Again, if you go back and read the business plan, we were informed of that, and we debated that when we talked about the budget. The bottom line is that the government's going to pay a smaller portion of program costs, and those costs are going to be shifted to students. That's going to be done through increases in tuition and in changes through the . . . [Dr. Massey's speaking time expired] It'd be a two-tier system, Mr. Speaker.

MR. SPEAKER: The Chair advises that three minutes are allocated for the response, hon. member.

head:

### Oral Question Period

#### Wine Store Contracts

MR. SPEAKER: The hon. the Leader of the Opposition.

MRS. HEWES: Thank you, Mr. Speaker. In this government's fall agenda we've seen Crown privilege gone wild, a flagrant abuse of power. The case in point: the five-year contracts with the wine stores that will be broken retroactively under Bill 51, costing these Alberta businesses their ability to sue the government for breach of contract and win. At the same time under Bill 46 we have this government giving itself the right to sue private citizens to collect health care costs. Governments can sue citizens, but citizens can't sue the government, a double standard. My questions are to the Minister of Justice. As Justice minister how can you justify legislation that changes legal contracts retroactively and makes it impossible for private business to sue the government for breach of contract and win? How can you justify that legislation?

MR. ROSTAD: Mr. Speaker, the Minister of Municipal Affairs, who has jurisdiction over ALCB, may want to supplement, but the hon. acting leader of the Liberal Party is off the mark again. What the legislation does in fact do is prevent new cases being commenced on the basis of old contracts, but cases that are already in the chute and are before the courts are not impeded in any manner or form.

MR. SPEAKER: The hon. Minister of Municipal Affairs wishes to augment.

DR. WEST: Yes. I would just say that Bill 51 doesn't extinguish any right of existing cases, but I ask your wisdom on this, Mr. Speaker. Sub justice: there is a case before the courts.

MRS. HEWES: That's some interesting tap dancing from a couple of ministers.

Mr. Speaker, then another question to the Minister of Justice. Perhaps the minister can explain to the Legislature how his government can, on the one hand, take away the ability to sue from private citizens – that's Bill 51 – and, on the other hand, give itself the ability to sue its citizens, Bill 46. Isn't this incompatible, totally inconsistent legislation, Mr. Minister?

MR. ROSTAD: Mr. Speaker, I'll just reiterate the answer before, that this in no way is impeding the owners of the wine stores from in fact proceeding with their cases against the government.

2:00

MRS. HEWES: The minister is off base here. This is clearly retroactive legislation to the 1st of October, any way you got it, any way you look at it, Mr. Minister.

Mr. Speaker, my last question, again to the Minister of Justice is: Mr. Minister, where's the fairness here? Why are contracts with small business disposable and contracts with others, i.e. Bovar, sacred? This is the double standard that we speak about.

MR. ROSTAD: Mr. Speaker, those . . . I'll answer the question and won't make a catty remark. The answer stands the same: the wine stores are free to continue with their actions against the government. This Act in no way impedes that. That's the answer, plain and simple.

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

MR. CHADI: Thank you, Mr. Speaker. [some applause] Judging from that applause, it would appear as though they want me as their leader as well.

### Community Surveillance Program

MR. CHADI: Mr. Speaker, I'm tabling four copies of the criminal record of Gerald Brian Cardinal and four copies of excerpts of statements made by the Minister of Justice before the Public Accounts Committee. Albertans once again feel betrayed by this government. The public knows that their safety is at risk in their own communities. The Minister of Justice told Albertans that serious offenders would not qualify for the home alone or home arrest program, and over the last few days we've heard of several dangerous and habitual offenders who were at large in the community under the home alone program, and I've just tabled another. To the Minister of Justice: can the minister explain to the House how Gerald Brian Cardinal, with a record this long, was unlawfully at large in the community for seven days while under this program?

MR. ROSTAD: Mr. Speaker, there is a facsimile resemblance to the billboards.

The hon. member is erroneous in his accusations. Mr. Cardinal has never, ever been eligible to be on the house arrest, or home alone program as he may want to typify it. I don't care what particular information he thinks has been leaked to him that confirms that; he has in fact never been eligible for nor has he ever been on that program.

MR. CHADI: That's not true, Mr. Speaker. That's not true.

Since the minister clearly stated in Public Accounts that his department is driven by dollars, then how can he just sit there and continue to compromise the safety and security of all Albertans?

MR. ROSTAD: Mr. Speaker, if the hon. member had been at Public Accounts, he would know what I said. I in fact said: yes, the Department of Justice has reoriented their operations because we also are part of the restraint program. When we closed the Belmont centre, we devised two programs to replace the incarceration of those particular inmates, one being the house arrest program and the other being a community surveillance program. In the particular instance of Mr. Cardinal, he didn't qualify for house arrest because in fact he was incarcerated for impaired driving. Impaired driving does not allow anybody of that capacity to in fact be involved with the house arrest program.

MR. SPEAKER: Final supplemental.

MR. CHADI: Thank you. Can the minister inform the House what steps he's taken to review these cases that have been presented in the last couple of days and others, perhaps to correct the abuses in the system, since they have been now revealed?

MR. ROSTAD: Mr. Speaker, anytime the hon. member or, in fact, the odd member of the media wants to bring forward particular instances, I will give them the accurate information that pertains to those instances. Mr. Cardinal was in fact on a program and had spent his minimum time in an institution, the Edmonton Remand Centre. He then went out on a program of surveillance, and he abridged that surveillance and was unlawfully at large and is being pursued. But that is not part of the house arrest program. That doesn't qualify him for the house arrest program. He had in fact been incarcerated, spent his time in incarceration, and qualified for a temporary absence. He is, as are the other people on this program, not a public risk. Public safety is number one in these programs, and we will live and stand by that.

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

### Special Waste Treatment Centre

MR. COLLINGWOOD: Thank you, Mr. Speaker. When the Premier asked our Ethics Commissioner, Mr. Bob Clark, to investigate alleged misconduct by the president of the Alberta Special Waste Management Corporation, Mr. Ken Simpson, the Premier must have thought that he was ridding himself of yet another controversy. Unfortunately, the Premier must have forgotten that the Ethics Commissioner was the former chairman of the Alberta Special Waste Management Corporation and a colleague of Mr. Simpson. In the Premier's own unique way, on Tuesday afternoon he turned one controversy into two, and in the process he embarrassed Mr. Clark, one of the finest gentlemen to serve this Assembly. My questions are to the Minister of Justice. Mr. Minister, why would your government deliberately go out of its way to embarrass the Ethics Commissioner when you knew he would be placed in a possible conflict of interest in this investigation?

#### Speaker's Ruling Sub Judice Rule

MR. SPEAKER: With respect to this matter, the Chair is aware of the following. The Premier asked the Ethics Commissioner to review the matter. Due to a possible conflict on the part of the Ethics Commissioner, the Ethics Commissioner has asked the Ethics Commissioner of British Columbia to handle the investigation.

Standing Order 23(g), the sub judice rule, states that members should not refer to matters before any

administrative or investigative body constituted . . . under the authority of an Act of the Legislature

where any person may be prejudiced . . . by the reference.

The Ethics Commissioner is appointed under the authority of an Act of this Legislature.

This being the case, the sub judice rule should apply to questions regarding Mr. Simpson and the investigation which is now being carried out by the Ethics Commissioner of British Columbia, which flowed from that.

MR. N. TAYLOR: Point of order, Mr. Speaker, on this point.

MR. SPEAKER: We'll have a point of order after question period, but this question will not be pursued at this time.

MR. COLLINGWOOD: Well, Mr. Speaker, may I go to the supplemental question?

MR. SPEAKER: Yes, if it's in order.

### Special Waste Treatment Centre (continued)

MR. COLLINGWOOD: Mr. Speaker, my question, then, to the Minister of Justice is: given that this situation appears to have some tainting to it again, will you agree now to go to an independent judicial inquiry into this issue, rather than leaving it in this tainted state?

MR. ROSTAD: Mr. Speaker, if I may defer to your remarks, the whole issue is before the Ethics Commissioner of British Columbia, which I would call to be very, very independent and impartial.

MR. SPEAKER: Final supplemental?  
The hon. Member for Red Deer-South.

**2:10           Advanced Education Restructuring**

MR. DOERKSEN: Thank you, Mr. Speaker. The minister of advanced education just tabled New Directions for Adult Learning in Alberta, the long-awaited policy paper on the future of postsecondary education in this province. Earlier we heard allegations about the consultation process or the lack of it. I'd like this chance to ask the minister about the consultation process, recognizing that thousands of Albertans were consulted. Can he give us any explanations or evidence of where he might have changed policy from the plans that were presented in that draft white paper?

MR. ADY: Mr. Speaker, the hon. member raises a good point, and to answer the member's questions: we have listened to Albertans, and it's been a long process of planning to bring forward this document. It began over two years ago, and now it's time to act.

I want to tell him that one of the things that comes to mind that I changed my mind on, for instance, was the issue of full cost recovery for foreign students. The original paper called for full cost recovery. We've moved away from that, and they'll not be called upon to do that. I was led to understand that that would be negative to bringing foreign students to this province and the benefit that it would be to our institutions and to our economy.

Also, the deregulation of tuition fees for students: the original paper called for a position that we would totally deregulate, that there would be no annual increments. Students petitioned me very heavily that we back away from that, so there is an annual increment involved in the direction paper.

Also, the original document called for no change in the mandate for institutions such as colleges. They'd only be able to continue to offer a two-year degree. They now have the opportunity for . . . [interjections]

So, Mr. Speaker, yes, we did, and I also dealt with ACAT, with some changes there.

MR. SPEAKER: Supplemental question.

MR. DOERKSEN: Thank you, Mr. Speaker. As the minister is aware, Red Deer College is in my constituency, and I am wondering what the reference to the applied degree will mean for Red Deer College.

MR. ADY: Well, Mr. Speaker, let me be clear that the hon. member can rest assured that Red Deer College is not about to become a university, but they will have the opportunity to work with the private sector to design and offer a new credential in an applied area of study, an applied degree. The academic component of the degree will be shorter than the traditional university degree. It will have six semesters, or three years, and will have two semesters, or one year, of work placement experience. Hopefully by establishing this form of co-op education, more students will be able to break the cycle of not being able to get a job because they don't have the experience but they can't get the experience because they don't have the right credentials. So, yes, in fact again we've responded.

MR. SPEAKER: Final supplemental.

MR. DOERKSEN: Thank you. In a presentation to the standing policy committee last fall Red Deer College had some concerns about transfers. Can the minister explain how the paper he's presented eased the transfer from one college or from colleges to universities?

MR. ADY: Mr. Speaker, that's been a very important issue ever since I've become minister. Yes, we did move in a meaningful way in the policy paper to give ACAT additional responsibility and teeth to deal with transfers, to help students to move from program to program and from institution to institution. ACAT will now have the ability to establish an independent public mediation process to resolve specific transfer problems. The outcome of that mediation process will be public, and those who may find themselves obstructionist, the world is going to know that they've been obstructionist in this. I feel this will go a long way to opening up the issue and finding out why our students may have a difficult time transferring. So I just want to say that we have moved to deal with the transfer issue.

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

**Special Waste Treatment Centre**

*(continued)*

DR. PERCY: Thank you, Mr. Speaker. According to the study prepared by the firm Applications Management and submitted to the NRCB, the cost of Swan Hills to taxpayers could reach \$830 million even with importation, and that's assuming realistic market demands. I'm tabling four copies of studies by Environmental Information, *Hazardous Waste Incineration*, to show that the market for incineration is in free-fall, the prices are in free-fall, and it's a highly competitive market. The issue I want to address is the following: why is it that in a period of restraint, when Albertans are tightening their belts, Bovar Biomedical Services Inc. seem to lead a charmed existence? My first question is to the minister of environment. Why have you locked Alberta taxpayers into losses that actually amount to \$311 for every man, woman, and child in this province? That's a tax increase if I've ever seen one.

MR. EVANS: Mr. Speaker, the issue of hazardous waste – and let's start with the first issue that was raised by the hon. member opposite – is an issue and the importation of hazardous waste and the economic viability of the Swan Hills facility is a matter that is before the NRCB. There's no other province in Canada that has such an open, transparent, and totally all-encompassing process to give Albertans the opportunity to input and determine whether a proposal such as the proposal to import is in the public interest, given economic, environmental, and social considerations. That is exactly what this government is committed to: an open process and a process that gives Albertans an opportunity for input.

MR. SPEAKER: Supplementary question.

DR. PERCY: Thank you, Mr. Speaker. Again to the Minister of Environmental Protection: why is it, then, that only the owners of Bovar, the McCaigs, the Seamans, seem to be benefiting from this investment in environmental protection? It certainly doesn't seem to be ordinary Albertans.

MR. SPEAKER: The hon. minister.

MR. EVANS: Thank you, Mr. Speaker. I could spend literally days talking about the environmental health of this province, the environmental leadership of this province in the Confederation of Canada, the fact that we have the only state-of-the-art, fully integrated hazardous waste treatment facility in North America. We have taken our environmental responsibilities seriously. We continue to do that. We do that for the benefit of Albertans, and we do it in the most fiscally responsible manner we can.

DR. PERCY: Mr. Speaker, my question is to the Acting Premier, whomever. The question to the Acting Premier is: why don't you legislate your way out of this contract with Bovar, the Seaman's and the McCaigs, when you are quite willing to put the boots to small wine boutique owners who have no political clout?

MRS. McCLELLAN: Mr. Speaker, I think that the whole issue we should be discussing here is the opposition's attitude to the environmental health of the citizens.

When the Swan Hills plant was built, it was applauded, and it is envied by every province in Canada. Certainly we as Albertans should be proud of the fact that we have accepted our environmental responsibility and we are not concerned about hazardous waste being dumped in ditches or behind fences or in landfills, as the opposition would suggest. The Swan Hills plant is an environmental success story in Canada, and we in Alberta should be proud.

MR. SPEAKER: The hon. Member for Bow Valley.

### Prescription Drugs

DR. OBERG: Thank you, Mr. Speaker. I recently came into possession of a survey of pharmaceutical prices in 11 pharmacies around Edmonton. Generic drug prices range from 41 to 96 percent of brand name pharmaceuticals, but many drugs had a wide variation of upwards of 50 percent, depending on the location. My question for the Minister of Health is this: does the province pay a standard price on behalf of Blue Cross subscribers, or is there also a 50 percent variation here?

2:20

MRS. McCLELLAN: Mr. Speaker, this government accepted the least cost alternative policy and put it into place about a year ago. Under that policy the government pays the least cost alternative available for drug use, and that is done certainly in consultation with the physician. So we pay the least cost, and those prices are set.

MR. SPEAKER: Supplemental question.

DR. OBERG: Thank you, Mr. Speaker. Madam Minister, what is the best way to make the public aware of the wide variation in drug prices between pharmacies?

MRS. McCLELLAN: Mr. Speaker, I think that certainly consumers that are approaching pharmacies for drug prescription use should ensure that they are receiving the least cost alternative, the generic alternative if it's appropriate. I do believe that consumers are becoming more aware and more cost conscious, and I believe also that for the main part pharmacists in this province are becoming very involved in the education of their clients as to the proper use of drugs and also the advantages of using the least cost alternative.

MR. SPEAKER: Final supplemental.

DR. OBERG: Thank you, Mr. Speaker. My final supplemental is to the member responsible for professions and occupations. Is there any legislation prohibiting pharmacists from advertising prescription drug prices or even from putting them on sale?

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

MR. SMITH: Thank you, Mr. Speaker. In fact, yes, there is federal legislation that indicates that narcotics cannot be advertised. However, the Pharmaceutical Profession Act, that will be proclaimed in Alberta, indicates that we will permit advertising of professional fees and services.

### Health Services Restructuring

MR. SAPERS: Mr. Speaker, the Minister of Health will not release details of the financial arrangements between Norm Wagner and the Department of Health, likely because he won't let her. After all, according to Norm he is the real Minister of Health. I quote: "I chair a committee," says Mr. Wagner, "of people who have been given the job of restructuring the Alberta health system. We do this as total outsiders, not through the department," brags Mr. Wagner. To the Minister of Health: why won't you release the terms of the financial arrangements between the Department of Health and Norm Wagner, his companies, and his family members to this Assembly?

MRS. McCLELLAN: Mr. Speaker, the hon. member has requested that information of the minister in writing, and I will be preparing that information for the hon. member.

Mr. Speaker, Dr. Wagner is the co-chair of the health plan co-ordination project, a group of 17 individual well-respected Albertans who are proposing a process for implementation of the document Starting Points, which was drafted by my colleagues the Member for Calgary-Glenmore and the Member for Bow Valley. I think the process that we have gone through in the implementation of Starting Points and the success of that transition is largely due to the leadership of Dr. Wagner and my colleague from Bow Valley, the co-chair. I have no problem in discussing the items that have been funded under that, and if the hon. member will be patient, he will receive the information that he's requested.

MR. SAPERS: All Albertans are being patient. We're still waiting.

Mr. Speaker, maybe the Minister of Health can tell us this. Why is it that contracts for managing the largest health restructuring in our province's history weren't tendered publicly?

MRS. McCLELLAN: Mr. Speaker, a number of the contracts are tendered, if they are printing and so on. I think it's quite within the minister's responsibility to choose leadership for this process and certainly to pay associated costs. I would say that the 17 individuals who are performing this very valuable task on behalf of all Albertans are working at a very, very modest – call it an honorarium.

Mr. Speaker, I think that we could be better served if we would be more involved in being positive towards the transition of our health system so that it meets the needs of our citizens today and into the future. That is the task the health plan co-ordination project is doing. I believe that the hon. member will find that it is being done in a very fiscally responsible way.

MR. SAPERS: Will the minister give Alberta taxpayers the assurance that not one more contract will go to Dr. Wagner, his company, his associates, or his family members unless it is approved through a publicly tendered process?

MRS. McCLELLAN: Mr. Speaker, the minister will continue to ensure that the work of the transition of our health system, of setting out a process for action on the items and starting points is performed by the people most appropriate, and in every case where it is prudent to do so and in the best interest to do so, they will be tendered.

MR. SPEAKER: The hon. Member for Vegreville-Viking.

MR. STELMACH: Thank you, Mr. Speaker. My question today is to the Minister of Health. The provincial bed targets to be achieved by 1996-97 are acute care beds, 2.4 beds per 1,000 and long-term care, 50 beds per 1,000 population over 65. The issue of long-term care beds is a concern in the regions where the senior population is above the provincial average and where there are waiting lists for long-term care institutions. My question is: would the minister be prepared to recognize the uniqueness of the various regions?

MRS. McCLELLAN: Mr. Speaker, certainly the targets on acute care of 2.4 beds per 1,000 and on long-term care of 50 beds per 1,000 are provincial targets. We do recognize that there are unique circumstances that may occur in certain parts of our province. In the case where there is a high incidence of seniors in one area, it may require a higher number than that. However, conversely, where there may be areas where it's a very young population, they will not require near the numbers. I think the important thing and the thing we should be most proud of is that we are able to bring those bed numbers down because of the moves to community care, where our seniors are being able to stay in their homes longer and live independently. Certainly that is the direction this government is taking.

MR. STELMACH: Madam Minister, will you allow regional health authorities to contract services from each other?

MRS. McCLELLAN: Mr. Speaker, certainly regional health authorities have the ability to work together and to form relationships, partnerships, and share services. When I reviewed the business plans, it was evident in all of the business plans that they had extensive consultation with the regions around their area and that they were working together.

MR. SPEAKER: Final supplemental?

The hon. Member for Edmonton-Mill Woods.

### **Advanced Education Restructuring**

*(continued)*

DR. MASSEY: Thank you, Mr. Speaker. The advanced education paper released entitled New Directions would have been more aptly named No Solutions. There is little new here and few solutions to decades-old problems. My question is to the minister of advanced education. When is the minister, who has seen tuition caps increase from 12 percent to 15 to 20 and now predicts 30 percent in his paper, going to recognize that he is creating a two-tier system?

MR. ADY: Mr. Speaker, the hon. member across the way has expressed disappointment in the New Directions paper. I think it's interesting that I extended him the courtesy to be a part of the consultations; he was there. I suppose he's disappointed because he doesn't see any new taxes in there, and he doesn't see any new spending, and that doesn't fit with what the Liberals would expect to flow from whatever they might be involved in.

**2:30**

Mr. Speaker, in no way are we creating a two-tiered system. What we're really talking about is \$200 a year plus CPI increases annually in tuition. Now, if that's going to create a two-tiered system – I don't really see how that can happen. Granted the cap has been raised to 30 percent but not until the year 2000. That's six years away, and institutions are not able to increase tuitions beyond that, nor are they in a position to increase it rapidly. I think we've been very responsive to what students told me. They said: we can't risk having the tuitions run away rapidly. We need some increment in there. I gave it to them. It's well within reason: \$200 plus CPI per year.

MR. SPEAKER: Supplemental question.

DR. MASSEY: Thank you. When is the minister going to recognize that increasing tuition caps and increasing student debt load is no solution to the problem?

MR. ADY: Mr. Speaker, the hon. member and the members across the way in the House last night were on about tremendous debt loads for students. What they continually ignore is the item called remission that's in our program, where students can only accumulate a certain level of debt under the needs assessed program, and then their debt is paid down. So when they leave their training, they're not burdened with debt that they can't handle. The debt that they leave with will be reasonable, and it will be within what they can handle. I see no inclination to move anywhere near what the hon. member is suggesting.

MR. SPEAKER: Final supplemental.

DR. MASSEY: Thank you. Then will the minister tell me: exactly what is the debt level that a student who fully accesses the loan program will have after four years?

MR. ADY: Yes, I can. Mr. Speaker, the debt load that an undergraduate student would have in a college after two years, say, because a college is a two-year program – \$10,000 would be the maximum. The debt load of a four-year university undergraduate would be \$20,000 after 1996-97. So that's the maximum debt load that they can accumulate under the proposals that are put forward.

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

### **Special Places 2000**

MR. SMITH: Thank you, Mr. Speaker. To the Minister of Environmental Protection. It seems to be his lucky week. One of my constituents wishes to be updated on the Special Places 2000 Advisory Committee report. What is the exact status of this advisory committee report? [interjections]

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



MR. EVANS: Thanks very much, Mr. Speaker. It's really quite interesting that the Liberal opposition find this funny. It's also interesting that more Albertans have contacted us as MLAs about Special Places 2000 than any of the health, education, social services issues that we've been dealing with over the year. So believe me, this is an important matter to Albertans.

The hon. member has asked: what is the status of the advisory committee's report? I think most hon. members would realize that the hon. Member for Innisfail-Sylvan Lake was the chair of the advisory committee. That was a very important input into the Special Places 2000 initiative, a committee that went around Alberta and took input from Albertans. In point of fact, we've had something in excess of 4,400 responses to the policy which was tabled in 1992, including the many, many people who came out and responded either verbally or in letter form to the advisory committee. The advisory committee's report is one important factor in dealing with the Special Places 2000 policy.

MR. SMITH: To the same minister, Mr. Speaker: how will the minister address the concerns of those who feel that Special Places 2000 will restrict access to Alberta's wilderness areas?

MR. EVANS: Well, Mr. Speaker, I would go back to the original policy tabled in 1992 and assure Albertans that Special Places 2000 has a spectrum of uses that are contemplated in that policy: from protection, on the one hand, heritage appreciation, outdoor recreation, and tourism. A number of very, very broad uses are incorporated in that, certainly the focus of the policy being on giving Albertans an opportunity to see, feel, touch, and experience the special regions that we have in this province.

MR. SPEAKER: Final supplemental.

MR. SMITH: Thank you, Mr. Speaker. To the same minister: will the minister comment on just how much land this initiative entails?

MR. SPEAKER: The hon. minister.

MR. EVANS: Thank you again, Mr. Speaker. There have been misguided reports during the spring and through the summer and continuing into the fall that in order to have areas of the six regions of the province represented under some type of a notation we'd be looking at dedicating upwards of 30 percent of the land base of the province of Alberta. That's quite incorrect. We're talking about, after looking at the inventory of areas that are already under some type of a notation, something that would not exceed 3 percent of additional land base in the province of Alberta.

MR. SPEAKER: The hon. Member for Leduc.

#### **Access to Adoption Information**

MR. KIRKLAND: Thank you, Mr. Speaker. My questions this afternoon are to the Minister of Family and Social Services. A fair and equitable access to adoption records has been a long, tedious battle. This Legislature has seen three private member's Bills, the most recent, Bill 208, which called for an open registry. In spite of passing unanimously in this House at second reading, it has disappeared. Bill 52 that we have before us this session bears little resemblance to that particular Bill 208. My question to the minister is: Mr. Minister, why has your government shifted from promoting an open registry system where people

could access their file with veto provisions to a system that now will cost a minimum of \$250 and exclude birth parents?

MR. CARDINAL: Mr. Speaker, this is a very sensitive issue for the adoptees and the parents, and I think Albertans are supportive when our government moves in a direction to make positive changes in the whole process. The reason we took that first step in the change is to make sure that the process we are putting in place protects those people that need to be protected and still provides an opportunity for the people that need to know about their adopted children or their parents. I've said before that the Bill itself allows a review after one year and again a review in four years, and if there are changes required during that period of time, changes should occur.

MR. SPEAKER: Supplemental question.

MR. KIRKLAND: Thank you. I look forward to the opportunity to have input to those changes.

Mr. Speaker, I'd like to table at this time a report authored by three members of the public consultation process that resigned in frustration because the government would not follow the public direction that they received at that point. Also included in this tabling is a letter indicating the reason that those individuals resigned. My supplemental question to the minister would be: Mr. Minister, in light of the fact that your government purports to follow and take the input of Albertans, why did you not follow the input in the public consultation process of this particular consultation when 88 percent of the respondents indicated that they wanted open access to adoption with the appropriate veto to protect the privacy?

MR. CARDINAL: Again I'd just like to say that this is a very sensitive issue, and it's an issue that has to be handled very carefully. When you talk about consulting the public, not all Albertans were consulted and participated in the process. Only the Albertans that were interested in this specific issue participated in the hearings. The recommendations that were made of course will be looked at very carefully as we review the process this coming year and the next three years to make sure we put in a process that all Albertans support.

**2:40**

MR. SPEAKER: Final supplemental.

MR. KIRKLAND: Thank you. I understand the sensitivity. The thousand Albertans that were consulted, I understand their sensitivity as well.

My third and final question, Mr. Speaker, is: why have we excluded the 85 percent of the people that indicated and told the government that birth parents would like to have access to those records?

MR. CARDINAL: There is no one excluded in the process. All I'm saying, Mr. Speaker, is that the process will be done over a longer period of time, the next four years in fact.

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

#### **Science and Research Authority**

MR. DUNFORD: Thank you, Mr. Speaker. Since last June's election this government has focused its efforts on balancing the

budget by reducing expenditures and downsizing its operations. However, on September 15, 1994, the Premier announced the creation of a Science and Research Authority to be headed by the newly appointed minister responsible for science and research. Now, to the minister who was without and now is a minister with: could she comment on why, in this time of fiscal restraint, a new minister and authority have been established?

MRS. MIROSH: Mr. Speaker, the Member for Lethbridge-West rises on a very fine point. I'd like to answer by saying that the Premier made this decision based on scientific research. In fact, the Premier's Council on Science and Technology made a number of recommendations to the Premier. One was setting up this authority to manage research dollars and research projects. The Premier in his foresight recognizes that with the infrastructure that we have in this province and with the highly educated population, Alberta should become a leader in science and research.

MR. SPEAKER: Supplemental question.

MR. DUNFORD: Thank you, Mr. Speaker. Given the fact that this government's research funding has an impact on a wide range of institutions, could the minister tell this Assembly how this research authority has been received by the research community?

MRS. MIROSH: Mr. Speaker, as a matter of fact, the University of Lethbridge, the University of Calgary, the University of Alberta as well as the private sector have embraced this ministry. Tomorrow I will be announcing the names of the members who will be on the management board of this authority. It will comprise primarily private-sector individuals and business leaders in this community.

Mr. Speaker, I think it's important that the people in Alberta realize that this management authority will be funded through existing secretariat funding that had existed in the Department of Economic Development and Tourism and administration from that department will be seconded to help this board. So there are no additional funds for this department.

MR. SPEAKER: Final supplemental.

MR. DUNFORD: Thank you, Mr. Speaker. Because there is a wide range of research activity that this government undertakes, could the minister explain if there will be a special emphasis placed on any particular area?

MRS. MIROSH: Mr. Speaker, certainly there is a wide, encompassing number of research developments in this province, but probably and primarily our focus will be on the creation of jobs. Research projects will be in place to help create jobs. We already know through studies from the University of Alberta that 1 percent of every research dollar spent creates 50 new jobs and that these research projects will move from research to applied research into the commercialization of research. Alberta is already leading in that factor.

Thank you.

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

#### **Workers' Compensation Board**

MR. WICKMAN: Thank you, Mr. Speaker. My questions are to the minister responsible for workers' compensation. Yesterday

the minister waved a good news document. Yes, it did contain some good news, but at the same time some red flags are going up this morning. While there were substantial decreases for a lot of big businesses, at the same time we saw increases for 20 percent, mainly in the service sector. To the minister: while big business does get a break, why the extra tax burden on the service sector, which is basically small business?

MR. DAY: Mr. Speaker, small business is going to significantly benefit from reductions. The only increases that are going to happen – and I made this very clear yesterday – are those industries or businesses that do not have an experience rating which shows that in fact injuries are decreasing. Those are the only ones. Some of those are large; some of those are smaller businesses. The size of the business is not what's taken into consideration when somebody's rate has to increase. The minority of businesses that will have an increase are those – and WCB makes no apologies about this. If you do not have an injury rating, an experience rating that would reflect the fact that you can have a decrease, you are in fact going to have an increase. The aspect of small or large business is not the factor one bit.

MR. WICKMAN: Mr. Speaker, to the minister: while looking through the document 1995 Industry Premium Rates, why do I see the increases substantially in areas such as kindergartens, home support services, funeral services, and even churches and religious orders, all those sectors that constitute small business?

MR. DAY: Mr. Speaker, you know, the use of these factoids is really done in a way to take us far from what is actually happening. There are almost 68,000 employers listed. There are hundreds – as a matter of fact, it goes into thousands of classifications. For a member to just casually flip through some pages, look at three or four of those, and suggest that that covers the entire spectrum is totally unfair. He's referred to a few areas that are affected. Again, it's very clear: if the business in which you are in is experiencing an increase in injuries and not a decrease, then in fact, you are going to have to cover the cost of that. That's the only thing that's fair, and it's the only thing that protects the injured worker.

MR. WICKMAN: Mr. Speaker, my final question: while acknowledging that there are some efficiencies at the Workers' Compensation Board, how does the minister justify a backlog of up to 16 months at the Claims Services Review Committee stage?

MR. DAY: Again, he'll have to check his facts. That is not the fact at all at the Claims Service Review stage. I will say that I share a concern and I hope he shares the same concern in terms of length of time for an appeal to go to the Appeals Commission. There are certainly some concerns that I have there that are being addressed. But, again, remember that the Appeals Commission is separate from the WCB itself. In terms of speeding up the backlog on appeals in general, that's an area we need to always look at improving, and any ideas the member opposite would have in that particular area would be welcome.

head:

#### **Members' Statements**

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

#### **Motion Picture Industry**

MRS. GORDON: Thank you, Mr. Speaker. Hooray for Hollywood. Hooray for a very successful Alberta Mainstreet

project. Lacombe residents got a taste of Tinseltown on September 21 when segments of the made-for-TV movie *For the Love of My Daughter*, starring Cybill Shepherd, were shot in the town's revitalized downtown core. Many of my constituents were thrilled when they were used as extras and could work alongside this famous veteran star of the hit series *Moonlighting*. For one day Just Pizza, the Club Cafe, and the local newspaper, the *Lacombe Globe*, were transformed to double as businesses located in a small town in Montana. Blue Andre, executive producer of the film, said that the uniqueness of the town is what drew the film crew to the area. She also noted that many other towns in Alberta had been considered, but Lacombe was chosen due to the architectural charm of the buildings. "These buildings have some history and character and prove very interesting from a camera point of view," she was quoted as saying. The shoot also attracted a crew from *Entertainment Tonight*. *Entertainment Tonight* reporter Marian Dodd was very impressed with Lacombe and says that because there is a distinct beauty in Alberta, the province is quickly becoming one of the favourite spots for filmmaking.

The prospects of increased film activity in Alberta translate into a huge financial windfall for towns like Lacombe. Filmmaking in Canada is a \$400 million industry, and it is estimated that the economic spin can be as high as 11 to 1.

After finishing the one-day shoot in Lacombe, the crew traveled to Red Deer, as their courthouse was used for filming the trial scenes. Postproduction work such as music and sound effects will be done in Vancouver, and the film will wrap up in December. *For the Love of My Daughter* will air on NBC sometime in the spring, depending on network scheduling.

Congratulations, Lacombe. You are indeed a rising star.

MR. SPEAKER: The hon. Member for West Yellowhead.

## 2:50 Jasper School Board

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I would like to focus the attention of the members of this House on the plight of the citizens of Jasper. The Minister of Education decided earlier this month that the Jasper school district should join with its neighbour the Grande Yellowhead school division. The decision was made contrary to the wishes of the residents of Jasper. They like the situation as it is right now. Their reasons are many and varied, but probably the most important one is that the Jasper school district also carries out almost all the municipal functions, such as library, FCSS, recreation, ambulance service, tax collection, et cetera, et cetera. This arrangement has grown as a result of Jasper's location in a national park. So in fact Jasper provides an excellent example of an economy of scale, in that one body, the school board, looks after educational and municipal functions in one town.

Instead of holding up the example of Jasper as being worthy of emulation, the minister has decreed that the town should dismantle its unique structure. Now, if the school board does not look after municipal functions, the town will have no elected decision-making body to take over these functions. The minister has given the town one year to unravel its unique arrangement and find a different body to look after the municipal functions. This decision was made without the minister or his MLA committee visiting Jasper in order to study that particular model.

This decision does not make any financial sense. There will be no savings. It does not make any educational sense, Mr. Speaker. The Jasper test results are consistently above provincial average. And finally, it is dictatorial, because the people oppose it. So on

behalf of the residents of Jasper I urge the Premier and his government to allow this unique arrangement to continue.

Thank you.

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

## Science and Technology Week

DR. L. TAYLOR: Thank you, Mr. Speaker. As chair of the Alberta Research Council it is my great pleasure to announce that National Science and Technology Week is being held this year from October 14 to October 23. The theme of the 10-day celebration of science, engineering, and technology is to explore the possibilities, and that is just what Albertans will be asked to do. Throughout the week Albertans of all ages will be given the opportunity through school projects, displays, exhibits, and open houses to explore new frontiers, to learn something new, and to appreciate the contribution of science and technology to the Albertan way of life. In fact, in my own community of Medicine Hat the high school puts on family science olympics. It's been put on every year for the last number of years by the Praxis Society. It is well attended and is a good success in the community.

During the past decade science and technology has been a major economic force in our province. Today more than 50,000 Albertans work in more than 1,000 Alberta companies in the area of technological enterprises and science enterprises. The government efforts are concentrated on commercializing innovative technologies, particularly in areas where the province's industry has both a competitive edge and a long-range potential.

Mr. Speaker, Alberta is the leader in technological investment and innovation. Our goal is to maintain and enhance the marketplace. Science and technology is key to the future economic growth of Alberta, and it will be a substantial creator of wealth and jobs in the province. Events such as Science and Technology Week, which promote this exciting sector of our economy, will help develop a strong science culture in Alberta, one which values innovation and fosters scientific research. I encourage all Albertans to be involved and congratulate the sponsors of the various events around the province.

MR. SPEAKER: The hon. Opposition House Leader. [Two members rose]

The Opposition House Leader to ask . . . [interjections]

MR. N. TAYLOR: I thought you were asking about the points of order.

## head: Projected Government Business

MR. N. TAYLOR: Okay. We'd like to know what the opposition, what the government – a Freudian slip, Mr. Speaker; I can see into the future – what the hon. House leader has planned for us next week.

MR. DAY: Now that the power struggle is settled, Mr. Speaker, I'll address the Opposition House Leader to indicate that so far this session I've enjoyed the good co-operation of the Opposition House Leader, and we want to continue in that consultative and collaborative spirit for which we are legendary. I would say that next week we will continue with the government Bills in the order suggested on the Order Paper, and we'll do that as far as possible. As we've indicated before, where there needs to be changes in that particular order, the Opposition House Leader and I have

worked out communications arrangements. So as early as possible on the day, if there is to be a change, we will be in touch with one another so that that can be communicated.

### Point of Order Sub Judice Rule

MR. SPEAKER: The hon. Member for Redwater gave an indication that he might have a point of order arising out of proceedings in question period.

MR. N. TAYLOR: Thank you, Mr. Speaker. "Might" is the correct word. I approach with some trepidation your wisdom, and also backed up by the battery of people you have in front of you, to come up with the conclusion that our question on referring the matter of the Swan Hills and so on, the consulting engineers' threatening, to the Ethics Commissioner, who in turn has referred it on. I have another item. I respectfully suggest, Mr. Speaker, that you might have erred or maybe read it through too fast. First of all, under *Beauchesne* 505 it says, "Members are expected to refrain from discussing matters that are before the courts or tribunals which are courts of record." Well, I do not think that the Ethics Commissioner having referred it to one outside the province, that is not set up by this province at all, who, in other words, passed the ball on, can be construed as being a court or a tribunal or a court of record. Also, the Blues haven't come through that fast. I think I recall you saying: an organization set up by this government. Certainly if the British Columbia Legislature is going to be considering this or looking at the thing, you can hardly say that that body was set up by Albertans. Much as the Napoleonic ambitions of our Premier might take him, I don't think he would go that far.

The next item I would talk about is 507(2) in *Beauchesne*. It says quite clearly, "In civil cases the convention does not apply." This is the sub judice convention. Certainly, Mr. Speaker, this is civil, not criminal. No matter how far you think we've taken it, we've not suggested that there was a criminal action. We suggested that it was either the wrong action or a stupid action but not a criminal action. As I say, 507(2) says, "In civil cases the convention does not apply."

Moving on, if this is not enough, to 509. It says that "the responsibility of the Speaker during the question period should be minimal as regards the sub judice convention." Well, Mr. Speaker, slam-dunking a speaker before his first question is not minimal. That's really shutting him down. I think that the influence has gone far beyond being minimal. It says in the same paragraph, "In doubtful cases the Speaker should rule in favour of debate and against the convention." Well, certainly this is doubtful; otherwise we wouldn't be arguing about it.

3:00

We come then to paragraph 510. It says,  
that the House has never . . .  
Never, I underline.

. . . allowed the sub judice convention to stand in the way of its consideration of a matter vital to the public interest or to the effective operation of the House.

Has never stood in the way. Certainly, Mr. Speaker, if the Premier can get away with things by referring things to departments or officials that have no authority to make the decision on whether there was an ethics thing – on conflicts of interest, yes. This is a conflicts of interest commissioner, not an Ethics Commissioner. So I say that applies again: "never allowed the sub judice convention to stand in the way of its consideration of a matter."

Lastly, Mr. Speaker, 511 says that we should interfere with freedom of speech "only in exceptional cases where it is clear that to do otherwise could be harmful to specific individuals." Well, what we're asking here is that the Premier – the Premier has shut things down by referring a matter to a body that has no right to look at the item, and indeed that body, because of possible conflict of interest, has referred it to a body not set up by ours. So I do not see in any way that it was harmful to a specific individual. So although sub judice is quite well enforced and followed, it's always to protect the individual freedom and reputation of an individual. It is not for a member of this House to hide behind.

MR. DAY: Well, Mr. Speaker, most of the lengthy references given in *Beauchesne* are totally irrelevant to the question being raised, so I won't zero in on all of them. You know, I'd want to get the Blues myself because I don't know that the member opposite and I are reading from the same book here. For instance, when 507 was referenced, the reference is very clear here. The member opposite made it sound like in no way, shape, or form could any kind of civil action ever in the universe be ever considered related to the sub judice ruling, but it's clear. It says:

No settled practice has been developed in relation to civil cases, as the convention has been applied in some cases but not in others.

The member opposite would suggest that there's no application here. If you go down to 509, it talks about "minimal as regards the sub judice," and then jumping over, 511 gets into freedom of speech.

Mr. Speaker, what the member opposite has totally forgotten – and I wouldn't suggest what could be the reason for that forgetfulness; I'll leave that up to the imagination of members here – is that this very area of sub judice was referred to a committee, an all-party committee of this Legislature. It was specifically referred to that committee. As a matter of fact, it was recommendations from members opposite from that committee which gave some guidance to us and to you on this ruling and hence the Standing Orders of this Assembly. Of this Assembly. We do appreciate the constant references to Westminster and other places, but we're now talking about our Standing Orders, the Legislative Assembly of Alberta's, which are very relevant and totally germane to this particular discussion. Section 23(g) is clear: "Refers to any matter," first of all, "that is pending in a court or before a judge," and then under 23(g)(ii):

before any quasi-judicial, administrative or investigative body constituted by the Assembly or by or under the authority of an Act of the Legislature.

The Ethics Commissioner of Alberta, who exists because of the authority of this Assembly, has made a certain decision in terms of a ruling and who may be involved in that ruling. That's from where that authority comes, and it's very clear. It's covered here in 23(g). I don't know what could be clearer. I wish we would just get on with the business of the day here. [interjection]

MR. SPEAKER: Hon. member, the Chair hesitates to cut off this very interesting debate, but the Chair thought its ruling, which was based on Standing Order 23(g) – perhaps the Chair was remiss in not saying 23(g)(ii), because that is the basis on which the Chair made the ruling. The rule that we have in our Standing Orders is not the same as the basis for the quotations from *Beauchesne*. That is an entirely different situation. Our Standing Orders go beyond the courts. They go to quasi-judicial hearings and any investigative body. Reference has been made about the lack of the Blues being available. The Chair is prepared to see if there's anything that's been raised since that was overlooked, but

at this moment the Chair is staying with the ruling that was made. The Chair feels that it's clearly based on our Standing Orders.

MR. N. TAYLOR: Am I allowed one?

MR. SPEAKER: No.

head: **Motions under Standing Order 40**

MR. SPEAKER: We have an application by the Minister of Community Development under Standing Order 40.

The hon. Minister of Community Development.

#### **International Violin Competition Championship**

MR. MAR: Thank you very much, Mr. Speaker. The motion that I am proposing to the Assembly today is to congratulate Juliette Kang from the city of Edmonton on winning first place at the International Violin Competition in Indianapolis. The reason why I bring this forward is because I believe it is important for Albertans to congratulate other Albertans who are excelling, who are putting our name forward on the national and international stages as a province of winners and achievers. I think it's extremely important that we as an Assembly take a proactive stance and offer our congratulations.

MR. SPEAKER: Is there agreement in the Assembly for the hon. minister to propose the motion?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.  
The hon. minister.

Moved by Mr. Mar:

Be it resolved that the Legislative Assembly congratulate Juliette Kang of Edmonton for winning first prize in the International Violin Competition in Indianapolis.

MR. MAR: Thank you, Mr. Speaker. Juliette Kang has acted as Alberta's musical ambassador for over one decade. Juliette has recently won first prize in four individual categories and second prize in two others in the International Violin Competition in Indianapolis. This is considered one of the world's most prestigious and important violin competitions. Clearly, at the age of 19 Juliette is one of the world's top violinist.

Since the age of nine she has received support from Alberta culture, the Alberta heritage scholarship fund, and the Alberta Foundation for the Arts with various study grants and scholarships. Juliette brings worldwide recognition to the province every time she wins an award, performs a concert, or does an interview. Her performance schedule is astonishing: over 25 concerts a year around the world with major orchestras. Juliette is an excellent example of the human aspect of the Alberta advantage.

I urge all members to support the motion.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I want to thank and congratulate the Minister of Community Development for bringing forward this motion at this most appropriate time and, along with that, extend on behalf of the Alberta Liberal caucus and all of our staff our sincerest congratulations to Juliette Kang

for this outstanding award that she has recently received. I believe this particular accomplishment goes far and beyond the reaches of anyone's imagination when you take into consideration the impact that she has already had at the age of 19 and is going to have as she goes on with her career. She is truly a great ambassador not only for this city but for this province and indeed for this country. She will bring that international recognition that we so dearly love to receive in this part of the world for our role in the arts.

We look at what has been happening in the arts over the last several years and can only hope that the minister is successful in his bid to convince other members of his caucus to continue a good, strong level of support for artistic development in this province which yields incredible talents and accomplishments such as Juliette Kang. It's not something that comes quickly, Mr. Speaker. The arts require a lot of infrastructure, a lot of support from us in many ways. The arts are not buoyed alone by talented geniuses that come along once in a while. What the arts require in this province is ongoing training and development and solid infrastructure to yield and produce these kinds of young individuals and the ability within our infrastructure to recognize them at an early enough age to encourage them further. As you may know, Mr. Speaker, from having heard her play, as I have, she is an outstanding young person, but from an early age she was not even sure she wanted to pursue the career on violin. As a result of some programs she was able to benefit from, she went on to become the fine, outstanding young violinist we now have.

#### **3:10**

Infrastructure doesn't just start with having a mom and a dad who are interested in keeping you off the street once a week and sending you to a violin lesson. It includes programs and services and other forms of delivery mechanisms that support the arts: be it festivals that young people can go to and see other artists performing at, be it competitions where they get some first hands-on experience of playing in front of a crowd other than their own relatives, or be it grant programs such as are afforded by the Alberta Foundation for the Arts and other organizations in the province, which is one reason why you've heard me speak before, Mr. Speaker, about the importance of maintaining organizations like the Alberta Foundation for the Arts preferably at arm's length from the government and preferably from an unamalgamated umbrella such as has been proposed.

So when I hear the Premier speak about the less funding the better for the arts, I say to him: how can you dare make a statement like that when there is such young talent out there that just needs a little bit of nurturing and will produce the fine fruit, the fine products such as Juliette Kang has just delivered? She doesn't stand alone in this regard. We have produced many others, as you well know, Mr. Speaker. Jessica Linnebach is another outstanding prodigy. John Hendrickson, Marek Jablonski, K.D. Lang, Angela Chang: the list goes on and on in many areas and doesn't include just music. This one in particular does.

The spin-off in the longer run for it, Mr. Speaker, has an economic impact as well. We know that there are something like 25,000 jobs that come about as a result of the arts entertainment industry and that last year, according to the minister's own department statistics, which I strongly support, the economic impact of the arts entertainment sector, the larger picture in Alberta, was over \$2 billion, an outstanding sum of money. So it impacts on everything. These young people need the symphonies: the Edmonton Symphony, the Concordia Symphony, the Calgary Philharmonic, the Grande Prairie Symphony, the Lethbridge Symphony. They need these kinds of organizations to

exist. So the government has a responsibility to continue so that there will be many more Juliette Kangs.

In closing, Mr. Speaker, I just want to once again add our sincerest congratulations to Juliette Kang on this outstanding award, being first place, the gold medal, as it were, at the International Violin Competition in Indianapolis and wish her all the best with her future successes. You're a great ambassador, Juliette. Please keep up the good work. We're all with you, and we're all behind you, at least from this side of the House and the Minister of Community Development.

Thank you.

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

HON. MEMBERS: Question.

MR. SPEAKER: The question before the House is that proposed by the hon. Minister of Community Development. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Let the record show that it passed unanimously.

head: **Orders of the Day**

head: **Government Motions  
Committee Membership**

29. Moved by Mr. Day:

Be it resolved that changes to the membership of the following committees be approved by this Assembly: on the Standing Committee on the Alberta Heritage Savings Trust Fund Act, that Dr. Nicol and Mr. Sapers replace Mr. Chadi and Mr. Mitchell; on the Standing Committee on Law and Regulations, that Mr. Decore replace Mr. Dickson; on the Standing Committee on Public Accounts, that Mr. Sekulic replace Mr. Chadi; on the Standing Committee on Privileges and Elections, Standing Orders and Printing, that Ms Leibovici and Mr. Van Binsbergen replace Mr. Dickson and Mr. Mitchell; and on the Parliamentary Reform Committee, that Mr. N. Taylor and Mr. Wickman replace Mr. Mitchell and Mr. Germain.

MR. SPEAKER: The hon. Government House Leader.

MR. DAY: Thank you, Mr. Speaker. To complete the act of cooperation which we began yesterday, I'll now formally propose the motion for consideration of the Assembly here. We hope that this vote will be carried in the Assembly, but with all of these types of votes, this is a free vote on our side.

[Motion carried]

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

**Bill 42  
Banff Centre Amendment Act, 1994**

[Adjourned debate October 19: Mrs. Burgener]

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

MRS. BURGNER: Thank you, Mr. Speaker. I would just commence the discussions this afternoon with a few comments in that I know my colleagues are anxious to get at the debate given the extra time they were given to review the legislation, which obviously they needed. When I heard the comments this afternoon from the hon. Member for Edmonton-Mill Woods with respect to the new policy directions for Advanced Education and Career Development, it was somewhat distressing that they didn't recognize that Bill 42 is responding to the serious consultation process that we have undertaken in the province with respect to changes in postsecondary institutions. Just to assist them in issues that they may want to pursue in the debate, I would like to cite two of the arguments that are put forward as policy initiatives: 2.7, the responsiveness to barriers concept, and 3.4, the concern of collective agreements.

What I would like to just highlight is the fact that in Bill 42 significant effort has been made in collaboration with the Banff Centre to meet its needs and to respond to its changing clientele and the community which it operates in. I don't take anything away from the significant effort that colleagues at the Banff Centre and the arts community that they represent have put forward in collaboration with the department in recognizing the needs to be able to be flexible in their staffing arrangements, in the opportunities to use the private resources that they are able to access from the community, and indeed to work with changes in opportunities to programs so that they can respond quickly to the needs of their students.

So with that little assistance, I look forward to the discussion this afternoon and further debate on Bill 42.

MR. SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert. [some applause]

MRS. SOETAERT: Gee, thanks, you guys. It feels like Friday; only it's Thursday.

Thank you, Mr. Speaker. I am pleased to speak to Bill 42, and generally, I am pleased with some of it, though I would like to point out some concerns that I have. First of all, yesterday the Member for Calgary-Currie mentioned that the Banff school is internationally renowned. It is, and I hope this Bill aids it even further, though I think on their own they are a tremendous asset to Albertans, and we're very proud of the Banff Centre.

A couple of concerns that I have. I worry about the consultation with the staff who work at the centre. The Government House Leader boasts that all these Bills that are introduced in the Assembly at this sitting will go quickly because every stakeholder has been thoroughly consulted. However, despite that promise, the government I believe has forgotten about 379 staff members at the Banff Centre who were never consulted regarding this Act. So I'd like to raise a red flag there and make sure that the government does have a look at what this means for those staff members.

The Academic Staff Association is being dissolved, and its assets and liabilities are being given to the board. Now, there's the red flag, because those members of virtually what's going to be a defunct Academic Staff Association had increased their dues to their members so that they could afford a lawyer to represent them in negotiations with the board. In fact, their contract, as we understand it, has been overdue for a couple of years, and now negotiations are not going well. According to this Bill, their moneys that they have acquired through extra dues will go to the board. So I can see that is a real concern. I'm glad you're listening and that somebody over there may look into this. It's

obviously of great concern to them, and I would appreciate someone looking into that.

I would like to know: what assets and liabilities does the Academic Staff Association have? I wonder if those have been noted. Why would the minister allow the board to take the assets of the association while the academic staff are still without a contract and in need of their assets to pay for a lawyer to help them negotiate with the board? So for sure I'm hoping the government will come up with an amendment in that regard. If not, we certainly will when this Bill goes to committee stage, because to me that is rather distressful for the staff at the centre.

I generally support this Bill. I'm also pleased that the board members will not just be appointed by the government but will have members from the general public as well. I think that's a very good move. I hope the government will take into consideration the concerns I have raised, and thank you very much, Mr. Speaker.

3:20

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

MR. EVANS: Thanks very much, Mr. Speaker. I'll be very brief with my comments on the general policy of the Bill. Having the great privilege of representing Banff-Cochrane and having the Banff Centre in my constituency, I've been quite involved in the various policy issues that are incorporated into this piece of legislation. I say unequivocally that I support the legislation. I think it is moving in the right direction of ensuring that our advanced education facilities in this province, which are second to none, take on more independence and take on more responsibility for their futures. The Banff Centre has traditionally had much less draw on the provincial purse than the other advanced education facilities in this province, and the intention of this legislation is that they become more independent. As the hon. sponsor of the legislation indicated last evening in this House, it's intended that by the year 2000 the grant from the province of Alberta would not exceed 30 percent of the operating budget of the Banff Centre.

One of the important considerations that is dealt with in the legislation, Mr. Speaker, is the fact that the board will now be made up of board representatives both appointed by the Lieutenant Governor in Council and the board itself and that of those appointments by the board itself there may be members who are non-Canadian. In other words, five of the nine have to be Canadian citizens or lawfully admitted to Canada for permanent residence.

I'd like to spend just a moment referencing the rationale for that, Mr. Speaker. The Banff Centre is of international significance, and it has a great deal of support from a number of other countries around the globe and particular support in the United States, in Japan, and in other Pacific Rim countries. The opportunity to have board membership from countries outside of Canada gives the board an opportunity to again go out to other funding sources and obtain moneys to continue the excellence that the Banff Centre in both the school of management and the school of fine arts is able to provide to Albertans and others lucky enough to have the opportunity to attend at that facility. Again, this is a very, very positive initiative, and I am quite confident it will ensure that the centre will go on and continue to prosper in the future.

On the issue of the union matters and which union will represent the staff, it is my understanding that there have been considerable discussions with the staff about the new legislation, the new package, and that there is great consensus amongst the staff that this is an appropriate measure for the times and that they have

been fully participating in the formulation of the new policies and the new way of doing business that is contained in this piece of legislation. In terms of the Academic Staff Association, in point of fact there have been very few members of the staff who've been members of that association, and rather than continue with a redundant organization, it was intended that that would be eliminated.

In terms of the issue of the Auditor General being the audit source, or a source which is acceptable to government, the view of the board, which was accepted by the minister of advanced education was that, again, taking on more fiscal responsibility for the operations of the centre should entail a greater opportunity to self-regulate and self-audit with generally accepted accounting principles. However, it is very clear in this Act that the control is still in the hands of government to ask for any reasonable information from the Banff Centre, whether that be from the Provincial Treasurer or from the Treasury Board. That again, Mr. Speaker, points out that there is new and important flexibility in the way that we as government are doing business with our centres of advanced education.

So, in summary, Mr. Speaker, once again I applaud the Banff Centre for their creativity, for their state-of-the-art approach to advanced education in the province of Alberta. I congratulate my colleague for sponsoring this Bill, and I hope that it will see quick passage in this House.

Thank you.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I've had a chance to give this Bill a quick cursory glance, and I want to raise a couple of concerns that I have. Certainly, like my colleague from Spruce Grove-Sturgeon-St. Albert I can find a few parts of it that I agree with. I can also find other areas of the Bill that I do not agree with, and I wouldn't be so quick to rush it through the House. I don't think it is simply a housekeeping issue, and I hope that my arguments might persuade members opposite to stop and think a little more clearly before they sort of adopt this and support it *carte blanche*.

I want to begin by just making a general comment here with regard to the Banff Centre, Mr. Speaker. It is what I referred to earlier as part of our infrastructure for the arts, generally speaking, in this province. It is a flagship by which most if not all other centres across Canada are judged. This particular centre has distinguished itself year after year after year as being truly an international drawing card for our province. That impacts on many areas, not just the arts but also obviously on our economy, on our tourism, and so on. We're talking about things like the international film festival or the international weavers' guild or the international dramatists' association or the Songwriters' Association. All of these different organizations have opportunity to visit Banff and do special seminars and workshops there as well as listen to international performers.

While I strongly support that international scope, I am very concerned about the fact that suddenly the membership on the newly proposed board will no longer have to be Canadian. Having said that, Mr. Speaker, I could support and understand why we would like to have perhaps one or two people from beyond the residency of Canada sit as representatives on this board. However, I do not comprehend why we would simply say that only five of nine have to be Canadian. It seems to me that having four members be allowed on to the board from beyond

Canadian borders might be perceived by some as a selling out, and I flag that concern immediately for members opposite. So perhaps they would reconsider that number. That would correct the newly proposed subsection (3.1).

The other thing that comes to my immediate attention as I review the main purpose of this Act, which is essentially to give the board at the Banff Centre more autonomy from government, is that we are creating the potential for the strong arm of government to in fact move in closer and take this under its own iron fist, which it has demonstrated it has the ability to do when it collapsed the Recreation, Parks and Wildlife Foundation with the Alberta Sport Council. We thought that was the end of that particular move. Now we find out that's just the beginning, and they are collapsing that even further under one larger umbrella called the Alberta community development foundation.

3:30

So we see here the strong arm of government reaching even more widely and broadly than it did before. This will surely spell more direct control by the government over a smaller board, because when you take a centre such as Banff Centre and put it all under the auspices of only one board of directors, presumably, as the Act would say, with only nine people, everyone knows that the government would have the ability to influence if not directly control nine people much more easily than it would have the ability to control nine people plus some academic staff and other members of the management team. So it goes without saying, Mr. Speaker, that if it's the government's intention to control a smaller group and impose its political whim from time to time on that smaller board, then they are going about this the right way. Although, I am personally opposed to that particular move.

[Mr. Deputy Speaker in the Chair]

I am a strong supporter of the Banff Centre, having been there on numerous occasions and at the same time also having had the opportunity many, many years ago of even having performed there, Mr. Speaker. So I feel very, very passionate about the role that it has had in terms of the huge number of people that have come through and benefited from its programs.

I am also extremely concerned, Mr. Speaker, about another point, something that my colleague from Spruce Grove-Sturgeon-St. Albert mentioned earlier, and that's the lack of the consultation process. That's directly in relation to what the minister of the environment, who is the Member for Banff-Cochrane, simply mentioned here a few minutes ago. He said that the Banff Centre went about an extensive consultation process. Well, I have sat here and listened now for a year and a couple of months to what this government means by an extensive public consultation process. If that doesn't scare the bejeebers out of many people, I don't know what does.

I have seen it in education. I attended some of those forums and heard what the people at those education roundtables said and then seen what the government has come back with. In many cases it's not even remotely what was brought forward on the floor by free speaking members. It's usually the case that the government has planted the seed for a few things and then tried to have it regurgitated regardless of what the free speakers may have wanted. We've seen the same kind of sham take place with some of the health care roundtables.

So when they say public consultation, at some point I'd sure like the government to give me the criteria that supports what they mean by public consultation. Is that the same kind of public

consultation that they had in mind when the minister of the environment from Banff-Cochrane spoke earlier? I'd sure like to be apprised of it. It's not the type of open, honest process that we were led to believe would take place, so I'm very concerned that that particular statement by the minister be reviewed and elaborated on, perhaps by the minister of advanced ed or the Minister of Community Development or whoever it is that initiated the process. If there are some notes, I'd like to see what the public consultation process told them. Are there some background working notes? It's hard to tell just from the Bill here. All we're getting is presumably the distilled effect of it.

I'd really like to see what the employees at the centre had to say. These are the people, Mr. Speaker, who are the hands-on deliverers of these programs that government sometimes designs or has boards such as the one proposed here do the designing for them. I'd like to know specifically what the academic staff – the teachers, the instructors, the people that we would rely on to create, design, and deliver those programs – had to say about this Bill and the proposed changes, which I would think they might have had some grave concerns about, especially given the fact that they are being effectively wiped out as a voice on the board.

If you take a look at section 30(1) where it says they're "striking out academic staff," it effectively means that their role is being eliminated. Mr. Speaker, as I look at that, I caution members on the other side, as members from this side have done many times before, that we don't want to see a replay of the same situation that took place at Athabasca University, where we had people there from the academic staff try and flag much earlier on in the process of consultations the need for their concerns to be addressed and heard. So I'm very concerned about that.

The other part of that consultative process I would hope would allow for the management of the centre to access the ear of government. I'm not sure that that's related to here at all, because it seems that the management group has also been somewhat shoved into the corner, shall we say or, at least, potentially are being shoved into the corner by this Bill. So I look at that and see the dissolution of something that has worked and worked well.

Just like with the ALCB thing, I saw something that I thought worked and worked quite well, as well. Here I see the Banff Centre yielding the tremendous results for us in all ways, shapes, and forms, be it economically or be it socially or be it educationally, perhaps even politically. I say to myself: what's wrong with that model? If it's costing too much, if it's again a dollar thing, I would have expected dollars to have accompanied this as a briefer note or a background note, something that tells us: here's how much money is being spent on the Banff Centre in terms of management and academic staff and travel expenses and advertising and whatever else. Then on the other hand, I would have expected this government to have told us how they can do that better with less money. I haven't seen the proof of that.

I didn't see it with the ALCB. We're seeing what we would call a botched privatization attempt there, and that flags the question which is of most grave concern to me of everything here that may potentially be represented by this Bill, Mr. Speaker: what's behind this? It's never the government's idea to telegraph too succinctly what it's really up to with some of this legislation. I want to give them a chance to respond, but I want to know what's behind this dissolution. I want to know if this is paving the way perhaps for something much more serious such as the privatization of the Banff Centre. I want somebody to have a look at that and tell me, and if that's it, then give me the reasons for it, show me how it's going to work, tell me how Albertans and



specifically the upcoming artists of Alberta are going to benefit from that privatization. Or is this again going to be some form of a two-tiered system and yet another shot against the arts?

I was so refreshed earlier this afternoon, Mr. Speaker, to see the colleague who sits next to you, the Member for Lacombe-Stettler, speak so positively about the arts and the impact that an arts-related project had in her area with Cybill Shepherd having come there and shot the film. Now, that's just one example of how tremendously impactful the arts can be, but the arts do need a certain amount of autonomy to develop and flourish along the way that we know they are capable of doing. They don't need too much support to do that either.

So I would have to be convinced, and I will fight and argue long and strong and hard if the government doesn't produce something to substantiate this move. I will yell a little louder perhaps if I have to if the privatization of this centre becomes imminent as well. I'm not sure that this isn't the paving of the way for something much more critical. I see the potential here for yet another very, very valuable, shall we say, Alberta commodity being sold off. I don't want to see that happen to something that I so fervently believe in such as the arts in this province. I don't want to see that happen. I don't want to see non-Canadian members coming in and having the ability to dictate to us how something we treasure as being typically, truly Canadian – to see that being eroded. I don't want to see that kind of foreign influence coming in here and buying us up. I don't want to see that happen in health care, I don't want to see it happen in education, and I most certainly don't want to see it happen here in the arts. So I hope the ministers in charge will take a look at that and give me some response to their real serious intentions.

3:40

The other part that I want to just briefly flag here is the role of the collective bargaining unit that is included herein. I'd sure like to know what it is that the collective agreements spelled out earlier, because we haven't had a chance to see that yet, Mr. Speaker. We will in due course, I'm sure, as the debate goes, hear more about it, but I want to make sure that nothing there has been abrogated by this government. There is already, as I said, the demise of the Academic Staff Association built into this, and there is also the eradication of other aspects. I know there's the Labour Relations Board that figures into this as well as the Public Service Employee Relations Act and even the Labour Relations Code. So if all of those bases have been touched, I'd certainly like to know what the responses were, and if there were concerns by groups that are affected by those various Acts and those boards, I'd like to know what those concerns were so that we don't make a mistake.

I don't want to see us going backwards in terms of the development of the arts, certainly not when we're talking about the state-of-the-art class act that the Banff Centre has been. It is our pinnacle for arts development in Alberta and in Canada. We put thousands of young people through that program, and we attract thousands more from all over the world. We have worked too hard as an arts community and too hard as Albertans, who are advocates of the arts, to see that particular image tarnished in any way, shape, or form. I would hope that the government will please take a strong look at that. To not do that would be received by the arts community, generally speaking, as yet another rejection of arts development in our province.

So with those few concerns, Mr. Speaker, I will give up my spot now so that other members of our caucus can perhaps address some concerns that they might have. In the end, I will say this: on the surface I do support much of what's in here, but I do flag

those particular concerns, and I would like them resolved before I make a decision on how I'm going to vote on this particular Bill 42.

MR. DEPUTY SPEAKER: The hon. Acting Leader of the Official Opposition.

MRS. HEWES: Thanks, Mr. Speaker. I must first of all apologize. I was not present last night to hear the opening comments from the member in regard to this Bill, and I haven't yet received last night's *Hansard*, so I haven't had an opportunity to read them. Perhaps some of my comments have already been answered by the member's statements, in which case, as I say, I apologize.

Mr. Speaker, my connection with the Banff Centre goes back decades, longer than I like to think about sometimes. They're very happy memories. They're wonderful memories. They're memories from the time when it was a little rustic collection of buildings perched on the hillside, on the mountainside above the town, really back to the origins of the centre. I would like to comment that over the years I think the centre has been well served by management and boards that have cared deeply about its progress. We've had a succession of excellent people and people who have been committed to the centre, so it's not just survived, but it has soared.

The centre itself: I've been there many times for conventions, for conferences, for seminars, for training, at courses. The environment, Mr. Speaker, as we all know, is absolutely unmatched in the world. It has an ambience about it that allows for even the most contentious events at conferences and seminars to be resolved, because it simply creates that kind of collegial atmosphere and certainly did even from its early days when one slept in dormitories and ate on a production line. So the setting is one that is inspirational, to say the least.

I have always supported the combination of it being an arts school and a business management school. While to many that seemed to be putting two things in competition that were not fairly distributed, I think that, too, has been a very positive kind of event and has served the province and the centre well.

Mr. Speaker, it is safe to say that it attracts people from all over the world and from all walks of life, so it has an international reputation. It is in fact a jewel.

I'm not sure, as I stand here, Mr. Speaker, what the exact motivation of the government is in this Bill, and perhaps the member who sponsored the Bill will help me there. I can't believe that there are any motives that aren't open, but I'm not sure what they are, and I need to know that.

Mr. Speaker, this centre has attracted people, as I said, from all over the world, people who are very powerful: very powerful in the world of business and very powerful in the world of the arts. In a sense, it has an elitist quality to it that could lead, I think, if it is simply made totally autonomous, to putting it into what might be construed as unfair competition with some other educational institutions of our province. I think that needs to be looked at carefully so that we don't create an inequitable situation by allowing a centre that has attracted people who are powerful, who are in positions of great power and wealth to be able to endow this school.

Now, having come from eastern Canada, I do know that . . . What's the trouble, Mr. Minister? Didn't like the reference?

MR. DAY: I just can't believe what I hear.

MRS. HEWES: I do know that our universities and institutions out here have suffered from youth in a sense, because eastern

universities are considerably more heavily endowed and are the beneficiaries of great amounts of private money, where our universities are just beginning to get into that business, though I wouldn't want to see anything that would jeopardize the other institutions of our province by a tilt in this direction.

Mr. Speaker, the Member for Edmonton-Avonmore has mentioned the business of consultation. I said at the outset that I have a tremendous commitment and love for the Banff Centre. I feel as though I have some ownership in it, as do I think many Albertans. I don't want to see that jeopardized either by a move here. The centre has been the beneficiary of many public and private supports. It is heavily supported privately, but it does belong to Albertans, and it is an Alberta investment. I would not want to see any move made however innocently that would in any way jeopardize Albertans' access to this centre. I would want to be sure that it is forever open and available to Albertans and that Albertans will continue to benefit from it, because we have made a tremendous effort over the years to maintain it.

Mr. Speaker, the business of consultation. I didn't know that this was contemplated. I don't know who did know. I haven't been at the centre for perhaps 18 months, but friends and colleagues who have been have never mentioned this to me. So I'm not sure if a consultation has taken place, and perhaps the sponsor can reassure me in that regard.

Mr. Speaker, I'm very proud of the Banff Centre, and as I say, I feel some considerable ownership in it, and I feel that on behalf of all Albertans. I don't want that in any way to be lost to the people of this province.

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

3:50

MR. SAPERS: Thank you, Mr. Speaker. On October 13 the Government House Leader boasted that all the Bills to be introduced in this Assembly for this session would go quickly since the government had thoroughly consulted with stakeholders and, besides, all of these Bills were just simply housekeeping. Now, I don't know who it was that he was trying to put at ease or what it was that he was trying to put over on Albertans. I don't know whether he was trying to calm the fears of his own backbench that they might be here for a while or whether he was just trying to fool somehow the opposition.

#### Point of Order Clarification

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

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

MR. DAY: It's citation 23(h), (i), and (j). I did not say all of the Bills were housekeeping; I said most of them.

MR. DEPUTY SPEAKER: Okay; to the point of order.

MR. SAPERS: Yes, absolutely. The Government House Leader is absolutely correct, and I stand corrected. I know, Mr. Speaker, that he wasn't referring to this Bill when he said that comment, "most of them", because this Bill certainly is not just housekeeping. This Bill represents a fundamental change in the way one of Alberta's assets is to be governed and managed.

#### Debate Continued

MR. SAPERS: Mr. Speaker, autonomy is a really good thing. Autonomy for advanced education facilities and institutions is a really good thing, and in fact autonomy for the management of education, freedom from government interference is a really good thing. It would sure have been nice if this government had kept that in mind when they looked at public education in this province, when they looked at primary education, secondary education in this province and had given the same autonomy there instead of a power grab, as we've seen.

So when I see that kind of inconsistency, when I see what this government has done with education already and then I read what they're planning to do in this case, I can't reconcile that inconsistency. I can't simply trust that the government means what it says when it says that the main purpose behind this Bill is just to give the centre more autonomy, more freedom from government interference. Now, I'm sure that all management of all postsecondary institutions throughout this entire province would love nothing more than to be free from interference from this government. Mr. Speaker, I think all Albertans would like to be free from interference from this government.

Now, what I'd like to say is that if this Bill was really based on consultation, then I think it behooves the government to tell Albertans who exactly was consulted. They certainly didn't ask the 379 staff at the Banff Centre, and obviously they wouldn't, because the Bill proposes to do away with, to dissolve the Academic Staff Association. Not only that, it also proposes that its assets and liabilities will then be given to this new board, which will be picked by the government. Again another inconsistency, Mr. Speaker. It's no wonder they weren't asked their opinion, because I'm sure we all know what they would have been told.

Mr. Speaker, the Banff school of fine arts deserves to operate free of government interference. It also deserves to be maintained as an asset for the benefit of all Albertans. It is an investment that we're all proud of. It has been a valuable contributor to our economy and to our culture. I would hate to think that this government is doing anything to jeopardize that tradition and also that potential.

Mr. Speaker, I'm afraid that on the basis of what we've been told so far, this Bill certainly won't get my support.

MR. DEPUTY SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Mr. Speaker, thank you very much. I haven't made up my mind yet, quite frankly. I think there are some items that could be turning out to be proper and so on. But once again a housekeeping Bill consultation? This has got to be the cleanest house in the province with all the housekeeping that's being done. We in the opposition tend to occasionally look under the rugs, and we see lots of dirt, so we get to be very . . . [interjection] Yeah, we are interested in doing the right thing, and we want to scrutinize everything. I don't want to go overboard either, so I'm really appealing to the Member for Calgary-Currie to give us the straight poke and to allay all our fears.

I have a few fears here. I shall lay them out on the table. I take it that - where are my notes now? Oh, there they are. This government professes to be getting out of the business of being in business, yet sometimes it seems that it's embarked on giving the business of government to business. This is a point that we really want to be . . .

MR. WICKMAN: Big business.

MR. VAN BINSBERGEN: Yes, big business indeed.

So this is the kind of stuff that I want to hear about from the Member for Calgary-Currie. What is going to happen to this? Indeed, as someone earlier asked: will Albertans still be able to freely access at the exorbitant fees that at the moment are being levied, which apparently can only be afforded by Japanese and Koreans and so on? I don't think that's quite fair. Our Banff Centre is indeed an institution of which we're all proud. I think the only thing wrong with it is that it's not located in Jasper, quite frankly, but other than that.

Actually, Mr. Speaker, those are the concerns I have. Autonomous. Yes, it could be very good. Is it going to be privatized? That is the question I'd like to know. What is lying ahead? Is this just the beginning of the next step? Those are the questions I have for the Member for Calgary-Currie.

Thank you.

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

MR. SEKULIC: Thank you, Mr. Speaker. I'm pleased to be able to stand and speak to this Bill, which I admit I haven't had a lot of opportunity to go through. That's because the session opened about two days ago, and 10 Bills were dropped upon us, some 200 pages of potential legislation. [interjections]

MR. SPEAKER: Order.

MR. SEKULIC: Thank you, Mr. Speaker. I had an opportunity to visit the Banff Centre and to be in audience at the centre for numerous performances. I can speak to its international appeal, and I know what its qualities are, but I'm not clear from what I've read in this Bill as to what it may be forced to become in the future. There's just not enough there.

I was somewhat comforted to hear the Member for Banff-Cochrane say that he was involved in the development of the policy of the legislation and unequivocally supports the Bill, because he is . . .

MR. VAN BINSBERGEN: He's an honourable man.

MR. SEKULIC: He is an honourable man; that's right. He also is the representative for the area.

My question that I would pose before the government and the Member for Banff-Cochrane is: what are the economic or social benefits for Albertans from this legislation should it be implemented? What indicators are they, the government, using, in the minister's own terms, to put this appropriate measure in place? Is this initiative fueled purely ideologically, or is it actually for the betterment of Albertans? What will come of this?

[Mr. Acting Speaker in the Chair]

To date we've seen a consultation process, Mr. Speaker, which in my view has been somewhat faulty. It seems that every time a consultation team is put together by this government, they're given a mandate, an outcome, and then they set out on the road to see what Albertans think. I would call the process a process that isn't user friendly, that isn't input friendly. If there was a consultation process in place, why are members of staff upset with

this proposed legislation? Why are they upset? Because they weren't told. So I really do question whether there was a consultation process, and I really do question as to who's been invited to contribute input to this process.

Mr. Speaker, I just had those few comments. I'd like the Member for Calgary-Currie to put forward perhaps in her closing comments: who's been consulted, what the input was. Was there a report generated? But at this point, given what's been put forward in the Assembly, I can't support this Bill.

Thank you, Mr. Speaker.

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

MR. WICKMAN: Yes, Mr. Speaker. I just want to make a few comments on Bill 42. The Member for Edmonton-Manning raised some very, very valid points when he addressed the concern of 10 Bills being slapped down the first day and references being made to this session being housekeeping Bills. Yet when I look through the agenda of what we have up to now, we see a major impact on child care services, lawsuits, the correctional system, government reorganization, and so on and so forth. So, Mr. Speaker, you have to understand that from the point of view of our caucus we tend to go through these Bills very carefully. Even though at times they may appear to be housekeeping, the government may say they're housekeeping, do we know they're housekeeping?

4:00

I refer to a couple of statements that have been made in the past. The Premier of the province on August 31, 1994, according to the *Edmonton Journal* stated very clearly: if there was something to hide, we'd do it. See, Mr. Speaker, that's our fear with these Bills. Is there something to hide that is being done? Then, secondly, on the question of consultation that the good Member for Edmonton-Manning raised, has there been consultation? I refer this time to Alberta *Hansard*, June 1, 1994, page 2389; again the good Premier. On the question of consultation, when asked if it's become redundant, he states very clearly: "In some cases yes." Is this one of these cases where it's become redundant?

Mr. Speaker, I point these things out for you to understand why this early in the session and with information that can be relatively sketchy, there is some caution on our part to move too quickly. I listened to the comments that have been made up to now. Our caucus is one that is a free-voting caucus, where we have the opportunity to vote as we see fit, as our constituents tell us. On this particular Bill it becomes quite obvious that all of us don't share the same point of view. I am one of those that disagree with the position put forward by the previous two speakers and more so the good member here, the very quiet one to the right of myself, who tends to favour it.

So, Mr. Speaker, despite the hesitations I have on what may be hidden in this Bill or some of the other Bills, on this particular one I'm going to take a chance and I'm going to vote yes. [interjections]

MR. ACTING SPEAKER: Order.

The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. It's not very often that the hon. member who was the previous speaker surprises the House in such a fashion.

MR. HAVELOCK: You never surprise us.

MR. COLLINGWOOD: Indeed.

Mr. Speaker, I'm pleased to join in on the debate on Bill 42, the Banff Centre Amendment Act, 1994. I would like to echo some comments of some previous speakers, particularly the hon. Member for Edmonton-Avonmore and the hon. Member for Edmonton-Gold Bar, who spoke very eloquently about the tremendous asset that the Banff Centre is to the province of Alberta, the economic impact that facility has in this province, the attraction, the focal point that that particular facility is to that region of our province, and the amount of tourism industry dollars and so on that it generates by virtue of its excellence, by virtue of its long-standing history as a very quality facility in the province.

The speakers this afternoon, Mr. Speaker, have indicated to you some reservation with this particular Bill on the basis that it may indeed be a step toward the privatization of the Banff Centre. It would be my view that there is indeed some strong evidence in this Bill to suggest that that in fact may be the case. Accordingly, if the sponsor of the Bill is able to provide some answers to some concerns that have been raised by previous speakers and questions by myself with respect to this legislation and is prepared and able and willing to defend this legislation, then I will remain open minded. But unless I get some very clear answers on the reasons why some of the provisions are contained in this legislation, I will continue to be reserved and will indeed vote no.

One of the concerns that was expressed to you – and it is vitally important – is the question of public consultation. It is one thing for this government to say that it conducts outreach programs and is very much involved in public consultation, but then in the first piece of legislation that is tabled in this Assembly in this particular session we now see that the staff and the people who are most involved in this institution were never consulted about the changes, fairly dramatic changes, that the government intends to make with this centre. These people must be consulted. These people are going to be able to give tremendous assistance to this government as to how improvements can be made in the Banff Centre in terms of the context of the government's plan and agenda to simplify, to reduce its involvement. But you cannot, Mr. Speaker, simply go ahead and do that without the input of those individuals who have unique experiences and unique opportunities which play very much into how changes should be made and what the future holds for this particular institution.

So I challenge the sponsoring member of this Bill. Why weren't the people most involved, most concerned, most affected by this particular piece of legislation consulted? The sponsor better have a good reason for me to accept why I should support this Bill without that public consultation process. If the answer isn't a good one, I'm not going to accept it, and I'm not going to let it go at that.

The whole restructuring of the board, as hon. members will see, gets very convoluted as we go through who's going to appoint and will the members appoint other members or will the Lieutenant Governor, and then when we get to a certain point, it switches again. It all gets very convoluted as to how we change the membership of the board.

It also changes in terms of how many of the board members must be "Canadian citizens or lawfully admitted to Canada for permanent residence." As the legislation stands right now, according to section 4(3), "No person is eligible for appointment to the board unless he is a Canadian citizen or has been lawfully admitted." So we now change that. Although the hon. Member for Banff-Cochrane did make reference to it, again there wasn't much of an answer as to why that change has to be made in the

context of improving what we're doing with that and to that facility. That's the only reason that we introduce legislation, Mr. Speaker: to identify a specific problem, a specific concern, and bring forward solutions to cure those particular problems. If it ain't broke, don't fix it. I don't know whether or not in this particular case there is anything that's broke that needs to be fixed, and I'll need much clearer answers from the sponsor of the Bill before I'm prepared to accept that.

There is another section of the Bill that causes me a great deal of concern, and that's section 4 of this Bill, which indeed changes the current legislation where the Auditor General of the province of Alberta will be the Auditor General for the Banff Centre. That section has now been repealed. So no longer is the Banff Centre under the umbrella or the auspices of the Auditor General of the province of Alberta. A simple question, Mr. Speaker: why not? Until I get the answer to that question and a very solid answer to that question, I'm not going to be prepared to support this Bill.

Mr. Speaker, we have seen this strategy come forward by the government previously. There are certain portions of the Bill, there are certain concepts contained in the Bill that are supportable, but I will not simply take the position that because some of the Bill is acceptable, all of the Bill is acceptable. Indeed, I take the opposite view, that if some of the Bill is of concern to me and I am not able to support it, then I am not able to support the entire Bill. I'll continue to take that approach until there are clearer indications as to what the future holds, why we're going in this direction, where the benefits accrue not only to the centre but where the benefits accrue to the government in its agenda. Until those come forward, I will not be supporting the Bill, and I'll end my comments there.

Thank you, Mr. Speaker.

4:10

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

MR. N. TAYLOR: Thank you, Mr. Speaker. I listened to the debate so far with interest. As someone who has attended and worked with the Banff school and helped raise money occasionally, I was quite interested. It says a lot for the Member for Calgary-Currie's ability and charm that she will even have the Member for Edmonton-Rutherford willing to vote for the Bill.

MR. WICKMAN: It's on second reading.

MR. N. TAYLOR: The member says "second reading," but every major trip starts with a small step.

Now, I have a couple of problems with the whole concept. I've got one specific, I guess, and one general. The specific one is: I'm not satisfied until I talk to the Labour people that indeed all is peaches and cream, as the hon. member would point out, and that dissolving the academic staff association and moving from the protection of the Public Service Employee Relations Act to the Labour Relations Code will be greeted with huzzahs and parades through the streets of Banff, waving the flags as if they'd won the Grey Cup. I have a hunch that some of them, when I talk to them, may not be as keen about it as the hon. member is. On the other hand, remembering that the hon. member probably just read the briefing notes, as I often do, maybe she hasn't thought about it either.

The other one is more general, Mr. Speaker.

If I could get the Government House Leader to turn around and quit distracting the member that I am trying to address – I would be happy if you would step in.

Actually, the general part that I'd like to mention to the hon. member that bothers me a bit is that when you turn an institution like this loose to raise its own money . . .

MR. DAY: Go ahead, Nick. We aren't listening anyway.

MR. N. TAYLOR: I don't know who has the floor, the hon. House leader or me. Mind you, I think he'd be listening more if I was looking at his eyes other than at his bald spot. Mr. Speaker, I will compliment his barber. It doesn't shine as much as it did last year.

What I am concerned with is when you take an organization such as this and turn it loose on the financial community. This organization has two main thrusts. One is to management and to educate management people and to go out to the future vice-presidents of not only our organizations in Canada but many of the international ones. [interjection]

I'm still having trouble competing. Mr. Speaker, I think it is very rude when they turn around and start conversing and talking here.

#### Speaker's Ruling Decorum

MR. ACTING SPEAKER: Hon. Government House Leader, would you mind? You're bothering the hon. Member for Redwater. He really doesn't like the back of your head, and I don't think it's really in order for everybody to be turned around. Would you mind facing . . .

MR. DAY: I guess it's a Mexican standoff, because I don't like the front of his.

Certainly, Mr. Speaker, I'll comply with your request. I do not know that there's anything in *Beauchesne*, Standing Orders, or *Erskine May* that suggests that when you're seated, you have to be facing a particular direction. But not wanting to cause any disruption for the time being, I will from time to time glance forward and try and deal with that.

MR. N. TAYLOR: Mr. Speaker, with a promise like that, I will be exhilarated and go through the whole rest of the session.

#### Debate Continued

MR. N. TAYLOR: Back again, though, I want to ask the hon. Member for Calgary-Currie if they've thought about it, because when you have an organization that is devoted half or three-quarters, as this case may be, to catering to the rich and the filthy rich of North America in giving them management courses and so on and so forth – and they'll gladly kick out money, and I'm sure that's what the government sees when they see separating it. But also running alongside that, because of the location of that, we have the Banff School of Fine Arts that was originally established when old Senator Cameron set it up many, many years ago. And fine arts, everything from the violin player to the artist, that we honour today through – I have a feeling that those fine arts, which were always run parallel as long as we had government control, are going to get the worst end of it, Mr. Speaker.

The Massachusetts Institute of Technology is not famous for the violinist that it helped to develop. Cal Tech is not famous for the violinist they helped develop. The Bedford institute in Nova Scotia is not famous for the artists they developed. Now those have become institutions that are geared to large corporate America or the large corporate world, and people that are sitting

there learning art or music are going to be very quickly shuffled aside. I see nothing in the setup here, where you're allowed to bring in members to help you raise your money and that, where the courses in the future won't gradually – well, not even gradually – might speedily push aside one of our great artistic schools that we have.

Now, it is interesting to note in the arts and it is always of interest to me as an historian that nobody could name you a great Venetian capitalist or a great Roman capitalist or for that matter even a great Victorian capitalist, but they can tell you who were the great painters and great artists of the day. In other words, as Kipling said: the work they did are the things that are more excellent. We have one of those in Alberta. We have an arts institute that is widely recognized around the world.

Now, what I'm worried about is why jeopardize it by pooling it with somebody that has a corporate agenda to raise money unless there's some way – this is what I'm asking; I'm almost pleading with the hon. Member for Calgary-Currie, because I know she has a very vital interest in education. How will we protect the nonbusiness faculties when we go to a wide-open range of selecting and raising money? Until I hear more about that, I'm going to be constrained. I'm always willing to be persuaded, as the hon. Member for Edmonton-Rutherford will, because I could fall under the charm of the government and immediately see through the clouds. They'd break up and a shaft of light would come through, and I would see just how the arts are going to be protected in this exploitation of the corporate pockets of North America in order to finance this institution.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I, too, will speak against the Bill at this point in time. Having had a look at Bill 44, Bill 42, and the Banff Centre Act and given that we've only had two days to look at these particular Acts and try and understand what the rationale is for Bill 42, because that's the one that we're talking to, it seems to me that what we're looking at is privatizing a public institution. If that's what the plan is, then the government I think should be forthright in terms of that plan.

Now, when you look at Bill 44, what it states outright is that what should be added after Banff Centre – and right now it reads, "a public college" – is "a non-profit private college." So in other words, we are looking at privatizing the Banff Centre. Now, if that's not the case, I would like to hear that outright from the hon. member who has brought this particular Act forward.

When I listen to what the minister of the environment said, my understanding – and I'll need to check the Blues on that – is that the intent of the government is so that the funding is 70 percent funded from the private sector and from sectors outside of Canada, because that was the rationale used for changing the membership of the board.

Now, let's take this and play with this a little bit. We've now got a public institution that is going to become private that's in a federal park. So you would think there is some federal jurisdiction that needs to be looked at as well. My question is: what does the federal minister have to say about this? Because when you look at the Banff Centre Act and what it says that the Banff Centre and its board is supposed to do, it says that the Banff School of Fine Arts is continued as the Banff Centre, et cetera, and is there for "the object of providing to the public" – to the public; this is not to private people who can pay funds, but to the

public – "the opportunity of access to a broad range of learning experience." Okay. So that's what it says. It's open to the public, not to be a private institution within a federal park.

The other part of it is in terms of when we look at this private board – because that's what this in essence does; it's supposedly arm's length, but I believe it sets it up as a private board – and what that does. What happens is that the Auditor General of this province no longer can look at what this private board is doing. That portion has been repealed. If you look at it – it's in here – that portion has been repealed under the new Bill 42.

4:20

AN HON. MEMBER: Section 4.

MS LEIBOVICI: Thank you. Section 4, which says, "Section 6 is repealed."

Now, in terms of managing and controlling the Banff Centre, what does the board have the opportunity to do? Is the board just there to deal with some of the affairs of state, as it were, or does the board do more than that? When you look at what the board does, which is section 17 I believe, it may "provide for the establishment, management, investment and winding-up of a pooled trust fund." It may also do other things such as erect buildings, purchase land. Again, we're in a federal park. So here you've got a board that is private that can supposedly purchase land in a federal park and do various things of that nature. It may – and this has been deleted, because the minister could review this before – "from time to time review, approve, amend . . . new buildings, major alterations . . . leasing of buildings," et cetera, et cetera.

Now, what's interesting is that the section that hasn't been repealed is the section that says that the government is still on the hook. We are still on the hook. The government of Alberta is still responsible for this board if they happen to default. Now, isn't that interesting? We've just had a whole session on Bovar. We've just, you know, come out of the NovAtel quagmire. We've just said that, no, this government will not guarantee loans; this government will not back up and be in the business of being in business. But yet we're still on the hook in here. So if you're going to privatize, be up front, let everybody know, and privatize. Then we have something at which to look, in a sense. But if you're not, then don't play this game where we're one foot in and one foot out, because that's how you end up with a situation like Bovar.

The other thing this board can do – and this is again now without the approval of the minister – is to prescribe the rates. So whereas before it may have been open to the public to gain access into the Banff Centre, what you're now possibly going to find is that perhaps the rates are \$10,000, perhaps they're \$20,000, or given the exchange rate, perhaps they're more than that in order to get a course there.

The question is: if the whole reason is to give autonomy to the board, then why do we need to take the staff association and in essence decertify that association? I could understand saying that we will take it out of the PSER Act and put it into the Labour Relations Code, because if you're privatizing, then you're right. These employees are no longer public servants. But if what you're doing is saying that we don't want the union there and we want to union bust, then this is the way to do it.

You have allowed for some carryover under the Labour Relations Code, but then what you've said is that what will happen – I can't understand this, and I'm hoping that the member who's brought the Bill forward does understand it – is that the

staff association will dissolve and cease to exist. Then the minister – all of a sudden we've got the minister back in the Act – is going to appoint a person to settle the affairs, and that person may sell and dispose of the assets. Where does this money go? This is money that the staff association has paid, I would imagine. But where does this money go? It's going to go to the board. Can you imagine? You pay dues. You've bought a typewriter, or you've had a computer bought. Then the assets are going to be sold, and what happens is that those moneys go to the board. I don't understand it, and I know that the member does because she sponsored this Bill. So I need to have those answers.

In looking at *Hansard* from last night, what I noticed was that the member who sponsored the Bill indicated that the employees who were going to be affected were support staff. Well, that's not my reading of the Bill, because the support staff would not then be the academic staff association; the support staff would be the nonacademic staff association. So perhaps the member – you know, in terms of when we speak, we sometimes don't use the proper words. If the meaning was the academic staff association, then I would indeed like clarification on it, because I've been getting calls from the nonacademic staff association saying: "If this happens to this group, then what happens to us? What is happening with us?"

My problems with the Bill are very simple. What we're looking at is closing access to what was a public institution. We are looking at privatizing a public institution. We are looking at busting a union, from my reading of it. It seems to me that we've got another example of abuse of power by this government who feels that they can break contracts at will without any need to consult. Now, if there's consultation, let's have it. Let's have the reports. Let's see what they said. If the federal minister has been consulted, let's see the reports of that as well. But until I see those, I will not vote for this Bill.

Thank you very much.

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

MRS. BURGNER: Thank you, Mr. Speaker. I'm pleased to take the opportunity to conclude debate on second reading. A number of questions and obvious valid concerns have been addressed. This is ground breaking legislation, and I think the issues that have been identified are worthy of serious consideration. I believe that in Committee of the Whole we will have a chance to take apart some of those issues and rebuild some confidence in my colleagues. I would like to speak to a few of them though, because as this is the end of this week's session, I wouldn't want people to lose sleep worrying about the Banff Centre over the next 72 hours.

One of the comments I would like to make is of significance given that the school is located in our national park and is a flagship for a number of reasons. I appreciate that we haven't had the Bill for very long. I would like to draw attention to page 1 of the Bill under the section "The board shall consist of", which is about four lines down, and perhaps in haste it was overlooked.

The board shall consist of . . .

- (b) 15 members appointed by the Lieutenant Governor in Council one of whom shall be nominated by the federal Minister.

That is consistent with the previous structure in terms of appointments to safeguard that very serious concern that you addressed. That process has been in place for a long period of time in order to safeguard the relationship of the school and the park and the federal responsibility. It has not been overlooked, and I hope that

solves that issue for a number of you. I can't move it to Jasper. That's beyond my purview. But we can make sure that the federal minister has a say in the board appointment.

I would like to talk about the issue of urgency. This was brought to the attention of the debate this afternoon, and I would like to talk briefly about our history fiscally with respect to the Banff Centre. I can assure you that the Banff Centre has been involved over the long process. Most specifically, in the tabling of the budget in February of this year along with the three-year business plan, the significant reduction of close to 39 percent of the funding for the Banff Centre was part of that business plan. This is now October. There has been serious time to consider what the implications of that three-year business plan were.

To assure you – and I would probably leave it up to other colleagues – the centre itself has worked extensively with the department in determining what kind of restructuring would benefit them. Quite frankly, with the fiscal restructuring the opportunity was given for them to be able to implement some of the initiatives that they felt would best allow them to develop the artistic community under the guidance and the direction of the Banff Centre as we know it.

4:30

I'm not in a position right now to name the various workers and staff people and board people who have been involved. I'll check with the department as to whether or not it would be appropriate to name them. But I think that issue of consultation and development of these initiatives as a direct result of consultation between the Banff Centre and the department is crucial for you to have some comfort level, so I hope that that can come forward shortly.

I would also just like to mention . . .

#### Point of Order

##### Questioning a Member

MR. ZWOZDESKY: Mr. Speaker.

MR. ACTING SPEAKER: On a point of order?

MR. ZWOZDESKY: Yes. I wonder if the hon. Member for Calgary-Currie would entertain a brief question in the spirit of debate.

MR. ACTING SPEAKER: Hon. Member for Calgary-Currie, would you like to have a question?

MRS. BURGNER: Mr. Speaker, I think we'll take the questions in committee. I'd like to continue in my concluding remarks.

#### Debate Continued

MRS. BURGNER: I would also like to just identify the context of the Banff Centre, because I think it's important that that philosophical discussion be understood as we go into the restructuring. The concern that any move to privatize or to focus more internationally on the Banff Centre, that that would in some way disrupt the ability to develop the arts in Alberta, should be put to rest because of the fact that the Banff Centre at the time it was created was one of our few institutions which had significant art programs. That is no longer the case. As a result, the uniqueness of the Banff Centre, in specializing in a high level of artistic merit and career development with respect to artists, has now given them a unique mandate that does not exist in other institutions which do offer arts programs. So again I think that context of

where it sits in the community as a player should be something that you would consider.

Mr. Speaker, I will take note of the number of issues that were raised and be prepared to respond more specifically when we get into committee. I thank you for the time that you have given to discussing it and to the hon. Member for Edmonton-Rutherford.

[Motion carried; Bill 42 read a second time]

#### Bill 46

##### Hospitals Amendment Act, 1994

MR. ACTING SPEAKER: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Speaker. I'd like to start by making it perfectly clear, due to the comments that have been made in the various media, that Alberta Health will always provide Albertans with the care they need as a result of injury. The third-party liability program allows Alberta Health to recoup some of those costs on behalf of the taxpayers in cases in which there is liability of a third party. This recovery process does not affect the care that injured persons receive.

Under the Hospitals Act, Alberta Health has had a third-party liability program since 1962. Under the current program Alberta Health recovers costs incurred as a result of a wrongful third party. The Hospitals Amendment Act expands the third-party liability so that Alberta Health will be able to recover all health care costs.

Under section 58 of the existing Hospitals Act the Crown has a subrogated right to sue wrongdoers for hospital costs, which means the Crown can only go after costs if the beneficiary sues the wrongdoer. The new right to recover under Bill 46 is an expansion of this program in two ways. This Bill expands the cost availability to be recovered to include not only hospital services but doctors' services, ambulance services, and mental health and public health services as well. Such costs are recoverable in other provinces.

Secondly, this Bill eliminates the Crown-subrogated right and replaces it with an independent right of action. Whether or not the injured person chooses to pursue a claim, the Crown will still be able to recover the taxpayers' money.

[Mr. Deputy Speaker in the Chair]

The Act will not require creation of new forms of insurance. Standard automobile insurance, home owners' or occupants' liability insurance will cover these claims. Because of the increase in the scope of costs that will be recovered, companies may raise premiums. I would note, however, that the Department of Health estimates the increased costs to the insurance industry will be around .5 to .15 percent of their total liability claims. That premium increase negates any large increase in premiums, with that little bit of increase in their actual claims of .5 to .15 percent of their liability claims. Any large premium increase would be totally unjustified.

Regulations will be based on the current policy of the department, in which no actions are brought if the beneficiary and the wrongdoer are members of the same family. As well, I can clarify again that this is a third-party liability program.

The Member for Edmonton-Glenora has stated publicly that this Bill paves the way for government recovery of costs from people who may have a bad diet or drink too much or don't get enough exercise. Such comments are ridiculous and misleading. The

opposition health critic has stated that this Bill suggests – and I quote from the *Edmonton Journal* of October 15 – that "this government wants to get out of the health care insurance business altogether."

Mr. Speaker, the Department of Health spends almost \$4 billion on health care service in this province, and we want to recover about \$12 million of taxpayers' dollars. I do not see that this is a great plot to erode the health care insurance program. We fully support the public administration of health services in this country; the Premier and the Minister of Health have stated this constantly throughout the province. This government believes that in certain circumstances it is reasonable to recover funds on behalf of Alberta taxpayers when a wrongdoer has caused cost to the health care system.

I would urge the support of all members in passing this Bill.

Thank you.

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

MR. SAPERS: Thanks, Mr. Speaker. I will give the hon. member the opportunity to join me the next time I give an interview to the *Edmonton Journal* so he can get the benefit of my full range of comments. Of course, I would like to note that in the Information Bulletin dated October 17, 1994, Background on Hospitals Amendment Act, circulated by Alberta Health to this Assembly, in fact to all Albertans, it states:

The Government has never discussed the possibility of expanding the program to cover self-inflicted injuries, lifestyle-related conditions, or similar circumstances.

Of course, this government barely ever really discusses its true intent. It doesn't mean that they're not going to do it. It doesn't mean that this legislation in fact doesn't pave the way to the end of publicly administered medicare in this province.

Mr. Speaker, this Bill is troubling for an awful number of reasons. What we have is a Bill that would allow Alberta Health to expand the third-party liability program to recover all health care costs from so-called wrongdoers. Currently the government, of course, can only collect the cost for hospitalization, which is the standard in most other jurisdictions in this country. The government would have the right to initiate legal action against these so-called wrongdoers. Currently they can only add their claim to litigation which was initiated by a third party, by somebody else, which is the way that the insurance industry and the legal society seem to prefer things.

4:40

Mr. Speaker, this means that if somebody is at fault in a motor vehicle accident or if they're perceived to be negligent in maintaining their property, the government, their government, the government they pay taxes to, can use those tax dollars to sue them in order to recover all past and future health care costs, which they paid their tax dollars in the first place to provide for them. This doesn't make an awful lot of sense. Of course, it might to this government of the day.

Now, there is no doubt in my mind that this Bill, if it became law – and heaven help us – will increase the cost to Albertans, to the present system. There's no doubt about that. Insurance premiums will increase by more than \$10 million, which the government suggests that they hope to recover. The hon. member talked about .5, 1.5, .15. I'm not sure what he based his figures on, because the Insurance Bureau of Canada informs me that

nobody from the government ever consulted with them about what the impact on premiums would be.

Now, insurance rates will increase not only for individuals, but they'll also, of course, increase for small businesses, municipalities, and any other group that requires liability insurance. Mr. Speaker, this Bill will increase bureaucracy. This government says they want to cut red tape. They say they want to reorganize and slim down and trim down, and what do they do? They present us with a Bill that'll do nothing but add layers and layers of red tape and layers and layers of bureaucracy. This is because of the increased reporting requirements for insurance companies, the increased files that'll have to be kept. This information will all have to be managed somehow by Alberta Health, and not only by Alberta Health, but it'll have to filter through all 17 of the new regional authorities.

Many, many questions in this Bill, Mr. Speaker, in regards to personal privacy. We have a freedom of information Bill, and that Bill of course addresses personal privacy as well. We haven't seen the regulations of that Bill, yet we are given another Bill which could seriously jeopardize the personal, confidential information of Albertans. Of course, maybe we shouldn't worry about that, because it will be left to the regulations. Little comfort that brings us.

Mr. Speaker, would the government have access to all medical records? Well, according to this Bill they will. Will these medical records potentially be used against them? You bet. They'll be used to determine not only what kind of health care was given but when it was given and was it as a result of the so-called wrongdoing.

The government will now have the power to sue individuals in order to recover costs for health care. What will happen, I wonder, if that individual doesn't have adequate insurance coverage or maybe has no insurance coverage at all. Will we see individual Albertans being put into bankruptcy by this government because of their failure to live up to their responsibility to adequately resource a health care system for which we all provide tax dollars?

I'd like to remind the Assembly that a couple of years ago the Conservative government in this province proposed a similar Bill. In 1992 Bill 22 was introduced. That Bill was ridiculed. It received such negative reviews from consumer groups, from the insurance industry, from the legal community, from the medical community that it was left to die on the Order Paper, and I suggest, Mr. Speaker, that's exactly where this Bill should be left to die.

Mr. Speaker, the government did not proceed with the 1992 Bill because they said they wanted input from stakeholders. Well, they've heard from those stakeholders. They've heard from the consumer association. They've heard from the insurers. They've heard from the doctors. They've heard from the lawyers. Nobody wants this Bill; nobody, that is, except the government. I have to ask myself: what is it that motivates them?

Now, this Bill which amends the Hospitals Act – and of course with other amendments to the Alberta Health Care Insurance Act, the Ambulance Services Act, the Mental Health Act, and the Public Health Act – will allow Alberta to recover these costs and any costs that may come in the future as well. Now, a wrongdoer in this Bill is defined as "a person whose wrongful act or omission results in personal injuries to a beneficiary." Mr. Speaker, since when did somebody who had the misfortune to be involved in a tragic accident deserve to be labeled as a wrongdoer? Since when



is it appropriate for this government to begin to lay blame when somebody suffers a tragedy?

Section 2 of this Act would allow the minister to access any medical records deemed necessary to enforce the Crown's right of recovery, and this section cannot be read in a vacuum. This section has to be viewed at the same time as we see other legislation and other proposals by this government that would enhance the government's ability to collect and file personal health care data. This is the same government, Mr. Speaker, that wants to create an entirely new filing system and repository of health care and personal information, and I can only suspect that they will not use this information for only the most benign purposes. They will use this information, I suspect, to try to wrench every last penny they can from the people who have had to suffer the consequences of an accident.

Mr. Speaker, section 3 repeals all the current legislation which allows the minister to add a claim to hospital care onto any court action initiated by the beneficiary against a wrongdoer.

Now, section 4 is really the basis of this Bill. This is really where we get to the crux of the matter. Section 4 adds new sections 80 through 103 to the Hospitals Act. This defines the way in which the Crown will have the right to recover health costs.

Sections 80 to 85 outline the percentage of health care costs to which the Crown is entitled if the beneficiary is found to be partly responsible for the accident, partly responsible. It also details how interest will be calculated.

Sections 88 to 90, for example, give the director the power to determine the value of past and future health care services required. Of course, all the rules for structured settlements will be detailed here as well. So the director will have this incredible power to detail not only what it might have cost in the past and come up with a schedule of cost, but he also has the ability to project into the future and determine what those future costs might be to hold the taxpayer responsible for.

Now, section 102, Mr. Speaker, is perhaps the most outrageous in that it brings us back to this government by regulation. Will this government do everything in the light of day? Absolutely not. What we see again is more legislation by regulation, more closed-door governing, more closed-door money grabs away from the taxpayers of this province. Section 102 outlines the many issues that will be controlled by regulation. Let me just refer to a couple of them. Section 102(1)(f) says that – not in legislation, not for public debate, not for scrutiny but behind closed doors by regulation – regulations will be made

respecting the payment of legal counsel, physicians and other persons for services provided to the Crown for the purposes of the Crown's right of recovery.

Subsection (g) gives the incredibly broad, sweeping power by regulation

generally for giving effect to any of the purposes of provisions of this Part.

They can do anything they want by regulation.

Subsection (2):

The Minister may make regulations . . .

Not even by order in council, but the minister alone may make regulations

. . . for the purposes of determining the Crown's cost of health services,

- (i) respecting what is a cost of the Crown, and
- (ii) respecting whether something is a capital cost or an operating cost and whether a health service has a capital cost.

Broad, sweeping powers of regulation and totally unacceptable in a democracy.

Mr. Speaker, I'd like to know exactly whom this government did meet with, whom they did consult with. And while we're on the topic of consultation, as if it mattered with this government anyway, this government is so plagued with selective hearing that we can see from almost every other initiative that when this government does consult, if they don't get told exactly what they want to hear, they just filter it out and we get exactly what this government wanted to do anyway. Consultation, however, real consultation would have convinced this government that this is unwanted, unnecessary, expensive legislation. This is contrary to the stated purposes of the government's three-year business plan. In fact, their document entitled *The Bitter Way* – pardon me; that's *A Better Way* – and their three-year business plans . . . [interjection]

Welcome back, Mr. Treasurer.

MR. DINNING: It's good to be back.

4:50

MR. SAPERS: Mr. Speaker, this proposed legislation is nothing if it isn't inefficient. We have a system that will require medical records to be kept for almost an indefinite period. We have a proposal that will require the Department of Health to monitor the medical aftermath of every accident for at least two years, because it's at least that long that somebody will have the opportunity to enter into a claim. The government will have six months beyond that to enter into their own action. Then, we all know, with this kind of litigation this could drag on for years and years and years. It is not unusual to have these kinds of claims drag on through the courts for a considerable number of years.

So Alberta Health now is going to have to be able to manage all this information. Nowhere do we see a calculation presented to this Assembly, presented to the taxpayers of Alberta to tell us, if on the one hand they expect to recover up to \$10 million, what they will have to spend to do that. What will be the cost of paying the Crown lawyers? What will be the cost of setting up the courts? What'll be the cost of maintaining the bureaucracy? What'll be the cost of the filing and retrieving of that information? It'll be a horrendous cost, and anybody with any common sense could look at it and determine that that cost would far outstrip the proposed or expected recovery. And that, of course, also doesn't pay any attention to the out-of-pocket costs of every Albertan who must be insured and whose insurance premiums will no doubt go up an go up and go up again as a result of this very ill-conceived legislation.

Now, the Canadian health care insurance system is already far more efficient than the private systems that we can see in the United States. Canadians spend just under 10 percent of GDP on health care – 9.5 percent, I think it is – compared to over 12 percent for our American cousins. Is this government so bound and determined to Americanize our system that they can't wait to make sure that Canadians spend just as much of their GDP on insurance costs as Americans do? It would certainly seem that way. There is no doubt that Albertans will pay more and they'll keep paying more as a result of this legislation.

Insurance premiums – pay attention, Mr. Treasurer – are based on total claims, usually rated over the last six months. Now, if claims increase by \$10 million, then the insurance companies will want to increase premiums by at least that \$10 million plus, let's say, commission of maybe 12 percent and increase in expenses in their own administrative costs of another 10 to 15 percent, not to mention their own law costs. Of course, insurance companies being in the business of being in business, they want a return on

their investment, and that in the industry is usually around 10 percent. We can see easily how this will do nothing but cost everybody much, much more money. It certainly won't do anything to make our health care system more efficient nor will it do anything to control costs in health care nor will it do anything to help protect the quality of health care services. What this likely will do is create employment for lawyers and maybe insurance agents.

Mr. Speaker, if this Bill gets past this stage – and I hope it doesn't – there will be opportunity to bring in many specific changes, but really this Bill should just somehow disappear off the Order Paper. I think it would behoove the government to take it off the Order Paper, to go back and do their homework, talk to the Insurance Bureau, talk to the consumers, talk to the medical profession, talk to the legal profession so they can once more be reminded why a similar Bill was allowed to die in 1992. That's the fate that this Bill should have as well.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Speaker. I'm rising to speak on this Bill, and I'd just like to initially paint a scenario. The scenario is that of a drunk driver, and I'll just sort of walk the Assembly through what happens in a drunk driver injury accident. You probably see the gentleman or the lady sitting in the bar all evening. Driving down the road intoxicated, all of a sudden they come across a family that they run into and cause serious injury. That family is then put in the hospital, is hospitalized, and all the treatments are paid for by the taxpayers of Alberta. The car that the drunk driver was driving is fixed by the insurance company. It's paid by the insurance company as it is part of the accident, yet the people that are now in hospital are not considered part of the accident. And why, Mr. Speaker? Purely because the state picks up the bill.

I've just heard about the out-of-pocket costs, because their premiums will go up, of people who must be insured. Well, Mr. Speaker, I'm missing something here, because to me their out-of-pocket costs are paying for the health care of the people that were injured in that accident. There are things such as risk categories. If you are a drunk driver, you are going to be paying more of a premium to protect the people that you have put in hospital, to pay for the hospital costs. This is something that's been missing in the last discussion.

The insurance company is guaranteeing a profit. Again, that is the fundamental behind business. Last evening one of the hon. members was complaining about the dreaded eastern bankers. I wonder how he would talk about the insurance companies. Is it suddenly all right for the insurance companies to make money but the dreaded eastern bankers not to? I'm missing something here again.

Part of the Bill states the access to medical records. It is done through the courts, Mr. Speaker. Perhaps the hon. member that just spoke believes that the courts are not acting in the best interests of the people involved and would give that information out to the *Calgary Herald* or the *Edmonton Journal*. I have more faith in the courts than that, and I'll say that in front of you. I think it's important to note that the medical records should not be made public, that there do have to be programs to prevent them from being public. I think the hon. member had a very valid concern about that, and this concern was addressed by the fact that it had to be released through the courts and the courts could direct who it was released to and what information was actually released.

He made a point about the layers of red tape, and I must truly say that that is a valid point. I think perhaps in our committee deliberations that's something that could be brought forward, as to whether or not there actually is going to be an increase in bureaucracy or whether or not there is going to be a huge increase in the amount of red tape and expense. For that reason, it does need to be looked at.

I would put it to you, Mr. Speaker, that this is fundamentally correct, in that even if it does not cost us money, if it breaks even, the whole concept of a drunk driver putting a family in hospital and having the state pick it up is fundamentally wrong. Just because it's the state, just because it's society, it does come out of taxpayers' money. Even though it is not direct, in the form of insurance premiums, there are ways to penalize, by paying more premiums, the people who have a history of violent behaviour such as drunk driving. I think that's the fundamental problem with the previous argument: it assumes that health care of these injury-related accidents is free. Well, it's not. It's you and I, as taxpayers of Alberta, that are paying for this.

I've heard in the past two days about loan guarantees, how the government should not have loan guarantees. Well, Mr. Speaker, when I as a taxpayer pay for a drunk driver putting a family in hospital, to me that's a lot worse than a loan guarantee.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for West Yellowhead.

MR. WICKMAN: Thank you, Mr. Speaker. I want to make a few notes on Bill 46. When we dealt with Bill . . .

MR. DEPUTY SPEAKER: Sorry to interrupt, Edmonton-Rutherford. Perhaps the sound system is not working well. I had seen West Yellowhead rise first. If he's not going to speak, then I'll call on Edmonton-Rutherford. But he had indicated on two occasions that he was – at least I thought it was a movement upwards. Perhaps it was just a readjustment at his desk. [interjection] You're deferring? Okay.

Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Speaker. I believe there was a list that had been sent up there. Maybe I'm incorrect.

Mr. Speaker, I just want to make a few comments on Bill 46. The real debate, the real questions will come, of course, during committee stage. When we dealt with Bill 42, members of our caucus were a little more willing to accept that as a Bill that some opposed and some could support. However, when we look at Bill 46, I believe it's an entirely different story. I believe this is one Bill that this caucus will be very, very united on, not because some Whip has said that it shall be so, but I think a little bit of common sense when we go through the Bill allows us to each form that same opinion.

I look at this Bill, and I see a degree of government madness involved. Again I reflect back to the statements that were made by the Government House Leader that this was going to be a session of housekeeping Bills.

5:00

Mr. Speaker, when we talk in terms of housekeeping Bills, I tend to look at housekeeping Bills that make amendments, technical amendments, little corrections to Bills to make them absolutely correct, not to totally change the system, not to revolutionize the system whether it be for the better or whether it

be for the worse. This without question has major, major implications, and how one can say that it's a housekeeping Bill, I don't know. Possibly the intent of the government is again to introduce this Bill, allow for some participation, allow for consultation, allow it to sit on the table till the spring session. I would think that would be the logical course of action for the government to take, and it would not surprise me if in fact that is the intention of the government.

However, again, as I said on Bill 42, I do tend to question the style of operations of the government as to whether they intend to use the logical approach or if they're going to ram this Bill through along with all the other Bills in this fall session. I would certainly hope not. There are people that want to consult. There are people that want to participate. There are people that have already spoken out.

Now, the Member for Edmonton-Glenora has made some very, very valid points, and he touched on the American style of government. It's almost as if somebody has gone down to the United States, studied the worst parts of their system, brought it back to Canada and is saying that Ronald Reagan was a good president while he was there and we're going to do some of the same things that were done during the Republican style of government. Mr. Speaker, it does not make any sense why we in our country with the health care system, the medicare system that we have would compound existing problems by introducing this type of potential burden on consumers, on insurance companies, and so on.

Now, the Bill has been tried before, a very, very similar Bill, and of course that Bill didn't fly. That Bill didn't fly because of the resistance that came from the community, particularly consumer groups, and that resistance is going to come again. If there's one thing I have to say about the Premier, he has certainly shown signs that he is not prepared to blink. It's almost like a blindness that he has to reality at times, and there is no shame at times to kind of just blink and hesitate. To just ram everything through . . .

MRS. SOETAERT: He's usually asleep.

MR. WICKMAN: Well, sometimes he is, yeah.

Mr. Speaker, I simply don't understand the strategy being used. Earlier on we talked during question period in terms of implications where this government intends to introduce other legislation that basically tells the Albertan out there that you no longer have the right to sue us as government. Then on the other hand, what is government doing? Government is saying: but we have the right to sue you on top of all the other problems we may cause you.

Now the points that have been addressed by the Member for Edmonton-Glenora, the ones that I think really have to be touched on. The costs associated with this whole exercise – the cost to the affected parties, the cost of the increased bureaucracy, the cost in legal fees – are just going to be tremendous, and there's some question as to whether those costs are even going to be less than the amount of savings that the government may incur or the amount of additional revenue they may incur.

The bureaucracy. Yes, one government member has stood up and talked in terms of the increased bureaucracy, and it's got to be there. It's got to be a tremendous increase in bureaucracy.

The invasion of privacy. Certainly the invasion of privacy has to be a real threat, has to be a real concern. There may be

lawyers out there that are saying: "This is great. This is going to give us additional clientele."

Mr. Speaker, there are others that want to speak on this Bill. There are others that want to voice their concerns on this Bill, and as I said earlier, the real debate will start when the Bill gets into second reading, but it does . . .

MR. DINNING: We're in second reading now.

MR. WICKMAN: Committee stage. I'm sorry, Mr. Treasurer. My apologies. I was incorrect there.

Mr. Speaker, when we get into committee, we will see – I don't even know if there's anything in there to even start amending. It's difficult to amend something that is as bad as this particular Bill is. But the one advantage about having this system of second reading, committee, third reading, and so on is it does give government a bit of a chance to pause, to think about what they're doing, if they want to think about what they're doing. It does give the Albertan, the people affected, the opportunity to pick up the phone, to write letters to let their elected representative know how they feel about a particular piece of legislation. I hope that that happens in this case, and I would hope that the government will respect that input, and I would hope that the government would put an end to this particular nonsense that we see in front of us.

MR. DEPUTY SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. Bill 46 before us has of course been subject to an intense amount of consultation, and we've had the usual number of roundtables, I'm sure, undoubtedly chaired by that same prominent family that seems to have cornered the market on chairing roundtables. Back to this Bill here, though. I have a great number of questions, and I tend to be somewhat negatively disposed towards it, but of course being known for having an open mind, I'm really open to having lots of answers to my questions. So let me lead off with the questions here to the member from Sylvan Lake.

First of all, I'd like to know which groups were consulted other than perhaps the Law Society, because this Bill would obviously be a boon to lawyers. Apparently consumer groups and the insurance industry have not been consulted, according to our information. I understand that the government would have the right to initiate legal action against any wrongdoers, and we're not just talking, I believe, of cases where criminal negligence has been established. What I'd like to know is: whenever the government is doing that, would its claim supersede all other claims? So that's a question for the member from Sylvan Lake.

The Member for Bow Valley has spoken about drunk drivers. Nothing in this Bill speaks to drunk drivers.

SOME HON. MEMBERS: It speaks to wrongdoers.

MR. VAN BINSBERGEN: Indeed, it speaks to wrongdoers. Hence, Mr. Speaker, my question is really about the definition of "wrongdoer." To equate wrongdoer with drunken driver is one thing, but I can think of thousands of other instances of wrongdoers, and they have not been defined. So that leaves it open.

I would like to know, for instance, whether under this Bill – and these are honest-to-goodness questions that in my view have not at all been touched upon in the Bill. That's why I'm asking them. [interjections] Mr. Speaker, I still have the floor, I think,

although it doesn't appear to be at times. If the member from Sylvan Lake cares to hear what I have to ask, the questions that I would like to pose to him, perhaps he can answer this question: under this Bill would the government be able to sue, say, tobacco manufacturers because they have clearly been doing wrong with many smokers? Cases like this are taking place in the States. Actually many of the people who lay the charges are winning amazingly enough. Part of that famous U.S. system.

How about mental injury, if I can call it that? What about those things? I can paint you the case of a good friend of mine by the name of Bill, who happened to be a very good Conservative amazingly enough. He was engaged, Mr. Speaker, to a lovely woman, excellent taste, and she happened to be a Liberal. That's how I got into the picture. Nevertheless, after a very long engagement, this lovely lady gave him the boot and left him for another Conservative. This makes for a lovely triangle, but the point of it all is that my friend Bill went into a very deep funk, needed to be doctored up or treated by physicians at length, and even needed to be hospitalized. My question now is: under this Bill could the government take this lovely lady to court, especially since she's a Liberal, and recover? Those are questions.

**5:10**

Then on we go, because I have a lot more for the Member for Innisfail-Sylvan Lake. The question is: what sort of wrongdoing are we talking about? Does it cover indeed that purely fictional case that I just painted, or would it cover, for instance, a property owner who neglects to clear the snow off his walkway? I think some other people have spoken to that. What about renters? What if a renter doesn't do it? Renters often don't have any insurance to that effect, so are they going to be hit with it? Obviously people will have to increase their premiums. Wouldn't this mean that the cost of health care for Albertans is going to go sky-high? Wouldn't Alberta Health need more lawyers? Those are all questions for the Member for Innisfail-Sylvan Lake that I hope he's going to provide an answer for.

Are we not really talking about higher and higher fees for insurance and health care, period? What happened to no-fault insurance that several other provinces seem to be providing and that seems to be working well? Why don't we have that here?

Another question: is this a move by our government, is this the first step to really get out of the business of health care? The Government House Leader was recently quoted as saying that the government is asking whether each government service can be offered more cheaply or is needed at all. That's a very worthy question, but let's face it: any service can be offered more cheaply if you just cut away at it or privatize it. Then of course what happens is that ultimately the consumer is paying more. It seems that with every move this government is making, ordinary Albertans have to pay more, whether it be this fee or that fee or taxes. I really think that this Bill is no improvement on that last one that was introduced a couple of years ago, which somebody has spoken to already.

Mr. Speaker, I have posed many questions that I would like to hear answers to. At this particular moment, unless my fears are allayed, I'll have to vote against this Bill, because it does not appear to have any redeemable features. In fact, I think it is up to the government's usual standards: it's a Bill full of holes.

Thank you very much.

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

MS LEIBOVICI: Thank you, Mr. Speaker. You know, when looking at this Bill and the slew of Bills that have been introduced to this point in this session, it reminds me of the story of the emperor without any clothes. [interjections] Well, there have been . . . [interjections]

#### **Speaker's Ruling Decorum**

MR. DEPUTY SPEAKER: Order. We've had admonitions before about provocative language, but I've never heard about stories provoking such a lively interest. Now that we have everyone contained, perhaps Edmonton-Meadowlark could continue with whichever line of thought pertains to the Bill at hand.

#### **Debate Continued**

MS LEIBOVICI: There have been comparisons made to our current Premier in terms of sometimes jokingly calling him King Ralph. I'd like to make a comparison between the emperor and the government: that this government has hidden under the mantle, has hidden under the cloak of deficit and debt reduction. [interjections] Am I using words that are too big for you? [interjections]

#### **Speaker's Ruling Decorum**

MR. DEPUTY SPEAKER: I realize, hon. members, that it's been a perceived long week, well, fully three days, one evening, lively debate, but could we manage the last 13 minutes? Perhaps we can get the Bill passed or at least moved substantially on.

So again we would invite Edmonton-Meadowlark to address herself to Bill 46.

#### **Debate Continued**

MS LEIBOVICI: I am trying, Mr. Speaker. I am trying.

Now, as I said, the government has hidden under this mantle or cloak – and again, there are dictionaries available if you don't know the meaning of those words – of deficit and debt reduction, and what they've done is try to hoodwink the Alberta public by saying, "Really, there is a mantle and a cloak here," much like the story of the emperor who has no clothes. The emperor is walking around with clothes, but when you lift them up and when you take a real look at them, you see that the emperor is naked, and you see that this government is very naked in terms of its agenda. Its agenda is very simply to get rid of public health care. It's to get rid of public institutions such as schools. It's to privatize whatever their hands can be laid on, and it's to do everything in its power to appear to be consulting, to appear to be listening, and to be doing everything but.

Now, I'm half tempted to vote for this Bill, and you know why? Because of its definitions. It's wonderful, and it's exactly what we've seen with the hospitals Bill. Remember that Bill, hon. members? Remember that one? The perfect Bill. And what happened? Within 10 days not only was that perfect Bill not so perfect, but you had 27 pages of amendments that had to come in, and you're still trying to figure out what to do with it.

So here you've got another Bill that's the so-called perfect Bill, and in 80(h) it says, "'wrongdoer' means a person whose wrongful act or omission results in personal injuries to a beneficiary." If I'm willing to vote for that, that should really worry you. It should especially worry the front row, because that says that the Minister of Education can be held liable because of an omission in terms of perhaps not having staff available. It says

that the Minister of Health can be held liable because of an omission in terms of not having enough staff. It says that the Minister of Labour can be held liable because of the whole concept of self-regulation. It says that the Treasurer, our hon. Treasurer, can be held liable because of omissions in the budget.

As I've said, if I can think that I could vote for that because of that, then, believe me, each one of these front members has something to worry about. And let's talk about the Minister of Municipal Affairs in terms of the omissions in his duty in terms of privatizing the ALCB liquor stores. Now you've got people using the example of the drunken driver . . .

#### **Point of Order**

##### **Relevance**

MR. DEPUTY SPEAKER: Is the hon. Member for Bow Valley rising on a point of order? Would you like to cite your citation. [interjections]

DR. OBERG: Twenty-three (i). [interjections]

MR. DEPUTY SPEAKER: I'm sorry, hon. members; I cannot hear the hon. member.

DR. OBERG: Thank you. I'm rising on a point of order under 23(i), please, relevance.

MR. DEPUTY SPEAKER: Well 23(i) and relevance are two different things. If I understand you right, you are speaking to relevance and the thought had occurred to the Chair as well. I'm not sure what the Minister of Municipal Affairs has to do with Bill 46, but perhaps it is relevant.

Would you continue, Edmonton-Meadowlark, on Bill 46, the Hospitals Amendment Act, 1994.

#### **Debate Continued**

MS LEBOVICI: Well, definitely, Mr. Speaker, and it is extremely relevant because as the hon. member who stood up on a point of order indicated, he was talking about "wrongdoer." There seems to be a misconception that there is actually a definition in this particular Bill that explains what wrongdoer is, so you can take it to the nth degree, which perhaps - perhaps - I may have been doing in terms of talking about the front bench. If that can be interpreted, then, that is a distinct flaw in the Bill. That is a flaw in the Bill that needs to be addressed and needs to be looked at.

**5:20**

If you're talking about drunk driving, say it. If you're talking about something else, say it. Don't leave it as "wrongdoers" with regards to "wrongful act or omission results in personal injuries," because if you leave a rake on your lawn and somebody steps on it, then you have omitted and you are a wrongdoer. When that person goes to the hospital to get his nose fixed, you are liable. So it is definitely on topic and on track. [interjections] Or if your child leaves a rake on the lawn. Exactly.

Again, there's this guise of debt and deficit reduction, and we talk about how this is going to save money. I would imagine that that's part of the argument of government. But when you look at the number of areas, if you look at the terms and conditions in here in terms of making regulations and trying to figure out what the cost is and what the conditions are and what the circumstances are and what the payment is, how much the payment is, and what the establishment of discount rates is - and you've got to establish a capital cost factor to determine capital costs. You've got to set up an organization that'll probably rival the Department of Health just to administer this thing.

Now, there is no group at this point in time that I have heard that says this is a good Bill. Absolutely no group. From the Insurance Bureau, whom you might think would be jumping up and down and saying that this is wonderful, to the Consumers' Association of Canada, nobody has said that this is a Bill that they have wanted, that they have asked for, or that it will in effect make life better for Albertans. The aim of this government should be, I would imagine, to make life better for Albertans. If they have a vision, that should be the bottom line: better for our children, better for Alberta. This Bill does not do that.

There has been no consultation once again that we know of. It was interesting to hear this afternoon the minister of advanced education say: oh, we've consulted with X number of people. I think it was 7,000, and that was sufficient. When we asked a question of the Minister of Family and Social Services, he said: oh, we haven't consulted with every Albertan; therefore we can't decide what we're going to do with our Bill. Well, make up your mind. Either you're consulting or you're not consulting. What's the number? There's been no consultation that we know of on this particular Bill.

Now, I have another question. This government likes to privatize. So who's going to do this? Who's going to make these determinations? What company has already been lined up? What insurance company has already been lined up to do this on behalf of the government? If not, then what agency? Is that covered under this Act that we just got, the Government Organization Act? Has the hon. member who presented this Act taken into account the infrastructure that's going to be needed for this particular Act? Has one side of government talked to the other side? My guess is not, because it never has happened that way.

With those comments, Mr. Speaker, I would like to say that I will not vote in favour of this Bill, because I'm concerned about the welfare of the front bench and I would not want to see you put on the spot. [interjections] Being a Liberal means that I do have humanity. Therefore, as I indicated, I will not be voting for this Bill. This Bill is flawed, like a lot of the Bills that we have seen and I'm sure we will continue to see. The interesting point, I think, is that the public will soon see as well that the emperor, this government, has no clothes.

Thank you very much.

[At 5:25 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

